

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

2047. Mr M.G. House to the Minister representing the Minister for Heritage

- (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:

- (1) Part 6, Division 6 of the Heritage of Western Australia Act 1990 provides for the appointment of inspectors to enter private property. Inspectors may only enter property (a) if the owner consents to entry, or (b) if the owner withholds consent, and a warrant has been obtained from a judge or magistrate.
- (2) Inspection of heritage properties is most commonly undertaken in cases where an assessment is being undertaken by the Heritage Council, with a view to possible registration. Naturally, the Council always seeks the owner's consent to the inspection, and that is forthcoming in most cases. The Council would only seek a warrant in exceptional circumstances, and where there was an imminent threat to the conservation of a place. That has been very rare and has not occurred in recent years.
- (3) No, they are not treated differently in the Heritage Act.