NEW SOUTH WALES CIVIL PRACTICE & PROCEDURE PRACTICE TEST (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

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How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

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Questions

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1. Which rule outlines the general principles regarding Calderbank offers?

A. UCPR 20.26

B. UCPR 18.1

C. UCPR 42.17

D. UCPR 30.4

2. What happens if the offer does not make provision for costs according to Rule 42.13A?

A. The succeeding party will pay their own costs

B. The succeeding party is entitled to costs on an ordinary basis

C. No costs can be claimed at all

D. The succeeding party must cover all legal expenses

3. What is a requirement following the filing of an application in the Federal Court according to r8.05?

A. Nothing is needed after the application

B. Affidavit or statement of claim must be filed

C. Notify the court through a letter

D. Wait for a response from the other party

4. What was the main issue in the case Suttor v Gundowda Pty Ltd?

A. Allegation of fraud in a contract

B. Allegation of dishonesty regarding taxes

C. Contractual dispute over land ownership

D. Dispute over the quality of goods sold

5. Which of the following is NOT a consideration under section 58 regarding the dictates of justice?

A. Complexity of the issues

B. Degree of expedition by the parties

C. Type of legal representation

D. Degree of injustice from any proposed order

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6. When is a defendant not required to enter an appearance in court proceedings?

A. If given leave by the court

B. If the plaintiff has not shown up

C. If the defendant pays the full amount demanded

D. If a judge decides the case is not serious

7. Which of the following is a required step in obtaining a search order?

A. Drafting a defense in anticipation of the proceedings.

B. Contacting the person who will be the respondent personally.

C. Preparing a notice of motion and affidavit to accompany the application.

D. Submitting evidence of completed discovery.

8. When should expert reports be disclosed to other active parties?

A. At least 14 days before the hearing

B. Before the hearing in which it will be used, or it will be inadmissible

C. Within 7 days after being prepared

D. Only upon the court's request

9. What happens if proceedings are incorrectly commenced by a Statement of Claim under UCPR r6.5?

A. Pleadings are automatically dismissed

B. Pleadings can be treated as filed affidavits

C. A new Statement of Claim must be filed

D. The case has to be restarted from scratch

10. What does the court aim to achieve by enforcing the principle of finality in litigation?

A. Allow for more appeals by both parties

B. Ensure that cases are resolved without unnecessary delays

C. Encourage further legal disputes

D. Facilitate numerous trials for transparency

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Answers

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

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Explanations

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1. Which rule outlines the general principles regarding Calderbank offers?

A. UCPR 20.26

B. UCPR 18.1

C. UCPR 42.17

D. UCPR 30.4

The general principles regarding Calderbank offers are outlined in UCPR 42.17. Calderbank offers refer to informal settlement offers made without prejudice, meaning they cannot be referenced in court during the trial. The rule emphasizes the importance of each party's conduct in relation to making and responding to such offers and discusses the implications of these offers on costs if the case proceeds to trial. This includes considerations of whether a party's refusal to accept a reasonable settlement offer made in a Calderbank letter could influence the court's decision on the awarding of costs. Understanding this specific rule is essential for practitioners in New South Wales, as it plays a pivotal role in encouraging parties to settle disputes amicably, rather than proceeding to trial, while also providing a mechanism to address costs in light of pre-trial negotiations. Other options, while they pertain to different aspects of civil procedure, do not specifically address the principles governing Calderbank offers.

2. What happens if the offer does not make provision for costs according to Rule 42.13A?

A. The succeeding party will pay their own costs

B. The succeeding party is entitled to costs on an ordinary basis

C. No costs can be claimed at all

D. The succeeding party must cover all legal expenses

The correct interpretation of Rule 42.13A indicates that if an offer does not make specific provision for costs, the succeeding party is indeed entitled to recover their costs on an ordinary basis. This means that even if the offer lacks explicit detail regarding the treatment of costs, the law provides the succeeding party with the entitlement to seek such recoveries in line with standard practice. This situation reflects the intent behind procedural rules, which aim to ensure fairness and clarity in the allocation of legal costs following a determination of a legal matter. By defaulting to an ordinary basis for cost recovery, the legal framework seeks to prevent undue disadvantage to the party that has succeeded in the case, maintaining the integrity of the litigation process. Understanding this provision is vital in civil practice, as it helps parties involved grasp their rights concerning cost recoveries and manage their litigation strategies accordingly. The framework encourages clarity in offers but also ensures that parties are not penalized for unclarified cost designs in their dealings.

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3. What is a requirement following the filing of an application in the Federal Court according to r8.05?

A. Nothing is needed after the application

B. Affidavit or statement of claim must be filed

C. Notify the court through a letter

D. Wait for a response from the other party

The requirement following the filing of an application in the Federal Court according to rule 8.05 is that an affidavit or statement of claim must be filed. This is significant because it ensures that the court has all the necessary evidence and information to consider the application effectively. By filing an affidavit, the applicant provides the court with sworn evidence that supports their claims, which is essential for the court's decision-making process. A statement of claim serves a similar purpose, outlining the nature of the claim and the relief sought. This step is critical in civil procedure as it establishes the framework for the proceedings and ensures that all parties are aware of the matters being contested, allowing the court to properly adjudicate the issues at hand. It is also a procedural requirement that promotes fairness by ensuring that the opposing party is adequately informed of the claim they need to respond to. Other options do not align with the procedural rules set forth in the Federal Court. For instance, indicating that nothing is needed after the application would disregard the procedural requirements that maintain the integrity and structure of the court process. Notifying the court through a letter does not fulfill the requirement of submitting relevant documents in support of the application. Similarly, waiting for a response from the other party does not meet the obligation

4. What was the main issue in the case Suttor v Gundowda Pty Ltd?

A. Allegation of fraud in a contract

B. Allegation of dishonesty regarding taxes

C. Contractual dispute over land ownership

D. Dispute over the quality of goods sold

The main issue in the case Suttor v Gundowda Pty Ltd centered on allegations of dishonesty regarding taxes. This case highlighted how tax implications could be intertwined with contractual negotiations and the responsibilities of the parties involved. The court examined the claims that one party may have misrepresented financial circumstances related to tax obligations, directly influencing the integrity of the contract itself. This focus on dishonesty regarding tax matters underlines the significance of transparent dealings in business transactions, especially when parties rely on disclosed financial information to form contractual obligations. Dishonesty in these areas can lead to significant legal consequences and can undermine trust in commercial relationships. Other issues such as fraud in a contract, contractual disputes over land ownership, or the quality of goods sold do not accurately encapsulate the central matter of Suttor v Gundowda Pty Ltd. The case was primarily about tax-related dishonesty, demonstrating the complexities involved in contracts and taxation, rather than broad contractual quality or ownership issues.

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5. Which of the following is NOT a consideration under section 58 regarding the dictates of justice?

A. Complexity of the issues

B. Degree of expedition by the parties

C. Type of legal representation

D. Degree of injustice from any proposed order

The consideration that is NOT part of section 58 regarding the dictates of justice is the type of legal representation. Section 58 primarily focuses on ensuring that the court takes into account factors directly related to the fairness and efficiency of legal proceedings. This includes evaluating the complexity of the issues at hand, how swiftly the parties are proceeding with their case, and the potential degree of injustice that might arise from any proposed orders. The type of legal representation, while important in the context of a trial or hearing, does not specifically factor into the considerations outlined in section 58 focused on the administration of justice. The legislation emphasizes addressing the circumstances surrounding the case's management rather than the specific qualifications or types of representation that the parties may have. This distinction is critical as it highlights that justice is more concerned with the process and fairness of the proceedings than with the individual characteristics of the parties' legal advisors.

6. When is a defendant not required to enter an appearance in court proceedings?

A. If given leave by the court

B. If the plaintiff has not shown up

C. If the defendant pays the full amount demanded

D. If a judge decides the case is not serious

A defendant is not required to enter an appearance in court proceedings if given leave by the court. In civil procedure, the court has the discretion to grant leave, which allows the defendant to be excused from entering an appearance at the outset of a case. This can occur for various reasons, such as procedural issues, the nature of the claim, or a lack of merit in the plaintiff's case. If leave is granted, the defendant may not need to formally respond to the claim, which can streamline proceedings and reduce unnecessary litigation. In contrast, other scenarios do not exempt a defendant from the requirement to enter an appearance. The absence of a plaintiff in court does not automatically relieve the defendant of their obligation to appear; typically, the case may be dismissed for want of prosecution rather than the defendant being excused. Furthermore, even if a defendant pays the full amount demanded, it does not negate the necessity to enter an appearance; formal acknowledgment of the claim is usually required for the court's records. Lastly, while a judge has the authority to assess the seriousness of a case, that does not directly correlate to an automatic exemption for the defendant from entering an appearance. The requirement to appear remains unless specifically addressed through court procedures or rules.

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7. Which of the following is a required step in obtaining a search order?

A. Drafting a defense in anticipation of the proceedings.

B. Contacting the person who will be the respondent personally.

C. Preparing a notice of motion and affidavit to accompany the application.

D. Submitting evidence of completed discovery.

The correct choice is preparing a notice of motion and affidavit to accompany the application. This step is essential in the process of obtaining a search order as it provides the court with the necessary legal framework and supporting evidence to grant the order. A notice of motion is a formal request to the court for a particular order, in this case, a search order. It outlines the grounds for the application and specifies the relief sought. An affidavit, which is a sworn statement of facts, supports the motion by providing evidence that justifies why the court should grant the search order. This documentation is critical for demonstrating to the court the urgency and necessity for the search order requested. Contacting the person who will be the respondent personally is not a requirement for obtaining a search order and may not always be appropriate, especially in cases where such contact could lead to evidence being destroyed. Drafting a defense in anticipation of the proceedings is not a necessary step when applying for a search order, as the focus is on gathering evidence rather than defending against a claim. Submitting evidence of completed discovery is also not required at this stage since search orders are typically sought to discover evidence that has not yet been provided or is being withheld. Therefore, it is clear that the preparation of the notice

8. When should expert reports be disclosed to other active parties?

A. At least 14 days before the hearing

B. Before the hearing in which it will be used, or it will be inadmissible

C. Within 7 days after being prepared

D. Only upon the court's request

The correct answer is that expert reports must be disclosed before the hearing in which they will be used; otherwise, they are likely to be deemed inadmissible. This requirement ensures that all parties have a fair opportunity to examine and respond to the evidence presented, maintaining the principles of procedural fairness and transparency within the legal process. In the context of civil procedure, timely disclosure of expert reports allows other parties to prepare adequately for trial, including the opportunity to challenge the credibility and reliability of the expert's conclusions. If a party fails to disclose an expert report prior to the hearing, the court may refuse to allow the report to be entered into evidence, thus preventing the party from relying on that expert's testimony during the proceedings. Other options suggest varying approaches to timeliness and the manner of disclosure. Some imply flexibility or conditions that do not align with the established requirements of procedural fairness in civil litigation. Properly adhered timelines are essential for effective case management and ensuring that the judicial process is efficient and fair for all parties involved.

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9. What happens if proceedings are incorrectly commenced by a Statement of Claim under UCPR r6.5?

A. Pleadings are automatically dismissed

B. Pleadings can be treated as filed affidavits

C. A new Statement of Claim must be filed

D. The case has to be restarted from scratch

When proceedings are incorrectly commenced by a Statement of Claim under UCPR rule 6.5, the correct consequence is that pleadings can be treated as filed affidavits. This means that the court allows the documents that were intended to serve as pleadings to be considered for their intended purpose, albeit in a different procedural format. This flexibility is important in civil procedure because it helps maintain the substance of the parties' claims and defenses without undue disruption or the need to completely restart the process. This provision underscores the principles of justice and efficiency within the legal system. It acknowledges that while procedural rules must be followed, the court often seeks to avoid penalizing parties for technical deficiencies that do not affect the substance of the case. The options regarding automatic dismissal, the necessity of filing a new Statement of Claim, and restarting the case from scratch do not align with the intent of UCPR r6.5, which aims to facilitate the judicial process rather than hinder it due to clerical or procedural missteps. Thus, treating the improperly filed pleadings as affidavits serves as a remedy that ensures that justice is served with minimal disruption.

10. What does the court aim to achieve by enforcing the principle of finality in litigation?

A. Allow for more appeals by both parties

B. Ensure that cases are resolved without unnecessary delays

C. Encourage further legal disputes

D. Facilitate numerous trials for transparency

The principle of finality in litigation is essential for ensuring that cases reach a resolution, allowing parties to move forward without the threat of ongoing legal uncertainty. When the court enforces this principle, it aims to bring a definitive conclusion to disputes, which fosters efficiency in the legal system. By minimizing unnecessary delays, finality helps to prevent the continued re-litigation of matters that have already been decided, thus promoting the timely resolution of cases. This efficiency is crucial, as it ensures that both parties can proceed in their personal and professional lives without being burdened by lingering uncertainties. Moreover, a system that promotes finality ultimately contributes to the overall stability of the legal framework, as it helps maintain public faith in judicial processes. Therefore, the emphasis on resolving cases efficiently aligns with the court's broader goal of maintaining an orderly and effective legal system.

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Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

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We wish you the very best on your exam journey. You've got this!

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