



## Translation Document – New to Current Legislation

### Part 1 - Preliminary

#	New Provision Title	Current Provision	Comment / Change
1	Name	NA	
2	Commencement	NA	
3	Repeals	NA	NA
4	Authority	Refer current instruments	Authority derived from <i>Hearing Services Administration Act 1997</i> remains the same.
5	Definitions	Refer Act and current instruments	Definitions have been consolidated and updated where required.
		Complex Client	The term “Complex Client” has been replaced with “specialist hearing services” with the same meaning.
		Voucher	The term ‘voucher’ has been retained although the original concept of a paper voucher has been updated at section 13(2) to reflect the electronic ‘issue’ of a voucher when the voucher-holder’s record is created in the Hearing Services Online Portal.

## Part 2 – Additional Eligible Persons

#	New Provision Title	Current Provision	Comment / Change
6	Additional eligible persons	<i>Hearing Services (Eligible Persons) Determination 1997</i>	<ol style="list-style-type: none"> <li>1. Clarify that eligible persons described in this Part are additional to those described in the HSAA 1997.</li> <li>2. Classes of eligible persons currently described by 4(2) and 4(3) were transitional provisions from 1991 Act that are now redundant and have been removed.</li> <li>3. The class of eligible persons currently described by 4(4) of the current determination has been removed. The intent of this class of persons, combined with the provisions of the <i>Hearing Services (Participants in the Voucher System) Determination 1997</i> was to allow for ‘minor maintenance’ of devices to be provided for up to five years from the date the person ceased to be eligible under other provisions. This was originally at a time when the “Voucher Period” was six months, whereas, it is now three years. Further, this arrangement is confusing and has led to the belief that a client who has been fitted with a device is always eligible. There are very few “minor maintenance” claims made, however there are many other claims, such as regular maintenance, made for clients who do not have a valid voucher.  <i>NOTE – one of the clarifications intended by the updated instrument is that Government funded services are only available to people with a VALID voucher and in accordance with the Schedule of Service Items.</i></li> <li>4. The class of eligible persons currently described by 4(7), in relation to ongoing eligibility for NDIS eligible clients, has been removed as it is redundant.</li> </ol>
7	Dependants	<i>4(5) Hearing Services (Eligible Persons) Determination 1997</i>	<ol style="list-style-type: none"> <li>1. The provision has been clarified and been updated with respect to the age qualification as persons between 21 and 26 years of age are CSO eligible.</li> </ol>

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#	New Provision Title	Current Provision	Comment / Change
8	NDIS participants	4(6) <i>Hearing Services (Eligible Persons) Determination 1997</i>	Retains eligibility for people who are NDIS participants until 1 July 2020.
9	DVA Clients	5(2)(c) & (d) <i>Hearing Services Administration Act 1997</i>	The wording of the current provision in the <i>Hearing Services Administration Act 1997</i> is out-of-date. The provision updates DVA eligibility with the correct card references.
10	Disability Employment Services Clients	5(2)(g) <i>Hearing Services Administration Act 1997</i>	<ol style="list-style-type: none"> <li>1. Section 5(g) of the <i>Hearing Services Administration Act 1997</i> confers eligibility to persons referred under Part III of the <i>Disability Services Act 1986</i> (DSA). Due to unintended consequences of multiple changes with the operation of DES under the DSA 1986 and the HSP over time, it appears that some DES clients have lost eligibility.</li> <li>2. Under the DSA 1986 and <i>Hearing Services Administration Act 1997</i>, currently only DES Disability Management Services (DMS) are technically eligible. DMS is for job seekers with disability, injury or health condition who need assistance to find a job and <u>occasional</u> support in the workplace to keep a job. However DES Employment Support Service (ESS) clients are NOT eligible for the HSP despite the fact that they are job seekers with <u>permanent</u> disability or who need regular, ongoing support in the workplace to keep a job.</li> <li>3. It is likely that many DES-ESS clients are NDIS eligible or otherwise eligible for the HSP (under other eligibility provisions). It appears that the original intent was for all DES clients to be eligible for the HSP which this update reflects.</li> </ol>

### Part 3 – Voucher Rules

#	New Provision Title	Current Provision	Comment / Change
11	Voucher Rules	<i>Hearing Services Voucher Rules 1997</i>	<p>Section 8 <i>Replacement Voucher</i> removed as it is redundant.</p> <p>Section 9 <i>Using Voucher</i> removed as ‘validity’, eligible providers and available services now described elsewhere.</p> <p>Section 10 <i>Replacement hearing devices</i> covered by new Section 48 and 53.</p> <p>Section 12 <i>Revalidation</i> covered by new Section 43</p>
12	Applying for a voucher	<p><i>Hearing Services Voucher Rules 1997</i></p> <p>5 <i>Application form</i></p> <p>6 <i>Applying for voucher</i></p>	<p>Provision updated to provide clear authorisation for a contracted service provider to apply on behalf of a person.</p> <p>Details regarding ‘approved form’ removed as unnecessary and duplicated on form.</p> <p>NOTE – REQUIREMENT TO OBTAIN MEDICAL CERTIFICATE REMOVED</p>
13	Issuing a voucher	<p>7 <i>Issuing a voucher</i></p> <p>11 <i>Validity of voucher</i></p>	<p>Current provision 7(1)(d) has been removed as Section 8 of <i>Hearing Services Administration Act 1997</i> covers.</p> <p>‘Issued’ is defined in terms of current practice, i.e. creation of electric record.</p> <p>The ‘validity’ of a voucher has been updated and clarified.</p> <p>Authority to cease a voucher specified.</p> <p>NOTE – one of the clarifications intended by the updated instrument is that <i>Government funded services are only available to people with a VALID voucher and in accordance with the Schedule of Service Items.</i></p>
14	Effect of issuing voucher	NA	The effect of issuing a voucher is that the voucher-holder may receive available hearing services while the voucher is valid.

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#	New Provision Title	Current Provision	Comment / Change
15	A voucher-holder is a participant in the voucher system	Sections 10 and 13 of the Act.  Section 5 <i>Hearing Services (Participants in the Voucher System) Determination 1997</i>	Provision is required by and clarification of section 13(1) of the Act:  (1) The Minister may, by legislative instrument, determine that:  (a) each eligible person included in a specified class of eligible persons is a participant in the voucher system for the purposes of this Act;

## Part 4 – Accreditation Scheme

#	New Provision Title	Current Provision	Comment / Change
16	Accreditation scheme	<i>Hearing Service Providers Accreditation Scheme 1997</i>	Required by subsection 15(1) of the <i>Hearing Services Administration Act 1997</i> .
17	Application for accreditation	5, 5A	Provision retained with minor amendments. 5A removed.
18	Australian Hearing Services	7	Provision retained and clarified.
19	Decisions by the Minister	6 <i>Decisions by Minister</i> 9 <i>Notice of alleged contravention</i> 10 <i>Action on alleged contravention</i>	Provision retained and updated. Initial specific requirements for accreditation will be required by the “approved form” (Section 17). Includes provisions regarding contraventions.
20	Breaches to be reported	S10 <i>Hearing Services Rules of Conduct 2012</i>	Expanded provision to include Act, Instrument or contract.
21	Accreditation only effective while an agreement under s 20 of the Act is in force	11 <i>Cancellation where contract terminated</i>	While currently implied, this provision clarifies that accreditation does not take effect until the entity has entered into an agreement under section 20 of the Act.
22	Minister may approve the transfer of accreditation	13 <i>Accreditation not transferable</i>	Provision amended to allow an application to transfer accreditation under certain circumstances.
23	Register	8	Provision retained but updated to reflect publication of contracted service providers.

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## Part 5 – Rules of conduct

#	New Provision Title	Current Provision	Comment
24	Rules of conduct	<i>Hearing Services Rules of Conduct 2012</i>	In accordance with section 17(1) of the <i>Hearing Services Administration Act 1997</i> . Many provisions of the current Rules of Conduct are covered by Part 6 in the next table. S23 Types of practitioner has been removed and is now covered under definitions.
25	Obligation to provide information to potential voucher-holders and voucher-holders	<i>Hearing Services Rules of Conduct 2012</i> 20 27	Provisions retained and updated.
26	Records	7 <i>Records</i>	Provision retained and updated.
27	Access to information	New	Replicates provisions of Privacy Act for clarity about requirement for providers to give the voucher-holder access to their information held by the provider. Unlike Privacy Act specifies this must be free-of-charge.
28	Requirement to disclose device supply arrangements	New	Elevates and clarifies provisions currently in service provider contract.
29	Power to require information	11 <i>Hearing Services Rules of Conduct 2012</i>	Provision retained and updated.
30	Obligation to inform contracted service provider personnel	<i>Hearing Services Rules of Conduct 2012</i> 5 (4)	Provision retained and updated.

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#	New Provision Title	Current Provision	Comment
31	Limit on subcontracting	<i>5 Personnel Hearing Services Rules of Conduct 2012</i>	REVERSES current provision which allows subcontracting. Previous issues have been contracted service providers subcontracted clinical services to third parties without appropriate arrangements that would enable compliance with the Act, instruments or service provider contract.
32	False or misleading representations	<i>8 Advertising Hearing Services Rules of Conduct 2012</i>	Provision retained but updated to be broader than just advertising.
33	Complaints	<i>9 Hearing Services Rules of Conduct 2012</i>	Provision retained and updated.
34	Hearing services not to be refused to voucher holders	<i>13 Hearing Services Rules of Conduct 2012</i>	Provision retained and updated.
35	Voucher holders relocating between contracted service providers	<i>12 Hearing Services Rules of Conduct 2012</i>	Provision retained and updated.
36	Notification of closure or transfer of business	New	Describes current practice.



## Part 6 - Services

#	New Provision Title	Current Provision	Comment
37	Qualified practitioner number	<i>Hearing Services Rules of Conduct 2012</i> 25	Provision retained and updated
38	Responsibilities of contracted service providers	<i>Hearing Services Rules of Conduct 2012</i> 24	Provisions retained and updated.
39	Professional standards	<i>Hearing Services Rules of Conduct 2012 s19</i>	Provision retained and updated.
40	Minister authorised to obtain and disclose certain information	<i>Hearing Services Rules of Conduct 2012 s26</i>	Provision retained and updated.
41	Schedule of Service Items and fees	<i>Hearing Services (Participants in the Voucher System) Determination 1997</i>	Simplification and consolidation of Table B.
	(2) The Minister may approve, in writing, a schedule of service items specifying:		Provision added to clarify authority to determine services available to voucher-holders and claimable by contracted service providers and any pre-requisite conditions.
42	Hearing Services	New	Gives effect to s13(1)(b) of the <i>Hearing Services Administration Act 1997</i> and Section 41 above.

#	New Provision Title	Current Provision	Comment
43	Approval of additional hearing services	<i>Hearing Services Voucher Rules 1997 s12 – Revalidation of voucher</i>	Provision retained and updated. Clarification made that the entire voucher is NOT reissued. Approval is for an additional service only, with other services available under the voucher still able to be used.
44	Approved Hearing Devices	<i>Hearing Services Rules of Conduct 2012 s15</i>	Provision retained and updated.
45	Choice of hearing device	<i>Hearing Services Rules of Conduct 2012 s16</i>	Provision retained and updated.
46	Partially subsidised devices	<i>Hearing Services Rules of Conduct 2012 s17</i>	Provision retained and updated.
47	Additional requirements where minimum hearing loss threshold not met	<i>Hearing Services (Participants in the Voucher System) Determination 1997 s9</i>	Provision retained.

#	New Provision Title	Current Provision	Comment
48	Replacement hearing devices	<p><i>Hearing Services Voucher Rules 1997 s10</i></p> <p><i>Hearing Services Rules of Conduct 2012 s28</i></p>	<p>Provision retained and updated to refer to "...conditions for replacement hearing devices set out in the schedule of service items".</p> <p>48(2) requires replacement with <u>same</u> device in the first instance (previous wording was 'similar'). Replacement devices that are not the same as the device replaced will be considered a 'fitting' for the purpose of the refitting rules.</p> <p>NOTE: s53 clarifies that the replacement charge to the voucher holder is for the replacement of an <u>individual</u> device. The current practice, to levy a single co-payment even for a binaural replacement service, is based on an incorrect interpretation of s28 of the current Rules of Conduct.</p> <p>NOTE: It is proposed to make changes to the replacement conditions set out in the Schedule of Service Items. These may be:</p> <ol style="list-style-type: none"> <li>1. Align the co-payment from \$30 to match the DVA reimbursement rate \$40.05 for a binaural replacement. Monaural replacement charge will be half.</li> <li>2. Subject the replacement co-payment to ongoing indexation.</li> </ol>
49	Delivery of private services	<i>Hearing Services Rules of Conduct 2012 s28</i>	Establishes when a CSP must not provide private services or devices. CSPs will be able to provide private services / devices to a voucher-holder in certain circumstances.
50	Specialist Hearing Services	<i>Hearing Services Rules of Conduct 2012 s14 – Complex clients</i>	<p>Provision retained and updated.</p> <p>Provision renamed as Specialist Hearing Services. This is also being reflected in the <i>Declared Hearing Services Determination 1997</i> update.</p>

## Part 7 – Fees and charges

#	New Provision Title	Current Provision	Comment / Change
51	Contracted service providers may accept and charge certain fees only	<i>Hearing Services Rules of Conduct 2012 s28</i>	Provision retained and updated.
52	Charges for partially subsidised devices	<i>Hearing Services Rules of Conduct 2012 s28</i>	Provision retained and updated.
53	Charges for device replacement and maintenance	<i>Hearing Services Rules of Conduct 2012 s28</i>	Provision retained and updated. Note changes to Replacement charges detailed at section 48.
54	Indexation of fees	<i>Hearing Services Rules of Conduct 2012 s28</i>	Provision retained with details moved to Schedule of Service Items and Fees.

## Part 8 – Transitional

#	New Provision Title	Current Provision	Comment / Change
55	Transitional arrangements	New	Arrangements for accreditation and QP numbers held under current provisions.