



# Australian Hearing Services Regulations 1992

**Statutory Rules 1992 No. 188 as amended**

made under the

*Australian Hearing Services Act 1991*

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This compilation was prepared on 1 January 2012  
taking into account amendments up to SR 2011 No. 249

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**1 Name of regulations** [see Note 1]

These regulations are the *Australian Hearing Services Regulations 1992*.

**2 Commencement**

These Regulations commence on 1 July 1992.

**3 Interpretation**

(1) In these Regulations:

*acoustic laboratory* means an acoustic laboratory controlled by the Authority.

*hearing aid service* means any of the following hearing services:

- (a) the provision of a battery for use with a hearing device;
- (b) the maintenance by the Authority of a hearing device.

*hearing aid service charge* means a charge mentioned in regulation 4.

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

*person* means a person other than a voucher-holder.

*the Act* means the *Australian Hearing Services Act 1991*.

**4 Hearing aid service charge and hearing aid service**

(1A) For subsection 62 (1) of the Act, this regulation provides for charges payable to the Authority.

(1) If on a chargeable day a person has a hearing aid that was provided, or is maintained, by the Authority:

- (a) the person is liable for a hearing aid service charge to be paid to the Authority; and
- (b) the person is entitled to hearing aid service provided by the Authority during the 12 month period commencing on that day.

- (2) The hearing aid service charge must not exceed \$31.50 and is payable in accordance with a written notice given to the person by the Authority.
- (4) However, if the person is under 26 years of age the hearing aid service charge must not exceed \$26.25.
- (5) If a person:
  - (a) is liable for a hearing aid service charge in relation to a chargeable day referred to in subregulation 5 (1); and
  - (b) does not pay the hearing aid service charge before the end of 30 days after that day;the Authority may refuse to provide hearing aid service to the person during the 12 month period commencing on that day unless the person pays the hearing aid service charge.
- (6) If a person:
  - (a) is liable for a hearing aid service charge in relation to a chargeable day referred to in subregulation 5 (2); and
  - (b) does not pay the hearing aid service charge on or before that day;the Authority may refuse to provide hearing aid service to the person during the 12 month period commencing on that day unless the person pays the hearing aid service charge.
- (7) Before the Authority refuses to provide hearing aid service to a person under subregulation (5) or (6) the Authority must inform the person that it intends to refuse to provide the service.
- (8) A charge mentioned in subregulation (2) or (4) is the price of the taxable supply within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

**4A Hearing device replacement charge**

- (1) This regulation applies to a person of 26 years or more who satisfies the Authority, on the basis of information set out in a statutory declaration by the person, that the person's hearing device has been:
  - (a) destroyed; or

- (b) lost, and unlikely to be found; or
  - (c) damaged, and cannot be reasonably repaired.
- (2) The Authority may replace the hearing device of a person to whom this regulation applies with a similar device or a reasonable alternative approved by the Authority.
- (3) A person who receives a replacement hearing device under subregulation (2) is liable for a charge not exceeding \$30 to be paid to the Authority in accordance with a written notice given to the person by the Authority.

## **5 Chargeable days**

- (1) If:
  - (a) the Authority provides a hearing aid to, or is responsible for maintaining a hearing aid for, a person on a 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;that day is a chargeable day in relation to the person
- (2) Each anniversary of the chargeable day referred to in subregulation (1) is a chargeable day in relation to the person until the occurrence of an anniversary on which:
  - (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.

## **6 Charges for certain services**

- (1) Subject to subregulation (2), the charge set out in the Schedule for a service is payable to the Authority for provision of the service by the Authority.
- (2) No charge is payable for a service of a kind specified in paragraph 8 (1) (a), (aa) or (ad) of the Act.

## **Regulation 7**

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- (3) A charge mentioned in clause 2 of the Schedule is the price of the taxable supply, within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*, for the service to which it relates.

### **7 Liability to pay charge**

A charge under these Regulations is payable by the person who incurs it.

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## Schedule Charges for certain services

(regulation 6)

### 1 Interpretation

In this Schedule:

*audiological compensation package* means any of the following hearing services in relation to a compensation claim:

- (a) services that are necessary to assess and measure the nature and extent, and to determine the cause, of any hearing loss in the person;
- (b) provision of any hearing device (other than a cochlear implant or a cochlear implant speech processor unit) that is clinically appropriate to the hearing loss, the person's capacity to benefit from the device and his or her life circumstances;
- (c) services necessary to fit, and monitor the suitability of, a selected hearing device and to achieve the maximum functionality of the device;
- (d) ongoing advice and assistance about rehabilitation to the extent necessary to enable the person to achieve a rehabilitation outcome commensurate with his or her needs;
- (e) provision of necessary repairs, adjustment and maintenance of a hearing device, including the reasonable provision of replacement batteries, for the first year;
- (f) other clinically necessary hearing services, if agreed between the Authority and Comcare as hearing services to be made available to referred Comcare clients to whom this Part applies.

## 2 Charges for services

The charges for services are:

Item	Description of services	Charges for services
1	Audiometric testing (other than for an audiological compensation package)	\$119 for each hour or part of an hour
2	Audiological compensation package — monaural	<p>(a) for each period of 12 months in which services are provided that ends on or before the first anniversary of the commencement of this paragraph — \$800;</p> <p>(b) for each period of 12 months in which services are provided that ends after the first anniversary of the commencement of this paragraph — \$821</p>
3	Audiological compensation package — binaural	<p>(a) for each period of 12 months in which services are provided that ends on or before the first anniversary of the commencement of this paragraph — \$1 400;</p> <p>(b) for each period of 12 months in which services are provided that ends after the first anniversary of the commencement of this paragraph — \$1 434</p>



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Item	Description of services	Charges for services
4	Use of specialist facilities, including hearing test booths and equipment, and anechoic rooms (other than for an audiological compensation package)	\$868 for each day or part of a day
5	Consultancy services under paragraph 8 (1) (h) of the Act	\$217 for each hour or part of an hour
6	Test of a hearing protector conducted at an acoustic laboratory	\$5 425 for each hearing protector
7	Maintenance or calibration of equipment at an acoustic laboratory	\$119 for each hour or part of an hour
8	Assessment of a hearing device for approval by the Authority	\$651 for each hearing device
9	Training and education of persons or bodies (including overseas bodies)	\$325 for each participant for each day or part of a day

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*Note* No charge is payable in the case of a service of a kind specified in paragraph 8 (1) (a), (aa) or (ad) of the Act. See subr. 6 (2).

**Table of Instruments**

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**Notes to the *Australian Hearing Services Regulations 1992*****Note 1**

The *Australian Hearing Services Regulations 1992* (in force under the *Australian Hearing Services Act 1991*) as shown in this compilation comprise Statutory Rules 1992 No. 188 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i> or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1992 No. 188	30 June 1992	1 July 1992	
1992 No. 234	29 July 1992	29 July 1992	—
1996 No. 149	12 July 1996	1 Sept 1996	R. 8
1997 No. 333	3 Dec 1997	3 Dec 1997	—
1999 No. 139	30 June 1999	1 July 1999	—
2000 No. 191	25 July 2000	25 July 2000	—
2011 No. 249	9 Dec 2011 (see F2011L02606)	1 Jan 2012	—

**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 1 .....	am. 1997 No. 333 rs. 1999 No. 139
R. 3 .....	am. 1996 No. 149; 1997 No. 333; 1999 No. 139
R. 3A.....	ad. 1992 No. 234 rep. 1997 No. 333
R. 4 .....	rs. 1996 No. 149 am. 1997 No. 333; 1999 No. 139; 2000 No. 191; 2011 No. 249
R. 4A.....	ad. 1999 No. 139 am. 2011 No. 249
R. 5 .....	rs. 1996 No. 149 am. 1997 No. 333
R. 6 .....	rep. 1996 No. 149 ad. 1997 No. 333 am. 2000 No. 191
R. 7 .....	rs. 1997 No. 333
Rr. 8–10 .....	rep. 1997 No. 333
R. 11 .....	rs. 1996 No. 149 rep. 1997 No. 333
R. 12 .....	rep. 1997 No. 333
Schedule.....	rs. 1997 No. 333 am. 2000 No. 191

**Table A**

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**Table A                      Application, saving or transitional provisions**

**Statutory Rules 1996 No. 149**

**8. Application**

8.1 In relation to an eligible person who:

- (a) immediately before the commencement of these Regulations was entitled to a hearing aid service under the former Regulations; and
- (b) on the first day after the expiration of that entitlement has a hearing aid that was provided, or is maintained, by the Authority;

subregulations 5 (1) and (2) of the Hearing Services Regulations apply in the following manner:

- (c) subregulation 5 (1) applies as if the chargeable day referred to in the subregulation were the first day after the expiration of that entitlement;
- (d) subregulation 5 (2) applies as if the chargeable day referred to in subregulation 5 (1) were the first anniversary of the last day that the eligible person became liable for a hearing aid charge under the former Regulations.

8.2 In relation to an eligible person who:

- (a) immediately before the commencement of these Regulations was not entitled to a hearing aid service under the former Regulations; and
- (b) has a hearing aid that was provided or maintained by the Authority before the commencement of these Regulations;

subregulations 5 (1) and (2) of the Hearing Services Regulations apply as if the chargeable day referred to in subregulation 5 (1) were the day on which:

- (c) the eligible person first requests a hearing aid service; or
- (d) the Authority first provides another hearing aid to the eligible person;

whichever first occurs.

**Table A**

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8.3 In this regulation, “**former Regulations**” means the Hearing Services Regulations as in force immediately before the commencement of these Regulations.

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