

Crown can do wrong
Judith Bessant
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<http://www.theage.com.au/national/letters/reward-businesses-who-cut-pollution-20110211-1aqia.html>

WE LIVE in strange times. The corruption watchdog is holding Justin Madden, the former planning minister, accountable for his role in the sham public consultation associated with the Windsor Hotel redevelopment. No such accountability is being exercised with the relevant government agencies responsible for children in Victoria's child protection system or the juvenile justice system.

In a recent report to State Parliament the Victorian ombudsman complained about the way young people are being exposed to sexual assault and other "unacceptable risks" due to the breakdown of the child protection system. We know from other reports that vulnerable young people in child protection are being denied food, clothing, medical care and school books. Young people who can be held for years on remand, sometimes for a year or two, within our youth justice centres are still being denied schooling.

What role does the law play when the state breaks its own laws, breaches relevant rights and causes serious social and personal harm? Our statutes ought to bind the government when it acts or fails to act. At stake is the question of state immunity from legal liability.

It may be time to take the principle of equality before the law seriously and ask whether it is time to review the practice that sees Crown employees afforded special protection from prosecution.

Professor Judith Bessant, RMIT University