

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

2046. Mr M.G. House to the Minister representing the Minister for Local Government and Regional Development; the Kimberley, Pilbara and Gascoyne; Goldfields-Esperance

- (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?

Mr J.C. KOBELKE replied:

The Department of Local Government and Regional Development is the only Department within the portfolio of the Minister for Local Government and Regional Development; the Kimberley, Pilbara and Gascoyne; Goldfields-Esperance with statutes that allow officers of the department, agencies or persons appointed by them to enter private property.

- (1) The statutes and principal powers are as follows:
 - the Local Government Act 1995: sections 3.28 – 3.36 and sections 8.6 – 8.8;
 - the Animal Welfare Act 2002: sections 38, 39, 59 and 60;
 - the Dog Act 1976: sections 12A, 29, 33F and 33G;
 - the Caravan Parks and Camping Grounds Act 1995: sections 18, 20 and 21; and
 - the Control of Vehicles (Off-road Areas) Act 1978: section 38.
 - (a)-(b) All provide various provisions for entry on to property for enforcement purposes in circumstances with or without a warrant.
- (2) The details are set out in the above sections.
- (3) (a)-(b) Apart from the Control of Vehicles (Off-road Areas) Act 1978, the above legislation has a distinction between entry into residential premises and other premises. The legislation generally provides the principle that a warrant is required, or an emergency situation applies, before entry into a residential structure is permitted.