

# New South Wales Civil Practice & Procedure Practice Test (Sample)

## Study Guide



**Everything you need from our exam experts!**

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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.

# 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!**

## **Questions**

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- 1. Under what conditions can a court award costs to the successful party according to UCPR Part 42?**
  - A. Only if documentation is provided**
  - B. Upon the discretion of the court at any stage of proceedings**
  - C. After a jury trial is concluded**
  - D. Only in cases of personal injury**
- 2. What is not required to be specified in the notice of motion?**
  - A. The specific costs involved in the application**
  - B. The nature of the proposed order**
  - C. The date and time of the hearing**
  - D. The persons affected by the order**
- 3. In personal injury cases, what documents must be served alongside a Statement of Claim?**
  - A. Legal citations**
  - B. Supporting documents for the claim**
  - C. Letters to the defendants**
  - D. Drafts of witness testimony**
- 4. What must a statement of claim (SoC) inform the defendant regarding their failure to file a defense?**
  - A. It may lead to an immediate trial**
  - B. Judgment or order may be made against them**
  - C. The case could be dismissed**
  - D. They will receive a penalty**
- 5. 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**

**6. What does Rule 20.23 require from a referee after making a determination?**

- A. A verbal report to the court**
- B. A written report stating their opinion and reasons**
- C. A summary of all witness testimonies**
- D. A final judgment recommendation to the court**

**7. In considering whether to dismiss proceedings, which factor is NOT relevant?**

- A. The period elapsed since a security order was made**
- B. The plaintiff's ability to fund further proceedings**
- C. The defendant's previous conduct in similar cases**
- D. Whether the plaintiff has been on notice of the dismissal application**

**8. What is a common reason for staying the enforcement of a summary judgment?**

- A. If the judgment debtor files bankruptcy.**
- B. If the judgment was made in error.**
- C. If there is a pending cross-claim filed by the same party.**
- D. If the plaintiff agrees to a settlement out of court.**

**9. What is a potential outcome if costs are found to be disproportionate according to section 60?**

- A. A grant of leave to appeal will be easily awarded**
- B. Costs may weigh against the decision to appeal**
- C. Costs will not be considered at all**
- D. Costs are automatically increased**

**10. Within how many days must an appeal notice be filed according to the procedure?**

- A. 14 days**
- B. 28 days**
- C. 21 days**
- D. 30 days**

## **Answers**

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

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## **Explanations**

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- 1. Under what conditions can a court award costs to the successful party according to UCPR Part 42?**
  - A. Only if documentation is provided**
  - B. Upon the discretion of the court at any stage of proceedings**
  - C. After a jury trial is concluded**
  - D. Only in cases of personal injury**

The correct statement indicates that the court has the discretion to award costs to the successful party at any stage of the proceedings, as outlined in UCPR Part 42. This principle emphasizes the court's broad powers in managing cases and ensuring that the legal process remains fair and just. When a party succeeds in a legal action, the court recognizes that they may be entitled to recover the costs incurred during the litigation, subject to the court's assessment of the situation. This discretion is vital because it allows the court to take into account the unique circumstances of each case. Factors such as the conduct of the parties, the complexity of the issues, and the reasons for making certain decisions during the trial may influence the court's decision to grant costs. It ensures that costs are awarded not only based on the outcome but also considering how the parties engaged in the litigation. The other options do not accurately reflect the principles established in UCPR Part 42. For instance, requiring documentation for costs would unduly restrict the court's discretion, and limiting cost awards solely to post-jury trials or personal injury cases does not align with the flexibility embedded in the rules governing costs.

- 2. What is not required to be specified in the notice of motion?**

- A. The specific costs involved in the application**
- B. The nature of the proposed order**
- C. The date and time of the hearing**
- D. The persons affected by the order**

In the context of civil practice in New South Wales, a notice of motion is a formal document used to request a court order. While it's essential for a notice of motion to clearly communicate the specifics of the application, certain details are less critical than others. The nature of the proposed order is critical because it informs the court and the other parties about what the applicant is seeking, ensuring that everyone understands the relief being requested. The date and time of the hearing are also necessary, as they allow the court to schedule the motion and enable the involved parties to appear and prepare. Furthermore, identifying the persons affected by the order is pivotal. This ensures that all interested parties are aware of the proceedings and have the opportunity to respond or participate, which upholds principles of natural justice and procedural fairness. However, specifying the exact costs involved in the application is not a requirement. While it may be helpful for the court and the parties to have an understanding of potential costs, it does not impact the ability of the court to consider the motion itself. The court primarily focuses on the substance of the relief being sought rather than the financial implications at this early stage. Thus, the lack of necessity for detailing specific costs in the notice of motion makes this the correct answer.

**3. In personal injury cases, what documents must be served alongside a Statement of Claim?**

- A. Legal citations**
- B. Supporting documents for the claim**
- C. Letters to the defendants**
- D. Drafts of witness testimony**

In personal injury cases, it is essential to serve supporting documents alongside a Statement of Claim. These supporting documents provide the necessary evidence and context for the claims being made, helping the court understand the basis of the claim and the extent of the injury. Supporting documents may include medical records, accident reports, photographs, or any other relevant documentation that substantiates the allegations in the Statement of Claim. This practice is crucial because it allows the defendant to respond appropriately, ensuring that they are fully informed about the claims against them and the evidence that supports those claims. Additionally, the inclusion of such documents can facilitate the legal process by providing a clearer picture of the case from the outset, thereby potentially reducing the need for extensive discovery later in the litigation. In personal injury lawsuits, the aim is to establish liability and the extent of damages suffered, and supporting documents play a critical role in achieving this goal. Without these documents, the Statement of Claim can lack the necessary context and detail, which could weaken the plaintiff's position in court.

**4. What must a statement of claim (SoC) inform the defendant regarding their failure to file a defense?**

- A. It may lead to an immediate trial**
- B. Judgment or order may be made against them**
- C. The case could be dismissed**
- D. They will receive a penalty**

The statement of claim (SoC) plays a crucial role in civil procedure, particularly in informing the defendant of the potential consequences of failing to file a defense. When a SoC is served, it typically includes provisions that alert the defendant to the fact that a judgment or order may be made against them if they do not respond within a specified time frame. This situation underscores the fundamental principle of fairness in legal proceedings: defendants must be made aware of their rights and the implications of their inaction. If a defendant fails to file a defense, the plaintiff may seek a default judgment, which could result in a court ruling in favor of the plaintiff without the defendant having an opportunity to present their case. This process ensures that in the absence of a response from the defendant, the court can still proceed with the matter, thereby upholding the efficiency of legal proceedings. As such, the notification regarding the risk of a judgment or order being made against them is vital for ensuring that defendants understand the importance of their participation in the case.

**5. 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.

**6. What does Rule 20.23 require from a referee after making a determination?**

- A. A verbal report to the court**
- B. A written report stating their opinion and reasons**
- C. A summary of all witness testimonies**
- D. A final judgment recommendation to the court**

Rule 20.23 requires a referee to provide a written report stating their opinion and reasons after making a determination. This written report is essential because it ensures that there is a clear, detailed, and documented explanation of the referee's decision-making process, which is critical for transparency and accountability within judicial proceedings. The rationale for requiring a written report lies in the need for the court and other parties involved to understand the reasoning behind the referee's findings. A written document can be reviewed, cited, and relied upon in subsequent proceedings or appeals, thereby serving as an important record in the legal process. While verbal reports, summaries of witness testimonies, or recommendations for final judgments may have their own roles in legal procedures, they do not fulfill the specific requirements set out in Rule 20.23 regarding the necessary documentation of a referee's findings. The emphasis is on a structured and reasoned written account, which solidifies the decision made by the referee.

**7. In considering whether to dismiss proceedings, which factor is NOT relevant?**

- A. The period elapsed since a security order was made**
- B. The plaintiff's ability to fund further proceedings**
- C. The defendant's previous conduct in similar cases**
- D. Whether the plaintiff has been on notice of the dismissal application**

In determining whether to dismiss proceedings, the relevance of each factor can vary significantly. The factor that does not hold relevance, as indicated, pertains to the defendant's previous conduct in similar cases. This is because the dismissal of current proceedings typically centers on the specific circumstances surrounding the case at hand, such as the conduct of the parties in this proceeding, rather than prior actions or behaviors in unrelated cases. The timeline since a security order was made can indicate delays or obstacles in the proceedings, which may influence the court's decision on whether to allow the case to continue. Similarly, a plaintiff's capacity to finance the further stages of litigation directly informs the viability of continuing with the case. If a plaintiff cannot afford to progress, this can be a significant factor in considering a dismissal. Lastly, awareness of the dismissal application is pertinent as it affects the procedural fairness and rights of the plaintiff to respond to such applications. Each of these factors engages directly with how the proceedings and the parties' conduct are managed in the current case, highlighting their importance in the assessment, while the defendant's previous conduct in unrelated matters does not impact the specific particulars of the current litigation.

**8. What is a common reason for staying the enforcement of a summary judgment?**

- A. If the judgment debtor files bankruptcy.**
- B. If the judgment was made in error.**
- C. If there is a pending cross-claim filed by the same party.**
- D. If the plaintiff agrees to a settlement out of court.**

Staying the enforcement of a summary judgment can occur for various reasons, and one significant reason is the existence of a pending cross-claim filed by the same party. When a cross-claim is pending, it indicates that there are additional issues related to the same underlying matter that need to be resolved. This situation can create a risk of inconsistency in judgments or an unfair advantage for one party if enforcement proceeds while the cross-claim is still active. A stay allows the court to manage the cases effectively and ensures that all related claims are considered together, promoting judicial efficiency and fairness. The presence of a cross-claim may warrant a stay as it may impact the parties involved and the substantive outcomes of the cases. Thus, granting a stay in enforcement reflects the court's intent to provide a comprehensive resolution to all interconnected issues rather than fragmenting the legal proceedings. In contrast, while a bankruptcy filing, a judgment made in error, or an out-of-court settlement can also initiate a stay in specific circumstances, they do not pertain directly to the ongoing resolution of claims within the context of a single case. These scenarios are generally considered on different legal principles and procedures than those related to managing multiple claims and ensuring consistent judicial outcomes.

**9. What is a potential outcome if costs are found to be disproportionate according to section 60?**

- A. A grant of leave to appeal will be easily awarded**
- B. Costs may weigh against the decision to appeal**
- C. Costs will not be considered at all**
- D. Costs are automatically increased**

In assessing the potential outcomes when costs are found to be disproportionate according to section 60, it is important to understand the implications of cost considerations on the decision to appeal. When costs are deemed disproportionate, it reflects a significant imbalance where the expenses incurred may not align reasonably with the issues at stake or the outcome of the case. Choosing to appeal can often lead to additional costs, which may not be recovered if the appeal is unsuccessful. Thus, if the costs from the previous proceedings are already disproportionate, this could weigh heavily in a party's decision-making process regarding whether to pursue an appeal. The risk of incurring further costs without a favorable outcome can deter parties from appealing, as they may decide that the potential benefits of an appeal do not justify the additional financial risks involved. This connection highlights the significance of cost considerations in the appeal process, reinforcing why option B is the correct choice in this context.

**10. Within how many days must an appeal notice be filed according to the procedure?**

- A. 14 days**
- B. 28 days**
- C. 21 days**
- D. 30 days**

The correct timeframe for filing an appeal notice under New South Wales civil procedure is indeed 28 days. This requirement is set forth by the Uniform Civil Procedure Rules, which stipulate that an appellant must lodge a notice of appeal within this period following the decision being appealed against. The rationale behind this specific timeframe is to ensure that the appeals process is initiated promptly. This helps to maintain the efficiency of the judicial system and provides certainty to the parties involved regarding the progression of the case. In contrast, options such as 14 days, 21 days, and 30 days do not align with the established rules governing appeals in New South Wales civil procedure. While there may be different timelines for specific types of applications or jurisdictions, the standard rule for a general appeal clearly defines the 28-day period as the correct limit.

# 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](mailto:hello@examzify.com).**

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

**<https://nswcivilpracticeprocedure.examzify.com>**

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

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