

OFFICIAL

8 June 2021

Ms Megan Pitt
Chief Executive Officer
Legal Services Council
Level 3, 19 O'Connell Street
SYDNEY NSW 2000

By email:

Dear Megan

**Consultation paper on Rules 91B and 91BA of the Legal Profession Uniform General Rules
2015**

Thank you for your letter of 6 May 2021, seeking the Victorian Legal Services Board and Commissioner's (VLSB+C) feedback on the draft Legal Profession Uniform General Amendment (Managed Investment Schemes) Rule 2021 to amend rules 91B and 91BA of the Legal Profession Uniform General Rules 2015.

VLSB+C supports the amendment of rule 91B. We agree that law practices should be permitted to provide legal services in relation to a managed investment scheme ("MIS"), in circumstances where a law practice associate has an interest in the MIS – or MIS operator – but the provision of those legal services does not give rise to a conflict between the associate's duty to serve the best interests of a client, and the associate's own interests. We support the proposition that law practices should be responsible for ensuring that they put in place appropriate compliance arrangements to ensure no such conflict arises, to avoid the prospect of a civil penalty for contravening section 258(3) of the Legal Profession Uniform Law.

VLSB+C also supports making interim rule 91BA an ongoing rule, to ensure that a law practice remains permitted to provide legal services in relation to an MIS – despite an associate of the law practice having an interest in the scheme or the responsible entity for the scheme – if the scheme is a litigation funding scheme.

[REDACTED] can be contacted by email at
[REDACTED] in relation to any further amendments involving MIS matters.

Yours faithfully

Fiona McLeay
Board CEO & Commissioner

OFFICIAL