

GOVERNMENT DEPARTMENTS AND AGENCIES, RIGHT OF ENTRY TO PRIVATE PROPERTY,
STATUTES

2048. Mr M.G. House to the Minister representing the Minister for Housing and Works; Land Information
- (1) Will the Minister provide the details of the statutes under his ministerial portfolio that allow officers of the department, agencies or persons appointed by them to enter private property -
- (a) with a warrant; and
(b) without a warrant?
- (2) Will the Minister detail the circumstances under which such entry may be exercised?
- (3) Will the Minister advise whether there is a difference with regard to such entry between -
- (a) a private residential property; and
(b) other private property?

Ms A.J. MacTIERNAN replied:

HOUSING AND WORKS

- (1) (a) Section 28 of the Government Employees Housing Authority Act 1964; Regulation 6 of the Government Employees Housing Authority Regulations 1965
(b) Section 420 of the Local Government (Miscellaneous Provisions) Act 1960.
Sections 83A (3) and 108 of the Public Works Act 1902.
- (2) Government Employees Housing Authority Act - for the purpose of taking possession of premises after termination of a tenancy.
Public Works Act - for the purpose of general investigation for water supply services, the carrying out of testing work and the alteration, removal, inspection, reinstating and repair of testing work and for the purpose of removing any tree on private land adjacent to a railway that is likely to fall, obstruct or endanger travellers.
Local Government (Miscellaneous Provisions) Act 1960 - to inspect buildings (whether completed or not), for the purpose of determining appeals or matters of public safety.
- (3) The Government Employees Housing Authority Act only deals with private residential accommodation when exercising rights of entry.
The Public Works Act 1902 and the Local Government (Miscellaneous Provisions) Act 1960 do not differentiate between private residential property and private property when exercising rights of entry.

LAND INFORMATION

- (1) (a) None
(b) (i) Licensed Surveyors Act 1909
(ii) Valuation of Land Act 1978
(iii) Standard Survey Marks Act 1924
- (2) (a) Not applicable.
(b) (i) Sec 17 (1) In making any authorised survey or for any purpose relating thereto, a licensed surveyor who holds a practising certificate may, with his assistants, open any fence and may enter upon land.
(ii) Sec 10 (1) The Valuer General shall at all reasonable times have full and free access to all land, buildings, places and documents for the purpose of ascertaining the ownership of or valuing any land or for the purpose related thereto, and may make extracts from or copies of any such documents.
(iii) Sec 4 (a) An authorised land officer, or any surveyor specially authorised by him, may enter and re-enter from time to time upon any land, or any public or private road, street or way, with such assistants as he thinks fit, for the purpose of making a standard survey.
- (3) (a-b) No difference.