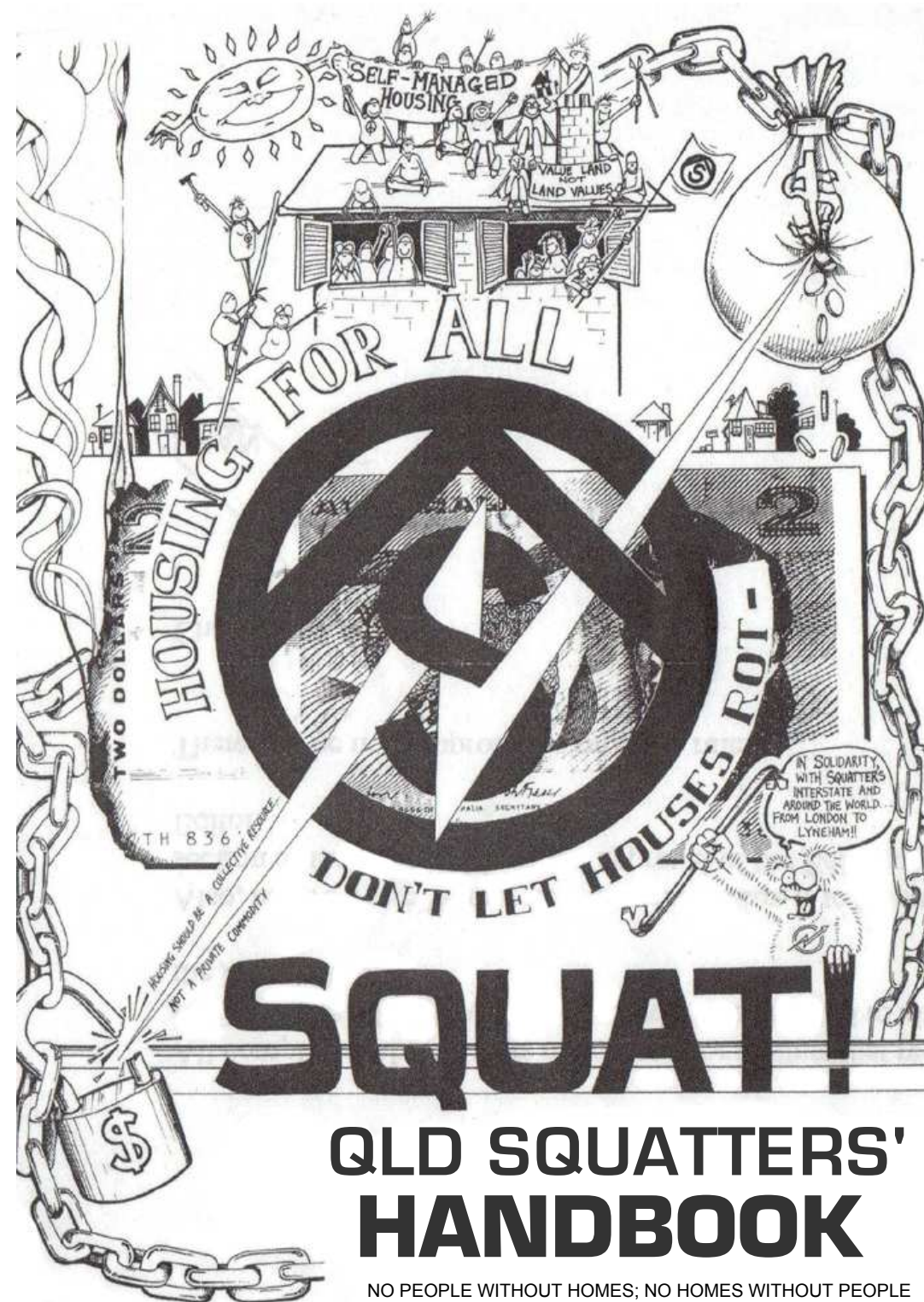


QUEENSLAND SQUATTERS' HANDBOOK

Everything you need to know
about squatting in Queensland

Squatting is the oldest mode of tenure in the Western world and most of us are descended from squatters. This is as true of the Queen with her 176,000 acres as it is with most house owners/occupiers in Australia. They are all the ultimate recipients of stolen land, for to regard our planet as a commodity to be held individually, bought, sold and exploited offends every conceivable principle of natural rights.

That we are squatters on stolen land is especially evident in Australia. Australia's recent history was built on invaders who squatted and imposed western concepts of property. In the 1800s, wealthy farmers squatted huge tracts of land, and became a ruling class of landowners. The legal and judicial system, based on the British model, explicitly served the 'landowners' whilst at the same time initiating a systematic genocide on the Indigenous Australian custodians of the land.



CONTENTS:

1. Introduction
2. Notes from Melbourne Black
3. Squatting Case Studies
4. Do's and Don'ts
5. Frequently Asked Questions
6. Tenancy Advice, Action & Advocacy
7. Police Powers



consider the following before giving a move on power:

- 1) Any reason the person offers for being in or near the place
- 2) The nature of any complaint made about the person;
- 3) The nature of any anxiety the person is allegedly causing and whether this has any factual basis
- 4) The effect of the persons presence or behaviour on anyone else in or near the place.

When can police move you on?

Firstly, you must be at or near a “prescribed place”. This includes a shop, school, ATM, licensed premises, railway, shopping mall.

NB. If you are soliciting for prostitution, you can be moved on from **any public place** including a road or park.

Secondly, your behaviour or presence must be:

- Making people anxious who are coming or going from the place;
- Interfering with business by obstructing others from coming/going from the place;
- Disrupting an event, entertainment or gathering at the place;
- Offending or threatening people coming/going from the place.

Example: you are sitting in the doorway of a shop **OR** you are making a loud noise in the Queen St Mall **OR** you are disrupting a staged event, a police officer can direct you to “move on”.

Where must I move to?

A police officer can direct you to leave the place for a set period of time (maximum 24 hours) **OR** move a certain distance in a stated direction for up to 24 hours.

What else must the police officer do?

A police officer **must** give you:

- reasons for why you are being moved-on; and
- a reasonable opportunity to comply with the direction.

You should ask the police officer for reasons if he/she doesn't explain why you are being moved-on. The direction **must be reasonable**. Parks and roads are **NOT** prescribed places. **King George Square, New Farm Park** and **Kurilpa Point Park** recently became “prescribed places” and move –on powers can be used in those areas.



Occupy & Resist – Against landlordism for Self-managed housing

3) A doctor acting at the direction of a police officer.

Before taking a person to another place for a search, the police must consider:

- 1) Whether the thing sought may be concealed on the person
- 2) Whether, for an effective search, the search should be conducted somewhere else; and
- 3) The need to protect the dignity of the person.

If the police have obtained lawful power to search someone involving the removal of clothing – they may remove the clothes from:

- 1) If the person is female – the upper OR lower part of the body; or
- 2) If the person is male – the lower part of the body.

The police must tell the person:

- a) They will be required to remove clothing
- b) Why it is necessary to remove the clothing;
- c) Give the person the opportunity to remain partially clothed eg: covering the top half while the bottom clothing is removed.

The search must be conducted:

- 1) In a way providing reasonable privacy for the person; and
 - 2) As quickly as reasonably practical and the person must be allowed to dress as soon as the search is finished.
 - 3) The officer must not make physical contact with the genital and anal areas of the person searched, but the officer may require the person to hold his/her arms in the air or to stand with legs apart and bend forward.
 - 4) If the person to be searched is a child, or a person with impaired capacity the search must be conducted in the presence of a support person unless
 - 1) The police suspect that delaying the search is likely to result in evidence being concealed or destroyed; or
 - 2) An immediate search is necessary to protect the safety of a person.
- Police may search vehicles without a warrant.
 - While in custody, the police may not use force likely to cause GBH to a person or the person's death..
 - The police must provide you with their name, rank and station.

MOVE ON POWERS

Officers may give a move-on direction to a person at or near a regulated place if they reasonably suspect the person's behaviour or presence is or has been:

- 1) Causing anxiety to a person entering, at or leaving a place
- 2) Interfering with trade or business at the place (only if the occupier complains about the persons behaviour)
- 3) Disrupting an event, entertainment or gathering at the place.

Move on powers also apply to prostitution in a regulated/prescribed place.

A decision to use a Move on Power interferes with a person's right to free movement and should be able to withstand public scrutiny. Officers should

1. Introduction

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That we are squatters on stolen land is especially evident in Australia. Australia's recent history was built on invaders who squatted and imposed western concepts of property. In the 1800s, wealthy farmers squatted huge tracts of land, and became a ruling class of landowners. The legal and judicial system, based on the British model, explicitly served the 'landowners' whilst at the same time initiating a systematic genocide on the Indigenous Australian custodians of the land.

At certain periods in Australia's more recent history, squatting has been tolerated as a necessary housing solution. In the depression years of the 1930s the authorities allowed unemployed people to live in shacks, which they built for themselves. Today many people are forced into squatting for a number of reasons –

for example:

- Unable to access the private market (eg: through bring TICA listed).
- The lack of affordable housing.
- Being overwhelmed with lengthy Department of Housing waiting lists

Squatting today is the act of making use of empty, disused and abandoned property - to help yourself and others with accommodation or to develop community projects (eg: the world wide squatted social centre movement). If this is an option you're considering, be prepared for a lot of hard work (which might not pay off). Here is some information, advice, as well as some things you should know.

2. Notes from Melbourne Black: A History of the Melbourne Squat Scene

These are unedited notes from a talk given by Iain at Camp Eureka on Monday, 26th April, 2010. An edited version appears in Melbourne Black, Vol.1, No.3.

Today I'll be talking some campaigns from the past, as well as my own experiences around squatting activism, in order to stimulate discussion around squatting as a strategy and the tactics involved.

The Pros and Cons of Squat Campaigns

First and foremost squatting provides a practical solution to housing, although not necessarily a long term or easy one. People are already doing it out of necessity so campaigns, actions, support networks can provide solidarity, share knowledge and raise the profile of direct action. Squatting exposes the waste and exploitation built into the current system and the failure of state and private market solutions to deal with homelessness and housing stress. If done publicly squatting asserts right to housing for all.

Due to the often run down nature of the properties involved squatters have to learn practical skills around repairs, etc as well as work out how to negotiate with police, neighbours and landlords. Because you're not paying rent you can also put more time and money into doing what you want to with the space and free yourself up from work, etc. Lastly as a form of direct action and housing squatting chimes with the creation of a society in which we are self reliant and develop our own solutions to the problems we face.

The down side of squatting is that campaigns and spaces can be hard to maintain. If you're lucky and find a place that has been forgotten about then you might be able to house yourself or others for some time. However as soon as you go public you put that at risk unless you are able to wedge the owners in the way that SHAC did with the University of Melbourne and the Broadway Squats did with the South Sydney council. Generally squatting involves having to keep moving and dealing with the police and landlords in often confrontational situations where you have little warning, few rights and little power. Even if you are able to resist by barricading and getting large numbers involved, living under the threat of eviction is often stressful and time consuming, although it can be exciting and bonding as well. For most activists who have other options it can be

extraordinary strength and resilience that their clients demonstrate despite the multiple layers of disadvantage they are faced with.

For the benefit of those reading, presented here are details of police powers extracted word for word from the *Queensland Police Service First Response Handbook*.

GENERAL QUESTIONING

Police can require you to state your correct name and address; you can be arrested if you refuse. The police officer must supply their details. Police may not enter your dwelling unless they have your consent.

SEARCHING

Police may, without a warrant:

- Stop and detain a person
- Search the person and anything in the person's possession for anything relevant to the circumstances for which the person is detained

IF the police suspect that:

- The person possesses a weapon, something prohibited under a domestic violence order, an illegal drug, a graffiti instrument, tools primarily used for illegal activity or stolen or unlawfully obtained property
- The person possesses an antique firearm and are is not fit and proper to be in possession of the firearm because of a domestic violence order/the person's mental and physical fitness or the person has been found guilty of an offence involving the weapon. The police may also seize anything for the above reasons.

WHEN BEING SEARCHED:

The police must:

- 1) Ensure as far as reasonably practicable, the way the person is searched causes minimal embarrassment to the person
- 2) Take reasonable care to protect the dignity of the person
- 3) Unless an immediate and more thorough search of a person is necessary, restrict search of the person in public to an examination of outer clothing; and
- 4) If a more thorough search of a person is necessary but doesnot have to be conducted immediately, conduct a more thorough search of the person out of public view, for example, in a room of a shop or, if a police station is nearby, in the station.

If this is the case, the person conducting the search must be either:

- 1) A police officer of the same sex as the person to be searched; or
- 2) If there is no police officer of the same sex available – someone of the same sex acting at the direction of a police officer; or

7. POLICE POWERS

"Laws are cobwebs for the rich, and chains of steel for the poor."
- August Spies

Several key findings from “No Vagrancy: An examination of the impact of the criminal justice system on people living in poverty in Queensland”

1. People experiencing poverty and homelessness endure extraordinarily high levels of police harassment and interference in their lives.
2. People experiencing poverty and homelessness report being frequently searched, often unnecessarily and sometimes unlawfully.
3. Many people experiencing poverty and homelessness report suffering physical brutality at the hands of police officers.
4. Aboriginal and Torres Strait Islander Australians living on the streets are particularly vulnerable to police interference and harassment.
5. The court system is often experienced as intimidating and confusing by people experiencing poverty and homelessness.
6. Many people experiencing homelessness and poverty have been supervised by community corrections, and/or have been housed in a correctional facility.
7. Some people experiencing poverty in Queensland report having insufficient income to provide themselves with the necessities of life, including food, shelter, clothing and access to amenities.
8. Many of those experiencing homelessness and poverty report feeling looked down upon, discriminated against, and excluded by mainstream society.
9. People experiencing homelessness and poverty are generally of the belief that they have no human rights, and/or that they are not capable of ensuring that the rights they do have are respected.

Coupled with this was a survey of criminal justice and related professionals; some of the key findings were

1. Many of those working within the criminal justice system alongside people experiencing poverty answered that police discriminate against people experiencing homelessness and poverty, particularly Indigenous Australians.
2. Adverse outcomes are attributed by related professionals as a result of a lack of access to legal advice and advocacy.
3. Many criminal justice and related professionals believe that the court system is inordinately intimidating and complex, and that people experiencing poverty are more likely to be adversely impacted by this than others.
4. Agree that people experiencing poverty are more likely to have convictions recorded against them, and are more likely to end up in prison.
5. Many of those who work with people experiencing poverty observe the

difficult to keep at. Those activists, and others, who don't have alternatives are often quite vulnerable and therefore reluctant to bring any more pressure down on themselves. In short while squatting provides a radical and practical solution it can be all consuming, hard work and hard to sustain.

1946 Squatting Campaign

Inspired by a major campaign in the UK, where 100s if not 1000s of properties were taken over, the Communist Party of Australia (CPA) initiated a series of squatting actions to address the post war housing shortage. There is no time here to go into pros and cons of the CPA's strategies after World War 2, but I will focus on this successful campaign.

The activists involved were able to tap into a number of key resources, not least the general ferment around gender and class based issues that was happening in the wake of the war. In doing so they were able to appeal to people's fears of another depression and the general demand that they be rewarded for wartime sacrifices.

Although Cold War hysteria around Communism was about to begin, the idea that society should provide for the basic needs of all was a prevalent one at the time. Much of this was channelled into state based solutions and the creation of the welfare state, but nevertheless it allowed the squatting campaign to draw on ideas that many people at some level agreed with. Unlike today strong communities also existed and people knew their neighbours. Although this didn't automatically translate into support for such campaigns it gave them a base from which to draw on.

CPA activists may have been using squatting to primarily advocate for more public housing rather than complete community control, but the idea of seizing unused properties on the basis of need was still a radical one. In this they were aided by Wartime Moratorium Regulations in which people were able to identify empties whose owners could then be compelled to rent them out. At the beginning of the campaign the prosecution of the regulations was weak and inconsistent, but they provided a policy that activists could point to and build on. In doing so they were able to argue that by squatting they were enforcing the spirit, if not the letter, of the law.

Lastly the various squatting actions had a core of organised activists who were willing to occupy properties and guard them for as long as it took. These troublemakers also had an existing support network in the CPA which boosted the neighbourhood committees that were set up. The campaign probably started in January, but kicked off publicly in May when Returned Service League (RSL) and CPA members (possibly one and the same) seized the “Marranah” mansion in Kings Cross turning it over to a number of families. After a concerted campaign the local council was forced to recognise the occupiers as tenants and begin much needed repairs. In the same month four families with the assistance of the CPA, RSL, the Legion of Ex Servicemen and the Commonwealth Association squatted staff cottages adjoining a factory at St Mary’s after the factory’s manager rejected applications for legal occupation.

Further squats continued to be set up in Sydney and in June the campaign spread to Melbourne where the Box Hill CPA branch transferred a family from a cowshed to a house that had been deserted for three years. In the same month ex-servicemen and their supporters were arrested and heavily fined for wilful trespass after they refused to leave a property in St Kilda. In Hobart 2 families broke in and took possession of rooms in an empty private hospital. Within a month 53 homeless people had moved in including 27 children.

July saw similar actions in Melbourne and Sydney with several public meetings also held. The biggest action saw six families occupy vacant huts in the Royal Marine compound at Moore Park. The families and CPA members scaled a fence enclosing the Cleveland Street compound before police moved in and laid siege for a number of days. Unable to leave for fear of arrest and eviction the families were provided with food and blankets by locals. A campaign against the squatters was begun in the media with attempts made to brand them “communist dupes”, but this failed to break either local support or the squatters’ resolve. By the month’s end victory was achieved when the squatters were finally given the opportunity to buy the huts with finance supplied by the federal government.

Similar actions continued and eventually also spread to Newcastle. By August the CPA claimed to have housed over 130 homeless people in Sydney alone.

Information on how the campaign wrapped up is limited. However it would appear that the squatters embarrassed various authorities into applying the wartime provisions more closely and that this is where the activists’ energy

6. TENANCY ADVICE, ADVOCACY & ACTION

If you are squatting it is a good idea to get in touch some community legal centres/tenancy services (EG:TASQ – West End Neighbourhood House near Coles), or at least have their phone numbers handy.

Tenancy Advice and Advocacy Services:

Inner Southern Suburbs

4 Norfolk Road, South Brisbane 4101

Phone: 3844 9814

Logan/Albert/Beaudesert

Phone: 3208 8736

Newfarm: 3358 3951

Caboolture: 5428 6011

South Brisbane: 3844 9814

Albion: 3262 9555

Stafford: 3857 8686

Acacia Ridge: 3277 7583

General Number: 1300 744 263



www.solnet.co.nr

BRISBANE SOLIDARITY NETWORK

We are a volunteer network aiming to support each other in defending our rights and building a better world through collective direct action, solidarity and mutual-aid. If you're fighting unjust treatment from a landlord, boss or oppressive institution, **don't fight alone** - get in contact!

PHONE (LEAVE A MESSAGE):

0477 207 953

EMAIL:

bsn@riseup.net

WEB:

<http://solnet.co.nr>



Caveats & Squatter's title

A caveat is a means by which a **Certificate of Title** at the Land Titles Office can be "tagged" to show that someone has an interest in the property. A caveat prevents the Registrar Of Titles from registering another interest against the title without first giving notice to the person who lodged the caveat. Generally speaking, once a caveat has been lodged against a property, nothing else can be lodged against the property without the consent of the person who lodged the caveat. One way of proving the date of your possession is to lodge a caveat on the certificate of the title. A caveat is an order preventing the property from being sold, mortgaged, given away, etc unless the "caveator" is given 30 days notification.

A caveat under Section 89 of the Land Act of 1958 costs \$59 to register with the Titles Office and the form you require is "Approved Form C". You will firstly need to get the volume and folio number of the property's title and will need to provide information as to the reason why you are taking out the caveat. On the form you need to write "An estate in fee simple" in the section asking about the "Estate or Interest Claimed". In the area titled "Grounds of Claim" you need to write "Adverse Possession. Possessory Interest In Above Named Land."

All the people who are on the title will be notified. To avoid alerting an owner or bank to your presence only lodge a caveat if there is no mortgage and the address of the owner is the same as that of the squat. Lodging a caveat also has an advantage in helping you out when dealing with the police. If they come you can show them the caveat and tell that you are engaged in a civil dispute over who owns the property. It is likely the police will leave you alone in such a case.

Meeting the Owners..

If you haven't negotiated a tenancy with the owners and they turn up unannounced then do your best to politely negotiate. In many cases they will be shocked and want you out immediately, but sometimes they will be reasonable from the outset or can be brought round by you explaining your situation and the advantages of having you there. Should they want you out you will basically have to go. If the police are called in to assist with an eviction they will generally suggest to the owners that they give you at least 24-48 hours to vacate as they generally want as little hassle as possible.

increasingly went. However squatting continued on into 1947 with families squatting a disused tennis pavilion in Williamstown where they converted the changerooms into living spaces.

Squatters Union of Victoria (SUV)

The Squatters Union ran from the early 1980s until the end of the decade. Judging from the Union's magazine, and the people I've met who were involved, it was primarily an anarchist group. Unlike the 1940s campaign the Union's activities were primarily run by squatters themselves. At times there were only a small core activists involved, many of whom were also unemployed. Although payments were very low the conditions on the dole were far more lenient than they are today and this allowed some of these activists to go at things full time. The Union was also able to draw on a larger pool of squatters as well as people involved in the punk scene and unemployed activism. Many of the core Squatters Union folks were involved in all three.

Other than this potential base of support the Union also had the advantage of there being many more empties available than today, particularly in the inner city and Ministry of Housing and Military Housing areas like Braybrook and Laverton. Early on the SUV often worked with Housing groups and ran joint campaigns publicising the eviction of squatters from disused public housing and council properties. In doing so the Union generated a lot of media interest and established itself as a contact point for people needing solidarity or advice. The Ministry of Housing's response was to trash empties and put any squatters they evicted to the bottom of the waiting list. Eventually under Jeff Kennett's reign a portion of housing stock and many government buildings were flogged off.

The Union sometimes physically helped people set up squats and also picketed councils and real estate agents over evictions. It also joined in broader campaigns around gentrification and housing in St Kilda and North Melbourne. It organised its own anti-eviction campaigns in Northcote, Fitzroy and other areas and occasionally took part in physically resisting evictions.

The SUV also served as a media contact to comment on housing and squatting issues and claimed to have done 116 interviews in 1987, the International Year of Shelter for the Homeless, alone. Members of the Union presented a radio show, which eventually merged with the Unemployed Workers one to become SUWA. They also published 18 issues of Squat It! magazine.

The Union's activities crossed over with mass squats and social spaces such as a warehouse in Wellington St, Collingwood, a squatted café on a pier in Port Melbourne, a squatted Orphanage in South Melbourne and the Community Fire Station in Fitzroy. The latter served as the Union's headquarters in the late 1980s as well as the home of the Unemployed Workers Union, Koori Press and other groups.

The SUV also ran an advice service. According to some stats published in Squat It! they, along with the Western Region Housing Council, received 485 enquiries from people interested in squatting in 1987 and had 80 reports of empties which allowed them to build a list of 100s of properties. In the same year the Union claimed to have distributed 10 000 leaflets and pasted up 2000 posters. All in all the various people who moved through the organisation over the best part of a decade were a busy bunch. If you're interested in finding out more about the organisation and its activities you can find copies of Squat It! in the Loophole library and the State Library of Victoria.

1990s Activism

My personal experiences with squatting activism in Melbourne during the 1990s weren't quite as exciting as the campaigns of the '40s or '80s. I'll talk about them mainly to illustrate what people have done in the quiet times and also to discuss the usefulness of large, sustained, public squats- something we didn't have. I should emphasize that these are my take on events and that others who were involved may have different opinions.

I moved to Melbourne in 1992 and got involved in the local scene after meeting local squatters at a public talk. The group I became involved with was originally called the Squatters Information Service or SIS and later became the Squatters Information Network because the acronym was cooler. We were auspiced by a housing lobby group called Shelter Victoria who had a relationship with squatters going back to the SUV days. They provided us with a phone and a listing in the White Pages as well as the use of their office on Friday afternoons.

There was a group of maybe 5-10 people who would do a once a month shift on the phone or hang out and use the photocopier. Around that there was a larger group of people who would call in with the addresses of empty houses which we kept in a file and would then pass onto people who called in. People were meant to call back if the place was being lived in or was a no go, but few ever did. We

that they suspect you of or which they are investigating.

3. If they claim they are there to evict you at the owner's request then make sure that you get them to tell you the owners name so you can make sure they are not lying. If they are indeed there on behalf of the owner then you will either have to begin negotiating a reasonable period in which you can vacate. If you have taken out a caveat on the property (see section below on Squatter's Title)

76

then show them the documentation and inform that you are involved in a civil dispute.

4. If they ask you how you got into the property tell them the door was unlocked or a window was open to avoid the possibility of being charged with forced entry, criminal or willful damage, or possibly burglary.

5. Remind them that squatting is a civil, not a criminal offence, and that you have received legal advice stating you should only talk to the owner.

6. Do your best to avoid antagonising them.

7. Try to obtain a lawyer that you can refer the police to should they wish to know any further information.

8. If you are arrested for an indictable offence the police are able to do a number of things. If you are over 15 they can fingerprint you. They do not have the right to force you to have your photo taken, but there is no power to stop them from taking a photo without force. They cannot take a forensic sample (blood, hair, mouth swabs, etc) without a court order or your consent. You are entitled to call a friend, relative or lawyer before being questioned. Do not let the police select a lawyer for you as such a lawyer will be on their side not yours. Insist on calling a lawyer you know or one from Legal Aid (see Legal Aid section).

9. If arrested you do not have to answer any questions at all, either before arrest or during interrogation. You must be informed of your right to remain silent during interrogation. Once you have spoken you cannot go back to being silent as it will go against you in court. Nothing can go against you for remaining silent in the face of every question except to provide your name and the address of your squat for bail. Sometimes it can best to answer questions, but until you have gained legal advice it is best not to do so. Remain calm, look away and answer 'No Comment.'

Property Damage: If there are signs of damage or 'breaking and entering' this is big trouble for you; the onus is on you to prove that the property was accessible and open.

Possession of house breaking implements: This is an alternative to the charge above. It is a summary offence. It is easier for the police to prove as they don't have to show any "intent". Once they have proven you were in possession of the "implements" then you have to prove that you had a reasonable excuse for their possession. Because the onus is on you to prove your innocence this can be a tricky one to get around as once you start talking it is hard to avoid answering other difficult questions. Although you have to prove your lawful excuse and not the police it is best to save your explanation for the court.

Willful Damage: This is an alternative to Criminal Damage and is a summary offence. Possession of implements with intent to commit a burglary: This where you are found with tools, but there has been no burglary or they can't prove there has been one. With this charge the police must prove that you were "intending to steal, assault someone inside the house or commit criminal damage". Squatting does not come within these three categories, but the police could try this on nonetheless. This is an indictable offence. The main way to avoid being found guilty of this charge is to admit to nothing.

Criminal Damage: Intentionally or recklessly causing damage to another's property. Unless caught in the act, or unless you admit to it, it is difficult to prove that any damage was done by you, especially if the property was empty as others may have entered and vandalised the place before you squatted it. To be safe it is best to repair any damage caused (whether by you or by others) as soon as possible. Criminal damage could range from breaking a window to burning down a house and the penalty is imposed accordingly.

If police come a-knocking..

1. Do not open the door. Speak to them from a window.
2. If they attempt to enter, ask to see their search warrant and identification. If possible, write down their names, ID badge numbers, licence plate numbers, what police station they're from, etc. Ask them whose orders they are acting upon (the owner, neighbours, etc). If they request your name and address (of the squat!) you must give it to them if they suspect you have committed an offence, or if they believe that you have information that may help them in the investigation of an indictable offence. You should ask them what the offence is

promoted the group via announcements on Radio 3CR and the SUWA show as well as through stickers and posters. A lot of callers simply looked us up in the phone book under "squatter" because they'd heard of the Squatters Union via its earlier campaigns.

Most of our callers were either mothers with kids who were about to be evicted and needed somewhere pronto or people who had been eyeing off an empty in their area for some time. Most weeks 2 to 5 people would call up and we'd do what we could to help them, which to be honest often wasn't much. The laws provided no protection unless the police or someone other than the owner was trying to evict them and we weren't in a position to provide physical solidarity.

Probably the most useful thing we did was to put out about 1000 copies of the 1993 Squatters Handbook. This was circulated through Housing groups and services as well as via various subcultural haunts. On the back of that some of us did talks with various groups. I remember running a workshop in Geelong talking with some homeless kids about their experiences with squatting and strategies for dealing with the police and landlords.

Nearly all of us were squatting. There were still a lot of empties around in the inner city then, probably an average of 1 every couple of streets. Although I had better luck in later years I tended to pick the ones which didn't last long, but generally if you kept at it you could find one that did.

People were fairly upfront when I got involved that SIN was to be an advice line only although some in the collective did help people break into properties. The only time we planned on doing an action while I was in the group it ended in a near fatal split.

We'd been asked to do something during Housing Week by Shelter and we decided to squat a building in the city to highlight the number of unused properties in Melbourne. Half of the small band who would be potentially involved decided they would only take part if we engaged in all out resistance. I can't recall the exact reasoning, but I guess it would be a show of militancy. The rest of us had mixed feelings. Objections to a stand up fight included that it would be suicidal and/or stupid for a small group of people to tangle with the police over what was essentially a publicity stunt, that dealing with courts, etc would be a waste of our limited personal and group resources, and that we

should wait and see how things panned out on the day. In the end everyone got huffy and nothing came of it.

Following our direct action debacle things with SIN slowly fizzled out. With the election of Kennett many of us got sidetracked into things like the Northlands and Richmond secondary school occupations. Some of us however continued to be involved with the SUWA show, which people still occasionally call for advice to this day. In 2001 SUWA folks put together a mini “No Frills” version of the SIN handbook and managed to get 1-2000 copies out as well as eventually set up a website.

Both SIN and I guess SUWA’s main contribution was in providing practical advice and promoting the idea of squatting to smallish numbers of people. Given the tiny crew who were involved in squatting activism and the diminishing pool of supporters around us that was probably the best we could do.

In the years since I’ve noticed that every time a large and reasonably public space has been squatted the overall interest and number of people squatting has also increased. In the mid 1990s a space was squatted on Wellington St which was dubbed the Brown Warehouse. The same space had been previously squatted as a café back in the 1980s. This time around it housed various people, many of them travelling back and forth from forest protests, and also held gigs and other events. There was also another place down the road called Fabryka which had a café night. Both spaces were evicted after about 3-6 months, but the Brown Warehouse caught a lucky break and the owners took them to court instead of just sending the police around when no one was home. That allowed the occupants time to barricade which stalled the owners for a short while and later saw the police call off a planned eviction. It also got squatting and the campaign to save the space a lot of publicity. I wasn’t particularly involved beyond attending and playing gigs and covering events on SUWA, but it definitely raised the profile of squatting on a grassroots and media level. I guess it’s fairly obvious, but as in the 1940s and 1980s the experience of the Brown Warehouses demonstrates that if you can show that a radical solution works then people will give it a go.

there due to the fact that there are dwellings which are hundreds of years old, and have therefore had the chance to become completely abandoned by the true owner.

Question 4:

What offences do I need to be aware of when squatting? Being found within the precincts of a building without legal excuse:

This is another one in which you have to prove you have a lawful excuse rather than have the police prove you have done something unlawful. The courts have said that trespass on land is not a crime and so there has to be some unlawful or criminal intent linked to the reason you were found on the premises. This law has been brought in to supposedly punish behaviour linked to a criminal purpose or which "violates community standards of decorum and tranquility that is likely to put the occupiers in fear." Attempting to squat a house for emergency accommodation should not fit this definition. This is much harder to prove once you are squatting as you are now the occupants and residing on a property is surely an excuse for being there.

Willful Trespass: This is a common charge used to evict squatters. The law was changed in 1998 and a number of aspects are yet to be tested in court. The old trespass law was used when a squatter had been asked to leave the property by an owner (or their agent) and that person refused or failed to leave. If you left within a reasonable time (which was often defined by the circumstances, but generally meant enough time to gather and secure your valuables) then no offence had been committed. Under the new law you are not meant to enter the property without permission from the owner or occupier. If you have a reasonable excuse for entering without the owner's consent then this is a defence against the charge. Unlike the old law the police now no longer need to get the owner or occupier to tell you to leave as you are the one who has to prove that you have the owners' or occupiers' permission. However squatting a house gives you "occupation" and as a result you may be able to argue that you do not need the occupiers' permission as you are the occupier! If you have taken a caveat out on the property (see "Squatters Title" section) then this argument has additional strength as you have legally registered yourself as the occupier.

Question 3: Do squatters have any rights (similar to the UK) in Queensland?

A - Yes, but in extremely limited circumstances.

There is a legal principle known as 'adverse possession' which means that after a certain period of uninterrupted occupation, a squatter may be recognised as the owner of the property, no matter if the 'true owner' exists or not. This is the ethical approach to squatting; ie. Claiming un-used land.

However, the big proviso with this is that it is in practice very rare for all of the circumstances necessary for adverse possession to come together. The following things must be shown before someone can claim possession of a property in this way:

- a) The property has been abandoned by the 'true owner';
- b) The squatter intended to possess the property;
- c) The squatter, in fact, possessed the property;
- d) The squatter continually 'possessed' the property for at least 12 years.

Changing the locks and paying rates are both evidence of b) and c), but they alone are not enough to prove adverse possession. Probably the most common fact which would prevent someone claiming adverse possession is the 12 year period. If anything happens inconsistent with someone's right to possession within that 12 years, then the right to adverse possession will not accrue. If any of the following happen:

- the true owner attempts to have the squatters removed
- the true owner permits the squatter to stay there
- the squatter moves out of the property
- the squatter fails to demonstrate an intention to possess the property, for example by allowing other people to come and go ..the 12 year period resets.

In effect, if the true owner finds out about the fact that their property is being used by someone else, it will be virtually impossible for adverse possession to be found.

On vacant open land (non government) adverse possession is claimed by "enclosing" or fencing the land. As a result of these difficulties, adverse possession very rarely occurs. While there have been a handful of cases of this occurring recently in the UK, it might be that adverse possession is more possible

3. Squatting Case Studies..

Pymont

In 1977 plans were announced for a project using land owned by Sydney City Council and the State Land Commission (LandCom) on the Pymont peninsula. The area was to become the site for a major public housing development, known as the Pymont Point project, comprising more than 600 residential units. In 1978, with the initial phase of the project underway, the last of the public tenants who had been living in Council-owned housing on and around Point Street, Pymont, were evicted and relocated. The Council, which once had acted to preserve the buildings, was now preparing to demolish them.

In late 1978, the first squatters moved into the empty Point Street buildings. The council quickly disconnected the electricity supply to the houses, sent teams of workers to remove the roofs, and served the squatters with notices to leave or risk being charged with criminal trespass. Luckily, this didn't eventuate, due to Government in-fighting over money, which stalled redevelopment plans. The Council's legal proceedings were deferred and the squatters remained in the buildings.

More people occupied the buildings and set about repairing them. By early 1981 over 50 people were squatting in the Point Street terraces and nearby flats. It wasn't until March 1983, almost five years after the squatters had begun their occupation, that plans for the housing project were re-announced. By this time, private developers had become involved. What had been a major public housing project was now going to be a largely privatised development involving the multinational corporation CRI. In 1984, the developers brought a Supreme Court case against the Pymont squatters. With eviction likely, the squatters began a campaign to gain public support for their occupation. They drew on public concerns about the privatisation of the Pymont Point project and the lack of affordable housing for the traditional working class low-income inhabitants of Pymont.

The high court gave the squatters two months to move out, so the Pymont squatters tried other methods to legitimise their activities and secure their occupation. A large group of squatters addressed a City Council meeting where the Pymont Point project was being discussed, seeking suspension of their eviction orders on the grounds of hardship. Their requests were denied and Council reaffirmed its commitment to proceeding with the redevelopment plan. In the local government elections of 1984 the Labor Party lost seats in Sydney

City Council and became reliant upon the support of two independent communist councillors, Jack Munday and Brian McGrahen, for political control. With a political history of defending low-income residents against property developers and the balance of power in their hands, Munday and McGrahen passed a motion to sell Council land at Pyrmont Point to the NSW Department of Housing (DOH). They also passed a motion allowing the squatters to remain in the buildings until the negotiations with DOH were finalised and the squatters were directed to leave by Council.

The squatters were to be evicted in May 1984, but by then had garnered so much community, political and media support that any eviction attempt would have been a political and public relations disaster for the DOH. The Department was forced to negotiate quietly with the squatters to establish the Pyrmont Self-Help Housing Co-operative.

Sydney City Council quickly organised to purchase buildings in the Pyrmont-Ultimo area for the Co-operative's use. Squatters were either rehoused into the new Co-operative's buildings or into subsidised rental accommodation in the Pyrmont area.

Woolloomooloo

Victoria Street, Woolloomooloo, was the site of the first public housing campaign in Australia. In 1971 first-time property developer Frank Theeman acquired whole rows of houses in historic Victoria Street, Woolloomooloo. Theeman developed plans to demolish the terrace houses and build massive office and apartment towers. It wasn't until March 1973 that Theeman gained council approval for his plans, and in the following month he began to institute a mass eviction of over 400 tenants. While some tenants left 'voluntarily', others defiantly stayed in their homes and the Victoria Street Residents Action Group (VRAG) was formed. Street patrols were organised to protect the remaining tenants from intimidation by Theeman's security company, and to protect the empty houses from vandalism. The residents quickly gained the support of the National Trust, which classified Victoria Street as an area of national importance. Most importantly, VRAG approached the communist-led Builders' Labourers Federation (BLF), who immediately placed 'green bans' on the threatened houses. 'Green bans' were work bans instituted by builders' labourers in response to community and environmental issues.

The green bans placed on the Victoria Street houses effectively prevented them from being demolished. On 10 June 1973, the first group of squatters moved into 57 Victoria Street; over the next seven months the rest of the 22 houses in the street

follow this path the application is called a *Summons and Origination Motion for Summary Possession of Land*, and it is issued with an affidavit (a written sworn document) verifying their ownership of the property and the fact that it is now in the unlawful possession of others (namely you). A copy of the Motion and Affidavit are attached to a conspicuous part of the property within 21 days of the Court hearing. You do not have to attend and it is usually useless to do so as unless you can establish a legal right to the possession of the property the Court will make an order for the owner take back possession. The owner then registers this order with the Sheriff who enforces it by breaking in and legally evicting you. Legally there is nothing you can do unless unreasonable force is used, but at least this procedure will give you 21 days to find a new place.

The cost and time delay of a court hearing has meant that owners generally evict by using the Willful Trespass charge. You will be told to leave by the owner or face arrest. If you leave nothing will happen. If you don't you will be arrested and no one will be able to prevent the owner from dumping your possessions on the street.

A final avenue for eviction is for the owner to physically evict you themselves. If you are not at home and they put your stuff out and change the locks then there is little you can do. However if you are there they risk committing unlawful assault. The law is unclear, but it may be that an owner cannot physically evict someone in "possession" of their land and must rely on the police or a court order.

Question 2: What if I haven't damaged anything, have changed the locks and am paying rates?

A - The act of changing locks and paying rates does not prevent a person from being classified as a trespasser. Therefore, in this case, squatters are still able to be ejected from the premises (by using police), but the owner would have to get a court order for eviction. If a court order is made to evict a person from a premises (which would almost certainly be granted on application), and that person refuses to obey the court order, this is a crime. This obviously buys the squatter a bit more time, but they will ultimately be removed.

Changing locks and paying rates is, however, relevant to the 3rd question.

5. SQUATTING FREQUENTLY ASKED QUESTIONS (Specific to Queensland):

Just to set the scene: for the purposes of the law, a squatter is simply considered to be a **trespasser**, with one major exception (discussed below). Trespassing is not a crime in most cases, unless property damage or injury is caused. However, trespassing is a tort, which means that someone who trespasses can be sued, and this is true even if they do not cause any damage. Signs which say 'trespassers will be prosecuted' are misleading, as prosecution can only happen for a criminal matter. What the signs mean is that civil proceedings will be commenced against the trespasser. Squatting is a civil, not a criminal matter. Legally squatting should be a civil dispute between you and the owner. The owner can take civil action against you for eviction and compensation (sue you). The police should not be involved unless there is the threat of violence or a breach of the peace however in practice the police are often involved as squatting challenges the notion of property ownership and the restricted use of land – notions the police are employed to uphold. There are no 'legal rights' for squatters. There are, however, certain steps the owner, owners representative or police have to follow if they are to evict you.

Question 1: What is the eviction process for squatters?

Answer - There is no fixed eviction process for squatters.

The owner of the property is legally entitled to eject a trespasser, but may not use any more force than is necessary. If more force is used than necessary, the trespasser may sue for assault. Normally, no force is considered necessary to defend a property against a trespasser. However if the trespasser uses force during or after entry, the occupier is justified in using a similar amount of force to protect themselves and the property. Generally the police are the only ones with the authority to remove you.

If the owner is unwilling or unable to remove the squatter, they may call the police and ask them to remove the person/people. Unfortunately, **there is nothing in the Police Powers and Responsibilities Act which prescribes a process to be used when a trespasser is to be evicted.**

The correct legal method for an owner to evict involves them applying to the Supreme or County Court for a writ of possession. This rarely happens nowadays as most people leave when this happens or are simply forced out, but if they do

were occupied by a diverse collection of people. Victoria Street became one of the first publicly visible examples of an urban squatting community in NSW. The squatters went to great lengths to live as communally as possible. They removed fences from the yards of adjoining terraces and held weekly consensus-based meetings. The residents established a food cooperative and a shared child-minding centre/ dining area, complete with a rotating cooking roster. Film nights were held in one house; another building was used as a mechanics' workshop. In an interesting tactical move, perhaps to counter the relative novelty of squatting at that time, the Victoria Street Squatters attempted to gain legal recognition as tenants. VRAG collected nominal 'rents' on the squatters' houses (25 per cent of personal income to a maximum of \$10) and deposited the total amount (approximately \$200 per week) into the account of a company owned by Frank Theeman. It was hoped that if Theeman accepted the money, or at least failed to explicitly refuse it, then an implied contract or tenancy agreement would come into force, thus somewhat securing the squatters' position. Although Theeman later claimed that no tenancy agreement could be implied by this payment, his assertion still had to be proven by law. In October 1973 Theeman ran a test case against one of the squatters, John Cox, under the Summary Offences Act.

This was probably the first case that sought to determine whether squatting was a criminal offence in NSW. Cox lost both the initial case and the further appeal. He was found to be neither a legal occupier nor a tenant, but simply a criminal trespasser. Not only did this case serve to declare squatting illegal in NSW, it also severely limited the scope of potential defences for future criminal trespass cases. With Cox's appeal dismissed and the illegality of squatting confirmed, Theeman decided to take action against the 'trespassers'. On 3 January 1974, less than two weeks after the failure of Cox's appeal, scores of police and a 30-person team of security guards came to forcibly evict the Victoria Street squatters. Using sledgehammers and crowbars on the barricaded doors and windows, the guards took possession of most houses in less than 15 minutes. Once inside, the guards identified themselves as 'controllers' for Victoria Point Pty Ltd and ordered the squatters to leave immediately. Those who refused were forcibly removed. Within two hours, almost the entire street had been cleared and 44 squatters had been arrested and charged — one for assaulting police, six for 'unseemly language' and 37 for criminal trespass. The squatters were released on bail later that day, on the condition that they would not return to occupy their homes. By evening, all the squats had been secured and occupied by the 'controllers'. The first squatters' siege in New South Wales was over.

THEY SAY GENTRIFY..WE SAY OCCUPY

4. Do's and Don'ts

Finding an empty building is generally pretty easy. Most of places that are squattable have been left empty for some time and there will be broken or unlocked windows and doors. The inner city and the suburbs are full of empties ranging from totally destroyed shells to perfectly livable places that have nothing wrong with them. The best way to find a building is to simply walk around the streets and look for the obvious signs. Is there mail overflowing from the letterbox? An overgrown garden? Broken and/or boarded-up windows and doors? Is the power off? If unsure, you might want to ask a postie, a local shop owner or a neighbour if anyone is living in or using a place that you think is empty. It may help if you make out that you're looking to rent the place or acquire it for use by a housing co-op, or researching it as part of an 'architecture' or 'geography' project on housing or whatever - be inventive and plausible.

Being honest with the neighbours and local residents about your intentions can also be successful although you should be prepared to deal with people's prejudices. If you decide to be straight up then explain your case to them. Give them some figures on how many people are homeless and/or on the waiting list for public housing and unable to find affordable housing in the private rental market. Tell them how you came to be in the situation you're in. Check all of the obvious access points - doors, windows, skylights, holes covered by board or tin etc - to see if they allow you entry into the building. Kids or people looking to find stuff to sell may have already opened one of the windows or doorways and in so doing saved you from a lot of work. If the place still seems fairly secure after checking it out, then you will need to get a bit more tricky. Dressing in overalls or work uniform (or suits!) may help divert some of the attention of others and keep you focused on the task at hand.

It is important to know who owns a building you squat or consider squatting, and what the owner intends to do with it. Usually this is easy as letters are piled up in the letterbox. Ask the neighbours if they know. Failing this, you can go to the Land Titles Office, which can also tell you if there are any development applications for the place or if it is going to be demolished in the near future (Have the lot and address handy).

Land Titles Office: Mineral House, 41 George St Brisbane.

A knowledge of the history and intended future of the building will help you to realistically evaluate the risks and benefits of squatting there.



The Newcastle squat organisers cleared out an old locksmith shop and launched a dynamic art and event space in December 2000. The space played host to political film screenings, free dinners, durational performances, experimental sound nights, site-specific installations and acted as a hub for political & community activity. Squatted social centres spread throughout Newcastle. The larger Broadway Squat hosted numerous festivals and held mass community support - and even led to the creation of an 'UnRealestate' for other Squatters!



Squatted social centre Sydney

against the tiles or the basin. The flange can be removed by simply unscrewing it anti-clockwise. With the flange removed, you will be able to more fully see the spindle. The spindle can then be removed by securing and turning the shifting spanner around the spindles hexagonal base.

4) Replace the tap washer, which is located inside the spindle. It will have been pushed against a 'seat' in order to make a water-tight seal. Using your finger, feel the 'seat' for grooves or nicks that could cause a leak. Put in a new washer, making sure the spindle is turned open so as not to squash the washer. When screwing the spindle back into the tap, reverse the procedure described in the previous step.

If the tap is leaking at the joining of the lever then..

Make sure that the water is turned off at the mains.

Unscrew the lever anti-clockwise with a wrench or shifting spanner

Wrap some teflon tape tightly around the worn thread a number of times to prevent further leakage. Screw the lever back on clockwise

Roof Leaks

Most roof leaks can be repaired with tube silicone in a gun.

Moving In

The first few days/weeks which you spend inside are critical so make sure that no-one is left alone and that the building is left empty as little as possible during this time. Once you have secured the house there will probably be quite a few things needing repair and cleaning up anyway. Get friends to come around, both to help and just to be there. Use this time early on to establish your new home. Cleaning up any rubbish that has been left outside and putting curtains will probably send a good message to the neighbours that you are not going to trash the place. If the owner[s] or the police turn up, it is important that you tell them that the premises were open and that you just walked in. A good rule here is : Never admit to forcibly entering the place.

Most empty houses are old and ill-equipped in terms of living standards and there may be problems with water-pipes, hot water units, leakages, electricity, etc. To ensure that the house functions to your satisfaction, repairs will have to be done. In most cases, the problems aren't very big, so you can repair them yourself as trades-people are quite expensive. For more information check the DIY section at your local library, talk to someone at a hardware store or refer to some of the websites listed at the end of this pamphlet.

GETTING ESSENTIAL SERVICES CONNECTED.

Services such as electricity, water and gas cannot be legally denied to you as long as the wiring and plumbing, etc is still intact. All that is usually required to get them connected is a phone call to the appropriate company. Sometimes you will also need to provide a work number or information about your social security status. You can always ask friends to pose as your landlord or employer if required. Try not to tell them that you are squatting as they may stuff you around or demand you pay a bond. If they are making it difficult for you to access services then remind them that state government guidelines hold that all essential services must be connected on request regardless of the status of the resident.

Always check and repair the plumbing and wiring before applying for a connection. If parts are damaged beyond what you are capable of learning to repair, and services are unavailable until repairs are made, then you may need the services of a trades-person. Again, try not to let trades-people know that you are squatting because they may assume that you are not going to pay them, and so refuse you service.



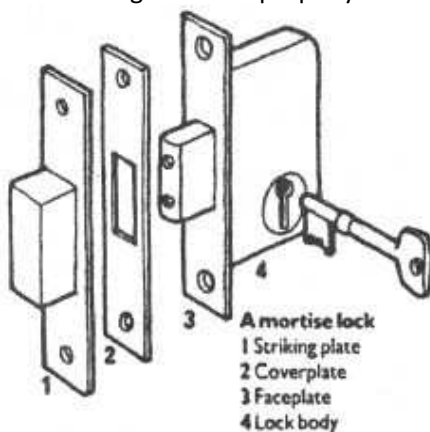
ONCE YOU ARE SETTLED IN.

Once everything is repaired and cleaned up you can now just get on with things as normal. Just as you have taken the initiative to find an empty and turn it into your home, so can anyone else. You may choose to have an open squat with lots of people living in the place and any visitors welcome to stay as long as there is space to crash. But there is no reason to think that just because you are squatting you have to open your house to anyone who knocks on your door and says s/he is homeless. There is also no reason not to give them help and advice though. In the end it's up to you, the people who have opened the squat, to decide how and with whom you want to live.

SECURING YOUR SQUAT.

On opening your squat you should bring along new barrels for locks, slide bolts, a torch or candles, a hammer, screwdriver, etc. Once you are inside your new home, you will firstly need to change all the locks so that you can feel secure and safe and keep out anyone that you don't want coming in. Most houses are fitted with the standard Lockwood barrel. You will need a phillips-head screwdriver to remove the three screws from the back section. Two long screws secure the backing plate and the barrel/cylinder to the door. Remove these and the barrel will be released. The barrel should be the only part of the lock that needs to be replaced. These can be purchased at almost any hardware store.

The replacement process is pretty straightforward. Most of the problems associated with this process concern the proper fitting of the tongue inside the lock. Sometimes the tongue is too long and will need trimming to suit the thickness of the door. You can tell if the tongue is too long by sliding the new barrel into position with the tongue fitted into the slot provided. To shorten the tongue and so properly fit the lock to the door you will need a hacksaw and something to hold it (pliers or vice) while you cut it to the proper length. There are many different types of locks. If you encounter difficulties then talking to staff at your local hardware store will be the best option as they may know what you have to do or at least have some diagrams.



Maintenance

Whilst there are exceptions, most empty houses are old and often their essential facilities are in want of repair. In most cases, however, the problems aren't very big and you will find that you can do them yourself without having to pay tradespeople to do it for you.

Basic d.i.y plumbing

1. Broken copper pipes.

Make sure that the water mains are turned off. Broken or cracked water piping (most houses have copper) can be cut and repaired. To go about it, cut out the cracked section with a hacksaw [see diagram one]. Then get a piece of garden hose and two hose-clips to ensure that there are no leaks. Get the right sized hose-clips to fit the hose to the pipe. Put the clips in the centre of the hose piece, then slip the copper pipe into one end and out the other [see diagram two]. To finish up, place the clips on either side of the hose and tighten the clips with the right screwdriver

2. Cracked PVC pipes.

Cracked and/or leaking pipes are very easy to repair. If you have cracks in bends; ie, traps under sinks or basins take to it with leak sealant. When using a sealant, ensure that the surface is dry for better and longer sealing. If it is a straight section of pipe, get some duct tape and secure it tightly around the pipe so that there are no air bubbles. Again, there has to be a dry surface for better sealing.

3. Leaking taps

There are generally two problems with leaky taps :

If the tap is leaking while it is off, then the problem is in the spindle. Tap leakages of this kind are generally caused by old or deteriorated washers. Usually, only a shifting spanner is needed to change tap washers. Some old taps can be badly corroded. If so, the use of some kind of spray lubricant can make all the difference. To change the washer :

- 1) Make sure that the water is turned off at the mains
- 2) Remove the tap handle. Sometimes there is a button on the handle that conceals a screw. If so, prise the button off and unscrew the screw. The handle should then come off with a bit of a pull.
- 3) Remove the spindle. Once the handle has been removed you will be able to see the end of the spindle surrounded by a flange. The flange will be sitting flat