

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

2034. Mr M.G. House to the Premier; Minister for Public Sector Management; Federal Affairs; Science; Citizenship and Multicultural Interests

- (1) Will the Premier 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 Premier detail the circumstances under which such entry may be exercised?
- (3) Will the Premier advise whether there is a difference with regard to such entry between -
 - (a) a private residential property; and
 - (b) other private property?

Dr G.I. GALLOP replied:

I am advised that :

Department of the Premier and Cabinet

- (1)
 - (a) Although not a department, agency or person appointed by a department or agency, a Royal Commission established under the Royal Commissions Act 1968 may enter private property where its terms of appointment expressly declare the provisions of section 18 of the Act to apply.
 - (b) Nil.
- (2) Section 18 of the Royal Commissions Act 1968 provides that “where a Judge of the Supreme Court is satisfied, on the application of a Commissioner or a person appointed by the Attorney General to assist the Commission, that there are reasonable grounds for suspecting that there may be relevant material in or on particular premises, the Judge may issue a search warrant authorizing a named person or named persons to enter and search the premises”.
- (3) The above power does not differentiate between private residential and other private property.

Anti-Corruption Commission

The Anti-Corruption Commission has provided the following information:

- (1)
 - (a) Primarily s.711 of the Criminal Code (WA) and any statute where members of the Police Service can make application for the issue of search warrants. In addition, officers of the Anti-Corruption Commission can seek warrants pursuant to the Surveillance Devices Act that provide for entry into private premises for the purposes of installation. In very specific circumstances certain warrants issued under the Telecommunications (Interception) Act (Cwth) provide for entry into private premises.
 - (b) No provisions.
- (2) Anti-Corruption Commission officers appointed as Special Constables (under s.35 (a) of the Police Act) may apply for and execute a search warrant on private property when investigating allegations involving serious criminal offences.
- (3) No distinction between private ‘residential’ and ‘other’ property.

Governor’s Establishment

- (1)-(3) Not applicable to the Governor’s Establishment.

Office of the Public Sector Standards Commissioner

The Commissioner for Public Sector Standards advises as follows:

- (1)-(3) Such powers are not available under the Public Sector Management Act 1994 for her office.