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 {{count[index].dateFrom}} 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 Indicatable 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, 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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 1 %}  **Count {{ (index+1) }}**  On {{count[index].dateFrom}} 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 s 15A of the Child Safety (Prohibited Persons) Regulations 2019*.  **Particulars**  {%p if count.item(index).particularSection == 0 %}  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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 2 %}  **Count {{ (index+1) }}**  On {{count[index].dateFrom}} 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  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].  **Particulars**  {%p if count.item(index).particularSection == 0 %}  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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 3 %}  **Count {{ (index+1) }}**  On {{count[index].dateFrom}} 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  The defendant was subject to an order made in the xxxxx Magistrates Court on xxxx prohibiting her from acquiring or having custody of cats until further order. From 30 October 2020 to 28 January 2021 the defendant had 6 cats in her custody.  **Particulars**  {%p if count.item(index).particularSection == 0 %}  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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p else %}  {%p if count.item(index).countSection == 0 %}  **Count {{ (index+1) }}**  Between {{count[index].dateFrom}} and {{count[index].dateTo}} 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, 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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 1 %}  **Count {{ (index+1) }}**  Between {{count[index].dateFrom}} and {{count[index].dateTo}} 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, 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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 2 %}  **Count {{ (index+1) }}**  Between {{count[index].dateFrom}} and {{count[index].dateTo}} 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**  {%p if count.item(index).particularSection == 0 %}  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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p if count.item(index).countSection == 3 %}  **Count {{ (index+1) }}**  Between {{count[index].dateFrom}} and {{count[index].dateTo}} 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**  {%p if count.item(index).particularSection == 0 %}  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 == 1 %}  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 == 2 %}  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 == 3 %}  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 == 4 %}  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 if count.item(index).particularSection > 4 %}  {{ count[index].particularDetails }}  {%p endif %}  {%p endif %}  {%p endif %}  {%p endfor %}  **{{offence\_location}} 🡪 This variable from Liam’s list**  Alternative charge: | | | | | | | | | | | | |
| **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 an is the 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 to 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).  {%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).  {%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).  {%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 {{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 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 |