

Queensland Evidence Bar Practice Exam (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. What is the relevant provision for admitting hearsay evidence when the maker is not available in civil trials?**
 - A. It is accepted under a general best evidence rule**
 - B. It can be admitted if it is perceived to be factual**
 - C. It requires the presence of expert testimony**
 - D. It needs to be corroborated by written documents**
- 2. In Queensland, how are prior convictions viewed when used as evidence?**
 - A. They are always admissible to show conduct**
 - B. They are generally inadmissible, except in certain cases**
 - C. They can be used to establish credibility of witnesses**
 - D. They are irrelevant to any court cases**
- 3. What does a "rebuttable presumption" indicate?**
 - A. An assumption that cannot be challenged**
 - B. An assumption that can be proved in court only**
 - C. An assumption that can be contested with evidence**
 - D. An indication of guilt in criminal cases**
- 4. Which section of the Evidence Act Queensland addresses computer records as an exception to the hearsay rule?**
 - A. Section 90**
 - B. Section 95**
 - C. Section 100**
 - D. Section 105**
- 5. Which type of evidence is considered most persuasive in court?**
 - A. Photographic evidence**
 - B. Testimonial evidence**
 - C. Physical evidence**
 - D. Expert evidence**

6. What is the significance of "trial by jury" in the context of evidence?

- A. It allows professional judges to evaluate evidence**
- B. It enables a group of peers to assess evidence and determine a verdict**
- C. It removes the need for any evidence to be presented**
- D. It limits the types of evidence that can be presented**

7. In the Evidence Act, where are the hearsay exceptions detailed?

- A. EAC 60-75**
- B. EAC 55-60**
- C. EAC 70-80**
- D. EAC 80-85**

8. What is the primary statute governing the rules of evidence in Queensland?

- A. Evidence Act 1977 (Qld)**
- B. Queensland Evidence Regulations 2019**
- C. Judicial Evidence Code 1985**
- D. Court Procedures Act 1999**

9. In which situation would the Jones v Dunkel rule not be applicable?

- A. If a party offers an explanation for absence of a witness.**
- B. If all relevant evidence is presented.**
- C. If a party is not legally required to provide evidence.**
- D. If a document clearly contradicts a party's position.**

10. What is the main principle regarding informal admissions in court?

- A. An informal admission is not admissible as evidence.**
- B. An informal admission by words or conduct is admissible against the party.**
- C. An informal admission must be documented to be admissible.**
- D. An informal admission can be dismissed if denied by the party.**

Answers

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

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Explanations

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1. What is the relevant provision for admitting hearsay evidence when the maker is not available in civil trials?

- A. It is accepted under a general best evidence rule**
- B. It can be admitted if it is perceived to be factual**
- C. It requires the presence of expert testimony**
- D. It needs to be corroborated by written documents**

In civil trials, hearsay evidence can indeed be admitted under certain conditions when the maker of the statement is not available. Specifically, the law recognizes that hearsay may be considered if it is perceived to be factual and aligns with the principles established under the relevant provisions of the Evidence Act. Such provisions aim to allow the court to assess the reliability and relevance of the hearsay evidence presented to it. This is particularly important in situations where directly obtaining testimony from a witness is impossible due to unavailability, whether due to death, illness, or other valid reasons. The court evaluates the hearsay evidence based on its factual reliability and the context in which it was made, balancing the need for a fair trial with the practicalities of evidence gathering. Other options do not accurately reflect the legal standards surrounding hearsay evidence; the best evidence rule and a requirement for expert testimony do not pertain specifically to hearsay admissibility in civil contexts, and corroboration by written documents is not a general requirement for hearsay to be admitted, making them less relevant in this scenario.

2. In Queensland, how are prior convictions viewed when used as evidence?

- A. They are always admissible to show conduct**
- B. They are generally inadmissible, except in certain cases**
- C. They can be used to establish credibility of witnesses**
- D. They are irrelevant to any court cases**

In Queensland, prior convictions are generally considered inadmissible as evidence to prove a person's conduct in a new matter. This principle is rooted in the desire to ensure that a defendant is tried based solely on the evidence relevant to the current charge, rather than being prejudiced by their past behavior. However, there are exceptions to this rule; prior convictions can be admissible in certain circumstances, such as when they are relevant to issues like credibility or character when they are directly pertinent to the case at hand. For instance, if a witness's credibility is being assessed, and that witness has a prior conviction that is directly relevant to their reliability or truthfulness, the court may allow that information to be presented. Similarly, if a defendant is found to have a history of convictions related to the current charges, these may sometimes be introduced as evidence, depending on the nature of the offense. The other options presented do not accurately reflect the legal standards in Queensland, as prior convictions are not always admissible to show conduct beyond the specified exceptions, do not serve a broad purpose of establishing credibility for all witnesses without limits, and they are certainly not irrelevant to court cases, as they can sometimes play a critical role under specific circumstances.

3. What does a "rebuttable presumption" indicate?

- A. An assumption that cannot be challenged**
- B. An assumption that can be proved in court only**
- C. An assumption that can be contested with evidence**
- D. An indication of guilt in criminal cases**

A "rebuttable presumption" is a legal assumption that is taken to be true unless it is challenged and proven false. It allows for the possibility of presenting evidence to contest the presumption. This characteristic is crucial in legal proceedings because it acknowledges the right of a party to dispute the presumption by providing counter-evidence. In the context of the options, a rebuttable presumption implies that while an assumption may initially stand, the opposing party can present evidence to negate it. This principle ensures a fair trial by allowing both sides the opportunity to argue their case and provide proof that may overturn the presumption. The other options do not accurately capture the nature of rebuttable presumptions. An assumption that cannot be challenged refers to an irrebuttable presumption, which cannot be overturned regardless of evidence. An assumption that can be proved in court only suggests a narrow framework that does not align with the broader concept of a rebuttable presumption, which allows for contestation rather than strict proof. Lastly, associating rebuttable presumptions with guilt in criminal cases is misleading, as these presumptions can apply in various contexts beyond criminal law, such as civil law matters.

4. Which section of the Evidence Act Queensland addresses computer records as an exception to the hearsay rule?

- A. Section 90**
- B. Section 95**
- C. Section 100**
- D. Section 105**

Section 95 of the Queensland Evidence Act provides specific provisions regarding the admissibility of computer-generated records as an exception to the hearsay rule. Under this section, a computer record can be admitted as evidence if it meets certain criteria, which typically focus on the reliability of the system that produced the record and the circumstances surrounding its creation. The rationale for this exception is based on the understanding that computer records, when generated by a reliable process, can be seen as inherently trustworthy. This is important because it allows relevant information that may not be available through other means to be admitted in court, thus facilitating a fairer trial process and ensuring that the evidence being considered is as comprehensive as possible. In other sections of the Evidence Act, while they may address various types of evidential matters, they do not specifically deal with computer records in the context of hearsay. This specificity makes Section 95 crucial for understanding how modern evidential concerns are approached within Queensland law.

5. Which type of evidence is considered most persuasive in court?

- A. Photographic evidence**
- B. Testimonial evidence**
- C. Physical evidence**
- D. Expert evidence**

Physical evidence is often regarded as the most persuasive type of evidence in court because it is tangible and can often be objectively examined and verified. Physical evidence can include tangible items such as weapons, drugs, fingerprints, or any object that was involved in or is relevant to the case. This tangible nature means it can be directly observed and its authenticity can often be easily established through forensic analysis or other scientific methods. In comparison, while photographic and testimonial evidence can be compelling, they may be subject to interpretation or bias. Photographic evidence can be manipulated or misinterpreted, and testimonial evidence relies on the credibility of the witness, which can vary significantly. Expert evidence, while valuable in complex cases, depends heavily on the qualifications and objectivity of the expert, which may not always be seen as definitive. Physical evidence, therefore, carries a level of objectivity that can make it particularly convincing to a judge or jury, often leading to a stronger impact in establishing the facts of the case.

6. What is the significance of "trial by jury" in the context of evidence?

- A. It allows professional judges to evaluate evidence**
- B. It enables a group of peers to assess evidence and determine a verdict**
- C. It removes the need for any evidence to be presented**
- D. It limits the types of evidence that can be presented**

The significance of "trial by jury" in the context of evidence lies in its foundational principle that a group of peers is tasked with assessing the evidence presented during a trial and ultimately determining a verdict. This system embodies the democratic tenet of involving ordinary citizens in the judicial process, ensuring that the outcome reflects a collective judgment rather than solely the opinion of a professional judge. In a jury trial, jurors listen to the evidence, which can include witness testimony, documents, and physical evidence, and they deliberate collectively to reach a conclusion about the guilt or liability of the defendant. This process not only enhances the legitimacy of the verdict but also reinforces the notion that justice must be administered by representatives of the community. The other options do not capture the essence of the jury system correctly. While judges do evaluate evidence in non-jury trials, that is not a defining feature of jury trials. A jury trial inherently upholds the necessity of presenting evidence, rather than removing it, and does not impose limitations on the types of evidence that can be shown outside legal rules governing admissibility. Instead, juries play a critical role in evaluating all admissible evidence to reach their conclusion, making the assessment and deliberation of evidence central to their function.

7. In the Evidence Act, where are the hearsay exceptions detailed?

- A. EAC 60-75**
- B. EAC 55-60**
- C. EAC 70-80**
- D. EAC 80-85**

The details regarding hearsay exceptions in the Evidence Act can be found in the provisions spanning EAC 60 to 75. This range specifies the various circumstances under which hearsay evidence may be admitted, reflecting the importance of balancing the need for reliable evidence with the right to a fair trial. Within this range, the Act identifies specific categories of exceptions based on situations such as previous statements made by witnesses, business records, and statements made in the course of a conversation or encounter that are relevant to the truth of the matter asserted. These exceptions recognize that certain types of hearsay can possess sufficient reliability, given the context in which the statements were made. Other options refer to ranges of the Evidence Act that do not deal with hearsay exceptions specifically; therefore they do not provide the pertinent legal framework regarding when hearsay evidence may be admitted in court. Understanding these provisions in EAC 60 to 75 is crucial for legal practitioners in navigating the complexities of admissible evidence.

8. What is the primary statute governing the rules of evidence in Queensland?

- A. Evidence Act 1977 (Qld)**
- B. Queensland Evidence Regulations 2019**
- C. Judicial Evidence Code 1985**
- D. Court Procedures Act 1999**

The Evidence Act 1977 (Qld) serves as the primary statute governing the rules of evidence in Queensland. It established a comprehensive framework for the admissibility, relevance, and treatment of evidence in both civil and criminal proceedings within the state. This Act consolidates and updates various evidentiary principles, providing clarity and consistency in how evidence is to be presented and interpreted in court. In terms of the other options, while the Queensland Evidence Regulations 2019 provides specific procedural rules and guidelines related to the Evidence Act, it does not serve as the primary legal foundation. The Judicial Evidence Code 1985 is not a current statute relevant to the rules of evidence as the Evidence Act 1977 has replaced and updated past codes. Lastly, the Court Procedures Act 1999 primarily pertains to the procedural aspects of court operations rather than the evidentiary rules directly. Therefore, understanding that the Evidence Act 1977 (Qld) is the cornerstone of evidential law highlights its central role in legal proceedings within Queensland.

9. In which situation would the Jones v Dunkel rule not be applicable?

- A. If a party offers an explanation for absence of a witness.**
- B. If all relevant evidence is presented.**
- C. If a party is not legally required to provide evidence.**
- D. If a document clearly contradicts a party's position.**

The Jones v Dunkel rule applies in situations where the absence of a witness raises an inference that their testimony would not support the case of the party who failed to call them. This inference might arise from circumstances where the witness is available but not called to testify, creating a presumption that their evidence would be unfavorable to that party. In the scenario where a party is not legally required to provide evidence, the rule does not apply because there is no expectation or obligation to call that witness. The absence of evidence in such a context does not imply a negative inference against the party. Instead, it reflects the strategic choice of the party not to present evidence. Thus, because the Jones v Dunkel rule relies on the premise that the absence of a witness can create an adverse inference due to the expectation that they would ordinarily be presented, this specific situation would not trigger the rule. The other scenarios would still invoke considerations under the Jones v Dunkel principle because they involve circumstances where a witness potentially has relevant evidence that could be deemed necessary to the case, such as offering an explanation for their absence or when a document contradicts the party's position, both of which introduce questions about the implications of that absence.

10. What is the main principle regarding informal admissions in court?

- A. An informal admission is not admissible as evidence.**
- B. An informal admission by words or conduct is admissible against the party.**
- C. An informal admission must be documented to be admissible.**
- D. An informal admission can be dismissed if denied by the party.**

The principle that an informal admission made by words or conduct is admissible against the party highlights the idea that admissions, regardless of their formality, can be relevant evidence in legal proceedings. This concept acknowledges that parties often communicate intent or confess to fault through informal means, such as conversations, gestures, or other actions. These types of admissions can be significant in establishing liability or truthfulness in a case. Informal admissions are permissible because they can provide insights into a party's state of mind or intentions, thereby supporting the case against them. The acceptance of such evidence recognizes the practicalities of how information is often exchanged in day-to-day interactions, deviating from the requirement that all evidence must be formally documented or presented under strict procedural rules. In this context, it's important to understand that an informal admission does not require the formality of a signed document or official statement to be considered valid in court. Instead, the essence of the admission, even if it arises in a casual conversation, may still carry weight and be used by the opposing party to strengthen their argument. This versatility is crucial within the realm of evidence, particularly as it relates to understanding the nuances of how parties communicate and how those communications can impact legal outcomes.

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:

<https://queenslandevidencebar.examzify.com>

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

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