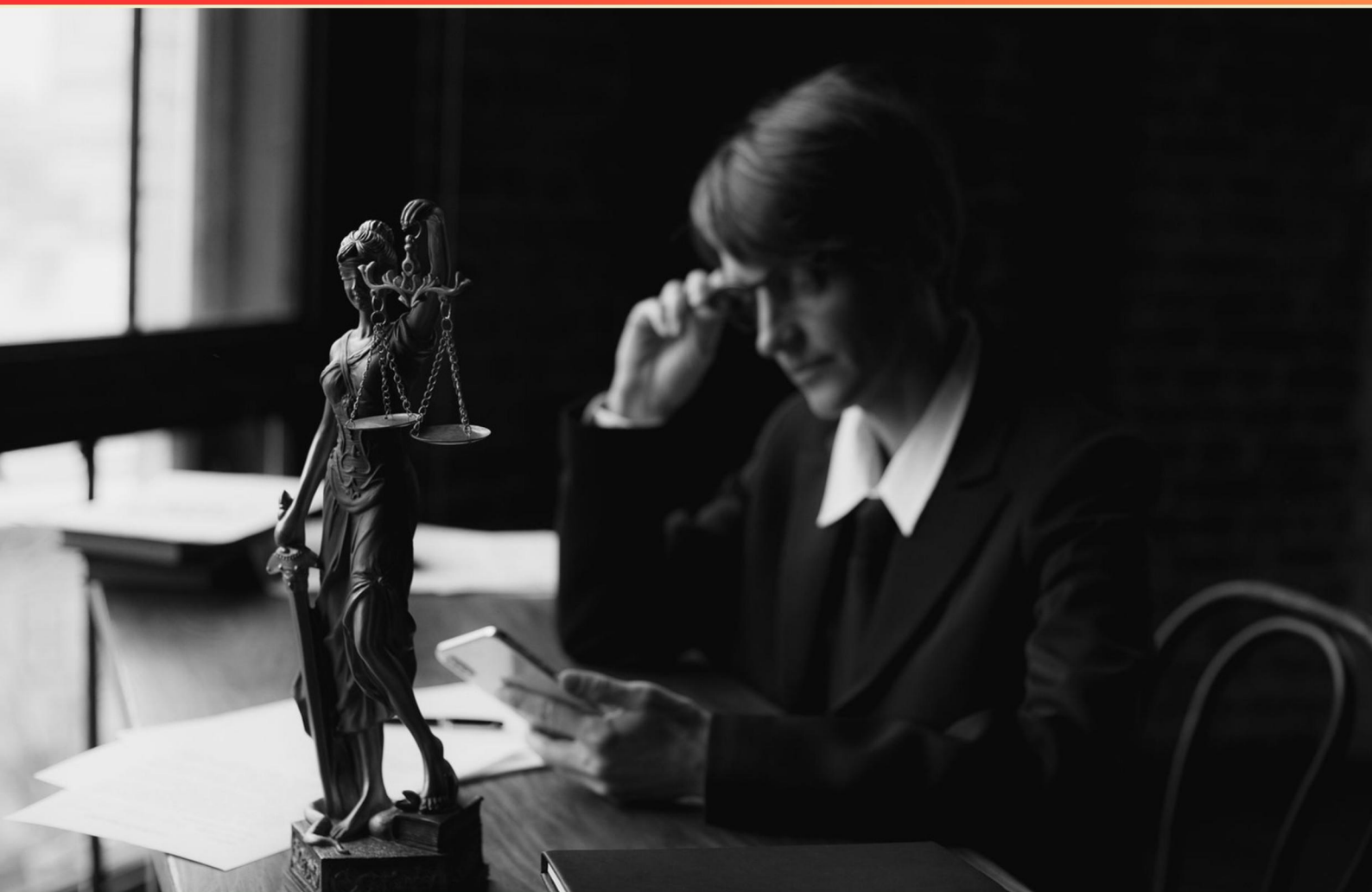


QUEENSLAND PRACTICE AND PROCEDURE BAR PRACTICE EXAM (SAMPLE) STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

VISIT US ONLINE FOR
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 is 'interlocutory relief'?**
 - A. A final judgment issued after a trial
 - B. A preliminary hearing held before the main trial
 - C. Temporary relief granted during the course of litigation
 - D. A form of alternative dispute resolution
- 2. What is the primary function of an expert witness in a trial?**
 - A. To provide factual evidence about a case
 - B. To offer specialized opinions relevant to the case
 - C. To assess witness credibility
 - D. To determine the verdict
- 3. What is the primary requirement for presenting evidence in an interlocutory application in Queensland?**
 - A. Evidence by affidavit
 - B. Testimony by witnesses
 - C. Documentary evidence only
 - D. Oral submissions
- 4. Who is responsible for the administration of court rules in Queensland?**
 - A. The Chief Justice of Queensland
 - B. The Attorney-General of Queensland
 - C. The Governor of Queensland
 - D. The Legislative Assembly of Queensland
- 5. What test is used to determine the granting of interlocutory injunctions?**
 - A. Existence of a prima facie case and balance of convenience
 - B. Proof of harm and likelihood of success
 - C. Cost-benefit analysis and urgency
 - D. The presence of material facts and precedence
- 6. What does 'discontinuance' signify in civil proceedings?**
 - A. A mandatory requirement to settle disputes
 - B. A party voluntarily ending their legal action
 - C. An order to suspend proceedings for further investigation
 - D. A court's decision to dismiss a case

7. What happens when a matter is settled in Queensland proceedings?

- A. A notice of discontinuance is not required
- B. You must file a fresh claim for reconciling issues
- C. A notice of discontinuance is required
- D. Mediation results are final and unalterable

8. When can a court strike out a pleading according to Rule 171?

- A. When the pleading is overly lengthy
- B. If it discloses no reasonable cause of action
- C. When the opposing party is unresponsive
- D. If the case is not of public interest

9. What is a 'strike out application'?

- A. A request to the court for additional time to respond
- B. A request to dismiss a claim or defence as frivolous or vexatious
- C. A request to amend a statement of claim
- D. A request for a summary judgment

10. Under which rule does the Supreme Court have the authority to grant summary judgment?

- A. rr 280-289 UCPR
- B. rr 292-293 UCPR
- C. rr 200-210 UCPR
- D. ss 30-32 Federal Court Act

Answers

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

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Explanations

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1. What is 'interlocutory relief'?

- A. A final judgment issued after a trial
- B. A preliminary hearing held before the main trial
- C. Temporary relief granted during the course of litigation**
- D. A form of alternative dispute resolution

Interlocutory relief refers to temporary relief granted by a court during the ongoing process of litigation, rather than at the end of a trial. This type of relief is essential in ensuring that a party's rights are protected while the case is still active. For example, a court might issue an interlocutory order to prevent the other party from taking certain actions that could cause irreparable harm before a final decision is made. This contrasts sharply with final judgments, which resolve the entire case and are issued after the completion of a trial. Similarly, preliminary hearings, while important, focus on initial procedural matters rather than providing immediate protective measures during litigation. Alternative dispute resolution methods are distinct processes used to settle disputes outside of court and do not encompass the judicial interim orders that characterize interlocutory relief. Thus, the definition and context of interlocutory relief emphasize its role as a crucial mechanism for managing cases and protecting rights as they unfold within the judicial system.

2. What is the primary function of an expert witness in a trial?

- A. To provide factual evidence about a case
- B. To offer specialized opinions relevant to the case**
- C. To assess witness credibility
- D. To determine the verdict

The primary function of an expert witness in a trial is indeed to offer specialized opinions that are relevant to the case at hand. Expert witnesses possess specialized knowledge, training, or experience in a specific area and are called upon to help the court understand complex technical or scientific issues that laypersons may not grasp. Their opinions are based on their expertise and are intended to assist judges and juries in making informed decisions regarding those specialized aspects of the case. This role is distinct from simply providing factual evidence about a case, which is generally the domain of fact witnesses who recount events they observed. Experts do not assess witness credibility; that responsibility typically falls to the judge or jury, who evaluate the reliability and truthfulness of testimony. Additionally, while experts might influence the outcome of a trial with their opinions, they do not determine the verdict, as that is ultimately left to the judge or jury based on the collective evidence presented.

3. What is the primary requirement for presenting evidence in an interlocutory application in Queensland?

- A. Evidence by affidavit**
- B. Testimony by witnesses
- C. Documentary evidence only
- D. Oral submissions

The primary requirement for presenting evidence in an interlocutory application in Queensland is evidence by affidavit. This is significant because interlocutory applications often deal with urgent matters where time constraints limit the ability to present full trials. Affidavits allow parties to present their evidence in a written format, which can then be considered by the court without the need for live testimony. Affidavits are sworn statements that detail the facts relevant to the application and are typically accompanied by exhibits or documentary evidence. This method streamlines the process, ensuring that the court can efficiently assess the facts presented and make decisions based on written records, which is crucial in maintaining the momentum of cases where immediate relief might be sought. In contrast, other forms of evidence like testimony by witnesses involve delays as they require the presence and examination of witnesses in court. Similarly, exclusive reliance on documentary evidence might not capture the nuances of a case that an affidavit can provide through a detailed narrative. Oral submissions, while important in presenting legal arguments, do not suffice as a primary form of evidence—they summarize the legal principles but do not establish factual evidence needed for the interlocutory relief sought.

4. Who is responsible for the administration of court rules in Queensland?

- A. The Chief Justice of Queensland**
- B. The Attorney-General of Queensland
- C. The Governor of Queensland
- D. The Legislative Assembly of Queensland

The Chief Justice of Queensland is responsible for the administration of court rules in Queensland. This role includes overseeing the operation and efficiency of the courts, as well as ensuring that the rules of procedure are applied consistently and fairly. The Chief Justice has the authority to formulate and amend court rules, which govern the conduct of court proceedings, thereby maintaining the integrity and effectiveness of the judicial system. The Chief Justice's involvement in this administrative function reflects the separation of powers, where judicial matters are distinctly managed by the judiciary rather than the legislative or executive branches of government. This is crucial for maintaining impartiality and independence within the courts. The other roles mentioned have distinct responsibilities. The Attorney-General, while involved in legislation related to the justice system and may influence some aspects of court operations, does not directly administer court rules. The Governor's role is primarily ceremonial and involves the broader governance of the state rather than the specifics of court administration. Similarly, the Legislative Assembly creates laws but does not directly manage the operational aspects of court rules. Thus, the Chief Justice's position is critical to ensuring that the administration of justice adheres to established court procedures.

5. What test is used to determine the granting of interlocutory injunctions?

A. Existence of a prima facie case and balance of convenience

B. Proof of harm and likelihood of success

C. Cost-benefit analysis and urgency

D. The presence of material facts and precedence

The appropriate test used to determine the granting of interlocutory injunctions is the existence of a prima facie case coupled with the balance of convenience. This test is well-established in Queensland law and is fundamental in the consideration of whether to grant such injunctions before the final resolution of a matter. A prima facie case requires the applicant to show that there is a sufficient likelihood that they will succeed at trial; this threshold is not overly high, but it necessitates a foundation of merit to the claim. The balance of convenience refers to weighing the potential harm to both parties if the injunction is granted or denied. The court assesses which party would suffer greater harm from the granting of the injunction versus the harm that could arise from its refusal. This balance is crucial, as it informs the court's discretion based on the circumstances surrounding the case. In contrast, the other options do not encompass the established legal framework for granting interlocutory injunctions. Proof of harm and likelihood of success, while significant, does not comprehensively address the necessary legal threshold and balancing test. A cost-benefit analysis lacks the focus on legal rights and the assessment of convenience that the established test provides. The presence of material facts and precedence is overly broad and does not specifically

6. What does 'discontinuance' signify in civil proceedings?

A. A mandatory requirement to settle disputes

B. A party voluntarily ending their legal action

C. An order to suspend proceedings for further investigation

D. A court's decision to dismiss a case

Discontinuance in civil proceedings refers to a party's voluntary decision to end their legal action before a final judgment is made. This means that the party who initiated the proceedings (the plaintiff) chooses to terminate the case, either entirely or regarding specific claims within the case. It is a discretionary action that allows the party to withdraw their claims without the court imposing a decision on them. Discontinuance can happen for various reasons, such as a settlement reached outside of court, reassessing the merits of the case, or issues relating to the time and resources involved in continuing the litigation. It is an important procedural aspect as it helps to manage court resources and allows parties to resolve their disputes without further judicial intervention. This term is distinct from other procedural outcomes. For example, a mandatory requirement to settle disputes does not accurately reflect the nature of discontinuance since it is a voluntary choice. Similarly, an order to suspend proceedings for further investigation is not the same, as it indicates an ongoing process rather than an outright cessation. Lastly, a court's decision to dismiss a case differs from discontinuance as it often stems from a judicial determination rather than a unilateral decision by the party involved.

7. What happens when a matter is settled in Queensland proceedings?

- A. A notice of discontinuance is not required
- B. You must file a fresh claim for reconciling issues
- C. A notice of discontinuance is required**
- D. Mediation results are final and unalterable

When a matter is settled in Queensland proceedings, the proper protocol is to file a notice of discontinuance. This document is essential as it formally indicates that the party bringing the proceedings has decided to discontinue the case, thereby concluding the legal action in an official capacity. Filing a notice of discontinuance serves to record the fact that the dispute has been resolved and ensures that the court's records accurately reflect the current status of the matter. The requirement of a notice of discontinuance is integral, as it provides clarity and finality to both the court and the parties involved. It prevents any misunderstandings regarding the continuation of proceedings and ensures that the court's resources are effectively managed by avoiding unnecessary hearings or future actions related to the same issues. In contrast, other options highlight aspects that do not align with the established procedural requirements for settling a matter in Queensland. For instance, not requiring a notice for discontinuance could lead to ambiguities about whether the case is closed. The option suggesting a need to file a fresh claim fails to recognize that a settlement should conclude the existing claim, while stating mediation results are final and unalterable overlooks the possibility of parties later agreeing on different terms or pursuing other avenues. Hence, the requirement for a notice of discontinuance to officially

8. When can a court strike out a pleading according to Rule 171?

- A. When the pleading is overly lengthy
- B. If it discloses no reasonable cause of action**
- C. When the opposing party is unresponsive
- D. If the case is not of public interest

A court can strike out a pleading under Rule 171 if it discloses no reasonable cause of action. This is a fundamental mechanism in procedural law meant to ensure that only claims with a legal basis are allowed to proceed in court. The rule aims to prevent the court from being burdened with cases that lack sufficient merit. By ensuring that every action brought before it has some legal foundation, the court can focus its resources on substantial cases that are worthy of judicial consideration. This principle is grounded in the need for judicial efficiency and the avoidance of unnecessary litigation. If a pleading fails to outline a plausible argument or does not set out the essential elements required for a valid legal claim, it may be deemed frivolous or vexatious, and therefore the court is justified in striking it out. In contrast, being overly lengthy, having an unresponsive opposing party, or lacking public interest in the case do not independently warrant striking out a pleading. These aspects may affect the management of a case, but they do not address whether there is a reasonable cause of action to begin with.

9. What is a 'strike out application'?

- A. A request to the court for additional time to respond
- B. A request to dismiss a claim or defence as frivolous or vexatious**
- C. A request to amend a statement of claim
- D. A request for a summary judgment

A 'strike out application' refers to a request made to the court for the dismissal of a claim or defence on the grounds that it is considered frivolous or vexatious. This means that the claim does not have any serious legal foundation, and continuing with it would be an abuse of the court's process. The court has the power to strike out claims that are not only lacking in legal merit but also those that may be seen as burdensome or harassing to the other party. The rationale behind a strike out application is to ensure the efficient functioning of the court system and to prevent parties from being subjected to unjust litigation. The application is typically aimed at pressing issues that can be resolved without a full trial, thereby saving time and resources for both the parties involved and the court itself. In the context of the other options, the request for additional time to respond does not involve dismissing any claims but rather seeks an extension. Amending a statement of claim is a procedural action to refine or correct pleadings, rather than a dismissal of the case. Lastly, a request for summary judgment aims to resolve a case based on the evidence available without going to trial, but does not serve the purpose of striking out claims deemed frivolous or vexatious.

10. Under which rule does the Supreme Court have the authority to grant summary judgment?

- A. rr 280-289 UCPR
- B. rr 292-293 UCPR**
- C. rr 200-210 UCPR
- D. ss 30-32 Federal Court Act

The authority of the Supreme Court to grant summary judgment is outlined in rules 292-293 of the Uniform Civil Procedure Rules (UCPR). These rules provide the framework and conditions under which a party may apply for summary judgment, allowing the court to make a judgment on a matter without a full trial when there is no real prospect of successfully defending the claim. This ensures efficiency in the judicial process and helps to avoid unnecessary legal costs and delays. The relevant provisions detail the necessary steps a party must take to seek summary judgment, including the requirement for the applicant to satisfy the court that there is no genuine issue requiring a trial. The focus is on the merits of the case based on the evidence presented before the court, and these rules empower the court to make determinations akin to final judgments in appropriate circumstances. In contrast, the other choices do not pertain specifically to the summary judgment process. Rules 280-289 deal with particulars of claims, while rules 200-210 focus on pre-trial procedures and case management. The sections of the Federal Court Act address matters relating to the Federal Court, which, while significant, are not applicable to the Supreme Court in Queensland concerning summary judgment under the UCPR.

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://qldpracticeproceduresbar.examzify.com>

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

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