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Subject: Media Query, Operation Makalu
Date: 14 May 2026 at 2:50 pm
To: LECC Media media@lecc.nsw.gov.au



Hi,

We are looking to publish an article regarding Operation Makalu.

Could we please get responses to the following from Chief Commissioner Peter Johnson by 12pm tomorrow?

Under s201 of Police Act 1990 (the Act) an officer who neglects or refuses to carry out any lawful duty is guilty of an offence.

Under s211 of the Act, officers are required to report reasonably suspected misconduct by a fellow officer/s.

Under s211, police officers who reasonably suspected misconduct by fellow officers at the anti-Herzog rally are required to report this, and if they do not, they are guilty of an offence.

The offence they are guilty of is s201, neglecting to carry out their lawful duty (to report).

s201 carries a six-month statute of limitations.

Offences under s201 include police improperly destroying body cam footage, as the LECC stated regarding Operation Bendoc.

Despite the anti-Herzog rally occurring on February 9, the LECC has said it expects to hold some public hearings in the second half of 2026. This suggests the LECC will almost certainly not report by July 9, six months after February 9.

Operation Bendoc found four NSW Police officers guilty of serious misconduct, for failing to report their knowledge that a fellow officer had improperly destroyed body cam footage.

Yet none were penalised under s201, because the timeframe was outside 6 months.

The LECC, in its Operation Bendoc report and its Operation Eacham report called for the statute of limitations to be increased to at least 12 months, yet no changes to the law have occurred.

NSW Premier Chris Minns, while publicly defending the actions of police on February 9, has called on the public "not to look at a 10-second clip without the full context", and said police body cam footage was being thoroughly reviewed.

Yet despite body cam footage being a key plank in the NSW Government's response to February 9, the above shows that it is almost certain that any officer who is aware of another officer deleting footage on February 9 will face no penalty under s201, given the very long time frame the LECC has set for its investigation.

By contrast, at least 27 people have been charged by NSW Police over February 9, with some already fronting court.

Could we please get responses from Chief Commissioner Johnson to:

1. Do you consider it likely the LECC will report its findings in Operation Makalu by July 9?

2. If not (and in the absence of any changes to the legislation in the interim) no police officer who was aware of fellow officer/s destroying body cam footage on February 9, but who failed to report it, can face any penalty under the law. Do you have concerns about this?
3. If so, what action, if any, have you/the LECC taken to attempt to rectify this issue?
4. Have you or the LECC contacted any external entity regarding this (such as the NSW Government/NSW Attorney-General), on or since February 9, and if so who?
5. Given the current law and the requirement to tack action under s201, and given that there has been no delay in the timeframe for charging protestors, why is the LECC taking many months for its investigation into the actions of NSW Police on February 9?

Thank you,

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