

## Legislative Council

Wednesday, 28 September 2011, Page 3959

### TERNEZIS, MS K.

**The Hon. A. BRESSINGTON** (17:21): I move:

That the Legislative Council condemns the failure of the Attorney-General to answer the questions asked in the Legislative Council concerning the case of Ms Katrina Ternezis and to substantially respond to correspondence sent by Mr John Ternezis concerning the same.

As the text of the motion suggests, I am calling upon this council to condemn the Attorney-General for his failure to substantially respond to the numerous letters sent by Mr Ternezis concerning the state's failure to adequately care for and protect his daughter who, by virtue of a Youth Court order, was under the state's, or more accurately Family and Youth Services' (now Families SA but which, for ease, I will refer to as FAYS) control.

Whilst each member in this place—or at least members elected prior to 2010—has received a detailed outline of the failings of the state, which was prepared by Mr Ternezis' legal representative, for members not familiar with it, the facts (which, by FAYS' own documentation, are beyond dispute) are that Mr Ternezis' daughter Katrina ran away from home at the age of 13. She subsequently came under the control of the minister via a Youth Court order, which included a residency order and a curfew that the state was responsible for enforcing.

Despite the state having effective control, Mr Ternezis' daughter ended up, at the age of 14, living with three men who were supplying her with drugs, resulting in a serious heroin habit. At the age of 14 she then became pregnant to one of the adult men, who is believed to have been 33 at the time, and at age 15 had a baby. None of the three men were charged with any offences, despite Mr Ternezis, on numerous occasions, reporting his daughter's living arrangements, drug use and sexual activity with the adult men. Katrina herself apparently disclosed this to FAYS workers.

Having spent years going through all the documentation generated by FAYS during this period in his daughter's life, Mr Ternezis can find no evidence that FAYS made any attempt to report the matter to police. They also saw no harm in her living with these men. This is despite a clear offence being committed against the Criminal Law Consolidation Act 1935.

At the time, Mr Ternezis sought out every possible means for protecting his daughter, including taking his complaints to the then state ombudsman Mr Eugene Biganovsky who, in a letter dated 11 November 2002, defended the department, stating:

In care and protection applications in custody and guardianship orders, Family and Youth Services must establish an evidentiary base, beyond allegations and suspicions, to bring forth an application for Youth Court deliberations. Family and Youth Services consulted with the Crown Solicitor in relation to the matters raised ... who is of the view that there is insufficient evidence to remove Katrina from her present living arrangements [that is, with the three men] or make an application to the Youth Court.

At the time of this statement, the child had already become pregnant and a report by an in-house psychologist dated 24 August 1999 even corroborated that the child had admitted to having sexual relations and drug use (supplied by the men). Mr Ternezis has since

approached the current Ombudsman seeking a review of the original complaint, which the Ombudsman declined due to the time that has elapsed.

Whilst thankfully Katrina eventually went on to become a healthy and successful young woman, the detail outlined (which I can provide to members if they wish) makes shocking disclosures about departmental malpractice relating to abuse of public office, lack of enforcement of court orders (specifically Youth Court orders), and lack of professional application of policy and procedures of case workers in FAYS, which could have so easily seen this case end in tragedy.

The added tragedy to Mr Ternezis' story is that he has spent the last 11 years since that time trying to hold the child protection authorities to account in order that no other family should relive his horror. I remind the house that, just yesterday, I asked a question about yet another runaway teenager—15 years of age—who also was placed at risk and, also, no action was taken by the department or the police to ensure this child's safety.

This is not just about Mr Ternezis: this is still happening today, and we still do nothing about it. He is not out for compensation but is simply passionate about ensuring that the state is accountable for its actions and omissions when exercising care and control for children so that this does not happen again. Despite this, Mr Ternezis says that all former ministers of FAYS and the department's attitude was always one in which they felt that the best thing for his daughter was for them to support her in doing whatever she liked to do, and that since that time he simply has been ignored by contemporary ministers and the Attorney-General, which brings me back to the motion at hand.

Mr Ternezis has, over the years, been relentless in his attempts to have the department's failings acknowledged. This has included numerous letters to ministers, the Attorney-General and the Premier. The most recent letters by Mr Ternezis to the Attorney-General, dated 30 August 2010 and 1 October 2010 (copies of which I am happy to provide to members), to which he has only received acknowledgments and never a substantive reply, concern questions which I asked in the council seeking clarification to the only answer I have ever received from a minister when asking about Mr Ternezis' case.

For the benefit of members, I will quote the question I asked, first, on 1 September 2009 to the former attorney-general, and then, with few variations, I asked a question again on 30 June 2010 to the current Attorney-General. On 4 March and 24 March 2009 I asked a series of questions of the former attorney-general and the then minister for families and communities about the abuse of public office, lack of enforcement of court orders and the lack of compliance with policy and procedures of Families SA by case workers arising from the detailed chronology provided to all members by Mr John Ternezis concerning his daughter's case.

On 22 September 2009 I received a wholly insufficient answer to my questions, which in part read:

The minister, the Ombudsman and the Crown Solicitor's Office do not agree with Mr Ternezis and the honourable member about the facts, or that the law does not make them guilty of these allegations.

This follows a long history of ministers and public officials denying any wrongdoing on the part of the state in this case, despite irrefutable facts to the contrary, following which I repeated a surmised version of the facts which I outlined earlier and which concluded with:

Y et , it is these facts with which the Attorney-General disagrees. Worse still, the Attorney-General , like other ministers, the Ombudsman and Families SA before him , has failed to provide any rationale for his denial.

Following which I asked the Attorney-General:

1. Of the facts that Mr John Ternezis and I have provided, which facts in particular does the Attorney-General disagree with?
2. Given that the Attorney-General in answering my question also spoke on behalf of the Crown Solicitor's Office and the Ombudsman, will the Attorney-General inform the council of which facts they disagree with and inform the council of any advice that they have provided?
3. Does the Attorney-General disagree that this 15 year old child became pregnant to an adult while in the care and control of the minister and, if so, what facts does he have to support that disagreement?
4. On what basis does the Attorney-General say that the law does not require the department to comply with the requirements imposed by the Children's Protection Act 1993, its own policy and procedural guidelines and orders made by the Youth Court of South Australia, as set out in the chronology provided?
5. Is the Attorney-General stating in his answer that the law is so deficient that it does not hold the state accountable for breach of duty of care to a child under the control of the minister?
6. Given the liability of the state in this case, will the Attorney-General concede that his previous answer is just another example of this government putting its own interests before children and the truth?

As the text of the motion would suggest, I am yet to receive a response to this question, despite it being some 23 months and likely two years when the motion goes to a vote, and some 15 months since it was directly asked of this Attorney-General. It is for this failure and for the failure to respond to Mr Ternezis that I seek the council's condemnation of the Attorney-General.

Following his repeated attempts to seek answers from the Attorney-General, Mr Ternezis wrote to the Premier, first on 26 November 2010 and again on 17 June 2011, in which he states:

It appears that none of you, your Ministers, nor your representatives in the Legislative Council are concerned by the failure to respond to these questions.

This not only is an insult to very proper questions raised by Ms Bressington, but an insult to the community at large. The questions asked by Ms Bressington are proper questions and deserve a response. They not only related to the circumstances surrounding my own daughter but also related to accountability of the state generally in relation to children under State care.

In my letter of 26 November 2010 I stated that I believed that the failure to answer the questions by that time had placed the credibility and integrity of Parliament in doubt. With the passage of another seven months I would submit that the credibility and integrity of Parliament is now completely missing.

That was written three months ago. It goes without saying that Mr Ternezis has not received a response to that letter. In the second letter sent to the Attorney-General, Mr Ternezis, amongst other excellent points, asks:

Is one of the reasons that the previous Attorney-General and you as current Attorney-General not answered the questions put by Ms Bressington that it will have to admit that a crime was committed against my daughter?

This, along with being required to concede that his daughter was under the control of the state when this occurred, is my suspicion also. The Attorney-General has fast developed a reputation amongst the profession he supposedly represents as being all too inclined to file anything difficult, no matter how deserving, in the too-hard basket, only to forget and then move on.

This is certainly true of the Attorney-General's failure to respond to Mr Ternezis. We have also seen this in relation to the Attorney-General's consideration of Mr Keogh's petition for a retrial, which, to my mind at least, demonstrates beyond doubt that Mr Keogh failed to receive a fair trial. Despite having this petition before him since donning the Attorney-General title, and it being before his predecessor before that, Mr Keogh is yet to receive a response. Given his uninformed commentary on a 5AA radio interview, I would suggest that he is, or at least then was, yet to even read Mr Keogh's petition.

Subsequent to that interview, I wrote to the Attorney-General pointing out his numerous inaccuracies and my disappointment that he had seemingly reached a conclusion without even reading the petition. I concluded by calling on the Attorney-General to:

...give Mr Keogh's Fourth Petition the due consideration it deserves, with particular regard to the new information summarised in the attachment, free of political or policy considerations and in accordance with the relevant legal principles laid down by the High Court—namely where there has been a significant non-disclosure or where significant evidence led at trial is subsequently found to be misleading and non-probative, the conviction must be set aside.

Continuing the theme of the Attorney-General's inaction on difficult matters, I am yet to receive a response of substance, to the best of my knowledge, and I am yet to even receive an acknowledgment, from which I guess Mr Ternezis can gain some degree of comfort.

Personal failings aside, it is my hope that this council will recognise that the Attorney-General has a responsibility to this parliament and, however difficult, must face the truth of the failings of the state to care for and protect Mr Ternezis' daughter. We all too often complain of the futility of asking ministers questions: I am asking the council to do something about it. This case is too important to ignore.

Debate adjourned on motion of Hon. I.K. Hunter.