Form 2

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|  | | | INFORMATION AND SUMMONS  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Criminal Procedure Act 1921*  Sections 49, 57, 101 and 104 | | | | | | | | | Court Use  Date Filed: |
|  | | | | | | | | | | | | |
| **Highest Charge:**  Summary  Minor Indictable  Major Indictable  Cth Indictable | | | | | | | | | | | | |
| **Informant** | | | | | | | | | | | | |
| Name | {{inf\_given\_name}} {{inf\_surname}} | | | | | | | | | | | |
| Address | {{inf\_street}} | | | | | | {{inf\_phone}} | | | | {{inf\_fax}} | |
| *Street* | | | | | | *Telephone* | | | | *Facsimile* | |
| {{inf\_suburb}} | | | | {{inf\_state}} | {{inf\_postcode}} | | | {{inf\_email}} | | | |
| *City/Town/Suburb* | | | | *State* | *Postcode* | | | *Email Address* | | | |
| Informant’s References |  | | | | |  | | | | | | |
| *Reference No:* | | | | | *Instant Loss of Licence No:* | | | | | | |
| **Defendant** | | | | | | | | | | | | |
| Name | {{def\_given\_name}} {{def\_surname}} | | | | | | | | | | DOB {{ format\_date(def\_DOB, format=’dd/MM/yyyy’) }} | |
| *dd/mm/yyyy* | |
| Address | {{def\_street}} | | | | | | {{def\_phone}} | | | |  | |
| *Street* | | | | | | *Telephone* | | | | *Licence Number* | |
| {{def\_suburb}} | | | | {{def\_state}} | {{def\_postcode}} | | | {{def\_email}} | | | |
| *City/Town/Suburb* | | | | *State* | *Postcode* | | | *Email Address* | | | |
| **Offence details:**  {%p for index in range(count.current\_index()+1) %}  {%p if count.item(index).dateTo == "" %}  {%p if count.item(index).countSection == 0 %}  **Count {{ (index+1) }}**  On {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant ill-treated an animal, with the ill-treatment causing serious harm to the animal, namely {{count.item(index).offenceAnimal}}.  Section 13(1) of the *Animal Welfare Act 1985.*  This is a Minor Indictable Offence.  *This is a presumptive disqualification offence pursuant to reg 15A of the Child Safety (Prohibited Persons) Regulations 2019.*  **Particulars**  {%p if count.item(index).particularSection == 0 %}  The defendant intentionally, unreasonably or recklessly caused the animal unnecessary harm. [Insert details/harm]    Section 13(3)(a) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 1 %}  The defendant, being the owner of the animal, failed to provide it with appropriate and adequate food and water.    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 2 %}  The defendant, being the owner of the animal, failed to provide adequate exercise [Insert description].    Section 13(3)(b)(i) of the *Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 3 %}  The defendant, being the owner of the animal, failed to provide appropriate and adequate food, water, and living conditions (whether temporary or permanent). [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 4 %}  The defendant being the owner of the animal failed to take reasonable steps to mitigate harm. [Describe harm].    Section 13(3)(b)(ii) of the*Animal Welfare Act 1985*  {%p endif %}  {%p if count.item(index).particularSection == 5 %}  The defendant, being the owner of the animal, abandoned the animal [describe abandonment/harm]    Section 13(3)(b)(iii) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 6 %}  The defendant being the owner of the animal neglected the animal so as to cause it harm. [Describe neglect/harm]    Section 13(3)(b)(iv) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 1 %}  **Count {{ (index+1) }}**  On {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant ill-treated an animal, with the ill-treatment causing serious harm to the animal, namely {{count.item(index).offenceAnimal}}.  Section 13(2) of the *Animal Welfare Act 1985.*  This is a Summary Offence.  *This is a presumptive disqualification offence pursuant to reg 15A of the Child Safety (Prohibited Persons) Regulations 2019*.  **Particulars**  {%p if count.item(index).particularSection == 0 %}  The defendant intentionally, unreasonably or recklessly caused the animal unnecessary harm. [Insert details/harm]    Section 13(3)(a) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 1 %}  The defendant, being the owner of the animal, failed to provide it with appropriate and adequate food and water.    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 2 %}  The defendant, being the owner of the animal, failed to provide adequate exercise [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 3 %}  The defendant, being the owner of the animal, failed to provide appropriate and adequate food, water, and living conditions (whether temporary or permanent). [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 4 %}  The defendant being the owner of the animal failed to take reasonable steps to mitigate harm. [Describe harm].    Section 13(3)(b)(ii) of the*Animal Welfare Act 1985*  {%p endif %}  {%p if count.item(index).particularSection == 5 %}  The defendant, being the owner of the animal, abandoned the animal [describe abandonment/harm]    Section 13(3)(b)(iii) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 6 %}  The defendant being the owner of the animal neglected the animal so as to cause it harm. [Describe neglect/harm]    Section 13(3)(b)(iv) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 2 %}  **Count {{ (index+1) }}**  On {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant, being a person in relation to whom an animal welfare notice under section 31B(1) of the *Animal Welfare Act 1985* was in force has been given, refused or failed to comply with a direction or requirement set out in that notice, contrary to Section 31B(2) of the *Animal Welfare Act 1985.*  This is a Summary Offence  **Particulars**  The defendant was given an Animal Welfare Notice on [date], directing or requiring the defendant to [insert what the direction or requirement was] by [date – deadline for compliance]. The defendant failed to comply with the notice by [insert details].  {%p endif %}  {%p if count.item(index).countSection == 3 %}  **Count {{ (index+1) }}**  On {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant, being a person in relation to whom an order under section 32A(1) of the *Animal Welfare Act 1985* was in force, failed to comply with that order, contrary to Section 32A(2) of the *Animal Welfare Act 1985.*  This is a Summary Offence  **Particulars**  The defendant was subject to an order made in the [courtName] Magistrates Court on [date] prohibiting [details of order] until further order. [insert details]  {%p endif %}  {%p else %}  {%p if count.item(index).countSection == 0 %}  **Count {{ (index+1) }}**  Between {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} and {{ format\_date(count[index].dateTo, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant ill-treated an animal, with the ill-treatment causing serious harm to the animal, namely {{count.item(index).offenceAnimal}}.  Section 13(1) of the *Animal Welfare Act 1985.*  **Particulars**  {%p if count.item(index).particularSection == 0 %}  The defendant intentionally, unreasonably or recklessly caused the animal unnecessary harm. [Insert details/harm]    Section 13(3)(a) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 1 %}  The defendant, being the owner of the animal, failed to provide it with appropriate and adequate food and water.    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 2 %}  The defendant, being the owner of the animal, failed to provide adequate exercise [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 3 %}  The defendant, being the owner of the animal, failed to provide appropriate and adequate food, water, and living conditions (whether temporary or permanent). [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 4 %}  The defendant being the owner of the animal failed to take reasonable steps to mitigate harm. [Describe harm].    Section 13(3)(b)(ii) of the*Animal Welfare Act 1985*  {%p endif %}  {%p if count.item(index).particularSection == 5 %}  The defendant, being the owner of the animal, abandoned the animal [describe abandonment/harm]    Section 13(3)(b)(iii) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 6 %}  The defendant being the owner of the animal neglected the animal so as to cause it harm. [Describe neglect/harm]    Section 13(3)(b)(iv) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 1 %}  **Count {{ (index+1) }}**  Between {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} and {{ format\_date(count[index].dateTo, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant ill-treated an animal, with the ill-treatment causing serious harm to the animal, namely {{count.item(index).offenceAnimal}}.  Section 13(2) of the *Animal Welfare Act 1985.*  **Particulars**  {%p if count.item(index).particularSection == 0 %}  The defendant intentionally, unreasonably or recklessly caused the animal unnecessary harm. [Insert details/harm]    Section 13(3)(a) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 1 %}  The defendant, being the owner of the animal, failed to provide it with appropriate and adequate food and water.    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 2 %}  The defendant, being the owner of the animal, failed to provide adequate exercise [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 3 %}  The defendant, being the owner of the animal, failed to provide appropriate and adequate food, water, and living conditions (whether temporary or permanent). [Insert description].    Section 13(3)(b)(i) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 4 %}  The defendant being the owner of the animal failed to take reasonable steps to mitigate harm. [Describe harm].    Section 13(3)(b)(ii) of the*Animal Welfare Act 1985*  {%p endif %}  {%p if count.item(index).particularSection == 5 %}  The defendant, being the owner of the animal, abandoned the animal [describe abandonment/harm]    Section 13(3)(b)(iii) of the*Animal Welfare Act 1985.*  {%p endif %}  {%p if count.item(index).particularSection == 6 %}  The defendant being the owner of the animal neglected the animal so as to cause it harm. [Describe neglect/harm]    Section 13(3)(b)(iv) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 2 %}  **Count {{ (index+1) }}**  Between {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} and {{ format\_date(count[index].dateTo, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant, being a person in relation to whom an animal welfare notice under section 31B(1) of the *Animal Welfare Act 1985* was in force has been given, refused or failed to comply with a direction or requirement set out in that notice, contrary to Section 31B(2) of the *Animal Welfare Act 1985.*  **Particulars**  The defendant was given an Animal Welfare Notice on [date], directing or requiring the defendant to [insert what the direction or requirement was] by [date – deadline for compliance]. The defendant failed to comply with the notice by [insert details].  {%p endif %}  {%p if count.item(index).countSection == 3 %}  **Count {{ (index+1) }}**  Between {{ format\_date(count[index].dateFrom, format=’dd MMMM yyyy’) }} and {{ format\_date(count[index].dateTo, format=’dd MMMM yyyy’) }} at {{count.item(index).offenceLocation}}, in the State of South Australia, the defendant, being a person in relation to whom an order under section 32A(1) of the *Animal Welfare Act 1985* was in force, failed to comply with that order, contrary to Section 32A(2) of the *Animal Welfare Act 1985.*  **Particulars**  The defendant was subject to an order made in the [courtName] Magistrates Court on [date] prohibiting [details of order] until further order. [insert details]  {%p endif %}  {%p endif %}  {%p endfor %}  **{{offence\_location}}** | | | | | | | | | | | | |
| **Other orders sought:** (forfeiture, compensation, additional penalty, destruction or the like – Rule 15.03)  {%p if req\_orders == ‘Yes’ %}  {%p if order\_other.all\_true(‘Section 32A(1)(aa)’)%}  That the defendant is required to care for [animals], owned by the defendant, in accordance with the following condition/s for the period of [until or period], per s32A(1)(aa) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p if order\_other.all\_true(‘Section 32A(1)(a)’)%}  That the defendant is directed to surrender the [animal], owned by the defendant and is subject of the offence, to an inspector, per s 32A(1)(a) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p if order\_other.all\_true(‘Section 32A(1)(b)’)%}  That the defendant is directed to surrender [animals not subject of the offence] owned by the defendant to an inspector, per s 32A(1)(b) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p if order\_other.all\_true(‘Section 32A(1)(c)’)%}  That any animal owned by the defendant/s that has been surrendered or seized be forfeited to the Crown, per s 32A(1)(c) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p if order\_other.all\_true(‘Section 32A(1)(d)’)%}  That the defendant is forbidden from acquiring, or having custody of any other animal, until further notice or for a specified period, per s 32A(1)(d) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p if order\_other.all\_true(‘Section 32A(1)(e)’)%}  That the [object] that is property of the defendant and is the subject of the offence or used by the person in the commission of the offence be forfeited to the Crown, per s 32A(1)(e) of the *Animal Welfare Act 1985*.  {%p endif %}  {%p endif %} | | | | | | | | | | | | |
| Date INFORMANT WITNESS  (Registrar, Deputy Registrar or Justice of the Peace)  (Not required if Informant is a Public Authority) | | | | | | | | | | | | |
| **Hearing details** | | Registry: {{RSPCA\_sittinglocation[offence\_location].item('name')}} | | | | | | | | Date {{ format\_date(hearing\_date, format=’dd/MM/yyyy’) }} | | |
| Address: {{RSPCA\_sittinglocation[offence\_location].item('address')}} | | | | | | | | Time {{ format\_time(hearing\_time, format=’h:mm a’)}} | | |
| Telephone: {{RSPCA\_sittinglocation[offence\_location].item('phone')}} | | Facsimile: {{RSPCA\_sittinglocation[offence\_location].item('facsimile')}} | | | | Email\_Address: {{RSPCA\_sittinglocation[offence\_location].item('email')}} | | | | |
| Date MAGISTRATE / REGISTRAR / JUSTICE OF THE PEACE | | | | | | | | | | | | |
| **IMPORTANT NOTICES TO THE DEFENDANT**  If you fail to appear on the hearing date set out above or on any day to which this matter is adjourned the Court may:   * proceed in your absence, or * issue a warrant for your arrest | | | | | | | | | | | | |

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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 |