



Legal professional privilege form – general claims

Complete this form to support your claim of legal professional privilege (LPP) for each communication you assert is privileged. This form will help you make LPP claims in circumstances other than responding to formal notices. It will help us decide whether to accept, review or challenge your claim.

Do not use this form if responding to a formal notice – use Legal professional privilege form – responding to formal notices. [Legal professional privilege forms](#)

The courts have long held that a ‘bare’ claim for privilege cannot stand without support, so the burden of establishing the existence of a privilege claim rests with you.

! If you do not provide sufficient details supporting your claim, we may seek further information or evidence about your claim (including through our information-gathering powers, where appropriate) or commence legal proceedings to determine your claim.

! You only need to answer the questions below to the extent that they are relevant to your claim. We will not argue that your responses to the questions posed in this document amount, by themselves, to an unintended waiver of your LPP.

Section A: Explain your claim – particulars

1 Provide the following details to explain the basis of your LPP claim:

a Document ID, file name or reference number

b name of privilege holder(s)

c date the document was prepared or communication made

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

d number of pages in the document

e title or subject line of the communication (except to the extent that disclosure of the title or subject line would also disclose the content of legal advice)

f form of the communication (for example, email, letter, file note)

h type of document (for example, advice, contract, invoice)

g identity and role of each person between whom the document or communication is made:

- author(s) and, if different, sender (name, position, organisation), and
- all people who have received the document (name, position, organisation); if the document is an email, this will include those in the ‘cc’ and ‘bcc’ fields

i whether the document is a copy

Yes No

j the dominant purpose for which the communication was made but not to the extent this discloses the content of legal advice

k the legal issue being advised upon or for which the advice is being sought, except to the extent that disclosure of the legal issue would also disclose the content of legal advice

l whether the communication was forwarded. If so, provide an explanation of:

- i. the purpose of forwarding it
- ii. how confidentiality in the communication was maintained
- iii. how you assured yourself that privilege was not lost

m whether LPP is claimed in full or in part

n if there are attachments to the document, whether LPP is being claimed over the attachment(s). If yes, identify their reference number and provide the particulars for the attachment(s).

 In providing a response to the above where the answers are likely to be repetitive (particularly questions h, j, k and l), you can provide a separate attachment that details a comprehensive narrative.

Section B: **Explain your claim – in-house counsel**

2 Provide the following particulars (in addition to the particulars in questions 1 (a) to (n) above) where the claim relates to a communication by, or to, an in-house advisor acting as a legal advisor:

a the name of the in-house legal advisor

b whether the in-house legal advisor has been admitted to practice and if so, the jurisdiction of admission

c as at the time of the communication, a description of all the functions, positions, roles and responsibilities of the person who is acting as the in-house legal advisor who prepared the communication

- d if the advisor had multiple functions, positions, roles or responsibilities, a description of the capacity in which that person was acting in making the communication

- ! In providing a response to the above where the answers are likely to be repetitive, you can provide a separate attachment that details a comprehensive narrative.

Section C: Identity of person filling out this form

3 Name, position and organisation of the person(s) filling out this form.

a Name

b Position

c Organisation

Privacy

We are requesting the information on this form to assist in making a decision whether to accept, review or challenge your LPP claims. This includes the personal information of the individual signing this form or as the authorised representative. We may share this information with other government agencies. For further information about your privacy go to ato.gov.au/privacy

Signature (or electronic signature when submitting a claim electronically)

Date

Day		/	Month		/	Year			
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- A person who makes a statement to a taxation officer that is false or misleading or omits from a statement any matter or thing without which the statement is misleading in a material particular may be guilty of an offence under sections 8K or 8N of the *Taxation Administration Act 1953*.