



# **ADMINISTRATIVE ARRANGEMENTS ACT 1994**

**No. 3 of 1994**

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# ELIZABETHAE II REGINAE

A.D. 1994

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No. 3 of 1994

**An Act to provide for matters relating to the administration of the Government of the State; to repeal the Administration of Acts Act 1910; and for other purposes.**

*[Assented to 31 March 1994]*

The Parliament of South Australia enacts as follows:

## **Short title**

1. This Act may be cited as the *Administrative Arrangements Act 1994*.

## **Repeal**

2. The *Administration of Acts Act 1910* is repealed.

## **Interpretation**

3. In this Act, unless the contrary intention appears—

“**administrative unit**” has the same meaning as in the *Government Management and Employment Act 1985*;

“**function**” includes a duty;

“**Minister**” means a Minister of the Crown and includes a body corporate constituted of a Minister;

“**the Public Service**” has the same meaning as in the *Government Management and Employment Act 1985*.

## **Alteration of title of ministerial office**

4. The Governor may, by proclamation, alter the title of a ministerial office.

## **Committal of Act to Minister**

5. (1) The Governor may, by proclamation, commit the administration of an Act to a Minister.

(2) A proclamation under subsection (1) will have the effect of revoking the previous committal of the administration of the Act (if any).

**Conferral of ministerial functions and powers**

6. (1) The Governor may, by proclamation, confer a ministerial function or power on a Minister named in the proclamation.

(2) A proclamation under subsection (1) will have the effect of withdrawing the function or power from the Minister in whom it was previously vested.

**Body corporate constituted of Minister**

7. (1) The Governor may, by proclamation—

- (a) constitute the person for the time being appointed to, or acting in, a particular ministerial office a body corporate;
- (b) transfer all or some of the assets, rights or liabilities of a body corporate constituted of a Minister to—
  - (i) the Crown; or
  - (ii) another body corporate that is an agent or instrumentality of the Crown whether constituted of a Minister or not;
- (c) dissolve a body corporate constituted of a Minister;
- (d) vest the assets and rights and attach the liabilities of a body corporate dissolved under paragraph (c) in—
  - (i) the Crown; or
  - (ii) another body corporate that is an agent or instrumentality of the Crown whether constituted of a Minister or not.

(2) If the functions or powers of a body corporate constituted under subsection (1) are to be limited, they must be specified in the proclamation constituting the body corporate.

(3) The name of a body corporate constituted under subsection (1) will, unless the proclamation provides otherwise, be the title for the time being of the ministerial office in relation to which the body is constituted.

(4) The Governor may, by proclamation, alter the name of a body corporate constituted under subsection (1).

**Interpretative provision**

8. (1) The Governor may, by proclamation, direct that a reference in an Act, a statutory instrument (including a proclamation under this Act), any other kind of instrument or a contract, agreement or other document to a Minister, a Public Service employee or an administrative unit will have effect as if it were a reference to a Minister, a Public Service employee or an administrative unit (respectively) named in the proclamation.

(2) A proclamation under subsection (1) may effect a transfer of functions or powers.

(3) Unless the contrary intention appears or the context requires a different interpretation, a reference in an Act, a statutory instrument (including a proclamation under this Act), any other kind of instrument or a contract, agreement or other document to a Minister is a reference to—

- (a) if the Minister is not constituted a body corporate—the person for the time being appointed to, or acting in, the relevant ministerial office; or
- (b) if the Minister is constituted a body corporate—the body corporate.

(4) A reference in subsection (1) to a Public Service employee is a reference to a Public Service employee by the title of his or her position under the *Government Management and Employment Act 1985* or by the title of an office or position established by or under another Act that is held by the employee.

#### **Delegation of functions and powers by a Minister**

9. (1) A Minister may, by notice published in the *Gazette*, delegate any of his or her functions or powers under an Act to another Minister.

(2) The Minister may, by subsequent notice published in the *Gazette*, vary or revoke a delegation.

(3) The delegation of a function or power by a Minister does not prevent the Minister from carrying out the function or exercising the power.

(4) The delegation by a Minister of a function or power to another Minister under this section or to another Minister or other person under some other Act or law remains effective after the function or power is transferred to, or is otherwise vested in, another Minister but is subject to variation or revocation by the other Minister.

(5) The appointment or authorisation by a Minister of another person to undertake an act or activity remains effective after the function or power on which the appointment or authorisation is based has been transferred to, or otherwise vested in, another Minister but is subject to variation or revocation by the other Minister.

#### **Evidentiary provision**

10. In legal proceedings a certificate purporting to be signed by a Minister that he or she is, or was on a particular date—

- (a) the Minister to whom the administration of a specified Act is, or was, committed; or
  - (b) the Minister in whom a specified function, power, asset or right is, or was, vested,
- must, in the absence of proof to the contrary, be accepted as proof of the matter certified.

**Proclamations**

**11. (1)** Subject to subsection (2), a proclamation under this Act has effect notwithstanding any Act or law to the contrary.

**(2)** An Act may expressly exclude the operation of subsection (1).

**(3)** The Governor may, by proclamation, vary or revoke a proclamation under this Act.

**SCHEDULE***Transitional Provision*

1. A proclamation or a delegation under the *Administration of Acts Act 1910* that was in force immediately before the commencement of this Act will be taken to have been made under this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor