

Legislative Council

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OMBUDSMAN

The Hon. A. BRESSINGTON (14:57): I seek leave to make a brief explanation before asking the minister representing the Attorney-General questions about the Office of the State Ombudsman.

Leave granted.

The Hon. A. BRESSINGTON: In my speech to the Children's Protection (Harbouring) Amendment Bill I made a passing reference to the case of Mr John Ternezis and his daughter. This case is so scandalous that it warrants retelling very briefly. Mr Ternezis' daughter ran away at the age of 13, only to end up living with three men who were supplying her with drugs, resulting in a serious drug habit. She then got pregnant at 15 and had a baby. None of the three men were ever charged with any offences although even our current laws could have been sufficient to ensure an appropriate remedy and protection for the child.

Mr Ternezis says that all former ministers of Families SA 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. The added tragedy to Mr Ternezis' story is that he has spent the past 11 years since that time trying to hold the child protection authorities to account in order that no other family should relive his horror.

His detailed chronology, compiled with the help of two lawyers, makes shocking disclosures about departmental malpractice. I am advised that every member in this and the other place has been provided with a copy of this report, including the current minister for Families SA.

In a letter from the Office of the State Ombudsman, dated 11 November 2002, Mr Eugene Biganovsky, in defence of the department, reiterated the suggestion by the then department's general manager that:

In care and protection applications for 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 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 sexual relations and drug use (supplied by the men). In many ways this case compares to the Heiner affair in Queensland in which it is alleged that the gross abuse of a child, at a time when they were most vulnerable and in need of protection, was covered up by Queensland state authorities, while Mr Kevin Lindenberg's

attempts to get a procedural remedy have since been met with the dead-end processing of his public interest disclosure statements.

Not so long ago the Attorney-General was quoted in the media as stating that where people have serious complaints about the misconduct of government departments they should approach the State Ombudsman's Office, as the Ombudsman has royal commission powers that he can use to bring about a full investigation and remedy. I am advised that the current Ombudsman—

The PRESIDENT: I remind the honourable member that matters of interest are after question time.

The Hon. A. BRESSINGTON: This is not a matter of interest, Mr President.

The PRESIDENT: Well, do it in matters of interest.

An honourable member: It is a matter of interest.

The Hon. A. BRESSINGTON: No, it is not; I have questions.

The PRESIDENT: Then please get to your questions. Five questions in 40-something minutes—

The Hon. A. BRESSINGTON: That is not my fault! We have a minister who takes 20 minutes to reply to a question—

The PRESIDENT: Order! You will not back-answer the President. You will ask your question now.

The Hon. A. BRESSINGTON: What can a citizen do to correct a gross act of procedural corruption by the department and its minister when even the Ombudsman and Crown Law collude to cover up such a heinous act against an innocent child? Does the Attorney-General consider it an appropriate role for the Ombudsman, who avails himself of the same source of legal advice as do the ministers (namely, Crown Law), to hold the powers of a royal commission when he is clearly unable to exercise those powers for the good of the people? Finally, where does one go and to whom does one complain when even the Ombudsman has become assimilated to the culture of the bureaucracy of the office he is supposed to scrutinise?

Members interjecting:

The PRESIDENT: The honourable minister will disregard the numerous opinions in the question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): Let it be recorded that the Hon. Rob Lucas said 'Hear, hear' to those comments. So, here we have the most senior Liberal (in terms of service) within this state reflecting upon the Ombudsman of this state and his impartiality or otherwise. Let that be recorded, because I think it reflects on us—

Members interjecting:

The Hon. P. HOLLOWAY: What an incredible opposition we have in this state.

Members interjecting:

The Hon. P. HOLLOWAY: Incredibly bad, that is. That is the sort of level to which they drop. It is very easy for people who do not get the result they like in

investigations to blame those who conduct the investigations, and it is very easy to talk about public figures such as the Ombudsman colluding and so on. However—

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: I believe it is quite out of order to make accusations against senior people like that; it should be done by way of a substantive motion, and it should have a bit of evidence to support it. I cannot comment on those questions, but I really think that this parliament deserves better than allegations of collusion by people such as the Ombudsman being made in question time. I do not believe the questions deserve any further dignity than that.

The Hon. A. BRESSINGTON (15:04): I have a supplementary question. Is the minister saying that he has not received the report circulated by Mr Ternzis—written by two lawyers—to every member in this place, or has he simply not read it?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): The honourable member has raised a case and I will refer it to the Attorney for a response. However, the important point is that I do not believe that it is appropriate for those sorts of allegations of collusion to be made in question time—

The Hon. A. Bressington interjecting:

The Hon. P. HOLLOWAY: I will be very surprised if they used those words, but—

The PRESIDENT: Honourable members should be able to say outside what they say inside.

The Hon. P. HOLLOWAY: Exactly, Mr President. As I said, I will leave it up to the Attorney whether he wishes to make any comment on that.