Power to demand that a young person subject to bail conditions be brought to the door

The Law Society's Juvenile Justice Committee wrote to the Commissioner of Police requesting advice as to what power and legislative basis police are relying on to demand that a young person be brought to the door in the following situations:

1. where the young person is on bail with residency and curfew conditions in place; and

2. where the young person is on bail with a residency condition only.

In a written response, the Commissioner replied that he has been advised that there is no legislative power given to police to specifically demand that a young person be brought to the door in either situation, and further, that Justice Garling in *Lawson v Dunlevy* [2012] NSWSC 48 made it plain that bail conditions put in place to facilitate detection of breach of another bail condition are unlawful.

The Commissioner advised that since the decision in *Lawson v Dunlevy*, whilst it has been made clear to police officers that they may not lawfully demand that a young person present themselves at the door, it is still not unlawful for police to knock on the front door and ask to see any accused or other person to conduct enquiries that may be required in the course of their duties, noting that police have no power to enter or remain on the premises if told to leave by the occupant.