

↳ This information was sent through from the Institute of Strata Title Management.

Police with a warrant

If the officer has a valid warrant to arrest or detain someone in the building, it is an offence to hinder them in the discharge of their lawful duty. Anyone confronted with this situation should firstly confirm the validity of the arrest warrant and then give the Police access.

The front door to every apartment is common property, which the Owners Corporation has a duty to repair and maintain. If the Police intend to forcibly enter, and the Concierge has a key to the apartment of a person named on a warrant. The concierge should be directed to open the door before the Police break it down.

Police with a search warrant between 9pm and 6am

Search warrants are a little different. Search warrants can only be acted upon by Police between 6.00am and 9.00pm. Outside these hours are considered "an illegal night time search". You are not required to provide access in this situation.

Police with no warrant

If there is no warrant, the Police or Sheriff have no authority to insist on access to common property. **With the exception:**

Where the Police officer **do not** have a Warrant (no matter what time it is) and a Police Officer says to you words to the following effect:

"I have a reasonable suspicion that a criminal offence has been or is being committed or is imminent"

Where Police are called directly by a resident, usually because of apprehended violence or robbery, the attending Police will almost certainly have such a suspicion. It is of critical importance that you write down the exact words used by the Police to gain access in your Incident Report.

Sheriff with no warrant - wishing to serve 'papers'

If there is no warrant, the Sheriff have no authority to insist on access to common property.

CSA were told by the Sheriff's office their officers wishing to 'serve papers' are to ring the intercom like any other visitor to the building.