



Magistrates' Court of Victoria

Practice Direction 9 of 2013

Applications made under the Fortification Removal Act 2013

Background

The Fortification Removal Act 2013 commenced on 6 October 2013. Although, this Act introduces a number of applications, notices and orders, there is currently no intention to prepare any relevant regulations. In addition to this, Court Rules have not yet been drafted. This Direction will assist the Court in establishing the process and forms to be used when applications are made pursuant to section 6 of this Act.

Direction

Any application for an order for the removal or modification of fortification must be made in accordance with section 7 of the Fortification Removal Act 2013.

These applications must be filed with the Court, using the attached form 'Application for Fortification Removal/Modification Order' (ATTACHMENT 1). Once filed with the Court, the application will be listed no sooner than 28 days from the filing date.

In accordance with section 9 & 29 of this Act, objections may be filed by the owner and/or occupier of the premises subject of the application. Objections must be made using the attached 'Objection to Fortification Removal Act Orders' form (ATTACHMENT 2).

Once a magistrate has determined the application, the police applicant or their legal representative must file a copy of the order made, for signing and sealing by the Court.

Other applications relevant to this Act, must be filed using the forms attached to this Practice Direction including, 'Application for Extension of Compliance Period' (s19) (ATTACHMENT 3), and 'Application for Entry and Inspection Order' (s26) (ATTACHMENT 4).

All applications made under this Act are to be filed at the Melbourne Magistrates' Court unless directed otherwise.

A handwritten signature in black ink, appearing to read 'P. Lauritsen', with a long horizontal line extending to the right.

PETER LAURITSEN
Chief Magistrate
28 October 2013



Magistrates' Court of
Victoria

APPLICATION FOR FORTIFICATION REMOVAL / MODIFICATION ORDER

Section 6 Fortification Removal Act 2013

Case number: _____

This application is made by: _____

Of: _____
Address of applicant

To: _____
*Name and address of *owner / *occupier of premises*

Details of the Premises and Fortification

The premises from which fortification is to be *removed / *modified:

List / identify the fortification that is sought to be *removed / *modified, and detail the modification sought:

Grounds on which Fortification Removal / Modification Order is sought

NOTE: An application must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the application relies.

Signature of Applicant: _____

NOTICE OF APPLICATION

The application is listed at the Magistrates Court of Victoria at _____
Court location

on _____ at _____ AM/PM
Date Time

Dated:	_____ <i>Registrar Signature, Name & Capacity</i>
At:	

Court location

NOTE: Owner or Occupier may object to this application
An objection must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the objection relies. The objection and affidavit(s) must be filed with the Court at least 7 days prior to and served on Police at least 5 days prior to the court date listed on this application.

* Delete if not applicable.



Magistrates' Court of
Victoria

OBJECTION TO FORTIFICATION REMOVAL ACT ORDERS

Section 9 & 29 of Fortification Removal Act 2013

Case number: _____

I _____
Name of person objecting to application

of _____ being the *owner / *occupier

of _____
Address of person objecting

of _____
Address of premises subject to application by Victoria police under Fortification Removal Act

Hereby object to the application filed by: _____
Name of Victoria police member who is making application

of _____
Address of applicant

Made under the Fortification Removal Act 2013 for:

- an order that Fortification be removed pursuant to section 6
- an order that Fortification to be modified pursuant to section 6.
- an order authorising a member of the Victoria Police to enter and inspect a Fortified premises pursuant to section 26.

GROUND(S) FOR MAKING THIS OBJECTION

NOTE: An objection must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the objection relies.

NOTE: This objection and accompanying affidavit(s) must be filed with the Court at least 7 days prior, and served on the police applicant at least 5 days prior, to the court date listed in the application

Signature of person lodging objection: _____

The application is listed at the Magistrates Court of Victoria at _____
Court location

on _____ AT _____ AM/PM
Date Time

*Delete if not applicable



Magistrates' Court of
Victoria

APPLICATION FOR ENTRY AND INSPECTION ORDER

Section 26 Fortification Removal Act 2013

Case number: _____

This application is made by: _____

Of: _____
Address of applicant

To: _____

Of: _____
*Address of *owner / *occupier of premises*

Details of the Premises to be inspected

Specify the premises that are sought to be inspected:

Grounds on which the Inspection Order is sought

NOTE: This application must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the application relies.

Signature of Applicant: _____ Date: _____

NOTICE OF APPLICATION

This application must not be made more than 3 years after the day on which the Fortification removal /modification order ceased to have effect.

The application is listed at the Magistrates Court of Victoria at _____
Court location

on _____ at _____ AM/PM
Date Time

Dated:	
At:	

Court location Registrar Signature, Name & Capacity

NOTE: Owner or Occupier may object to this application
An objection must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the objection relies. The objection and affidavit(s) must be filed with the Court at least 7 days prior to and served on Police at least 5 days prior to the court date listed on this application.

* Delete if not applicable.



Magistrates' Court of
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APPLICATION FOR EXTENSION OF COMPLIANCE PERIOD

Section 19 Fortification Removal Act 2013

Case number: _____

This application is made by: _____

Of: _____
Address of applicant

To: _____

Of: _____
Victoria Police

A Fortification *removal / *modification order was made at the Magistrates' Court of Victoria at _____
Court Location where order made

on _____ requiring Fortification *removal / *modification work to be completed within 3 months.
Date

Details of the Fortified Premises

Specify the Fortified premises that extension to the compliance period is being sought:

State the Grounds on which this application is sought

This application must be accompanied by at least one affidavit that addresses the facts, matters and circumstances on which the application relies.

Signature of Applicant: _____ Date: _____

NOTICE OF APPLICATION

The application is listed at the Magistrates Court of Victoria at _____
Court location

on _____ at _____ AM/PM
Date *Time*

Dated:	_____ <i>Registrar Signature, Name & Capacity</i>
At:	

Court location

NOTE: Application and accompanying affidavit(s) must be served on Victoria Police at least 5 days prior to the Court date listed on this application.

*Delete if not applicable