

Prevention of Cruelty to Animals Instrument of Delegation 2020

under the

Prevention of Cruelty to Animals Act 1979

I, GARY BARNES, Secretary of Regional NSW, in pursuance of section 34C of the *Prevention of Cruelty to Animals Act 1979*, make the following Instrument of Delegation.

Dated this 21 day of August 2020



GARY BARNES,

Secretary

Regional NSW

Explanatory note

This Instrument is made under section 34C of the *Prevention of Cruelty to Animals Act 1979*. The object of this Instrument is to delegate functions conferred or imposed on the Secretary by or under the *Prevention of Cruelty to Animals Act 1979*.

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1 Name

This Instrument is the Prevention of Cruelty to Animals Instrument of Delegation 2020.

2 Commencement

This Instrument commences on the day on which it is signed.

3 Interpretation

(1) In this Instrument:

function includes a power, authority or duty, and *exercise* a function includes perform a duty.

Senior Executive Band 1 means a senior executive employed by the Department in Band 1 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

Senior Executive Band 2 means a senior executive employed by the Department in Band 2 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

Senior Executive Band 3 means a senior executive employed in the Department in Band 3 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

the Act means the *Prevention of Cruelty to Animals Act 1979*.

the Department means the Department of Primary Industries within Regional NSW.

the Regulation means the *Prevention of Cruelty to Animals Regulation 2012*.

(2) The summary of a function delegated in Column 2 of Schedules 2 and 3 is only for general explanation and does not limit the delegation of a function under the provisions identified in Column 1 of those Schedules except to the extent that it is clearly identified as a limitation pursuant to clause 4(3).

4 Delegation of functions

- (1) The functions conferred or imposed on the Secretary under the Act in Column 1 of Schedules 2 and 3 are delegated to any person assigned to the delegate category specified in Column 3 of Schedules 2 and 3.
- (2) Delegate categories are defined in Schedule 1 by the letter A to C. Each delegate category specified in Column 1 of Schedule 1 has the meaning specified adjacent to that letter in Column 2 of the table.
- (3) Any limitation on a delegation is specified in Column 4 (if any) of Schedules 2 and 3.
- (4) The person assigned to a delegate band or grade specified in Column 2 of Schedule 1 and 2 includes any person who is for the time being acting in that band or at that grade.

5 Revocation of Prevention of Cruelty to Animals Instrument of Delegation 2018

Pursuant to section 34C of the Act, the *Prevention of Cruelty to Animals Instrument of Delegation 2018* published in NSW Government Gazette No. 24 of 2 March 2018 at pages 842 to 843 is revoked, as is any instrument of delegation revived as a result of this revocation.

Schedule 1 – Delegate categories

Column 1	Column 2
Delegate Category	Delegate Band or Grade
A	A Senior Executive Band 3.
B	A Senior Executive Band 3. A Senior Executive Band 2.
C	A Senior Executive Band 3. A Senior Executive Band 2. A Senior Executive Band 1.

Schedule 2 – Prevention of Cruelty to Animals Act 1979

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate category	Column 4 Limitation (if any)
Part 2A, Powers of officers			
24D(2)	Issue an officer with an authority under Part 2A, Division 2 of the Act and revoke such an authority.	A	
Part 2B, Power of Secretary to authorise seizure and disposal of stock animals			
24P(1)	Issue an official warning of intention to authorise the seizure and disposal of an animal.	B	
24P(3)(a)	Constitute a Stock Welfare Panel.	B	
24P(3)(b)	Consider the Stock Welfare Panel's Report.	B	
24P(6)	Revoke an official warning and extend period for compliance with an official warning.	B	
24Q	Authorise an inspector to seize and dispose of an animal.	B	
24R	Authorise a person to act on behalf of the Crown to recover certified disposal costs.	B	
24T	Determine the procedure of a Stock Welfare Panel.	C	

Schedule 3 – Prevention of Cruelty to Animals Regulation 2012

Column 1	Column 2	Column 3	Column 4
Clause	Summary of functions delegated	Delegate category	Limitation (if any)
Part 5, Enforcement			
31A(1)(a) and (3)	Consider the inclusion of a member of NSW Farmers' Association as a member of a Stock Welfare Panel.	B	