

Subject **RE: URGENT: Please help, I'm being evicted!**
From TheGabba Ward Office
<TheGabba.Ward@bcc.qld.gov.au>
To d-Wizz <info@d-wizz.com>
Copy maiwar@parliament.qld.gov.au
<maiwar@parliament.qld.gov.au>
Date 2022-05-09 10:44



Hi David,

Thanks for getting in touch. Gaelle (who you spoke to on Friday) has filled me in a bit.

I've had another chat to Abe from Michael Berkman's office about your eviction today and they are going to be taking the lead in advocating on this one, but I certainly don't think you should be evicted and am willing to fight to stop it.

You should be hearing further from the Maiwar office in the next couple of days, but if you haven't heard from Michael's team by **Thursday afternoon**, please get back in touch with me.

I'm pretty optimistic that between Michael's office and my office, we will be able to stop you getting evicted on 16 May, but I do think it might help your situation if you get your yard/home as clean and uncluttered as possible by that date.

(For this week, it's probably best to direct further email correspondence to Michael Berkman's Maiwar office and also CC in the Gabba Ward office on everything you send them)

Cheers,
Jonno

Jonathan Sri
Councillor for the Gabba Ward
Brisbane City Council
([Pronouns](#): He/They)
P: 3403 2165 | A: 2/63 Annerley Road, Woolloongabba
W: jonathansri.com | E: thegabba.ward@bcc.qld.gov.au

To be truly radical is to make hope possible, rather than despair convincing.

Subject **RE: URGENT: Please help, I'm being evicted!**
From d-Wizz <info@d-wizz.com>
To TheGabba Ward Office <thegabba.ward@bcc.qld.gov.au>
Copy Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
Date 2022-05-09 11:00



Thank you Jono for your encouragement. I'm on my way now to QCAT to lodge an appeal against the decision. I wrote an affidavit yesterday explaining my position. I have to go to Mags first to get a JP to witness the document.

I was hoping to get my affidavit reviewed by a lawyer before filing it but there's no time. I must file this today before 1200 because I'm busy this afternoon.

I'll send you a copy of this later for your perusal and comments.

I will also be sending a letter to the Minister myself this evening.

The front yard has been mostly clear since Easter. There are a few things there that I can remove in less than ten minutes. I will make sure that is done when I get home.

Thanks for your help again, it's much appreciated.

Regards,
David Barker

Subject **attn abe Fwd: Attention Mollie - was Re: David Barker QCAT hearing**
From Rob Wheeler <robwheeler56@gmail.com>
To Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
Date 2022-05-09 13:37



----- Forwarded message -----

From: **HHS CS Fortitude Valley** <HHSCSFortitudeValley@hpw.qld.gov.au>
Date: Mon, 29 Mar 2021 at 11:24
Subject: RE: Attention Mollie - was Re: David Barker QCAT hearing
To: robwheeler56@gmail.com <robwheeler56@gmail.com>

Hi Rob,

Thank you for your email. It is great to hear the acceptable state has been achieved.

I have contacted HART4000 this morning and requested they re-open support for David. They have advised they will make contact once the lockdown is over and start assisting David again. I think the ongoing support for David would definitely be beneficial in sustaining his tenancy.

Let me know if there is anything else I can assist with.

Warm Regards,

Mollie

Housing Officer | Fortitude Valley Housing Service Centre
Housing and Homelessness Services | Department of Communities, Housing and Digital Economy
Level 7, 515 St Pauls Terrace, Fortitude Valley QLD 4006
ph 07 3034 6500 | **fax** 07 3034 6598 | **email** fortitudevalleyhsc@hpw.qld.gov.au
www.hpw.qld.gov.au | www.qld.gov.au/housing



Queensland Government

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From: Rob Wheeler <robwheeler56@gmail.com>
Sent: Saturday, 27 March 2021 3:07 PM
To: HHS CS Fortitude Valley <HHSCSFortitudeValley@hpw.qld.gov.au>
Subject: Attention Mollie - was Re: David Barker QCAT hearing

Hi Mollie

After several more iterations of David thinking he had achieved an appropriate level of neatness, but needing further prompting about issues he had missed, I think an acceptable state has been achieved in the communal area at the front of his dwelling.

I am making contact with you at this time to ask whether you can assist again to get David back onto the books of HART 4000. I probably shouldn't send you the entire thread of my cc of the email that I have between Cameron from Communiy and David (although it is completely what you would expect) but Cameron's final email of 28 January was this:

Hi David,

I have tried to call and SMS you over the past 2 weeks as I wanted to organise an urgent appointment with you. I will be moving to a new job in another organisation from Monday so unfortunately will have no time between now and then to visit you.

I wish you all the best with your QCAT hearing next week.

which wasn't the level of support that he really needed.

And as far as I know that was the end of communications between HART 4000/Communiy and David. As our decision maker in the tribunal observed, David "presents as an intelligent guy" and coupled with a general inclination to self-sufficiency, welfare agencies, including both Communiy and yourselves, can easily underestimate how profound his need is for ongoing support. Not intensive expensive support, but ongoing case management and review that his life decisions are not heading him into conflicts of the sort you know too well.

I look forward to hearing from you.

Regards

Rob Wheeler

On Tue, 12 Jan 2021 at 16:16, HHS CS Fortitude Valley <HHSCSFortitudeValley@hpw.qld.gov.au> wrote:

Good Afternoon Robert,

Please be advised we have received the confirmation that the QCAT hearing for David will be held on the 4th February at 9:30am.

David has been advised of this today.

Subject **RE: URGENT: Please help, I'm being evicted!**
From Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
To d-Wizz <info@d-wizz.com>
Copy TheGabba Ward Office <thegabba.ward@bcc.qld.gov.au>,
Rob Wheeler <robwheeler56@gmail.com>
Date 2022-05-09 13:46



- Part 2.eml(~39 KB)
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Hi David, I've just spoken to Rob Wheeler (CC'd) who was supporting you in 2021 when the Department last tried to evict you.

He has some material which we could provide to QCAT to help your case (**attached**) – i.e. a commitment from Mollie at the Department of Housing to request that HART 4000 assign someone to help you after Cameron went to work elsewhere. As far as we know, that doesn't seem to have happened.

Do you have a hearing date, or a case number from QCAT for your appeal? I would be happy to send this to QCAT myself, along with some context for them.

Talk soon
Abe

Subject **Re: URGENT: Please help, I'm being evicted!**
From d-Wizz <info@d-wizz.com>
To Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
Copy TheGabba Ward Office <thegabba.ward@bcc.qld.gov.au>, Rob Wheeler <robwheeler56@gmail.com>
Date 2022-05-09 18:32



Hello Abe,

The previous QCAT application was lodged on 2020-10-30 - more than 18 months ago, under file number 2508/20.

There were three hearings for this application:

- 2021-02-04, which was adjourned to allow me time to do more cleaning up.
- 2021-03-18, which was also adjourned because, although I had made improvements, the Department still wasn't satisfied. Rob Wheeler accompanied me to this hearing.
- 2021-04-15, in which the Department withdrew the application because they were satisfied with the condition of the front yard.

The unsigned affidavit purportedly made by Mollie Beresford falsely stated that this application was decided against the Department. This is not true; at the third hearing, the Department themselves withdrew the application. I can prove this from the transcript of that hearing.

Regarding the Hart 4000 issue, that was a big mess - Cameron was very slow to respond to emails and texts and dropped the ball less than two weeks before the first hearing. I do not recall either Hart 4000 or anyone from the Department of Housing offering to find a replacement for Cameron, but they did refer me to Communify in September 2021.

Interestingly, one of the Department's major points in this most recent hearing was the allegation that I had not "engaged" with Communify, and this is also mentioned in the unsigned affidavit that accompanied their application. According to the Department, this is what Communify have told them. In my defense, I can show you a string of 13 emails sent between John Araneda (the Communify support worker) and myself. John and I have also met face to face on a number of occasions, including one at my shed at Willawong last year. I think the evidence proves I have been engaging. Perhaps what they *really* mean to say is that I was not engaging with them *in a manner they would have liked*. But they didn't want to admit that their tactics weren't working so they chose to lie about it instead.

Regarding the current appeal, it is under the same case number 0693/22, but I expect it will be heard "on the papers", so there will not be a hearing date as such that requires all the parties to convene. However, if my appeal is successful, one of the options for QCAT is to reopen the matter and schedule another hearing, so that may still come up. I'll let you know if that happens. As far as submitting additional information to QCAT, the time for that has already passed; in fact, I'm trying to get some of the Department's material struck out for being submitted too late. And anyway, QCAT probably wouldn't accept material from an outside party. Additional material could be useful for me to refer to in the event of another hearing though, so depending on what it is, I might like to have a copy.

The other thing is that the current matter only involves actions from July 2021 to now. Anything from before that was dealt with by the previous QCAT matter.

Thanks for your continued interest in this case.

Regards,

David Barker

Subject **Letter to Minister for Housing**
From d-Wizz <info@d-wizz.com>
To TheGabba Ward Office <thegabba.ward@bcc.qld.gov.au>
Copy Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
Bcc <amy@sufy.org.au>, <samadamas23@gmail.com>
Date 2022-05-10 06:12



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- Letter to Minister for Housing.pdf(~42 KB)
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Hello all,

I have drafted a letter to the Minister for Housing, which is attached. I'd appreciate your review of this. I'm planning to hit send to the Minister about 1600 today.

Have I been too emotional in my writing, or should I just let it rip? As I was writing the letter, I could feel myself getting pretty riled up. Aspergers have a tendency to rant and I need to make sure I don't go too far.

Should I edit some stuff to make it fit on one page?

Any other comments you have would be welcome.

Thanks for your continued efforts and support.

David Barker

Subject **Re: Letter to Minister for Housing**
From Sam Adams <samadamas23@gmail.com>
To d-Wizz <info@d-wizz.com>
Date 2022-05-10 14:37



Hi David,

I have read the letter you are intending to send, and yes, it is passionate and emotional, but I like that. I think it's entirely appropriate to be passionate and emotional about your home and your work. If I was in your shoes that's exactly the kind of email I would likely send as well.

Something else that I wish to ask you, a member of our union has suggested making a post in the Taringa Community Facebook group. The purpose being to widen the net of support and potential for more emails to the minister. I thought I should ask specifically whether you would be keen on that given that those facebook groups are often populated by the type of people who made the complaints. Let me know your thoughts if you have time.

Sam

Subject **Re: Letter to Minister for Housing**
From d-Wizz <info@d-wizz.com>
To Sam Adams <samadamas23@gmail.com>
Date 2022-05-10 14:49



Thank you for your comments on my letter. I'll be sending it in about an hour from now.

Regarding Facebook (or any other social media), I think we'd better not publicise this delicate situation too widely right at this moment, partly for the reasons you mentioned and also because Department staff troll Facebook looking for stuff. One of the Senior Housing Officers attempted to "friend" me late last year. I refused the request, however, this door swings both ways and I was able to interrogate this person's FB page and gather a lot of intelligence about them.

However, when either the appeal is granted or the Warrant executed (hopefully the former), I would endorse all out bombing of social media to publicise this as much as possible. I'm considering getting exposure on ABC radio as well.

But until one of those events happens, the situation is too dangerous to use a megaphone.

I am about to scope out additional storage as a contingency measure in case QCAT remains silent. If there is no action from QCAT by about lunchtime Friday, I'm going to start moving stuff out. I'll ask for manpower if that situation develops. I think we could get everything out in 60 hours. Someone has offered to pay half the cost of a moving truck for one day if that's needed.

I'll keep you updated.

David

Subject **URGENT Request regarding claim number 0000693/22
(Department of Housing v. Mr David Barker)**

From Maiwar Electorate Office <maiwar@parliament.qld.gov.au>

To enquiries@qcat.qld.gov.au <enquiries@qcat.qld.gov.au>

Copy Maiwar Electorate Office <maiwar@parliament.qld.gov.au>, d-Wizz <info@d-wizz.com>, The Gabba Ward Office <TheGabba.Ward@bcc.qld.gov.au>

Date 2022-05-10 15:14



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- 2022-05-06 Letter to Housing Minister re David Barker.pdf(~195 KB)
 - Part 3.eml(~39 KB)
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Good afternoon,

I'm getting in touch on behalf of Mr Michael Berkman, State MP for Maiwar, regarding QCAT claim number 0000693/22.

The claim relates to one of our constituents, Mr David Barker, who has recently been issued with a termination order and warrant of possession from the Department of Communities, Housing and Digital Economy, and is likely to be evicted from his public housing tenancy on Monday 16 May 2022.

I have attached two documents to this email to highlight why we believe it's entirely unacceptable and unconscionable for the Department to deny Mr Barker a home:

1. A letter from Mr Berkman to the Minister for Housing, sent Friday 6 May 2022, requesting urgent revocation of the termination order and warrant of possession.
2. An email thread between Mollie from the Fortitude Valley Housing Service Centre HHS and Rob Wheeler, a friend of Mr Barker's who has supported him in previous tenancy matters. In the thread, Mollie states that HART 4000 (operating under Communify) would be contacting Mr Barker to re-open support for him, and that ongoing support would be beneficial in sustaining Mr Barker's tenancy. The thread also includes snippets of a piece of correspondence between Mr Barker and Cameron, his previous case manager at HART 4000, where Cameron informs Mr Barker that they'll be leaving that job but offers no continuity or replacement option to ensure Mr Barker continues to receive support. It is our clear understanding that no such support ever eventuated, meaning the Department's commitment to Mr Barker in 2021 was never fulfilled. In those circumstances, it would be extremely unfair if the Department then evicted Mr Barker into homelessness.

Mr Barker has medically diagnosed disability and requires support from social services. Additionally, to the best of our knowledge and according to a conversation our office had with the Fortitude Valley HHS on Friday 6 May 2022, Mr Barker has never been violent or threatening towards anyone.

With appropriate social support, Mr Barker has remedied this issue in the past to the Department's satisfaction, including in March 2021.

Mr Barker has lodged an appeal through QCAT contesting this eviction. I understand that an application to stay the Decision was also filed.

We strongly oppose Mr Barker being evicted into homelessness, and we urge you to dismiss the Department's claim.

Mr Barker was originally offered public housing because he was considered to be a priority, since he was homeless and living in his car. There is every reason to be concerned that that situation will not recur if he is evicted.

If you would like to discuss this matter further, please don't hesitate to call me on 3737 4100.

Kind regards,

Steph Moss

Pronouns: they/them

Constituent Support and Operations | Tues-Fri

For Michael Berkman, MP for Maiwar

[1/49 Station Rd, Indooroopilly Qld 4068](#)

07 3737 4100

maiwar@parliament.qld.gov.au

facebook.com/michaelberkman.greens

Subject **RE: Letter to Minister for Housing**
From Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
To d-Wizz <info@d-wizz.com>, TheGabba Ward Office
<thegabba.ward@bcc.qld.gov.au>
Date 2022-05-10 15:18



Hi David,

Thanks for sending us that letter, and apologies for not responding sooner. We've been without internet all day so everything is taking longer than usual. I think the letter is fine as is! While I'd generally recommend sticking to one page, this doesn't feel unnecessarily long or repetitive.

Also, just a quick update, I've spoken with the Housing Minister's office, and it seems as though they've taken some action on your matter, however they're still waiting for approval on the official response, so they wouldn't tell me what action has been taken.

Have you heard anything further from QCAT regarding your most recent appeal?

FYI, I've CC'd you into an email we've just sent to QCAT. Whether they take it into account or not, we reckoned it was worth trying.

Speak soon,

Steph Moss

Pronouns: they/them

Constituent Support and Operations | Tues-Fri

For Michael Berkman, MP for Maiwar

[1/49 Station Rd, Indooroopilly Qld 4068](#)

07 3737 4100

maiwar@parliament.qld.gov.au

facebook.com/michaelberkman.greens

twitter.com/mcberkman

Subject **Re: Letter to Minister for Housing**
From d-Wizz <info@d-wizz.com>
To Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
Date 2022-05-10 15:30



Hello Steph,

Thank you for your continued advocacy. I also acknowledge your letter to the Police OIC yesterday. I'm not sure what effect it will have, but it's worth a try.

The Warrant of Possession is now in effect, which means that in strictly legal terms I am now an illegal squatter. Although the Warrant is planned to be executed on 16 May, there is currently no legal impediment for any Police Officer to execute it right now. So we have to be very careful.

I am preparing contingencies in the event of the worst case scenario. I'll continue to keep you in the loop.

I'm sending the letter to Minister Enoch in a few minutes.

Thanks again for your assistance.

David Barker

PS. There is one nagging issue about Housing that I don't want to directly ask myself, for obvious reasons:

1. When a maintenance charge is added to a public housing tenant's account, is there a legal obligation for the Department to notify the tenant of that charge?
2. If the answer to 1 is "yes", is there a time limit for notifying the tenant?

The reason for this is that, included with the Department's application to QCAT are ledgers of my rent account and also a hidden account for maintenance, which I was hitherto unaware of. This maintenance account has four charges on it totalling about \$1,500, and the first I knew about the first three of these (which are all from 2020) was when I saw that account. I want to dispute these charges, but they only give you 28 days from the date of the charge to contest it, which expired long ago.

See what you can dig up in the legislation or policy manuals.

Thanks.

Subject **Appeal to the Minister for Housing**
From d-Wizz <info@d-wizz.com>
To <communitiesandhousing@ministerial.qld.gov.au>
Date 2022-05-10 15:37



-
- Letter to Minister for Housing.pdf(~42 KB)
-

Good afternoon,

Please find attached a letter to the Minister for Housing regarding my pending eviction from public housing and request for intervention to prevent this from occurring.

Regards,

David Barker
5/25 Waverley Road
TARINGA QLD 4068

Subject **RE: Letter to Minister for Housing**
From Maiwar Electorate Office <maiwar@parliament.qld.gov.au>
To d-Wizz <info@d-wizz.com>
Date 2022-05-10 15:41



Thanks David,

I understand your concerns given that the warrant does take effect from today, but I'd be very surprised if they tried to execute it before the date on the warrant. We've got a relatively ok relationship with the OIC at Indro, so am hoping that'll help in this case.

As for those questions, I'll look into it. I haven't heard of maintenance fees being charged before, other than possibly for repairs ordered by the tenant that hadn't been cleared with the Department. But even then it doesn't seem right.

Have you heard back from Tenants Qld by any chance? They would surely know.

Cheers,
Steph