



Quiz

Debt Recovery in the Local Court

1. Which of the following statistics did the 2014 *Data Insights in Civil Justice Report* of the Law and Justice Foundation reveal about debt recovery matters?
 - a. Just over 100,000 matters were in the Local Court
 - b. Just under 5,000 matters were in the District Court
 - c. Just over 10,000 matters were in the Supreme Court
 - d. All of the above
2. Which of the following is incorrect in relation to common money count pleadings?
 - a. Common money count pleadings are shortened forms of pleading that were written into the *Civil Procedure Act 2005* (NSW) and the *Uniform Civil Procedure Rules 2005* (NSW)
 - b. In the vast majority of cases, common money count pleadings can be dealt with in 3-4 lines
 - c. A debtor is prohibited from serving a notice to plead facts in response to a common money count pleading
 - d. There are no common money count pleadings for services rendered, nor for goods owing pursuant to a guarantee
3. Which of the following is *not* a possible outcome of serving a statement of claim on a debtor?
 - a. Paying the debt

- b. Making an application for the statement of claim to be struck out
 - c. Filing a defence
 - d. Negotiating a settlement
- 4. By which of the following means is a judgment able to be enforced?
 - a. Garnishee order
 - b. Bankruptcy/liquidation
 - c. Writ of execution/writ against property
 - d. All of the above
- 5. Which of the following statements is correct regarding the application of the principle of the "balance of prejudice", where the payment of judgment debts by instalments is concerned?
 - a. Where the plaintiff is a small business owner, courts are more likely to find that the balance of prejudice falls in the plaintiff's favour
 - b. Where the plaintiff is a large corporation, courts are more likely to find that the balance of prejudice falls in the defendant's favour
 - c. Where the plaintiff is a large corporation, the balance of prejudice can swing either way
 - d. Both a. and b.

Answers:

1. d 2. c 3. b 4. d 5. d