

Subject **David's eviction update**
From d-Wizz <info@d-wizz.com>
To Rebecca Levingston <levington.rebecca@abc.net.au>
Date 2022-06-10 12:51



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- Letter to Minister for Housing.pdf(~42 KB)
 - Letter 2 to Minister for Housing.pdf(~45 KB)
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Hello Rebecca,

I listened to the Minister's interview this morning. As may have been expected, she sidestepped the issue of my eviction and didn't say much of substance, but two comments from her interview stood out to me.

Firstly, the Minister claimed that “the Department does not evict people into homelessness”, which is exactly the fate that I face should a place at either the Park Hotel or Brisbane Housing Company not become available before the scheduled eviction. Her words ring hollow, and if she really believes this statement, she will act to stop my eviction.

Further, she said that the Department was “bound by QCAT” to execute the Warrant, which is completely false. QCAT's role in this is merely to issue the Warrant. QCAT made no orders to either the Department nor to the Police obligating them to enforce the Warrant. Enforcement of the Warrant is at the sole discretion of those two entities and QCAT has no say in that. Therefore, the Minister does have the power to choose not to enforce the Warrant – there is nothing from QCAT preventing this.

The same prerogative applies to the Police. I have studied the wording of the Warrant and nowhere is there any sense of obligation or compulsion to enforce it contained in the language. Instead, it merely says “you are authorised to enter...” – again, the Police have the discretion whether they choose to use that authority or not.

Therefore, “the right words in the right ears” need to be communicated.

I also heard you read a text message from a listener questioning the legal process. That is indeed a can of worms which is one of the many facets of this case. The legal process to get to this point has been very questionable. I could list many aspects, but probably the most disturbing is the Department's submission on 21 May, 20 minutes after deadline and riddled with typographical errors, the wrong case number, and loads of unsubstantiated fiction. The most egregious part of it is that I do not get an opportunity to challenge the fallacies contained in that submission and, worst of all, QCAT seems to have accepted all of it. The entire QCAT process has been a 3-month train wreck in slow motion.

Breaking news – at 1145, I answered a knock on my door to find Sgt. Hancock, OIC of Indooroopilly Police Station and a colleague on my doorstep. We had a polite conversation in which Sgt. Hancock confirmed his intention to execute the Warrant next Friday afternoon (I thought it was 10am?) and that it was unavoidable, as the Police were “under a court order”. As explained in the previous paragraph, this is not the case. I was questioned about where I would stay after eviction and I explained about the meeting on Wednesday where I was referred to the Park and BHC. I mentioned that the Department was “expediting” these referrals, but they could not guarantee a positive outcome before 17 June. Sgt. Hancock said it was my responsibility to accept the referral should it be offered in order to facilitate rollout of “support services”. He mentioned this process should have started much earlier than now, and I concur, but of course this is where the Department is to blame for not proactively tailoring their engagement to my disability. I also explained that there was no place with friends or family for me to stay. I mentioned the protest you guys have arranged but we did not discuss that at length. Unfortunately, I did not record the conversation.

I have written another letter to the Minister for Housing, which I have attached, along with the first one). I will also be sending a letter to the Director-General of the Department to lobby them.

It has been suggested that I ramp up the media involvement in this case. I have been mulling over getting TV involved. Do you have any connections/suggestions?

Regards,
David Barker