Terminology

1. In this Policy:

The “Law School” is the Flinders University School of Law.

The “Flinders law degrees” are the Bachelor of Laws and Legal Practice degree and the Bachelor of Laws degree.

The “Board” is the Board of the Law School.

The “Faculty” is the Faculty of Education Humanities Law and Theology of Flinders University.

Credit transfer is a means of recognising prior or concurrent learning in topics which are neither offered nor cross-listed by the Law School in respect of the Flinders law degrees.

Credit can take the form either of status or of permission to undertake cross-institutional study.

“Status” refers to recognition either of prior learning at other tertiary institutions or at Flinders University or of concurrent learning at Flinders University in courses not leading to Flinders law degrees.

“Cross-institutional study” refers to concurrent learning at other tertiary institutions.

Credit can be either specified credit, block credit or unspecified credit.

“Specified credit” refers to credit for work of substantially the same standard in a topic with substantially the same syllabus as an equivalent topic offered or cross-listed by the Law School.

“Block credit” refers to credit for work of a similar standard in a program of studies which has an equivalent to one offered at Law School.

“Unspecified credit” refers to credit for work which is of a similar standard but for which there is no direct topic equivalent offered or cross-listed by the Law School.

“Credit for a non-law elective” means credit in respect of a non-law topic for the purpose of meeting the provisions of the University rules governing the degree of Bachelor of Laws and Legal Practice as set out in the Calender Vol. 2.

“Legal Practice Topics” are the following topics offered by the Law School: LLAW2901, LLAW3901; LLAW4901, LLAW4902, LLAW4903, LLAW5901, LLAW5902, and LLAW5903
Application

2. This policy applies to applications for credit transfer in respect of Flinders law degrees. For purposes of ease of information, it attempts to incorporate relevant elements of the Flinders University Credit Transfer Policy and University rules governing the degree of Bachelor of Laws and Legal Practice as set out in the Calender Vol. 2, but in cases of inconsistency, it is the University Policy and Rule which will prevail. As of the time the instant policy is approved, it repeals and replaces all other existing Law School policies dealing with credit transfer.

Maximum Amount of Credit Transfer

3. Except in exceptional circumstances as determined by the Board, the maximum amount of credit which can be granted in total toward the requirements of any Flinders law degree is one-half of the total unit requirements for the degree in question minus one.

4. The maximum amount of unspecified credit which can be granted toward the requirements of any Flinders law degree is one-third of the total unit requirements for the degree in question.

5. Credit granted in excess of the maximum allowable for the degree of Bachelor of Laws will be conditional on the student pursuing the degree of Bachelor of Laws and Legal Practice to its conclusion and will not be effective if a student chooses to exit the law course with only a Bachelor of Laws degree, and the same applies mutatis mutandis in respect of the maximum amount of unspecified credit allowable.

6. The maximum amount of credit which can be granted in the form of permission to undertake cross-institutional study is 36 units.

6a. Credit may be granted for studies undertaken towards a degree or degree-equivalent at a non-Australian institution which can be shown to be comparable to Flinders University. The amount and type of credit granted in such cases will be determined in accordance with this policy.

General Principles Applying to All Credit Transfer

7. The fundamental principle to be applied in determining whether credit should be granted is whether the topic in question is substantially equivalent in terms of content, skills and type of educational experience to that which would be expected of a topic offered by the Law School. Educational experience takes into account the manner of teaching, the materials available, the modes of assessment and, in particular, whether the topic offers students the opportunity for reading, research and reflection which is expected of students undertaking topics offered by the Law School.

8. Where an application for credit transfer relates to a topic which is a compulsory topic at Flinders University Law School, the specific subject matter and skills content of the topic undertaken or sought to be undertaken will be a very significant but not exclusive criterion in determining whether the substantial equivalence required has been demonstrated.

9. Credit may be granted conditionally on the student attending such classes or satisfactorily completing such work, or both, as may be prescribed by either the topic coordinator of the Flinders topic in question or by the Law School Director of Studies and failure of the student to satisfy such conditions will result in the conditional credit being deemed to be a rejection of the application for credit transfer.
10. Except where credit for a non-law elective is being sought, no credit shall be granted for topics which are not offered by a law school as part of the course of studies leading to a degree equivalent to any Flinders law degree unless the topic contains an appropriate level of legal content.

11. No credit will be granted for prior learning if the learning occurred so long ago as to justify the conclusion that it is no longer, or cannot through satisfaction of specified conditions be regarded as, substantially equivalent to that which would be expected of a corresponding or otherwise relevant topic offered by the Law School at the time of the application for credit.

Additional Principles Regarding Cross-Institutional Study (other than for Legal Practice Topics)

12. Cross-institutional study will not be permitted in respect of topics offered by the Law School of the University of Adelaide.

13. Except where a student can clearly demonstrate compelling reasons for not being able to be present in Adelaide during the periods when the Law School’s topics are available to be undertaken and, as may be appropriate, for not taking leave of absence or for not seeking to transfer to another law school, cross-institutional study will not be permitted in respect of topics which the student could have undertaken at the Law School or which are offered or cross-listed or reasonably likely to be offered or cross-listed by the Law School prior to the student’s expected completion date for the Flinders law degree in which the student is enrolled.

14. Generally speaking, favourable consideration should be given where a student applies for permission for cross-institutional study of a topic which the student could not have undertaken at the Law School or which is not offered or cross-listed or reasonably likely to be offered or cross-listed by the Law School prior to the student’s expected completion date for the Flinders law degree in which the student is enrolled.

Additional Principles Regarding Cross-Institutional Study for Legal Practice Topics.

15. Except where a student can clearly demonstrate compelling reasons, cross-institutional study will not be permitted in respect of topics equivalent to Legal Practice Topics.

16. Students wishing to demonstrate compelling reasons in support of an application for credit transfer for cross-institutional study for Legal Practice Topics must apply to the Director of Practical Legal Training PRIOR to the commencement of the topic.

Flinders University Non-Law Topics

17. Subject to the provisions on Professional English in Law set out below and except where credit for a non-law elective is being sought, when a student applies for credit for a Flinders University non-law topic:

(a) if the topic has been designated by the Board as part of an unacceptable combination, no credit will be granted;

(b) if the topic was completed prior to the student being accepted to study law:

   (i) a decision on credit will be made based according to the applicable criteria and limitations otherwise set out in this policy or any other relevant policy; and
(ii) if the topic is still being offered at Flinders University, the matter will be referred to the Law School’s Teaching and Learning Committee to determine whether a recommendation should be made that the topic ought, with the permission of the lecturer in charge, to be cross-listed by the Law School;

(c) in all other instances:

(i) the matter will be referred to the Law School’s Teaching and Learning Committee to determine whether a recommendation should be made that the topic ought, with the permission of the lecturer in charge, to be cross-listed by the Law School;

(ii) if the recommendation is favourable and subsequently approved by the Board, credit will be granted, provided the student applied for credit prior to the end of the first week of teaching in the topic;

(iii) if the recommendation is not favourable or if the Board does not approve cross-listing of the topic or if the student did not apply for credit prior to the end of the first week of teaching in the topic, no credit will be granted.

Professional English in Law

18. A student who, prior to being accepted to study law, has completed (in or since the years specified):

- COMM 1003 Professional English in Business (1996)
- ACFM 1003 Professional English In Business (1995)
- ENGL 1001 Professional English (1995)
- ENGL1014 Communication Skills for the Workplace (2001)

will be granted specified credit in respect of the topic ENGL 1011 Professional English in Law.

19. A student who, prior to being accepted to study law, has completed (in or since the years specified):

- PROF 1903 Information Literacy and Management I (1996)
- PROF 1904 Information Literacy and Management 2 (1996)
- PROF 1901 Communication Skills for the Workplace (1997)
- PROF 1902 Communication Skills for Tertiary Study (1997)

will be granted specified credit in respect of the topic ENGL 1011 Professional English in Law conditional upon attendance at such number of workshops, satisfactory completion of a drafting exercise, and any additional work as is specified and organised by the lecturer in charge of Professional English in Law.
20. A student who has successfully completed a major sequence in English and Honours in English Literature will be granted specified credit in respect of the topic ENGL 1011 Professional English in Law provided that the qualification was not completed so long ago as no longer adequately to fulfil the prerequisite requirements for subsequent study in the discipline. Unless otherwise determined, the credit will be conditional upon attendance at such number of workshops, satisfactory completion of a drafting exercise, and any additional work as is specified and organised by the lecturer in charge of Professional English in Law.

*Determining Amount of Credit Transfer*

21. Where it is determined that credit should be granted, the number of units of credit granted:

   (a) for topics completed at another tertiary institution normally will be that number of Flinders units as represents the proportion of a full-time annual load which the topic comprised at the other tertiary institution; and

   (b) for topics completed at Flinders University normally will be actual unit value of the topics completed.

22. The amount of specified credit granted in respect of any topic will not exceed the number of units allocated to the corresponding Flinders University topic but in appropriate circumstances, unspecified credit may be granted in respect of any excess.

*Register of Precedents*

23. A register of precedents will be kept in the Faculty Office and used to facilitate decisions on credit transfer.

*Authority to Make Decisions on Credit Transfer (other than for Legal Practice Topics)*

24. Decisions on credit transfer which involve a straightforward application of precedent or of the requirements contained in this policy will be made by the Faculty Administrative Officer (Law).

*Authority to Make Decisions on Credit Transfer for Legal Practice Topics*

25. Decisions on credit transfer which involve Legal Practice Topics will be made by the Director of Practical Legal Training.

*The Board of the Law School*

26. Other decisions on credit transfer which can be made through the application of this policy will be made by the Law School’s Director of Studies, who will consult such other members of the academic staff of the Law School as seems advisable to him or her. The Director of Studies has the authority to make the decisions which can be made by Faculty Administrative Officer (Law).

27. The Law School’s Director of Studies has the authority to make any decision on credit transfer which he or she believes can reasonably be regarded as falling within the letter or spirit of this policy.

28. All decisions which have been made involving the grant of credit will be reported to the Board at least once each semester.

29. The Board will not normally be involved in making decisions on individual applications for credit transfer. However, if the Law School’s Director of Studies is of the view that the
application presents a novel case, or that an exception to the policy may be in order, then he or she may refer the matter to the Board to be considered at its next scheduled meeting.

30. A student who is dissatisfied with a decision on status not made by the Board may request the Secretary of the Board to refer the matter to the Board at its next scheduled meeting. If so, the Secretary will make available to the Board such documentation which the student has already provided at the time of the request and any further documentation which the student subsequently submits. In addition, the person who made the decision on status must submit a report to the Secretary explaining the reasons for the decision and the Secretary will make that Report available to the student concerned as soon as practicable and will also make that Report and any response from the student available to the Board.

Amendment of Policy

31. If the Director of Studies is of the view that a decision of the Board on an individual application for credit transfer amounts to a putative amendment to this policy, he or she will inform the Director of Studies and the Faculty Administrative Officer (Law) and future decisions on credit transfer will take such putative amendment into account.

32. At least once each year, the Director of Studies will propose to the Board formal amendments to this policy based on any such putative amendments arising out of individual decisions.
POLICY ON STUDENTS APPLYING FOR CROSS-INSTITUTIONAL STUDY AT  
FLINDERS UNIVERSITY SCHOOL OF LAW

The following restrictions apply when a student enrolled at another tertiary institution in a course of studies leading to a law degree applies to enrol for cross-institutional study in the Flinders University Law School:

1. Permission for cross-institutional study will be granted only when applicants provide clear evidence demonstrating that they have or will be compelled to re-locate to Adelaide for the period in question by circumstances beyond their control.

2. There will be an annual quota of 5 EFTSU which will be filled on a “first-come, first-served” basis.

3. Unless the Law School Board decides otherwise based on exceptional and compelling circumstances, no student will be permitted to enrol for cross-institutional study in the Law School beyond a maximum of 36 units of Flinders topics.

4. Students undertaking the study of law at the University of Adelaide Law School will not be permitted to enrol for cross-institutional study in the Flinders University Law School.

5. Cross-institutional study in the Flinders University Law School summer topics is not permitted.