PROGRESSION, EXCLUSION AND TUITION RULES

PROGRESSION RULES

Rules 59(1) and 59(2) of the Legal Profession Admission Rules provide that a student must present himself or herself for examination in the subjects appearing on the curriculum in sequential order until he or she has passed or been exempted from 11 subjects. The student may then take the remaining subjects in any order. Rule 59(3) provides that a Student-at-Law must not, at any one sitting, enrol and sit for examination in more than two subjects until that Student-at-Law has passed or been exempted from eight compulsory subjects, after which that Student-at-Law may not, at any one sitting, enrol and sit for more than three subjects.

It is not practicable to arrange the lecture and examination timetable in such a way as to accommodate every combination of subjects a student might wish to take by lectures in a particular session. Timetable clashes may arise in particular where a student includes in his or her program of study one or more of the subjects appearing in Group B. A student can minimise the risk of timetable clashes involving subjects in Group B by including subjects from that group in his or her program of study at the earliest opportunity.

Please note a maximum of two exams may be sat in one day.

Relaxation of progression rules (Student Course Application)

The Examinations Committee may relax the progression rules. The rules will be relaxed only when it is found that there is good and sufficient reason to justify the change sought.

You should also be aware that knowledge of one or more subjects is often a prerequisite to study others. As a general rule, only students who have already demonstrated their capacity to perform at a higher level, will be considered favourably.

During 2015, there may be modifications to the course rules relating to progression and exclusion.

Please refer to the Current Students page of the Board’s website over the coming months for the latest information.

EXCLUSION RULES

Rule 64 of the Legal Profession Admission Rules provides that any candidate who, without prior leave of the Examinations Committee, fails to sit for examination in at least two subjects in any two successive sessions shall be excluded from taking any further examination.

Rule 66 provides that a candidate who fails any subject a second time shall be excluded from taking any further examination.

Relaxation of exclusion rules (R67 Application)

Rule 67 of the Legal Profession Admission Rules provides that the Examinations Committee may in special circumstances relax the exclusion rule upon such conditions as it considers appropriate.

In considering an application under Rule 67, the Examination Committee and its Performance Review Sub-Committee take account of the whole academic record of the Student-at-Law concerned, the distinctions, merits, passes, failures, did-not-sits and previous Rule 67 applications. They decide whether it is appropriate to impose conditions on re-enrolment.

As a condition of re-enrolment, they could require a Student-at-Law: to sit only one subject in a specified session; to sit and pass two subjects in a specified session; or to re-sit some or all of their previously passed subjects. A Rule 67 decision could require a Student-at-Law to repeat one or more previously passed subjects if it is deemed that the learning in such subjects is “stale” owing to changes to the Law or simply the passing of time. Students-at-Law make themselves vulnerable to the imposition of such conditions whenever they breach Rule 64 or 66.

Although there is no current time limit to complete the course this is under consideration by the Board.

It is often not necessary to await the publication of results before making an application under Rule 67. A Student-at-Law who expects to be excluded should make the application as soon as he/she has clear objectives for the following session. An early application has a greater chance of being processed quickly.

During 2015, there may be modifications to the course rules relating to exclusion. Please refer to the Current Students page of the Board’s website for the latest information.
R67 AND STUDENT COURSE APPLICATION PROCEDURE

An application for relaxation of the exclusion or progression rules in relation to the Winter 2015 Session must:

- be completed in statutory declaration format.
- be accompanied by a R67 or Student Course Application Cover Sheet and the prescribed fee.
- reach the Board’s offices by no later than Friday 1 May 2015.

If applying under Rule 67:

- clearly explain why the student has not made sufficient progress in the course or, why the student has had difficulty with the subject which has been repeatedly failed.
- demonstrate convincingly that circumstances have changed allowing the student a much better opportunity to succeed.
- indicate whether the student wishes to take one subject or more than one subject if permitted to re-enrol.
- in the case of a student wishing to enrol in subjects out of order, specify which subjects and the reasons why he/she desires to take the subjects in an alternative sequence.
- in the case of a student wishing to enrol in more than the normal allowable number of subjects, set out reasons why he/she wishes to attempt additional subjects and the basis upon which he/she considers that the proposed workload is not excessive.

A NSW statutory declaration template and application coversheet can be obtained from the forms and application fees page of the Board’s website. If applying from Interstate the declaration should be made in accordance with the law of the place where the declaration is made.

Please ensure that the declaration has been completed correctly and properly witnessed. A deficient declaration will delay processing and may place enrolment in the current session at risk. If completing a statutory declaration by hand, please ensure that your handwriting is legible.

Please note if you are applying for relaxation of Rules 59(1) and 59(3), separate applications, with a fee for each, are required. The separate applications may be submitted at the same time. Decisions made in response to these applications are valid for one specified session only.

An application for enrolment must not be lodged until you have received the Board’s decision on your application for relaxation of the progression rules. However, you should proceed to register online via the LEC Webcampus and attend lectures while awaiting the Board’s decision. You will get extra time to lodge your enrolment application if necessary.

If you lodge your application via email or fax, please do not send us the original, you should keep this for your record.

LATE APPLICATIONS

An application for relaxation of the progression or exclusion rules which reaches the Board’s office later than Friday 1 May 2015 but not later than Friday 8 May will be processed in relation to the Winter 2015 Session, but only upon payment of a late fee of $80.00 in addition to the prescribed fee. Applications received later than Friday 8 May will not be processed in relation to the Winter 2015 Session.

TUITION/ENROLMENT RULES

Rule 60 of the Legal Profession Admission Rules provides that a student who wishes to take any examination under the Rules must enrol for the corresponding course of instruction conducted by the Law Extension Committee in the session immediately preceding the examination.

Rule 63A of the Legal Profession Admission Rules provides that a student who has enrolled with the Law Extension Committee in accordance with Rule 60 must complete the requirements of the course of instruction to the satisfaction of the Law Extension Committee.

Tuition rule policy

Rule 63A of the Legal Profession Admission Rules requires the Law Extension Committee to notify students and the Examinations Committee if a student is ineligible to sit for an examination.

To be eligible to sit for an examination a student must have registered in that subject with the Law Extension Committee and must have completed satisfactorily all required tasks in that subject.

The Law Extension Committee notifies students of their eligibility through the Webcampus. It is the responsibility of students to check their results and
eligibility status by accessing the Webcampus.

With regard to written tasks, it is expected that students achieve at least a pass mark (50%). If a student receives a grade between 40% and 49% the Law Extension Committee may deem the student eligible to sit for the examination. In that instance, the category “deemed eligible” appears on the student's result screen.

There are some occasions when a student may be thoroughly prepared but unable to sit for an examination. Because the Board’s examinations are held twice a year, and not sitting for an examination is not regarded as a failure, the usual advice is to repeat the subject in the following session. In exceptional circumstances the Law Extension Committee may be able to offer some financial relief to a student who, but for the unforeseen event, would have most likely passed the examination.

In order to qualify, a student must have been prevented from sitting for the examination by serious illness or misadventure occurring within one week of the examination. A statutory declaration and specific medical certificate must be lodged with the Law Extension Committee, if possible prior to the examination but no later than 14 days after the examination. Upon the student passing that examination in the next session, and notifying the Law Extension Committee, the Law Extension Committee in consultation with the Board will consider a partial refund of the fees for that session.

The criteria are quite strict – for example, a student must have been eligible (not deemed eligible) to sit for the examination they missed; and at the next session must have achieved a pass in the compulsory assignment and the examination. It is advisable to discuss an application with the Law Extension Committee or the Board’s Legal Officer.

ENROLMENTS

WORKLOAD

Prior to enrolling, you should give careful consideration to the work associated with your proposed course of study, including attendance at lectures and preparation of assignments. The amount of study time you need to allocate to each subject is difficult to estimate, but in very general terms you should anticipate at least three hours of study for each hour of teaching time. Additional time is required for assignment preparation. You should consider employment and family commitments, and health factors which might adversely affect your capacity to undertake the intended study program.

It is also important for financial reasons that you carefully assess your capacity to undertake your chosen workload, as a student who withdraws from a subject after enrolment is not entitled to a refund of fees, nor to have fees transferred to a later session.

If you are a new student, you should note that a standard workload for the first two years is two subjects per session. Many students, especially those taking the course part time or without a strong background in tertiary level studies, would be better advised to begin with one subject.

Students should take note of the examination timetable on page 41 and choose their subjects carefully to avoid enrolling for two exams in the same exam session or more than two exams scheduled in the same day. If a student has no other option than to enrol in subjects that are scheduled for examination in the same session on the same day, the student must contact the LPAB’s Examination Officer no later than Friday 7 August 2015 to request appropriate special accommodations.

In such cases it may be possible to sit one exam in the AM session and one in the PM session. Students will not be permitted to sit an exam on an earlier or later date.

ENROLMENT PERIOD

The enrolment period for the Winter 2015 Session will be between 9.00am Thursday 23 April and 5.00pm Friday 1 May 2015 both dates inclusive.

LATE ENROLMENT

If you have made an application to the Examinations Committee for relaxation of the progression or exclusion rules, you should register online with the LEC Webcampus, attend lectures and prepare compulsory assignments but you may not attempt to enrol in any subject before your application has been determined. The Committee will, if necessary, extend the enrolment period when communicating the result of your application to you. Other than this:

(a) an application for enrolment which reaches the Legal Profession Admission Board’s office later than 5.00pm Friday 1 May but no later than 5.00pm Friday 8 May 2015 will be processed,