



# Refund Policy

As a general rule, the Legal Profession Admission Board of NSW (LPAB) will not refund a fee payment, once it has been received by the Office of the LPAB.

Accordingly, students and other clients should carefully consider their circumstances, before paying any fee relating to the Diploma course or the LPAB's other legislative functions.

In very limited and/or exceptional circumstances, the LPAB may, at its absolute discretion, refund, remit, or grant financial relief in respect of a fee payment.

## Essential Summary

### Refund

The LPAB may refund all or part of an Enrolment Fee paid by a student, provided that a completed application form is received no later than 3 weeks after the deadline for late enrolments in the relevant semester.

Enrolment Fees will not be refunded where the refund application was received out-of-time. Once paid, Enrolment Fees cannot be transferred to a later semester.

The LPAB will not, in any circumstances, refund any other fees once the fee payment in question has been received, including:

- fees relating to student services (other than Enrolment Fees)
- fees relating to admission as a lawyer, and
- fees relating to public notaries.

### Remittance

The LPAB may remit all or part of any fee that was paid in error, such as where the LPAB delegate has accepted there was an error or omission on the part of the LPAB and/or the LEC which contributed to the student or client making the fee payment in error.

### Financial Relief

The LPAB may, in exceptional circumstances and/or on compassionate grounds, make a grant of financial relief on an ex gratia basis to return all or part of any fee. An applicant must provide details of the circumstances and/or grounds, with supporting documentary evidence.

The LPAB is not obliged to make any grant of financial relief. The bar in relation to exceptional grounds and/or compassionate grounds is set high, and any such grants are rare.

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Ensure you have the latest version before using this document.*

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# 1 Scope

This policy applies to fee payments received by the Legal Profession Admission Board of NSW (LPAB) pursuant to its Table of Fees and its governing legislation.

# 2 Purpose

This policy sets out the limited and/or exceptional circumstances in which the LPAB may, in respect of a fee payment that has been received by the Office of the LPAB:

- refund all or part of the fee, or
- remit all or part of the fee, or
- grant financial relief in respect of all or part of the fee.

This policy also sets out the requirements for making an application for a refund, remittance or a grant of financial relief.

# 3 Definitions

In this Policy:

**Client** means a client of the LPAB, other than a Student.

**Enrolment Fee** means the fee payable to enrol in a subject in the Board's Course.

**Fee** means a fee charged by the LPAB pursuant to its Table of Fees.

**Financial relief** means an ex gratia payment made by the LPAB, in exceptional circumstances and/or on compassionate grounds, to return all or part of a fee payment.

**LPAB** means the Legal Profession Admission Board of NSW.

**LPAB delegate** means an employee of the LPAB who holds a relevant financial delegation and is authorised to approve a refund, remittance or grant of financial relief.

**LEC** means the Law Extension Committee of The University of Sydney.

**Other Student Fee** means a fee payable in relation to study in the Board's Course, other than an Enrolment Fee.

**Refund** means the return of all or part of a fee payment, after a change of mind or circumstances by the student or client.

**Remittance** means the return of all or part of a fee payment, where an error or omission on the part of the LPAB or LEC contributed to the fee being paid in error.

**Student** means a student-at-law registered in the Board's Course.

**Semester** means a semester in the Board's Course, as described in the Course Handbook.

## **4 Fees relating to Student Services**

### **4.1 Refund of Enrolment Fees**

The LPAB may, at its sole discretion, refund all or part of an Enrolment Fee that has been paid by a student provided that the student has:

- completed the prescribed application form to apply for a refund
- paid an administrative fee for processing of the refund, or consented to the LPAB withholding an amount equivalent to that fee from any refund, and
- lodged the form and fee with the Office of the LPAB no later than 3 weeks after the deadline for late enrolments in the relevant semester.

The LPAB is not obliged to grant a refund in any particular case or circumstance.

The LPAB may take into account any factor which it considers relevant in determining whether or not to grant a refund, including the student's reason for applying a refund and/or history of applying for refunds of Enrolment Fees.

Once paid, Enrolment Fees cannot under any circumstances be transferred to a later semester.

### **4.2 Refund of Other Student Fees**

The LPAB will not refund Other Student Fees, once the fee payment in question has been made. 'Other Student Fees' includes, but is not limited to, the fees for:

- registration as a student (Form 1)
- a Student Course Applications (for relaxation of progression or exclusion rules)
- an Academic Transcript
- an Interview with Examiner
- an Examination in Unscheduled Location
- replacement of an original Diploma certificate.

### **4.3 Remittance of Fees**

The LPAB may, at its sole discretion, remit all or part of any Enrolment Fee or Other Student Fee that has been paid in error by a student, provided the LPAB delegate has accepted that:

- an error or omission on the part of the LPAB and/or the LEC contributed to the student making the fee payment in error, or
- neither the LPAB nor the LEC are able to provide any service or decision in respect of the fee.

## 4.4 Financial Relief in respect of Fees

The LPAB may, at its sole discretion, and in exceptional circumstances and/or on compassionate grounds, make a grant of financial relief on an ex gratia basis to return all or part of any Enrolment Fee or Other Student Fee that has been paid by a student.

Examples of such circumstances/grounds may include where a student is unable to:

- continue study in the semester due to carer responsibilities following a bereavement
- sit exams due to a serious illness or serious accident shortly before the exam period.

An application for financial relief must:

- be made by the student on the prescribed form (unless the LPAB delegate waives this requirement in a particular case)
- include a brief statement setting out the student's circumstances that have led to the request
- attach supporting documentary evidence which relates to those circumstances, for example:
  - in the case of serious illness or serious accident – a relevant medical certificate from the treating medical practitioner
  - in the case of bereavement – a relevant notice of death or a death certificate
- include the applicant's signed consent for the LPAB to contact the issuer(s) of any supporting documentary evidence that was attached to the request, for the purpose of verifying the authenticity of that evidence and/or the accuracy of information contained therein.

The LPAB is not obliged to make any grant of financial relief, and reserves the right to determine what constitutes exceptional circumstances or compassionate grounds in any particular case. It is not possible to define such circumstances or grounds in this Policy, but the bar is obviously and necessarily set at a high level, and grants of financial relief are rare.

For example, a grant of financial relief will not be made if the LPAB delegate considers that the circumstances or grounds were merely inconvenient and/or challenging for the student.

### 4.4.1 Limit of Financial Relief in respect of Enrolment Fees

In determining the extent of any financial relief to be granted in respect of the payment of an Enrolment Fee, the LPAB will take into account the date on which the circumstances that led to the request arose.

Where the relevant circumstances arose **after Week 3** of the relevant semester, any grant of financial relief in relation to the tuition component<sup>1</sup> of the Enrolment Fee will generally be reduced based on the number of weeks of tuition that were already completed.

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<sup>1</sup> As at 1 July 2019, the Enrolment Fee is \$930 per subject. The tuition component of the Enrolment Fee is \$680 and the examination component is \$250.

The following table demonstrates how this reduction works in practice:

| Week of the semester in which the relevant circumstances arose | Maximum financial relief available in respect of the tuition component of an Enrolment Fee |
|--|--|
| Week 1   | 100%   |
| Week 2   | 100%   |
| Week 3   | 100%   |
| Week 4   | 90%  |
| Week 5   | 80%  |
| Week 6   | 70%  |
| Week 7   | 60%  |
| Week 8   | 50%  |
| Week 9   | 40%  |
| Week 10  | 30%  |
| After Week 10  | Nil relief available in respect of tuition component                                       |

Where the relevant circumstances arose **after Week 10** of the relevant semester, any grant of financial relief will generally be limited to the examination component of the Enrolment Fee paid.

Where the relevant circumstances arose after the staging of the examination in the relevant subject, it will not be possible to grant any financial relief under this Policy.

## **5 Fees relating to Admission as a Lawyer and Public Notaries**

### **5.1 Refund of Fees**

The LPAB will not refund a fee relating to admission as a lawyer or public notaries, once the fee payment in question has been made.

### **5.2 Remittance of Fees**

The LPAB may, at its sole discretion, remit all or part of any fee relating to admission as a lawyer or public notaries that has been paid in error, provided the LPAB delegate has accepted that:

- an error or omission on the part of the LPAB contributed to the client making the fee payment in error, or
- the LPAB is unable to provide any service or decision in respect of the fee.

### **5.3 Financial Relief in respect of Fees**

The LPAB may, at its sole discretion, and in exceptional circumstances and/or on compassionate grounds, make a grant of financial relief on an ex gratia basis to return all or part of any fee relating to admission as a lawyer or public notaries that has been paid by a client.

An application for financial relief must be made on the prescribed form (unless the LPAB delegate waives this requirement in a particular case), and must include/attach the equivalent information required for an application as set out in Section 4.4 of this Policy.

The LPAB is not obliged to make any grant of financial relief, and reserves the right to determine what constitutes exceptional circumstances or compassionate grounds in any particular case. It is not possible to define such circumstances or grounds in this Policy, but the bar is obviously and necessarily set at a high level, and grants of financial relief are rare.

For example, a grant of financial relief will not be made if the LPAB delegate considers that the circumstances or grounds were merely inconvenient and/or challenging for the client.

## 6 Applications

### 6.1 Prescribed Application Form

The prescribed application form can be downloaded from the LPAB website at [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au) under 'Forms and Fees'.

The form must be completed and lodged with the Office of the LPAB in order to apply for a refund, remittance or grant of financial relief in respect of any fee.

### 6.2 Refund Processing Fee

The LPAB will charge a fee for processing an application for a refund, to cover its administrative costs.

The amount to be charged is the fee 'For services not listed in this table' in the LPAB's Table of Fees. At the time of publication, the fee amount is \$95 (effective from 1 July 2019).

The LPAB will not charge a fee for processing an application for remittance of a fee, or for a grant of financial relief. This is because those applications involve circumstances that were beyond the control of the client or student.

## 7 Processing Times

Approval of an application for a refund, remittance or financial relief will generally take up to 4 weeks from receipt of the completed application.

Once approved, the LPAB's processing times for the return of funds will depend on:

- the method of payment that was used to make the original fee payment, and
- the method for return of funds nominated on the refund application form.

#### ***Online payment made via Westpac Payment Gateway***

After an application has been approved, the LPAB will return the funds to the credit/debit card used for the original payment.

The timing of receipt of funds in the applicant's account will depend on the processing times of the financial institution.

#### ***EFTPOS payment made at the counter in the LPAB office***

After an application has been approved, LPAB staff will contact the applicant to arrange an agreed method of payment.

This may involve visiting the LPAB office in person with the credit/debit card used for the original payment. The timing of receipt of funds in the applicant's account will depend on the processing times of the financial institution.

#### ***Cheque or cash payment***

An applicant who paid by cheque or cash may choose for an approved refund to be made by either:

- direct deposit to the applicant's nominated bank account, or
- mailing of a cheque from the Department of Communities and Justice to the applicant's nominated address.

After an application has been approved, return of funds:

- by direct deposit will take up to 2 weeks, or
- by cheque will take up to 6 weeks.

## 8 References

*Legal Profession Uniform Law Application Act 2014 No 16*, Section 166 (2) (a)

Legal Profession Uniform Law Application Regulation 2015, Section 63

NSW Admission Board Rules 2015, Third Schedule

Public Notaries Appointment Rules, Clause 7

See also: LPAB Admission Fee Waiver Policy

(End)

## 9 Document information

|                          |   |
|--------------------------|---|
| <b>Title:</b>            | Refund Policy   |
| <b>Approver:</b>         | Legal Profession Admission Board of NSW (LPAB)                                      |
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## 10 Document history

| Version | Date       | Reason for Amendment |
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| 1.0     | 25/02/2020 | Approved by the LPAB |