



Deferred Examinations Policy

Introduction

Exams in the Diploma in Law Course are held in accordance with the published timetable. It is important, for reasons of fairness and integrity, that all candidates sitting the exam in a particular subject do so at the same time.

Candidates have no automatic right to sit a deferred exam. In the majority of cases, a candidate who is unable to sit an exam in accordance with the published timetable will be required to re-enrol and sit the subject again in a later semester.

The grant of a deferred exam may impose significant administrative burden on the LPAB and its examiners, including the need to prepare an alternative exam question paper, provide an exam venue and supervisor, and facilitate marking of exam answers outside the usual marking period. Given the low-fee nature of the Diploma in Law Course, availability of deferred exams must be strictly limited to appropriate cases in accordance with this Policy.

When a deferred exam may be granted

A deferred exam may be granted only in exceptional circumstances which have had a recent, direct and catastrophic impact on the candidate in question.

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

- whether or not particular circumstances qualify as exceptional, and
- whether or not the impact of those circumstances on the candidate has been recent, direct and catastrophic, and
- whether or not the Office of the LPAB and the relevant examiner reasonably have the capacity to provide a deferred 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 a deferred exam are rare.

The following circumstances are specifically *excluded* from the possibility of a deferred exam:

- minor medical conditions
- medical conditions that are unspecified (eg medical evidence which merely states 'unfit for work/study' etc)
- personal scheduling conflicts (eg clashes with work, family or other commitments)
- transport difficulties or disruptions to travel plans
- requests for a deferred exam that were received after the relevant exam has started.

How to request a deferred exam

A request for a deferred exam must be:

- made in writing and emailed to lpabexams@justice.nsw.gov.au, and
- received by the Office of the LPAB *prior to the start time* of the relevant exam(s).

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.

To request a deferred exam, the candidate must have been eligible to sit the originally-scheduled exam. Eligibility to sit the exam requires the submission of a genuine attempt at the relevant assignment set by the Law Extension Committee. Provided that a genuine attempt at the assignment was submitted by the candidate, the mark achieved in the assignment is not a consideration in whether or not to approve a deferred exam.

Limited period in which deferred exams are available

Where a deferred exam is granted, it must be sat within the seven-day period after the originally-scheduled date of the exam for the relevant subject, as shown on the published exam timetable. This limited period is necessary due to the LPAB's strict timetable for the marking of exam papers and the publication of results.

Deferred exam format and conditions

If approval to sit a deferred exam is granted, the deferred exam will have essentially the same format and conditions as the originally-scheduled exam. Exception can only be made by the Examiner, who may choose to call the candidate for a viva voce (oral examination) in lieu of a written examination.

Conditions may be imposed on a candidate sitting a deferred exam

Approval to sit a deferred exam may be subject to conditions imposed on the candidate. The relevant delegate of the LPAB has discretion to determine the appropriate conditions according to the circumstances of each case as well as the operational constraints of the Office of the LPAB and the availability of the relevant examiner.

Such conditions may include that the candidate must:

- sit the deferred exam at a specific time on a specific date, and/or
- sit the deferred exam at a specific venue or via a specific online method, and/or
- sign an undertaking not to communicate, by any means and for a defined period, with any person about the content of the originally-scheduled exam or the deferred exam.

The Office of the LPAB will consult with the candidate about matters involving timing and venue/method of the deferred exam, but ultimately the arrangements will be at the discretion of the LPAB delegate.

A failure by the candidate to comply with conditions imposed may lead to the deferred exam opportunity being withdrawn or the relevant exam result being withheld.

Alternatives to a deferred exam

Where a deferred exam is not granted, the candidate may nevertheless be eligible for financial relief, in accordance with the LPAB's Refund Policy, in relation to the Subject Enrolment Fee already paid by the candidate for the relevant subject/exam.

Questions

Please email any questions to the Office of the LPAB at lpabexams@justice.nsw.gov.au.

Office of the LPAB
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