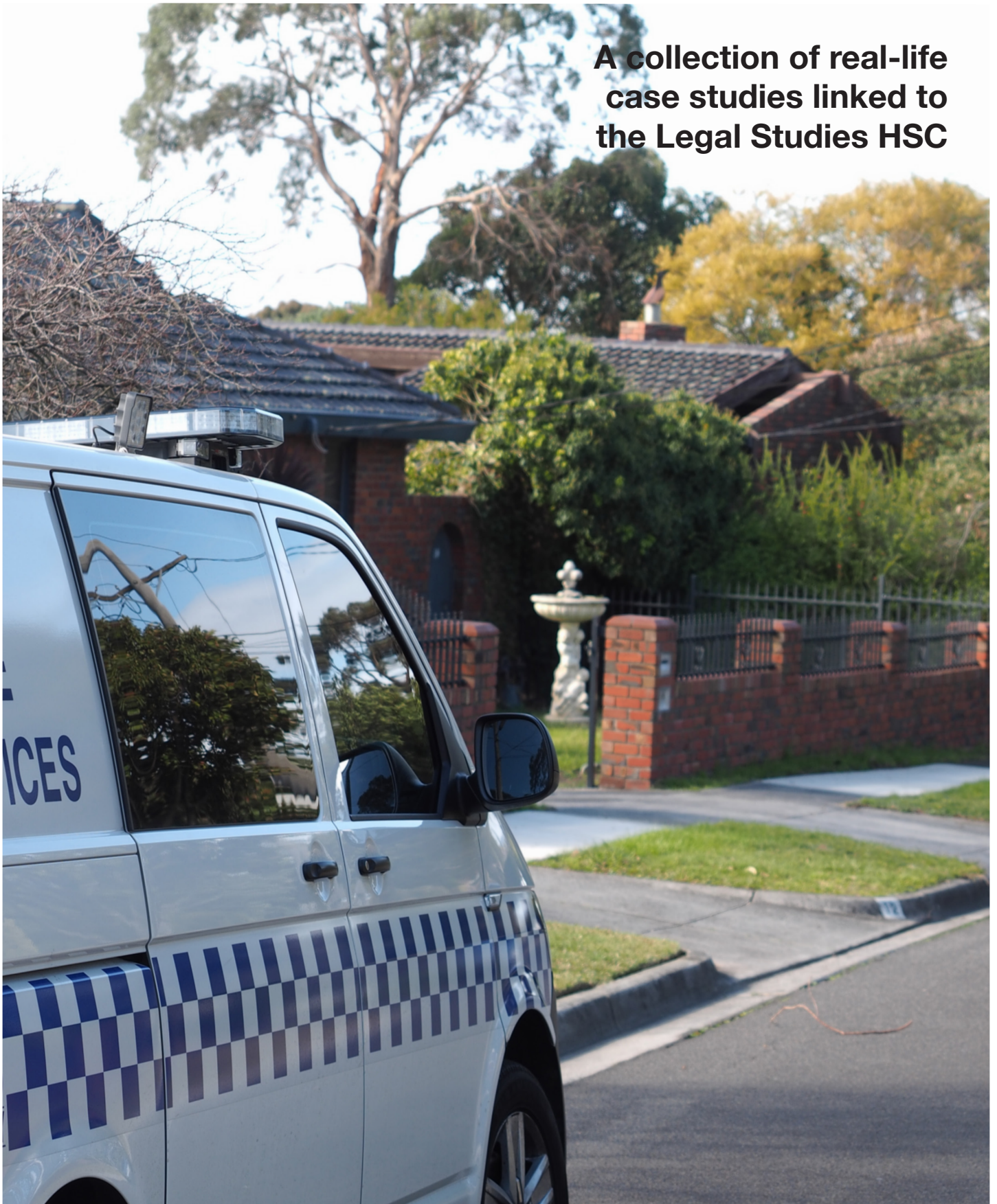


**A collection of real-life
case studies linked to
the Legal Studies HSC**



HSC LEGAL STUDIES

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2.1 Police powers

Operation Waratah

Case summary

In 2024, the NSW government introduced new police powers and increased penalties aimed at tackling knife crime. Under Division 2 of the Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) senior police officers can declare areas such as transport stations, public transport vehicles, shopping precincts, sporting venue, or other public places as a designated public area. A designated public area gives police the power to scan people with metal-detecting ‘wands’ for knives or weapons without a warrant.

Law reform also amended Section 11F of the Summary Offences Act 1998 to make it an offence to sell a knife to a child under the age of 16. The new laws now prohibit the selling of knives to a child aged between 16 and 17 without a reasonable excuse, such as needing a knife for work, training or study. These offences carry a penalty of a fine of up to \$11,000, imprisonment for one year, or both.

These reforms have come about after the successful trial of *Jack’s Law* which allows police to use handheld scanners known as wands to search people. Jack Beasley was 17 years old when he was stabbed to death at Surfers Paradise in 2019. His parents, Brett and Belinda Beasley, have advocated for new laws to help prevent knife crime. In 2023, *Jack’s Law* helped Queensland police conduct more than 116,000 searches which resulted in a total of 3080 arrests and 1126 weapons seized. *Jack’s Law* has become permanent in Queensland and is now being trialled in New South Wales. In 2025, Brett and Belinda Beasley aim to curb knife attacks globally and took the knife reform laws to Scotland Yard (London).

Operation Waratah was established to target violent offenders on Sydney’s transport network. Since its launch in 2024, *Operation Waratah* officers have laid a total of 1474 charges and the seizure of 90 knives. *Operation Waratah 4* deployed 150 officers between the 11th and 14th June 2025 and as of June 15th this operation has resulted in:

- 536 trains patrolled
- 10 knives seized
- 385 people searched
- 201 move-on directions issued
- 60 drug detections made
- 149 bail compliance checks conducted
- 41 people arrested for breaching bail or outstanding warrants, and
- 377 rail infringements issued.

During *Operation Waratah 4*, police sought help from the public via social media pages to identify 15 people wanted on outstanding warrants. Information from the public resulted in four arrests.



A stock image of police presence in a public area.

Discussion points

- How effective are the new search powers awarded to police in the 2024 reforms of Division 2 of LEPRA?

Conclusion

Operation Waratah was a high-visibility operation that allowed police to detect and disrupt criminal activity across the Sydney Metropolitan public transport network. *Waratah 4* was a four-day operation in June 2025 that involved over 150 NSW police officers. The increased powers allowed police to declare designated areas where they were allowed to search members of the public without a warrant. This operation was highly successful as it resulted in 833 arrests, 1474 charges, and the seizure of 90 knives.

Comprehension and revision questions

1. Identify the legislation that outlines police powers.

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2. Describe the 2024 reforms to police powers.

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3. The 2024 law reform to LEPRA increased police powers to search citizens in designated areas without a warrant. Discuss the implications of these reforms.

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Sample case integration

The Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) gives the police a range of powers which allow them to carry out their job enforcing the law. The law gives the police discretionary powers to arrest on reasonable grounds of suspicion. Due to increasing violent crimes in public spaces, the 2024 reforms of Division 2 of the Act, give police powers to declare a designated area, which allows them to search for knives or weapons without a warrant or reasonable suspicion. Some argue this is a violation of civil liberties; however, *Operation Waratah 4* has shown that these increased police powers are highly effective in protecting against violent crimes. *Operation Waratah 4* occurred between the 11th and 14th June 2025 and was deemed a success as it resulted in 385 searches, the seizure of 10 knives, 377 rail infringements issued, and 41 people arrested for breach of bail or outstanding warrants. The increased powers that allow police to use handheld 'wands' to search without a warrant allow law enforcement to proactively prevent potentially violent crimes by removing unlawful weapons.

Extension activity

How important is it to have limits on police powers? Investigate the claims that NSW and Victoria police are applying brute force to control protesters. Read the article by Sydney Criminal Lawyers as a starting point. <https://tinyurl.com/Police-Force-Protesters>

2.6 Detention and interrogation, rights of suspects

R v Diallo & Ors (No 2) [2024] NSWSC 853

Case summary

YA was aged 17 and 3 months at the time he was arrested along with four co-accused. He was charged with:

- Count 1: The murder of Oliver Coleman
- Counts 2 & 4: Attempted murder or EO and EC
- Counts 3 & 5: Wounding with intent to cause grievous bodily harm.

On September 1st 2021, an incident arose from a violent confrontation between street gangs in Blacktown, NSW. YA was affiliated with a group known as “MOB” (Money Over Bitches) while the victims were associated with rival gangs “Murda” and another group known as “QSB” (Queen Street Boys). The deceased was associated with both Murda and QSB as well as the other alleged victims. When police were called to the incident, they found YA hiding under a car in a carport near the scene of the murder. The arresting police officer recorded the interaction with YA on his bodycam. The scene was chaotic, and the police were urgently trying to make sense of what had happened. During the trial, the recordings taken from the officer’s bodycam were submitted as evidence. Some key points to consider include:

- YA’s demeanour in the footage shows a state of fear and confusion.
- The initial interaction (11:03PM) between the arresting officer and YA was very quick. While YA was informed of his right to silence and that things were being recorded, it was unable to conclude that YA understood what was happening with clarity. His response of “OK” was not persuasive evidence that he understood.
- When YA was told he was a suspect in a homicide case he was asked if he knew what a homicide means, he said “no”. The officer said it meant murder.
- In another interaction (11:09PM), an officer told YA that he would be taken to a police station. Thereafter, YA repeatedly asked “Just take me to the station... can I tell you at the station?”. Throughout this interaction, YA was exhibiting considerable fear.
- Throughout the four interactions that took place with YA on the ground, he was either on his knees looking up at the police officers, or seated cross-legged with his hands behind his back (presumably in handcuffs). YA appeared to be frightened and vulnerable.
- At 11:10PM a police officer asked YA what happened and as he started to answer the officer interrupted him and reminded him to his right to silence. At 11:11PM he was asked again what happened and YA said “So should I go to the station? I don’t know, what do you want me to do. I don’t want to say anything here.”

The bodycam evidence formed part of the evidence used by the prosecutor.

The Children (Criminal Proceedings) Act 1987 (NSW) mandates that when children are in police custody or being questioned by people in authority that a child is required to have a support person.

4.1 Statutory and judicial guidelines

R v Stein [2024] NSWSC 1080

Case summary

The case involves the tragic murder of 9-year-old Charlise Mutton in January 2022. Charlise was living with her grandparents in Queensland. She arrived in Sydney on December 21, 2021, to spend time with her mother, Kallista Mutton, and Justin Stein, her mother's fiancé. They spent time at a caravan park near the Hawkesbury River and at a property owned by Stein's family at Mount Wilson in the Blue Mountains, where the crime took place.

On January 11, 2022, Stein left the caravan park to travel to Mount Wilson. He took Charlise after she had asked if she could go with him, leaving Kallista at the caravan. The next day, the offender informed Charlise's mother that Charlise was unwell and that he had left her in the care of a person who he claimed was watching over her. However, this person did not exist, and forensic evidence later revealed that Charlise had already been shot and killed at this time. The offender used a stolen rifle, and after drugging Charlise, shot her twice—once in the hip and then fatally in the face at close range.

After killing Charlise, the offender drove back to Sydney with Kallista Mutton. Upon returning together to Mount Wilson and finding Charlise was not at the property, Stein began fabricating stories to cover up the crime. He began to search for Charlise, contacting local hospitals and suggesting that she may have been kidnapped by drug suppliers.

He then initiated an elaborate attempt to dispose of Charlise's body. He wrapped her in tarpaulins, placed her in a barrel, and filled it with sand. The offender's initial plan to dump the body in the ocean was foiled by busy wharfs, so he instead dumped the barrel near the Colo River. The barrel became wedged between a tree and a rock, and police later found it on January 18, 2022.

The court noted that this is the gravest possible example of the crime of murder, as contained in Section 18(1)(a) of the Crimes Act 1900 (NSW). The court did not accept Stein's claims of schizophrenia and attributed his experiences of psychosis to self-induced drug intoxication, which cannot be used to mitigate sentencing. Stein used his energy to cover his tracks and deflect the blame onto Kallista Mutton. During the trial, he was seen smirking and shaking his head during evidence given by Ms Mutton, as if to indicate to the jury that she was lying. This shows that he clearly had no regard for the distress that Kallista would be experiencing or any remorse for his crime. Additionally, the court found that his prospects of rehabilitation were very bleak and that he remained a danger to the community in the future. He had a long-standing drug addiction and had failed to successfully complete a number of rehabilitation programs awarded to him through the criminal courts. It should also be noted that Stein was on parole at the time of the Charlise's murder.

Stein was convicted of Charlise's murder. The evidence included ballistics, Charlise's DNA, and surveillance footage tracking his movements, which proved his deliberate and methodical attempts to conceal the crime.

The offence of murder carries a maximum sentence of life imprisonment under Section 21(1) of the Crimes (Sentencing Procedure) Act 1999 (NSW). A court can impose a life sentence if it is satisfied that the level of culpability is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be satisfied by imposing a life sentence.