

# MRM

Moroney Rutter Mantach

L A W Y E R S



## Industrial Deafness FACT SHEET



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Exposure to loud noise (noise where you need to raise your voice to have a conversation) can cause permanent hearing loss and/or tinnitus (ringing/buzzing) in the ears.

The hearing loss can occur gradually from extended exposure to noise, immediately from exposure to a sudden sound (for example an explosion) or from a trauma (for example a head injury).

Permanent hearing loss destroys a person's ability to hear clearly, makes it difficult for them to converse, impacts family and social relationships, can impact on employment and poses risk to safety (for example hearing warning signals).

**Noise-induced hearing loss (NIHL) is the single greatest cause of permanent hearing loss in Australia. However, assistance with treatment for NIHL may be available if you have been exposed to loud noise in the course of your employment.**



#### ■ LAST NOISY EMPLOYER

Any claim must be made against the last noisy (not the longest or noisiest) employer. This is done to simplify who compensation is claimed against. This employer must be carefully identified, and proof of employment provided.

#### ■ DATE OF INJURY

This is the last date of noisy employment, or the date notice is given to a current noisy employer. Entitlements vary depending on this date.

#### ■ HEARING LOSS CAUSES

Hearing loss can be caused by exposure to loud noise, age, hereditary factors, ear infections, ear operations, medication; eardrum perforations and unknown causes. In NSW claims, only hearing loss resulting from noise exposure in employment in NSW is compensable.

#### ■ LUMP SUM COMPENSATION

If the date of injury is before 1 January 2002, the threshold for compensation is 6% or more than any prior claim (whichever is greater).

If the date of injury is after 1 January 2002, the threshold for compensation is 20.5%/11% total or further Whole Person Impairment (whichever is greater).

#### ■ HEARING AIDS

Hearing aids can be claimed if on medical opinion they are reasonably necessary treatment. If liability can be established, the insurance company is responsible for reasonable pre-approved expenses (batteries, maintenance etc) and replacement (generally after 5 years) for life. This is a significant and extremely valuable entitlement.



## NEXT STEPS...

If you would like assistance to advance a claim, the following steps can be taken;

- a. Ask your Clinician to provide a hearing assessment and quote;
- b. Complete a summary of your employment and provide it to your Clinician;
- c. On receipt of this information, advice can be given about investigating your potential entitlements;
- d. If a matter is investigated, an examination with an ENT specialist can be arranged;
- e. Your entitlements can then be considered and if they can be investigated, a claim made.

# CLAIMS PROCESS

- 1 You provide details of your hearing assessment;

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- 2 Provide details (your employment history and proof of your employment primarily) to enable a claim to be investigated;

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- 3 Application to the Independent Review Office ("IRO") for legal cost funding;

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- 4 Examination (Telehealth or Face to Face) by an Ear, Nose and Throat Specialist (ENT);

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- 5 ENT provide report;

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- 6 Making a claim (insurers have 21 days to determine a claim for hearing aids and 2 months to determine a claim for lump sum compensation);

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- 7 Approval or dispute

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- 8 If disputed, proceedings in the Personal Injury Commission.

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**It is extremely important to provide a detailed employment history and proof of your employment in order to enable a claim to be investigated.** Without this information, it is difficult to advance a matter swiftly. Some of this information can often be obtained from the ATO (we can assist), a tax or financial advisor and MyGov.

IRO administers the ILARS Scheme which provides grants of legal assistance to cover the legal costs of disputed claims and assist workers with complaints.

**If an IRO grant is made, no legal costs and disbursements are payable.**

# ASSISTANCE

We are IRO accredited legal service providers and can assist you to discuss and consider your potential entitlements and to make application for a Grant. We will assist you throughout the process.

**If you would like to discuss this process further please do not hesitate to contact Peter Rogers or Zac Thomas on 02 4967 0888.**



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