

INQUIRY INTO THE HIGH LEVELS OF INVOLVEMENT OF INDIGENOUS JUVENILES AND YOUNG ADULTS IN THE CRIMINAL JUSTICE SYSTEM

SUBMISSION FROM AUSTRALIAN HEARING

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Background - About Australian Hearing

Australian Hearing is the Government provider of hearing services under the Australian Government Hearing Services Program and includes the National Acoustic Laboratories (NAL), the research division of Australian Hearing.

Australian Hearing is a statutory authority constituted under the *Australian Hearing Services Act 1991*, and is subject to the requirements of the *Commonwealth Authorities and Companies Act 1997*. Australian Hearing reports through a Board to the Minister for Human Services, Financial Services, Superannuation and Corporate Law, the Hon. Chris Bowen MP.

The functions that Australian Hearing can undertake are defined in Section 8 of the *Australian Hearing Services Act 1991*. The activities relating to service provision that Australian Hearing can undertake, are limited to people who meet the eligibility criteria under the Australian Government Hearing Services Program.

The Australian Government Hearing Services Program is administered by the Department of Health and Ageing through the Office of Hearing Services. The Hearing Services Program has two streams; the Voucher program and the Community Service Obligation (CSO) program.

Eligibility criteria – Voucher Program

To be eligible to receive services under the Australian Government Hearing Services Program as a Voucher client a person must be an Australian citizen or a permanent resident 21 years of age or older and a:

- Pensioner Concession Card holder
- Repatriation Health Card holder where the card is issued for all conditions
- Repatriation Health Card holder where the card is issued for conditions that include hearing loss
- recipient of a sickness allowance from Centrelink
- dependant of a person in one of the above categories
- member of the Australian Defence Force or
- referred clients of an Australian Government funded vocational rehabilitation service.

Eligibility criteria – CSO Program

To be eligible to receive services under the Australian Government Hearing Services Program as a Community Service Obligation client a person must be an Australian citizen or permanent resident who is:

- under 21 years of age
- an adult client who meets the Voucher program eligibility criteria and has a profound hearing loss or hearing loss and severe communication impairment
- an Aboriginal person or Torres Strait Islander person who is over 50 years of age
- an Aboriginal or Torres Strait Islander person who is a participant in a Community Development Employment Project Program
- an Aboriginal or Torres Strait Islander person who was a former participant of a Community Development Employment Project Program between 1 December 2005 and 30 June 2008 (valid until 1 July 2012)

- a person who meets the Voucher program eligibility criteria, and lives in a remote area of Australia
- a person referred by the Safety, Rehabilitation and Compensation Commission under the *Safety, Rehabilitation and Compensation Act 1988* or
- a person engaged under the *Public Service Act 1999* or a member of staff of a body that is a Commonwealth Authority and referred for the purpose relating to a medical examination in connection with the person's employment.

Australian Hearing competes with over 200 private service providers to provide services to people who meet the eligibility criteria for the Voucher program.

Australian Hearing is the sole provider of services to Australian citizens and permanent residents who qualify for services through the CSO program.

Australian Hearing cannot provide services to people who do not meet the eligibility criteria for the Australian Government Hearing Services Program.

Australian Hearing offers the following information in relation to two of the Terms of Reference relating to the Inquiry into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system.

- **Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.**

Indigenous children have exceptionally high rates of middle-ear infection during early childhood. There are also high rates for children of school age. For many Indigenous children, English is their second language. The combination of hearing loss, listening in a second language, and classrooms that are acoustically reverberant result in greatly reduced ability of Indigenous children to understand the lessons they are being taught in school. This combination is thus part of a long-term cycle where poor hearing leads to poor education, with consequent poorer employment and lower income prospects, lower living conditions and poorer health, including poor hearing. Hearing loss, and its impact on education, exacerbates the disadvantages generally faced by Indigenous people and increases their risk of coming into contact with the criminal justice system (EarInfoNet: Review of Ear Health and Hearing).

It is possible to break the strength of this cycle by ensuring good hearing in school, despite the existence of hearing loss. The necessary technology exists - acoustic absorption to make rooms less reverberant and a sound-field amplification system (a low-power PA system with a wireless microphone) to give all children in the class a louder and clearer signal. The system provides proven educational benefits, even in classrooms where there is not a high prevalence of hearing loss (Massie R, Dillon H, 2006)

Teachers who have used sound-field amplification system report it is helpful because:

- students with mild hearing loss can hear and follow instructions more easily
- students behave better because they know what they're supposed to be doing
- students are less distracted by outside noises
- students can concentrate longer and get more involved in activities
- there is less noise in the classroom because students are more on-task
- the teacher's voice is less strained.

The Australian Government Hearing Services Program does not fund the purchase of sound-field amplification systems. There is no single authority, state or federal, education or health, which has responsibility to ensure that classrooms with a high proportion of Indigenous children have been acoustically treated or had sound-field systems installed.

- **The scope for clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system**

Given the over representation of Indigenous youth in the juvenile justice system and the high prevalence of hearing loss in the Indigenous population it is likely that a high proportion of Indigenous juveniles and young adults in juvenile detention centres will have a hearing loss.

A study of Indigenous adult prisoners in Victoria found that 12% of prisoners had a hearing loss in at least one ear compared with 5% in an age matched Australian adult population. (Quinn S, Rance G, 2009).

The presence of hearing loss could affect the person's ability to adequately hear and understand courtroom proceedings and could impact negatively on daily interactions in detention and on the person's participation in, and benefit gained from, a rehabilitation program.

While the health and welfare of young adults in juvenile detention is the responsibility of State Governments, the funding available for health services is not usually sufficient to cover the cost of hearing devices. Hearing aids in the private market can cost from \$2,000 - \$6,000 each not including batteries and repairs.

Children with hearing loss that requires hearing aid fitting are able to access free service under the Australian Government Hearing Services Program. Australian Hearing is the sole provider of services to children under this program. However, the Hearing Services Program does not extend to people in juvenile detention centres or adult prisons.