



Reconsideration and Appeals

This webpage explains how a reconsideration of a decision made by the Australian Government Hearing Services Program (the program) works under the *Hearing Services Administration Act 1997* (the Act). This webpage also explains making an application for review to the Administrative Appeals Tribunal (AAT) in relation to a reconsideration decision made by the program under the Act.

What is a request for reconsideration?

A request for reconsideration means making an application for a decision you are affected by and dissatisfied with to be looked at again within the Department of Health.

The Minister for Health has the power to reconsider decisions under the Act. However, this power is delegated by the Minister to various senior officers within the Department of Health, including the Assistant Secretary and certain Directors of the program.

For example, if the program refuses to issue you with a voucher to receive hearing services because you are considered to be ineligible and you think that decision is wrong, you may apply for a reconsideration of that decision.

The officer who reconsiders the decision may affirm, vary or revoke the original decision. Importantly, that decision-maker will need to apply the relevant legislative criteria in making the reconsideration decision.

Request for a reconsideration

What decisions can be reconsidered?

The Act specifies the types of decisions able to be reconsidered. An application can be made in relation to any of the following decisions

- A decision made under the Act refusing to issue a voucher to a participant in the voucher system.
- A decision made *under section 19* of the Act, relating to disqualification for fraud, dishonesty etc. e.g. a decision to cancel accreditation of an entity because related persons were disqualified.
- A decision made under *the Hearing Services Program (Voucher) Instrument 2019*, including
 - A decision to not authorise a service provider to replace a hearing device.
 - A decision to refuse to accredit an entity.
 - A decision to warn a service provider that it has contravened a condition of its accreditation and that further action may be taken.
 - A decision to refuse to allocate a qualified practitioner number.

How much does it cost to request a reconsideration?

Making an application for a reconsideration of a decision is free.

How to make a request for reconsideration

If you are affected by and dissatisfied with a decision and you wish to request reconsideration, you should submit an application for reconsideration as soon as possible. An application for reconsideration must be made within 28 days of the original decision. An extension beyond the 28 day deadline may be granted in some circumstances.

You must submit an application for reconsideration using the approved application form, available on forms and publications page of the website. An application for reconsideration can be emailed or posted to

Email hearing@health.gov.au, or

Reconsideration Requests
Australian Government Hearing Services Program
Department of Health
Mail Drop Point 113
GPO Box 9848
Canberra ACT 2601

Please include the word 'reconsideration' in the heading, if you are emailing. You should also make sure that you keep a copy of the original decision and your application for reconsideration for your own records.

How long does it take for a reconsideration to be made?

A reconsideration decision must be made within 90 days of the Department of Health receiving the application. If a decision is not made within this period, it will be taken that the decision-maker has made a reconsideration decision to affirm the original decision.

What happens during the reconsideration?

The National Manager (or other decision-maker separate to the original decision-maker) will consider your application for reconsideration against the criteria in the legislation that needs to be applied in making the decision.

Once the reconsideration decision is made, a letter will be sent to you giving notice of the reconsideration decision. The letter will explain what the reconsideration decision is, the reasons for the reconsideration and your rights to appeal the decision to the AAT.

Appeal to the administrative appeals tribunal (AAT)

What if I'm not happy with the reconsideration decision?

If you are dissatisfied with a reconsideration decision and believe your interests are affected by the reconsideration decision, an application for review (also sometimes referred to as an 'appeal') can be made to the AAT. This is sometimes referred to as external review, as the AAT is an entirely separate and independent body.

If you decide to appeal to the AAT, you must follow the AAT's application process. Importantly, an application to the AAT must be made within 28 days of the date you receive notice of the reconsideration decision. The AAT may approve an extension to this deadline in some circumstances.

The AAT application form will ask you to attach a copy of the decision you are seeking review of and to set out your reasons for your view that the reconsideration decision is wrong.

Please refer to the AAT website, where you can find the application details and other useful information.

What decisions can I appeal to the AAT?

You can make an application for review (or an 'appeal') to the AAT in relation to any of the types of reconsideration decisions under 'What decisions can be reconsidered?' above. This is because the Act provides the AAT with the jurisdiction to review the above types of reconsideration decisions.

(Issue Date 0817)

A notice of a reconsideration decision should inform you of whether you have the option of applying to the AAT for review.

Do I have to ask for a reconsideration before I make an application to the AAT?

Yes, under the Act, only a reconsideration decision can be appealed to the AAT.

Is there a fee to make an application to the AAT?

There is a fee for making an application to the AAT. However, if you hold a health care card or a Commonwealth Seniors Health Card you may pay a reduced fee. If you believe you cannot afford to pay the full fee, you can apply to pay a reduced fee. More information about the AAT application fee and the form to apply to have the fee reduced is available on the [AAT Website](#)

Are there any other review options if I am a gold or white card holder with the Department of Veterans' Affairs?

If you are a gold or white card holder with the Department of Veterans' Affairs (DVA) you may be able to seek internal review through the DVA of a decision made by the DVA that affects you.

Any internal review can only be conducted in relation to the matters administered by the Australian Government Hearing Services Program under the Act. Accordingly, any internal review by DVA can only be conducted in relation to the matters administered by DVA.

For further details on requesting a review of a DVA decision, please see the [DVA Website](#)

Please be aware that this page is not legal advice. This page is not tailored for any specific situation. Please seek the services of a legal practitioner if you require legal advice.

(Issue Date 0817)