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MACQUARIE University

Our Ref. JL:

22 July 2026

Legal Services Council
By email **submissions@legalservicescouncil.org.au**

Dear Council Members

Submission in response to consultation paper – enabling corporate (in-house) legal practitioners to support related entities of their employer

I would like to make the below submission in support of the proposal contained in the consultation paper referred to above:

A. Submitter details

- **Organisation (if applicable):** Macquarie University
- **Primary contact name and role/title:** James Lonsdale, General Counsel
- **Email:** [redacted]
- **Phone:** [redacted]
- **Jurisdiction(s):** NSW / VIC/ WA / Other (specify): NSW

B. Confidentiality and publication

- **Do you request that your submission (in full) be treated as confidential?** No
- **If 'No', may the Council publish your submission on its website, including your name/organisation?** Yes

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C. Detailed responses to consultation questions

Question 1 — Practical operation of the current framework
Does the current definition of "related entity" present practical difficulties for corporate legal practitioners employed by entities that are not a company within the meaning of the Corporations Act?

1. **Position:**
   Yes

2. **Please provide details of any practical difficulties experienced:**

Macquarie University controls a number of companies that have been incorporated under the Corporations Act to support the aims and objectives of the university.

These include:

- a company that is involved in providing social, sporting and other support services to Macquarie University students, including long day care facilities;
- a company that is involved in assisting in the commercialisation of innovations arising from research conducted by Macquarie University staff and students; and
- a company that operates a hospital on the Macquarie University campus and which works with Macquarie University to provide training to students studying in the medical field and in carrying out medical research.

In each of these companies, Macquarie University and/or members of the Council of Macquarie University:

- are the only Members of the company; and
- control the composition of the Board of Directors of the company.

However, despite this, on occasions it has been necessary for solicitors in the Macquarie University Office of General Counsel (who are all employees of Macquarie University) to also be made an "employee" of the relevant Controlled Entity/company in order to technically be permitted, within the scope of their "corporate legal practitioner" practicing certificate, to provide legal services to that Controlled Entity/company simply because of the anomaly that Macquarie University is not a "company" under section 50 of the Corporations Act.

Implementing this workaround is cumbersome and inefficient and requires staff from the Office of General Counsel, the HR Department and from the relevant Controlled Entity/company to be involved in order to make the workaround happen.

The proposal to include as "related entities" under the Uniform Rules entities that either:

- "control"; or
- are "controlled" by,

the employer entity (on the basis the concept of "control" reflects section 50AA of the Corporations Act) however should result in it becoming unnecessary for Macquarie University to adopt cumbersome procedures such as that described above in order to overcome what is currently an anomalous and discriminatory situation when compared with "corporate legal practitioners" employed in corporate groups that just consist of companies that are incorporated under section 50 of the Corporations Act.

Question 2 —Reliance on the concept of "control" under section 50AA of the Corporations Act

If this issue is addressed by an amendment to the Uniform General Rules, do you support relying on the definition of "control" in section 50AA of the Corporations Act to capture related entities of entities that are not a company?

1. **Position:**
   Support

2. **Are there any alternative approaches the Council should consider?** No.

Question 3 —Potential implications and unintended consequences

If the potential reforms outlined at Q2 are progressed, could this cause any unintended consequences, and if so how should these be addressed?

1. **Position:**
   No

2. **Please identify any potential implications or unintended consequences:**
   None

3. **Are there any safeguards, limitations or clarifications the Council should consider?** We have not identified any.

Yours sincerely

[redacted]