



## Legislation Review Committee

Correspondence received in response to the Legislation Review Committee  
Digest No. 27/57 – 16 March 2021



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**The Hon Gareth Ward MP**  
Minister for Families and Communities  
Minister for Disability Services

EAP21/4422

Ms Felicity Wilson MP  
Member for North Shore  
Suite 3, 40 Yeo Street  
NEUTRAL BAY NSW 2089

Dear Ms Wilson,

*Felicity,*  
I refer to your correspondence dated 18 March 2021 regarding the *Children (Detention Centres) Amendment (Disclosure of Information) Regulation 2020*, tabled before the Legislation Review Committee. I thank the Committee for raising this matter with me.

The recent amendments to the *Children (Detention Centres) Act 1987* (CDC Act) and Regulation, in 2018 and 2020 respectively, were necessary to:

- enable improved interagency collaboration and ensure timely assistance and support for children and young people;
- provide for the effective operation of the justice system; and,
- to ensure the safety of the public more broadly.

I can assure you that careful consideration was given to the protection of children and young people's privacy and confidentiality as part of this process. The draft Amendment Regulation and background paper were heavily consulted on with stakeholders, including the Department of Premier and Cabinet, the Privacy Commissioner, the Ministry of Health, the NSW Police Force, Legal Aid NSW, and the Law Society of NSW.

Using this consultation mechanism, legal stakeholders raised concerns about the privacy of children and young people. Their comments were considered closely and the Amendment Regulation was strengthened to clarify several prescribed purposes. There was also general support among stakeholders for the National Disability Insurance Agency (NDIA) being prescribed as an agency for information sharing purposes.

The Information and Privacy Commission and the Advocate for Children and Young People also advocated for appropriate safeguards to protect information from any improper disclosure. Most stakeholders requested a strengthening of safeguards to ensure the best interests of the child are considered and only information 'reasonably necessary' for the prescribed purpose is shared.

Again, this stakeholder feedback was factored into amendments made to the Amendment Regulation to be more specific about the purposes prescribed.

Additional safeguards will also be incorporated into new Youth Justice Policy and Procedures relating to information sharing.

I hope this response serves to assure you that appropriate safeguards have been built into the Amendment Regulation to protect the best interests of children and young people.

Should you require further information about the changes, I encourage you to contact Paul O'Reilly, Executive Director, Youth Justice on 0407 209 180 or at [Paul.OReilly@dcj.nsw.gov.au](mailto:Paul.OReilly@dcj.nsw.gov.au).

Thank you again for raising these important concerns with me.

Yours sincerely,



**THE HON GARETH WARD MP**  
Minister for Families and Communities  
Minister for Disability Services

*26-4-21*

RECEIVED  
04 MAY 2021

BY: .....



**The Hon. Damien Tudehope MLC**  
Minister for Finance and Small Business  
Leader of the House in the Legislative Council

22 March 2021

Ms Felicity Wilson MP  
Chair  
Legislation Review Committee  
Parliament of New South Wales

By email

Your ref: LAC21/035.03

Dear Chair

Thank you for the opportunity to respond to the issues raised by the Legislation Review Committee in its consideration of the *Retail and Other Commercial Leases (COVID-19) Regulation (No 2) 2020*.

The Committee considers the possibility that the regulation may impact on property rights and freedom of contract, have a retrospective effect and have an adverse impact on the business community.

However, the Committee notes that the Regulation is limited to “cases involving ‘impacted lessees’” is of limited duration and is made in the context of the “ongoing economic consequences of the COVID-19 pandemic”.

The Committee also notes that the Regulation is made “in response to the ongoing public health emergency and is in line with the National Cabinet’s decision” to “lessen the economic impacts of COVID-19”

I agree with these observations by the Committee of the context in which the Regulation has been made.

Yours sincerely

A handwritten signature in blue ink, reading 'Damien Tudehope'.

**The Hon. Damien Tudehope MLC**  
Minister for Finance and Small Business  
Leader of the House in the Legislative Council