



Hearing Association

New Zealand

Te Kāhui Rongo o Aotearoa

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Submission to

The Transport and Industrial Relations Committee

On

The Injury Prevention, Rehabilitation and Compensation Amendment Bill.

From

The Hearing Association Inc
John Harwood – National spokesman

This Submission

Setting a threshold that denies people support for noise-damaged hearing ignores the reality of hearing loss and its impact on people's lives. When the threshold is then also applied to ACC's age scale for older people, it smacks of "ageism".

The Hearing Association strongly objects to the 6% threshold as proposed by ACC and supports the submissions of other groups protesting against this move, especially the National Foundation for the Deaf.

Oral presentation

We seek the opportunity for a spokesman for the Hearing Association to appear before the committee to speak to this submission at the same time as other groups representing the hearing disability sector.

About the Hearing Association

The Hearing Association represents the interests of the 400,000 New Zealanders who suffer from hearing loss. It is the oldest and largest organisation working for those with hearing disabilities, being established in 1932, and having 32 member associations nationwide. The Hearing Association is also a member of the National Foundation for the Deaf.

***Note:** The association is separate from the Deaf Aotearoa NZ which represents the interests of the Deaf – a group with their own culture and language.*

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1. Introduction

- 1.1 In researching its case for introducing a threshold for noise-damaged hearing, it is clear the Accident Compensation Corporation did not do research into the human impact of hearing loss.
- 1.2 A 6% hearing loss does not mean a person has 94% hearing.
- 1.3 Case studies provided to this committee by the NZ Audiological Society show the impact of hearing loss on the lives of people who would be denied cover under a 6% threshold.
- 1.4 These studies demonstrate disruption to the social and professional lives of the subjects that revolve around communication.
- 1.5 But when it comes to older people, we understand ACC intends to add that threshold to a scale of age-related hearing loss that ACC claims all older people have, it has the potential to deny them cover at all, or to deny them cover they have received in the past.
- 1.6 Noise damage to our hearing does not go away just because ACC says it is no longer an injury.
- 1.7 While employers may be concerned their levies might increase because of noise injury cases, the Hearing Association argues people who have noise damaged hearing have been paying levies themselves all their working lives, and have the right to be supported for their injuries as a result.
- 1.8 We consider the introduction of the threshold and any combination of that threshold with ACC's scale of presumed age-related hearing loss is a breach of faith

2. Human cost

- 2.1 It is often said that "blindness cuts me off from things, deafness cuts me off from people". Hearing is our communication tool, and disruption to our hearing disrupts our ability to interact with other people.
- 2.2 Everyone can understand the effects of blindness simply by closing our eyes, but it is not so easy to replicate what it is like to lose even part of your hearing.
- 2.3 With even a mild hearing loss, it can affect relationships with our family, with our friends, and with our workmates. When background noise is added to the mix, the problem becomes worse.
- 2.4 The examples provided to this committee by the NZ Audiological Society clearly demonstrate problems for people in the work and home environment.
- 2.5 For an older person, that hearing loss can also lead to isolation and loneliness.

- 2.6 When an older person retires, they lose the daily companionship of their workmates, and when they then have to try and establish new social circles their ability to do so is limited if they have a hearing loss.
- 2.7 I invite you to stop and think what it would be like not to be able to hear the birds singing in the trees or to hear your grandchildren talk, to be able to hear clearly on the telephone, or to hear what is being said on the radio.
- 2.8 I also invite you to think of the people you know with hearing loss – probably older people in most cases – and ask yourselves honestly how hard you find it to talk to them, and whether you, even sometimes, avoid them because of the extra time and difficulties involved.
- 2.9 For every person suffering with a hearing loss, we believe a further 10 – family, friends and workmates – are affected. The whole community suffers.
- 2.10 For many people with hearing loss, modern technology in the form of hearing aids, fitted and tuned by skilled professionals, plugs them back into the world and the people around them.

3. Older people

- 3.1 ACC is already penalising older people by decreeing that each of us has a degree of natural hearing loss – called presbycusis – whether in reality we have or not. For example, ACC says a male aged 65 has a 2.9% hearing loss, and by the time he reaches 70, ACC says that loss is 5.5%. Under the ACC scale a woman aged 65 has a 0.1% hearing loss that rises to 0.7% by the age of 70.
- 3.2 It is our understanding that in instituting its 6% threshold or noise damage, ACC will now add that 6% to its age scale, so that when the 65-year-old male lodges a claim for noise-damaged hearing, he will now have to have 8.9% hearing loss before ACC will consider supporting him, and the 70-year-old will need a 11.5% hearing loss before he gets help.
- 3.3 That is a double penalty.
- 3.4 Damaged hearing does not recover – noise damage doesn't decrease with age. The portion of your hearing that has been destroyed by noise stays destroyed, yet by adding the 6% threshold to the age scale, ACC is placing even more barriers in the path of older people trying to get hearing aids and help to continue their social lives and maintain their independence.
- 3.5 ACC appears to see older people as an easy target, and we regard this penalty as a cheap shot at a group who are no longer paying taxes and levies.

4. Breach of faith

- 4.1 ACC has justified the introduction of a 6% threshold by pointing to figures showing increasing numbers of claims, noting they are especially coming from older people, with the average age of claimants now 70 years old.
- 4.2 Yet research being done for ACC by Auckland and Massey Universities, as well as research by Anne Greville published in 2001 shows the numbers of people working in noisy industries are declining.
- 4.3 ACC's latest figures for the year to June 30, 2009 show the number of new claims for noise-damaged hearing has fallen by nearly 12% to 5638.
- 4.4 This suggests the increase in claims in recent years, particularly by older people, may be a bubble that is now starting to decline.
- 4.5 Our concern is that ACC, seeing the growing number of claims from older people, has acted in a way that is particularly prejudicial to these older people.
- 4.6 People making claims in their 60s, 70s and 80s have spent a huge part of their lifetimes working under an ACC scheme they understood would give them protection in the event of injury – injury of any scale.
- 4.7 The Woodhouse Report that was the basis of ACC specifically decided not to exclude minor injuries for a variety reasons including the fact what started out as a “minor” injury could become serious.
- 4.8 For ACC to now decide older people with injuries below a certain level will not get the support they need after a lifetime of work, is a breach of faith.

5. Ministry of Health

- 5.1 As a further penalty for those with hearing damage, those rejected by ACC as not being injured enough to qualify for support, must now join a Ministry of Health adult hearing aid scheme where people are already waiting up to a year for support.
- 5.2 The explanatory note attached to the new Bill states that in considering the threshold, the government was concerned about the transfer of costs to other government departments. ACC stated the extra cost to the Ministry of Health was only \$500,000.
- 5.3 However, the Ministry of Health has denied this, telling first, the ACC Hearing Loss Action Group meeting in Auckland on October 30 that it had told ACC the cost to the ministry would be in the millions of dollars, and subsequently telling the NZ Audiological Society the cost would be up to \$5 million a year once the ministry took into account the impact of covering older people rejected by the combined threshold and age scale.
- 5.4 The ACC also noted in the explanatory note that the (wrong) \$500,000 cost to the Ministry of Health was “considerably less than what ACC has been paying”.

- 5.5 In fact, we understand ACC expects to save \$3 million to \$4 million by cutting out people with less than 6% total hearing loss, which does not stack up against the projected extra costs to the Ministry of Health.
- 5.6 But more to the point, people getting hearing aid services from the Ministry of Health will get far less service – only the cost price of hearing aids if the claimant meets certain criteria; the \$500-per-aid SuperGold Card subsidy if they have the card, or the \$198-per-aid basic subsidy if they have no other entitlement. Under ACC support those same people get the full price of the hearing aids, plus audiologist fees, plus any counselling they may require, plus batteries and ongoing maintenance costs.

6. Research

- 6.1 ACC has been so concerned by the cost of hearing damaged by workplace noise, that it has commissioned Auckland and Massey Universities to conduct extensive research into the area, with the results of the research due next year.
- 6.2 Yet with the research less than 12 months away, ACC has chosen to ignore its investment and institute a threshold now! Surely it should wait to find out what its experts tell it.
- 6.3 The Hearing Association understands the preliminary results of this research indicate noise-damaged hearing is in decline, which defeats the purpose of introducing a threshold at all.

7. Flexibility

- 7.1 For all the shortcomings of the existing ACC scheme, one valuable component is that there is flexibility to allow for need.
- 7.2 That flexibility is being applied, and ACC is providing support to people with less than 6% total noise-damaged hearing loss.
- 7.3 The proposed legislation removes that flexibility. It is stating simply that “personal injury does not include any degree of hearing loss that is less than 6% of binaural hearing loss”. There is no room to move, no ability for professionals to make decisions for the client on the basis of need.
- 7.4 This is an important backward step because now the decision is not being made by an ENT specialist who has examined the client and assessed his or her needs, the decision is being made by a bureaucrat who has instituted a baseline that is inflexible.

8. Noise standards

- 8.1 By saying that a person with noise-damaged hearing that results in a hearing loss of less than 6% does not have an injury, ACC is loosening the standards industry is operating under.
- 8.2 ACC is telling employers that they do not have to be as rigorous in enforcing noise protection because a certain amount of noise damage to their workers' hearing is acceptable.
- 8.3 That is not acceptable. It is a backward step for people working in industries of all types and has the potential to create more problems in the future.

9. Conclusion

- 9.1 In introducing a 6% threshold for noise damaged hearing, ACC has demonstrated it does not understand the effects of hearing loss.
- 9.2 With the prospect of ACC then adding that threshold to the scale of age-related hearing loss, we believe ACC is unfairly targeting older people.
- 9.3 ACC notes the bulk of its current claims are coming from older people, with the average age of claimants now 70, and rather than support people who have worked in this country for decades, who have paid their taxes and their ACC levies, ACC is trying to find ways of denying them support.
- 9.4 The ACC scheme is part of a social contract with the people of New Zealand, and to now deny some of those people cover by introducing an artificial threshold is a breach of faith.

John Harwood
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