

Animal Research Instrument of Delegation 2020

under the

Animal Research Act 1985

I, GARY BARNES, Secretary of Regional NSW, in pursuance of section 59A of the *Animal Research Act 1985*, 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 59A of the *Animal Research Act 1985*. The object of this Instrument is to delegate functions conferred or imposed on the Secretary by or under the *Animal Research Act 1985*.

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1 Name

This Instrument is the Animal Research Instrument of Delegation 2020.

2 Commencement

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

3 Interpretation

(1) In this Instrument:

Administrative and Clerical Officer Grade 9 or above means a person employed by the Department as an Administrative and Clerical Officer at Grade 9 or above under the Crown Employees (Administrative and Clerical Officers - Salaries) Award 2007 in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

Crown Employees Award means the Crown Employees (Public Sector – Salaries 2019) Award approved by the NSW Industrial Relations Commission, as amended, consolidated or replaced from time to time.

Food Safety Officer Grade 5 or above means a person employed by the Department as a Food Safety Officer at Grade 5 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Food Safety Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

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

Professional Officer Grade 6 or above means a person employed by the Department at Grade 6 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Professional Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

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.

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.

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.

the Act means the *Animal Research Act 1985*.

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

the Regulation means the *Animals Research Regulation 2010*.

- (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 D. 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 includes any person who is for the time being acting in that band or at that grade.

5 Revocation of Animal Research Instrument of Delegation 2019

Pursuant to section 59A of the Act, the Animal Research Instrument of Delegation 2019 published in NSW Government Gazette No. 18 of 28 February 2019 at pages 441 to 448 is revoked, as is any instrument of delegation revived as a result of this revocation.

Schedule 1 – Delegate categories

Column 1 Delegate Category	Column 2 Delegate Band or Grade
A	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p>
B	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>A Senior Executive Band 1 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p>
C	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2, with responsibility for administering the Secretary's animal care and ethics committee for the purpose of supervising the animal research carried out by holders of animal research authorities.</p> <p>A Senior Executive Band 1, with responsibility for administering the Secretary's animal care and ethics committee for the purpose of supervising the animal research carried out by holders of animal research authorities.</p>
D	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2, with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>A Senior Executive Band 1, with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>An Administrative and Clerical Officer Grade 9 or above.</p> <p>A Professional Officer Grade 6 or above.</p> <p>A Food Safety Officer Grade 5 or above.</p>

Schedule 2 – Animal Research Act 1985

Column 1	Column 2	Column 3	Column 4
Section	Summary of functions delegated	Delegate category	Limitation (if any)
Part 2, The Animal Research Review Panel			
10	Cause an inspection.	B	
Part 3, Animal care and ethics committees			
13(3)	Appoint animal care and ethics committees.	C	
Part 4, Accreditation and licencing			
18	Approve application form for accreditation as a research establishment.	B	
19	Refer application for accreditation to the Panel for investigation.	D	
20(1)	Determine application for accreditation as a research establishment.	D	
20(3)	Cause notice of a refusal to accredit a research establishment to be served on applicant.	D	
20(5)	Issue a certificate of accreditation to each corporation accredited as a research establishment.	D	
20(6)	Approve the form for a certificate of accreditation for an accredited research establishment.	B	

Column 1	Column 2	Column 3	Column 4
Section	Summary of functions delegated	Delegate category	Limitation (if any)
21	Determine period of accreditation following cancellation or suspension.	D	
23	Refer complaint to the Panel in respect of an accredited research establishment.	D	
24(1)	Determine complaint in relation to an accredited research establishment including determining the period of suspension.	B	
24(2)	Serve notice of the intention to cancel or suspend the accreditation of a research establishment and consider any submissions received from the establishment	B	
24(3)	Cause written notice of determination to be served on the research establishment and complainant.	B	
25	Issue an authority for an individual to carry out animal research.	C	
25A	Approve form of an animal research authority application. Determine applications of an animal research authority application. Cause written notice of refusal to be served on the applicant for the authority.	C	
26(1)(a)	Approve form of animal	B	

Column 1	Column 2	Column 3	Column 4
Section	Summary of functions delegated	Delegate category	Limitation (if any)
	research authority.		
26(5)	Determine form and manner of application for the concurrence of the Minister.	B	
28A	Refer complaint to the Panel in respect of an animal research authority.	D	
28B(1)	Determine complaint in relation to an animal research authority, including determining the period of suspension.	B	
28B(2)	Serve notice of the intention to cancel or suspend an authority and consider any submissions received from the holder of the authority	B	
28B(3)	Cause written notice of determination to be served.	B	
28B(6)	Cause notice of cancellation to be given to accredited research establishment.	B	
37	Approve form for application for an animal supplier's licence.	B	
38	Refer application for animal supplier's licence to the Panel for investigation.	D	
39(1)	Determine application for animal supplier's licence.	D	
39(3)	Cause a notice of refusal to be served on the applicant.	D	

Column 1	Column 2	Column 3	Column 4
Section	Summary of functions delegated	Delegate category	Limitation (if any)
40	Approve form of animal supplier's licence.	B	
43	Refer complaint to the Panel in respect of an animal supplier's licence.	D	
44(1)	Determine complaint in relation to an animal supplier's licence, including determining the period of suspension.	B	
44(2)	Serve notice of the intention to cancel or suspend the holder of the licence and consider any submissions received from the holder of the licence	B	
44(3)	Cause written notice of determination to be served.	B	
Part 6, Inspectors			
49	Appoint inspectors and cause inspectors to be issued with a certificate of identification.	B	
Part 7, Supplementary			
57	Instituting proceedings for offences	A	
59	Sign evidentiary certificate	B	

Schedule 3 – Animal Research Regulation 2010

Column 1	Column 2	Column 3	Column 4
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Clause	Summary of functions delegated	Delegate category	Limitation (if any)
13	Being satisfied that requiring payment of a fee by the school would be an unreasonable imposition.	B	
24	Approve form of report.	B	
25	Waive or refund all or part of any fee payable under the Act or Regulation.	B	
Schedule 3, Item 9	Approve form of declaration made by relevant animal ethics committee.	B	