

Submission Template —Enabling corporate legal practitioners to support related entities of their employer

Please complete all relevant sections. Use plain language and provide evidence or examples where possible. You may attach supporting documents.

A. Submitter details

- **Organisation (if applicable):** Victoria University
- **Primary contact name and role/title:** James Abbey, Senior Legal Counsel
- **Email:** [REDACTED]
- **Phone:** [REDACTED]
- **Jurisdiction(s):** NSW / VIC/ WA / Other (specify): VIC

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 /No/Unsure
2. **Please provide details of any practical difficulties experienced:**

Victoria University is not a company within the meaning of the Corporations Act but a body politic and corporate created by statute (*Victoria University of Technology Act 1990*, subsequently re-enacted by the *Victoria University Act 2010*).

Some of Victoria University’s business is carried out through a wholly owned subsidiary, which is an ordinary proprietary company.

The drafting gap present in the current definition of “related entity” means that an in-house lawyer employed by Victoria University cannot provide legal advice to its wholly owned subsidiary without being at risk of liability for breaching a condition of their practising certificate.

To avoid this risk, the wholly owned subsidiary would be required to seek external legal advice or employ its own in-house lawyer. This is neither a cost-effective nor practically efficient solution for a relatively small organisation.

3. Additional comments (optional):

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 / ~~Do not support~~

2. Are there any alternative approaches the Council should consider?

3. Rationale:

4. Additional comments (optional):

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:

Yes/~~No~~/ Unsure

2. Please identify any potential implications or unintended consequences:

3. Are there any safeguards, limitations or clarifications the Council should consider?

4. Additional comments (optional):

D. Attachments (optional)

Lodgement and deadline

- **Submit by email:** submissions@legalservicescouncil.org.au
(If you require an alternative lodgement method or accessibility adjustments, please contact the Council.)
- **Closing date:** 22 July 2026
- **General enquiries:** lsc@legalservicescouncil.org.au