Form 75

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | FORTIFICATION REMOVAL ORDER  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Summary Offences Act 1953*  Section 74BB | | | | | | | | |  | |
|  | | | | | | | | | | | | |
| Registry |  | | | | | | | File No |  | | | |
| Address |  | | | | | |  | | |  | | |
|  | *Street* | | | | | | *Telephone* | | | *Facsimile* | | |
|  |  | |  | |  | | |  | | | | |
|  | *City/Town/Suburb* | | *State* | | *Postcode* | | | *Email Address* | | | | |
| **Applicant** | Commissioner of Police Adelaide | | | | | | | | | | | |
|  | | | |  | | | | | | | |  |
| *Contact person* | | | | *Email Address* | | | | | | | | *Telephone* |
| **Occupier** *(if more than one, attach details)* | | | | | | | | | | | | |
| Name |  | | |  | | | | | | DOB | | |
|  | *Surname* | | | *Given name/s* | | | | | | *dd/mm/yyyy* | | |
| Address |  | | | | |  | | | |  | | |
|  | *Street* | | | | | *Telephone* | | | | *Licence Number* | | |
|  |  | |  | |  | | |  | | | | |
|  | *City/Town/Suburb* | | *State* | | *Postcode* | | | *Email Address* | | | | |
| **Owner** *(if more than one, attach details)* | | | | | | | | | | | | |
| Name |  | | |  | | | | | | DOB | | |
|  | *Surname* | | | *Given name/s* | | | | | | *dd/mm/yyyy* | | |
| Address |  | | | | |  | | | |  | | |
|  | *Street* | | | | | *Telephone* | | | | *Licence Number* | | |
|  |  | |  | |  | | |  | | | | |
|  | *City/Town/Suburb* | | *State* | | *Postcode* | | | *Email Address* | | | | |
| **Premises to which Order relates** | | | | | | | | | | | | |
| Address |  | | | | | | | CT ref # | |  | | |
|  | *Street* | | | | | | |  | |  | | |
|  |  | |  | |  | | |  | | | | |
|  | *City/Town/Suburb* | | *State* | | *Postcode* | | |  | | | | |
| **The Court was satisfied that:**  The premises to which this order relates are fortified; and  the fortifications have been created in contravention of the Development Act 1993; or  there are reasonable grounds to believe the premises are being, or have been, or are likely to be, used:  for or in connection with the commission of a serious criminal offence; or  to conceal evidence of a serious criminal offence; or  to keep the proceeds of a serious criminal offence; or  the premises are  owned by a declared organisation or a member of a declared organization; or  occupied or habitually used as a place of resort by members of a declared organisation. | | | | | | | | | | | | |

|  |
| --- |
| **Statement of grounds:** |
| **A copy of the affidavit that was used as evidence of the grounds is attached.** |
| **You, the aforementioned owner/occupier are ordered to remove / modify the following structures / devices / fortifications (specify details)** |
| Period within which fortifications are to be removed or modified:  (not less than 14 days after service of the order) |
| Date MAGISTRATES COURT |
| **Right to object** (section 74BE)  You may lodge a notice of objection with the Court within 14 days of being served with this order. A form of Notice of Objection may be obtained from any Registry of the Magistrates Court. You must serve a copy of the notice on the **Commissioner of Police** personally or by registered post **at least 7 days** before the day appointed for hearing of the notice.  You cannot lodge a notice of objection if a notice has previously been lodged in relation to the fortification removal order (unless proceedings in relation to the earlier notice have been discontinued).  The grounds of the objection must be stated fully and in detail in the notice of objection. |
| **Enforcement of this Order** (section 74BI)  The Commissioner of Police may cause the fortifications to be removed or modified to the extent required by this order if you do not comply with the order, unless a withdrawal notice is lodged, a notice of objection is lodged, an appeal is commenced or the Commissioner allows an extension of time.  Should you require an extension of time, you must make an application to the Commissioner of Police before the time allowed elapses.  If the fortifications are not removed or modified in the time allowed, the Commissioner, or any police officer authorised by the Commissioner, may, for the purposes of causing the fortifications to be removed or modified, enter the premises without a warrant, obtain expert or technical advice, and/or make use of any person or equipment he or she considers necessary.  The Commissioner may seize anything that may be salvaged in the course of removing or modifying fortifications under this section, and may sell or dispose of it as the Commissioner considers appropriate. If the costs of enforcing the order are not recovered, the Commissioner may recover those costs as a debt from you or another person. |

|  |
| --- |
| **Proof of Service** |
| Name of person serving: |
| Address of person serving: |
| Name of person served: |
| Address at which service effected: |
| Date service effected: |
| Time of day: Between       am/pm and       am/pm  Method of service (tick box)  personally;  by registered post;  by affixing a copy of the order to the premises at a prominent place at or near to the entrance to the premises. |
| I certify that I served the attached document in the manner described. |
| Certified this       day of       20 |