

9 October 2019

State Insurance Regulatory Authority
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Sydney NSW 2001

By email: consultation@sira.nsw.gov.au

To whom it may concern

The Hearing Care Industry Association (HCIA) appreciates the opportunity to contribute to the State Insurance Regulatory Authority's (SIRA) review of work-related hearing loss in the NSW workers compensation system.

HCIA's vision is to serve the Australian community by facilitating the delivery of world-class hearing healthcare to all Australians. HCIA members employ most Audiologists and Audiometrists in Australia and fit around 60 per cent of the hearing devices used in Australia.

HCIA members have assisted thousands of NSW workers with work related hearing loss. Each year, HCIA members collectively help more than 4,000 injured NSW workers, current and former employees, with clinically diagnosed work-related hearing loss. Around 88% of this group proceed to a hearing aid fitting. (The number of NSW workers with work-related hearing loss each year is of course much higher than 4,000 because other hearing service providers operate in NSW.)

Of the 4,000 NSW workers with work-related hearing loss, HCIA members estimate that about 45% may be eligible for the Hearing Services Program because they hold a Commonwealth concession card. Strict income criteria apply to concession card eligibility. In other words, a sizeable proportion of our members' clients in NSW with work-related hearing loss are people on low incomes.

HCIA has consulted with other stakeholders including consumer groups, unions, lawyers, Ear Nose and Throat (ENT) surgeons and Audiologists who are also concerned that the recent policy changes made by the NSW Workers' Compensation Independent Review Office (WIRO) limit, reduce, complicate and cost-shift injured workers' access to hearing services. HCIA has previously joined hearing sector stakeholders in expressing concerns to WIRO and SIRA about these policy changes.

These policy changes follow WIRO's attempt in 2012 to limit compensation to one hearing aid for life. The hearing sector successfully made a compelling case to restore lifetime cover for hearing devices and associated expenses. HCIA and other service providers also negotiated an approved schedule of devices to help contain the scheme's resources and changed invoicing and servicing generally to comply with the Fees Orders.

Recent policy changes by WIRO

On 31 December 2018, WIRO released changes to hearing aid claims [[Full text](#)].

With effect from 1 January 2019, WIRO stopped funding for the purpose of investigating or pursuing a claim for hearing aids where the worker is eligible for subsidised hearing services under the Australian Government's Hearing Services Program.

The policy changes:

1. restrict injured workers from recovering the cost of a medico-legal report (presently \$797.10 plus GST)
2. remove reimbursement for legal advice in the claim process
3. shift the costs of an injured worker's treatment to a scheme not designed to address the needs of working age adults with work-related hearing loss.

While HCIA understands workers compensation policies are fluid and require review, we are concerned about the implications of this change for a large number of NSW injured workers.

Self-funded superannuants and those receiving workers compensation are not affected by these policy change.

Changes to reimbursement arrangements (points 1 and 2 above)

In summary, these changes impose a financial burden on and create inequity for NSW workers on low incomes who sustain a work-related hearing loss.

HCIA understands the new policy does not reflect a change in the legislation and injured workers can still make a claim. The reality is most injured workers who hold a Commonwealth concession card have limited financial means and are least able to afford the cost of a medico-legal report or legal advice.

This places those injured workers in a position where they are financially hamstrung from obtaining assistance with their legal fees and disbursements despite being eligible for workers' compensation entitlements.

The policy changes also remove longstanding access to funding for clients to obtain legal assistance in managing their claim for workers compensation.

As a result, people who have experienced work-induced hearing loss may not be able to afford legal assistance in managing their claim. This includes people on low incomes or dependant on Commonwealth social services such as those on sickness benefit, pensioners, DVA card holders and people eligible under the NDIS. HCIA members estimate that this disadvantages at least 2,000 injured NSW workers each year.

Audiologists, ENT surgeons and HCIA members are coming under pressure to provide support to manage the legal complexities of their client's workers compensation claims. This is an unremunerated service outside their remit and is unsustainable.

Shifting responsibility to the Commonwealth's Hearing Services Program

Shifting responsibility for the hearing needs of injured NSW workers to the Hearing Services Program may expedite access to a hearing aid. However, it is not without disadvantages to the individual. Most importantly, the injured NSW worker on a low income who is eligible for the Hearing Services Program may not be able to obtain hearing aids best suited for his/her needs in the workplace.

The Hearing Services Program is one of the best programs in the world. The hearing aids available at no cost through this program are of good quality and appropriate for most people.

The Hearing Services Program largely caters for older Australians and age-related hearing loss is different to work-induced hearing loss which, typically, requires more significant interventions.

When hearing health professionals meet with injured workers, they consider a range of factors including their client's age, the extent of their hearing impairment, their hearing needs, familial circumstances, lifestyle and interests. Typical complaints made by those with work-related hearing loss include:

- Depression
- Anxiety
- Fear
- Embarrassment at work, home or in social environments
- Loss of self esteem
- Isolation, and
- Loneliness.

In prescribing hearing aids that best suit the client's needs and circumstances, hearing health professionals in NSW refer to aids available on the workers compensation schedule of devices and costed under the *Workers Compensation (Hearing Aid Fees) Order*. While it can be more time consuming for a hearing service to go through the workers compensation process, the clinical outcomes are usually much better for the client.

Following the policy change, injured NSW workers eligible for the Hearing Services Program may obtain aids at no cost on the fully subsidised list of devices. However, these aids may not meet their clinical needs or workplace circumstances. To access more suitable hearing aids (eg with more features and/or better technology) through the Hearing Services Program, injured NSW workers have to make a financial contribution (out of pocket payment). As these injured workers are on a low income (to satisfy eligibility criteria for the Hearing Services Program), they are financially least able to afford an out of pocket payment.

By contrast, a higher income injured worker in NSW with work-related hearing loss (ie ineligible for the Hearing Services Program) may be fully compensated under the NSW workers compensation scheme for the same or similar device.

HCIA members consider that the WIRO policy changes are inequitable and inefficient and should be withdrawn.

Thank you for considering this submission.

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