



Hearing Services Rules of Conduct 2012

I, MARK BUTLER, Minister for Mental Health and Ageing, formulate these rules of conduct under subsection 17 (1) of the *Hearing Services Administration Act 1997*.

Dated 22 May 2012

MARK BUTLER

Minister for Mental Health and Ageing

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Part 1 Preliminary

1 Name of Rules

These Rules are the *Hearing Services Rules of Conduct 2012*.

2 Commencement

These Rules commence on 1 July 2012.

3 Repeal

The *Hearing Services Rules of Conduct 2005* are repealed.

4 Interpretation

(1) In these Rules:

advertisement means matter which is published in any form or medium (including material presented as editorial content), for payment or other valuable consideration or for free, or which is self-published, and which draws the attention of the public, or a segment of the public, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct.

Act means the *Hearing Services Administration Act 1997*.

approved hearing devices means hearing devices which are available to participants in the voucher system.

approved membership category means a category of membership of a practitioner professional body that is specified in Schedule 1.

complex client has the same meaning as in the *Declared Hearing Services Determination 1997*.

direct supervision means supervision by a supervisor who is physically present 'at the elbow' of the person being supervised when they are providing hearing services to voucher-holders.

Hearing Device Maintenance means hearing services related to the maintenance of a hearing device or the provision of batteries for a hearing device.

informed decision means a decision made on the basis of sufficient information concerning the potential risks and benefits of the course of action and any alternative courses of action.

Letter of Authority means an authorisation issued by the Office advising that a person is eligible for the provision of services under the voucher system (including an authorisation issued by the Office in writing, electronically or orally).

medical practitioner means a person registered as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners.

non-routine client has the meaning given in the Outcomes document.

off site supervision means supervision by a supervisor who is not on the same premises at the relevant time but can be easily contacted to help the person being supervised or the voucher-holder concerned.

Office means the Office of Hearing Services within the Department.

on site supervision means supervision by a supervisor who is on the same premises at the relevant time and is available to help the person being supervised or the voucher-holder concerned.

Outcomes document means the document, *Hearing Rehabilitation Outcomes for Voucher-Holders*, in the form issued by the Office on 30 June 2012.

practitioner professional body means an Australian body which meets all of the following criteria:

- (a) the body is formally constituted for the purpose of representing the interests of the professions of audiology or audiometry or both; and
- (b) membership of the body is based on appropriate industry recognised professional qualifications for audiometrists or audiologists or both; and
- (c) the body supervises and enforces a code of ethics for the professions of audiology or audiometry or both; and
- (d) the body requires members to continue their professional development.

professional judgement means the exercise of professional expertise to determine what procedure is needed and appropriate for the proper care of a particular voucher-holder.

provisional audiologist has the meaning given by rule 23.

provisional audiometrist has the meaning given by rule 23.

qualified practitioner means a qualified practitioner (audiologist) or a qualified practitioner (audiometrist).

qualified practitioner (audiologist) has the meaning given by rule 23.

qualified practitioner (audiometrist) has the meaning given by rule 23.

qualified practitioner number means the unique number allocated to a qualified practitioner by the Minister under rule 25.

Rehabilitation Plus Group Services means support and assistance provided in a group setting to voucher-holders who have been fitted for the first time with a hearing device under the voucher system to maximise their communication abilities and to better manage their hearing loss and their hearing device.

service provider contract means an agreement between the Minister on behalf of the Commonwealth and a contracted service provider under section 20 of the Act.

service provider personnel, in relation to a contracted service provider, means:

- (a) officers, employees, agents and contractors of the contracted service provider; and
- (b) officers, employees, agents and contractors of any subcontractor to the contracted service provider; and
- (c) any person (including a qualified practitioner, provisional audiologist, provisional audiometrist, student or locum) who, whether in the capacity of employee or otherwise, works for the contracted service provider in the provision of hearing services to voucher-holders.

students means:

- (a) student audiologists enrolled in a tertiary course in audiology and acting under the direct supervision of a qualified practitioner (audiologist); and
- (b) student audiometrists enrolled in a Diploma in Hearing Device Prescription and Evaluation and acting under the direct supervision of a qualified practitioner (audiometrist) or qualified practitioner (audiologist).

top-up devices means approved hearing devices which are not available free of charge to voucher-holders under the voucher system.

voucher system means the voucher system provided for in Part 2 of the Act.

Note Unless the contrary intention appears, expressions used in these Rules have the same meanings as in the Act—see section 13 of the *Legislative Instruments Act 2003*. For example:

- available
- contracted service provider
- hearing services
- voucher
- voucher-holder

- (2) In these Rules, unless the contrary intention appears, a reference to a period of engagement, service provision or experience, in relation to qualification requirements or the provision of hearing services, is a reference to that period of full-time engagement, service provision or experience or the equivalent period of part-time engagement, service provision or experience.
- (3) For the purpose of these Rules, if a person is on leave to which he or she is entitled under a contract of employment or an award or other industrial instrument, that person is not, for that reason, not employed.
- (4) A reference in these Rules to the provision of hearing services to a voucher-holder is a reference to the provision of those services to the voucher-holder under the voucher system.

Note The Minister may delegate any of the Minister's functions and powers under these Rules to the Secretary of the Department or any other officer of the Department – see section 27 of the Act.

Part 2 Rules about contracted service providers

5 Personnel

- (1) Subject to these Rules and its service provider contract, a contracted service provider may arrange for someone else to perform a duty or exercise a function the contracted service provider has under these Rules. However, the contracted service provider must ensure that the duty is performed or the function exercised in accordance with these Rules.
- (2) For the purposes of these Rules, a contracted service provider is responsible for any act or omission of any of its service provider personnel.
- (3) A contracted service provider must ensure that its service provider personnel comply with these Rules.
- (4) A contracted service provider must, as soon as practicable, make all relevant service provider personnel aware of service provider advice and information provided by the Office.

6 Responsibility for services to voucher-holders

- (1) A contracted service provider is responsible for the services provided to voucher-holders by its service provider personnel.
- (2) A contracted service provider may only:
 - (a) authorise or allow a person to provide a voucher-holder with hearing services as a qualified practitioner; or
 - (b) authorise or allow a person to act as a supervisor for the purpose of rule 24; or
 - (c) submit a person's qualified practitioner number on claims for payment for services provided to voucher-holders,

where that person:
 - (d) is a qualified practitioner and has been allocated a qualified practitioner number; and
 - (e) is an employee of, or locum or other person engaged by, the contracted service provider.

7 Records

- (1) A contracted service provider must:
 - (a) make and maintain a comprehensive record in respect of each voucher-holder to whom the contracted service provider provides hearing services that includes the information specified in the voucher issued to the voucher-holder and the information required by the Outcomes document; and
 - (b) ensure that the information contained on the record is accurate and current.

- (2) A contracted service provider must ensure, as far as practicable, that information regarding voucher-holders:
 - (a) is stored in such a way that it is easily identifiable and accessible; and
 - (b) is retained for at least 7 years from the date the information is created or, if the information is subsequently amended, from the date of the last amendment.
- (3) A contracted service provider must allow such access to records relating to the provision of hearing services to voucher-holders as is necessary for it to comply with its service provider contract.

8 Advertising

- (1) A contracted service provider must not publish, or cause to be published, an advertisement in connection with the provision of hearing services to voucher-holders that:
 - (a) is misleading or deceptive, or likely to mislead or deceive; or
 - (b) is calculated to mislead either directly or by implication; or
 - (c) suggests, directly or indirectly, that:
 - (i) hearing services under the voucher system are only available from the contracted service provider; or
 - (ii) the contracted service provider enjoys a special relationship with the Minister or the Office that will help get favourable treatment for a voucher-holder; or
 - (iii) the contracted service provider's accreditation under the accreditation scheme is a recommendation or endorsement by the Commonwealth of its hearing services; or
 - (iv) the inclusion of a particular device in a list of free devices under the voucher system, and the eligibility of a top-up device for supply under top-up arrangements, is a recommendation, endorsement or award by the Commonwealth other than that the device meets specified standards.

Note Paragraph (a) covers comparison advertising.

- (2) Subrule (1) does not affect the operation of any other law, including a law of a State or Territory.
- (3) A contracted service provider must ensure that any advertisement published or caused to be published by it that refers to a device or service which is able to be provided to voucher-holders under the voucher system includes the words 'conditions apply to clients under the Australian Government Hearing Services Program'.
- (4) A contracted service provider must not engage in any form of advertising or telemarketing relating to the provision of hearing services to voucher-holders that:
 - (a) brings the voucher system into disrepute; or
 - (b) suggests that hearing devices are provided free by the contracted service provider rather than by the Australian Government.

9 Complaints

- (1) A contracted service provider must cooperate fully and promptly with any inquiries by the Minister or the Office in relation to any complaint.
- (2) A contracted service provider must establish a procedure for dealing with complaints by or on behalf of a voucher-holder about a hearing service provided by the contracted service provider.
- (3) A contracted service provider must ensure that each voucher-holder who receives a hearing service is given clear, simple written information about the contracted service provider's complaints procedure, including the way to make a complaint.
- (4) If a person makes a complaint about a hearing service provided by a contracted service provider under the voucher system, the contracted service provider must take reasonable steps to try to resolve the complaint to the satisfaction of the person.

10 Breaches to be reported

A contracted service provider must promptly inform the Office of any breach, or suspected breach of:

- (a) these Rules; or
- (b) the *Privacy Act 1988*.

Note The *Privacy Act 1988* applies to contracted service providers.

11 Power to require information

- (1) For the purpose of confirming compliance with these Rules, the Minister may at any time by written notice require a contracted service provider to give to the Minister a certified copy of any documents in the possession, or under the control, of the contracted service provider that relate to the provision of hearing services to voucher-holders for or on behalf of the contracted service provider.
- (2) The contracted service provider must provide the certified copy within 10 business days.

Part 3 Rules about providing hearing services

12 Voucher-holders relocating between contracted service providers

- (1) A contracted service provider must not request a voucher-holder's records from another contracted service provider without written authority from the voucher-holder.
- (2) If a contracted service provider (**old provider**) receives from another contracted service provider (**new provider**):
 - (a) a written request for the records the old provider keeps about a voucher-holder; and
 - (b) the voucher-holder's written authority to hand over the records,the old provider must provide the records to the new provider within 5 business days.
- (3) When providing records under subrule (2), the old provider must provide:
 - (a) the voucher-holder's complete original file (with the exception of original claim forms); and
 - (b) copies of the original claim forms.

13 Hearing services not to be refused to voucher-holders

- (1) A contracted service provider must not refuse or fail to provide hearing services to a voucher-holder if the voucher-holder or the Office provides the contracted service provider with a valid voucher or Letter of Authority for those services unless:
 - (a) in the circumstances, it is reasonable to do so; and
 - (b) the contracted service provider informs the voucher-holder and the Office within a reasonable time of the reason for that refusal.
- (2) Where a contracted service provider refuses to provide hearing services to a voucher-holder, the contracted service provider must give the voucher-holder an opportunity to respond and rectify the reason for refusal.
- (3) A contracted service provider must not refuse or fail to provide hearing services to a voucher-holder on the ground that the voucher-holder will not enter into an arrangement for a top-up device.

14 Complex clients

- (1) If a contracted service provider knows or reasonably believes that a person who asks it to provide hearing services to the person is a voucher-holder and a complex client, the contracted service provider must:
 - (a) notify the Office that a complex client is requesting hearing services; and

- (b) acting reasonably, explain to the person the services available to complex clients from AHS, and allow at least 14 days before contacting the person to ask whether the person has decided whether to receive services from AHS; and
- (c) not provide further hearing services to the person until the person advises the contracted service provider that he or she has made an informed decision not to receive services from AHS; and
- (d) keep a copy of the notice to the Office and evidence of the advice from the person in its records.

- (2) Paragraphs (1)(b), (1)(c) and (1)(d) do not apply where the contracted service provider is AHS.

Note When these Rules commenced, the Act defined **AHS** to mean Australian Hearing Services.

15 Hearing devices to be supplied

A contracted service provider must not, in providing hearing services to a voucher-holder, fit the voucher-holder with a hearing device which is not available to the voucher-holder under his or her voucher, unless approved by the Minister.

16 Choice of hearing device

- (1) If a contracted service provider determines that a voucher-holder requires a hearing device, the contracted service provider must provide the voucher-holder with a choice from a range of types and styles of approved hearing devices which are available free of charge to the voucher-holder under the voucher system and are appropriate to meet the voucher-holder's audiological needs.
- (2) If a contracted service provider determines that a voucher-holder requires a hearing device and would benefit from a telecoil, then, unless the voucher-holder makes an informed decision that he or she does not need a telecoil, the contracted service provider must:
 - (a) provide the voucher-holder with an approved hearing device which is or can be fitted with a telecoil; and
 - (b) if the approved hearing device is not fitted with a telecoil, provide and fit the telecoil at no cost to the voucher-holder or the Commonwealth.

The contracted service provider must keep in its records written evidence of the informed decision.

17 Top-up devices

- (1) A contracted service provider must not encourage a voucher-holder to select a top-up device where an approved hearing device available to the voucher-holder free of charge under the voucher system would reasonably meet the voucher-holder's hearing rehabilitation needs.

- (2) A contracted service provider must not supply a top-up device to a voucher-holder unless:
- (a) the contracted service provider has provided the voucher-holder with a written quote for the purchase of the top-up device which includes the full price, model and style of the top-up device and information on the maintenance and repair costs for the top-up device; and
 - (b) the voucher-holder has signed the quote.
- The contracted service provider must keep in its records a copy of the quote signed by the voucher-holder.
- (3) Where a contracted service provider provides a top-up device to a voucher-holder, the contracted service provider may charge the voucher-holder:
- (a) the price agreed between the voucher-holder and the contracted service provider for the top-up device; and
 - (b) the price agreed between the voucher-holder and the contracted service provider for additional maintenance and repairs,
- in accordance with the quote signed by the voucher-holder.
- (4) Where a contracted service provider fails to comply with this rule and a voucher-holder chooses a top-up device as a consequence of that failure, the Minister may require the contracted service provider to refund to the voucher-holder all charges incurred by the voucher-holder in connection with the top-up device.

18 Ongoing follow up assistance

- (1) A contracted service provider must, in respect of a voucher-holder who has received hearing services from the contracted service provider, provide or arrange for the provision of, any ongoing follow up assistance that is required by the voucher-holder.
- (2) For a period of 12 months after a contracted service provider fits a voucher-holder with a hearing device under the voucher system, ongoing follow up assistance must be provided free of charge.
- (3) In this rule, ***ongoing follow up assistance*** means:
- (a) provision of appropriate advice and assistance to the extent necessary for the voucher-holder to achieve a rehabilitation outcome that is commensurate with his or her needs; and
 - (b) checking the correctness of the fitting of a hearing device, if any, and providing any necessary modification to ensure the hearing device meets the voucher-holder's rehabilitation needs; and
 - (c) reassessment of the voucher-holder's rehabilitation needs and the provision of any further hearing rehabilitation services identified as necessary as a result of that reassessment; and
 - (d) if the voucher-holder has been fitted with a hearing device for the first time, provision of appropriate training to enable the voucher-holder to acquire and apply skills to maximise his or her communication abilities and better manage his or her hearing device and hearing loss.

19 Professional standards

- (1) A contracted service provider must, in relation to the provision of hearing services to a voucher-holder:
 - (a) exercise reasonable care for the voucher-holder's safety with respect to the environment, premises, hearing services and procedures used; and
 - (b) ensure the hearing services it provides meet the voucher-holder's needs and are complete; and
 - (c) ensure all follow-up required by rule 18 and the Outcomes document is undertaken; and
 - (d) exercise professional judgement and professional behaviour; and
 - (e) have due regard to the voucher-holder's individual requirements and identified hearing impairment; and
 - (f) provide the hearing services in accordance with the Outcomes document.
- (2) Subrule (1) does not affect the operation of any other law, including a law of a State or Territory.

20 Voucher-holder information

A contracted service provider who provides hearing services to a voucher-holder must give the voucher-holder details of the services that may be available to the voucher-holder free of charge under the voucher system, and any other appropriate information about the voucher system.

21 Referral of certain non-routine clinical findings

Where a contracted service provider identifies a voucher-holder as a non-routine client, the contracted service provider must:

- (a) ensure that the voucher-holder is assessed by a qualified practitioner (audiologist) or a medical practitioner; and
- (b) act on the advice of the qualified practitioner (audiologist) or medical practitioner in providing hearing services to the voucher-holder.

22 Not to discriminate against voucher-holders

- (1) A contracted service provider must not discriminate against a voucher-holder on the ground of the voucher-holder's:
 - (a) age; or
 - (b) disability; or
 - (c) gender; or
 - (d) racial or ethnic characteristics, origin or background; or

- (e) religious beliefs or affiliation; or
 - (f) sexual preference; or
 - (g) participation in the voucher system.
- (2) A contracted service provider discriminates against a voucher-holder for the purposes of this rule if, on a ground mentioned in subrule (1), the contracted service provider treats the voucher-holder less favourably than it treats, or would treat, a person who is not a voucher-holder or a person who does not have the relevant characteristic mentioned in subrule (1).
- (3) Treatment that is reasonable in the circumstances, for example, having regard to the person's hearing impairment, is not discriminatory for the purposes of this rule.
- (4) This rule does not affect the operation of any other law, including a law of a State or Territory.

Part 4 Rules about qualifications

23 Types of practitioner

- (1) A **qualified practitioner (audiologist)** is a person who is in an approved membership category for qualified practitioners (audiologist).
- (2) A person who:
 - (a) was a Qualified Practitioner (Audiologist) under the *Hearing Services Rules of Conduct 2005* immediately before they were repealed; and
 - (b) was not in an approved membership category on 1 July 2012,is taken to be a **qualified practitioner (audiologist)**. This subrule only applies until the person joins an approved membership category.
- (3) A **qualified practitioner (audiometrist)** is a person who is in an approved membership category for qualified practitioners (audiometrist).
- (4) A person who:
 - (a) was a Qualified Practitioner (Audiometrist) under the *Hearing Services Rules of Conduct 2005* immediately before they were repealed; and
 - (b) was not in an approved membership category on 1 July 2012,is taken to be a **qualified practitioner (audiometrist)**. This subrule only applies until the person joins an approved membership category.
- (5) A **provisional audiologist** is a person who is in an approved membership category for provisional audiologists.
- (6) A person who:
 - (a) was a Provisional Audiologist under the *Hearing Services Rules of Conduct 2005* immediately before they were repealed; and
 - (b) was not in an approved membership category on 1 July 2012,is taken to be a **provisional audiologist**. This subrule only applies until the person joins an approved membership category.
- (7) A **provisional audiometrist** is a person who is in an approved membership category for provisional audiometrists.
- (8) A person who:
 - (a) was a Provisional Audiometrist under the *Hearing Services Rules of Conduct 2005* immediately before they were repealed; and
 - (b) was not in an approved membership category on 1 July 2012,is taken to be a **provisional audiometrist**. This subrule only applies until the person joins an approved membership category.

24 Hearing services to be provided by qualified or supervised practitioners

- (1) A contracted service provider must ensure that the Hearing Device Maintenance and Rehabilitation Plus Group Services it provides to voucher-holders are conducted by service provider personnel with appropriate skills.
- (2) A contracted service provider must ensure that each person who provides hearing services, other than Hearing Device Maintenance or Rehabilitation Plus Group Services, to voucher-holders for or on behalf of the contracted service provider is:
 - (a) able to provide hearing services in accordance with these Rules, the Outcomes document and a service provider contract; and
 - (b) a qualified practitioner, provisional audiologist, provisional audiometrist or student.
- (3) A contracted service provider must ensure that a provisional audiologist providing hearing services to voucher-holders for or on behalf of the contracted service provider only provides those services under the supervision of a qualified practitioner (audiologist) in accordance with the requirements of the practitioner professional body of which the provisional audiologist is a member.
- (4) A contracted service provider must ensure that a provisional audiometrist providing hearing services to voucher-holders for or on behalf of the contracted service provider only provides those services:
 - (a) under the supervision of a qualified practitioner in accordance with the requirements of the practitioner professional body of which the provisional audiometrist is a member; or
 - (b) if the provisional audiometrist is not a member of a practitioner professional body:
 - (i) during the first 12 months of service provision after the provisional audiometrist became a provisional audiometrist under these Rules or the *Hearing Services Rules of Conduct 2005*, under the on site supervision of a qualified practitioner with at least 5 years experience as a qualified practitioner; and
 - (ii) after the first 12 months of service provision, under the on site supervision or off site supervision of a qualified practitioner with at least 5 years experience as a qualified practitioner.

Note Supervisory arrangements for students are outlined in the definition of **students** in rule 4.

- (5) A contracted service provider must ensure that a qualified practitioner, provisional audiologist or provisional audiometrist who provides hearing services to voucher-holders for or on behalf of the contracted service provider undertakes continuing professional development as required by the person's practitioner professional body or, if the person is not in an approved membership category, continuing professional development equivalent to that which would be required if he or she was in an approved membership category for the type of approval.
- (6) A contracted service provider must notify the Office within 10 business days after a qualified practitioner, provisional audiologist or provisional audiometrist starts or ceases working for the contracted service provider.

- (7) Within 10 business days after a person starts providing hearing services, other than Hearing Device Maintenance or Rehabilitation Plus Group Services, to voucher-holders for or on behalf of a contracted service provider, the contracted service provider must notify the Office of the person's name, date of birth, street address and approved membership category (if any).
- (8) A contracted service provider must notify the Office of any change to information notified to the Office under subrule (7), within 10 business days after the change.
- (9) If a person who provides hearing services, other than Hearing Device Maintenance or Rehabilitation Plus Group Services, to a voucher-holder for or on behalf of a contracted service provider is required by these Rules to be supervised when providing those services, the contracted service provider must keep a record of:
 - (a) the name and qualified practitioner number of each qualified practitioner who supervises the person; and
 - (b) the period of supervision by that qualified practitioner.

25 Qualified practitioner numbers

- (1) The Minister may allocate each qualified practitioner a unique number.
- (2) Each person who was a qualified practitioner under the *Hearing Services Rules of Conduct 2005* immediately before they were repealed is taken to have been allocated on 1 July 2012 a qualified practitioner number which is the same qualified practitioner number he or she was allocated under the *Hearing Services Rules of Conduct 2005*.

26 Authorisation

- (1) For the purposes of investigating and monitoring compliance with these Rules, the Minister may disclose information about a qualified practitioner, a provisional audiologist or a provisional audiometrist to:
 - (a) any practitioner professional body of which the person is or has been a member; or
 - (b) any contracted service provider that engages or has engaged the person.
- (2) For the purposes of investigating and monitoring compliance with these Rules, the Minister may obtain information about a qualified practitioner, a provisional audiologist or a provisional audiometrist from:
 - (a) any practitioner professional body of which the person is or has been a member; or
 - (b) any contracted service provider that engages or has engaged the person.

Part 5 Miscellaneous

27 Information to potential voucher-holders

- (1) If a person asks a contracted service provider about any hearing services which are available to participants in the voucher system, the contracted service provider must ask that person whether he or she is eligible under the voucher system for services funded by the Commonwealth. If the person indicates that he or she is or might be eligible, the contracted service provider must give the person details of the services that may be available to the person free of charge under the voucher system, and any other information about the voucher system the contracted service provider thinks appropriate.
- (2) Where:
 - (a) a contracted service provider fails to comply with subrule (1); and
 - (b) a person incurs charges as a consequence of the failure,the Minister may require the contracted service provider to refund to the person all or part of the charges.

28 Fees and charges

- (1) A contracted service provider must not accept a fee or any other payment from a voucher-holder for any hearing services available to participants in the voucher system except:
 - (a) where a voucher-holder chooses to be fitted with a top-up device, payments in accordance with subrule 17(3); or
 - (b) an approved hearing device replacement fee in accordance with paragraph (5)(a); or
 - (c) an annual maintenance payment in accordance with paragraph (5)(b).
- (2) A contracted service provider must not charge the Commonwealth or accept a fee or any other payment from a voucher-holder for any hearing service which is available to participants in the voucher system, but which is not available to that voucher-holder under his or her voucher.
- (3) If a contracted service provider accepts a fee or any other payment from a voucher-holder contrary to these Rules, it must refund that amount to the voucher-holder.
- (4) A contracted service provider must provide a receipt to a voucher-holder for any payment, and must retain copies of receipts for at least 7 years from the date of issuing the receipt.
- (5) A contracted service provider may charge a voucher-holder no more than:
 - (a) \$30 for an approved hearing device replacement; and

- (b) subject to subrule 17(3), as an annual fee for the supply of batteries for, and maintenance of, a hearing device:
 - (i) for the financial year in which these Rules commenced — \$38.60; or
 - (ii) for a later financial year — the amount calculated in accordance with rule 29.
- (6) Subrule (5) does not prevent the contracted service provider from imposing an additional charge equal to the amount of GST imposed in respect of the supply concerned.
- (7) In subrule (6):

GST and **supply** have the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

29 Indexation of annual maintenance fee

- (1) If, in a financial year, the latest CPI number is greater than the earlier CPI number, the amount of the annual fee for the purposes of subparagraph 28(5)(b)(ii) is calculated in accordance with the formula:

$$\frac{\text{previous annual maintenance fee} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

- (2) If the amount calculated under subrule (1) is not a multiple of five cents, the amount is to be rounded to the nearest multiple of five cents.
- (3) If, in a financial year, the latest CPI number is less than the earlier CPI number, the amount of the annual fee for the purposes of subparagraph 28(5)(b)(ii) is the amount of the previous annual maintenance fee.
- (4) Subject to subrule (5), if at any time, before or after the commencement of these Rules, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number is to be disregarded for the purposes of this rule.
- (5) If, at any time, before or after the commencement of these Rules, the Australian Statistician changes the reference base for the Consumer Price Index, then, in applying this rule after the change is made, regard is to be had only to CPI numbers published in terms of the new reference base.
- (6) In this rule:

CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

earlier CPI number is the CPI number for the last March quarter before the start of the previous financial year.

latest CPI number is the CPI number for the last March quarter before the end of the previous financial year.

March quarter means a period of 3 months ending at the end of March.

previous annual maintenance fee is the annual fee that applied in the previous financial year under paragraph 28(5)(b).

Note Information about the annual maintenance fee is available at <http://www.health.gov.au/hear>.

Schedule 1 Approved membership categories

(rule 4)

Part 1 Qualified practitioners (audiologist)

1. Full member of the Audiological Society of Australia Inc. (ABN 11 064 552 781) who has obtained a Certificate of Clinical Practice
2. Ordinary member of the Australian College of Audiology Incorporated (ARBN 115 806 061) with competency in Hearing Aid Dispensory

Part 2 Qualified practitioners (audiometrist)

1. Ordinary member of the Australian College of Audiology Incorporated (ARBN 115 806 061) with competency in Hearing Aid Dispensory
2. Full member-A of the Hearing Aid Audiometrist Society of Australia Incorporated (ABN 69 237 839 727)

Part 3 Provisional audiologists

1. Full member of the Audiological Society of Australia Inc. (ABN 11 064 552 781)
2. Associate member of the Australian College of Audiology Incorporated (ARBN 115 806 061)

Part 4 Provisional audiometrists

1. Associate member of the Australian College of Audiology Incorporated (ARBN 115 806 061)
2. Associate member of the Hearing Aid Audiometrist Society of Australia Incorporated (ABN 69 237 839 727)