

Legal Profession Admission Board

Annual Report 2010-2011



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LPAB staff 2010 – 2011

From top left: Robert Wilson - Examinations Officer; Tania Payne - Student Services Officer; Matthew Walker, Office Manager; Gordon Seago - Diploma in Law Coordinator; Mylvaganam Nagarajah – Enquiries and Certificates Officer; Louise Pritchard – Legal Officer; Margaret Horan – Executive Assistant

From bottom left: Monika Bhattacharya – Professional Services Team Leader; Robin Szabo – Executive Officer; Ming Han – Accounts Officer
Assistance from Angela Stevens (A/Legal Officer), Hai Tran (Casual Admissions Officer) and other temporary staff is also acknowledged.

LETTER TO THE MINISTER

The Hon. Greg Smith SC MP
Attorney General
Minister for Justice
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Attorney,

I am pleased to present you with the Annual Report for the Legal Profession Admission Board together with the Board's financial statements for the year ended 30 June 2011.

As required by the *Annual Reports (Statutory Bodies) Act 1984* and the *Public Finances and Audit Act 1983* I submit a report on the operations of the Board.

Yours faithfully

A handwritten signature in black ink, appearing to read 'rszabo', written in a cursive style.

Robin Szabo

Executive Officer
Registrar of Public Notaries

OUR CHARTER

The Legal Profession Admission Board (LPAB) is a statutory body and its functions include the admission of lawyers and appointment of public notaries in New South Wales. It assesses the qualifications of local and overseas applicants who seek entry to the legal profession and accredits academic and practical legal training courses. Successful completion of the Board's examinations leads to the award of the *Diploma in Law*, which satisfies the academic requirements for admission in NSW. The LPAB's responsibilities derive from the provisions of the *Legal Profession Act 2004* and the Legal Profession Admission Rules made pursuant to it, the *Public Notaries Act 1997*, its Appointment Rules and from the Board's close relationship to the Supreme Court of New South Wales.

The LPAB

- Processes applications for admission as a lawyer, appointment as a public notary, registration as a Student-at-Law and various applications under the Board's rules
- Assesses the qualifications and experience of applicants for admission to the profession, including applicants from interstate or overseas
- Maintains the rolls of lawyers and public notaries
- Administers the Board's examinations for its Diploma in Law course
- Accredits law degree courses and courses of practical legal training in New South Wales
- Provides certificates, diplomas, academic records and other documents to lawyers, students-at-law and professional bodies
- Provides application forms, information booklets and advice in relation to the above services
- Assists the Supreme Court of NSW in the conduct of ceremonies for admission to the legal profession

Our vision

The vision of the LPAB is to continually improve services and business efficacy to provide an accessible and affordable pathway towards legal practice, to ensure that professional qualifications and all accredited courses are of the highest standard and provide quality, timely and cost effective services to all persons who have dealings with the Board.

We aim to improve client satisfaction through:

- Providing quality timely and cost effective information services
- Providing accessible, consistent and equitable services, and
- Team Work

The 2010/2011 Annual Report of the Legal Profession Admission Board (LPAB) provides details of the structure, membership and operations of the Board. It includes our achievements, current strategies and projects that will allow us to continue to achieve greater efficiencies through efficient financial management, continued improvement of our procedures and client services and reduction of costs and wastage.

Highlights of 2010/2011

Highlights of our operational achievements are provided below:

- ◇ The implementation of the LPAB's new Student Records System which replaced its aged and rapidly deteriorating system and will improve the quality, reliability and accuracy of student records and will provide better tools to facilitate new and improved services to students
- ◇ Successful Diploma in Law graduation ceremony held at the Great Hall, University of Sydney with Professor Gillian Triggs as guest speaker
- ◇ Usage of credit card payments, electronic and facsimile lodgement of enrolments and other applications increased significantly and resulted in the provision of more efficient services to the Board's clients
- ◇ Enrolment for students-at-law has been made faster and simpler with 60% of students using a separate email address established for enrolments and with another 30% enrolling by facsimile
- ◇ The Board and the LEC have introduced procedures to exchange information from students who change their details and omit to advise both bodies
- ◇ The LPAB and LEC again successfully participated in the HSC Careers Expo, held this year at the Royal Hall of Industries, Moore Park to promote and answer queries about the Board's Diploma in Law Course; arrangements have been made to participate in another Expo, Reinvent Your Career Expo to be held for adults seeking career changes or who wish to undertake further study
- ◇ Work progressed in the development of a joint Code of Conduct with the LEC
- ◇ Meetings were held with the Society of Public Notaries and the College of Law to draft reforms to assist notaries who need to take a break from legal practice due to family commitments or prolonged illness and to introduce refresher training
- ◇ Continuing to review, develop and improve the Board's website to maintain its status as a valuable resource
- ◇ The Board continued to introduce measures and initiatives to reduce costs and wastage, for example printing costs have been reduced and savings made through actively recycling paper and other items, bulk ordering of administrative supplies, rationalising use and "green" procurement.

The Future, National Legal Profession and Tertiary Education Reforms

From its historical beginnings in 1848, as the first body to offer a law qualification in Australia, the strength of the Legal Profession Admission Board (formerly known as Legal Practitioners Admission Board, and the Barristers and Solicitors Admission Boards) is the ability to evolve and remain relevant to changing times. Arguably one of the most critical changes to face the LPAB will be the outcome of the National

Legal Profession Reform, which may well have a significant impact on the Board and its operations. Under the *Legal Profession National Law*, it is proposed that a newly established National Legal Service Board will undertake several functions currently performed by local admitting authorities and other bodies. Although lawyers will continue to be admitted by the courts in each jurisdiction, it is proposed to transfer accreditation of academic and practical legal training courses, assessment of applications for admission, overseas qualifications and registration of foreign lawyers to the National Legal Services Board. The new Board will be responsible for drafting the National Rules and establishing expert committees to provide expert advice in specific areas.

The Board and its staff will continue to face considerable challenges to maintain operations and provide assistance and advice to facilitate the reforms and ensure that all key details are considered. The Board has played an active role in reviewing and responding to numerous proposals put forward by the Law Admissions Consultative Committee (LACC) including the proposed introduction of “Threshold Learning Outcomes” (TLOs) adopted by Universities.

The recent introduction of the Tertiary Education Quality and Standards Agency (TEQSA) that establishes a new authority to register and evaluate the performance of all higher education providers against a new Higher Education Standards Framework may impact the Board’s Diploma in Law. The Board and the LEC will closely monitor and consult with the new authority and investigate options for the future of the Board’s Diploma. Other joint projects will also be undertaken to ensure that the Board’s course remains competitive and continues to be of the highest standard and allows people from all walks of life, including country residents, this unique opportunity to study law.

Increasing operational demands resulted in the Board approving the creation of another temporary Legal Officer position to assist the Executive Officer and work on joint projects of mutual benefit with the LEC. The position will be part funded by the LEC. I would also like to acknowledge the contributions and support received from the Honourable Justice Murray Tobias who retired as Presiding Member of the Board on 31 December 2010.

The LPAB team thanks all involved in its operations for their valued contributions.

A handwritten signature in black ink, appearing to read 'rszabo', written in a cursive style.

Robin Szabo
Executive Officer

MANAGEMENT AND STRUCTURE

The LPAB is constituted under Part 7.1 and Schedule 2 of the *Legal Profession Act 2004*. The Board is established as an independent statutory authority. However, for certain administrative and reporting purposes, it operates under the umbrella of the Department of Attorney General and Justice (DAGJ). DAGJ provides employees to the Board to enable it to carry out its functions.

Membership of the LPAB

The Board consists of 11 members, being:

- the Chief Justice of New South Wales, and
- 3 Judges of the Supreme Court nominated by the Chief Justice of New South Wales, and
- the Attorney General or a person nominated by the Attorney General, and
- 2 persons nominated by the Committee of NSW Law Deans, and
- 2 barristers nominated by the Bar Council, and
- 2 solicitors nominated by the Law Society Council.

Legal Profession Admission Board

The Honourable The Chief Justice

The Honourable Justice Tobias AM RFD (Presiding Member to 31/12/10)

The Honourable Justice Slattery* (Presiding Member from 1/1/11)

The Honourable Justice Davies (Deputy Presiding Member from 1/1/11)

The Honourable Justice Pembroke (from 1/1/11)

Mr Jeremy Gormly SC

Mr Garry McGrath (SC from 7/10/10)

Mr Charles Cawley

Mr John Dobson

Professor Stephen Colbran

Professor Luke McNamara

Ms Maureen Tangney

Secretariat: Ms Robin Szabo

*Justice Slattery is also the Board's representative on the Law Admissions Consultative Committee (LACC).

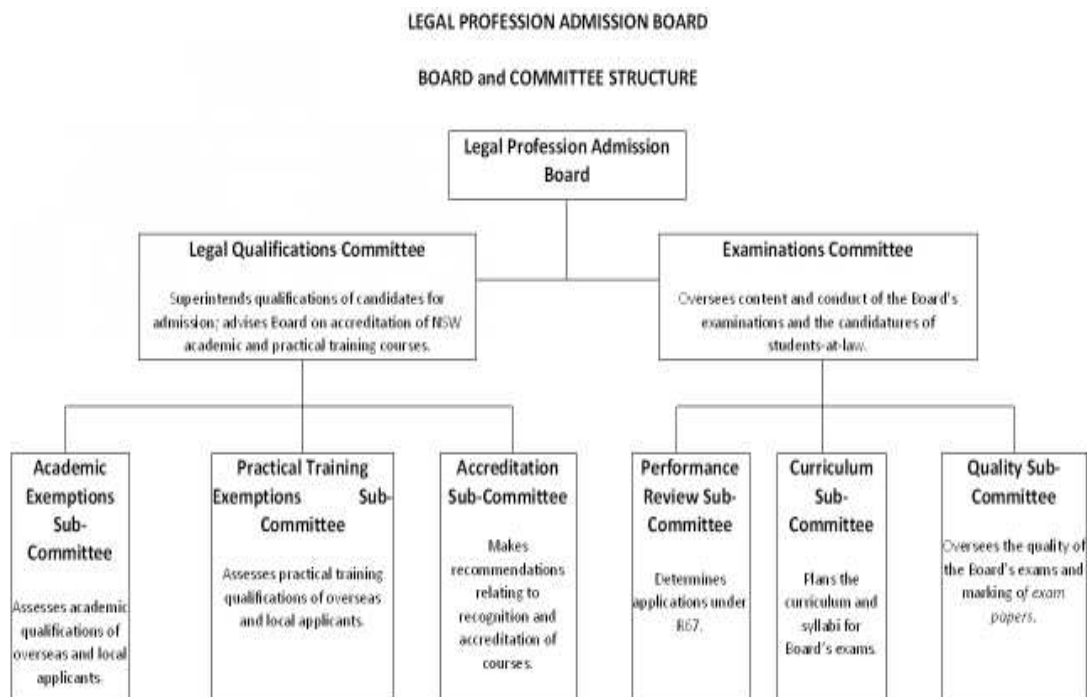
Board and Committee Structure

The functions of the Board include making decisions about the eligibility and suitability of applicants for admission as lawyers and appointment of public notaries, assessing the qualifications of overseas applicants, accreditation of academic and practical legal training courses in NSW and operation of the Board's *Diploma in Law* Course. The Board, with advice from its Legal Qualifications Committee, has made significant contribution to the ongoing reforms for assessment of qualifications of overseas applicants and to the legislative framework within which the national reforms would exist by way of commentaries to the draft legislation and rules, which were used as the basis of the LACC and other admitting authorities commentaries. The Board also facilitated the development of uniform disclosure guidelines for applicants for admission as lawyers, by initiating and providing expert advice on proposals put forward by LACC.

The Executive Officer and LPAB staff provide secretariat and administrative support to the Board, its Committees and Sub-Committees in the exercise of their functions.

The Board and its Committee structure is represented in the diagram below.

Board and Committee structure chart



Legal Qualifications Committee

The Legal Qualifications Committee (LQC) is constituted pursuant to rule 15 of the *Legal Profession Admission Rules 2005* to superintend the qualification of candidates for admission and to advise the Board in relation to the accreditation of academic and practical training courses.

The membership of the Legal Qualifications Committee and its Sub-Committees during 2010/2011 is set out below.

Members of the Legal Qualifications Committee

The Honourable Justice White (Chairperson)
 The Honourable Justice Slattery (Deputy Chairperson to 17/5/11)
 The Honourable Justice Davies (Deputy Chairperson from 17/5/11)
 The Honourable Justice Pembroke (to 1/1/11)
 The Honourable Associate Justice Hallen (from 1/1/11)
 Mr John Fernon SC
 Ms Susan Leis
 Ms Elizabeth Picker
 Ms Mary Macken
 Mr Charles Cawley
 Mr John Dobson
 Mr Greg Ross
 Mr Richard Harris
 Professor Ainslie Lamb AM
 Ms Jenny Eggleton

Dr Gordon Elkington
Mr Peter Underwood
Secretariat: Ms Robin Szabo

Academic Exemptions Sub-Committee

The Honourable Justice White
Dr Gordon Elkington
Mr Peter Underwood
Secretariat: Ms Monika Bhattacharya

Practical Training Exemptions Sub-Committee

Professor Ainslie Lamb AM
Mr Greg Ross
Ms Elizabeth Picker
Secretariat: Ms Monika Bhattacharya

Accreditation Sub-Committee

Mr Richard Harris
Mr Charles Cawley
Professor Ainslie Lamb AM
Secretariat: Ms Louise Pritchard

The Legal Qualifications Committee (LQC) and its Practical Training Exemptions Sub-Committee met seven times during the financial year to perform the tasks allocated under the Board's Rules. The Academic Exemptions Sub-Committee met on a frequent basis to determine applications for academic exemptions. Both the LQC and its Sub-Committees worked closely with the Board to resolve issues that arose in regards to the assessment of applicants from overseas who sought entry to the legal profession in Australia. The LQC dealt with appeals from its sub-committee decisions as well as requests for extensions of the period of validity of academic and practical training exemptions. It also considered applications from students-at-law who sought approval under rule 97(9) to apply for exemptions on the basis of studies undertaken elsewhere after registration as a student-at-law with the Board.

The LQC and its Sub-Committees made recommendations to the Board on changes and procedures proposed by the Law Admissions Consultative Committee (LACC) in applying the Uniform Principles for the assessment of the qualifications of overseas applicants or practitioners.

Further amendments to the Uniform Principles ushered in by the LQC concerned out of jurisdiction qualifications; it removed the requirement to undertake practical legal training in the country where the Law School was situated before applying to have the applicant's qualifications assessed in Australia. Similar significant contributions were made in relation to a proposed review of academic requirements for admission where the LACC's intention to introduce "Threshold Learning Outcomes"(TLOs) as adopted by Universities was met with reservation by the LQC for its suggested condensing of the substance and description of the Priestly 11.

Other business conducted by the LQC included the recommendation to the Board to accredit a new tertiary academic course, accepting the Juris Doctor offered by the University of Sydney. The Committee also consulted on changes to the content of practical legal training programs offered by PLT providers, which resulted in an

alternative option being offered by the College of Law with increased coursework and a shorter duration of work experience.

Examinations Committee

The Examinations Committee is constituted pursuant to rule 27 of the *Legal Profession Admission Rules 2005* to oversee the content and conduct of the Legal Profession Admission Board's (the Board) examinations and the candidatures of students-at-law enrolled in the *Diploma in Law* Course. The Committee for this purpose works closely with the Law Extension Committee (LEC) of the University of Sydney.

The Examinations Committee has just completed its ninth year of operation. The membership of the Examinations Committee and its Sub-Committees during 2010/2011 are set out below.

Members of the Examinations Committee

The Honourable Justice Simpson (Chairperson)

The Honourable Justice Hall

Mr Michael Christie SC

Mr John Dobson

Mr Frank Astill

Mr Ross Anderson

Ms Susan Carter

Secretariat: Ms Robin Szabo

Curriculum Sub-Committee

Mr Michael Christie SC

Mr Ross Anderson

Mr Frank Astill

Secretariat: Ms Robin Szabo

Performance Review Sub-Committee

The Honourable Justice Hall (Chairperson)

Mr Frank Astill

Mr John Dobson

Secretariat: Ms Robin Szabo

Quality Sub-Committee

Mr Frank Astill

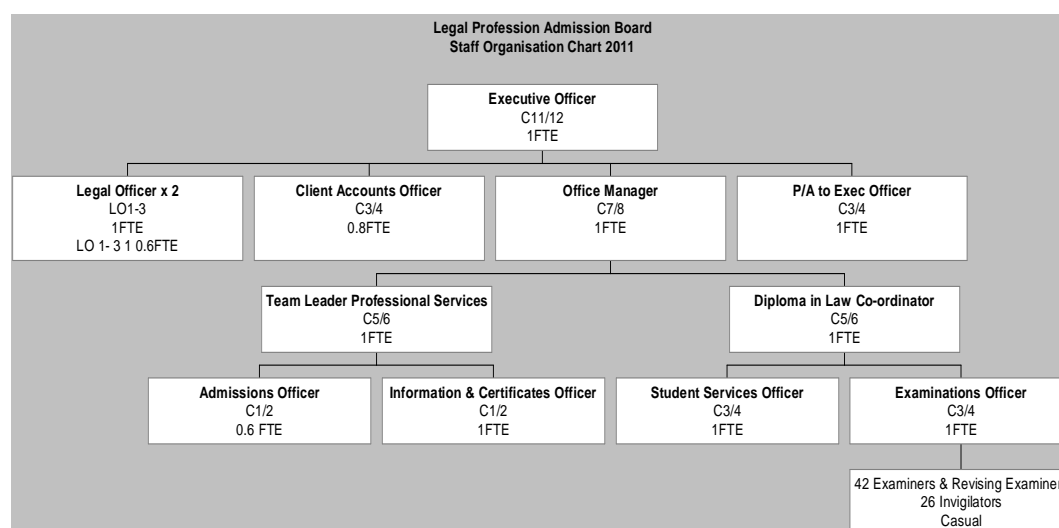
Mr Ross Anderson

Ms Susan Carter

Secretariat: Ms Robin Szabo

In the 2010/2011 financial year the Examinations Committee and its Sub-Committees made recommendations that resulted in the development and progress of policies impacting upon the examination process and the curriculum for all subjects. A new policy was devised to allow an application to be lodged by a graduate returning to undertake further study with the Board. Such applicants usually wish to seek re-entry to undertake a subject not previously taken or re-take a subject previously passed to refresh their skills in that area. A significant policy development was implemented for the first time this year in terms of changes to the characteristics of the examination assessment process, as assignment marks counted towards examinations. No great

challenges resulted however review of the new policy will continue over the coming semesters. The Committee monitored the performance of all subjects to maintain the quality of the standard of tuition offered. Such review identified variations in success and failure rates for conveyancing and contracts in particular which were investigated and led to the making of recommendations. Legislative changes resulted in the change of name for one of the Board's subjects, with the newly legislated Competition and Consumer Law replacing the former Trade Practices Act. The Committee also reviewed matters arising from the conduct of the examinations including incidents of academic or other misconduct and consideration of appeals from the decisions of the Executive Officer and Sub-Committees.



The LPAB has 11 full time equivalent staff. Gradings including gender distribution are provided below.

Grade	Female	Male
Clerk 11/12	1	
Legal Officer I-III	1.6	
Clerk 7/8		1
Clerk 5/6	1	1
Clerk 3/4	2.8	1
Clerk 1/2	0.6	1

The LPAB also employs 42 Casual Examiners & Revising Examiners and 26 Casual Exam Invigilators and engages short term temporary assistance during enrolments, examinations and on admission days.

REVIEW OF OPERATIONS

Admission of Lawyers

To be admitted as a lawyer to the Supreme Court of New South Wales, a person must be eligible and suitable for admission. To be eligible, a person must satisfy academic and practical training requirements. An applicant who does not meet the criteria for exemption will also be required to demonstrate English language proficiency. To be suitable, a person must be considered to be fit and proper to be admitted. The Board advises the Supreme Court that it considers a person eligible and fit and proper by means of a compliance certificate. Board staff perform all of the administrative tasks associated with the organisation and conduct of Admission Ceremonies that are held in the Banco Court of the Supreme Court of New South Wales. The requirements for admission are outlined in rules 95 and 96 of the [Legal](#)

[Profession Admission Rules 2005](#). The table below shows the number of admissions in 2010/2011.

Admissions	Total Admitted 2010/2011
Local (qualifications obtained wholly or partly in Australia)	1718
Overseas (admitted outside Australia or New Zealand)	94
Total	1812

Mutual Recognition

Admissions under Mutual Recognition Acts are not included. In 2010/2011, there were 54 New Zealand legal practitioners who were admitted to the Supreme Court of New South Wales under the *Trans Tasman Mutual Recognition Act 1997*. The court provides the Board with copies of the orders for entry to the Roll of Lawyers. Mutual recognition applications from Australian States and Territories have all but ceased, following the enactment of legislation that allows recognition of interstate practising certificates in all jurisdictions except South Australia.

Academic and Practical Legal Training exemptions

The Board receives applications from persons who seek exemption from some or all of the Board's examinations on the basis of studies completed at recognised universities in an Australian State or Territory or overseas. It also receives requests from eligible applicants who seek exemption from some or all of the practical legal training (PLT) competencies. The Legal Qualifications Committee and its Sub-Committees review the applications for exemptions, requests for review and other miscellaneous applications. Applications are increasingly being received from a diverse range of countries including non-English speaking countries such as Nigeria, Brazil, Columbia, Romania, Pakistan, Namibia, Ukraine, Jordan, Poland, Peru, Iran, Egypt and Botswana.

Operation	2010/11
Number of Academic Exemptions processed	371
Number of applications for academic exemption assessed within 4-6 weeks of receipt	99%
Number of PLT exemptions granted	94

Diploma in Law Course

The *Diploma in Law* Course is an attractive alternative to a degree from university because it offers an affordable and flexible means of studying law. People who seek admission to the Board's course must apply for registration as a student-at-law to be eligible to enrol. Under the Board's rules, a student-at-law who enrolls for the Board's examinations must also enrol in the corresponding course of instruction conducted by the University of Sydney's Law Extension Committee (LEC). The LEC was established by the Senate of the University of Sydney in 1964 for such a purpose.

The LPAB works closely with the LEC in the administration of the *Diploma in Law* Course. The LEC provides tuition in the 26 subjects that comprise the Diploma in Law curriculum and students must complete 17 compulsory and 3 elective subjects.

The *Diploma in Law* Course has two enrolment intakes each year. Enrolments are usually held in the last week of October and April for the sessions with lectures

commencing in November and May with examinations in the first week of March and September. Deadlines for applications for registration for intending students-in-law who seek to enrol in the November and May sessions are 1 September and 1 March respectively. Orientation weekends are held immediately prior to the commencement of semester.

Operation	2010/11
Applications for registration of new Students-at Law	523
Number of Student-at-law applications processed within 48 hours	99%
Total number of student enrolments	4863
Number of valid course enrolments processed within 7 days of receipt	99%

* Should we note typo in last AR?

Operation	2010/11
Total number of Students awarded Diploma in Law	138
Term 2 2010	69
Term 1 2011	69

Examination Assessment

A hallmark of the *Diploma in Law* Course has been the requirement to pass an exam worth 100% of assessment. Recent changes were approved by the Examinations Committee and adopted by the Board, that now allows each subject to include an assignment component worth 20% of the final mark and the exam 80%. The new assessment structure does not impact upon the Board's eligibility requirements under the Rules for sitting an exam, as students must still satisfactorily complete the requirements of the course in order to sit for the examination in that subject.

The scheduled examination locations include Sydney, Parramatta, Albury, Armidale, Broken Hill, Canberra, Dubbo, Lismore and Newcastle.

Semester	No. of enrolments	No. of exams sat	No. of students
2010 – Semester 2	2453	2087	1289
2011 – Semester 1	2408	2021	1274

Registration of Public Notaries

The LPAB administers the appointment of Public Notaries in NSW. The Executive Officer of the LPAB is the Registrar of Public Notaries and maintains the Roll of Public Notaries. Public Notaries are appointed by the Supreme Court of New South Wales pursuant to the Public Notaries Act 1997 and the [Public Notaries Appointment Rules 1998](#). In exercising its functions, the Board may consult with The Society of Notaries of New South Wales Incorporated. A public notary deals with non-contentious matters usually concerned with documentation required by a client for use overseas. Common tasks involve estates, deeds, powers-of-attorney, and foreign and international business. Registration and appointment of Public Notaries occurs biannually.

Operation	2010/11
Appointment of Public Notaries	52
Total number registered	815

Publications 2010-11

The LPAB ensures that it maintains clear and relevant information in hardcopy and on its website. The following are the current publications.

Publication	Description
A Pathway to Legal Practice Brochure	An Information Brochure on the LPAB Diploma in Law Course
Board Calendar 2010 & 2011	The Board's Calendar of yearly events i.e. admission ceremonies and closing dates, student registration and enrolment deadlines, examination results publication dates and various Committee agenda deadlines and meeting dates
Diploma in Law Course information Handbook	Course information handbook published each semester
Examination Papers	Examination papers for the past 3 semesters

APPENDIX A – INTERNAL AUDIT AND RISK STATEMENT

Internal Audit and Risk Management Statement for the 2010-2011 Financial Year for the Legal Profession Admission Board (LPAB)

I, Robin Szabo, Executive Officer on behalf of the Legal Profession Admission Board am of the opinion that the Legal Profession Admission Board (LPAB) has internal audit and risk management processes in place and operating that are, excluding the exceptions described below, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*.

I, Robin Szabo, Executive Officer on behalf of the Legal Profession Admission Board am of the opinion that the internal audit and risk management processes for the Legal Profession Admission Board depart from the following core requirements set out in Treasury Circular NSW TC 09/08 and that (a) the circumstances giving rise to these departures have been determined by the Portfolio Minister and (b) the Legal Profession Admission Board has implemented the following practicable alternative measures that will achieve a level of assurance equivalent to the requirement:

Ministerially Determined Departure	Reason for Departure and Description of Practicable Alternative Measures Implemented
Core Requirement 1: Internal Audit Function Core Requirement 2: Audit and Risk Committee; Core Requirement 3: Independent Chairs and Members; Core Requirement 4: Model Charter and Committee Operations Core Requirement 5: Risk Management Standards Core Requirement 6: Internal Audit Standards	<input type="checkbox"/> The LPAB is a small statutory body (constituted by provisions in Part 7 of the <i>Legal Profession Act 2004</i>) where the lack of resources and cost burden of establishing an independent Audit & Risk Committee would materially impact on the LPAB's operations and budget. Consequently the LPAB obtained a determination from the Attorney General for exemption from compliance requirements in regards to the establishment of an independent Audit and Risk Committee. <input type="checkbox"/> The LPAB has in place an alternate arrangement that will achieve outcomes equivalent to the core requirements; the LPAB was granted approval to share in the Department of Justice and Attorney General's (DJAG) "cluster" arrangement of internal audit and risk management framework. The LPAB is subject to all DJAGs internal audit and risk management systems including the DJAG Audit and Risk Committee, internal audit function including a Chief Audit Executive and risk management processes. As the DJAG internal audit and risk management governance and processes comply with Treasury Policy, by virtue of the LPAB sharing in the Department's internal audit and risk management system, enables the LPAB to also comply with Policy requirements.

I, Robin Szabo, Executive Officer on behalf of the Legal Profession Admission Board am of the opinion that the shared service /policy cluster equivalent with the

Department of Attorney General and Justice for the LPAB is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08. The information relating to the Chair and Members of the Audit and Risk Committee are contained within the DJAG cluster arrangement; specifically, reference is made to the Department of Justice and Attorney General Audit and Risk Committee Charter for the following information:

independent Chair (term of appointment)

independent Member 1 (term of appointment) etc.

non-independent Member 1 (term of appointment) etc.

These processes, including the practicable alternative measures implemented, provide a level of assurance that enables the senior management of the LPAB to understand, manage and satisfactorily control risk exposures.

Department Head or in accordance
with a resolution of the Governing
Board of the Statutory Body



Executive Officer
Legal Profession Admission Board

APPENDIX B – ABBREVIATIONS

LPAB	Legal Profession Admission Board
LEC	Law Extension Committee
DAGJ	Department of Attorney General and Justice
EC	Examinations Committee
LACC	Law Admissions Consultative Committee
LQC	Legal Qualifications Committee
PLT	Practical Legal Training
TEQSA	Tertiary Education Quality and Standards Agency
TLOs	Threshold Learning Outcomes

APPENDIX C-AUDITED FINANCIAL STATEMENTS-2010/2011