A Pathway to Legal Practice and Continuing Professional Development

with

The Legal Profession Admission Board and The University of Sydney
Objectives of the Program

The fundamental aim of the course is to provide a readily accessible legal education and a flexible means of entry to the legal profession.

The program is academically rigorous, but emphasis is placed on performance in the course rather than on restrictive entry requirements.
Becoming a Lawyer

To become a lawyer in New South Wales it is necessary to satisfy the requirements of the Legal Profession Admission Board (LPAB).

The study path for entry to the legal profession begins with undertaking either the LPAB examinations, or a law degree from an accredited law school. Then, in either case, in order to be eligible for admission to practice, it is necessary to complete an accredited program of practical legal training.

From 1848, before Australian universities offered law degrees, the Supreme Court set examinations for admission to the profession. This tradition has been continued by the LPAB, allowing people to study law, in the country as well as the city, and to become legal practitioners in circumstances where it might not have been possible otherwise.

Successful completion of the LPAB examinations leads to the award of the LPAB Diploma in Law. The LPAB is not a degree granting body. However for the purpose of admission as a lawyer, the Diploma and a degree from an accredited law school are equivalent qualifications.

The Law Extension Committee of the University of Sydney (LEC) was established in 1964 to assist students in their preparation for the LPAB examinations. The LEC offers a teaching program in evening lecture and weekend school modes.

All students should ensure that they attend the full lecture program, either by evening or weekend classes, or by a combination of both. The lectures are our primary learning and teaching tools.

The teaching program is supported by library, research and web-based services.

This brochure provides a brief outline of the objectives, structure and administration of the course and contact details for further enquiries.
Continuing Professional Development

Non-Award study with the LPAB/LEC

Continuing Professional Development (CPD) and Mandatory Continuing Legal Education (MCLE)

It is possible to undertake additional non-award, single subject study within the Diploma in Law program.

This allows legal practitioners and others to refresh and update their knowledge or extend their understanding by studying those electives they didn’t have time to complete when undertaking their degree or diploma.

For legal practitioners single subject study can be particularly useful if:

- Your practice has changed direction
- You want to develop new skills to allow you to move your practice in another direction
- There were electives which interested you but you didn’t have the time to complete.

Also there are subjects in the program that may be particularly useful to accountants, conveyancers, teachers and those in local government and the finance industry.

MCLE and CPD requirements of professional bodies can be satisfied by completing a course within the Diploma in Law program. You may choose to do the assessment and the final exam, but this is not a requirement of non-award study. Refer to the Professional Development page in the LEC’s website at www.sydney.edu.au/law-extension-committee for the current fee. One subject would easily meet the 10 hours per year MCLE requirement, whether you choose to attend evening or weekend classes.

Refer to the course Structure and Curriculum page in the LEC’s website at www.sydney.edu.au/law-extension-committee for more information about the subjects offered.
Non award study is available initially in the following subjects:
- Insolvency
- Conveyancing
- Succession
- Intellectual Property
- Local Government and Planning Law
- Industrial Law (Labour Law)
- Family Law
- Understanding Legal Language and Legislation (Statutory Legislation)

General information about non award study is available from the LPAB’s website at www.lpab.justice.nsw.gov.au

Should you have any questions about non award study or would like to register please contact the Diploma in Law coordinator, Gordon Seago at the LPAB via email Gordon_Seago@agd.nsw.gov.au or on 02 9338 3500.

The Diploma in Law Study
Program & Examinations

Assessment through the course is by examinations conducted by the LPAB and assignments. The LEC provides tuition in all the subjects that comprise the curriculum. Candidates must complete 17 compulsory and 3 elective subjects: 20 subjects in total.

All compulsory subjects are offered every semester, from November to February and from May to August. Students are supplied with a Course Information Handbook, and online access to Subject Guides and supplementary resources. Students have full access to the University’s Law Library.

Examinations are usually held in March and September, in Sydney and regional centres in New South Wales.

The program may be taken in evening lecture or weekend school mode. Evening students attend a
lecture in each subject each week (6.00pm - 8.30pm or 9.00pm), in a 12-14 week teaching semester, on the main Sydney University campus at Camperdown, near the CBD.

Distance students are expected to attend lectures at the non-residential weekend schools offered each semester, with up to sixteen hours teaching in each subject.

In addition, at the commencement of each semester, there is an introductory weekend school for all new evening lecture and distance students. This includes workshops in legal study skills and legal research and introductory lectures in the initial subject of Legal Institutions.

Suitability

The course is designed to be especially suitable for part-time students, including country residents. Many find previous study, and also work experience, particularly in a law-related area to be advantageous.

This course is not registered as a course for overseas students and registration does not, therefore, confer any visa entitlement.

Students need to possess initiative and a strong motivation towards self-directed study in order to succeed in the Diploma in Law. Most of the teachers are practitioners who are not generally accessible to the students outside of lectures. Unlike university faculties we do not have full-time academic staff.

Pressure of work, time management, and the difficulties of a new discipline mean that a relatively high proportion of students experience some difficulty with the early subjects.
Our Students

The student cohort is broad and diverse and reflects the philosophy underlying the course, that of making the study of law available to all who have the aptitude to undertake it. Ages range from school leavers through to mature age to seniors. Many have English as a second language.

Entry to the course is accessible to many, however its rigour means that many do not progress past the first substantive subject encountered early in the curriculum.

There are usually around 1200 students undertaking the course. Usually around 80% of them have entered through one of the graduate categories with most of those holding a university degree. Around 10% come in through the Higher School Certificate or equivalent category.

Overseas trained lawyers undertake the course in order to qualify to practice in an Australian jurisdiction.

Fees

A major component of accessibility is the cost of obtaining the Diploma in Law, which is significantly less than comparable qualifications.

There is a once-only Student-at-Law registration application fee. Examination and tuition fees are payable at the time of enrolment in each subject. The LPAB collects all enrolment fees, including the tuition fee on behalf of the LEC.

A list of current LPAB fees is available on the LPAB website: http://www.lpab.justice.nsw.gov.au

For the current subject tuition fee see the LEC’s website homepage at: sydney.edu.au/law-extension-committee
Learning Assistance

A study of law demands intensive reading and reflecting, and the development of particular skills in comprehension, analysis and the presentation of argument. Clarity of thinking and expression is the mark of a successful law student and lawyer.

Together with attending lectures, students are required to undertake assignments, use the LEC’s webcampus and library resources, and to attend library research seminars. You will need to have an email address, a regular internet connection and a computer that is capable of accessing the electronic resources that are made available.

If you have not studied for some time, you might consider beginning with one subject only. It is difficult to estimate how much time each individual person should devote to their studies. Many students say they need to allocate more than three hours of private study for each hour of lectures. You also need to allocate adequate time to prepare for each class, and to research and write assignments.

In summary, take full advantage of the learning resources that are offered. While the LEC needs to balance what it can provide with the demands of financial accessibility, the LEC wishes to enhance the opportunity of every student to achieve success in the LPAB course.

Enrolment

To enrol you must first register with the LPAB as a Student-at-Law. Application forms are available online at: www.lpab.justice.nsw.gov.au/legalprofession_forms_fees.html

Applications are approved progressively through the year, and may be submitted at any time. Please note that, in order to commence the course in May, an
application must be submitted by 1 March, or to begin in November, by 1 September.

Enrolment takes place in April and October for the May and November semesters respectively. The full compulsory program is offered each semester. The LPAB and the LEC send an information pack to students prior to the enrolment period. As well as enrolling with the Board, students must also register with the LEC.

If you hold any of the qualifications listed on the application form you may be eligible to enrol. These include:

- a STAT (Multiple Choice or STAT T) result of 149 (see below);
- a university degree;
- an equivalent of the NSW Higher School Certificate and an ATAR of at least 68.90 or, a UAI of at least 66 or a TER of at least 50 (or a good interstate equivalent); for more recent high school qualifications, refer to Form1 “Application for Registration as a Student-at-Law” for further information and entry requirements, or the NSW Admission Board Rules 2015;
- a university or TAFE college Diploma, Advanced Diploma or Associate Diploma;
- working as a paralegal or legal secretary for at least three years;
- working as a police officer or registered nurse.

You can qualify for entry to the course through the Special Tertiary Admissions Test (STAT). The STAT is a test that assesses your capabilities for tertiary study. You can undertake the STAT with the LPAB or through the Universities Admissions Centre (UAC). Contact the UAC on (02) 9752 0200 for more information. An overall STAT result of 149 is required for entry to the course.

Prospective students who have a disability are encouraged to contact the Board to discuss what relevant assistance may be available to them.
The Legal Profession Admission Board and The University of Sydney: July Extension Committee
Progression and Assessment

Assessment is presently by examinations and assignments. The pass mark in all subjects is 50%. A pass is determined by achievement in the examinations and assignments and is not influenced by pass rates. Satisfactory assignment performance is a condition of sitting for the examinations.

In the first four semesters students take no more than two subjects per semester. When eight subjects are completed, three subjects per semester are permitted. A student must sit for a total of at least two examinations in any two successive semesters.

The Law Extension Committee’s Teaching Program

The Law Extension Committee seeks to provide a program that:

- is relatively inexpensive;
- values diversity of background among students;
- caters for part-time and distance students. (Please note that distance students are expected to attend weekend schools.)
- combines academic rigour with flexibility of entry.

The teaching program has a professional orientation. The lecture is the primary teaching medium. The Committee’s thirty five teachers are drawn from practice and university. They include senior counsel, professors, authors of respected texts and individuals who are eminent in their field.
The LEC Offers:

- Two semesters of evening lectures each year. There is one lecture in each subject per week, from 6pm to 8.30 or 9pm. Lectures are held on the main campus of Sydney University in Camperdown.

- A pathway to the Master of Laws (LLM) program for successful candidates. Many lawyers are now proceeding to a postgraduate degree.

- Two or more weekend schools per semester. These are designed primarily for distance students, but evening students may attend. Each School has an eight-hour program in each subject. At the beginning of each semester there is an additional and essential weekend school for all new evening and distance students which includes seminars in legal research and introductory lectures in the initial subject of Legal Institutions.

- Specialised Sydney University Law Library services. Students have full access to the University’s Law Library, and students living outside Sydney have extended loan entitlements and the use of postal loan and photocopying services. A specialist law librarian, legal research classes, and access to an extensive electronic reserve of materials are examples of the additional library resources that are provided.

- Subject guides and synopses in all subjects and the Course Information Handbook prepared in collaboration with the LPAB.

- Course materials are provided electronically to students enrolled in them at no additional charge.

- Advice on forming study groups and student initiated web campus discussion forums for each subject.

- Students are provided with Sydney University unikey accounts to facilitate their use of learning resources and library access.
The Curriculum

The subjects that make up the curriculum are outlined below. Currently there are seventeen compulsory subjects and students choose three elective subjects. The first eleven subjects must be taken in sequence, as shown below, unless there is an exceptional reason to vary this order.

Compulsory Subjects

Legal Institutions
Criminal Law and Procedure
Torts
Contracts
Real Property
Australian Constitutional Law
Equity
Commercial Transactions
Administrative Law
Law of Associations
Evidence
Taxation and Revenue Law
Succession
Conveyancing
Practice and Procedure
Legal Ethics
Jurisprudence

Elective Subjects (3 must be taken)

Insolvency
Conflict of Laws
Family Law
Local Government & Planning Law
Industrial Law (Labour Law)
Intellectual Property Law
Public International Law
Competition & Consumer Law
Understanding Legal Language & Legislation
The first 4 subjects

The first four subjects build a strong foundation on which later legal studies rest.

**Legal Institutions**

An expanded Legal Institutions course puts additional emphasis on writing skills, problem-solving, and analysis of statutes and case law.

The course introduces students to the origins, history and present operation of the institutions which make up the Australian legal system, to the sources of law, and to the Commonwealth and New South Wales constitutions.

Topics include the distribution of legislative powers between the Commonwealth and the states, the executive powers of the Commonwealth and New South Wales governments and the sources of those powers, the system of courts and tribunals operating at Commonwealth and New South Wales levels, other forms of dispute resolution, the relationship between the various legal institutions, the theory and practice of precedent, the rules of statutory interpretation and the legal profession.

**Criminal Law and Procedure**

This course aims to provide students with an understanding of the general principles of criminal law, together with a detailed knowledge of the application of these principles in respect of major crimes and defences. The student is also introduced to aspects of pre-trial criminal procedure, including police powers of arrest, search, seizure and interrogation. The competing public policy considerations of crime control and individual liberty are addressed, with the aim of enhancing students’ skills of critical appraisal of social institutions and community values and expectations in relation to criminal behaviour.
Torts

A tort is a civil wrong which results in physical or psychiatric injury, property damage or financial loss. A plaintiff who has suffered injury or loss due to a tort committed by the defendant will generally be seeking compensation by way of damages.

Liability depends on a range of factors including the nature of the defendant’s conduct, his or her state of mind at the time, and the consequences of the conduct. The course includes the study of a number of important torts such as trespass, which protects a person from unwanted physical contact or threats; negligence; and related issues such as defences, assessment of damages and concurrent liability.

Contracts

The course aims to provide students with an understanding of the basic principles of contract law. In fulfilling this aim, the course focuses primarily on a study of relevant case law and statute law. The course also aims to help develop in students an ability to analyse fact situations and correctly identify the relevant principles of contract law that are applicable. The course covers the elements of formation of contracts, contractual capacity, terms of a contract, matters affecting consent to a contract, discharge of contracts, remedies, illegality and privity of contract.
Some Frequently Asked Questions

What is the status of the Diploma compared to a law degree?

There is no consensus on the best preparation for legal practice. Many eminent practitioners, including judges, senior partners and senior counsel, have entered law by taking the LPAB examinations. The LPAB, as the admitting authority in New South Wales, regards both its own examinations and university law degrees equally as a professional qualification. There is agreement, though, that in law your learning and preparation never stop.

How does the examination system work?

The LPAB appoints an Examiner and a Revising Examiner in each subject. The Examiner sets the examination according to the LPAB syllabus, which is reflected in the Subject Guide prepared by the Examiner in consultation with the LEC. The Examiner is usually the LEC lecturer in the subject. When the examination is set, it is reviewed by the Revising Examiner. Examination scripts are marked by the Examiner, and in some cases by additional markers. As an additional safeguard, any failed paper achieving a mark of 40% or above is marked again by the Revising Examiner.

Do I enrol as a University student?

No. You enrol with the LPAB. You must undertake the LEC educational program in each subject you take, but your enrolment is with the LPAB, you sit for the LPAB examinations and you are a candidate for the LPAB Diploma in Law.

Why aren’t lectures available online?

The LEC believes that legal education is best delivered in person. Encountering the unique range of dedicated practitioners and expert academic teachers through the course gives
students a comprehensive experience of legal scholarship and culture. Our Subject Guides and extensive electronic resources are designed to provide sufficient supplementary material for distance students, when combined with the Weekend Schools.

What if I fail or don’t make much progress?

Failing a subject twice leads to exclusion from the course. Failing to sit for two examinations in any two successive semesters also leads to exclusion. It is possible to apply for the exclusion rules to be relaxed.

Can I apply for exemptions on account of previous study?

Students who have completed, before becoming Students-at-Law, units in law degree courses at recognised universities may apply for exemption from certain subjects that are considered substantially equivalent to those in the Diploma program. Students should note rule 97(9) of the NSW Admission Board Rules 2015.

Pursuant to Rule 80, no person is entitled to receive a Diploma-in-Law unless he/she has sat and passed at least half the LPAB examinations.

Is full-time study possible?

Yes, although the lecture program is scheduled for part-time students. Special permission is needed to take more than the prescribed number of subjects in a semester, and the capacity to undertake additional subjects must be demonstrated.

Is HECS-HELP, Fee-HELP or Austudy available?

The Higher Education Loan (HECS-HELP) and Fee-HELP Programs do not apply. The LPAB course has been approved for Austudy, which is a means-tested scheme of financial assistance for full-time students. Further
information on Austudy is available from your local Centrelink office. Please note that an application must be made to the LPAB for permission to enrol in more than two subjects per semester prior to completing the first eight subjects.

**Can I go on to further study?**

Yes. After completing the Diploma you may be eligible for candidature in a university Master of Laws (LLM) program, or other specialised postgraduate law courses. Diploma students have a successful presence in the University of Sydney’s prestigious postgraduate program.

**What options exist for graduates, other than legal practice?**

Lawyers are in demand in a wide range of occupations, including accountancy, government departments, insurance, banking, finance, media and sport.

**Is there still a difference between barristers and solicitors?**

Although flexibility between the two arms of the profession is increasing, in New South Wales you may still practise as a solicitor or as a barrister. Barristers traditionally provide specialist advocacy and advice. If you wish to practise as a barrister after admission as a lawyer, you will also complete a Bar Practice Course conducted by the Bar Association. Further information is available from the Law Society and the Bar Association, and from the equivalent bodies in other states.

**What if I wish to practise law in a jurisdiction in another state or territory?**

In most jurisdictions a local practising certificate entitles you to practise without having to seek admission however you should contact the local Law Society or Bar Association.
What special arrangements can be made for me if I have a disability?

Please contact the LPAB to discuss your particular needs.

What happens on completion of the course?

The University makes available to the LPAB its Great Hall for the Diploma in Law presentation ceremony. Once each year the LPAB’s Presiding Member presents diplomas to those who have successfully completed the LPAB course of examinations, the Chair of the LEC introduces a guest speaker, and relatives and guests are invited to attend a reception afterwards.

For those entering the profession, study has not yet finished. Practical Legal Training is required for practice, and can be undertaken in a variety of modes at several institutions. You should enquire fairly early in your program as to the cost and suitability for your needs of the courses available. For admission in New South Wales, courses at the following institutions are recognised by the LPAB: The College of Law, St Leonards; The University of Technology, Sydney; The University of Wollongong; The University of Western Sydney and University of Newcastle.
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