



ADVOCATES ASSOCIATION of SARAWAK PERSATUAN PEGUAMBELA² SARAWAK

ADVOCATES ASSOCIATION OF SARAWAK **CALLS FOR REFORM OF LPQB AND FAIR REPRESENTATION FOR SARAWAK** **IN LEGAL QUALIFICATION PROCESS**

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The Advocates Association of Sarawak (AAS), expresses grave concern over the issues revealed in the recent *Examiners' Report* for the Certificate in Legal Practice (CLP) Examination conducted in July–August 2024. The report highlights alarmingly high failure rates and systemic weaknesses in the current structure of the Legal Profession Qualifying Board (LPQB), warranting an urgent and comprehensive review.

Root Cause: Structural Imbalance and Lack of Representation

The AAS firmly believes that the persistent challenges surrounding the CLP program stem not from candidate's incompetence or linguistic barriers, but from structural imbalances within the LPQB itself.

The Board's current composition lacks representation from Sarawak, despite the fact that its policies and examinations directly affect Sarawakian law graduates seeking entry into the profession. The absence of Sarawakian members has led to the development of an examination framework and syllabus that do not adequately reflect the plural legal realities of Malaysia, particularly the distinct statutory and procedural systems in force in Sarawak.

This omission results in an exam module disproportionately oriented towards West Malaysian laws, leaving Sarawakian candidates to master legal principles that may have limited relevance to their intended practice jurisdiction. Such a disconnect disadvantages aspiring lawyers from East Malaysia and undermines the equitable access envisioned under the Malaysia Agreement 1963 (MA63).

English Proficiency is Not the Problem

Recent examiners' remarks have cited poor English proficiency as a contributing factor to candidate failures. However, this generalisation does not reflect the reality in Sarawak. The State of Sarawak has long upheld English as an official language alongside Bahasa Malaysia — a position supported by both federal acknowledgment and state policy. English continues to be used in Sarawak's courts, and the Sarawak State Government has reaffirmed the importance of English education from the earliest levels of schooling, ensuring that students are bilingual and globally competitive.

It is therefore inaccurate and unfair to attribute the poor examination outcomes to a lack of English proficiency among Sarawakian candidates. On the contrary, Sarawak's legal and educational systems actively strengthen English competence. The issue lies instead in the exam module's design, which

overemphasizes rote learning and rigid procedural content disconnected from the practical realities of legal practice in Sarawak.

Recognition of Sarawak's Pragmatic Admission System

It is also important to record that entry into legal practice in Sarawak is governed independently under the Advocates Ordinance (Cap. 110, Laws of Sarawak), which recognises multiple entry pathways. In addition to the CLP qualification, the Ordinance allows for the admission of law graduates who have already been called to the Bar in other Commonwealth jurisdictions such as England, Australia or Singapore. This pragmatic approach reflects Sarawak's long-standing autonomy in regulating its legal profession, ensuring that the State attracts qualified practitioners who meet professional standards through diverse and internationally recognised routes.

This multi-entry framework underscores that Sarawak's legal admission system is practical, inclusive, and aligned with international standards, consistent with its constitutional autonomy under the Malaysia Agreement 1963. The AAS reaffirms that the Sarawak Bar's admission standards are robust and reflective of global best practices, proving that competence — not conformity — is the true measure of qualification.

Acknowledgment of Federal Reform Efforts

The AAS acknowledges and commends Deputy Minister in the Prime Minister's Department (Law and Institutional Reform), YB M. Kulasegaran, for his proactive role in advancing reforms within the LPQB. YB Kulasegaran has brought to light the long-standing lapse in the LPQB's financial accountability, revealing in Parliament that the Board's accounts had not been audited for over 17 years. His initiative led to government action to ensure that the LPQB's accounts are now subjected to audit by the Auditor-General, a vital step toward transparency and good governance.

Furthermore, YB Kulasegaran played a central role in securing Cabinet approval to expand LPQB membership to include representatives from Sabah and Sarawak, a long-overdue reform that will make the Board more inclusive and representative of Malaysia's legal diversity.

The AAS applauds his consistent advocacy for accountability, inclusivity, and reform — values that align with Sarawak's aspirations for a fairer and more transparent qualification system for all Malaysian law graduates.

AAS Recommendations

The Advocates Association of Sarawak urges the Federal Government and LPQB to take immediate and concrete steps to address these systemic shortcomings:-

1. Reconstitute the LPQB to include mandatory representation from Sarawak and Sabah, ensuring that the voices of East Malaysian practitioners are meaningfully reflected in decisions concerning legal qualification, syllabus design, and examination standards;
2. Review and modernize the CLP examination module to ensure it reflects Malaysia's plural legal system, with modules that cover Sarawak-specific laws and practice alongside Peninsular statutes;
3. Reconsider the pedagogical approach of the CLP by prioritizing analytical and applied reasoning skills over rote memorization, in line with the demands of real-world legal practice; and
4. Recognise Sarawak's bilingual advantage by supporting bilingual training materials and assessment flexibility consistent with Sarawak's constitutional position under MA63.

In conclusion, the AAS reiterates that the responsibility for the shortcomings in the CLP program must rest with the system itself, whose governance and framework require reform to ensure fairness and inclusivity. The Association calls upon the Federal Government to accelerate announced reforms to transform the LPQB into a more representative and transparent body.

Yours faithfully,



GURVIR SINGH SANDHU
President
Advocates Association of Sarawak

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