



Quiz

Advocates' Immunity in Australia

1. The law of which of the following countries is most closely aligned with the current state of advocates' immunity in Australia?
 - a. South Africa
 - b. Canada
 - c. United States of America
 - d. None of the above – Australia has departed from overseas authority in this area

2. To which of the following allegations against a solicitor would a defence of advocates' immunity most likely succeed?
 - a. Failing to take adequate instructions from a personal injury plaintiff client on pre-existing injuries
 - b. Instructing counsel to retreat from a controversial line of questioning in cross-examination
 - c. Recommending to a client at a mediation that they settle a claim for an amount 95% less than the schedule of damages "for commercial reasons"
 - d. None of the above defences could possibly succeed

3. What is the current test for whether conduct by a legal practitioner is subject to advocates' immunity?
 - a. Duty, breach, causation
 - b. The Bolam test
 - c. The intimately connected test
 - d. The reasonable person test

4. What is the biggest barrier to the abolition of advocates' immunity in Australia?
 - a. A case must arise in which the litigant can afford to run a matter from first instance to the High Court
 - b. Public policy – the community at large supports the immunity
 - c. Parliament is precluded from enacting legislation which may impact upon members of the judiciary if they return to the bar
 - d. There is a right to advocates' immunity enshrined in the Australian *Constitution*

5. Which High Court Justice has raised a number of arguments against advocates' immunity?
 - a. Justice Kirby
 - b. Justice Gaudron
 - c. Justice Mason
 - d. Justice Brennan

Answers:

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