

Budget Estimates 2025-2026

Portfolio Committee No 1 – Premier and Finance

Hearing – Wednesday 20 August 2025

Law Enforcement Conduct Commission – Answers to Supplementary Questions

Questions from the Hon Mark Latham MLC:

- (1) Given the credible complaint against her for breaking Police rules on the notification of Next of Kin, why did LECC fail to conduct an investigation and produce a report concerning Karen Webb's improper contact and information provided to the shock-jock Ray Hadley concerning the tragic death of Dawn Singleton.
- (2) Why has the NSW Police Commissioner been allowed to get away with the very clear breach in (1) above, setting a poor example for the rest of the Police Force?

Answer:

The Commission conducted a preliminary investigation of the allegation that on 13 April 2024 NSW Police Commissioner, Karen Webb, breached the NSW Police Force Media Policy by releasing the confidential details of a deceased person to Ray Hadley of 2GB Radio, prior to the deceased's next of kin being notified.

The investigation concluded in March 2025 and the Commission was satisfied that there was no misconduct by Commissioner Webb.

There is no statutory obligation on the Commission to produce a report, unless it conducts a public examination. No public examinations were conducted as part of this preliminary investigation. The Commission did not consider it necessary to publicly report on this preliminary investigation.

Questions from the Opposition:

- (3) I am concerned about the recent report published by the LECC into bail conduct compliance checks. In the report the LECC noted that a “parallel scheme” had been created by police outside of any enactment. Is this a flaw with interpretation, whether intentional or unintentional, of the law, or with the law itself?
 - (a) Has the government approached the LECC to discuss any statutory changes that need to be made to ensure that community safety and the rights of individuals are weighed evenly?

Answer:

The NSW Police Force have commonly relied on the doctrine of implied licence when checking to see if people who have been bailed are complying with their bail curfew and residential conditions.

“Implied licence” is a common law doctrine which applies to any member of the community. It is a general licence to go onto a path or driveway up to a private residence and knock on the door, provided that the entrance to the property is unobstructed, there is no locked gate and no sign prohibiting entry. Implied licence can be revoked through either the words or actions of the occupier of the residence. This means that if the gate is locked, there is a sign on the gate saying “Do not enter”, or the person answering the door tells police to leave, then police must either not enter the property, or leave immediately once made aware that implied licence has been revoked.

The alternative path is for the NSW Police Force to seek a bail enforcement condition under s 30 of the *Bail Act 2013* which would expressly authorise police to conduct bail curfew and residential compliance checks. The NSW Police Force occasionally seek s 30 bail enforcement conditions, but have not done so regularly or consistently.

In its *Bail compliance checks in NSW – Final Report* (April 2025) the Commission considered a range of legal arguments and concluded that there is a powerful argument that bail curfew and residential compliance checks which involve entry onto private property cannot be undertaken by the NSW Police Force in the absence of an enforcement condition fixed by a court under s 30 of the *Bail Act*. The NSW Police Force do not agree with the Commission’s view.

The Commission noted that there are also powerful practical reasons why the NSW Police Force should make use of the statutory scheme provided in the *Bail Act*. The *Bail Act* gives police clear powers to assist them in checking compliance with curfew and residence conditions, rather than relying on a common law licence which is vague, weak and cancellable at the will of the occupier.

Recommendations 1 and 2 in the Report were to the Commissioner of Police. They were that the NSW Police Force should seek enforcement conditions under s 30 of the *Bail Act* in all matters where authority to conduct bail compliance checks on private property is sought and reliance on the doctrine of implied licence should be discontinued.

If that recommendation was not followed by the NSW Police, the Commission recommended to the Attorney General, that the *Bail Act* should be amended to make clear that the authority for police officers to undertake bail curfew and residential compliance checks on private property should be sought from a court under s 30 of the *Bail Act* and that the doctrine of implied licence is abrogated and has no application to bail compliance checks.

In its response to the Commission, the NSW Police Force reiterated that they have legal advice from the Solicitor General confirming the legality of their reliance on the doctrine of implied licence. However, they have established a Bail Compliance Working Group will review the manner in which bail compliance checks are conducted.

On 8 July 2025, the Attorney General informed the Commission that he had asked the Department of Communities and Justice to monitor the issue.