

Legislative Council

Wednesday, 30 June 2010, Page 520

FAMILIES SA

The Hon. A. BRESSINGTON (14:53): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about Families SA.

Leave granted.

The Hon. A. BRESSINGTON: On 4 and 24 March 2009, I asked a series of questions of the Attorney-General and the Minister for Families and Communities about the abuse of public office, lack of enforcement of court orders and the lack of compliance with policies and procedures of Families SA by caseworkers, arising from the detailed chronology provided to all members of this place and the other place by Mr John Ternezis concerning his daughter's case.

On 22 September 2009, I received what I consider to be a wholly insufficient answer to my questions from the former attorney-general, which in part stated:

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.

Simply, the facts are that Mr Ternezis's daughter ran away from home at the age of 13 and subsequently came under the control of the minister via a Youth Court order, which included a residency order and a curfew which the state was responsible for enforcing.

Despite the state having effective control, Mr Ternezis' daughter ended up at the age of 14 engaging in prostitution and living with three men who were supplying her with drugs resulting in a serious drug habit. She then got pregnant to one of the adult men at the age of 15 and had a baby. This all occurred while Katrina was under the supervision of the minister and with the department's knowledge as is detailed in the chronology provided by Mr Ternezis.

Yet, it is these facts with which the former attorney-general disagreed. Worse still, the former attorney-general—like other ministers, the Ombudsman and Families SA before him—has failed to provide any rationale for this denial. My questions, which were previously asked of the former attorney-general on 1 December 2009 but went unanswered and are now being redirected, are:

1. Of the facts that Mr John Ternezis and I provided, which facts in particular did the attorney-general disagree with? Does the current Attorney-General hold the same opinion?
2. Does the Attorney-General agree that this 15 year old child was engaged in prostitution and drugs and became pregnant to an adult while under the supervision and control of the minister? If so, what facts does he have to support any disagreement with these facts?
3. 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 now inform the council of which facts they disagreed with and inform the council of any advice that they have been provided?

4. On what basis would the current 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 set out in the chronology provided?

5. Does the Attorney-General now agree that the law is so deficient that it does not hold the state accountable for a 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 the previous answer is just another example of this government putting its own interests before the children and the truth? Will the Attorney-General please undertake a review of this case and give it the attention it deserves?

The PRESIDENT: There are a couple of questions there asking the Attorney-General for an opinion.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:57): Yes, Mr President, but I will refer the question to the Attorney-General. I will just make the comment that, for those of us who have had teenage children, if only it was that easy that one could get them always to do what we wanted them to do, and I am sure that applies to whether it is parents or foster parents or whatever. I think anyone who has had any involvement in this sort of area with these sorts of issues will know how difficult it can be and, while it might be, one can understand the frustration of parents where things may not have turned out the way they wanted. I guess most of us who have had teenage children could well understand that. Nevertheless, I will refer that question to the honourable member and bring back a response.