

Prevention of Cruelty to Animals Act 1986

Instrument of Delegation

I, Simon Phemister, Department Head of the Department of Jobs, Precincts and Regions, pursuant to the power of delegation in section 38(2) of the *Prevention of Cruelty to Animals Act 1986* (the Act), delegate to all persons or class of persons holding, occupying or performing the duties of the positions specified in Column 1 all the powers, duties and functions under the Act specified in Column 2 and described in Column 3 of the Table in the Schedule to this Instrument of Delegation. All delegated powers, duties and functions under this instrument are subject to any conditions specified in Column 4 of the Table in Schedule 1 to the Instrument of Delegation.

The descriptions in Column 3 of the Table in the Schedule are for convenience only and do not affect the nature or extent of the power, duty or function to which the description refers and do not impose any special conditions on the exercise of the powers, duties or functions.

I revoke the previous Instrument of Delegation under section 38(2) of the Act, dated 5 November 2020.

This Instrument of Delegation commences on signing.

Definitions

The following definitions apply in this Instrument:

- **Chief Commissioner** means the Chief Commissioner of Police appointed under section 17 of the **Victoria Police Act 2013**.
- **Chief Executive Officer, Council** has the same meaning as Chief Executive Officer in section 5 of the **Local Government Act 1989**.
- **Director of Legal Services** means the Director of Legal Services, Victoria Police.
- **DELWP** means Department of Environment, Land, Water and Planning.
- **POCTA Inspector** means a general inspector or a specialist inspector within the meaning of the **Prevention of Cruelty to Animals Act 1986**.
- **Regulations** means the Prevention of Cruelty to Animals Regulations **2019**.
- **RSPCA Victoria** means the Royal Society for the Prevention of Cruelty to Animals (Victoria).
- **Senior Police Officers** means any police officer within the meaning of the **Victoria Police Act 2013** of the rank of Chief Commissioner, Deputy Commissioner, Assistant Commissioner, commander, chief superintendent, superintendent, chief inspector or inspector, all ranks having the same meaning as defined in the **Victoria Police Act 2013**.

Dated this 8 day of July 2021



.....

Simon Phemister

Department Head, Department of Jobs, Precincts and Regions

Schedule

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17	License a person to operate rodeos.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17B(1)	Issue a permit to a person to operate the rodeo specified in the permit.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17B(2)	Issue a permit to a person to operate the rodeo school specified in the permit.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17C(3)	Request further information in relation to an application for a rodeo licence, rodeo permit or rodeo school permit.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17D	Refuse to grant or issue a rodeo licence, rodeo permit or rodeo school permit.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 17E(1)	Impose a condition on a rodeo licence, rodeo permit or rodeo school permit or class of licence or permit.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Chief Veterinary Officer Deputy Chief Veterinary Officer	Section 20A(1)	By notice published in the Government Gazette, declare that the welfare of class or classes of animal is at risk due to an existing emergency.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Chief Veterinary Officer Deputy Chief Veterinary Officer	Section 20A(3)	By notice published in the Government Gazette, revoke declaration of emergency under 20A(1) as soon as possible after being satisfied that the emergency no longer exists.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Chief Veterinary Officer Deputy Chief Veterinary Officer State Biosecurity Coordinator	Sections 20A(5) & (6)	Appoint in writing a person to be a General Inspector during an emergency for a period specified in the instrument.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria</p> <p>Deputy Secretary, Agriculture</p> <p>Executive Director, Biosecurity Services</p> <p>Executive Director, Animal Welfare Victoria</p> <p>Chief Veterinary Officer</p> <p>Deputy Chief Veterinary Officer</p> <p>Director, Animal Health and Welfare</p> <p>Director, Pets and Animal Welfare</p> <p>Director, Agriculture Regulatory Assurance</p> <p>Chief Conservation Regulator, DELWP</p> <p>Director Regulatory Operations, Conservation Regulator, DELWP</p> <p>Senior Manager State-wide Services, Conservation Regulator, DELWP</p> <p>Chief Executive Officer, RSPCA Victoria</p> <p>Head of Operations, RSPCA Victoria</p> <p>Head of Inspectorate, RSPCA Victoria</p> <p>Chief Executive Officer, Council</p> <p>Senior Police Officers</p> <p>General Manager, Greyhound Racing Integrity Unit, Greyhound Racing Victoria.</p>	<p>Section 24G</p>	<p>Give written approval to a POCTA inspector to apply to a magistrate for the issue of a search warrant allowing the POCTA inspector to do certain things, including enter and seize an animal from premises.</p>	<p>Nil</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria</p> <p>Deputy Secretary, Agriculture</p> <p>Executive Director, Biosecurity Services</p> <p>Executive Director, Animal Welfare Victoria</p> <p>Chief Veterinary Officer</p> <p>Deputy Chief Veterinary Officer</p> <p>Director, Animal Health and Welfare</p> <p>Director, Pets and Animal Welfare</p> <p>Director, Agriculture Regulatory Assurance</p> <p>Chief Conservation Regulator, DELWP</p> <p>Director Regulatory Operations, Conservation Regulator, DELWP</p> <p>Senior Manager State-wide Services, Conservation Regulator, DELWP</p> <p>Chief Executive Officer, RSPCA Victoria</p> <p>Head of Operations, RSPCA Victoria</p> <p>Head of Inspectorate, RSPCA Victoria</p> <p>Chief Executive Officer, Council</p> <p>Senior Police Officers</p> <p>General Manager, Greyhound Racing Integrity Unit, Greyhound Racing Victoria.</p>	<p>Section 24K</p>	<p>Give written approval to a POCTA inspector to apply to a magistrate for the issue of a search warrant allowing the POCTA inspector to enter premises on which there are things connected with a contravention of the Act or the Regulations.</p>	<p>Nil</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Executive Director, Animal Welfare Victoria Chief Veterinary Officer Deputy Chief Veterinary Officer Director, Animal Health and Welfare Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Chief Conservation Regulator, DELWP Director Regulatory Operations, Conservation Regulator, DELWP Senior Manager State-wide Services, Conservation Regulator, DELWP Chief Executive Officer, RSPCA Victoria Head of Operations, RSPCA Victoria Head of Inspectorate, RSPCA Victoria Chief Executive Officer, Council Senior Police Officers General Manager, Greyhound Racing Integrity Unit, Greyhound Racing Victoria.</p>	<p>Section 24KA</p>	<p>Give written approval to a POCTA inspector to apply to a magistrate for the issue of a search warrant allowing the POCTA inspector to enter premises to search, secure and examine a document where a person has not complied with a notice under S24ZTA.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Chief Veterinary Officer Deputy Chief Veterinary Officer</p>	<p>Section 24ZAA(1)</p>	<p>Declare a dog or cock forfeited to the Crown if seized under section 24A for suspected breach of section 13(1)A and determine disposal method.</p>	<p>Nil</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria</p> <p>Deputy Secretary, Agriculture</p> <p>Executive Director, Biosecurity Services</p> <p>Executive Director, Animal Welfare Victoria</p> <p>Chief Veterinary Officer</p> <p>Deputy Chief Veterinary Officer</p> <p>Director, Animal Health and Welfare</p> <p>Director, Pets and Animal Welfare</p> <p>Director, Agriculture Regulatory Assurance</p> <p>Chief Conservation Regulator, DELWP</p> <p>Director Regulatory Operations, Conservation Regulator, DELWP</p> <p>Senior Manager State-wide Services, Conservation Regulator, DELWP</p> <p>Chief Executive Officer, RSPCA Victoria</p> <p>Head of Operations, RSPCA Victoria</p> <p>Head of Inspectorate, RSPCA Victoria</p> <p>Chief Executive Officer, Council</p> <p>Senior Police Officers</p> <p>General Manager, Greyhound Racing Integrity Unit, Greyhound Racing Victoria.</p>	<p>Section 24ZTA</p>	<p>Give written approval to a POCTA inspector to serve a notice on a person requiring the person to produce or make available a document in that person's possession or custody which the inspector believes on reasonable grounds to be relevant to determining whether another person has committed an offence against the Act or the Regulations.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria</p> <p>Deputy Secretary, Agriculture</p> <p>Executive Director, Animal Welfare Victoria</p> <p>Director, Pets and Animal Welfare</p> <p>Director, Agriculture Regulatory Assurance</p> <p>Manager, Licensing and Audit</p>	<p>Section 29</p>	<p>Licence a person who occupies a scientific premises to cause or allow scientific procedures to be carried out on those premises or, on behalf of the holder of a licence, at any other place specified in the licence.</p>	<p>Nil</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 30(3)	Request an applicant for a scientific procedures premises licence to provide further information relating to the application.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32(1)(b)	Impose a condition on a scientific procedures premises licence.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32A	Licence a person to carry out or cause or allow to be carried out a scientific procedure or a program of scientific procedures outside scientific premises.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32B(3)	Request an applicant for a scientific procedures fieldwork licence to provide further information relating to the application.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32D(1)(b)	Impose conditions on a scientific procedures fieldwork licence.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32E	Licence a person who occupies premises to cause or allow specified animals to be bred on the premises for the purpose of use in scientific procedures.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32F(3)	Request an applicant for a specified animals breeding licence to provide further information relating to the application.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32H(1)(b)	Impose conditions on a specified animals breeding licence.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32I	Renew a licence granted under Part 3 of the Act.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32J(3)	Request an applicant for a renewal of a licence to provide more information in relation to the application.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32K	Vary a licence granted under Part 3 of the Act or a condition of such a licence other than a prescribed condition.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Sections 32L(1)(c) and (d)	Notify licence holder of varied licence or conditions.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Sections 32L(3)(a) and (b)	Must have regard to submissions in varying licence and notify licence holder of decision.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 32M(3)	Request further information regarding an application for a variation of a licence or condition of a licence.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance	Section 32N(1)	Suspend a licence if satisfied that there are grounds for cancelling the licence.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance	Section 32N(2)	Serve notice of licence suspension on the holder of the licence either personally or by post.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance	Section 32O(2)	Fix period of time for submissions for on a proposal to cancel a licence that has been suspended in accordance with section 32N.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria	Section 32P	Cancel a licence, if after considering any submissions made within the time fixed for making submissions under s32N and where satisfied of certain matters.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria	Section 32Q(1)	Give notice and reasons for licence cancellation under section 32P.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Section 36B(2)	Approve application to magistrate for search warrant.	Nil
Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit	Sections 36J(1)	Do anything necessary to carry out any action that a person is directed to take by a notice under the Division, if the person fails to take action within the time specified in the notice.	Nil

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Sections 36J(2)</p>	<p>Recover from the person to whom the notice was directed any reasonable costs of taking action under s36J(1) as a debt due to the Crown.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36L(1)</p>	<p>Do anything necessary or expedient to give effect to adverse publicity order where offender is in contempt of court and publicise the failure of the person to comply with the order.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36M(1)</p>	<p>Give written notice of intended action to give effect to an order under section 36L(1).</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36N</p>	<p>Take action specified in 36M notice and publicise failure to comply with order in certain specified circumstances.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36P</p>	<p>Recover costs from action taken under 36L(1) or 36N(c).</p>	<p>Nil</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36T</p>	<p>Prepare compliance report in respect of holder of a licence under Part 3 of the Act.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Animal Welfare Victoria Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 36U(1)</p>	<p>Impose fee on licence holder for carrying out an entry and search under section 36A for the purpose of preparing a compliance report and the preparation of such a report.</p>	<p>Nil</p>
<p>Chief Executive, Agriculture Victoria Deputy Secretary, Agriculture Executive Director, Biosecurity Services Chief Veterinary Officer Deputy Chief Veterinary Officer Executive Director, Animal Welfare Victoria Director, Animal Health and Welfare Director, Pets and Animal Welfare Director, Agriculture Regulatory Assurance Manager, Licensing and Audit</p>	<p>Section 37B</p>	<p>Approve additional information to be contained in an infringement notice.</p>	<p>Nil</p>
<p>Chief Executive Officer, RSPCA Victoria Head of Operations, RSPCA Victoria Head of Inspectorate, RSPCA Victoria</p>	<p>Section 37B</p>	<p>Approve additional information to be contained in an infringement notice.</p>	<p>Delegate may approve additional information being contained in an infringement notice issued by an authorised officer employed by the RSPCA Victoria.</p>

Column 1 Delegates	Column 2 Delegated power, duty or function	Column 3 Description of power, duty or function	Column 4 Special conditions
Chief Executive Officer, Council	Section 37B	Approve additional information to be contained in an infringement notice.	Delegate may approve additional information being contained in an infringement notice issued by an authorised officer employed by the Council.
Chief Commissioner Director of Legal Services	Section 37B	Approve additional information to be contained in an infringement notice.	Delegate may approve additional information being contained in an infringement notice issued by a member of the police force.
Chief Conservation Regulator, DELWP Director Regulatory Operations, Conservation Regulator, DELWP Senior Manager State-wide Services, Conservation Regulator, DELWP	Section 37B	Approve additional information to be contained in an infringement notice.	Delegate may approve additional information being contained in an infringement notice issued by a member of the Department of Environment, Land, Water and Planning (DELWP).
General Manager, Greyhound Racing Integrity Unit, Greyhound Racing Victoria.	Section 37B	Approve additional information to be contained in an infringement notice.	Delegate may approve additional information being contained in an infringement notice issued by a member of Greyhound Racing Victoria.