Form 3

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|  | | | INFORMATION AND SUMMONS WITH WRITTEN GUILTY PLEA  **Magistrates Court of South Australia**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  *Criminal Procedure Act 1921*  Sections 49, 57 and 57A | | | | | | | | | 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 causes 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 causes 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 causes 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 causes 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 | | | | | | | | | | | | |
| **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**  After receiving this notice you **must** follow the instructions below. The set of instructions you need to follow will depend on whether you intend to plead guilty or not guilty.  If you fail to follow these instructions the Court may:   * proceed in your absence, or * issue a warrant for your arrest   If the Court proceeds in your absence you may be convicted and/or fined for the offences set out earlier in this Form. | | | | | | | | | | | | |
| **If you intend to plead guilty**   * Attend at Court either in person or through a solicitor, **OR** * Fill out the ‘Written Guilty Plea’ below and have it witnessed by a Justice of the Peace, Solicitor or Police Officer and send it to the Court registry to which you were summonsed not less than 5 days before the hearing date.   Note: if you wish to apply to reduce the demerit points attracted by this offence you must attend at court to give evidence. | | | | | | | | | | | | |
| **Written Guilty Plea**   * I am the defendant in this matter * I wish to plead guilty to the charge/s * I wish to say: (attach sheet if insufficient space) | | | | | | | | | | | | |
| Date DEFENDANT    WITNESS JP, Solicitor or Police Officer number | | | | | | | | | | | | |
| **If you intend to plead not guilty**   * Attend at court or have a solicitor attend for you and indicate a not guilty plea. * You will be expected to have discussed the issues in detail with the informant, or their representative, prior to a trial date being set. | | | | | | | | | | | | |

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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 |