

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

2049. Mr M.G. House to the Minister representing the Minister for Racing and Gaming; Government Enterprises

- (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 E.S. RIPPER replied:

GOLD CORPORATION

For Gold Corporation and its subsidiaries:

- (1) None
- (2)-(3) Not applicable

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD

- (1) None
- (2)-(3) Not applicable

INSURANCE COMMISSION OF WA

- (1) None
- (2)-(3) Not applicable.

LOTTERYWEST

- (1)-(3) The Lotteries Commission Act does not confer any statutory rights on officers of Lotterwest to enter private property. However, under contractual agreements with its Licensees, Lotterwest is authorised to enter Lottery Outlets during normal business hours and upon reasonable notice to inspect the practices, procedures, equipment, materials and other items used by the Licensee in order to determine the extent to which licensee is complying with the provisions of the License agreement.

RACING AND GAMING

Gaming Commission Act 1987

- 1(a) Entry with warrant

Section 25 provides for an authorised officer to obtain a warrant to enter premises if there is reason to suspect (to the satisfaction of a justice) that-

- the premises are, have been or about to be opened, kept or used as a common gaming house;
- unlawful gaming is, has been or is about to be conducted at the premises; or
- an offence is, or is likely to be committed under the Act.

- 1(b) Entry without warrant

Section 22 provides for an authorised officer to demand entrance to, and enter, inspect and remain on any premises where permitted gaming is being conducted.

- 2 & 3 If reliable information is received that a card game, (eg poker), is being played at a private residence or other private property and that a commission is being taken by the operator or owner of the premise then a warrant may be obtained authorising entry.

If a gaming permit is being exercised at a private residence or other private property, an authorised officer is empowered to enter and remain on the premises without a warrant and inspect the premises and the gaming.

Casino Control Act 1984

1(a)&(b) Entry without warrant

Section 21A gives an authorised officer (under the Gaming Commission Act 1987) the right of entry to any part of casino complex for the purpose of carrying out their duties under the Act.

2 An authorised officer may enter the finance, administration, surveillance or back of house areas of the casino without a warrant.

3 Not applicable.

Liquor Licensing Act 1988

1(a) Entry with warrant

Under section 161 of the Act an authorised officer may obtain a warrant.

1(b) Entry without warrant

Under section 154 of the Act an authorised officer may, at any reasonable time, enter licensed premises or regulated premises.

2 & 3 If there is reason to suspect that liquor is being kept on any premises for the purpose of sale or there are records relating to the assessment of a subsidy, a warrant could be exercised in respect of a private residence or other private property.

If an occasional licence is being exercised at a private residence or other private property an authorised officer would have the right to enter the premises without a warrant. Further, if a producers licence or a wholesalers licence is being conducted from a room at a private dwelling, an authorised officer would have access to that premise without a warrant.

Betting Control Act 1954

1(a) Entry with warrant – there is no power under the Betting Control Act for an authorised officer to obtain a warrant.

1(b) Entry without warrant

Under section 20 of the Betting Control Act an authorised officer has, at all times, authority to enter:

- a race course;
- premises at which the settlement of bets or a “calling of the card” event is being conducted; and
- any premises, vehicle or vessel from which a bookmaker carries on business.

2 to conduct inspections in relation to betting.

3 No.

Totalisator Agency Board Betting Act 1960

1(a) Entry with warrant – there is no power under the TAB Act for an authorised officer to obtain a warrant.

1(b) Entry without warrant

Section 36 permits an authorised officer to have, at all times, access to:

- a race course;
- totalisators, totalisator agencies and any other premises of the TAB; and
- any venue at which a sporting event on which betting takes place is being held.

2 In the carrying out of a function related to the Totalisator Agency Board Betting Act

3 No.

Racing and Wagering Western Australia Act 2003

1 & 3 Section 45(k) provides Racing and Wagering Western Australia, as the controlling authority for racing in Western Australia, with the authority to make rules (rules of racing) in relation to the duties and powers of stewards. Rules made under this authority include provision for the entry and inspection of premises by stewards.

Rule AR.8B of the Australian Rules of Racing (which control thoroughbred racing) states that the Stewards shall have the power, at any time, to enter upon the premises occupied or under the control of a licensed person and used in any manner in relation to any licence, without a warrant. In other circumstances a warrant is required.

Rule LR 15 of the Rules of Harness Racing provides Stewards with the authority to enter upon land and premises owned or occupied by a licensed or registered person, or where a registered horse is kept. In other circumstances a warrant is required.

Rule 55 of the Rules of Greyhound Racing provides that accommodation for greyhounds under the control of a licensed person shall be open for inspection by the stewards at all times. In other circumstances a warrant is required.

- 2 In performance of the stewards' powers under the respective rules.

STATE SUPPLY COMMISSION

- (1)-(3) Not applicable

WATER CORPORATION

- (1) (a-b) The Water Corporation Act 1995 does not allow the Water Corporation to enter private property. The Water Corporation's powers of entry on to private property are comprised in legislation, which is under the ministerial portfolio of the Minister for the Environment.
- (2)-(3) Not applicable.