

Violence Laws in Australia' Paper presented to the conference In the Mainstream: Contemporary Perspectives on Family Violence, September 1999, Belfast.

7 'The care and protection of children : the interaction of the Magistrates and Family Courts : More than all the King's Horses and all the King's Men' a paper delivered at the 11th Annual AIJA Magistrates Course, Monday 23 November, 1998 available at <http://www.familycourt.gov.au/papers/html/faulks2.html>

8 (1997) FLC ¶92-755 at par 10.12

9 See for example: Australian Law Reform Commission/ Human Rights and Equal Opportunity Commission (1997) *Seen and Heard : priority for children in the legal process*, Report No 84, ALRC, Sydney. The Australian Section of Defence for Children International (1996) *Australia's Promises to Children - The Alternative Report*; G. Brewer and P. Swain (1993) *Where Rights are Wronged - A Critique of Australia's Compliance with the United Nations Convention on the Rights of the Child*, National Children's Bureau of Australia, Melbourne; J. Harvey, U. Dolgopol and S. Castell-McGregor (Eds) (1993) *Implementing the U.N. Convention on the Rights of the Child*, Children's Interests Bureau, Adelaide.

10 Joint Standing Committee on Treaties *United Nations Convention on the Rights of the Child - 17th Report*, tabled 28 August 1998 available at <http://www.aph.gov.au/house/committee/jsct/REPORTS/Report17/Rept17Contents.htm>. See Executive Summary under the heading "Publicising the Convention". It appears there has been no Government response to the Joint Standing Committee's Report.

11 See Defence for Children International (Australia) (1998) *Taking Children Seriously: A Commission for Children and Young People*. The concrete proposal arising from the analysis is available at <http://www.dci-au.org/html/section6.html>. [Editorial Note: See also Youth Affairs Council of Victoria (2001) *Are You Listening to Us - The case for a Victorian Children's and Young People's Commission*].

Detention Evidence To Be Public

On 9 October 2002, Dr Sev Ozdowski, the Human Rights Commissioner, handed down his decision regarding the proposed public hearing involving the Department of Immigration Multicultural and Indigenous Affairs (DIMIA) and Australasian Correctional Management

(ACM). He decided that the public hearing for DIMIA and ACM will be held from 2-5 December 2002. It is not yet known whether DIMIA and/or ACM will appeal. This is an edited extract from the summary issued by the Commission. The full text of the Commissioner's reasons is at: http://www.humanrights.gov.au/human_rights/children_detention/dimia/reasons.html

The National Inquiry into Children in Immigration Detention ("the Inquiry") has been holding public hearings throughout the year to hear submissions and take evidence. I had intended to hold a public hearing from 9-12 September 2002 at which officers from the Department of Immigration and Multicultural and Indigenous Affairs ("DIMIA") and Australasian Correctional Management ("ACM") were to attend to make submissions and answer questions in relation to the Inquiry. However, an application was made by DIMIA and ACM for directions to maintain the confidentiality of documents that had been produced to the Commission by DIMIA and ACM in response to Notices that I had issued under the *Human Rights and Equal Opportunity Commission Act 1986* (Cth) and I decided to suspend the public hearings to resolve the issue.

On 12 September 2002, DIMIA and ACM appeared before me and made submissions in support of their application for directions. Section 10(1)(b) of the Act requires the Commission to ensure its functions are performed for the greatest possible benefit to the people of Australia. This aim is promoted by maintaining a transparent and open process. I have carefully considered all of the submissions made by DIMIA and ACM. However, I have decided in the majority of cases not to make a direction for confidentiality. In many cases I have rejected the claims made by DIMIA and ACM altogether. Where I have accepted the concerns raised by DIMIA and ACM I have balanced them with the interests of the public in being informed of the results of the Inquiry and other relevant factors.

I have decided that the public hearing for DIMIA and ACM will be held from 2-5 December 2002. These are dates suitable to the Commission and will give the Commission, DIMIA and ACM time to prepare for the hearings on the basis of the present decision.