

New South Wales

Ombudsman Amendment (Removal of Legal Professional Privilege) Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Ombudsman Act 1974* to enable the Ombudsman to obtain information that is subject to the client legal privilege of a public authority (section 21 of that Act currently provides that the Ombudsman must set aside a requirement that a person provide information during an investigation or inquiry if it appears that the information is subject to a privilege of a public authority based on legal professional privilege (now known as client legal privilege)).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Ombudsman Act 1974* to remove exceptions relating to legal professional privilege so that the Ombudsman may require information, or enter premises to inspect any document or thing, despite any privilege of a public authority

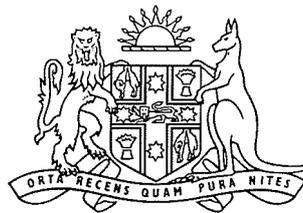
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that the public authority might claim in a court of law. The amendment also enables regulations of a savings or transitional nature consequent on the enactment of the proposed Act to be made.

Introduced by Mr Peter Besseling, MP

First print



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No. , 2010

A Bill for

An Act to amend the *Ombudsman Act 1974* to remove provisions that prevent the Ombudsman from obtaining information that is subject to the client legal privilege of a public authority.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Ombudsman Amendment (Removal of Legal Professional Privilege) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Ombudsman Act 1974 No 68	7
(1) Sections 21 (3) (b) and 21A (2) (b)	8
Omit “, other than a claim based on legal professional privilege” wherever occurring.	9 10
(2) Schedule 2 Savings and transitional provisions	11
Insert at the end of clause 1 (1):	12
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