

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

STUDY GUIDE



**SAMPLE STUDY GUIDE
WITH LIMITED QUESTIONS**

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THE FULL VERSION STUDY GUIDE**

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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. What must be included in a party's motion during an interlocutory hearing?**
 - A. Only the first application they wish to make
 - B. All possible applications they intend to make
 - C. The last application they made
 - D. Only the applications from the previous hearing
- 2. What must the applicant prove to obtain a Mareva order?**
 - A. Irrefutable proof of asset ownership
 - B. A real risk that assets will be dissipated to defeat a judgment
 - C. Intent to hide assets from the court
 - D. Prior agreements among the parties regarding asset management
- 3. What is a requirement for the format of affidavits as per the rules?**
 - A. They must include a summary of the legal case
 - B. Each matter should be placed in separate paragraphs
 - C. They must be single spaced
 - D. Affidavits should be signed by a lawyer
- 4. What determines whether costs under an offer of compromise can include costs in the offer made?**
 - A. Whether it was made two months before trial
 - B. The claim must not state an amount for costs
 - C. The court must approve the costs included
 - D. Costs must be stated separately in the offer
- 5. What occurs if a pleading discloses no reasonable cause of action?**
 - A. The court must accept it as filed
 - B. The pleading may be struck out
 - C. The case can be moved to mediation
 - D. The party is required to file an amendment

- 6. What power does the court have regarding the proceedings under reference as per Rule 20.24?**
- A. The power to enforce the referee's opinion
 - B. The power to set aside or vary orders of the referral
 - C. The power to mandate witnesses for testimony
 - D. The power to impose fines for non-compliance
- 7. What happens to a case if an application for summary judgment fails?**
- A. The case is dismissed completely.
 - B. Proceedings continue as if the application had never been made.
 - C. The case must be retried in the appellate court.
 - D. The applicant must withdraw their claim.
- 8. Which of the following judgments entitles the successful party to possession of land?**
- A. Section 104 of the Civil Procedure Act
 - B. Section 105 of the Civil Procedure Act
 - C. Section 106 of the Civil Procedure Act
 - D. Section 107 of the Civil Procedure Act
- 9. According to UCPR r6.4, when is a writ of habeas corpus appropriate?**
- A. For compensatory claims
 - B. To secure the liberty of an improperly detained person
 - C. For all civil disputes
 - D. When a contract is unfair and needs approval
- 10. How many questions can parties seek clarity on from a single expert's report?**
- A. Five questions
 - B. Ten questions
 - C. Fifteen questions
 - D. No limit to the number of questions

Answers

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

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Explanations

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1. What must be included in a party's motion during an interlocutory hearing?

- A. Only the first application they wish to make
- B. All possible applications they intend to make**
- C. The last application they made
- D. Only the applications from the previous hearing

In the context of an interlocutory hearing, it is important for a party to include all possible applications they intend to make in their motion. The rationale behind this is to ensure that the court is fully informed about the issues at stake and can consider all relevant matters when making a decision. This comprehensive approach enables the court to address all potential needs or concerns of the parties involved during that particular hearing. Including all intended applications allows for a more efficient hearing process, as it prevents the need for multiple hearings on related issues and contributes to a quicker resolution of the matter. Furthermore, it ensures that the other party is adequately notified of all claims or requests, promoting fairness and transparency in the judicial process. The other options do not align with the procedural expectations for interlocutory motions. Simply including one application, the last application made, or only those from the previous hearing would not provide sufficient information for the court to make an informed decision on all current issues.

2. What must the applicant prove to obtain a Mareva order?

- A. Irrefutable proof of asset ownership
- B. A real risk that assets will be dissipated to defeat a judgment**
- C. Intent to hide assets from the court
- D. Prior agreements among the parties regarding asset management

To obtain a Mareva order, the applicant must demonstrate a real risk that assets will be dissipated to defeat a judgment. This requirement is crucial because Mareva orders, also known as freezing orders, are issued by courts to prevent a defendant from disposing of or hiding their assets pending the resolution of a legal proceeding. Proving a real risk involves showing sufficient evidence that, without the order, there is a likelihood that the defendant may act to make their assets unavailable, thereby frustrating any future judgment that may be made against them. This safeguard is intended to protect the integrity of the judicial process and ensure that any judgment in favor of the applicant can be enforced. In contrast, irrefutable proof of asset ownership is not a necessity for a Mareva order. The focus is on the risk of dissipation rather than the verification of ownership itself. Similarly, intent to hide assets, while relevant, must be substantiated by evidence of an actionable risk rather than mere suspicion. Finally, prior agreements among the parties regarding asset management do not serve as a basis for a Mareva order, as the primary concern lies in preventing potential asset loss rather than enforcing any existing agreements.

3. What is a requirement for the format of affidavits as per the rules?

- A. They must include a summary of the legal case
- B. Each matter should be placed in separate paragraphs**
- C. They must be single spaced
- D. Affidavits should be signed by a lawyer

Affidavits used in legal proceedings in New South Wales must follow specific formatting requirements to ensure clarity and accessibility. One critical requirement is that each matter contained in the affidavit should be presented in separate paragraphs. This practice allows for a clearer understanding of the facts being presented, making it easier for the reader to identify and refer to specific statements within the affidavit. The use of separate paragraphs helps to organize the information logically and improves the overall readability of the document. In contrast, while other formatting aspects such as spacing may be important, they do not carry the same level of necessity regarding the structure of the content, which is why they were not chosen. For example, including a summary of the legal case does not align with the primary purpose of an affidavit, which is to present factual evidence as per the Australian legal procedural requirements. Furthermore, affidavits do not have to be signed by a lawyer; they typically require the signature of the deponent (the individual making the affidavit) before an authorized witness. Hence, the requirement of separate paragraphs stands out as the fundamental aspect of preparing an affidavit correctly in New South Wales civil proceedings.

4. What determines whether costs under an offer of compromise can include costs in the offer made?

- A. Whether it was made two months before trial
- B. The claim must not state an amount for costs**
- C. The court must approve the costs included
- D. Costs must be stated separately in the offer

The determination of whether costs under an offer of compromise can include costs hinges on the specifics of the claim regarding costs. If a claim states an amount for costs, this affects the legitimacy of the offer. In New South Wales, for costs to be included in the offer, the claim must not explicitly state an amount for costs. This is to ensure clarity and to avoid any ambiguity surrounding how costs are treated in the context of the offer. The rationale is to ensure that parties are negotiating with a clear understanding of the terms, without pre-determined costs influencing the offer. By requiring that costs not be specified, the law aims to facilitate genuine negotiation and settlement discussions. Other options do not accurately address this fundamental aspect of making an effective offer of compromise. While the timing of an offer (such as two months before trial) or court approval may influence procedural aspects, they are not central to the requirement concerning whether costs can be included based on the statement of the claim. Furthermore, the inclusion of costs separately is not a precondition; rather, the focus is on whether costs are stated in the claim at all. This distinction is crucial in understanding the framework of offers of compromise within the procedural law in New South Wales.

5. What occurs if a pleading discloses no reasonable cause of action?

- A. The court must accept it as filed
- B. The pleading may be struck out**
- C. The case can be moved to mediation
- D. The party is required to file an amendment

When a pleading discloses no reasonable cause of action, it may be struck out by the court. This means that the court has found the allegations made in the pleading to be insufficient to establish a legal claim. A reasonable cause of action means that the pleading must contain factual elements that, if proved, would amount to a valid legal claim. If these elements are missing, the court intervenes to prevent frivolous or meritless cases from proceeding, which conserves judicial resources and protects the rights of the parties involved. Striking out a pleading is a mechanism that allows the court to dismiss flawed claims early in the process, ensuring that only those actions with a legitimate legal foundation will go forward to the trial stage. This process is essential in maintaining the integrity of the judicial system by filtering out cases lacking legal merit before they consume further time and resources. Regarding the other options, the court is not obligated to simply accept a pleading as filed if it fails to meet legal standards, nor can it move a case to mediation based on the sufficiency of the pleadings. Additionally, while a party may be given the opportunity to amend their pleading, this is not automatic and is not the most immediate remedy when a pleading fails to disclose a reasonable cause of

6. What power does the court have regarding the proceedings under reference as per Rule 20.24?

- A. The power to enforce the referee's opinion
- B. The power to set aside or vary orders of the referral**
- C. The power to mandate witnesses for testimony
- D. The power to impose fines for non-compliance

The court's power to set aside or vary orders of the referral is grounded in the principle that courts hold authority to ensure fair and just outcomes in judicial proceedings. Under Rule 20.24, this power allows the court to intervene in the referral process if necessary. This reflects the court's continued supervisory role over the proceedings, enabling it to adjust or retract orders for referrals as it sees fit—in response to changes in circumstances, new evidence, or concerns about the fairness of the process. This flexibility is critical in maintaining the integrity of the judicial system, ensuring that the referral reflects the best interests of justice. By having the ability to set aside or modify these orders, the court safeguards the proceedings from potentially flawed decisions made during the reference phase, thereby reinforcing the court's overarching authority and responsibility in resolving disputes.

7. What happens to a case if an application for summary judgment fails?

- A. The case is dismissed completely.
- B. Proceedings continue as if the application had never been made.**
- C. The case must be retried in the appellate court.
- D. The applicant must withdraw their claim.

When an application for summary judgment fails, the subsequent legal position is that the proceedings continue as if the application had never been made. This principle reflects the function of summary judgment as a mechanism to dispose of cases that lack merit at an early stage but does not terminate the litigation entirely if unsuccessful. The rationale behind this is to ensure that the legal process can proceed to determine the merits of the case through trial or further proceedings, allowing both parties the opportunity to present their evidence and arguments. The failure of the summary judgment application does not preclude either party from pursuing their claims or defenses; rather, the case will move forward in the standard course of litigation. The integrity of the judicial process is maintained by allowing the case to unfold appropriately. Options that suggest a case is completely dismissed or requires retrial in an appellate court misinterpret the procedural outcome of a failed summary judgment application. The applicant does not need to withdraw their claim either; they can still pursue their case, and the court will address it based on its merits in due course.

8. Which of the following judgments entitles the successful party to possession of land?

- A. Section 104 of the Civil Procedure Act**
- B. Section 105 of the Civil Procedure Act
- C. Section 106 of the Civil Procedure Act
- D. Section 107 of the Civil Procedure Act

The correct answer is that Section 104 of the Civil Procedure Act entitles the successful party to possession of land. This section addresses situations where a judgment is made in favor of a claimant who seeks to recover possession of land, typically in a case involving landlord-tenant disputes or similar property-related matters. Under this provision, once a judgment is rendered in favor of the claimant, it provides a clear legal pathway for that party to obtain possession of the property in question. Sections 105, 106, and 107 of the Civil Procedure Act deal with different aspects of civil procedure and do not specifically provide a right to possession of land. Each of those sections serve other procedural or substantive legal functions that do not directly align with the immediate context of recovering possession of land following a judgment. Thus, Section 104 is the specific provision that directly addresses the entitlement to possession of land, making it the correct choice in this scenario.

9. According to UCPR r6.4, when is a writ of habeas corpus appropriate?

- A. For compensatory claims
- B. To secure the liberty of an improperly detained person**
- C. For all civil disputes
- D. When a contract is unfair and needs approval

The correct answer is that a writ of habeas corpus is appropriate to secure the liberty of an improperly detained person. This legal remedy is rooted in the fundamental principle of protecting individual freedom against unlawful detention. The writ serves as a means for individuals to challenge the legality of their detention and seek immediate release, emphasizing the importance of personal liberty in the legal system. A writ of habeas corpus is not designed for compensatory claims or to address general civil disputes; it specifically targets situations involving unlawful confinement. Furthermore, it is not applicable in scenarios involving unfair contracts, as those issues would be resolved through other legal means, such as contract law. Instead, the writ focuses solely on the right to freedom and due process, making it a significant tool in safeguarding civil liberties.

10. How many questions can parties seek clarity on from a single expert's report?

- A. Five questions
- B. Ten questions**
- C. Fifteen questions
- D. No limit to the number of questions

In the context of New South Wales civil procedure, parties are typically allowed to seek clarity on a defined number of questions from an expert's report to ensure focused and efficient clarification of the expert's findings and opinions. Specifically, the rules governing expert evidence often stipulate that parties can submit a maximum of ten questions for the expert to clarify or expand upon their report. This framework is designed to prevent abuse of the process by limiting expansive or irrelevant questioning, while still giving parties a fair opportunity to understand the expert's conclusions. The rationale behind the limitation to ten questions is to strike a balance between the need for thoroughness in expert testimony and the importance of keeping proceedings manageable and focused. If there were no limit, it could lead to an overwhelming number of questions that might confuse the issue rather than clarify it, prolonging litigation and increasing costs unnecessarily. In contrast, the other options suggest either a smaller number of questions or an unlimited number, which would not align with the established practices aimed at maintaining efficiency within the legal process. Therefore, the choice of ten questions reflects the practical limits set by civil procedure rules conducive to achieving clarity in expert evidence.

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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