



Statutory Rules 1996 No. ^{L1}

149/

Hearing Services Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Hearing Services Act 1991*.

Dated

L

1996.

5 July/

L WILLIAM DEANE/
Governor-General

By His Excellency's Command,

L

Minister for Health and Family Services

MICHAEL WOOLDIDGE/

1. Commencement

1.1 These Regulations commence on 1 September 1996.

2. Amendment

2.1 The Hearing Services Regulations are amended as set out in
these Regulations.

3. Regulation 3 (Interpretation)**3.1 Definition of “hearing aid charge”:**

Omit the definition.

3.2 Definition of “hearing aid service”:

Paragraph (a):

Omit “for use”, substitute “use”.

3.3 Insert the following definitions:

“**‘brother’** includes a half-brother, step-brother, foster-brother and an individual who is a brother by reason of adoption;

‘hearing aid service charge’ means a charge mentioned in regulation 4;

‘sister’ includes a half-sister, step-sister, foster-sister and an individual who is a sister by reason of adoption;”.

3.4 Add at the end:

“(2) In these Regulations:

- (a) a reference to an eligible person who has a hearing aid includes an eligible person who has returned a hearing aid to the Authority for maintenance or replacement; and
- (b) a reference to an eligible person who has a hearing aid that is maintained by the Authority includes an eligible person who has a hearing aid, the maintenance of which is the responsibility of the Authority.”.

4. Regulation 4 (Eligible person to pay for a hearing aid service)**4.1 Omit the regulation, substitute:****Hearing aid service charge and hearing aid service**

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

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

“(2) Subject to subregulations (3) and (4), the hearing aid service charge is \$25 and is payable in accordance with a written notice given to the eligible person by the Authority.

“(3) If the eligible person is the spouse of a client, the hearing aid service charge is \$20.

“(4) If the eligible person is under 21 years of age and:

- (a) in the custody, care and control of a client; or
- (b) the brother or sister of a client;

the hearing aid charge is \$20.

“(5) If an eligible person:

- (a) is liable for a hearing aid charge in relation to a chargeable day referred to in subregulation 5 (1); and
- (b) does not pay the hearing aid charge before the end of 30 days after that day;

the Authority may refuse to provide hearing aid service to the eligible person during the 12 month period commencing on that day unless the eligible person pays the hearing aid charge.

“(6) If an eligible person:

- (a) is liable for a hearing aid charge in relation to a chargeable day referred to in subregulation 5 (2); and
- (b) does not pay the hearing aid charge on or before that day;

the Authority may refuse to provide hearing aid service to the eligible person during the 12 month period commencing on that day unless the eligible person pays the hearing aid charge.

“(7) Before the Authority refuses to provide hearing aid service to an eligible person under subregulation (5) or (6) the Authority must inform the eligible person that it intends to refuse to provide the service.”.

5. Regulation 5 (Amount of charge)

5.1 Omit the regulation, substitute:

Chargeable days

“5. (1) If:

- (a) the Authority provides a hearing aid to, or is responsible for maintaining a hearing aid for, an eligible person on a day; and
- (b) immediately before that day the eligible 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 eligible person.

“(2) Each anniversary of the chargeable day referred to in subregulation (1) is a chargeable day in relation to the eligible person until the occurrence of an anniversary on which:

- (a) the eligible person does not have a hearing aid that was provided, or is maintained, by the Authority; and
- (b) the eligible person is not entitled to hearing aid service provided by the Authority.”.

6. Regulation 6 (Refund of payment for a hearing aid service)

6.1 Omit the regulation.

7. Regulation 11 (Payment of charge)

7.1 Omit the regulation, substitute:

Payment of charge

“11. A charge under these Regulations is payable by the person for whose purposes the charge was incurred.”.

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.

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

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1996.
2. Statutory Rules 1992 No. 188 as amended by 1992 No. 234.

12 July/