

SOUTH AUSTRALIA

ADMINISTRATION OF ACTS ACT, 1910

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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ADMINISTRATION OF ACTS ACT, 1910

being

The Administration of Acts Act, 1910, No. 1000 of 1910
[Assented to 6 October 1910]

as amended by

Statutes Amendment (Administration of Acts and Acts Interpretation) Act, 1971-1973, being Statutes Amendment (Administration of Acts and Acts Interpretation) Act, 1971, No. 74 of 1971 [Assented to 11 November 1971] (as amended by Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6 December 1973])
Administration of Acts Act Amendment Act, 1978, No. 62 of 1978 [Assented to 28 September 1978]
Administration of Acts Act Amendment Act, 1979, No. 56 of 1979 [Assented to 7 June 1979]¹

¹ Came into operation 14 June 1979: *Gaz.* 14 June 1979, p. 1825.

An Act relating to the administration of Acts of Parliament and departments of the Government, and other matters.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Administration of Acts Act, 1910*.

Interpretation

2. In this Act—

"Minister" means a Minister of the Crown:

"proclamation" means a proclamation by the Governor published in the *Government Gazette*.

Administration of Acts

3. (1) The Governor may, notwithstanding the provisions of any other Act, by proclamation—

- (a) commit the administration of an Act to any Minister specified in the proclamation;

or

- (b) confer upon, or assign to, any Minister, specified in the proclamation, any Ministerial power or function referred to in the proclamation.

(2) A proclamation under this section shall have effect according to its terms notwithstanding that it is contrary to the provisions of any Act.

Where another office held by virtue of a Ministerial office

4. Whenever by any Act it is provided that any specified Minister shall hold any Ministerial or other office therein mentioned or referred to as or by virtue of his being such Minister, it shall be lawful for the Governor, by proclamation, to declare that such office shall be held by such other Minister as he deems proper, and from time to time, in like manner, to declare that such office shall be held by any other Minister; and in such case the said office shall be held accordingly, and such Act shall be deemed to provide that the said office shall be held as provided by the proclamation for the time being in force, and not as provided by such Act.

Constitution of Ministers and statutory officers as bodies corporate

5. (1) Whenever by any Act it is provided that any specified Minister shall be a body corporate, and the administration of such Act or of any matter or office for the purposes of which the corporation was created is by proclamation under this Act committed to another Minister, the Minister in whom the administration of such Act, or of such matter or office, is for the time being vested by proclamation under this Act, and not the said specified Minister, shall be the body corporate.

- (2) The Governor may, by proclamation—

- (a) constitute a particular Minister as a body corporate;

3.

- (b) constitute the Minister administering a specified Act, or carrying out specified statutory functions, and his successors as a body corporate;
- (c) constitute the person holding, or acting in, a specified statutory office, and his successors, as a body corporate;
- (d) dissolve a body corporate constituted under this section, and declare that its assets and liabilities shall become assets and liabilities of a Minister or other officer specified in the proclamation,

and any such proclamation shall have effect in accordance with its terms.

(3) Where a body corporate is established under subsection (2) of this section, the name of the body corporate shall, unless the proclamation provides otherwise, be the title or official designation of the Minister or officer who from time to time constitutes the body corporate.

Delegation of powers and functions by Minister

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

(2) Where any power or function delegated under this section is discretionary in nature, the discretion may be exercised by the Minister to whom the power or function is delegated.

(3) The delegation of a power or function by a Minister under this Act shall not prevent that Minister from himself exercising or performing that power or function.

(4) A Minister by whom any powers or functions have been delegated under this section may, by notice published in the *Gazette*, vary or revoke the delegation.

Evidentiary provision

7. In any legal proceedings, an apparently genuine document purporting to be under the hand of a Minister and to certify—

- (a) that he is, or was on a date specified in the document, the Minister administering a specified Act (whether in pursuance of this Act or otherwise);

or

- (b) that he is, or was on a date specified in the document, a Minister by whom a specified power or function under a specified Act is, or was, exercisable,

shall, in the absence of proof to the contrary, be accepted as proof of the matter so certified.

Variation or revocation of proclamation

8. The Governor may, by subsequent proclamation, vary or revoke any proclamation under this Act.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 171.

Section 3:	substituted by 62, 1978, s. 2
Section 5:	redesignated as s. 5(1) by 56, 1979, s. 3
Section 5(2) and (3):	inserted by 56, 1979, s. 3
Section 6(1):	substituted by 62, 1978, s. 3
Sections 7 and 8:	inserted by 62, 1978, s. 4