

19 JUN 2009

Form 9—Application for a direction or ruling

(rule 42)

**MAGISTRATES COURT:
BEENLEIGH**

Court File Number MAG-241937/08(5)

RSPCA against Geraldine Fooi-Fong Robertson

Re: Application for a direction or ruling by Geraldine Robertson (Defendant)

I, Geraldine Fooi-Fong Robertson of 17-23 Buccan Road, Buccan, Qld. 4207 make application to the MAGISTRATES COURT at Beenleigh for:

1. That the Complainant (or RSPCA) provide the Defendant with her boarding card records for the previous two years up to 22nd February 2008.

The application will be heard at Beenleigh on 3/7/09 ^{9-00 am} in MAGISTRATES COURT at Cnr Kent and James Street, Beenleigh, Qld. 4207

The following witnesses or other persons are required to attend at the hearing of the application—

I rely on, my, Geraldine Fooi-Fong Robertson affidavit sworn 19th June 2009.

Geraldine Fooi-Fong Robertson of 17-23 Buccan Road, Buccan Qld 4207.

[Notice to applicant

1. A copy of this application must be served on the respondent at least 2 clear days before the day on which the application is to be heard, unless the respondent agrees to receiving them later.

2. You must state the nature of the direction or ruling sought and whether or not a witness or anyone else will be required to attend the hearing of the application.]

Geraldine Robertson (Defendant)



Date: 19th June 2009

Place: Beenleigh

This application is to be served on: RSPCA

Application for a direction or ruling

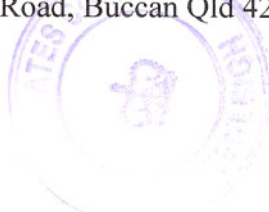
Filed on behalf of: Defendant Geraldine Fooi-Fong Robertson

Address for service: 17-23 Buccan Road, Buccan Qld 4207

Telephone: 3200 5262

Form 9

(rule 42)



19 JUN 2009

Animal Care and
Protection Act 2001

Queensland
Justices Act 1886

In the Magistrates Court at Beenleigh
In the Matter of Geraldine Fooi-Fong Robertson and
In the Matter of the Complaint of Tracey Jackson.

AFFIDAVIT OF GERALDINE FOOI-FONG ROBERTSON

I, Geraldine Fooi-Fong Robertson of 17-23 Buccan Road, Buccan state on oath:

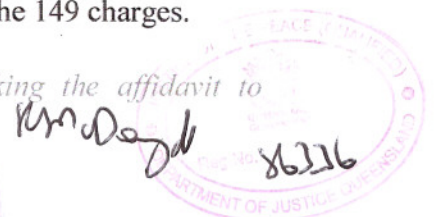
1. I am the Defendant.
2. On the 22nd February 2008 RSPCA Inspectors Daniel Young, Shayne Towers-Hammond and Lawrence Stageman seized all my records and other valuables (personal property, cash, jewellery, banking records, tax records and legally privileged records including my computer and all the correspondence on it to my then lawyers). Included in these records were my boarding kennel records (cards).
3. I have been managing my "Waterford Boarding Kennels and Cattery" business since 1992.
4. Every year more than 200 people have been leaving their pets with me for short and long periods. Pet owners going camping over a long week end, business trips, personal emergencies, breeders from interstate and local who are busy showing dogs and cannot attend to them whilst they were attending dog shows, breeders who have exceeded their numbers, customers going away for Easter and Christmas, or on overseas holidays, Families in dispute/divorcing, moving houses, where the landlord has told them they cannot have a dog, people who have some problem with their facilities such as hostile neighbours, earth works or building in their back yard. All sorts of people for all sorts of reasons were boarding their dogs with me.
5. On the 9th January 2008 all the dogs in my custody were seized by RSPCA. About 50 of these dogs belonged to my customers. I cannot remember who these people are or how to contact them with the exception of several people including Benji-Pet Kennels who are suing me for the loss of their dogs in my custody and seized by RSPCA. All this information was recorded on the records RSPCA seized.
6. To help settle the dogs better, I usually accompany my boarding customers and their dogs to the kennels where they place their dogs into the kennels. On their return to pick up their dogs, I also accompany my customers to the kennels to pick up their dogs out of the kennels.
7. My boarding customers would have seen the conditions of my kennels. They will be able to testify to the conditions of my kennels in my defence of the 149 charges.

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Signed: *(deponent[s] to sign)*

G. Robertson

Taken by: *(person taking the affidavit to sign)*



8. For a proper defence of these 149 charges, I need these witnesses to give evidence of the condition of my kennels in years, months, weeks and days before my dogs were seized by RSPCA on the 9th January 2008.
9. RSPCA lied that they have given me copies of these records. I have received my records of over 5 years old from RSPCA and they are useless to me to be able to identify my witnesses. The Boarding Records or photocopies of these records of the last 5 years have not been provided to me by RSPCA.
10. I have been through all the photocopies of the records provided to me by RSPCA and have not seen any of these records in the photocopies.
11. In the previous two months before seizure about more than 30 people would have placed their dogs into my kennels and retrieved their dogs from my kennels and will be witnesses to the condition of my kennels at that time.
12. To date I have been only able to contact two such customers as I did not have a memory of all the others. Both these customers were contacted by RSPCA in an improper manner before my hearing in the Brisbane Magistrates Court for the return of my dogs.
13. My customers paid cash and the only record of their visits to my kennels are on those kennel boarding cards. I have no other way of identifying these customers/ witnesses.
14. If RSPCA cannot or will not produce these records then I will not be able to receive a fair trial (Natural Justice) as the records of some 400 potential witnesses of the past two years have been removed from my possession and knowledge by RSPCA Inspectors.

Sworn by Geraldine Fooi-Fong Robertson on 19th June 2009

at (place) Beenleigh in the presence of:

Signed:  (ponent[s] to sign)

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Taken by: (person taking the affidavit to sign)

