

# New South Wales Police Powers & Legislation Practice Exam (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

- 1. What is the consequence of possession of prohibited drugs under the law?**
  - A. Legal penalty with warning**
  - B. No legal implications**
  - C. Criminal charges and penalties**
  - D. Community service only**
- 2. Which section of LEPRA 2002 details the power to search persons and seize items without a warrant?**
  - A. Section 21**
  - B. Section 30**
  - C. Section 88**
  - D. Section 45**
- 3. What role does probable cause play in law enforcement procedures?**
  - A. It is irrelevant to law enforcement procedures**
  - B. It is necessary for issuing search warrants**
  - C. It is only needed for major crimes**
  - D. It allows police to make arrests without a warrant**
- 4. What must officers prioritize when responding to domestic violence reports?**
  - A. Personal safety of the officers involved**
  - B. Court orders related to the incident**
  - C. Victim safety and legal rights**
  - D. Gathering evidence against all parties**
- 5. What is a reason for police to obtain property in the possession of a person?**
  - A. To ensure the property is properly licensed**
  - B. To obtain property connected with the offence**
  - C. To assess the value of the property**
  - D. To hold property in evidence for a long-term investigation**

- 6. What are the primary uses of "move-on" powers?**
- A. To arrest individuals for loitering**
  - B. To disperse individuals from public spaces to prevent disorder or crime**
  - C. To search a person's belongings**
  - D. To issue fines for public drinking**
- 7. Which of the following best describes the implications of the Drug Misuse and Trafficking Act?**
- A. Reduction of licensed drug use**
  - B. Prohibition of alcohol sales**
  - C. Criminalization of drug supply practices**
  - D. Regulation of medicinal drugs**
- 8. What is the age of criminal responsibility in New South Wales?**
- A. 12 years old**
  - B. 8 years old**
  - C. 10 years old**
  - D. 14 years old**
- 9. What is the purpose of the identity disclosure requirement in LEPRA 2002?**
- A. To collect demographic statistics**
  - B. To ensure compliance with police orders**
  - C. To facilitate necessary police functions**
  - D. To determine the need for legal representation**
- 10. According to the Summary Offences Act, who is responsible for the actions of minors carrying knives?**
- A. The child alone**
  - B. The store selling the knife**
  - C. The parents or guardians**
  - D. The police department**

## **Answers**

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1. C
2. A
3. B
4. C
5. B
6. B
7. C
8. C
9. C
10. C

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## **Explanations**

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**1. What is the consequence of possession of prohibited drugs under the law?**

- A. Legal penalty with warning**
- B. No legal implications**
- C. Criminal charges and penalties**
- D. Community service only**

Possession of prohibited drugs under New South Wales law carries significant legal consequences, primarily resulting in criminal charges and penalties. This is due to the stringent regulations regarding controlled substances, which classify certain drugs as illegal to possess, use, or supply. When an individual is found in possession of such drugs, they may face prosecution, which can lead to a range of penalties including fines, criminal records, and, in more severe instances, imprisonment. The law is designed to deter drug offenses by imposing harsh penalties to protect public health and safety, reflecting the societal impact of drug abuse and trafficking. In contrast, the other options present scenarios that do not accurately reflect the legal consequences of drug possession. For instance, legal penalties with a warning would underrepresent the serious nature of the offense. No legal implications is incorrect since the law does impose strict penalties. Community service only fails to capture the full scope of potential repercussions, as individuals may be liable for more severe penalties based on the type and quantity of the drugs involved. Thus, the correct understanding is that possession of prohibited drugs typically leads to criminal charges and associated penalties.

**2. Which section of LEPPRA 2002 details the power to search persons and seize items without a warrant?**

- A. Section 21**
- B. Section 30**
- C. Section 88**
- D. Section 45**

The power to search persons and seize items without a warrant is indeed detailed in Section 21 of the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPPRA). This section provides police officers the authority to conduct searches if they believe that a person has committed an offense, is about to commit an offense, or is in possession of something that is relevant to an offense. This provision allows police to act swiftly to secure evidence or prevent further criminal activity without waiting to obtain a warrant, which is crucial during situations where timing is critical. Section 21 outlines specific circumstances under which these searches may be conducted, establishing a legal framework that balances police powers with individual rights. Other sections, such as Section 30, pertain to searches of vehicles, and Section 45 deals with the entry onto premises to make an arrest or to execute a search warrant. Section 88 relates to the powers concerning the use of electronic devices in various contexts. However, they do not specifically address the power to search persons and seize items without a warrant, which is the focus of Section 21.

### **3. What role does probable cause play in law enforcement procedures?**

- A. It is irrelevant to law enforcement procedures**
- B. It is necessary for issuing search warrants**
- C. It is only needed for major crimes**
- D. It allows police to make arrests without a warrant**

Probable cause is a fundamental concept in law enforcement procedures, particularly in relation to search warrants. It refers to the reasonable belief, based on facts, that a crime has been, is being, or will be committed, and that evidence of that crime can be found in a specific location. This standard is vital for law enforcement because it helps to protect citizens from arbitrary intrusions by ensuring that there is a legitimate reason for law enforcement to search a property or seize items. When law enforcement seeks to obtain a search warrant, they must present sufficient evidence to a judge or magistrate that establishes probable cause. If they fail to meet this standard, the warrant can be denied, and any evidence obtained without a warrant or based on insufficient probable cause may be inadmissible in court. This requirement serves as a safeguard against unreasonable searches and seizures under the Fourth Amendment, which is a key aspect of criminal justice protections. The other options do not accurately reflect the significance of probable cause: it is far from irrelevant; it applies universally, not just for major crimes; and while it does play a role in warrantless arrests, the primary focus of probable cause in this context relates specifically to the requirement for search warrants.

### **4. What must officers prioritize when responding to domestic violence reports?**

- A. Personal safety of the officers involved**
- B. Court orders related to the incident**
- C. Victim safety and legal rights**
- D. Gathering evidence against all parties**

When responding to domestic violence reports, the primary focus for officers should be on ensuring victim safety and recognizing their legal rights. This commitment is rooted in the understanding that domestic violence situations can be highly volatile and dangerous, putting the victim's wellbeing at significant risk. By prioritizing the safety of the victim, officers not only protect individuals from potential harm but also empower them to seek help and support. Legal rights are also fundamental in these scenarios, as victims may have certain protections or entitlements under the law, such as access to emergency services, restraining orders, or other legal remedies. Ensuring that these rights are upheld is crucial in fostering trust in law enforcement and encouraging victims to report incidents without fear of retribution or ineffectiveness from the system. In this context, while the personal safety of the officers, compliance with court orders, and gathering evidence are important aspects of their duties, they should not take precedence over the immediate and overall safety of the victim involved in the domestic violence situation. This prioritization aligns with best practices in addressing domestic violence as per police protocols and legislative guidelines.

5. What is a reason for police to obtain property in the possession of a person?
- A. To ensure the property is properly licensed
  - B. To obtain property connected with the offence**
  - C. To assess the value of the property
  - D. To hold property in evidence for a long-term investigation

The primary reason for police to obtain property in the possession of a person is to gather evidence directly connected to an offence. This process is crucial in criminal investigations, where the relationship between the property and the alleged crime can help establish guilt or innocence. By seizing property that is connected to the offence, law enforcement can analyze it for further evidence, which could include fingerprints, DNA, or other forensic details. This procedure supports the integrity of the investigation and assists in building a case for prosecution. In various jurisdictions, the legal framework allows police to seize property if there is probable cause to believe it is linked to criminal activity, ensuring the evidence is preserved for eventual court proceedings. The proper chain of custody must be maintained to validate the evidence obtained, which directly correlates with its connection to the offence in question.

6. What are the primary uses of "move-on" powers?
- A. To arrest individuals for loitering
  - B. To disperse individuals from public spaces to prevent disorder or crime**
  - C. To search a person's belongings
  - D. To issue fines for public drinking

The primary use of "move-on" powers is to disperse individuals from public spaces to prevent disorder or crime. These powers are typically employed by law enforcement to ensure public safety and maintain order in areas where individuals may be causing a disturbance or where their presence could lead to potential conflict or escalation of tension. By utilizing move-on powers, police can direct individuals to leave a public area, thereby mitigating risks associated with gatherings that may lead to unlawful behavior or public disorder. This approach emphasizes prevention rather than punitive measures, focusing on maintaining community tranquility and safety. It is essential for officers to assess the situation carefully and apply these powers judiciously, considering the broader implications for community relations and public trust in law enforcement.

**7. Which of the following best describes the implications of the Drug Misuse and Trafficking Act?**

- A. Reduction of licensed drug use**
- B. Prohibition of alcohol sales**
- C. Criminalization of drug supply practices**
- D. Regulation of medicinal drugs**

The Drug Misuse and Trafficking Act primarily focuses on addressing issues related to the illegal supply, production, and use of controlled substances. By criminalizing drug supply practices, the Act creates specific offenses associated with the sale, distribution, and manufacture of illicit drugs. This means that individuals involved in these activities can face substantial legal consequences, thus aiming to deter drug trafficking and misuse in the community. The Act helps to establish a legal framework that categorizes various drugs and lays out the penalties for those who engage in drug-related crimes. This is crucial in combating drug issues and protecting public health and safety. In contrast, while the other options discuss related topics, they do not accurately reflect the primary intent and implications of the Drug Misuse and Trafficking Act. For instance, the Act does not involve the reduction of licensed drug use or the prohibition of alcohol sales. Regulation of medicinal drugs is a different area of legislation that focuses on the legal frameworks surrounding prescription and medical use, which is separate from the criminalization aspects of the Drug Misuse and Trafficking Act. Hence, option C encapsulates the essence of the legislation effectively.

**8. What is the age of criminal responsibility in New South Wales?**

- A. 12 years old**
- B. 8 years old**
- C. 10 years old**
- D. 14 years old**

In New South Wales, the age of criminal responsibility is set at 10 years old. This means that a child younger than 10 years cannot be held criminally responsible for their actions. The legal framework recognizes that children below this age are not capable of forming the necessary intent to commit a crime, reflecting a general understanding of childhood development and maturity. In circumstances where a child aged between 10 and 14 commits an offense, it is up to the prosecution to prove that they had the capacity to understand the nature of their actions. This principle aligns with the rationale that children in this age bracket may not fully comprehend the consequences of their behavior. This legal stipulation fosters an approach focused on rehabilitation rather than punishment for younger individuals, emphasizing the importance of educational and developmental support instead of criminal sanctioning for those under the designated age.

**9. What is the purpose of the identity disclosure requirement in LEPR 2002?**

- A. To collect demographic statistics**
- B. To ensure compliance with police orders**
- C. To facilitate necessary police functions**
- D. To determine the need for legal representation**

The identity disclosure requirement in the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPR) serves to facilitate necessary police functions. This requirement is fundamental to maintaining transparency and accountability within law enforcement operations. By ensuring that police officers disclose their identity when exercising their powers, it reinforces the legitimacy of their actions and promotes public trust. Moreover, this requirement allows individuals to understand who is interacting with them, particularly in situations involving law enforcement activities. It helps to ensure that police officers are identifiable and that their actions can be appropriately questioned or reported if necessary. This transparency is vital for safeguarding the rights of individuals and upholding the principle of lawful authority in policing, which ultimately supports the effective performance of police duties. Other responses may seem plausible, but they do not capture the essence and importance of identity disclosure as it relates specifically to the operational functions of the police. Collecting demographic statistics or determining the need for legal representation, for instance, are not the primary objectives of this requirement. Ensuring compliance with police orders relates more to the enforcement side rather than the fundamental transparency and accountability that the identity disclosure aims to uphold.

**10. According to the Summary Offences Act, who is responsible for the actions of minors carrying knives?**

- A. The child alone**
- B. The store selling the knife**
- C. The parents or guardians**
- D. The police department**

Under the Summary Offences Act in New South Wales, the responsibility for the actions of minors carrying knives primarily falls upon the parents or guardians. This legal framework recognizes that adults have a duty to supervise and control the behavior of minors in their care. When a minor carries a knife, it reflects not only on the child's choices but also on the level of guidance and oversight provided by their guardians. This provision serves to enforce accountability among parents or guardians, ensuring they understand the importance of instilling proper values and safety practices in their children. The law acknowledges that parents are typically in the best position to influence their child's behavior and are thus held responsible for any unlawful actions taken by their children. In contrast, the other options do not hold the same level of accountability. A child, due to their age and understanding, is often viewed through the lens of needing guidance rather than direct culpability. Similarly, a store selling the knife operates under commercial regulations and does not carry legal responsibility for how a minor uses a product after purchase. Lastly, while law enforcement plays a role in addressing crimes and maintaining public safety, they are not accountable for a minor's conduct in such scenarios. Thus, the law rightly places the burden of responsibility on parents or guardians.