

SUBMISSION TO QCAT APPEALS TRIBUNAL

This is a written submission by me, David James BARKER, of Unit 5, 25 Waverley Road TARINGA, in support of an *Application to Stay a Decision* filed with QCAT on 9 May 2022.

1. I am the named “respondent” in QCAT matter 693/22.
2. A hearing for this matter was conducted by Adjudicator William LeMass on 26 April 2022.
3. The result of this hearing was the issue of a Termination Order effective 9 May 2022 and a Warrant of Possession in favour of the State of Queensland (Department of Communities, Housing and Digital Economy) effective between 10 May 2022 and 24 May 2022.
4. I filed a request for leave to appeal and appeal with QCAT on 9 May 2022. The file number for this appeal is APL116/22.
5. I have become the applicant in the appeal mentioned in [4] above.
6. I filed an “application to stay a decision” form also on 9 May 2022, concurrently with the document referred to in [4].
7. QCAT issued directions on 12 May 2022 that I submit a written statement in support of my “application to stay” referred to in [5].
8. The essential reason to grant the stay of decision is because, according to advice received, the appeal filed on 9 May (see [4] above) will have no effect should this Warrant be permitted to be executed. I am further advised that reinstatement of my tenancy would be impossible following the execution of this Warrant, even if the appeal is later upheld. It is therefore imperative, in the interests of natural justice (which is one of the grounds for my appeal), that the stay be granted, so that the appeal can proceed on its merits.
9. During the hearing on 26 April 2022, the Department mentioned they had arranged “alternative accommodation options” following my eviction from public housing. On 4 May 2022, the Department sent written correspondence encouraging me to follow this up. A copy of this letter is attached as an annexure to this written submission.
10. Two Department staff visited on 12 May 2022 to offer support through a program called RentConnect. I have investigated this program and formed the view that it most likely would not be suitable for my particular circumstances, in that it was focussed on assisting people already in the private rental system. I emailed the Department on 12 May 2022 to request further information regarding the “alternative accommodation” they had mentioned during the hearing and also to clarify the applicability of RentConnect. A copy of this email is attached to this written submission. As of 9am on Monday 16 May 2022, no response to this email had been received from the Department.
11. As a result of the Department’s failure to respond with details about alternative accommodation, and my inability as a welfare recipient to afford private rental, it is almost certain that I will become homeless if this Warrant is permitted to be executed.

12. Further information in support of my case is contained in my sworn Affidavit of 9 May 2022, which forms part of my application to appeal. A copy of this Affidavit is attached as an annexure to this written submission.
13. The following documents are also attached as annexures to and form part of this submission:
- a) Letter from Dr. Paul Carver, psychologist, 14 May 2022.
 - b) Letter from Michael Berkman, State Member for Maiwar, to Hon. Leeanne Enoch (Minister for Housing), 6 May 2022.
 - c) Letter from Mary Daniel, Taringa resident, to Hon. Leeanne Enoch (Minister for Housing), 8 May 2022.
 - d) Letter from David Barker, applicant, to Hon. Leeanne Enoch (Minister for Housing), 9 May 2022.
 - e) Letter from Mark Quick, pastor Moore Park Baptist Church, to Hon. Leeanne Enoch (Minister for Housing), May 2022.
 - f) Letter from Sarah Friendship, Chapel Hill resident, 15 May 2022.
 - g) Email thread between Mollie Beresford (Department of Housing) and Rob Wheeler, March 2021.
 - h) Email from Maiwar Electorate Office to QCAT Enquiries, 10 May 2022, regarding the email thread mentioned in g) above.
 - i) Email from David Barker to Maiwar Electorate Office 9 May 2022.

Signed:

DAVID JAMES BARKER

Witness:

MARK QUICK

Pastor

Moore Park Baptist Church

Date: 16 May 2022