

**NOTICE UNDER SECTION 82(1)(a) – FINANCIAL MANAGEMENT ACT 2006**

**PARLIAMENTARY QUESTION NO 2381**

Pursuant to section 82(1)(a) of the *Financial Management Act 2006*, I give notice to both Houses that I cannot provide an answer to part of question (a) for Parliamentary Question On Notice No. 2381 from the Hon Michael Mischin. I advise I was asked the following questions:

“I refer to Bennett Brook Disability Centre, and ask:

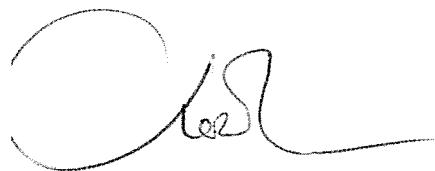
- a) how many residents does the centre hold and, for each resident, what offences is each alleged to have committed;
- b) how many staff and of what categories are at the centre;
- c) have any of the residents, while at the centre:
  - (i) escaped;
  - (ii) assaulted or threatened staff;
  - (iii) failed to comply with leave-of-absence conditions; and
  - (iv) if yes to (i), (ii) or (iii), for each resident, on how many occasions;
- d) has there been any complaint from any staff of fears for their safety:
  - (i) if yes to (d), how many;
  - (ii) from which staff; and
  - (iii) how have those complaints been dealt with and with what result; and
- e) what is the connection between the injunctions obtained by the Disability Services Commission and the conduct of residents at the centre?”

On 17 September 2019, I provided my answer to Parliament and responded in full to parts (b), (c), (d) and (e). However, with regard to part of question (a) I have decided it is reasonable and appropriate not to answer that aspect of the question which seeks information on what offences with which the residents of the centre have been charged. The information requested has not been provided for the following reasons:

Currently, the Bennett Brook Disability Justice Centre (the Centre) holds three residents. The Centre has held a total of five residents. However, I will not be commenting on the circumstances of individual residents, including the offences with which they were charged. Having regard to the confidentiality regime created under the *Declared Places (Mentally Impaired Accused) Act 2015*, in particular section 59, it is clear that Parliament's intent was to maintain confidentiality in information regarding residents. As a consequence, I will not be providing details regarding the offences with which the residents have been charged.

In making this decision I have considered the public interest, and while the public has a general right of access to information held by government agencies, this right has to be balanced against the need to protect the privacy and dignity of individuals receiving services from the State.

The reasons set out above are provided in accordance with my obligations under section 82(1)(a) of the *Financial Management Act 2006*. Notice is also being provided to the Auditor General in accordance with section 82(1)(a) of the *Financial Management Act 2006*.

A handwritten signature in black ink, appearing to read "Stephen Dawson". Below the signature, the letters "MLC" are written in a smaller, stylized font.

**HON STEPHEN DAWSON MLC  
MINISTER FOR DISABILITY SERVICES**