

List of Independent Lawyers: Supervision of Search Orders (Anton Piller)

Introduction

An Anton Piller order, also known as a Search Order, is issued in some cases to allow the search party to enter premises and to search for, inspect, copy and remove the things described in the order.

The order is designed to preserve important evidence pending the hearing and determination of the applicant's claim in a proceeding brought or to be brought by the applicant against the respondent or against another person. The order is an extraordinary remedy in that it is intrusive, potentially disruptive, and made without notice and prior to judgment.

The order is issued to prevent the party subject to the order from destroying, hiding or altering the evidence or relevant material relevant for the case.

The order is issued through *ex-parte* hearing in meeting the following requirements:

- A strong *prima facie* case against the defendant upon the initial assessment
- Possibility of applicant suffering actual or potential damage
- Clear evidence that defendant possess relevant material or evidence and is likely to alter, hide or destroy them.

In federal court proceedings, the search arrangement and the process for obtaining an Anton Piller, or search order, is regulated by the [Search Orders Practice Note](#) issued by the Federal Court of Australia which requires the search party to include an independent lawyer who will supervise the search and a lawyer or lawyers representing the applicant.

To assist members of the profession, the Law Society maintains a list of lawyers who may act as the independent lawyers in the search process.

List of Independent Lawyers as at 6 August 2015

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