

17 June 2026

Our ref: [LP:MC]

Dr James Popple
Chief Executive Officer
Law Council of Australia
Level 1, MODE3
24 Lonsdale Street
Braddon ACT 2612

By email: [REDACTED]

Dear Dr Popple

Draft Legal Professional Privilege Guidelines 2026

Thank you for seeking feedback from the Queensland Law Society (QLS) on the draft Anti-Money Laundering and Counter-Terrorism Financing Legal Professional Privilege Guidelines.

In the time available, we have reviewed the Guidelines and would be pleased if the following issues could be raised with the Department and AUSTRAC.

1. The Guidelines do not address concerns previously raised by the Law Council of Australia (LCA) in relation to a solicitor being required to assert privilege on behalf of the client, without instructions, due to the tipping off regime. This is an extremely complex scenario for a practitioner to navigate and should be specifically included in the Guidelines, particularly as legal professional privilege (LPP) lies with the client not the practitioner.
2. QLS holds reservations regarding clause 16 which lists a range of communications that AUSTRAC claims are not privileged. This may have the effect of inappropriately reducing the scope of LLP. In particular, we highlight subclauses c, d, f, g, h, i, j, k, l, n, o, p, q, s and t as being objectionable and note, ultimately, whether something is privileged or not is determined by the courts.
3. The process outlined in clauses 22-28 identifies how AUSTRAC will consider claims for LLP by asking for more information. QLS queries whether this process is contrary to the client's right to assert LLP and the LCA Guidance Part 3, in particular, clauses 124-139. Our members have specifically highlighted clause 28(a) as being problematic.

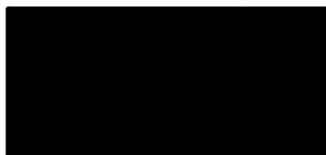
We additionally note it is difficult to comment without sighting the final version of the LPP form.

Review of Australia's Mutual Recognition Scheme for Workers

4. There is no definition in the Guidelines of 'non-law firm premises'. There are now many practitioners who do not operate out of specific premises, i.e. they work from home or in a shared workspace etc. Some clarity might be required regarding this definition.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Peter Jolly
President