Form 23

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|  | | APPLICATION FOR AN ORDER OF THE COURT  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Magistrates Court Act 1991*  Section 10 | | | | | | | | | Court Use  Date Filed: | |
|  | | | | | | | | | | | | |
| Registry | {{RSPCA\_sittinglocation[offence\_location].item('registry')}} | | | | | | File No | |  | | | |
| Address | {{RSPCA\_sittinglocation[offence\_location].item('street')}} | | | | | {{RSPCA\_sittinglocation[offence\_location].item('phone')}} | | | | {{RSPCA\_sittinglocation[offence\_location].item('facsimile')}} | | |
|  | *Street* | | | | | *Telephone* | | | | *Facsimile* | | |
|  | {{RSPCA\_sittinglocation[offence\_location].item('suburb')}} | | SA | {{RSPCA\_sittinglocation[offence\_location].item('postcode')}} | | | {{RSPCA\_sittinglocation[offence\_location].item('email')}} | | | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | | | |
| **Applicant** | | | | | | | | | | | | |
| Full Name | {{appl\_name}} | | | | | | | | | | | |
| Address  (Registered Address, if Body Corporate) | {{appl\_street}} | | |  | | | {{appl\_phone}} | | | | | |
|  | *Street* | | | *DX* | | | *Telephone* | | | | | |
|  | {{appl\_suburb}} | | {{appl\_state}} | {{appl\_postcode}} | | | {{appl\_email}} | | | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | | | |
| **Applicant’s Solicitor** | | | | | | | | | | | | |
| Name | {{solicitor\_name}} | | | | | | | | | | | |
| Address | {{solicitor\_street}} | | | | {{solicitor\_phone}} | | | | | {{solicitor\_fax}} | | |
|  | *Street* | | | | *Telephone* | | | | | *Facsimile* | | |
|  | {{solicitor\_suburb}} | | {{solicitor\_state}} | {{solicitor\_postcode}} | | | {{solicitor\_email}} | | | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | | | |
| **Person or property the subject of the order sought** | | | | | | | | | | | | |
| Full Name | {{def\_given\_name}} {{def\_surname}} | | | | | | | Reference | | | |  |
| Address | {{def\_street}} | | |  | | | {{def\_phone}} | | | | | |
|  | *Street* | | | *DX* | | | *Telephone* | | | | | |
|  | {{def\_suburb}} | | {{def\_state}} | {{def\_postcode}} | | | {{def\_email}} | | | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | | | |
| **Grounds of Application:**   1. The applicant is employed by the Royal Society for the Prevention of Cruelty to Animals SA Inc. (RSPCA SA Inc.) as an inspector appointed under section 28 of *the Animal Welfare Act 1985* (the Act). 2. This application is made under section 31C(2) of the Act, which states:   ***31C—Dealing with seized animals and objects***  *(2) If, on application by an inspector, a magistrate is satisfied that—*  *(a) an animal has been seized and retained under this Act; and*  *(b) legal proceedings under this Act relating to the animal are pending; and*  *(c) in the circumstances, it is impractical or unreasonable for the animal to continue to be retained until the proceedings have been concluded or otherwise terminated,*  *the magistrate may make an order authorising that the animal be sold, destroyed or otherwise disposed of as the Minister thinks fit.*   1. {{ app\_ground }}      1. An Information relating to the animals has been filed in the {{RSPCA\_sittinglocation[offence\_location].item('registry')}} to be heard on {{ format\_date(hearing\_date, format=’dd MMMM yyyy’) }} In the circumstances, it is impractical or unreasonable for the animals to continue to be retained until the criminal proceedings have been concluded or otherwise terminated for the following reasons:    1. It is in the best interests of the animals’ welfare and rehabilitation that they be re-homed to a permanent carer;    2. The animals are incurring daily care costs which are unreasonable for the RSCPA to maintain, and are costs that the RSPCA will not necessarily recover from the defendant; and   If this Application is granted, then the abovementioned person will no longer incur boarding costs. All proceeds from any sale will be held in trust until the conclusion of the proceedings when they are to be disbursed in accordance with a further order of this Court. | | | | | | | | | | | | |
| **Details of order applied for:**  Pursuant to section 31C(2) of the Animal Welfare Act 1985 the applicant seeks an order authorising that the animals in these proceedings be sold, destroyed or otherwise disposed of as the Minister thinks fit. | | | | | | | | | | | | |
| Date Applicant | | | | | | | | | | | | |

**(Details of the hearing are on the next page)**

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| --- | --- | --- | --- | --- |
| **Next hearing** | Registry: {{RSPCA\_sittinglocation[offence\_location].item('registry')}} | | | Date {{ format\_date(hearing\_date, format=’dd/MM/yyyy’) }} |
| Address: {{RSPCA\_sittinglocation[offence\_location].item('address')}} | | | Time {{hearing\_time}} am/pm |
| Telephone: {{RSPCA\_sittinglocation[offence\_location].item('phone')}} | Facsimile: {{RSPCA\_sittinglocation[offence\_location].item('facsimile')}} | Email\_Address: {{RSPCA\_sittinglocation[offence\_location].item('email')}} | |
| Date MAGISTRATES COURT | | | | |
| **IMPORTANT NOTICES**   * A copy of this application is to be served on both the Applicant and the Respondent * **If you do not attend on the hearing date, or any adjourned hearing date, orders may be made in your absence** | | | | |

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| **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 leaving a copy at the last (or most usual) place of abode with a person apparently residing there and not less than 16 years of age;  by leaving a copy at the place of business with a person apparently employed there and not less than 16 years of age;  any other method permitted by the Rules – specify:  I certify that I served the attached document in the manner described. |
| Certified this       day of       20 |