

MAGISTRATES COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: M6213/08

Appellant: Geraldine Fooi-Fong Robertson

First Respondent: The Chief Executive,
Department of Primary Industries and Fisheries

Second Respondent: The Royal Society for the Prevention of
Cruelty to Animals Queensland Inc

ORDER

Before: Magistrate Bradford-Morgan

Date: 30 July 2008

Initiating Document: Notice of Appeal lodged 19 May 2008

THE ORDER OF THE COURT IS THAT:

1. Application filed 28 July 2008 in relation to discovery adjourned to 5 August 2008.
2. By Consent, I direct that the 2nd Respondent be given liberty to direct all communication with the Applicant via:
Email to: neigerpoodle@gmail.com
Hard Copy to: 17-23 Buccan Road, Buccan Queensland 4207.
3. Order that Paragraphs 2, 3, 4 and 5 in the Grounds of Appeal be struck out on the grounds that they are not relevant to the matters in law that are relevant to the appeal and the decision for forfeiture by the Department.
4. Order that Paragraph 12 of the Grounds of Appeal be struck out in light of the submission that Ms Graham forms no part of the Department of Primary Industries or the RSPCA. It is irrelevant to the decision made by the first and second respondent in relation to the Applicant's animals.
5. Order that Paragraphs 13 and 14 be struck out. It is my view that they also form part of the general allegations in paragraphs 2, 3, 4 and 5. I am satisfied they are not relevant to the appeal and they are not probative in any way.
6. I strike out the Statutory Declaration of John Phillip Dougall on the grounds that it is inadmissible, because it is so removed in time as to be of no probative value in relation to the forfeiture.



7. In respect to the Applicant's 12 page Affidavit sworn 28 July 2008 which the parties have agreed will form part of the grounds of appeal, I strike out Paragraphs 2 and 9 on the basis that they are not relevant.
8. In respect to Paragraph 10 of the Affidavit, I strike out all words after the words "my filing cabinet".
9. In respect to Paragraph 11 of the Affidavit, I strike out the first two sentences of that paragraph.
10. In respect to Paragraph 12 of the Affidavit, I strike all wording except the words in the first sentence.
11. Paragraph 13 is struck out.
12. Paragraph 17,19 and 20 are struck out
13. Paragraphs 21 to 24 inclusive are struck out.
14. In respect to Paragraph 25 of the Affidavit, I strike out all wording after the words "my dogs were stolen by the RSPCA".
15. Paragraphs 44, 45, 46, 47, 48, 49 and 50 are stuck out.
16. Paragraphs 56 and 57 are struck out.
17. Paragraphs 62, 63, 64, 65, 67 and 68 are struck out.
18. I direct that the First Respondent file all material to be relied upon by the respondents at the hearing by 4.00pm on 4 August 2008.
19. I further direct that any further applications or affidavit material sought to be lodged by the Applicant Ms Robertson, be filed and served by 12noon on Friday 1st August 2008 to give the respondents time to consider the material before the next hearing on 5 August 2008.

Signed

A. Jacobi
Deputy Registrar
1 July 2010/SBANE

