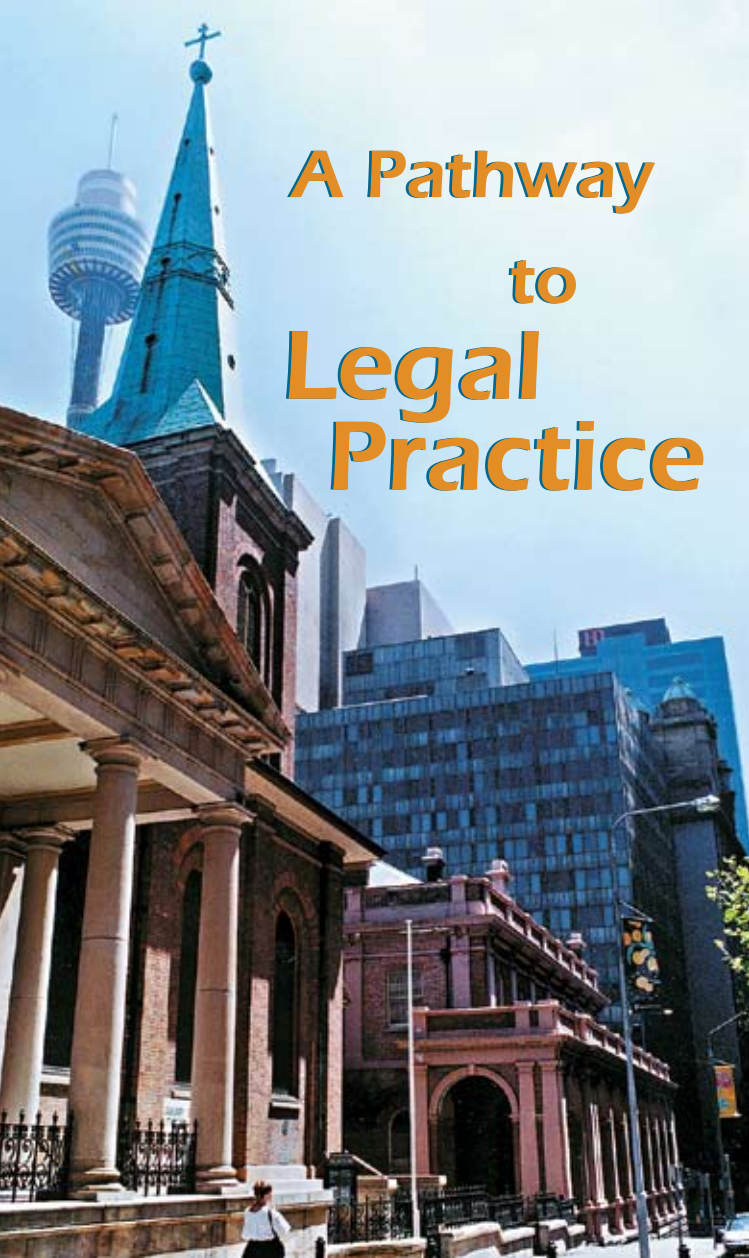


A Pathway to Legal Practice



with

**The Legal Profession
Admission Board**



and

**The University of Sydney
Law Extension Committee**



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Introduction

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

The study path for entry to the legal profession begins with undertaking either the Board's 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.

Successful completion of the Board's examinations leads to the award of the Board's Diploma in Law. 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 was established in 1964 to assist students in their preparation for the Board's examinations. The Committee offers a teaching program in evening lecture and external 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.

**More comprehensive information is available
on our websites:**

www.lawlink.nsw.gov.au/lpab

www.usyd.edu.au/lec

Why a Diploma in Law?

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 admission board, 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.

The Diploma provides the means by which residents of New South Wales and others have traditionally acquired their legal training.

The Board is not a degree-granting body, and, unlike a university, does not offer personal supervision or facilities for research. Emphasis in the Diploma course is on its practical, professional orientation.

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.



The Study Program & Examinations

Assessment through the course is by examinations conducted by the Legal Profession Admission Board (LPAB). The Law Extension Committee (LEC) of the University of Sydney provides tuition in the 25 subjects that comprise the curriculum. Candidates must complete 17 compulsory and 3 elective subjects: 20 subjects in total.

Currently all 25 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 in all subjects are usually held in March and September, in Sydney, regional centres in New South Wales, and in special circumstances at other centres.

The program may be taken in evening lecture or external 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, or at the Law School in Phillip Street in the CBD.

External 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 external 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.

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 (as are university teachers) and the level of on campus support typically provided in undergraduate university courses is not available.

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

Fees

The major component of accessibility is the cost of obtaining the Diploma in Law, which is much 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 Board collects all enrolment fees, including the tuition fee on behalf of the Law Extension Committee.

Current Board fees are prescribed by the Legal Profession Admission Rules in its Third Schedule.

A list of current fees is also available on the Board's website: <http://www.lawlink.nsw.gov.au/lpab>

Learning Assistance

The 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. Many students place themselves at a marked disadvantage through imprecise or inexperienced use of language.

Together with attending lectures, students are required to undertake assignments and to use the Law Extension Committee's webcampus and library resources and to attend library research seminars. You will need to have a regular internet connection and a computer that is capable of accessing the electronic resources that are made available. Explore the webcampus (www.usyd.edu.au/lec) prior to enrolling. Some tutorial assistance is available by email, and in the early subjects. Attendance at library research seminars early in your course will prove invaluable.

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. Students will need to allocate more than three hours of private study for each hour of lectures. Students 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 Board's course.

Eligibility, Registration & Enrolment

In order to become eligible to enrol in the Diploma in Law course you must first register as a Student-at-Law.

To begin in May, you must submit your completed application to the Board no later than 1 March, and to begin in November, you must submit it no later than 1 September.

Please don't delay your application until these cut-off dates, as prospective students are registered progressively throughout the year. The earlier you apply, the earlier your application is likely to be approved.

Registered students enrol with the Board in late April and late October for the May and November semesters respectively. The Board and the Committee send enrolment information to students prior to the enrolment period.

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

- a STAT result of 152 (see below);
- a university degree;
- a NSW Higher School Certificate and 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 Form 1 for further information and entry requirements, or the Legal Profession Admission Rules;
- 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 through the Universities Admissions Centre (UAC). Contact the UAC on (02) 9752 0200 for more information. **An overall STAT result of 152** 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.

Progression & Assessment

Assessment is presently by examination. The pass mark in all examinations is 50%. A pass is determined by achievement in the examination and is not influenced by pass rates. In future, assignments may contribute up to 20% of the final mark.

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 students;
- can be studied externally;
- 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 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 and at the Law School in Phillip Street.
- Two or more weekend schools per semester. These are designed primarily for external students, but evening students may attend.

Each School has an eight-hour program in each subject. There is an additional and essential weekend school for all new evening and external 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 Board.
- Study skills workshops for new students.
- Advice on study and career options.
- Course materials in several subjects 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 email accounts to facilitate their use of learning resources.

- Competitions for law students

Since 1998 teams entered by the Law Extension Committee have participated in competitions that emphasise fundamental practitioner skills: interviewing; negotiating; researching and submission preparation. Diploma in Law students who are willing to devote the time and accept responsibility for their participation are assisted through coaching, preliminary selection and competition registration.

LPAB/LEC students have reached the finals of both the Australian Client Interviewing Competition and, on two occasions, the Australian Negotiation Competition. In 1998, Arlene Cooper and Ian Taylor (pictured below), represented Australia and won the inaugural International Negotiation Competition, held at Pepperdine University, Los Angeles. In 2004, Patricia Vagg and Peter Starkey won the national Negotiation Competition and went on to represent Australia at the International Negotiation Competition, held in Paris and won by the Danish team from the University of Copenhagen.

In 2005 Rebecca Nott and Scott Bunny reached the semi-final of the inaugural Madhavrao Scindia Memorial International Moot held at the University of Delhi.

In April 2007, the Law Extension Committee organised and hosted the prestigious Louis M Brown International Client Counseling Competition for 2007. The event was held at the University of Sydney and contested by teams from 16 countries.



The Curriculum

The subjects that make up the curriculum are outlined below. 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
Intellectual Property Law
Public International Law
Trade Practices Law

The First Four Subjects

The first four subjects build a strong foundation on which all 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 to another or by which another's legal rights are infringed. 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.

As with Criminal Law and Contracts, the course in Torts also serves an important introductory role to the study of law. It is a subject which requires an understanding of the development of the common law and the relationship between statute and common law. It also introduces students to methods of applying legal rules and arguments to factual situations and requires the development of skills in the interpretation of case law, legal and theoretical analysis, and clear and accurate legal writing. The course therefore provides an important measure of the student's capacity to undertake legal studies and practice.

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 Board's examinations. The Board, 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 Board appoints an Examiner and a Revising Examiner in each subject. The Examiner sets the examination according to the Board's syllabus, which is reflected in the Subject Guide prepared by the Examiner in consultation with the Law Extension Committee. The Examiner is usually the Committee's 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 Legal Profession Admission Board. You must undertake the Law Extension Committee's educational program in each subject you take, but your enrolment is with the Board, you sit for the Board's examinations and you are a candidate for the Board's Diploma in Law.

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 Legal Profession Admission Rules.

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 or Austudy available?

The Higher Education Loan Program (HECS-HELP) does not apply. The Board's 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 Board 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.

Where can I sit for the examinations?

Currently there are scheduled centres in New South Wales: Sydney, Parramatta, Albury, Armidale, Broken Hill, Canberra, Dubbo, Lismore and Newcastle. In exceptional circumstances a student may apply to take an examination at an unscheduled location in Australia or overseas. An additional fee applies if such a facility can be arranged.

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 practice law in a jurisdiction in another state or territory?

The protocol of "mutual recognition" entitles lawyers who are admitted to practice in any jurisdiction in Australia to apply for registration in any other jurisdiction in Australia.

What special arrangements can be made for me if I have a disability?

Please contact the Board to discuss your particular needs.

What happens on completion of the course?

The University makes available to the Board its Great Hall for the Diploma in Law presentation ceremony. Once each year the Board's Presiding Member presents diplomas to those who have successfully completed the Board's course of examinations, the Chair of the Law Extension Committee 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 Board: The College of Law, St Leonards; The University of Technology, Sydney; The University of Wollongong; The University of Western Sydney and University of Newcastle.

Suggested Study Sequence

In each semester the full program of subjects is offered. Unless there are special circumstances, it is unlikely that students will attempt more than two subjects in each semester for the first two years of their course, and from there three subjects per semester is the usual maximum number allowed.

Depending on work commitments and other circumstances, the study pattern below represents an efficient approach and maximum flexibility in choosing electives. Some students like to begin with just Legal Institutions, others prefer to combine it with Criminal Law and Procedure. **Unless you have undertaken recent tertiary study, it might be advisable to begin with Legal Institutions alone.** The amount of study time you need to allocate to each subject is difficult to estimate, but in very general terms you should anticipate allowing more than three hours of study for each hour of teaching time.



Suggested Study Sequence

1st year

- Semester 1
 - Legal Institutions
 - Criminal Law and Procedure
- Semester 2
 - Torts
 - Contracts

2nd year

- Semester 1
 - Real Property
 - Australian Constitutional Law
- Semester 2
 - Equity
 - Commercial Transactions

3rd year

- Semester 1
 - Administrative Law
 - Law of Associations
 - Evidence
- Semester 2
 - Taxation and Revenue Law
 - Succession
 - Elective 1

4th year

- Semester 1
 - Conveyancing
 - Practice and Procedure
 - Elective 2
- Semester 2
 - Legal Ethics
 - Jurisprudence
 - Elective 3

Further Enquiries

For information about registration as a Student-at-Law, enrolment, admission to practice, and academic exemptions, please contact



The Legal Profession Admission Board

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Enquiries about tuition, the lecture program, course materials, and legal education generally, should be directed to the Law Extension Committee.



The University of Sydney Law Extension Committee

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