



**LEMBAGA KELAYAKAN PROFESION UNDANG-UNDANG MALAYSIA
(LEGAL PROFESSION QUALIFYING BOARD MALAYSIA)**

GUIDELINES FOR RECOGNITION OF AUSTRALIAN AND NEW ZEALAND LAW DEGREES

Guidelines on Qualifications and Requirements
for Recognition of holders of Australian and
New Zealand Law Degrees to become
'Qualified Persons' under the
Legal Profession Act 1976

April 1998

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Introduction

All matters pertaining to the qualifications and requirements for admission to the Bar in Malaysia are governed by the provisions under the Legal Profession Act 1976 (the Act). To be eligible for admission, a candidate must satisfy all requirements as are provided in the Act which may be broadly categorised as follows:

- (i) academic requirements;
- (ii) practical requirements; and
- (iii) formal requirements.

As to the academic requirements, this is satisfied if a candidate can show that he/she is a 'qualified person' within the meaning of section 3 of the Act. Under the Act, 'qualified person' means any person who:

- (a) has passed the final examination leading to the degree of Bachelor of Laws of the University of Malaya, the University of Malaya in Singapore, the University of Singapore or the National University of Singapore;*
- (b) is a barrister-at-law of England; or*
- (c) is in possession of such other qualification as may by notification in the Gazette be declared by the Board to be sufficient to make a person a qualified person for the purposes of the Act.*

Such person must then satisfy the practical and formal requirements before he/she may petition for admission.

In exercise of the powers conferred by para (c) above, the Legal Profession Qualifying Board (the Qualifying Board) has declared various qualifications, thus making a holder of any one of those qualifications a qualified person under the Act. Indeed, all law degrees (LL.B) from Australia and New Zealand, which are at present recognised for the purposes of the Act, have gained recognition through various Gazette Notifications made under para (c) above.

For the recognition of Australian and New Zealand law degrees, the approach taken by the Qualifying Board in the past is to determine the university whose LL.B degree is to be recognised and to specify additional requirements to be satisfied before the holder of that LL.B degree is deemed to be a qualified person for purposes of section 3 of the Act. This is then declared by notification in the Gazette.

At present a person who has passed the final examination leading to the degree of Bachelor of Laws (LL.B) from 14 universities in Australia and 5 universities in New Zealand, as listed in the relevant Gazette Notifications, and who is qualified to gain admission as a barrister or solicitor in New Zealand and in the case of Australia, in the State in which the university is situated, and having passed the requisite subjects prescribed by the respective Barristers/Solicitors Board or its equivalent, is a qualified person for the purposes of section 3 of the Act.

In 1994, the Qualifying Board decided to review the recognition of all qualifications under the Act including the present position of the LL.B degrees from Australia and New Zealand. This review was necessary taking into account the changes that have taken place since those qualifications were first considered and the recent trends and practices in legal education and training of lawyers. The Qualifying Board also felt that it had to specify its own requirements in order to conform to the new Malaysian needs in achieving and maintaining the required standard for admission to the Malaysian Bar and to provide for a uniform criteria for admission.

In March 1995, the Qualifying Board announced a new set of Guidelines for holders of LL.B degrees from universities in the United Kingdom (U.K.) to qualify to enter the Malaysian Certificate in Legal Practice examination (CLP) with the view of admission to the Bar. The Qualifying Board has now decided to introduce new Guidelines on the academic requirements for holders of Australian and New Zealand law degrees which are outlined below:

Guidelines on the New Academic Requirements

These Guidelines shall specify the requirements and criteria before a law degree from Australia and New Zealand is deemed to have satisfied the academic requirements and making a holder of such a law degree a qualified person for the purposes of section 3 of the Act. These new Guidelines are contained in Part One and Part Two.

It should be emphasised that these new Guidelines are applicable only to those who intend to use such law degrees to qualify for admission to the Bar in Malaysia and not to bar any person from acquiring such law degree for other purposes.

These Guidelines are introduced after careful study and discussions since 1994. In particular, they take into account of the following:

- (i) a special report commissioned by the Qualifying Board on law degrees in Australia and New Zealand;
- (ii) visits and discussions the Qualifying Board had with the relevant authorities in Australia and New Zealand;
- (iii) changes that have taken place in the area of legal education and training of lawyers in Australia, New Zealand and Malaysia; and
- (iv) the need to streamline all academic qualifications which are being used for purposes of admission to the Bar in Malaysia.

These Guidelines consist of TWO parts:

- (i) Part One : New academic requirements and criteria to be satisfied before the holder of a law degree is deemed to be a qualified person under the Act.
- (ii) Part Two : The qualifying degrees. The list of universities and their respective Law programmes recognised by the Qualifying Board.

PART ONE

Academic Requirements

A. Certificate in Legal Practice

A person who has passed the final examination conducted by any of the universities listed in Part Two leading to the degree of Bachelor of Laws after 1 May 1999 is required to sit for and pass the examination for the Malaysian Certificate in Legal Practice (CLP) conducted by the Qualifying Board before he/she is deemed to be a qualified person under section 3 of the Legal Profession Act, 1976.

B. New Criteria

In addition to the requirement in (A) above, a candidate with any of the law degrees as are listed in Part Two must satisfy the following criteria as pre-requisites to sit for the CLP examination:

Rules
<p>1. <u>Entry requirements</u></p> <p>Candidates must have obtained the minimum grades as the entry requirements into the law programmes which are as follows:</p> <p>1.1 Achievement at the SPM level or its equivalent. All candidates must have obtained minimum of 3 credit passes at the Sijil Pelajaran Malaysia (SPM) or its equivalent which passes must be obtained in the one and the same sitting of the examination.</p> <p>AND,</p>

Rules

1.2 Achievement at STPM level or its equivalent

1.2.1 All candidates must have obtained a minimum of 2 principal passes at the Sijil Tinggi Pelajaran Malaysia (STPM) or its equivalent which passes must be obtained in the one and same sitting of the examination;

AND

1.2.2 The duration of the STPM course of study or its equivalent SHALL be a minimum of one academic year.

1.3 For the purposes of these Guidelines –

1.3.1 The qualifications which are accepted as equivalent to the SPM are:

- (a) the 'O' levels examination by the various Boards in the United Kingdom;
- (b) the School Certificate examination in Australia; and
- (c) the School Certificate examination for New Zealand schools, colleges and high schools.

1.3.2 The qualifications which are accepted as equivalent to the STPM are:

- (a) the 'A' levels examination by the various Boards in the United Kingdom;
- (b) the Australian Matriculation examination;
- (c) the New Zealand Bursaries examination; and
- (d) any other qualifications which may be accepted by the Qualifying Board as equivalent to the STPM.

Rules

2. Duration of the law degree

- 2.1** The duration for the law degrees SHALL be a minimum of 3 academic years.
- 2.2** In the case of a full-time study at a university, the law degree which is obtained must be completed within 6 years of initial registration with that university.

3. Subjects

- 3.1** The law degree SHALL contain a minimum of 12 substantive law subjects,
AND
- 3.2** The 12 law subjects, SHALL include the following 6 core-subjects:
(i) Law of Contract;
(ii) Law of Torts;
(iii) Constitutional Law;
(iv) Criminal Law;
(v) Land Law; and
(vi) Equity and Trusts;
AND
- 3.3** Each of the core-subjects as in (3.2) above, SHALL be studied for the duration of one academic year;
AND
- 3.4** Candidates must have passed all the core-subjects mentioned in (3.2) above.

(see [‘A STATEMENT ON SIX CORE SUBJECTS’](#) dated 17 June 2005)

Rules

4. Twinning Programmes

If the law degree is conducted through twinning or other collaborative arrangements between universities in Australia and New Zealand and local colleges in Malaysia, such programmes must satisfy the following criteria:

- 4.1** The twinning arrangement SHALL consist of the maximum of 2 academic years of study in Malaysia followed by a minimum of one academic year of study in Australia or New Zealand;
- 4.2** The curriculum and coverage of the 2 academic years of study in Malaysia SHALL be the same as that conducted and covered internally by that Australian or New Zealand university which is the partner in that twinning arrangement and SHALL be validated annually and supervised by the same Australian or New Zealand university; and
- 4.3** The 2 academic years' course of study in Malaysia under a twinning arrangement and the local colleges conducting such programmes must be approved by the Ministry of Education of Malaysia or any body established by statute for that purpose.

Rules

5. Joint Degrees

Where two or more different and distinct disciplines or branches of learning are combined and studied in one degree programme, that degree is a joint degree for the purposes of these Guidelines.

Such joint degrees are recognised under these Guidelines only if the duration is extended to 5 years or more.

6. Transfers

6.1 A law degree from any university is not recognised under these Guidelines if a holder of that degree was in the first instance a failed student from another law school who had obtained transfer to that university from which he graduates with a law degree and who was not required to commence the course afresh.

6.2 Where a student has failed a part of his course or obtained only a conditional pass in any university and subsequently transfers his studies to another university where he is provided credit for any part of the course which he has passed and is allowed to proceed to the next year of study without being required to pass the complete examination diet of the equivalent year that he failed or was referred in his original university, his final law degree is NOT accepted under these Guidelines. This does not include a failed student who commences his course afresh at a different university after failure at his original university and thereafter successfully completes his course and awarded a degree.

Rules

7. Modes of Study

A law degree is accepted only if it involves full-time study either wholly at a university in Australia or New Zealand or partly at a local college in Malaysia and partly at a university in Australia or New Zealand under a twinning arrangement as in (4) above.

8. Branch Campus

A law degree which is acquired from any university through its branch campus located in Malaysia or elsewhere SHALL be given the same treatment as though it is granted by the parent university in Australia or New Zealand.

9. Mature Student Entry

IN LIMITED CASES, mature students may be admitted to pursue a law degree. Such students –

- 9.1** shall have a minimum of 3 credits passes at SPM level or its equivalent; AND
- 9.2** shall possess a minimum of 5 years of proven working experience in the related field; AND
- 9.3** must be declared as suitable and proficient to follow the law programme by a special panel comprising of officials of the admitting university in concurrence with the Qualifying Board.

10. Transitional

Rules 1 to 9 above shall not apply to a candidate who has joined any of the universities listed in Part Two for the law degree programme before 1 May 1999.

PART TWO

Qualifying Degrees

The Qualifying Board hereby declares that effective 1 May 1999, only the universities and their respective law degrees as listed below are recognised as qualifying degrees enabling the holders of the law degrees to sit for the CLP examination for purposes of Part One of these Guidelines and with the view of admission to the Bar in Malaysia:

Country	University	Qualification
Australia	1. Australian National University	LL.B
	2. University of Sydney	LL.B
	3. University of Adelaide	LL.B
	4. Monash University	LL.B
	5. University of Melbourne	LL.B
	6. University of Western Australia	LL.B
	7. Macquaire University	LL.B
	8. University of New South Wales	LL.B
	9. University of Queensland	LL.B
	10. University of Tasmania	LL.B
	11. University of Technology, Sydney	LL.B
	12. Bond University, Queensland	LL.B
	13. Murdoch University	LL.B
	14. Queensland University of Technology	LL.B
New Zealand	1. University of Auckland	LL.B
	2. University of Canterbury	LL.B
	3. Victoria University of Wellington	LL.B
	4. University of Otago	LL.B
	5. University of Waikato	LL.B

The above list shall be reviewed from time to time and the Qualifying Board may add to or vary the list if it considers necessary to do so. Fresh applications for recognition may also be considered by the Qualifying Board from universities not included in the list.

These Guidelines were issued by the Qualifying Board on 30 April 1998.

(see [‘Press Statement No. 2/98 – GUIDELINES FOR RECOGNITION OF AUSTRALIAN AND NEW ZEALAND LAW DEGREES – 30th April 1998’](#) dated 11th June 1998)