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## Queensland Court Blocks Council Eviction of Homeless Residents

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— *Categories: Human Rights*

An injunction from Queensland's Supreme Court has temporarily prevented the City of Moreton Bay from evicting homeless residents sleeping in tents at a local park, citing serious risks to their safety and well-being.

Justice Paul Smith granted the order on Friday as part of an ongoing legal challenge by 11 residents of Goodfellows Road Park in Kallangur. The injunction stops the council from enforcing its new policies on homelessness until the case is resolved.

"If shelter was to be taken away, the applicants would be placed at serious risk of harm from being exposed to the elements," Justice Smith said.

The council amended its local laws earlier this year to prohibit homelessness in public spaces. In April, authorities began evicting residents from several homeless shelters with the assistance of police, council rangers, and heavy machinery including a bulldozer and excavator.

Law firms Hall & Wilcox and Basic Rights Queensland challenged the council's actions under the Queensland Human Rights Act, arguing the evictions breached residents' fundamental rights.

Many residents affected by the latest injunction previously lived at Eddie Hyland Park in Lawnton before being moved in April. Notices were subsequently issued in June ordering them to vacate Goodfellows Road Park.

Justice Smith noted that there was a prima facie case suggesting the council had not adequately considered potential human rights impacts before enacting its new local laws. Queensland law allows human rights to be limited by government action only after proper assessment and proportionate measures.

The court also considered potential harm to both sides. Justice Smith found the council would face less impact from the injunction than the residents would if they were forced to leave. “While some in the community may be concerned about homeless people living in tents, the Human Rights Act protects all citizens, including the vulnerable,” he said.

Following the ruling, Moreton Bay Council acting chief executive officer Matt Anderson confirmed that the injunction allows residents to remain at Goodfellows Road “for now” and assured that the council would comply with the court’s decision.

The case highlights the ongoing tension between local councils’ attempts to manage public spaces and the protection of vulnerable citizens’ rights under Australian human rights law. The Supreme Court’s ruling ensures that, at least temporarily, the safety of homeless residents is legally prioritised while the matter is further examined.