



Online Examinations by Exception Policy

Introduction

From the September 2023 exam period (in Term 2 of 2023) candidates are required to sit exams in-person, which is the traditional mode of exam delivery in the Diploma in Law Course.

This is consistent with the requirement that all law schools in NSW return to accredited modes of course delivery no later than 1 July 2023.

This means that online exams in the Diploma in Law Course will only be available in exceptional circumstances, subject to prior approval and with strict eligibility criteria.

Distance students will be expected to make reasonable efforts to travel to an exam centre to sit their exams in-person. We understand there may be exceptional circumstances that prevent students who are residing in remote areas, interstate or outside Australia from attending exams in person.

Applications to sit exams online would need to be made on a semester-by-semester basis.

No guarantees can be made that students who reside in remote areas, interstate or overseas will be able to sit online exams for the entirety of their participation in the Course.

When an online examination may be granted

An online examination may be granted only in exceptional circumstances that prevent candidates from attending exams in person.

In the following circumstances, an online examination *may* be granted:

- **Candidates residing overseas permanently***
 - will need to have registered for the course with the overseas address and;
 - required to provide evidence of residing overseas on an ongoing basis, such as a driver's license, utility bills etc.

* candidates who reside overseas must seek exemption from Rule 29 of the NSW Admission Board Rules 2015 which states 'A person is eligible to apply for registration as a student-at-law if he or she intends to remain in Australia during the whole of his or her candidature for the Board's examinations'

- **Candidates required to travel overseas temporarily**
 - exemption may be granted for travel overseas due to unforeseen and exceptional circumstances
 - will need to provide supporting evidence and a statement explaining the circumstances
 - eg death in family

- **Candidates residing more than a 150km radius from an exam centre**
 - will need to have registered for the course with the address and/or provide proof of the address and;
 - provide supporting evidence and a statement explaining the circumstances preventing them from travelling to an examination centre
 - eg financial circumstances

- **Candidates residing in NSW with exceptional circumstances**
 - required to provide supporting evidence and a statement explaining the circumstances preventing them from travelling to an examination centre
 - eg demonstrated carer responsibilities* that are not able to be met by other family members or support providers

*Carers are recognised in line with the NSW Carers (Recognition) Act 2010 as an individual who provides ongoing personal care, support and assistance to any other individual who needs it because that other individual:

- (a) is a person with disability within the meaning of the [Disability Inclusion Act 2014](#),
or
- (b) has a medical condition (including a terminal or chronic illness), or
- (c) has a mental illness, or
- (d) is frail and aged.

A person is **not** considered a carer if they:

- provide care either for payment or as a volunteer for an organization, or
- simply because they are the spouse, de facto partner, parent, other relative or guardian of an individual who requires care; or live with an individual who requires care.

Carers are required to provide supporting evidence to support their carer status. Supporting evidence may take the form of:

- evidence of receipt of Centerlink Carer Payment or Carer Allowance, or
- a current letter from medical professional stating the condition of the person being cared for, the care for which the person depends on you and that the carer duties cannot be undertaken by another party for the exam session time.

The relevant delegate of the LPAB has the discretion to determine:

- whether or not particular circumstances qualify as exceptional, and
- whether or not the Office of the LPAB reasonably have the capacity to provide an online exam.

It is not possible to define all possible circumstances and impacts relevant to this Policy,

but the bar is necessarily set at a high level, and grants of an online exam are in exceptional circumstances only.

The following examples are specifically *excluded* from the possibility of an online exam:

- minor medical conditions
- temporary travel overseas for recreation, work or family purposes
- personal scheduling conflicts (eg clashes with work, family or other commitments)
- transport difficulties or disruptions to travel plan.

How to request an online exam

A request for an online exam must be:

- made by completing the application form and emailed with supporting evidence to lpabexams@justice.nsw.gov.au, and
- received by the Office of the LPAB **upon enrolment**, or in the case of circumstances unforeseen at the time of enrolment **6 weeks before the start of the examination period**.

A request must also be accompanied by relevant evidence that proves the existence of the claimed circumstances. If such evidence does not accompany the request, it must be provided by the candidate to the Office of the LPAB before the request can be approved.

An application will be required on a semester-by-semester basis, no ongoing arrangements will be granted.

An application fee will apply for each application. The fee will be waived for those who receive a Commonwealth Government benefit or are a dependent of a Commonwealth Government benefit recipient.

Online exam will have the same format and conditions

If approval is granted, the online exam will have essentially the same format and conditions as an in-person exam.

- the exam will commence at the scheduled time according to the published examination timetable, no accommodations will be made for candidates living in different time zones
- candidates must arrange their own access to a computer with a working camera, microphone, and reliable internet connection
- candidates must have access to an additional device with Zoom installed for live invigilation
- candidates will be required to type their exam using invigilation software
- candidates will be required to install and test examination invigilation software on their computer at least one month prior to the exams.

Alternatives to an online exam

Candidates who are not able to attend an exam venue and do not have the resources to complete their exams online may apply to sit their exam at an unscheduled venue.

Note that all costs of for an unscheduled venue, including independent invigilation, must be met by the candidate and the exam must take place at the same time as NSW exams. Candidates who are interested in applying to sit exams at an unscheduled venue which they nominate should contact lpabexams@justice.nsw.gov.au for further information.

Office of the LPAB

09 April 2024