



# **Accident Compensation (Apportioning Entitlements for Hearing Loss) Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 22nd day of November 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 324 of the Accident Compensation Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, given on the recommendation of the Minister, makes the following regulations.

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## Regulations

- 1 Title**  
 These regulations are the Accident Compensation (Apportioning Entitlements for Hearing Loss) Regulations 2010.
- 2 Commencement**  
 These regulations come into force on 1 January 2011.
- 3 Purpose**  
 These regulations prescribe the costs that the Corporation is liable to pay for entitlements for covered hearing loss.
- 4 Interpretation**  
 In these regulations,—  
**covered hearing loss** means hearing loss covered as a personal injury  
**devices** means—
  - (a) hearing aids;
  - (b) accessories for hearing aids, including, but not limited to, remote controls;
  - (c) consumables, excluding batteries, for the items in paragraphs (a) and (b).
- 5 Assessment**
  - (1) This regulation applies when an audiologist—
    - (a) completes a full audiological assessment using pure tone audiogram and speech audiometry; and
    - (b) provides a report to the Corporation.
  - (2) The cost that the Corporation is liable to pay is \$155.00.
  - (3) The cost is payable for—

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- (a) the first assessment and report; and
- (b) subsequent assessments and reports if they occur at intervals of at least 6 years.

**6 Devices not chosen**

- (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) an audiologist fits devices for 1 ear or both ears for a trial period of at least 2 weeks; and
  - (e) an audiologist provides follow-up services and incurs expenses for handling and management; and
  - (f) at the end of the trial period, the claimant chooses not to receive devices.
- (2) The cost that the Corporation is liable to pay is \$120.00.
- (3) The cost is payable at intervals of at least 6 years.

**7 Devices**

- (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) an audiologist fits devices for 1 ear or both ears for a trial period of at least 2 weeks; and
  - (e) an audiologist provides follow-up services and incurs expenses for handling and management; and
  - (f) at the end of the trial period, the claimant chooses to receive devices.
- (2) The maximum cost that the Corporation is liable to pay for devices for each ear with covered hearing loss is prescribed in table 1 in the Schedule.
- (3) The cost to which the claimant is entitled is payable—
  - (a) when the devices are first fitted; and

- (b) at intervals of at least 6 years subsequently.

## **8 Fittings**

- (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) an audiologist fits devices for 1 ear or both ears for a trial period of at least 2 weeks; and
  - (e) an audiologist provides follow-up services and incurs expenses for handling and management; and
  - (f) at the end of the trial period, the claimant chooses to receive devices.
- (2) The cost that the Corporation is liable to pay for a fitting for both ears is prescribed in table 2 in the Schedule.
- (3) The cost that the Corporation is liable to pay for a fitting for 1 ear is prescribed in table 3 in the Schedule.
- (4) The costs described in subclauses (2) and (3) are payable—
  - (a) when the fitting first occurs; and
  - (b) at intervals of at least 6 years subsequently.
- (5) Within 1 year of a fitting under subclause (3), the claimant is entitled to 1 fitting for the other ear.
- (6) The cost that the Corporation is liable to pay for the fitting described in subclause (5) is \$300.00.

## **9 Service**

- (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 fits devices for 1 ear or both ears for a trial period of at least 2 weeks; and
  - (d) at the end of the trial period, the claimant chooses to receive devices; and
  - (e) one of the devices requires a service that is carried out at an audiologist's office.

- (2) The maximum cost that the Corporation is liable to pay for 1 service is \$50.00.
- (3) The cost to which the claimant is entitled is payable for a maximum of 2 services per year.

### **10 Repairs**

- (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 fits devices for 1 ear or both ears for a trial period of at least 2 weeks; and
  - (d) at the end of the trial period, the claimant chooses to receive devices; and
  - (e) one of the devices requires a repair that cannot be carried out at an audiologist's office.
- (2) The maximum cost that the Corporation is liable to pay for 1 repair is \$200.00.
- (3) The cost to which the claimant is entitled is payable for a maximum of 1 repair every 2 years from the end of the warranty period on the device.

### **11 GST excluded**

All costs referred to in these regulations are exclusive of goods and services tax.

### **12 Consequential amendments**

- (1) This regulation amends the Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003.
  - (2) The Schedule is amended by revoking the heading “**Audiologists' costs**” and the 4 items relating to audiologists' costs following the heading.
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**Schedule**

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**Tables of percentage hearing loss and  
costs**

Table 1

*Maximum devices costs*

<b>Covered hearing loss as percentage of total hearing loss</b>	<b>Cost (\$)</b>
0.1 – 9.9	150.00
10.0 – 19.9	300.00
20.0 – 29.9	450.00
30.0 – 39.9	600.00
40.0 – 49.9	750.00
50.0 – 59.9	900.00
60.0 – 69.9	1,050.00
70.0 – 79.9	1,200.00
80.0 – 89.9	1,350.00
90.0 – 100	1,500.00

Table 2

*Fitting costs for both ears*

<b>Covered hearing loss as percentage of total hearing loss</b>	<b>Cost (\$)</b>
0.1 – 9.9	120.00
10.0 – 19.9	240.00
20.0 – 29.9	360.00
30.0 – 39.9	480.00
40.0 – 49.9	600.00
50.0 – 59.9	720.00
60.0 – 69.9	840.00
70.0 – 79.9	960.00
80.0 – 89.9	1,080.00
90.0 – 100	1,200.00

Table 3  
*Fitting costs for 1 ear*

<b>Covered hearing loss as percentage of total hearing loss</b>	<b>Cost (\$)</b>
0.1– 9.9	90.00
10.0 – 19.9	180.00
20.0 – 29.9	270.00
30.0 – 39.9	360.00
40.0 – 49.9	450.00
50.0 – 59.9	540.00
60.0 – 69.9	630.00
70.0 – 79.9	720.00
80.0 – 89.9	810.00
90.0 – 100	900.00

Rebecca Kitteridge,  
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 prescribe the costs that the Accident Compensation Corporation is liable to pay for covered hearing loss.

The regulations come into force on 1 January 2011.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 November 2010.

These regulations are administered by the Department of Labour.

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