



## Thematic Review of Commonwealth Hearing Services Legislation – Exposure Draft Consultation

The Department of Health was required to undertake a thematic review (the review) of the Commonwealth's hearing services legislative instruments and repeal and remake the instruments prior to their expiration on 1 October 2019. The various instruments and their enabling legislation are detailed on the [Thematic Review Attachment A – List of Legislation](#) webpage.

MP Consulting were engaged to analyse whether the current hearing services instruments are fit-for-purpose, and whether they can be simplified or streamlined such that they are clearer and do not impose unnecessary regulatory burden. Input was sought from stakeholders in May 2018. Please visit the [Consultation Documentation](#) webpage to view the MP Consulting Report.

### Thematic Review Outcomes

MP Consulting found that the current instruments, individually and as a whole, broadly achieve their objectives, however they noted that there are many provisions that are redundant, duplicative, confusing and/or outdated. They recommended that all five instruments under the *Hearing Services Administration Act 1997* be repealed and remade as a single consolidated instrument and that the *Declared Hearing Services Determination 1997* be updated.

The department has been working with the Australian Government Solicitor (AGS) on consolidating the five instruments under the *Hearing Services Administration Act 1997* and on updating the *Declared Hearing Services Determination 1997* under the *Australian Hearing Services Act 1991*. Please visit the [Consultation Documentation](#) webpage to view the current drafts for consultation.

The bulk of the new draft legislative instruments reflect a straightforward translation of current provisions updated, simplified and consolidated where appropriate. The department wishes to draw to your attention some proposed changes listed below and detailed on the [Consultation Documentation](#) webpage.

1. Change CSO remote eligibility to Modified Monash Model.
2. Prohibit the sub-contracting of clinical services.
3. Allow the provision of private devices and services.
4. Elevate disclosure of preferred supplier arrangements.
5. Remove the requirement to obtain medical certification prior to the issuing of a voucher.
6. Clarify device replacement arrangements.
7. Remove Class 4 eligible persons and minor maintenance items.
8. Expand/Clarify Disability Employment Services eligibility.
9. Remove Audiological Case Management Items.

## Consultation

Stakeholder feedback on the exposure drafts is welcome with the following general questions for your consideration

1. Do the draft instruments reflect all the current provisions that you believe are still required?
2. Are the legislative instruments simple, clear and easy to read? If not, which elements of the legislation pose challenges, and what changes would you suggest?
3. Do you have any comments you wish to make regarding any of the nine changes proposed above?

If you wish to provide feedback on the exposure drafts, please do so by emailing [hearing@health.gov.au](mailto:hearing@health.gov.au) with “Thematic Review” as the subject line.

Please provide feedback by close of business **20 May 2019**.

## Translation Guides

Please find Translation Guides on the [Consultation Documentation](#) webpage. The guides outline where the new Voucher Instrument provisions are derived from in the current legislative framework or how the current provisions have been treated (retained as is, retained and updated, removed etc).

## Further Information

Please note that during the period preceding the Federal election, the Department may be limited in the extent to which it can engage with stakeholders on matters that are not routine in nature. However, if you have any enquiries please email them to [hearing@health.gov.au](mailto:hearing@health.gov.au). Responses may be published on this webpage. Please register for our main RSS feed to be alerted to any changes.

## Updates

### 7 May 2019

The due date for feedback has been extended to close of business **20 May 2019**.

### 30 April 2019

Item 3.2 in the document [Exposure Draft Updates for Consideration](#) has been updated to read

3.2. Where private devices or services are provided, obtaining informed consent will be required. Further, devices sold privately to voucher-holders will still need to be listed on the approved device schedules to ensure minimum specifications are maintained but only where those devices are intended to be brought onto the HSP for the purpose of fitting, maintenance and replacement claims.

## Australian Hearing Services Regulations 1992

As part of the review, MP Consulting recommended the *Australian Hearing Services Regulations 1992* (the Regulations), which are made under the *Australian Hearing Services Act 1991* be remade with changes to

- remove the requirement for an application for a replacement device to be supported by a statutory declaration (removing unnecessary regulatory burden for clients).
- include a provision enabling charges to be automatically adjusted annually by the Consumer Price Index (CPI) (removing the ongoing need to update legislation).

The Regulations are not part of the Department of Health's consultation. The Department of Human Services is working with the Office of Parliamentary Counsel to draft updated Regulations. The Regulations will then be provided to the Minister for Human Services for approval, ahead of consideration by the Federal Executive Council and Parliament.