

9. Relationship to the Crown, government departments and local governments and other persons exercising rights or duties

- (1) The provisions of this Act relating to flora bind the Crown.
- (2) Where in relation to a provision of this Act relating to flora a matter arises, or may arise, with respect to any right, power or authority of, or the discharge of any duty by, a government department or a local government, the following provisions apply —
 - (a) where the matter relates to a government department — the Minister charged with the administration of the government department may consult with the Minister;
 - (b) where the matter relates to a local government — the local government shall refer the matter to the Minister charged with the administration of the *Local Government Act 1995*, who may consult with the Minister;
 - (c) where the Ministers agree, the Minister shall give such directions as are agreed to as a result of those consultations;
 - (d) where the Ministers do not agree the matter shall be referred to the Governor; and
 - (e) the Governor may finally and conclusively determine the matter and effect shall be given to any such determination.
- (3) Where in relation to a provision of this Act relating to flora a matter arises, or may arise, with respect to the exercise of any right or the performance of any duty or obligation conferred or imposed on a person, not being a government department or local government, by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act the matter shall be finally and conclusively determined by the Minister upon a written application by that person to the Minister and effect shall be given to that determination.
- (4) In this section —

“government department” includes any instrumentality of the Crown in the right of the State, whether a corporation, agency or other authority.

[Section 9 inserted by No. 86 of 1976 s.5 (as amended by No. 28 of 1979 s.4); amended by No. 14 of 1996 s.4.]