

STEPS TO TAKE IN A DAWN RAID

30 Days Series 27 by Zhang Kaihui

01

Check warrant and ID card

- Ensure the time and location are correct.
- Ask the 'lead' investigator to confirm their identity matches that listed on the warrant by presenting their regulator-issued ID card.
- Ask to take a copy/photo of the warrant.

02

Call legal representatives

- Ask the officers to not commence the search until after your legal representatives have arrived.
- Call KWM – KWM will then alert the internal legal team.
- If the officers do not agree, do not obstruct or otherwise resist the search from commencing.
- If the officers agree to wait, set up a comfortable holding room (e.g. provide tea/coffee) and comply with any conditions.

03

Privilege

- If investigators seek access to documents that may be subject to legal professional privilege claim and/or a large number of documents, inform the investigators that these documents may be privileged and this privilege is not waived.
- If possible, separate out physical and electronic documents/emails that may be subject to a legal professional privilege claim.
- If legal representatives are present, they will put in place arrangements with the investigators for an initial review to be undertaken by the company's lawyers before access by the regulator.

04

Observe the search

- If legal representatives are not present, take notes about the conduct of the search, what is seized and copied, and questions asked by the investigators (including answers you have provided). Ask to take photos (or preferably videos) – and do so where you are concerned about non-compliance with terms of the warrant or privilege claims.
- If legal representatives are present, do not take notes/photos/videos – just observe and relax.
- You may be required to assist the officers in accessing materials (including computer files or document management systems) or answering questions in relation to the search. Be honest and cooperative but do not volunteer information. If you are unsure of an answer, say so. You cannot refuse to answer on the basis of self-incrimination.

05

After the search

- Do not delete or destroy any documents.
- Do not discuss the search with anyone outside of the office.
- Request a receipt of seized materials and a copy of any questioning.



CALL OUR 24/7 SUPPORT & EMERGENCY ADVICE HOTLINE

+61 0732 448 249

For more general enquiries, please email: crisismanagement@au.kwm.com or get in touch with one of our specialists listed below.

KEY CONTACTS



PETA STEVENSON

PARTNER
SYDNEY

TEL +61 2 9296 2492
MOB +61 438 289 743
EMAIL peta.stevenson@au.kwm.com



AMANDA ENGELS

PARTNER
SYDNEY

TEL +61 2 9296 2450
MOB +61 408 335 972
EMAIL amanda.engels@au.kwm.com



BEN KIELY

PARTNER
MELBOURNE

TEL +61 3 9643 4241
MOB +61 457 735 183
EMAIL ben.kiely@au.kwm.com



JAMES RUSSELL

PARTNER
MELBOURNE

TEL +61 3 9643 4204
MOB +61 449 844 755
EMAIL james.russell@au.kwm.com



REBEKHA PATTISON

PARTNER
CANBERRA

TEL +61 2 6217 6110
MOB +61 447 910 655
EMAIL rebekha.pattison@au.kwm.com



EMMA LAWRENCE

PARTNER
CANBERRA

TEL +61 2 6217 6111
MOB +61 439 514 609
EMAIL emma.lawrence@au.kwm.com



JASMINE FORDE

PARTNER
BRISBANE

TEL +61 7 3244 8103
MOB +61 417 813 671
EMAIL jasmine.forde@au.kwm.com



JAMES WANG

PARTNER
PERTH

TEL +61 8 9269 7215
MOB +61 427 078 140
EMAIL james.wang@au.kwm.com