1992/223

THE ACCIDENT REHABILITATION AND COMPENSATION INSURANCE (OCCUPATIONAL DEAFNESS ASSESSMENT PROCEDURES) REGULATIONS 1992

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of August 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 167 of the Accident Rehabilitation and Compensation Insurance Act 1992, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Occupational Deafness Assessment Procedures) Regulations 1992.

(2) These regulations shall come into force on the 1st day of September 1992.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

"The Act" means the Accident Rehabilitation and Compensation Insurance Act 1992:

"Audiologist" means a full member of the New Zealand Audiological Society:

"Audiometer" means an audiometer that complies with the requirements of ISO 6189 and has been calibrated in accordance with ISO 6189 at a laboratory registered by the Testing Laboratory Registration Council under the Testing Laboratory Registration Act 1972:

" 'A' weighting" means the "A" frequency weighting specified in the International Standard IEC 651—1979:

"Better ear" means the ear with the lesser HTL at the relevant audiometric frequency:

"Claimant" means a person who has made a claim for cover under the Act on the grounds that the person has suffered deafness caused by gradual process arising out of and in the course of employment:

"dBA" means "A"-weighted decibel:

"Decibel" is a dimensionless unit used to compare the magnitudes of powers, intensities, or pressure squared:

"Degree of deafness" means the binaural percentage loss of hearing as a result of a hearing impairment caused by a gradual process arising out of and in the course of employment as determined using the tables set out in the First Schedule to these regulations:

"HTL" means the hearing threshold level:

"Hz", which is the international measure of frequency, means Hertz where one Hertz equals one cycle per second:

"ISO 6189" means the International Organisation for Standardization Standard on Acoustics—Pure Tone Air Conduction Threshold Audiometry for Hearing Conservation Purposes: Ref. No. ISO 6189—1983 (E):

"Leq (8)" means that steady noise level measured in "A"-weighted decibels referenced to 20 micropascals which, when present for 8 hours, causes the same "A"-weighted noise energy to be received as that due to the actual noise over the actual working day:

"Otolaryngologist" means a person registered as a specialist in otolaryngology with the Medical Council of New Zealand:

"Presbyacusis" means the gradual loss of hearing that can be attributed to the ageing process:

"Worse ear" means the ear with the greater HTL at the relevant audiometric frequency.

(2) In these regulations, unless the context otherwise requires, expressions defined in or for the purposes of the Act have the meanings so defined.

3. Application—Subject to these regulations, these regulations shall apply to the assessment of the degree of deafness in respect of any claim that a person has suffered deafness caused by gradual process arising out of and in the course of employment.

4. Procedures to be followed in assessment—(1) The claimant shall undergo a pure tone audiometry test of binaural loss of hearing conducted by an otolaryngologist or audiologist.

(2) A test of the hearing of any claimant shall not have any status if the claimant has been exposed to a noise level that is likely to result in a temporary threshold shift being present during the test (such as an Leq (8)

hour level greater than 85 dBA within 16 hours before testing); and the person conducting the test shall ask the appropriate questions to determine whether any such exposure has occurred.

(3) During each test, the air conduction HTL of the claimant shall be measured with an audiometer at audiometric frequencies 500, 1000, 1500, 2000, 3000, 4000, 6000, and 8000 Hz.

(4) During each test the HTL of both the better ear and the worse ear must be measured at each audiometric test frequency.

(5) The binaural percentage loss of hearing at each audiometric frequency shall be calculated in accordance with the tables specified in the First Schedule to these regulations using the HTL of the better ear and the worse ear as co-ordinates.

(6) The percentage loss of hearing calculated at each of the 8 audiometric frequencies shall be added together to obtain the overall percentage loss of hearing.

(7) Every pure tone audiometry test undertaken under these regulations shall comply with the technical and procedural standards of ISO 6189.

5. Adjustment for hearing loss due to presbyacusis—The overall percentage loss of hearing calculated under regulation 4 (6) of these regulations shall be adjusted for presbyacusis by reducing the overall percentage loss of hearing by the percentage specified in the Second Schedule to these regulations.

6. Report of assessment—In making a report of an assessment of degree of deafness, the otolaryngologist or audiologist shall specify—

(a) The tests undertaken; and

(b) The results of those tests; and

(c) The make and model of the audiometer used in those tests; and

(d) The date of the last basic calibration of the audiometer and the name of the laboratory that conducted the calibration; and

(e) The age of the claimant, and whether an adjustment has been made under regulation 5 of these regulations; and

(f) Any other comments relevant to the assessment.

SCHEDULES

FIRST SCHEDULE

Regs. 2 (1), 4 (5)

TABLE 1

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 500 Hz

HTL—WORSE EAR	HTL—BETTER EAR																
	≤ 15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≥ 95
≤ 15	0																
20	0.4	0.6															
25	0.6	1.0	1.4														
30	1.0	1.4	2.0	2.8													
35	1.3	1.8	2.5	3.4	4.5												
40	1.7	2.2	3.0	3.9	5.1	6.4											
45	2.0	2.6	3.4	4.3	5.5	6.8	8.1										
50	2.3	2.9	3.7	4.7	5.8	7.1	8.4	9.7									
55	2.5	3.2	4.0	5.0	6.1	7.3	8.6	9.9	11.2								
60	2.7	3.4	4.2	5.2	6.3	7.5	8.8	10.0	11.3	12.6							
65	2.8	3.5	4.4	5.4	6.5	7.7	8.9	10.2	11.5	12.7	14.0						
70	2.9	3.7	4.5	5.5	6.6	7.8	9.1	10.3	11.6	12.9	14.2	15.5					
75	3.0	3.8	4.7	5.7	6.8	8.0	9.2	10.5	11.8	13.1	14.5	15.7	16.9				
80	3.1	3.9	4.8	5.8	6.9	8.1	9.3	10.6	12.0	13.3	14.7	16.0	17.2	18.2			
85	3.2	4.0	4.9	5.9	7.0	8.2	9.4	10.7	12.1	13.5	14.9	16.2	17.4	18.4	19.1		
90	3.4	4.1	5.0	6.0	7.1	8.3	9.5	10.8	12.2	13.6	15.0	16.3	17.6	18.5	19.2	19.7	
≥ 95	3.4	4.2	5.1	6.1	7.1	8.3	9.5	10.8	12.2	13.6	15.0	16.4	17.6	18.6	19.3	19.7	20.0

FIRST SCHEDULE—*continued*

TABLE 2

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 1000 Hz

HTL—WORSE EAR	HTL—BETTER EAR																
	≦ 15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≧ 95
≦ 15	0																
20	0.5	0.8															
25	0.8	1.2	1.8														
30	1.2	1.7	2.5	3.5													
35	1.7	2.3	3.1	4.3	5.7												
40	2.1	2.8	3.7	4.9	6.3	8.0											
45	2.5	3.3	4.2	5.4	6.9	8.5	10.2										
50	2.8	3.6	4.7	5.9	7.3	8.8	10.5	12.1									
55	3.1	3.9	5.0	6.2	7.6	9.1	10.7	12.4	14.0								
60	3.3	4.2	5.3	6.5	7.9	9.4	11.0	12.6	14.2	15.7							
65	3.5	4.4	5.5	6.7	8.1	9.6	11.2	12.8	14.4	15.9	17.5						
70	3.7	4.6	5.7	6.9	8.3	9.8	11.3	12.9	14.6	16.2	17.8	19.4					
75	3.8	4.7	5.8	7.1	8.5	10.0	11.5	13.1	14.8	16.4	18.1	19.7	21.1				
80	3.9	4.9	6.0	7.3	8.6	10.1	11.7	13.3	15.0	16.7	18.4	20.0	21.5	22.7			
85	4.1	5.0	6.2	7.4	8.8	10.3	11.8	13.4	15.1	16.9	18.6	20.3	21.7	23.0	23.9		
90	4.2	5.2	6.3	7.5	8.9	10.3	11.9	13.5	15.2	17.0	18.7	20.4	21.9	23.2	24.1	24.6	
≧ 95	4.3	5.3	6.4	7.6	8.9	10.3	11.9	13.5	15.2	17.0	18.7	20.5	22.0	23.3	24.2	24.7	25.0

FIRST SCHEDULE—*continued*

TABLE 3

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 1500 Hz

HTL—WORSE EAR	HTL—BETTER EAR																
	≦ 15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≧ 95
≦ 15	0																
20	0.4	0.6															
25	0.6	1.0	1.4														
30	1.0	1.4	2.0	2.8													
35	1.3	1.8	2.5	3.4	4.5												
40	1.7	2.2	3.0	3.9	5.1	6.4											
45	2.0	2.6	3.4	4.3	5.5	6.8	8.1										
50	2.3	2.9	3.7	4.7	5.8	7.1	8.4	9.7									
55	2.5	3.2	4.0	5.0	6.1	7.3	8.6	9.9	11.2								
60	2.7	3.4	4.2	5.2	6.3	7.5	8.8	10.0	11.3	12.6							
65	2.8	3.5	4.4	5.4	6.5	7.7	8.9	10.2	11.5	12.7	14.0						
70	2.9	3.7	4.5	5.5	6.6	7.8	9.1	10.3	11.6	12.9	14.2	15.5					
75	3.0	3.8	4.7	5.7	6.8	8.0	9.2	10.5	11.8	13.1	14.5	15.7	16.9				
80	3.1	3.9	4.8	5.8	6.9	8.1	9.3	10.6	12.0	13.3	14.7	16.0	17.2	18.2			
85	3.2	4.0	4.9	5.9	7.0	8.2	9.4	10.7	12.1	13.5	14.9	16.2	17.4	18.4	19.1		
90	3.4	4.1	5.0	6.0	7.1	8.3	9.5	10.8	12.2	13.6	15.0	16.3	17.6	18.5	19.2	19.7	
≧ 95	3.4	4.2	5.1	6.1	7.1	8.3	9.5	10.8	12.2	13.6	15.0	16.4	17.6	18.6	19.3	19.7	20.0

FIRST SCHEDULE—*continued*

TABLE 4

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 2000 Hz

HTL—WORSE EAR	HTL—BETTER EAR																
	≦ 15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≧ 95
≦ 15	0																
20	0.3	0.5															
25	0.5	0.7	1.1														
30	0.7	1.0	1.5	2.1													
35	1.0	1.4	1.9	2.5	3.4												
40	1.3	1.7	2.2	2.9	3.8	4.8											
45	1.5	1.9	2.5	3.3	4.1	5.1	6.1										
50	1.7	2.2	2.8	3.5	4.4	5.3	6.3	7.3									
55	1.9	2.4	3.0	3.7	4.6	5.5	6.4	7.4	8.4								
60	2.0	2.5	3.1	3.9	4.7	5.6	6.6	7.5	8.5	9.4							
65	2.1	2.6	3.3	4.0	4.9	5.7	6.7	7.6	8.6	9.6	10.5						
70	2.2	2.7	3.4	4.1	5.0	5.9	6.8	7.8	8.7	9.7	10.7	11.6					
75	2.3	2.8	3.5	4.3	5.1	6.0	6.9	7.9	8.9	9.9	10.8	11.8	12.7				
80	2.4	2.9	3.6	4.4	5.2	6.1	7.0	8.0	9.0	10.0	11.0	12.0	12.9	13.6			
85	2.4	3.0	3.7	4.4	5.3	6.1	7.1	8.1	9.1	10.1	11.1	12.1	13.0	13.8	14.3		
90	2.5	3.1	3.8	4.5	5.3	6.2	7.1	8.1	9.1	10.2	11.2	12.2	13.2	13.9	14.4	14.8	
≧ 95	2.6	3.2	3.8	4.6	5.4	6.2	7.1	8.1	9.1	10.2	11.3	12.3	13.2	14.0	14.5	14.8	15.0

FIRST SCHEDULE—*continued*

TABLE 5

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 3000 Hz

HTL—WORSE EAR	HTL—BETTER EAR																
	≤ 15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≥ 95
≤ 15	0																
20	0.2	0.3															
25	0.3	0.5	0.7														
30	0.5	0.7	1.0	1.4													
35	0.7	0.9	1.2	1.7	2.3												
40	0.8	1.1	1.5	2.0	2.5	3.2											
45	1.0	1.3	1.7	2.2	2.7	3.4	4.1										
50	1.1	1.4	1.9	2.3	2.9	3.5	4.2	4.8									
55	1.2	1.6	2.0	2.5	3.0	3.6	4.3	4.9	5.6								
60	1.3	1.7	2.1	2.6	3.1	3.7	4.4	5.0	5.6	6.3							
65	1.4	1.8	2.2	2.7	3.2	3.8	4.4	5.1	5.7	6.4	7.0						
70	1.5	1.8	2.3	2.8	3.3	3.9	4.5	5.2	5.8	6.5	7.1	7.7					
75	1.5	1.9	2.3	2.8	3.4	4.0	4.6	5.2	5.9	6.6	7.2	7.8	8.4				
80	1.6	2.0	2.4	2.9	3.4	4.0	4.7	5.3	6.0	6.6	7.3	8.0	8.6	9.1			
85	1.6	2.0	2.5	3.0	3.5	4.1	4.7	5.4	6.0	6.7	7.4	8.1	8.7	9.2	9.5		
90	1.7	2.1	2.5	3.0	3.5	4.1	4.7	5.4	6.1	6.8	7.5	8.2	8.8	9.2	9.6	9.8	
≥ 95	1.7	2.1	2.6	3.0	3.6	4.1	4.7	5.4	6.1	6.8	7.5	8.2	8.8	9.3	9.6	9.8	10.0

FIRST SCHEDULE—*continued*

TABLE 6

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 4000 Hz

HTL—WORSE EAR	HTL—BETTER EAR															
	≦ 20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	≧ 95
≦ 20	0															
25	0.1	0.2														
30	0.2	0.3	0.5													
35	0.3	0.4	0.6	0.9												
40	0.4	0.5	0.8	1.0	1.5											
45	0.5	0.7	0.9	1.2	1.6	2.1										
50	0.6	0.8	1.0	1.4	1.7	2.2	2.6									
55	0.6	0.8	1.1	1.5	1.8	2.2	2.7	3.1								
60	0.7	0.9	1.2	1.5	1.9	2.3	2.7	3.2	3.6							
65	0.7	1.0	1.3	1.6	2.0	2.4	2.8	3.2	3.6	4.0						
70	0.8	1.0	1.3	1.6	2.0	2.4	2.8	3.2	3.7	4.1	4.5					
75	0.8	1.1	1.4	1.7	2.1	2.5	2.9	3.3	3.7	4.1	4.5	4.9				
80	0.9	1.1	1.4	1.7	2.1	2.5	2.9	3.3	3.8	4.2	4.6	5.0	5.3			
85	0.9	1.2	1.4	1.8	2.1	2.5	2.9	3.4	3.8	4.3	4.7	5.1	5.4	5.7		
90	0.9	1.2	1.5	1.8	2.2	2.6	3.0	3.4	3.8	4.3	4.7	5.1	5.5	5.7	5.9	
≧ 95	1.0	1.2	1.5	1.8	2.2	2.6	3.0	3.4	3.9	4.3	4.8	5.2	5.5	5.7	5.9	6.0

FIRST SCHEDULE—*continued*

TABLE 7

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 6000 Hz

HTL—WORSE EAR	HTL—BETTER EAR														
	≦ 25	30	35	40	45	50	55	60	65	70	75	80	85	90	≧ 95
≦ 25	0														
30	0.1	0.2													
35	0.2	0.3	0.4												
40	0.3	0.4	0.5	0.7											
45	0.3	0.4	0.6	0.8	1.0										
50	0.4	0.5	0.7	0.9	1.1	1.3									
55	0.4	0.5	0.7	0.9	1.1	1.3	1.5								
60	0.4	0.6	0.7	0.9	1.1	1.4	1.6	1.8							
65	0.5	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0						
70	0.5	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0	2.2					
75	0.5	0.7	0.8	1.0	1.2	1.4	1.7	1.9	2.1	2.3	2.5				
80	0.6	0.7	0.9	1.1	1.3	1.5	1.7	1.9	2.1	2.3	2.5	2.7			
85	0.6	0.7	0.9	1.1	1.3	1.5	1.7	1.9	2.1	2.3	2.5	2.7	2.8		
90	0.6	0.7	0.9	1.1	1.3	1.5	1.7	1.9	2.2	2.4	2.6	2.7	2.8	2.9	
≧ 95	0.6	0.8	0.9	1.1	1.3	1.5	1.7	1.9	2.2	2.4	2.6	2.7	2.8	2.9	3.0

FIRST SCHEDULE—*continued*

TABLE 8

Values of Percentage Loss of Hearing Corresponding to Given Hearing Threshold Levels in the Better and Worse Ears at 8000 Hz

HTL—WORSE EAR	HTL—BETTER EAR												
	≦ 30	35	40	45	50	55	60	65	70	75	80	85	≧ 90
≦ 30	0												
35	0.1	0.1											
40	0.1	0.2	0.2										
45	0.1	0.2	0.3	0.3									
50	0.2	0.2	0.3	0.3	0.4								
55	0.2	0.2	0.3	0.4	0.4	0.5							
60	0.2	0.2	0.3	0.4	0.4	0.5	0.6						
65	0.2	0.3	0.3	0.4	0.5	0.5	0.6	0.7					
70	0.2	0.3	0.3	0.4	0.5	0.5	0.6	0.7	0.7				
75	0.2	0.3	0.3	0.4	0.5	0.5	0.6	0.7	0.8	0.8			
80	0.2	0.3	0.3	0.4	0.5	0.6	0.6	0.7	0.8	0.8	0.9		
85	0.2	0.3	0.4	0.4	0.5	0.6	0.6	0.7	0.8	0.8	0.9	0.9	
≧ 90	0.2	0.3	0.4	0.4	0.5	0.6	0.6	0.7	0.8	0.8	0.9	0.9	1.0

Reg. 5

SECOND SCHEDULE

ADJUSTMENT OF PERCENTAGE LOSS OF HEARING FOR PRESBYACUSIS

MALE		FEMALE	
Age	Percentage Adjustment	Age	Percentage Adjustment
<57	0	<65	0
57	0.2	65	0.1
58	0.5	66	0.2
59	0.7	67	0.3
60	1.0	68	0.4
61	1.4	69	0.5
62	1.7	70	0.7
63	2.1	71	1.0
64	2.5	72	1.3
65	2.9	73	1.6
66	3.4	74	1.9
67	3.9	75	2.3
68	4.4	76	2.7
69	5.0	77	3.2
70	5.5	78	3.7
71	6.1	79	4.3
72	6.8	80	4.8
73	7.4		
74	8.1		
75	8.8		
76	9.6		
77	10.3		
78	11.1		
79	12.0		
80	12.8		

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 September 1992, set out the procedure to be followed in assessing the degree of deafness in respect of any claim that a person has suffered deafness caused by gradual process arising out of and in the course of employment.

The tables used in the First and Second Schedules have been adopted, with permission, from publications by the National Acoustics Laboratories, Commonwealth Department of Community Services and Health, Sydney, Australia.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette:* 13 August 1992.

These regulations are administered in the Accident Rehabilitation and Compensation Insurance Corporation.