

# Queensland Bar Practice Exam (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

- 1. What is a 'Statement of claim' in legal pleadings?**
  - A. A formal request for a trial date**
  - B. A document outlining the plaintiff's case**
  - C. A summary of evidence to be presented**
  - D. A defenses response to the plaintiff's claims**
- 2. What is required for a court to grant a freezing order according to the case Vaughan v Bonjiorno?**
  - A. A signed affidavit**
  - B. A comprehensive case study**
  - C. A prima facie case**
  - D. Approval from the Attorney General**
- 3. What must be established to grant an interim injunction?**
  - A. Both parties must be notified in advance**
  - B. That delay will cause irreparable damage**
  - C. A unanimous decision from the court**
  - D. Agreement from the defendant**
- 4. When are pleadings considered closed in legal proceedings?**
  - A. Upon filing of the final defense**
  - B. On service of reply or 14 days after defense is filed**
  - C. As soon as the case is listed for trial**
  - D. After the completion of discovery**
- 5. What is required when pleading denials?**
  - A. They must be vague to avoid giving too much information**
  - B. They cannot be evasive or ambiguous and must include a direct explanation**
  - C. They should only state the party's position without further explanation**
  - D. They must include evidence to support the denial**

- 6. According to the Evidence Act 1977, what is required for evidence to be admissible?**
- A. Must be relevant and not excluded by law**
  - B. Must be presented in writing**
  - C. Must be favorable to the defendant**
  - D. Must be gathered by law enforcement only**
- 7. What information must a plaintiff state in a claim?**
- A. The name of the judge presiding**
  - B. The nature of the claim**
  - C. The expected trial date**
  - D. The defense's argument**
- 8. What is the name of the list assigned to a supervising judge for managing cases over five days?**
- A. Commercial List**
  - B. Supervised Case List**
  - C. Trial Management List**
  - D. Injunction List**
- 9. When are summary offenses typically tried?**
- A. In district courts with a jury**
  - B. In lower courts without a jury**
  - C. In the Supreme Court**
  - D. In a court of appeals**
- 10. According to the rules, what requirement must be fulfilled when denying facts in a response?**
- A. A vague acknowledgment of the denial**
  - B. A direct explanation of the rationale for the denial**
  - C. A statement of the opposing party's position**
  - D. A general response without specifics**

## **Answers**

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

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## **Explanations**

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## 1. What is a 'Statement of claim' in legal pleadings?

- A. A formal request for a trial date
- B. A document outlining the plaintiff's case**
- C. A summary of evidence to be presented
- D. A defenses response to the plaintiff's claims

A 'Statement of claim' is an essential document in legal pleadings that outlines the plaintiff's case. It serves as the foundational pleading that sets out the facts, circumstances, and the legal basis upon which the plaintiff seeks relief from the court. Within this document, the plaintiff details the claims being made against the defendant, including the specifics of the alleged wrongs and the type of relief sought, such as damages or an injunction. This document is crucial because it informs the defendant of the case they need to respond to and provides the court with the necessary information to consider the claims being made. It essentially frames the issues for the trial, allowing both parties to understand the points of contention. In contrast, while a formal request for a trial date, a summary of evidence, or a defense's response to the plaintiff's claims may play roles in the litigation process, they do not encapsulate the definition or function of a 'Statement of claim.' These other documents have different purposes in the litigation procedure; for instance, a request for a trial date pertains to scheduling, and a defense response deals with rebutting the claims made.

## 2. What is required for a court to grant a freezing order according to the case *Vaughan v Bonjorno*?

- A. A signed affidavit
- B. A comprehensive case study
- C. A prima facie case**
- D. Approval from the Attorney General

In the case of *Vaughan v Bonjorno*, the court established that to obtain a freezing order, the applicant must demonstrate a prima facie case. A prima facie case refers to the evidence that, unless disproved, is sufficient to establish a particular fact or the validity of the claim being made. It serves as a foundational requirement that assures the court there is a legitimate basis for considering that the applicant is likely to succeed on the merits of the case. This requirement for a prima facie case is critical because freezing orders are extraordinary remedies that can interfere with individuals' rights to use their property. The court must be satisfied that there is a credible claim, thus preventing potentially unwarranted restrictions on a respondent's assets. While a signed affidavit may be used in support of the application for a freezing order, it is not the sole requirement for granting such an order—the underlying substantive case must also be established. Similarly, a comprehensive case study is not a standard requirement in this context, and approval from the Attorney General is not needed for private parties in seeking freezing orders in civil cases.

### 3. What must be established to grant an interim injunction?

- A. Both parties must be notified in advance
- B. That delay will cause irreparable damage**
- C. A unanimous decision from the court
- D. Agreement from the defendant

To grant an interim injunction, it must be established that delay will cause irreparable damage. This principle ensures that the court can intervene on a temporary basis to prevent harm that cannot be adequately compensated by damages if the application were to wait until the full hearing of the case. Irreparable damage refers to harm that is not easily quantifiable in monetary terms or that cannot be remedied by an award of damages. For example, if a party is facing the loss of a business or significant rights that cannot be replaced, this can constitute irreparable damage. Courts typically consider the balance of convenience and the risk of harm when deciding whether to grant an interim injunction. The other options do not address the critical legal standard for granting this type of relief. While notifying both parties and obtaining agreement from the defendant are procedural aspects that may be relevant in some contexts, they are not prerequisites for the granting of an interim injunction. A unanimous decision from the court is also not necessary; a single judge can grant an interim injunction based on the merits of the case presented. Therefore, the requirement of demonstrating the prospect of irreparable damage is the key criterion for the issuance of an interim injunction.

### 4. When are pleadings considered closed in legal proceedings?

- A. Upon filing of the final defense
- B. On service of reply or 14 days after defense is filed**
- C. As soon as the case is listed for trial
- D. After the completion of discovery

Pleadings are considered closed when the plaintiff serves their reply to the defendant's defense or if no reply is served, 14 days after the defense has been filed. This is crucial because it delineates the end of the formal exchange of allegations and denials, effectively narrowing the issues that will actually be litigated during the trial. This rule is fundamental as it provides clarity and structure to the litigation process, ensuring that both parties are aware of the claims and defenses that will be pursued. Once pleadings are closed, the parties can move forward with preparation for trial, including discovery and other pre-trial activities, based firmly on the issues defined in the pleadings. The other options do not accurately reflect the legal standard for when pleadings are considered closed. The completion of discovery, while an important phase in litigation, does not influence when pleadings close. Similarly, simply filing a final defense, or having a case listed for trial, does not by itself mean that the issues have been definitively established and that pleadings can be deemed closed. Thus, the correct understanding of when pleadings are closed is associated specifically with the service of a reply or the lapse of time following the defense.

## 5. What is required when pleading denials?

- A. They must be vague to avoid giving too much information
- B. They cannot be evasive or ambiguous and must include a direct explanation**
- C. They should only state the party's position without further explanation
- D. They must include evidence to support the denial

When pleading denials, a party is required to ensure that the denials cannot be evasive or ambiguous and must provide a direct explanation. This requirement promotes clarity in legal pleadings, allowing the opposing party to understand the specific points of contention. By avoiding vague statements, the party making the denial directly addresses the allegations and clearly communicates its stance, facilitating a fair exchange of information during litigation. This clarity not only upholds the integrity of the legal process but also aids in judicial efficiency, as it helps to narrow the issues in dispute. A direct explanation accompanying a denial provides context, enabling the court and all parties involved to better understand the basis of the denial and respond appropriately.

## 6. According to the Evidence Act 1977, what is required for evidence to be admissible?

- A. Must be relevant and not excluded by law**
- B. Must be presented in writing
- C. Must be favorable to the defendant
- D. Must be gathered by law enforcement only

For evidence to be admissible under the Evidence Act 1977, it is essential that the evidence is relevant to the case at hand and not excluded by any legal provisions. Relevance means that the evidence must have a logical connection to the facts of the issue being adjudicated, helping to establish a fact that affects the case's outcome. In addition to being relevant, any evidence presented must not fall within any categories of exclusion, which can include rules related to hearsay, privilege, or other statutory restrictions. If evidence meets these criteria, it can be considered for presentation in court. The other choices do not accurately reflect the requirements for admissibility. Evidence does not need to be presented in writing, as oral testimony can also be admissible. Additionally, the requirement for evidence to be favorable to one party (such as the defendant) is not a standard for admissibility; rather, all relevant evidence must be considered without bias in favor of either side. Furthermore, while evidence collected by law enforcement may often be considered, the methods of gathering it do not determine its admissibility unless those methods violate specific legal standards or rights.

**7. What information must a plaintiff state in a claim?**

- A. The name of the judge presiding
- B. The nature of the claim**
- C. The expected trial date
- D. The defense's argument

The plaintiff must state the nature of the claim in their pleadings because this information provides the court and the defendant with essential details about the basis and grounds for the legal action. By defining the nature of the claim, the plaintiff articulates the specific issues in dispute, the legal principles involved, and the relief sought. This clarity is crucial for the proper administration of justice, as it allows the defendant to understand what they are being accused of and prepares both parties for the legal proceedings that will follow. The other options, while they might be relevant in different contexts, are not requirements for stating a claim. For instance, the name of the judge is not known at the time of filing the claim as it is assigned later. The expected trial date may not be established until after initial pleadings and scheduling conferences are conducted. Lastly, while understanding the defense's argument may be useful for strategizing, it is not necessary for the plaintiff to include this information in their claim; instead, the focus should remain on articulating their own position and the nature of the dispute.

**8. What is the name of the list assigned to a supervising judge for managing cases over five days?**

- A. Commercial List
- B. Supervised Case List**
- C. Trial Management List
- D. Injunction List

The list assigned to a supervising judge for managing cases over five days is referred to as the Supervised Case List. This list is specifically designed to ensure that complex matters or those requiring significant judicial oversight are managed effectively, allowing for focused attention over an extended duration. It is crucial in facilitating the efficient resolution of cases that may involve numerous legal issues or require detailed procedural guidance. In contrast, other lists mentioned serve different purposes. The Commercial List generally deals with matters related to business and corporate issues; the Trial Management List is more focused on organizing and scheduling trials to promote timely proceedings; while the Injunction List deals specifically with applications for injunctions. While each list has its own unique function, the Supervised Case List specifically addresses the needs of cases that require managed supervision over a span of multiple days.

**9. When are summary offenses typically tried?**

- A. In district courts with a jury
- B. In lower courts without a jury**
- C. In the Supreme Court
- D. In a court of appeals

Summary offenses are typically dealt with in lower courts without a jury because they are considered less serious than indictable offenses. The legal system has designated specific jurisdictions for different types of offenses to ensure efficiency and appropriate handling based on the nature of the crime. Lower courts, often referred to as Magistrates' Courts in Queensland, are designed to handle these types of offenses swiftly, allowing for quicker resolutions in less complex legal matters. This system also helps alleviate the backlog of cases in higher courts, where more serious indictable offenses are tried. In contrast, district courts, the Supreme Court, and courts of appeals focus on more serious crimes and complex legal questions, often involving legal representation and a jury. Thus, the structure of the justice system in Queensland reflects the need for an accessible and efficient means of adjudicating less serious offenses, which is why summary offenses are tried in lower courts without a jury.

**10. According to the rules, what requirement must be fulfilled when denying facts in a response?**

- A. A vague acknowledgment of the denial
- B. A direct explanation of the rationale for the denial**
- C. A statement of the opposing party's position
- D. A general response without specifics

When denying facts in a response, it is essential to provide a direct explanation of the rationale for the denial. This requirement ensures that the responding party clearly articulates the reasons for disputing the facts asserted by the opposing party. By providing a specific rationale, the party eliminates ambiguities and contributes to a fair and transparent legal process, allowing the court and the parties involved to understand the basis of their disagreement. In litigation, clarity and specificity are crucial; offering a comprehensive explanation helps prevent misunderstandings and positions the denying party effectively in their case. It also aids in narrowing the issues for trial, making it easier for all parties to prepare their arguments and evidence accordingly. The other options fail to meet the necessary legal standards. A vague acknowledgment of the denial does not provide enough information to substantiate the party's position. A statement of the opposing party's position is not relevant to the requirement for denying facts, as it does not address the responding party's own stance. Lastly, a general response without specifics lacks the detail required to effectively communicate the reasons behind the denial, which could hinder the legal process.