

South Australia

# Administrative Arrangements Act 1994

An Act to provide for matters relating to the administration of the Government of the State; and for other purposes.

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## The Parliament of South Australia enacts as follows:

### 1—Short title

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

### 3—Interpretation

In this Act, unless the contrary intention appears—

***administrative unit*** means an administrative unit of the Public Service, and includes a former department or administrative unit under the *Public Sector Act 2009* or a repealed Act;

***function*** includes a duty;

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

***public sector employee*** has the same meaning as in the *Public Sector Act 2009*.

### 4—Alteration of title of ministerial office

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

## 5—Committal of Act to Minister

- (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).

## 6—Conferral of ministerial functions and powers

- (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.

## 7—Body corporate constituted of Minister

- (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).

## 8—Interpretative provision

- (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, an administrative unit or an officer or employee of the Public Service (whether under the *Public Sector Act 2009* or a repealed Act) or of the Crown will have effect as if it were a reference to a Minister, an administrative unit or a public sector employee (respectively) specified 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.

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

- (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.

### **9A—Appointment of delegate Minister**

- (1) The Governor may, by proclamation, appoint a Minister as the delegate Minister of another Minister.
- (2) A Minister appointed under subsection (1) as the delegate Minister of another Minister has all the functions and powers of the other Minister (but the other Minister is not as a result prevented from carrying out or exercising any of the functions or powers).

### **10—Evidentiary provision**

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.

### **11—Proclamations**

- (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.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Administrative Arrangements Act 1994* repealed the following:

*Administration of Acts Act 1910*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1994	3	<i>Administrative Arrangements Act 1994</i>	31.3.1994	31.3.1994
1997	69	<i>Statutes Amendment (Ministers of the Crown) Act 1997</i>	11.12.1997	Pt 3 (s 8)—17.12.1997 ( <i>Gazette 17.12.1997 p1639</i> )
<b>2009</b>	<b>84</b>	<b><i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i></b>	<b>10.12.2009</b>	<b>Pt 9 (ss 19 &amp; 20)—1.2.2010 (<i>Gazette 1.2.2010 p320</i>)</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
administrative units	substituted by <b>84/2009 s 19(1)</b>	<b>1.2.2010</b>
public sector employee	inserted by <b>84/2009 s 19(2)</b>	<b>1.2.2010</b>
<i>the Public Service</i>	<i>deleted by 84/2009 s 19(2)</i>	<i>1.2.2010</i>
s 8		
s 8(1)	substituted by <b>84/2009 s 20(1)</b>	<b>1.2.2010</b>
s 8(4)	<i>deleted by 84/2009 s 20(2)</i>	<i>1.2.2010</i>

s 9A

inserted by 69/1997 s 8

17.12.1997

## **Historical versions**

Reprint No 1—17.12.1997