

QUEENSLAND EVIDENCE BAR PRACTICE EXAM (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

**VISIT US ONLINE FOR
THE FULL VERSION STUDY GUIDE**

<https://queenslandevidencebar.examzify.com>



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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 primary distinction between opinion and fact in legal context?**
 - A. Fact requires witness testimony
 - B. Opinion should be made by judge or jury, not a witness
 - C. Fact is subjective in nature
 - D. Opinion can be proven as fact
- 2. Under which condition are "statements against interest" considered admissible?**
 - A. The person is available to testify
 - B. The statements are beneficial to the party presenting them
 - C. The person making the statements is unavailable
 - D. The statements are made in the presence of a third party
- 3. What does EAC stand for in the context of Queensland evidence?**
 - A. Evidence Act for Courts
 - B. Electronic Analytic Code
 - C. Evidence Assessment Code
 - D. Evidence Act Code
- 4. What does the hearsay rule under EAC 59 state about representations?**
 - A. All representations are admissible
 - B. Representations 'intended to assert' are excluded
 - C. Only verbal representations are excluded
 - D. All implied representations are valid
- 5. What condition must be met for business records to be admissible in court?**
 - A. They must contain personal opinions of the writers
 - B. They must be regularly kept in the course of business
 - C. They must be recent and up-to-date
 - D. They must include witness signatures
- 6. In the context of evidence, what does "consistency" primarily enhance?**
 - A. The length and complexity of testimonies
 - B. The reliability and trustworthiness of witness statements
 - C. The engagement factor for the jury
 - D. The freedom of the witness to express themselves

- 7. What is presumed in Queensland regarding inducement after a threat?**
- A. Inducement is always present
 - B. Inducement is presumed to follow the threat
 - C. Inducement must be proven
 - D. Inducement is irrelevant
- 8. What principle governs the relationship between the EAC and common law?**
- A. Common law always overrides the EAC.
 - B. The EAC must always reflect international law.
 - C. A fundamental common law principle may only be overridden by clear legislative intent.
 - D. The EAC is superior and renders common law obsolete.
- 9. What is addressed in EAC 135?**
- A. Evidence that is prejudicial over probative
 - B. Procedures for jury instructions
 - C. Types of expert evidence allowed
 - D. Criminal trials' admissibility of character evidence
- 10. What is the implication if an admission includes evidence favorable to a party's case?**
- A. The favorable evidence can be excluded from the statement.
 - B. The entire statement must be admitted into evidence.
 - C. The unfavorable parts can be excluded, but not the favorable.
 - D. The favorable evidence must be verified independently.

Answers

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

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Explanations

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1. What is the primary distinction between opinion and fact in legal context?

- A. Fact requires witness testimony
- B. Opinion should be made by judge or jury, not a witness**
- C. Fact is subjective in nature
- D. Opinion can be proven as fact

In the legal context, the primary distinction between opinion and fact lies in the nature of the information being presented and who is qualified to provide that information. A key point is that opinions are typically reserved for the judge or jury rather than lay witnesses. This is because opinions often require specialized knowledge, training, or expertise that a lay witness may not possess, whereas facts are considered observable or verifiable truths. For example, a lay witness may recount what they saw or heard, which constitutes a fact. In contrast, when a witness attempts to assess the weight of evidence, interpret behaviors, or draw inferences from the evidence presented, they are venturing into opinion territory. Legal rules generally direct that such determinations should be left to the judge or jury, who are tasked with evaluating the evidence and making conclusions based on it. This distinction reinforces the integrity and reliability of the evidence presented in court, ensuring that only those who are suitably qualified can provide interpretive insights on the matters at hand.

2. Under which condition are "statements against interest" considered admissible?

- A. The person is available to testify
- B. The statements are beneficial to the party presenting them
- C. The person making the statements is unavailable**
- D. The statements are made in the presence of a third party

The concept of "statements against interest" pertains to a type of hearsay exception that allows for the admission of statements made by a party that are contrary to their own interests, which lends them a degree of reliability. In this instance, the key factor is the unavailability of the declarant. When the person making the statement is unavailable, it bolsters the justification for admitting their statements as evidence. This is because a statement that goes against one's own interest is likely to be truthful; no one would generally make a statement that harms their own position unless it were true. Therefore, if the declarant cannot testify in person—whether due to death, incapacity, or other reasons—their statements may still be admissible as evidence. In contrast, if the declarant is available to testify, their statements would not be considered against interest because the opportunity for cross-examination exists. Similarly, statements that are beneficial to the party presenting them, or those made in the presence of a third party, do not meet the criteria for this hearsay exception, as they do not carry the same inherent reliability and cannot be deemed self-incriminating. Therefore, the condition that the person making the statements is unavailable is the appropriate circumstance under which "stat

3. What does EAC stand for in the context of Queensland evidence?

- A. Evidence Act for Courts
- B. Electronic Analytic Code
- C. Evidence Assessment Code
- D. Evidence Act Code**

In the context of Queensland evidence, EAC stands for the Evidence Act Code. This term refers to the body of legislation that outlines the rules and principles governing the admissibility of evidence in legal proceedings within Queensland. The Evidence Act provides a comprehensive framework that includes provisions on the types of evidence, the manner of presenting evidence in court, and the rights and responsibilities of parties involved in legal proceedings. Understanding this code is crucial for legal practitioners as it informs them about what constitutes legally admissible evidence and how it should be handled during trials and hearings. This knowledge is foundational for applying the law effectively and ensuring that both parties in a legal dispute have the opportunity to present their case in accordance with established legal standards. The other options do not accurately represent the term EAC in this legal context. The Evidence Act Code is specifically tailored to evidentiary matters and is central to the practice of law in Queensland.

4. What does the hearsay rule under EAC 59 state about representations?

- A. All representations are admissible
- B. Representations 'intended to assert' are excluded**
- C. Only verbal representations are excluded
- D. All implied representations are valid

The hearsay rule under the Evidence Act Chapter 59 in Queensland addresses the admissibility of evidence based on hearsay assertions. The correct answer highlights that representations that are 'intended to assert' something are generally excluded from being admissible in court as evidence. This principle aligns with the rationale behind the hearsay rule, which is designed to prevent reliance on statements made outside of court that have not been subjected to cross-examination, as their truth cannot be properly verified. When a representation is made with the intention of asserting its content, it typically conveys a direct assertion of fact or belief to the listener. This creates concerns about the reliability of the evidence because it relies on secondhand information, which lacks the safeguards of direct testimony, such as credibility and the ability to challenge the evidence through cross-examination. Therefore, the hearsay rule aims to exclude this type of representation from admissibility to ensure that only reliable and substantively tested evidence is presented in court. In contrast, the other options do not align with the core principles of the hearsay rule. The notion that all representations are admissible fails to recognize the critical protections afforded by the hearsay rule. Stating that only verbal representations are excluded misrepresents the scope of the hearsay rule.

5. What condition must be met for business records to be admissible in court?

- A. They must contain personal opinions of the writers
- B. They must be regularly kept in the course of business**
- C. They must be recent and up-to-date
- D. They must include witness signatures

For business records to be admissible in court, it is essential that they are regularly kept in the course of business. This principle is rooted in the idea that such records, maintained on a systematic basis, reflect a routine practice of an organization and are more likely to be accurate and reliable. The reliability of business records stems from the procedures that require their creation and maintenance as part of a business's operations, thus ensuring they capture true transactional or operational data. The requirement for records to be regularly kept aligns with legal standards that prioritize the integrity and trustworthiness of evidence presented in court. This framework allows judges and juries to have confidence in the information contained within these documents, which are often used to prove facts in civil and criminal proceedings. Other options like containing personal opinions, needing to be recent, or requiring witness signatures do not meet the established criteria for admissibility of business records. Personal opinions can introduce bias and may not contribute to factual accuracy. While recency can be a relevant factor, it is not a strict requirement for admissibility in terms of regularity. Finally, signatures of witnesses are unnecessary, as the authenticity and reliability of the record itself is bolstered by its consistent maintenance rather than by individual attestations.

6. In the context of evidence, what does "consistency" primarily enhance?

- A. The length and complexity of testimonies
- B. The reliability and trustworthiness of witness statements**
- C. The engagement factor for the jury
- D. The freedom of the witness to express themselves

In the context of evidence, "consistency" primarily enhances the reliability and trustworthiness of witness statements. When witnesses provide consistent testimony across different occasions or in their statements, it bolsters the credibility of their accounts. Consistency indicates that a witness's recollection of events is stable, making it less likely that their testimony is influenced by memory lapses, suggestion, or fabrication. This trustworthiness is vital for the jury's assessment, as they rely on the coherence and reliability of the evidence presented to form judgments about the case. The other options do not capture the essential role of consistency in legal proceedings. For example, increasing the length and complexity of testimonies can actually hinder clarity and understanding, rather than promote reliability. While engaging the jury is important, it is more related to the delivery and presentation of evidence rather than the consistent nature of witness statements. Lastly, the freedom of witnesses to express themselves, although valuable in ensuring a full narrative, is less relevant to the objective assessment of evidence's reliability, as it may lead to inconsistency if not properly managed. Therefore, the correct understanding of consistency emphasizes its critical function in ensuring that witness statements are credible and trustworthy.

7. What is presumed in Queensland regarding inducement after a threat?

- A. Inducement is always present
- B. Inducement is presumed to follow the threat**
- C. Inducement must be proven
- D. Inducement is irrelevant

In Queensland, the law recognizes that when a threat is made, the presumption is that inducement follows that threat. This is grounded in the understanding that a threat can significantly influence a person's decision-making, creating a situation where the person feels compelled to act against their will or better judgment. The presumption of inducement following a threat supports the idea that consent or decisions made under duress are not genuinely voluntary. This presumption is crucial in legal contexts because it shifts the burden of proof to the party making claims based on the purported consent or agreement following such threats. In practical terms, this means that if a threat can be established, the law assumes that the decision made by the threatened party was induced by that threat unless evidence is presented to the contrary. Thus, in cases where inducement is a central issue, the presence of a threat creates a legal environment that favors the understanding that the individual was influenced, reinforcing the principle that freedom of will is compromised in such circumstances.

8. What principle governs the relationship between the EAC and common law?

- A. Common law always overrides the EAC.
- B. The EAC must always reflect international law.
- C. A fundamental common law principle may only be overridden by clear legislative intent.**
- D. The EAC is superior and renders common law obsolete.

The principle that a fundamental common law principle may only be overridden by clear legislative intent is a cornerstone of legal interpretation in jurisdictions where both common law and statutory law exist, such as Queensland. This reflects the well-established notion that common law serves as a significant source of law derived from judicial decisions and precedents. In the context of the Evidence Act (EAC) in Queensland, it operates within a framework that respects the existing common law unless the legislation explicitly indicates a different intent. The clear legislative intent is vital because it maintains the stability and predictability of the law, acknowledging long-standing legal principles unless the legislature has intentionally taken action to modify them. When examining this relationship, it is important to understand that common law evolves through cases and judicial decisions, while statutory law, including the EAC, is enacted through legislative processes. Therefore, unless the EAC explicitly repeals or amends a fundamental common law principle, that principle remains applicable. This framework allows for a harmonious coexistence between common law traditions and statutory enactments, ensuring that legal principles are not arbitrarily disregarded. In contrast, suggestions that the EAC always overrides common law, reflects international law, or renders common law obsolete do not accurately capture the legal nuances involved. The relationship is not

9. What is addressed in EAC 135?

- A. Evidence that is prejudicial over probative**
- B. Procedures for jury instructions
- C. Types of expert evidence allowed
- D. Criminal trials' admissibility of character evidence

EAC 135 refers to the principle that evidence may be excluded if its prejudicial effect outweighs its probative value. This concept emphasizes the need to maintain a fair trial by preventing jurors from being swayed by emotionally charged or misleading evidence that could unfairly bias their judgment. In the context of legal proceedings, this principle ensures that the evidence presented is relevant and adds value to the case without producing an unfair disadvantage to one of the parties involved. In the realm of evidence law, carefully balancing the probative value of evidence—the extent to which it makes a fact more or less probable—against its potential prejudicial impact is crucial. Judges often face the responsibility of determining whether certain pieces of evidence are admissible, weighing their relevance against possible biases they may invoke in the jury. The other options, while related to evidence law, do not align with the specific focus of EAC 135. Procedures for jury instructions pertain to how juries are guided in their deliberations and decision-making, which is distinct from evidence evaluation. The types of expert evidence and the admissibility of character evidence in criminal trials deal with different aspects of legal proceedings and do not specifically address the balancing of prejudicial and probative effects as outlined in EAC 135.

10. What is the implication if an admission includes evidence favorable to a party's case?

- A. The favorable evidence can be excluded from the statement.
- B. The entire statement must be admitted into evidence.**
- C. The unfavorable parts can be excluded, but not the favorable.
- D. The favorable evidence must be verified independently.

When an admission includes evidence that is favorable to a party's case, the implication is that the entire statement must be admitted into evidence. This principle stems from the way admissions function within the legal framework. An admission, by its nature, is a statement made by a party and can often contain both favorable and unfavorable elements. The rationale behind admitting the entire statement is to maintain the integrity of the evidence and ensure that the context in which the admission was made is preserved. This allows the court to evaluate the credibility of the admission as a whole rather than in isolated parts, which could lead to misleading interpretations. Admitting the entire statement gives the opposing party a chance to show the context and to argue the significance of both the favorable and unfavorable components. In doing so, courts uphold fairness and disclose the complete picture, which is crucial for making an informed judgment. In contrast, the other choices imply selective exclusions or separate verifications that do not align with the evidentiary rules regarding admissions, thereby failing to recognize the full admission's evidential value and its implications in court.

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.

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

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