

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

2038. Mr M.G. House to the Minister for the Environment

- (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?

Dr J.M. EDWARDS replied:

Department of Conservation and Land Management

- (1)
 - (a) Wildlife Conservation Act 1950 and Regulations and Conservation and Land Management Act 1984 and Regulations.
 - (b) Wildlife Conservation Act 1950 and Regulations and Conservation and Land Management Act 1984 and Regulations.
- (2) Section 20(2)(b) of the Wildlife Conservation Act provides that a wildlife officer who finds a person committing an offence or who on reasonable grounds suspects that an offence has been committed or is about to be committed may, without warrant stop, detain and search any vehicle, vessel or conveyance or enter upon and search any land not being a dwelling house or enter and search any hut, tent, caravan or other erection, which is not a permanent residence, or enter and search any shop, warehouse, factory, bond store office or any other premises of whatever description or enter into or upon and search any lake, river, pond, lagoon or other water whether natural or artificially constructed in which the wildlife officer, on reasonable grounds, suspects there is any fauna or flora taken, or any weapon, instrument, illegal device or other thing or means used or about to be used, in the commission of an offence against this Act.

Section 20(3) of the Wildlife Conservation Act provides that if it appears to a justice of the peace on complaint made on oath that there are reasonable grounds for suspecting that there is in any of the premises excepted under subsection (2)(b) -

- (i) anything with respect to which an offence has been or is suspected, on reasonable grounds, to have been committed; or
- (ii) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of an offence; or
- (iii) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing an offence,

he may issue his warrant directing the wildlife officer named therein, or all wildlife officers, to search the premises and to seize the thing found and to take it before a justice to be dealt with according to law.

Regulations 35(5) and 37(2) of the Wildlife Conservation Regulations provide for the inspection of aviaries on private property to keep waterfowl.

Regulation 60 of the Wildlife Conservation Regulations provides that a wildlife officer may at any reasonable time inspect the records which the holder of a licence issued pursuant to the regulations or the Pet Herpetofauna Regulations is required to keep or maintain, and also that a wildlife officer may at any reasonable time inspect the premises and collect tags and research or other departmental material from any premises, vessels, vehicles or units licensed pursuant to the regulations or the Pet Herpetofauna Regulations or from any other place to which he makes lawful access.

Regulation 13 of the Wildlife Conservation (Reptiles and Amphibians) Regulations 2002 provides that wildlife officers may inspect premises and herpetofauna, as follows:

- (1) A licensee must, when requested by a wildlife officer to do so, allow the officer to inspect —
 - (a) the pet herpetofauna to which the licence relates; and

- (b) the place where the licensee keeps the pet herpetofauna.
- (2) Subsection (1)(b) does not apply if the place where the pet herpetofauna are kept is a bedroom or bathroom of a residential premises, but in that case the licensee must bring the animal out of that place to allow the officer to inspect it.

Section 119 of the Conservation and Land Management Act provides that on the complaint on oath of any forest officer stating his belief that forest produce liable to the payment of any forest produce charges or other charges or dues is secreted in any place, not being a State forest, timber reserve or premises to which section 119A applies, any justice may issue a warrant to enter and search for such produce.

Section 119A provides that a forest officer authorized by the Executive Director may enter any sawmill registered under the Timber Industry Regulation Act 1926 and make such inspection and enquiry as he thinks necessary to ascertain whether or not this Act and the regulations have been or are being complied with.

Section 124 of the Conservation and Land Management Act provides:

- (1) A ranger or conservation and land management officer who finds a person committing a relevant offence on or in any land or waters or who on reasonable grounds suspects that such an offence has been committed or is about to be committed, may without warrant -
 - (a) stop, detain and search any vehicle, vessel or conveyance;
 - (b) remove any vehicle, vessel, animal or other thing from the land or waters;
 - [(c) deleted];
 - (d) require the person to leave the land or waters,and, in addition, a ranger may enter and search any hut, tent, caravan or other erection which is not a permanent residence.
- (5) A ranger or conservation and land management officer shall not exercise any power specified in subsection (1)(a) or (b) and a ranger shall not exercise the power to enter and search conferred by that subsection unless he has first taken all reasonable steps to communicate to the person who owns or is in charge of the vehicle, animal, vessel, conveyance, hut, tent, caravan or other thing concerned (if the identity of that person can reasonably be ascertained) his intention to exercise the power and his reasons for believing that he is authorized to exercise the power.
- (6) Nothing in this section derogates from the powers of a ranger who is a police officer.
- (7) In this section “relevant offence” means –
 - (a) in relation to a ranger, any offence against this Act or regulations made under section 130 relating to national parks;
 - (b) in relation to a conservation and land management officer, any offence against this Act or any regulations made under this Act.
- (3) Entry onto private property in search of secreted forest produce that is subject to payment of charges requires a warrant under the Conservation and Land Management Act. Entry onto private property, such as tents and caravans, on Conservation and Land Management managed lands in relation to suspected illegal activities under the Conservation and Land Management Act and entry onto private property in relation to suspected illegal activities under the Wildlife Conservation Act does not require a warrant, except in the case of a dwelling house. A warrant is required to enter and search any dwelling house. Differences also exist in terms of entering private property to inspect a licensed or proposed licensed activity and entering a property to search in relation to suspected illegal activities.

Department of Environmental Protection, Water and Rivers Commission

- (1a) Statutes to enter private property with a warrant:
 - Waterways Conservation Act 1976
 - Water Agencies (Powers) Act 1984
 - Rights in Water and Irrigation Act 1914
 - Country Areas Water Supply Act 1947
 - Swan River Trust Act 1988
- (2) Statutes to enter private property without a warrant:
 - Waterways Conservation Act 1976
 - Water Agencies (Powers) Act 1984

Rights in Water and Irrigation Act 1914
Country Areas Water Supply Act 1947
Swan River Trust Act 1988
Water and Rivers Commission Act 1995
Environmental Protection Act 1986.

(3) Waterways Conservation Act 1976

Under the provisions of this Act, Inspectors have the power to enter any premises with the consent of the occupier to:

- Examine and inspect any equipment, industrial plant, or process.
- Make such examination and inquiry and tests and gather relevant information in order to ascertain whether any requirement or order made, or the conditions attached to an exemption granted are being, or have been complied with.

In instances where admission to the premises is refused, a warrant must be obtained. Also, in circumstances where Inspectors find a person committing an offence against this Act or who on reasonable grounds suspect that an offence has been or is about to be committed may enter and search without warrant any tent, caravan or other erection which is not permanent.

Water Agencies (Powers) Act 1984

- For routine inspection or routine maintenance of works for the purposes of this Act and any relevant Act or to carry out works that may affect the land relating to the conservation, protection or management of water resources. No notice is required.
- Where the purpose of the entry is to facilitate the Commission exercising any of its powers relating to works that may affect the land, notice is required. And generally provides for 48 hours to be affected prior to the right to enter being exercised.
- In instances where entry is refused, opposed or prevented, or the land is unoccupied, a warrant authorising entry is required in the form as provided for by the Water Agencies (Entry Warrant) Regulations 1985.
- In emergency circumstances (such as actual or apprehended danger or health risk to any person or in relation to any property), with the use of necessary and reasonable force. No notice at the time is required, but should be provided as soon as practicable after.
- Entry to any land, street, premises or thing is also provided for the purpose of carrying out works pursuant to the Act or a relevant Act. Prior to the exercise of the powers related to works, a lengthy consultation process must be adhered to, including the giving of notice to affected land owners and the taking into account of any objections or comments they make prior to a decision to commence the works to ascertain whether an offence against this Act or a relevant Act has been or is being committed.

Rights in Water and Irrigation Act 1914

- For the control of waters in water courses, wetlands or underground water sources or for any other purposes required by this Act.
- To inspect the land and any dam, well or other works.
- To take measures to carry out the objects and purposes of this Act, and any duties including, measures for the conservation and regulation of water, the preservation of water from pollution, protecting the bed of a water course, removing any obstruction from the bed of a watercourse, to clear, deepen and straighten or alter the channel of any watercourse.
- To intervene to prevent the undue, excessive, or illegal diversion, taking, use or pollution of water or interference with the bed.
- Entry must comply with Part VI of the Water Agencies (Powers) Act 1984, relating to 'Entry onto Land'.

Country Areas Water Supply Act 1947

- For the control of Catchment Areas.
- For the purposes of land restoration.
- To investigate unlawful clearing.
- Notice is required and where consent not obtained a warrant is necessary.

Swan River Trust Act 1988

- For the purposes of enforcing Part 5 of this Act relating to developmental control in the Swan River Trust Management Area.
- For the protection and public use of land in the Management Area.
- For enforcement purposes.

In the case of residential premises, the consent of the occupier or person present is required or a warrant must be obtained.

Water and Rivers Commission Act 1995.

- To assess water resources.
- To carry out, maintain or inspect investigative works.
- 48 hours notice is required.

Environmental Protection Act 1986

s.89 An inspector may with such assistance as he may require enter:

- At any time premises used as a factory, or where any industry or trade is carried out.
- At any reasonable time any premises from which waste, noise, odour or electromagnetic radiation is or is likely to be discharged.
- At any reasonable time premises the subject of a proposal or a scheme.
- At any reasonable time premises from which solid fuel burning equipment, or solid fuel, is manufactured, sold or distributed for sale.
- For the purposes of the Act.

An inspector may not enter any private dwelling house or land used in connection with that unless he believes on reasonable grounds there are or have been emissions. Drilling for samples may only take place after the giving of further notice.

s.91 At any reasonable time on premises used in relation to testing of vehicles and vessels fitted with pollution control equipment.

- (3a-b) The Swan River Trust Act 1988 provides for entry into residential premises via either the consent of the occupier or person present or, in the absence of consent, a warrant. For other premises, an inspector must only enter at a reasonable hour.

In the case of s.89 of the Environmental Protection Act 1986, an inspector may not enter any private dwelling house or land used in connection with that unless he believes, on reasonable grounds, there are or have been emissions. Drilling for samples may only take place after the giving of further notice.

Office of Water Regulation

(1a & b-2)

Water Services Coordination Act 1995

Section 49

Under section 49, an inspector under the act is able to enter any land without a warrant where he or she has reason to believe that any water services of the kind to which his or her powers relate are or may be provided or any water services works used for the provision of any of those water services are or may be situated.

The instrument of designation of an inspector specifies the kind of water services to which his or her powers relate, the powers of inspection that the inspector may exercise and the limits that apply to that exercise.

This power applies to any land.

Water Agencies (Powers) Act 1984

Section 68

Under section 68, a person authorised in writing by the Corporation may enter land without a warrant and put to the owner or agent of the owner or person in occupation of the land such questions as are necessary to enable information shown in rating records relating to the land to be confirmed for the purposes of rates or charges.

Under section 45 of the Water Services Coordination Act 1995, this section can be extended to other licensees under the Water Services Coordination Act.

Section 70

Under section 70, entry onto land is allowed, where the consent of the owner or occupier has been obtained or due notice under this act, a relevant act (as defined in section 5) or Part 9 of the Land Administration Act 1997 has been served. Where due notice is served a person authorized by the Commission or Corporation may, unless the owner or occupier or a person authorized by the owner or occupier objects to the exercise of that power by

the Commission or the Corporation, lawfully enter onto any land, premises or thing notwithstanding that the Commission or the Corporation has not obtained the consent of the owner or occupier.

Except for subsection (3)(b), under section 45 of the Water Services Coordination Act 1995, this section can be extended to other licensees under the Water Services Coordination Act.

Section 71

Under section 71(1)(a), the Commission or Corporation is authorized for the purposes of this act or any relevant act to enter and reenter any land premises or thing at all reasonable times to which water services are supplied by the Corporation or in, on, over or under which any works of the Commission or Corporation are situated for the purpose of routine inspection or routine maintenance and no notice is required unless there is an agreement in writing to the contrary.

Under 71(1)(b), the Commission or Corporation may without notice enter at all reasonable times any land premises or thing and take such measures as may be necessary to ascertain whether any offence against this act or a relevant act has been committed.

Under 71(2), the Commission or Corporation may enter upon land if in its opinion entry is necessary for the purposes of inspecting or examining the land to determine the feasibility of the use of that land for the purposes of this act or a relevant act or as a preliminary to acquisition of the land.

Under 71(3), whenever the Commission or Corporation enters or has entered on land the officer responsible for the entry shall on request produce evidence of his appointment.

Under section 45 of the Water Services Coordination Act 1995, subsections (1) and (3) can be extended to other licensees under the Water Services Coordination Act.

Section 72

Under section 72 (1), where the Commission or the Corporation intends to exercise powers under this Part or section 83(works) and the purpose is to carry out works that may affect the land, notice in writing shall where practicable be given to the owner/occupier of the land not less than 48 hours before the power is to be exercised (unless this act or a relevant act otherwise provides).

Under 72 (2), where land is entered without prior notice then wherever practicable written notice shall be given to the owner/occupier affected.

Under 72(3), where the owner is not within the state or for some other sufficient reason it is not possible to give the required notice, notice is deemed to have been given if it has been fixed to a conspicuous part of the land for at least 48 hours.

Under 72(6), a justice may issue a warrant to authorize entry by the Commission or Corporation using such force as may be necessary for the purpose specified where it is shown that entry onto land reasonably required for the exercise of a power under this act or a relevant act has been refused or where land is unoccupied and access cannot be obtained or a notice required cannot be swerved without undue delay or difficulty.

Under 72(7), where in the opinion of the Commission or Corporation circumstances have arisen that may cause undue delay in effecting entry onto land but the provisions of subsection (6) are not appropriate, they may apply to the Supreme Court for an injunction prohibiting persons specified from opposing the exercise of its powers or for an order directing the exercise of powers conferred by this act or a relevant act.

Under section 45 of the Water Services Coordination Act 1995, section 72 can be extended to other licensees under the Water Services Coordination Act.

Section 73

Under section 73, there are rights as to entry on to land in an emergency. Where it appears to the Commission or Corporation or to an officer or authorized person of either that by reason of a danger or health risk, injury or disease attributable or possibly attributable to any defect in the works or an urgent necessity to restore water services the circumstances are such that an emergency situation exists so that compliance with the normal requirements is impractical, they may lawfully effect immediate entry onto land to deal with the emergency situation.

This section enables them to exercise all such powers conferred by legislation which are reasonably required to deal with the situation without notice or warrant. Although no notice is required, where it is practicable to do so notice of an emergency entry shall be given to all persons likely to be affected. Any question as to what is a necessary entry or as to what powers are reasonably required to deal with the emergency situation may be determined by the officer of the Commission or the Corporation or other person authorized to effect or direct the entry. The Commission or the Corporation or person exercising powers under this section shall as soon as may

be remove anything left on the land, premises or thing entered and shall make good any damage, or effect restoration, rehabilitation or restitution.

Under section 45 of the Water Services Coordination Act 1995, section 73 can be extended to other licensees under the Water Services Coordination Act.

Section 83

Under section 83, the Corporation and the Commission may enter upon any land without a warrant and acquire, provide or construct works for water supply, sewerage and drainage. It may also carry out such other works including the construction of premises and the provision of facilities as may be necessary for this act or a relevant act.

Under section 83(2), the Corporation or the Commission may exercise powers conferred by the Public Works Act 1902 and Part 9 of the Land Administration Act 1997 and the powers conferred by those sections shall be deemed to include the power to carry out investigations, tests, borings, explorations and other surface or underground studies to ascertain the existence, nature and extent of water resources, to formulate schemes for the provision, extension or alteration of water services, to determine the feasibility and requirements of works or proposed works and to survey or demarcate land.

Under section 45 of the Water Services Coordination Act 1995, section 73 can be extended to other licensees under the Water Services Coordination Act.

Country Areas Water Supply Act 1947

Section 12ED

This section provides that where in this section a power to enter upon land is conferred it shall, where appropriate, include the power to conduct tests on, and take samples from, the land for the purposes of this Part which concerns the control of catchment areas.

Where due notice has been served upon the owner or occupier of that land any officer of the Commission or other person authorized by the Commission or the Minister may for the purposes of this Part lawfully enter on to any land notwithstanding that the consent of the owner or occupier has not been obtained, but except as is otherwise provided in this Part such an entry shall not be lawful unless notice has been served or such consent has been obtained.

A notice required by this Part to be given in relation to an entry shall specify the purposes for which entry is required and shall continue to have effect for so long as that requirement subsists, and successive entries for that purpose shall be taken to be entries to which the notice relates.

Where it is shown to the satisfaction of a Justice of the Peace that entry on or into any land is reasonably required for a purpose contemplated by this Part but that entry has been refused or is opposed or prevented, or in any case where such land is unoccupied and consent cannot be obtained or a notice required by this Part cannot be served without undue delay or difficulty, the Justice may, by warrant in the prescribed form, authorize any officer of the Commission or other person authorized by the Commission or the Minister to enter upon the land, using such force as may be necessary, for the purpose therein specified and any such warrant shall continue to have effect until the purpose for which it was granted has been satisfied.

Where it appears to the Minister or the Commission or a person acting with the authority of the Minister or of the Commission that an offence against this Part is being, or is about to be, committed on any land and the circumstances are such that immediate intervention is appropriate and compliance with the normal requirements of this Part is impractical or unreasonable, the Minister, the Commission or any such person may, without any requirement for a notice or warrant and by force of this subsection, lawfully effect immediate entry on or into any land to intervene in the commission of the offence and endeavour to ensure compliance with the provisions of this Part.

A person exercising in respect of land a power of entry under this section or section 12BD shall conform so far as is practicable to such reasonable requirements of the owner or occupier of the land as are necessary to prevent the lawful use of the land being obstructed

Section 14

Section 14 provides that subject to this Act, the Water Agencies (Powers) Act 1984 and, where required by those Acts, to the approval of the Minister, the Corporation may construct and extend water works, and from time to time may maintain, improve, alter, and repair the same, and for such purpose shall have and may exercise, in addition to the powers conferred by those Acts, the powers conferred Part 9 of the Land Administration Act 1997 and by the Public Works Act 1902 save that Part 9 of the Land Administration Act 1997 and the Public Works Act 1902 powers conferred by those Acts, the powers conferred Part 9 of the Land Administration Act 1997 and

by the Public Works Act 1902 save that Part 9 of the Land Administration Act 1997 and the Public Works Act 1902 shall each be read and construed as though -

- (a) a reference therein to the Minister administering that Act were a reference to the Corporation; and
- (b) the provisions of the Water Agencies (Powers) Act 1984 relating to entry onto land and the giving of notice had effect in substitution for the provisions of Part 9 of the Land Administration Act 1997 relating to those matters, in relation to the construction of public works under the Public Works Act 1902.

Under section 45 of the Water Services Coordination Act 1995, section 14 can be extended to other licensees under the Water Services Coordination Act.

Section 42

Under section 42, any officer of the Corporation may at all reasonable times, enter upon any land to which water is supplied under this Act, and do all things necessary to ascertain —

- (a) what quantity of water has been consumed there;
- (b) whether there has been or is any waste, misuse, fouling or contamination of the water; and
- (c) whether all fittings with the materials and mode of arrangement thereof used or intended to be used are in accordance with the by-laws and in proper order and repair.

When a fitting is not in accordance with the by-laws, or is out of order and repair —

- (a) the officer of the Corporation may repair or remove it, and if necessary, substitute another in its stead, or may alter the mode of arrangement, as the case requires; and
- (b) any expense incurred by the Corporation in doing so shall, on demand, be paid by the owner or occupier of the land, and if not paid on demand, may be recoverable by the Corporation in the manner in which water supply charges may be recovered.

Under section 45 of the Water Services Coordination Act 1995, section 42 can be extended to other licensees under the Water Services Coordination Act.

Section 44

Section 44 provides that any person authorized by the Corporation may, at all reasonable times, enter upon any land to which water is supplied or is intended to be supplied under this Act, and may place and fix thereon and attach thereto, wherever the Corporation thinks proper, such fittings as the Corporation may think expedient, and may do all other acts and execute all other water works which the Corporation may think fit.

Any person so authorized may at all reasonable times enter upon land and examine and remove, repair, alter or replace all or any of the fittings aforesaid on the land.

Under section 45 of the Water Services Coordination Act 1995, section 44 can be extended to other licensees under the Water Services Coordination Act.

Country Towns Sewerage Act 1948

Section 11

Section 11 provides that subject to this Act, the Water Agencies (Powers) act 1984 and, where required by those Acts, to the approval of the Minister, the Corporation may construct and extend works and from time to time may maintain, improve, alter, and repair the same, and for such purposes may exercise, in addition to the powers conferred by those Acts, the powers conferred by Part 9 of the Land Administration Act 1997 and the Public Works Act 1902 save that Part 9 of the Land Administration Act 1997 and the Public Works Act 1902 shall each be read and construed as though —

- (a) a reference therein to the Minister administering that Act were a reference to the Corporation; and
- (b) the provisions of the Water Agencies (Powers) Act 1984 relating to entry onto land and the giving of notice had effect in substitution for the provisions of Part 9 of the Land Administration Act 1997 relating to those matters.

Provided that the Corporation shall not exercise any of such powers in any locality, not being situate in a sewerage area where the local government of the district in which such locality is situate is itself desirous of undertaking such works.

Under section 45 of the Water Services Coordination Act 1995, section 11 can be extended to other licensees under the Water Services Coordination Act.

Section 29

Under section 29, any officer of the Corporation may, at all reasonable times, enter upon any land connected with a sewer or property sewer, and may examine and ascertain —

- (a) what quantity of sewage is being discharged;
- (b) whether there has been or is any blockage, leakage, misuse, or contamination of the sewage or water; and
- (c) whether all fixtures and fittings, with the materials and mode of arrangement thereof, used or intended to be used are in accordance with the by-laws, and in proper order and repair.

When a fixture or fitting is not in accordance with the by-laws, or is out of proper order and repair, or is causing damage to property or is causing or is likely to cause injury to public health, the officer of the Corporation may repair or remove it, and if necessary substitute others in its stead or may alter the mode of arrangement, as the case requires.

Any expense incurred by the Corporation in that behalf shall, on demand, be repaid by the owner or occupier of the land and if not repaid on demand may be recovered by the Corporation in the same manner in which sewerage charges may be recovered.

Under section 45 of the Water Services Coordination Act 1995, section 29 can be extended to other licensees under the Water Services Coordination Act.

Section 31

Under section 31, any person authorised by the Corporation may at all reasonable times enter upon any land connected or intended to be connected with a sewer or property sewer and may place and fix thereon and attach thereto, wherever the Corporation thinks proper, such fittings as the Corporation may think expedient, and may do all other acts and execute all other works which the Corporation may think fit.

Any person so authorised may at all reasonable times enter upon such lands and examine, remove, repair, alter, or replace all or any of such fittings.

Under section 45 of the Water Services Coordination Act 1995, section 31 can be extended to other licensees under the Water Services Coordination Act.

Section 41

Under section 41, where any property sewer is made to communicate with any sewer, any engineer, surveyor, or other person authorised by the Corporation may enter upon any house, tenement, or land and inspect such property sewer; and in the event of the same being found to be improperly laid, the Corporation may cause the same to be properly laid at the expense of the owner of such property sewer. Such expense may be recovered in like manner as penalties are recoverable under this Act.

Under section 45 of the Water Services Coordination Act 1995, section 41 can be extended to other licensees under the Water Services Coordination Act.

Section 43

Under section 43, any person acting under the authority of the Corporation may at all reasonable times enter into or upon any land having a property sewer communicating with the sewers of the Corporation, to examine if there is any communication with any other property sewer or sewer into any land; and if such person is at such time refused admittance or on being admitted is obstructed or prevented from making such inspection and examination, the occupier shall be liable to a penalty not exceeding \$1 500.

Under section 45 of the Water Services Coordination Act 1995, section 43 can be extended to other licensees under the Water Services Coordination Act.

Metropolitan Water Supply Sewerage and Drainage Act 1909

Section 49

Under section 49, any officer of the Corporation may, at all reasonable times, enter upon any land to which water is supplied under this Act, and may examine and ascertain

- (a) what quantity of water has been consumed there;
- (b) whether there has been or is any waste, misuse, fouling, or contamination of the water; and
- (c) whether all fittings, with the materials and mode of arrangement thereof, used or intended to be used are in accordance with the by-laws, and in proper order and repair.

When a fitting is not in accordance with the by-law, or is out of proper order and repair, the officer of the Corporation may repair or remove it, and if necessary substitute others in its stead, or may alter the mode of arrangement, as the case requires.

Any expense incurred by the Corporation in that behalf shall, on demand, be repaid by the owner or occupier of the land, and if not repaid on demand may be recovered by the Corporation in the same manner in which water charges may be recovered.

Under section 45 of the Water Services Coordination Act 1995, section 49 can be extended to other licensees under the Water Services Coordination Act.

Section 51

Under section 51, any person authorized by the Corporation may at all reasonable times enter upon any land to which water is or is intended to be supplied under this Act, and may place and fix thereon and attach thereto, wherever the Corporation thinks proper, such fittings as the Corporation may think expedient, and may do all other acts and execute all other works which the Corporation may think fit.

Any person so authorized may at all reasonable times enter upon such lands and examine, remove, repair, alter or replace all or any of such fittings.

Under section 45 of the Water Services Coordination Act 1995, section 51 can be extended to other licensees under the Water Services Coordination Act.

Section 65

Under section 65, where any property sewer is made to communicate with any sewer, any engineer, surveyor, or other person authorized by the Corporation may enter upon any house, tenement, or land and inspect such property sewer, and in the event of the same being found to be improperly laid, the Corporation may cause the same to be properly laid at the expense of the owner of such property sewer. Such expense may be recovered in like manner as penalties are recoverable under this Act.

Under section 45 of the Water Services Coordination Act 1995, section 65 can be extended to other licensees under the Water Services Coordination Act.

Section 67

Under section 67, any person acting under the authority of the Corporation may at all reasonable times enter into or upon any land having a property sewer communicating with the sewers of the Corporation; to examine if there is any communication with any other property sewer or sewer into any land; and if such person is at such time refused admittance or on being admitted is obstructed or prevented from making such inspection and examination as aforesaid, the occupier shall be liable to a penalty not exceeding \$1 500.

Under section 45 of the Water Services Coordination Act 1995, section 67 can be extended to other licensees under the Water Services Coordination Act.

(3a-b) In the above provisions there is no difference between entry to private residential property and other private property.

Perth Zoo

(1) The Zoological Parks Authority Act 2001 does not allow officers to enter private properties.

(2)-(3) Not applicable

Botanic Gardens and Parks Authority

(1) No statutes relevant to BGPA

(2)-(3) Not applicable