



Australian Hearing Services Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 July 2019

David Hurley
Governor-General

By His Excellency's Command

Stuart Robert
Minister for Government Services

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
5 Definitions	1
Part 2—Charges for services provided by the Authority	3
Division 1—Preliminary	3
6 Purpose and application of this Part.....	3
7 Liability to pay charge	3
8 Meaning of <i>chargeable day</i>	3
Division 2—Charges	4
9 Hearing aid service charge	4
10 Hearing aid service may be refused if charge is not paid	4
11 Hearing device replacement charge	4
12 Charges for other services.....	5
Division 3—Indexation of charges	6
13 Indexation	6
Part 3—Contracts	7
14 Amounts requiring Minister’s approval	7
Schedule 1—Repeals	8
<i>Australian Hearing Services Regulations 1992</i>	8

Part 1—Preliminary

1 Name

This instrument is the *Australian Hearing Services Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2019.	1 October 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Hearing Services Act 1991*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Authority;
- (b) hearing services;
- (c) voucher-holder.

In this instrument:

Act means the *Australian Hearing Services Act 1991*.

chargeable day, in relation to a person, has the meaning given by section 8.

hearing aid service means any of the following hearing services:

- (a) the provision of a battery for use with a hearing device;

Section 5

(b) the maintenance by the Authority of a hearing device.

hearing device means goods for purposes in connection with hearing rehabilitation.

Part 2—Charges for services provided by the Authority

Division 1—Preliminary

6 Purpose and application of this Part

- (1) This Part:
 - (a) is made for the purposes of subsection 62(1) and paragraph 77(2)(a) of the Act; and
 - (b) sets out the charges payable to the Authority for services provided by the Authority and certain terms and conditions under which those services are provided.
- (2) This Part applies to a person other than a person who is a voucher-holder.

7 Liability to pay charge

A charge set out in this Part is payable to the Authority by the person who incurs it.

8 Meaning of *chargeable day*

- (1) A day (including a day before the commencement of this instrument) is a ***chargeable day*** for a person if:
 - (a) the Authority provides a hearing aid to, or is responsible for maintaining a hearing aid for, a person on the day; and
 - (b) immediately before that day the person:
 - (i) was not entitled to hearing aid service; and
 - (ii) did not have a hearing aid that was provided or maintained by the Authority.
- (2) Each anniversary of the chargeable day mentioned in subsection (1) is also a ***chargeable day*** for the person until on such an anniversary:
 - (a) the person does not have a hearing aid that was provided, or is maintained, by the Authority; and
 - (b) the person is not entitled to hearing aid service provided by the Authority.

Division 2—Charges

9 Hearing aid service charge

- (1) A hearing aid service charge is payable for a chargeable day for a person.
- (2) The person is then entitled to hearing aid service provided by the Authority during the 12 month period commencing on the chargeable day.
- (3) If the person is under 26 years of age, the amount of charge is:
 - (a) if the chargeable day is in the financial year beginning on 1 July 2019—\$26.25; or
 - (b) if the chargeable day is in a later financial year—that amount indexed in accordance with section 13.
- (4) If the person is not under 26 years of age, the amount of the charge is:
 - (a) if the chargeable day is in the financial year beginning on 1 July 2019—\$31.50; or
 - (b) if the chargeable day is in a later financial year—that amount indexed in accordance with section 13.
- (5) The charge is payable in accordance with a notice, in writing, given to the person by the Authority.
- (6) This section does not apply in relation to a chargeable day that occurs before this instrument commences.

10 Hearing aid service may be refused if charge is not paid

- (1) If hearing aid service charge for a chargeable day for a person is not paid within 30 days after the chargeable day, the Authority may refuse to provide hearing aid service to the person until it is paid.
- (2) Before the Authority refuses to provide hearing aid service, the Authority must inform the person who incurred the charge that it intends to refuse to provide the service.

11 Hearing device replacement charge

- (1) This section applies to a person who is at least 26 years old and satisfies the Authority, on the basis of information set out in a declaration by the person, that the person's hearing device:
 - (a) has been destroyed; or
 - (b) has been lost, and is unlikely to be found; or
 - (c) has been damaged, and cannot be reasonably repaired.
- (2) The Authority may replace the hearing device with a similar device or a reasonable alternative approved by the Authority.
- (3) The charge for replacing the device is:

Section 12

- (a) if the device is replaced in the financial year beginning on 1 July 2019—\$30; or
 - (b) if the device is replaced in a later financial year—that amount indexed in accordance with section 13.
- (4) The charge is payable in accordance with a notice, in writing, given to the person by the Authority.
- (5) This section does not apply in relation to a device replaced before this instrument commences.

12 Charges for other services

- (1) The charge payable to the Authority in relation to a service referred to in column 1 of an item in the following table is the amount set out in column 2 of the item.

Charges for other services provided by the Authority		
Item	Column 1 Service	Column 2 Amount of charge
1	Audiometric testing	The following amount for each hour or part of an hour: (a) during the financial year beginning on 1 July 2019—\$119; (b) during a later financial year—that amount indexed in accordance with section 13
2	Consultancy services under paragraph 8(1)(h) of the Act	The following amount for each hour or part of an hour: (a) during the financial year beginning on 1 July 2019—\$217; (b) during a later financial year—that amount indexed in accordance with section 13
3	Maintenance or calibration of equipment at an acoustic laboratory controlled by the Authority	The following amount for each hour or part of an hour: (a) during the financial year beginning on 1 July 2019—\$119; (b) during a later financial year—that amount indexed in accordance with section 13

- (2) However, no charge is payable for a service of a kind specified in paragraph 8(1)(a), (aa) or (ad) of the Act.
- (3) This section does not apply in relation to a service provided before this instrument commences.

Division 3—Indexation of charges

13 Indexation

- (1) If a provision of this instrument states that a dollar amount is to be indexed in accordance with this section, then at the start of each financial year (an *indexation year*) beginning on or after 1 July 2020, the dollar amount is replaced by the amount worked out using the following formula:

$$\text{Indexation factor for the indexation year} \times \text{Dollar amount for the previous year}$$

- (2) The *indexation factor* for an indexation year is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

base quarter means the last March quarter before the reference quarter.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the March quarter immediately before the indexation year.

- (3) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (4) If an indexation factor worked out under subsection (2) would be less than 1, that indexation factor is to be increased to 1.
- (5) Calculations under subsection (2):
- are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Part 3—Contracts

14 Amounts requiring Minister’s approval

For the purposes of subsection 63(1) of the Act, the amount of \$5,000,000 is prescribed.

Schedule 1—Repeals

Australian Hearing Services Regulations 1992

1 The whole of the instrument

Repeal the instrument.