

Business Alert !

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Legal privilege controversies prompt ALRC review

The Australian Law Reform Commission (ALRC) believes recent controversies highlight the need to examine the balance between the protections afforded by client legal privilege and the ability of federal investigatory bodies to search out the truth.

ALRC President, Prof. David Weisbrot, said "Client legal privilege has been described by the High Court as 'an important common law right', and some commentators go as far as to call it a 'fundamental human right'. However, there are concerns - most recently raised by the AWB and HIH Royal Commissions - that claims of privilege can be used cynically to frustrate investigations."

The ALRC is reviewing the use of client legal privilege (sometimes referred to as 'legal professional privilege') in the context of Commonwealth investigations by such bodies as the AFP, ASIC, the ACCC, the Australian Taxation Office and federal Royal Commissions of inquiry. The ALRC this week released an Issues Paper - *Client Legal Privilege and Federal Investigatory Bodies* (IP 33) - which seeks feedback on 31 questions that are central to the review.

IP 33 raises questions for discussion and feedback. The ALRC will now begin an intensive round of consultations, with a view to releasing a more comprehensive Discussion Paper in late August. The final report is due in December.

IP 33 is available free online at www.alrc.gov.au

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