

To be inserted by Court

Case Number:

Date Filed:

FDN:

## ORDER – SUMMARY OFFENCES ACT – FORTIFICATION REMOVAL ORDER

MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

**[FULL NAME]**  
Applicant

**[FULL NAME]**  
Respondent

### Introduction

### Hearing

Hearing Location: [suburb]

[Hearing date] [

[Presiding Officer]

### Appearances

[Applicant Appearance Information]

### Remarks

Pursuant to section 74BB of the *Summary Offences Act 1953*, the Court is satisfied that:

- (a) The below mentioned premises are fortified; and
- the fortifications have been created in contravention of the *Development Act 1993*.
  - there are reasonable grounds to believe the premises are being, have been, or are likely to be used:
    - for or in connection with the commission of a serious criminal offence.
    - to conceal evidence of a serious criminal offence.
    - to keep the proceeds of a serious criminal offence.
  - the premises are:
    - owned by [a declared organisation/member of a declared organisation].
    - [occupied/habitually used as a place of resort] by members of a declared organization.

**Order**

**Date of Order:** [date]

**Terms of Order**

Pursuant to section 74BB of the *Summary Offences Act 1953* it is ordered that:

Orders in separately numbered paragraphs.

1. the number of days for the removal of the fortification may not be less than 14 days after service of the order. The [owner[s]/occupier[s]], namely [full name[s]] is ordered to [remove/modify] the following [structures/devices/fortifications] at [description of premises, address] within the next [number] days in the manner described below:

- [description of details]

**Statement of Grounds**

A copy of the Affidavit that was used as evidence of the grounds is attached.

**To the Respondents: WARNING**

**Right to object:** section 74BE of the *Summary Offences Act 1953*

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 as soon as practicable and in any event 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.

**To the Respondents and any other Occupier of the Premises: WARNING**

**Enforcement of this order:** section 74BI of the *Summary Offences Act 1953*

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 considered 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.

**Authentication**

.....  
Signature of Court Officer  
[title and name]