



Quiz

Limitations of Police Powers

1. What was the argument of the defence in the local and subsequent courts?
 - a. That Rodna had not breached the AVO
 - b. That Rodna had not resisted arrest or acted in an intimidating manner during the arrest
 - c. That Rodna had resisted arrest and acted in an intimidating manner but when it happened, the police were not acting in the execution of their duty
 - d. Both A and B
2. In what Court was the matter of *Jankovic v Director of Public Prosecutions* (2020) NSWCA 31 successful for the defence?
 - a. Local Court
 - b. District Court
 - c. Court of Appeal
 - d. High Court
3. What was the decision of the Court of Appeal?
 - a. That section 99 of the *Law Enforcement (Powers and Responsibilities) Act* 2002 (NSW) imports a requirement of proportionality into a police officer's decision making;
 - b. That the breaching of the AVO in and of itself created a reasonable necessity for an arrest;

- c. That it is enough for a police officer has a reasonable suspicion that the person has committed or is committing a criminal offence
 - d. Both B and C
- 4. Which of the following are alternatives that the police could consider over arrest?
 - a. A warning or caution
 - b. A penalty notice
 - c. The issuance of a Court Attendance Notice
 - d. All of the above
- 5. Which of the following should a lawyer consider when cross-examining a police officer?
 - a. Whether or not the police officer had a reasonable suspicion that there was an offence committed or being committed
 - b. That an arrest is unlawful unless a decision to charge a person has been made by the police before the arrest
 - c. A police officer has to be satisfied that the arrest was reasonably necessary for one of nine purposes that are listed in the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW).
 - d. All of the above

Answers:

1. C 2. C 3. A 4. D 5. D