

FACT SHEET

Removal of Fortifications Bill 2017

The Government has introduced legislation into Parliament to replace the deficient fortification removal provisions contained within the *Police Offences Act 1935* with comprehensive and proven provisions that will be contained within a new standalone Act.

The new Act provides for police to apply to courts of petty sessions for orders for the removal or modification of fortifications at premises where those fortifications are excessive for a premises of that type, and the premises is reasonably believed to be connect with a specified offence. The specified offences applicable to such orders include:

- an indictable offence under the laws of Tasmania or the Commonwealth;
- an offence under the *Firearms Act 1996*;
- an offence under the *Misuse of Drugs Act 2001*; and
- an offence under the *Sex Industry Offences Act 2005*;

If a court grants a fortification removal order, the owner or occupier has a compliance period of 90 days to remove or modify the fortifications in accordance with the order. If the owner or occupier fails to remove or modify the fortifications within that period, police can take action to remove or modify the fortifications, and seek costs against the owner or occupier.

Fortification removal orders remain in place for a period of 12 months following the compliance period, and police are empowered to enter and inspect premises for fortifications while the order is in force (including during the compliance period).

For a period of three years following the expiration of a fortification removal order, police may also apply to a court for an inspection order to allow the inspection of the premises with regard to any fortifications.

The new Act will also create offences for the construction or installation of fortifications where it is known, or ought reasonably be known, that the premises are used in connection with a specified offence.