

Fact sheet

Police powers to deal with a serious nuisance

Under the *Police Powers and Responsibilities Act 2000*, police officers have special powers to deal with serious nuisance problems that may arise in moveable dwelling parks. This fact sheet gives information on when and why the police may be called to a moveable dwelling park, and what may happen during their investigation of a serious nuisance.

When do police become involved?

Police will become involved if they are called by anybody in the park – not just the park owner or manager – about somebody causing a serious nuisance.

What is a serious nuisance?

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) and *Police Powers and Responsibilities Act 2000* give the following examples of a person's behaviour that is considered a serious nuisance:

- assault or threat of assault to a tenant or anyone else in the park
- use of threatening or abusive language towards a tenant or someone else in the park
- behaviour that is riotous, violent, disorderly, indecent, offensive or threatening in the park
- behaviour that causes a substantial, unreasonable annoyance to a tenant or someone else in the park
- behaviour that causes a substantial, unreasonable disruption to the privacy of a tenant or someone else in the park, or
- wilful damage to property of a tenant or someone else in the park.

These are only examples and the attending police officer will decide if the behaviour reported is a serious nuisance.

What powers do police have?

If the attending police officer believes there has been, or there is about to be, a serious offence (or crime) committed, they are required by law to take action. Action a police officer can take ranges from giving a warning to making an arrest, depending on the seriousness of the offence.

Some possible actions are:

- **Power to give warning**
A police officer may give an *Initial nuisance direction* or a *Final nuisance direction* either in writing or verbally to any person found causing a serious nuisance, or to any person the police officer reasonably suspects has caused a serious nuisance.
- **Power to search**
A police officer may, without a warrant, enter a moveable dwelling in a park if the officer has reasonable grounds for suspecting there is a person in the dwelling who has just caused, or is causing, a serious nuisance.
- **Power to arrest**
A police officer can, without a warrant, arrest a person who breaches a *Final nuisance direction* or a *Tribunal exclusion order*, if the police officer believes that the person is unlikely to appear in court because of their breaches.

How do police decide when a serious nuisance has occurred?

There are a number of reasons why a police officer may reasonably suspect a person has caused a serious nuisance. They may be:

- reports from an owner/manager, another tenant or someone else that the disturbance occurred
- evidence of damage to property or park facilities
- evidence of assault of an owner/manager, tenant or someone else, or
- hearing or witnessing the disturbance themselves.

There may be other things they consider.

What can police do about a serious nuisance?

1. Initial warning by police

In cases of serious nuisance, a police officer can give an *Initial nuisance direction* warning. This directs the person to stop causing the nuisance, not to do it again, and what the penalty will be if the behaviour continues. The details of the *Initial nuisance direction* are recorded at the station.

2. Final warning by police

If, within 24 hours after giving an *Initial nuisance direction* the person continues to cause a serious nuisance, the police can give a *Final nuisance direction*.

A *Final nuisance direction* requires the person to leave the park for a length of time (up to 24 hours), and will state a penalty if they breach the order and return to the park within that time.

Both directions can be given either verbally or in writing by the police officer.

What can the owner/manager do about a serious nuisance?

As well as calling the police, there are steps the owner/manager can take if a tenant causes a serious nuisance. The owner/manager can make an urgent application to the Tribunal for an order to end the tenancy on the grounds of the tenant's objectionable behaviour.

The owner/manager can also apply to the Tribunal for an order to exclude a person (even if they are not a tenant of the park) for up to one year because of their behaviour. They can apply for the exclusion order at any time, but the person who is facing exclusion must be given 21 days notice before the application is heard by the Tribunal.

Where can I get more help or information?

Organisation	Contact details
Emergency response	000 (available 24/7) Call for police, ambulance or fire services if you are in imminent danger or been harmed or involved in a violent incident
Policelink	131 444 (available 24/7 for non-urgent incidents, crimes or police enquiries)
DV Connect (for women)	1800 811 811
DV Connect (for men)	1800 600 636
Aboriginal & Torres Strait Islander (ATSI) Women's Legal & Advocacy Service	07 3720 9089
Legal Aid Queensland	1300 651 188
Women's Legal Service	07 3392 0670 or areas outside Brisbane 1800 677 278
Integrated Indigenous Strategy Unit - Legal Aid Queensland	1300 650 143
Immigrant Women's Support Service	07 3846 3490
Brisbane Domestic Violence Service	07 3217 2544
Disability Services	Contact your local service centre or call 13 QGOV (13 74 68)
Elder Abuse Prevention Unit	1300 651 192
Tenants Queensland	1300 744 263
Department of Justice and Attorney-General	13 74 68
1800RESPECT	1800 737 732 (available 24/7)

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

For more information about the *Police Powers and Responsibilities Act 2000* contact Queensland Police.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person at:

- rta.qld.gov.au
- 1300 366 311
- Level 11, Midtown Centre, 150 Mary Street, Brisbane.



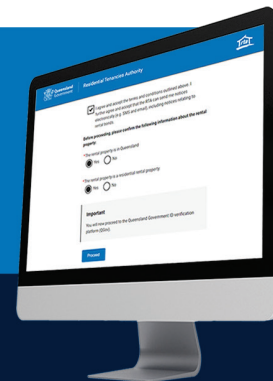
If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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rta.qld.gov.au/webservices

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Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.