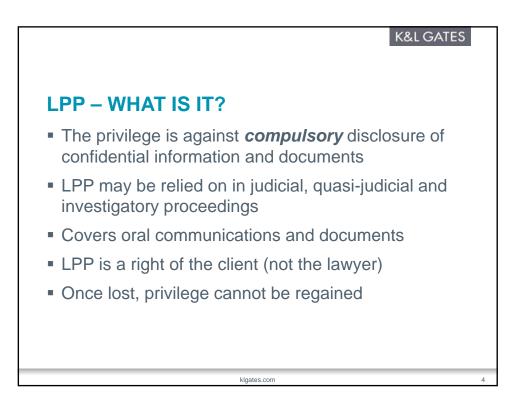
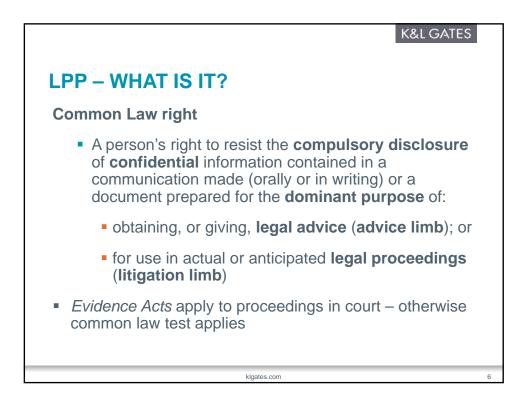
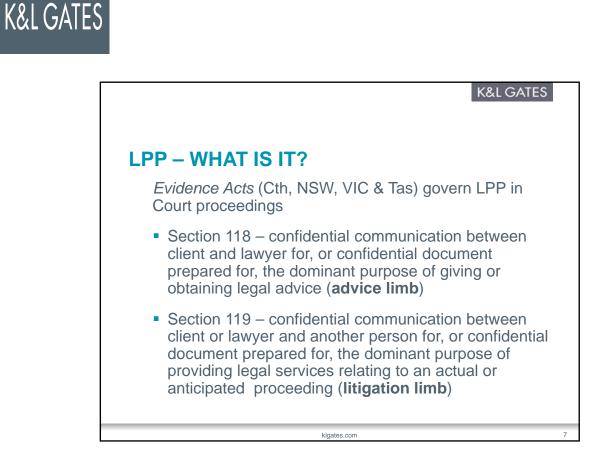


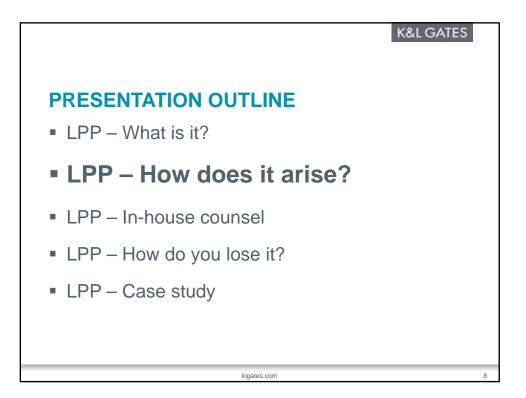
# **K&L GATES LPP – WHAT IS IT?** • Protection of confidentiality to encourage full and frank disclosure between clients and lawyers • Grounded in public policy – effective administration of justice • Substantive common law right • Also enshrined in statute in the *Uniform Evidence Laws*









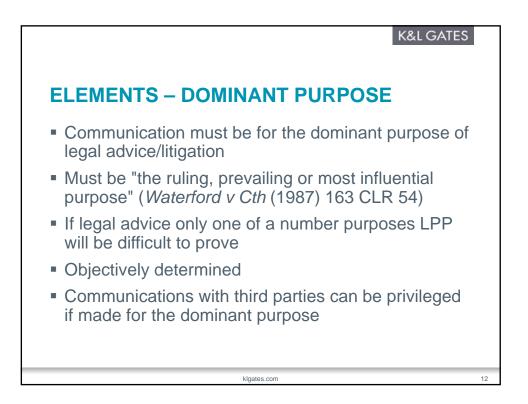


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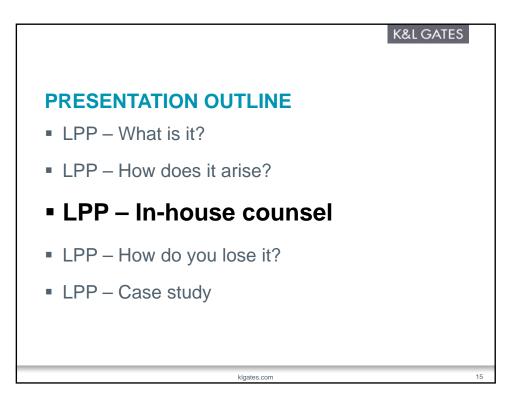


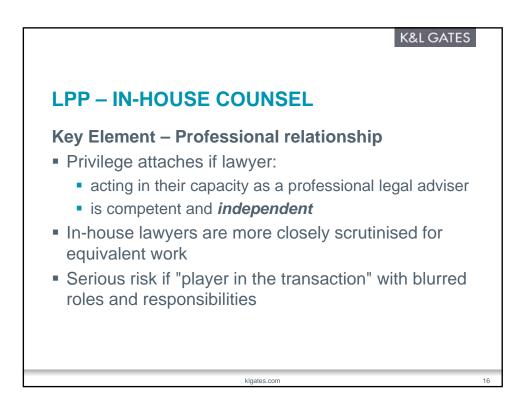


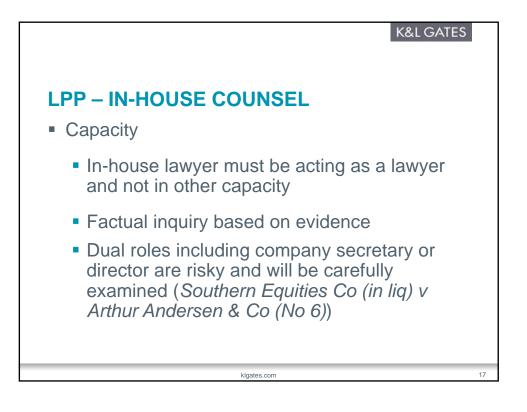


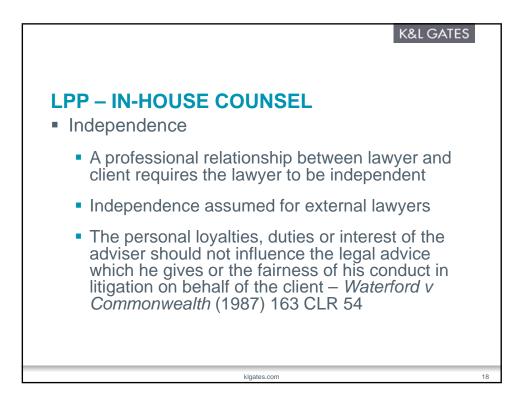




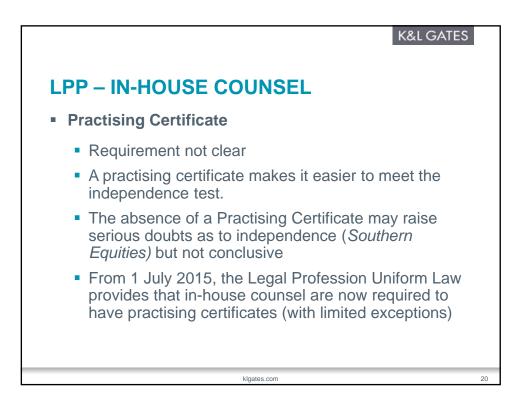






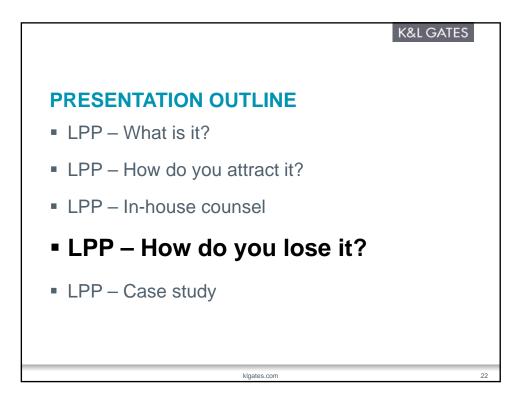


### **EXECTS EXECUTE: EXECUTE: EXECUTE: EXECUTE: EXECUTE: EXECUTE: EXECUTE: EXECT: EXECT:**



### K&LGATES IN-HOUSE COUNSEL – BEST PRACTICE • Best practice to show professional relationship: • Establish legal function as separate unit • Report to senior management only • Acknowledge duty to court in employment contracts • Avoid non-legal roles (best) or clearly demarcate • Maintain practising certificates • Avoid linking remuneration to financial performance of organisation • Separate and prevent access to electronic and physical files (*Archer Capital v Sage Group 2014*)

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### K&L GATES LPP – HOW DO YOU LOSE IT? - WAIVER Waiver of LPP can be intentional or inadvertent and express or implied from conduct. Express waiver - e.g. tender of privileged document into evidence Implied waiver: Evidence Act - Section 122(2) requires knowing and voluntary disclosure to another person of the substance of the evidence Common Law "inconsistency test" is informed by consideration of fairness - see Mann v Carnell 23

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