

Practice Directions - No. 25 of 1995

Execution of search warrants on solicitors' offices and barristers' chambers

Practitioners are reminded that guidelines concerning the execution of search warrants in legal practitioners' offices were negotiated between the Commissioner of the Australian Federal Police and the Law Council of Australia and first published in 1976. The guidelines have been endorsed by the Queensland Law Society.

It has been decided that where proceedings to establish a claim for privilege over documents have been instituted, the Registrar should act in accordance with item (m) of those guidelines appearing in the schedule below.

The Registrar of the Supreme Court will accept custody in the cases referred to in item (m) after proceedings to determine the issues have been instituted in this Court.

Further, the Registrar will accept custody before commencement of proceedings where an undertaking in writing has been given to commence proceedings in this Court promptly and to bring the matter before a Chamber Judge within seven days. In such cases if the undertaking is not complied with, the Registrar is empowered to deliver the material to the police officer who has deposited the documents in his custody and to do this without further notification to any legal practitioner involved under the execution of the warrant.

J M MACROSSAN AC
Chief Justice

14 September 1995