

Subject **RE: Clarification**
From Jo Sampford <Jo.Sampford@lawright.org.au>
To d-Wizz <info@d-wizz.com>
Copy Mater HJP <mater.hjp@lawright.org.au>
Date 2022-05-17 16:55



Hi David,

Thanks for sending all of that through. I'll be honest I've not read through everything, and may not get to, but can I just check my understanding of the current status of the QCAT matter and next steps/need for help:

- On 9 May a termination order and warrant of possession was issued with an effective date between 10-24 May
- You filed an appeal and application to stay the decision the same day
- QCAT issued directions for you to provide submissions in support of your application by 16 May, which you've done. The Department has until 4pm this Friday to file their submissions by way of response.
- QCAT will then make a decision on the papers after this Friday, and will give further directions following their decision on the stay application.

The background to this is that the Department have taken issue with your use of your DOH unit for your recycling business, and have evicted you on the basis of alleged failure to remedy a breach of the tenancy agreement, which was in relation to cleanliness of the premises.

You have addressed their concerns by removing the items of concern and returning it to an acceptable and tidy state – was that around early May?

There's quite a few dimensions to the conflict you've been experiencing with the Department, and in not attempting to summarise that I'm not trying to minimise that issue or your perspectives on it. In focussing on the legal dimensions I'm also not wanting to minimise the significance of the Department's decision – and QCAT's – on your wellbeing, and appreciate the risk of homelessness and the anxiety that must produce. In addition to this you've got lots of supporters in your corner and there are advocacy efforts being made in multiple directions to the Department to give you the best chance of sustaining your tenancy and staying in your home.

But, I understand that the current state of play, from a legal perspective, is that you're now just waiting for the QCAT decision on the stay, which you expect some time next week.

My two questions for you are:

1. Are you getting, or able to access, any further legal help once QCAT's decision comes down next

week –

- a. you spoke to QSTARS on Friday – do they say anything about being able to call back for further advice?
 - b. I understand they are not assisting you in an ongoing or representative capacity – is that correct?
2. Do you have any particular questions about any of these matters – the QCAT process, the warrant of possession, your legal rights and responsibility as a tenant in this context?

Based on this we can see if there's any specific help we can link you with, either by approaching QSTARS directly (with your consent), or possibly LawRight's QCAT team. I need to be upfront, I can't guarantee getting you linked with help (as you're probably well aware, community legal services are very stretched, particularly in tenancy matters at present), but I'm happy to try. I can see you've put in a heap of effort in your self-advocacy and bringing in other supports to assist and advocate for you, and it may be that just a little pre-organised legal help will scaffold that and relieve some stress.

Happy to have a call about this tomorrow – we have some time preferably between 11:30 and 1 if that suits.

Kind regards

Jo Sampford

Senior Lawyer

Health Justice Partnership | Mater

Please note my work days have changed this year. I generally work Mondays and Wednesdays until 4pm, and Tuesdays and Thursdays until 12pm

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