



Policy on Applications made Pursuant to Rule 67 Of The New South Wales Admission Board Rules 2015

I Introduction

1. This policy (**policy**) contains guidelines on the operation of r 67 of the New South Wales Admission Board Rules 2015 (**the rules**), including the types of matters which may be dealt with by either the Performance Review Sub-Committee or the Executive Officer, and is made pursuant to r 67(4) of the rules.
2. The policy and guidelines reflect a number of course objectives including academic integrity; the need for a candidate to actively, and in a timely way, engage in learning reflected by their successful participation in examinations; and that examinations and assessments form a central part of the teaching and learning process. The policy and guidelines will be implemented having regard to the overall course objectives, including those identified.

II The rules

3. Rules 64, 65, 66 and 66A are exclusionary rules, applicable in the following situations:
 - 3.1 where, without prior leave of the Examinations Committee, a candidate fails to sit for examination in at least two subjects in any two successive sessions (**failing to sit examinations**): in that situation the candidate is excluded from taking any further examination prescribed by the rules: r 64;
 - 3.2 where a candidate has passed the examinations in all subjects except one and fails to sit for examination in the remaining subject at least once in any two successive sessions (**failing to sit an examination in the remaining subject**): in that situation, the candidate is excluded from taking any further examination in the remaining subject: r 65;
 - 3.3 where a candidate fails any subject the second time (**failing a subject for the second time**): in that situation, the candidate is excluded from taking any further examination prescribed by the rules: r 66; and
 - 3.4 where a candidate has not completed the examinations prescribed in r 53 within 10 years of enrolling in their first subject (**failure to complete the course within 10 years**): in that situation, the candidate is excluded from taking any further examination prescribed by the rules: r 66A.

4. Rule 67 enables relaxation of each of these rules upon application by a candidate to the Examinations Committee: r 67(1). Upon an application being made by a candidate to the Examinations Committee for relaxation of an exclusionary rule, the Performance Review Sub-Committee or the Executive Officer may, 'in circumstances in which it, he or she regards as sufficiently special and upon such conditions as [it,] he or she thinks fit, relax the relevant rule': r 67(2).

5. Without seeking to constrain the circumstances in which the Performance Review Sub-Committee or the Executive Officer may regard as 'sufficiently special', the factors that ordinarily would be taken into account include, but are not limited to, the following:

5.1 The candidate's overall academic record thus far, with an emphasis placed on:

- i. the candidate's study history;
- ii. how much of the course has been completed;
- iii. when the candidate commenced their study;
- iv. whether, and if so the number of times, the candidate has failed to sit an examination following enrolment and whether, and if so the number of times, the candidate has failed a subject;
- v. the marks and grades achieved by the candidate; and
- vi. any requirement(s) made by the Qualifications Committee for the candidate's compliance.

5.2 Previous applications made by the candidate under r 67, ie the number of past applications, the reasons for the exclusion in each case and the outcome and reasons for any determination made by or on behalf of the Examinations Committee.

5.3 Whether the candidate has provided a full and satisfactory explanation for their exclusion (including whether appropriate and cogent evidence has been provided in support of the explanation) and has demonstrated convincingly that their circumstances have now changed. If the exclusion is a result of illness or a medical condition, the onus is on the candidate to place before the Performance Review Sub-Committee or the Executive Officer cogent evidence attesting to the nature and extent of the illness or medical condition and specifically, the impact of that illness or medical condition, including whether the candidate's circumstances have, or likely will, change in the way earlier described.

5.4 Any other relevant facts that may be obtained from a review of the candidate's file.

III Determinations under r 67: failing to sit examinations – r 64

6. Subject to the Executive Officer's discretion to refer any application to the Performance Review Sub-Committee (r 67(3)), applications made by a candidate involving a failure to sit examinations in at least two subjects in any two successive sessions will be dealt with by the Executive Officer.
7. If an application under r 67 is made by a candidate as a consequence of the candidate failing to sit examinations in at least two subjects in any two successive sessions on *more* than two occasions, the application *must* be sent to the Performance Review Sub-Committee for determination.
8. If the application is approved, the determination must include the following:
 - 8.1 a condition that the candidate is to re-enrol, and undertake the required examination, in at least one specified subject;
 - 8.2 a condition relating to when the candidate must comply with the decision, ie either 'at' or 'by' a particular date;
 - 8.3 a specified term and year in which the subject (including the required examination) must be undertaken;
 - 8.4 a condition that the candidate must either 'sit' or 'sit and pass' the subject, and
 - 8.5 one of the following three additional conditions:
 - i. 'Must sit for another subject'; or
 - ii. 'Must not sit for another subject'; or
 - iii. 'May sit for another subject'.
9. The Performance Review Sub-Committee or the Executive Officer may also add a comment, recommendation or caution to the determination letter. For example, a warning that any further applications under r 67 will not be considered favourably.
10. If the application is refused, the determination letter shall include a brief explanation as to why the candidate has not been allowed to continue their studies and may include a statement that a candidate may apply to the Examinations Committee for review of a determination of the Performance Review Sub-Committee or the Executive Officer pursuant to, and in accordance with the time prescribed by, r 71.

IV Determinations under r 67: failing to sit an examination in the remaining subject – r 65

11. Subject to the Executive Officer's discretion to refer any application to the Performance Review Sub-Committee (r 67(3)), applications made by a candidate involving a failure to sit an examination in the remaining subject will be dealt with by the Executive Officer.

12. If an application under r 67 is made by a candidate as a consequence of the candidate failing to sit an examination in the remaining subject on *more* than two occasions, the application *must* be sent to the Performance Review Sub-Committee for determination.
13. If the application is approved, the determination must include the following:
- 13.1 a condition that the candidate is to re-enrol, and undertake the examination, in the remaining subject;
 - 13.2 a condition relating to when the candidate must comply with the decision, ie either 'at' or 'by' a particular date;
 - 13.3 a specified term and year in which the remaining subject (including the examination) must be undertaken; and
 - 13.4 a condition that the candidate must either 'sit' or 'sit and pass' the remaining subject.
14. The Performance Review Sub-Committee or the Executive Officer may also add a comment, recommendation or caution to the determination letter. For example, a warning that any further applications under r 67 will not be considered favourably.
15. If the application is refused, the determination letter shall include a brief explanation as to why the candidate has not been allowed to continue their studies and may include a statement that a candidate may apply to the Examinations Committee for review of a determination of the Performance Review Sub-Committee or the Executive Officer pursuant to, and in accordance with the time prescribed by, r 71.

V Determinations under r 67: failing a subject for the second time – r 66

16. Subject to the Executive Officer's discretion to refer any application to the Performance Review Sub-Committee (r 67(3)), applications made by a candidate involving the candidate failing a subject (**the failed subject**) for the second time will be dealt with by the Executive Officer.
17. If an application under r 67 is made by a candidate as a consequence of the candidate failing a subject on *more* than two occasions, the application *must* be sent to the Performance Review Sub-Committee for determination.
18. If the application is approved, the determination must include the following:
- 18.1 a condition that the candidate re-enrol, and undertake the examination in, the failed subject;
 - 18.2 a condition relating to when the candidate must comply with the decision, ie either 'at' or 'by' a particular date;
 - 18.3 a specified term and year in which the failed subject (including the examination) must be undertaken; and

- 18.4 a condition that the candidate must either 'sit' or 'sit and pass' the failed subject.
19. The Performance Review Sub-Committee or the Executive Officer may also add a comment, recommendation or caution to the decision letter. For example, a warning that any further applications under r 67 will not be considered favourably.
20. If the application is refused, the decision letter shall include a brief explanation as to why the candidate has not been allowed to continue their studies and may include a statement that a candidate may apply to the Examinations Committee for review of a determination of the Performance Review Sub-Committee or the Executive Officer pursuant to, and in accordance with the time prescribed by, r 71.

VI Determinations under r 67: failure to complete the course within 10 years – r 66A

21. Subject to the Executive Officer's discretion to refer any application to the Performance Review Sub-Committee (r 67(3)), applications made by a candidate involving their failure to complete the course within 10 years will be dealt with by the Executive Officer.
22. Without seeking to constrain the circumstances in which the Performance Review Sub-Committee or the Executive Officer may regard as 'sufficiently special', the factors that ordinarily would be taken into account include, but are not limited to, those identified in par 5 of the policy, and (where relevant) the following:
- i. the number of years away from study;
 - ii. the number of subjects the candidate has already completed;
 - iii. the marks and grades achieved in those subjects;
 - iv. how long it took the candidate to complete those subjects; and
 - v. what the candidate has been doing during the break. For example, if the candidate can demonstrate that they have been keeping up to date with their knowledge of subjects previously passed, this may bear upon whether, in the event that the rule is relaxed, they are required to start the course from the beginning, repeat only some subjects, or start from where they left off.
23. If the application is approved, the determination may include the following:
- 23.1 a condition that all or some subjects be repeated;
 - 23.2 a condition that remaining subjects be completed;
 - 23.3 a condition of when the candidate must comply with the decision, ie either 'at' or 'by' a particular date;
 - 23.4 a specified term and year in which any subject must be taken; and
 - 23.5 a condition that the candidate must either 'sit' or 'sit and pass' any subject(s).

24. The Performance Review Sub-Committee or the Executive Officer may also add a comment, recommendation or caution to the determination letter. For example, a warning that any further applications under r 67 will not be considered favourably.
25. If the application is refused, the determination letter shall include a brief explanation as to why the candidate has not been allowed to continue their studies and may include a statement that a candidate may apply to the Examinations Committee for review of a determination of the Performance Review Sub-Committee or the Executive Officer pursuant to, and in accordance with the time prescribed by, r 71.

VII Application of this policy

26. This policy applies to all applications made under r 67, and will be applied by the Performance Review Sub-Committee and the Executive Officer.
27. Where, pursuant to r 71, an application is made to the Examinations Committee to review a determination of the Performance Review Sub-Committee or the Executive Officer, the Examinations Committee in the conduct of that review will also apply this policy.

Office of the LPAB
18 February 2025