



Student Name: \_\_\_\_\_

## LEGAL STUDIES Units 3&4 2023 Written Trial Examination

### QUESTION AND ANSWER BOOK

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	7	7	40
B	2	2	40
			Total 80

- Students are to write in blue or black pen.
- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or correction fluid/tape.
- No calculator is allowed in this examination.

#### **Materials supplied**

- Question and answer book of 21 pages
- Additional space is available at the end of the book if you need extra paper to complete an answer.

#### **Instructions**

- Write your **student name** in the space provided above on this page.
- All written responses must be in English.







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SAMPLE

**SECTION B****Instructions for Section B**

Use stimulus material, where provided, to answer the questions in this section. It is not intended that this material will provide you with all the information to fully answer the questions.

Answer **all** questions in the space provided.

**Question 1** (15 marks)**Source 1**

Below is a summary of *DPP v Hafda* [2023] VCC 653 (28 April 2023).

The Facts

Ahmed Hafda (the defendant), 33 years old, was arrested by police at his home after a series of fourteen motor vehicle thefts between 2 October 2021 and 25 November 2021. The defendant targeted Ford Falcons, which he would break into without causing any damage and then strip the cars for parts.

Police noticed a stolen vehicle at the defendant's home. At the time, the defendant was asleep inside the stolen vehicle. Police cars were used to block the front and back of the stolen vehicle. Several police officers in police uniforms and ballistics vests approached the defendant, identified themselves as police officers and instructed the defendant to exit the vehicle.

The defendant woke up and started the vehicle. He drove forward and repeatedly rammed the police car in front of the vehicle, which was occupied by a police officer. The defendant then reversed ramming the police car behind him. Police were required to forcibly remove the defendant through the passenger window of the vehicle, where he continued to resist arrest.

Post-Arrest

Mr Hafda was later charged with fourteen counts of theft, two charges of the aggravated offence of recklessly exposing an emergency service worker to risk by driving and one charge of damaging an emergency service vehicle by reckless driving. The defendant entered an early guilty plea but was denied bail and spent 519 days in pre-sentence detention.

The Victims and Seriousness of the Offence

None of the defendant's victims provided victim impact statements; however, the sentencing judge stated that the victims of the car thefts would have suffered considerable distress; and police officers are entitled to perform their lawful duties without fear of harm or injury.

Exposing an emergency worker to risk by driving is inherently a serious offence with a maximum penalty of 10 years imprisonment. The circumstance of aggravation, in this case, is that the vehicle the defendant was driving was also stolen at the time.

The Defendant's Personal Circumstances

Mr Hafda has a significant history of drug abuse, including cannabis and ice. This drug abuse had led to the defendant being unable to hold steady employment. Moreover, the defendant has also previously served a Community Corrections Order (CCO) for previous drug-related offences.

**The Sanction**

The sentencing judge ordered Mr Hafda to serve a term of imprisonment of 18 months. Further, the judge ordered that Mr Hafda be sentenced to serve a CCO for three years commencing upon his release from custody.

Source: DPP v Hafda [2023] VCC 653 (28 April 2023) (austlii.edu.au)

**Source 2**

The aggravated offence of recklessly exposing an emergency worker to risk by driving is a serious offence, as indicated by a maximum penalty of ten years imprisonment and Parliament's intention that an immediate term of imprisonment must ordinarily be imposed.

This offence was inserted into the *Crimes Act 1958* (Vic) in 2017 by s3 of the *Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017*. The overall purpose of the legislation which created these crimes was described by Lisa Neville, the then Minister for Police, as being 'to specifically address incidents where offenders use motor vehicles to harm police and emergency workers'.

In the second reading speech to the Bill, the then Minister for Police said:

"Violence towards police and emergency workers in the line of duty is unacceptable and will not be tolerated. These reforms reflect the government's commitment to cracking down on offenders who harm, or seek to harm, a police officer or emergency worker..."

The government shares the concerns of police officers when offences involving violent behaviour towards police are the subject of plea deals [plea negotiations] by police prosecutors. If an offender, intentionally or recklessly exposes an emergency worker to risk by driving and the offence is committed in certain aggravating circumstances, the offender should go to prison."

- a. With reference to Mr Hafda's case, outline **one** reason for the Victorian criminal court hierarchy.

3 marks

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