

CIVIL QUIZ



1. The civil law includes everything that is not the criminal law.

True **False**

2. The same circumstances can lead to both civil and criminal outcomes

True **False**

3. The standard and burden of proof for civil matters is the same as for criminal matters

True **False**

4. All civil matters can be heard by the ACT Courts and Tribunal

True **False**

5. My friends have said that a civil matter is not nearly as important as a criminal matter and that I don't need to worry if there is a civil case against me. If I lose in a civil matter there are no penalties because it is not a criminal matter.

True **False**

6. My girlfriend has asked me to lie and say that she tripped in a shopping centre so that she gets compensation. There are no issues with giving false information in court as the matter is a civil matter.

True **False**

7. I bought a new phone and it keeps breaking. The store where I bought it won't repair it and says that there is nothing that can be done. The civil law doesn't apply in these circumstances.

True **False**

CIVIL QUIZ

8. There may be costs in progressing a civil matter

True **False**

9. All civil matters are heard in the same way.

True **False**



REALITY CHECK QUIZ - ANSWERS

1 - TRUE

The civil law is generally considered to be everything that is not in the criminal law. The civil law is the body of law that sets out the rights and responsibilities of individuals, groups, organisations and companies. Civil law includes laws relating to duty of care, contracts, accidents, money and property as well as many other issues. Civil law regulates private disputes when someone believes their rights have been infringed.

2 - TRUE

There is some overlap between criminal and civil law. A single event can result in both a criminal case and a civil case. For example, if one person assaults another person they can be charged with a crime by the police, as well as being sued for damages by the victim. If there is a workplace accident this could result in both a criminal charge as well as a civil matter for damages by the victim or their family.

Success in one case does not necessarily mean there will be success in the other.

3 - FALSE

There are different procedures and rules that apply to criminal and civil cases. Generally, criminal cases are harder to prove as the case must be proven 'beyond a reasonable doubt'. Civil cases must be proven 'on the balance of probabilities', which is a lower standard. The difference arises due to the more serious consequences of criminal verdicts. The burden in civil cases is on the person bringing the application.

4 - FALSE

ACT and Commonwealth laws set out which matters can be heard in each Court or Tribunal. For example family law matters are generally heard in the Family Law Court, workplace matters are generally heard in the Federal Court although some matters can be brought before the Magistrates Court.

The general civil jurisdiction of the ACT Civil and Administrative Tribunal is for matters up to \$25,000. The Magistrates Court hears general civil matters valued above \$25,000 and up to \$250,000. Matters above \$250,000 are heard in the Supreme Court. For more information see <https://www.acat.act.gov.au/case-types/civil-disputes>, <https://courts.act.gov.au/magistrates/about-the-courts>

There are some civil matters where ACAT has a jurisdiction above \$25,000 and these are set out in legislation. For example planning matters may be valued at millions of dollars.

REALITY CHECK QUIZ - ANSWERS

5 - FALSE

Losing a civil matter will not result in a criminal record, but there are other outcomes that can last for many years. Civil matters can result in significant financial penalties and can result in the sale of assets. If you can't pay the financial penalties this can result in bankruptcy and this can affect your ability to do particular jobs.

Some civil matters can also limit your ability to do certain things, for example in a residential tenancy matter the outcome may be that you are no longer allowed to live in a property.

6 - FALSE

Lying in court has serious consequences. When giving evidence you are required to swear an oath or make an affirmation to "tell the truth, the whole truth, and nothing but the truth." If you don't tell the court the truth about what you saw and heard, then you may be charged with committing perjury. Perjury is a serious criminal charge that has a maximum penalty of 7 years imprisonment.

7 - FALSE

Damage of consumer items such as phones are governed by the Australian Consumer Law. This law provides for consumer rights and provides options to address problems. For more information see <https://www.accesscanberra.act.gov.au/s/article/fair-trading-for-consumers-tab-overview>

If the issue with the phone can't be addressed then an application may be made to the ACT Civil and Administrative Tribunal.

8 - TRUE

Yes there may be fees to progress a civil matter depending on the type of matter. There may also be legal costs if you use a lawyer or if you lose and are required to pay the costs of the other party. The rules regarding costs vary for different types of matters.

9 - FALSE

Civil matters may follow different processes depending on the type of matter, whether the matter is heard in court or a tribunal and any procedures set out in the legislation dealing with the matter. Some matters will have alternative dispute resolution undertaken such as conferencing - see <https://www.courts.act.gov.au/magistrates/coming-to-court/get-support/conferencing>