

Year	Date	Number	Title	Note
1994	8 Sep 1994	4/94	Anton Piller Orders	

**SUPREME COURT OF THE AUSTRALIAN CAPITAL
TERRITORY
Practice Directions**

Practice Direction No 4 of 1994

Anton Piller Orders

Where the Court is considering making an “Anton Piller” or analogous order, appropriate undertakings or conditions to the order which have regard to the following matters will ordinarily be required or imposed:-

1. In general, such orders should be permitted to be executed during business hours only.
2. It is desirable that the order and all relevant Court documents be served, and execution of the order supervised, by a solicitor other than a member of the firm of solicitors acting for the applicant. Alternatively, the applicant may be required to give an undertaking that independent legal advice will be made available to the occupier of the premises to which the order relates before the order is executed. The solicitor supervising execution of the order will be required to prepare a written report about the execution of the order and a copy of that report will be required to be served on the respondent and presented to the Court as soon as practicable.
3. If the order directs an occupant of residential premises to permit a search of the premises to be carried out and the applicant is aware that at the time at which service of the order is effected the occupant of the premises is likely to be a woman, the supervising solicitor is to be, or to be accompanied by, a woman.
4. The person to whom the order is directed should be advised of the right to obtain legal advice before the order is executed provided that the advice is able to be obtained promptly.
5. Safeguards should be included in the order that will prevent applicants in person searching for and examining the documents of a trade rival.
6. An inventory of items seized should be prepared and the occupant given the opportunity to check the inventory and given a signed copy of the inventory before any items are removed.
7. The period during which a person may be restrained from informing any other person (other than a solicitor) of the existence of the order should be as short as possible.

8. In some cases it may be appropriate for the Court to order that the material seized be delivered to an independent person to be held without disclosure to the applicant pending an inter partes hearing of the matters in issue, at which the respondent may present argument why the material should not be disclosed to the applicant.
9. If an independent custodian is to hold seized material the custodian may be required to provide a written undertaking to retain the material without disclosure to any person until further order.

By direction of the Judges.

Sgd A G TOWILL
Registrar

8 September 1994