

Hearing Services Regulations (Amendment) 1996 No. 149

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 149

Issued by the Authority of the Minister for Health and Family Services

Hearing Services Act 1991

Hearing Services Regulations (Amendment)

The *Hearing Services Act 1991* (the Act) establishes the Australian Hearing Services (ARS) as a statutory authority for the supply by the Commonwealth of hearing aids and services to eligible people.

Section 77 of the Act provides that the Governor-General may make regulations for the purposes of the Act. Section 62 provides that the regulations may provide for charges to be payable to the AHS for the provision of services.

The regulations amend the existing regulations so that the hearing aid service charge is payable on an annual basis. This provides uninterrupted coverage of hearing aid services to eligible hearing impaired clients. The previous regulations cover a twelve month period but subsequent years coverage does, not automatically commence at the end of the previous period. Under the existing regulations, once this initial period has expired the client will not again be liable for the charge until they represent for further services. The inevitable 'gap' between the completion of one twelve month period and the beginning of the next has proved confusing for clients, in some cases a disincentive to ongoing client management and unnecessarily complex to administer.

Upon advice from the Attorney-General's Department Regulation 3 has been amended to include a definition of brother and sister.

Regulations 4 and 5 replace previous regulation 4 and 5 and provide that the \$25 charge is payable from the date on which the hearing aid is provided and on each anniversary of that day. If payment is made, eligible persons will receive hearing aid services for the following 12 months.

Previous regulation 6 has been omitted from these regulations as advice from the Attorney General's Department is that the *Hearing Services Act 1991* has no provision for the payment of refunds. Previous regulation 11 has been amended on advice from the Attorney-General's Department to correctly reflect that the eligible person has a debt due to Australian Hearing Services.

Regulation 8 provides for transitional arrangements for clients who already have hearing aids from the AHS at the time the regulations are to commence. These clients fit into two categories, those that have a current entitlement to services and those who do not. For those clients who have a current entitlement, their first twelve months under the proposed new arrangements, commences upon expiry of their existing entitlement under the previous regulations, or those who do not have a current entitlement their first twelve months commences the first time a service is requested under the proposed new arrangements or a new hearing aid is provided, whichever occurs first.

The regulations will take effect from 1 September 1996.