



# Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations 2014

Rt Hon Dame Sian Elias, Administrator of the Government

## Order in Council

At Wellington this 19th day of May 2014

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 324 of the Accident Compensation Act 2001, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for ACC made after complying with section 324(2) of that Act, makes the following regulations.

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**Accident Compensation (Apportioning  
Entitlements for Hearing Loss) Amendment  
Regulations 2014**

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**Regulations**

- 1 Title**

These regulations are the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations 2014.
- 2 Commencement**

These regulations come into force on 1 July 2014.
- 3 Principal regulations**

These regulations amend the Accident Compensation (Apportioning Entitlements for Hearing Loss) Regulations 2010 (the **principal regulations**).
- 4 Regulation 4 amended (Interpretation)**

In regulation 4, insert in its appropriate alphabetical order:  
“**claimant** means a person aged 18 years or over”.
- 5 Regulation 5 amended (Assessment)**

In regulation 5(2), replace “\$155.00” with “\$157.76”.
- 6 New regulation 5A inserted (Device consultations)**

After regulation 5, insert:  
“**5A Device consultations**  
“(1) This regulation applies when—

- “(a) an audiologist does an assessment and report under regulation 5; and
  - “(b) the claimant has covered hearing loss; and
  - “(c) the claimant has the Corporation’s prior approval to the application of this regulation; and
  - “(d) the claimant has not yet chosen to receive new or replacement devices; and
  - “(e) the claimant consults an audiologist for the purposes of considering a range of devices suitable to his or her needs and budget.
- “(2) The maximum cost that the Corporation is liable to pay for 1 device consultation is \$100.00.
- “(3) The cost to which the claimant is entitled is payable for a maximum of 2 device consultations.
- “(4) However, the Corporation is only liable to pay for the second device consultation if that consultation occurs with an audiologist who was not involved in the first device consultation.
- “(5) The cost is payable at intervals of at least 6 years.”

**7 Regulation 6 amended (Devices not chosen)**

In regulation 6(2), replace “\$120.00” with “\$122.14”.

**8 Regulation 7 amended (Devices)**

In regulation 7(2), delete “in table 1”.

**9 Regulation 8 amended (Fittings)**

- (1) Replace regulation 8(2) and (3) with:
- “(2) The cost that the Corporation is liable to pay for a fitting for both ears is \$1,120.00.
- “(3) The cost that the Corporation is liable to pay for a fitting for 1 ear is \$816.00.”
- (2) In regulation 8(6), replace “\$300.00” with “\$305.34”.

**10 Regulation 9 amended (Service)**

In regulation 9(2), replace “\$50.00” with “\$50.89”.

**11 Regulation 10 amended (Repairs)**

Replace regulation 10(2) and (3) with:

- “(2) The maximum cost that the Corporation is liable to pay for 1 or more repairs of the device is \$203.56.
- “(3) The cost to which the claimant is entitled is payable for every 2 years from the end of the warranty period on the device.
- “(4) In this regulation, **repair** does not include the provision of, or fitting of, a replacement ear mould.”

**12 New regulation 10A inserted (Replacement ear moulds)**

After regulation 10, insert:

**“10A Replacement ear moulds**

- “(1) This regulation applies when—
  - “(a) an audiologist does an assessment and report under regulation 5; and
  - “(b) the claimant has covered hearing loss; and
  - “(c) an audiologist has fitted devices for 1 or both ears that include an ear mould.
- “(2) The maximum cost that the Corporation is liable to pay—
  - “(a) for each replacement ear mould is \$36.40; and
  - “(b) for the fitting of a replacement ear mould for 1 or both ears is \$54.78.
- “(3) The cost to which the claimant is entitled is payable from the date that is 1 year after the fitting of the device under regulation 8.”

**13 Schedule replaced**

Replace the Schedule with the Schedule set out in the Schedule of these regulations.

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**Schedule** r 13

**Schedule replaced**

**Schedule** r 7(2)

**Maximum cost that Corporation is liable to pay for devices for each ear with covered hearing loss**

Covered hearing loss as percentage of total hearing loss	Cost (\$)
0.1–29.9	458.00
30.0–59.9	916.00
60.0–100	1,527.00

Michael Webster,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2014, amend the Accident Compensation (Apportioning Entitlements for Hearing Loss) Amendment Regulations 2010 (the **principal regulations**) by—

- inserting a new definition of claimant into regulation 4 of the principal regulations, which has the effect of limiting the application of the principal regulations to persons aged 18 years or over. As a result, the needs of claimants aged under 18 years will be considered on a case by case basis in individual rehabilitation plans agreed under Part 4 of the Accident Compensation Act 2001 to ensure that they receive payments towards devices, fittings, and repairs that better meet their needs:
- inserting *new regulation 5A* into the principal regulations, which introduces a new requirement for the Accident Compensation Corporation (the **Corporation**) to contribute up to \$100.00 towards the cost of a claimant’s consultation with an audiologist for the purposes of choosing a device suitable to

his or her needs and budget. The Corporation will contribute towards the cost of a maximum of 2 device consultations:

- prescribing fixed costs under *new regulation 8(2) and (3)* that the Corporation is liable to pay towards the fitting of a claimant's device by an audiologist for both ears and 1 ear. These replace the graduated scale of costs prescribed in tables 2 and 3 of the Schedule (which are not carried over by these regulations) that the Corporation is currently liable to pay. The new costs are \$1,120.00 for both ears and \$816.00 for 1 ear:
- replacing the current obligations in regulation 10(2) and (3) for the Corporation to contribute up to \$200.00 for 1 device repair per claimant every 2 years from the end of the device warranty period with new provisions that require the Corporation to contribute up to \$203.56 per device for 1 or more repairs of the device every 2 years from the end of the warranty period:
- inserting *new regulation 10A* into the principal regulations, which introduces a new requirement for the Corporation to contribute to the cost of replacement ear moulds that may be used with a claimant's device. The costs that the Corporation is liable to pay for ear moulds are \$36.40 for each ear mould and a fixed cost of \$54.78 for the fitting of an ear mould (whether for 1 or both ears):
- replacing the Schedule of the principal regulations, which currently specifies the maximum cost that the Corporation is liable to pay for devices for each ear with covered hearing loss in 10 apportionment bands based on the percentage of covered hearing loss to total hearing loss. The *new Schedule* reduces the number of device apportionment bands from 10 to 3 bands. The effect of reducing the number of apportionment bands is to increase the Corporation's contribution towards the cost of hearing devices for most claimants.

The regulations also increase the following costs that the Corporation is liable to pay under the regulations by 1.78%:

- the cost payable under regulation 5(2) where an audiologist completes an assessment of a claimant and provides a report to the Corporation (which is increased from \$155.00 to \$157.76):

- the cost payable under regulation 6(2) where a claimant consults an audiologist but chooses not to receive a device (which is increased from \$120.00 to \$122.14):
- the cost payable under regulation 8(6) where a claimant has a device fitted by an audiologist for his or her other ear within 1 year of having a device fitted for 1 ear (which is increased from \$300.00 to \$305.34):
- the cost payable under regulation 9(2) where one of the claimant's devices is serviced by an audiologist (which is increased from \$50.00 to \$50.89).

### **Regulatory impact statement**

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 11 February 2014 to help inform the decisions taken by the Government relating to the contents of these regulations.

A copy of this regulatory impact statement can be found at—

- <http://www.mbie.govt.nz/about-us/publications/ris>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 22 May 2014.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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