

KOSTA KONDRATENKO

Email: kostakondratenko77@yahoo.com

Mobile: 0412 826 569

25 June 2026

Mr Tim Baker
Chief Executive Officer
City of Gold Coast
PO Box 5042, GCMC QLD 9726
By email: mail@goldcoast.qld.gov.au

cc: Ms Jodie Sekac, General Counsel, City of Gold Coast
City Laws Compliance (Reference 1718464)
Cr Nick Marshall OAM, Division 12, City of Gold Coast
Queensland Human Rights Commission (enquiries@qhrc.qld.gov.au)

Dear Mr Baker,

RE: ADVICE NOTE — STORAGE OF GOODS IN A PUBLIC PLACE, REFERENCE 1718464, DATED 24 JUNE 2026, ALBERT WATERWAYS PARK, SUNSHINE BOULEVARD, MERMAID WATERS

FORMAL NOTICE OF HUMAN RIGHTS OBLIGATIONS AND DEMAND FOR UNDERTAKINGS

I am the occupant of the tent referred to in the Advice Note issued by your authorised officer (recorded as “Darren”) on 24 June 2026 under Reference 1718464. I put the City of Gold Coast on formal notice of the following, and this letter is to be treated as an internal human rights complaint under the *Human Rights Act 2019* (Qld).

I am a person experiencing homelessness. The tent and bedding identified in the Advice Note are not abandoned goods to be cleared away. They are my home and the only shelter I have. I am a disadvantaged person sheltering under a tree on public land, and I am harming no one.

The Advice Note threatens that my home and belongings “may be deemed unclaimed and/or abandoned and seized, confiscated, removed or impounded” within 48 hours. I write to make the Council’s legal position unmistakable before it takes any such step.

The City of Gold Coast is a public entity under the *Human Rights Act 2019* (Qld). Section 58(1) makes it unlawful for the Council to act, or make a decision, in a way that is incompatible with human rights, and requires it to give proper consideration to relevant human rights in doing so. Seizing or destroying my home would engage, at the very least:

- the right to protection from cruel, inhuman or degrading treatment (s 17);
- the right to property (s 24); and
- the right not to have my home arbitrarily interfered with (s 25(a)).

This is not theoretical. On 6 March 2026 the Supreme Court of Queensland decided *Bobeldyk v Moreton Bay City Council; Eichin & Ors v Moreton Bay City Council* [2026] QSC 27. The Court found that a council which issued compliance notices to people sleeping rough and then seized and disposed of their tents and belongings — without proper consideration of their human rights, without reasonable time, and without alternative accommodation — acted unlawfully. The Court held that the tents were the

occupants' homes, that the conduct was degrading given their vulnerability, and it rejected the argument that enforcement officers had no discretion. The earlier injunction in *Tipler v Moreton Bay Regional Council* [2025] QSC 194 restrained that council from acting at all.

Moreton Bay ran the very process this Advice Note begins. Moreton Bay lost.

Take note accordingly:

- 1 If the Council seizes, removes, impounds or disposes of my tent or belongings without first giving genuine, individual consideration to my human rights, making proper inquiry into my circumstances, and giving me reasonable time and a real referral to alternative accommodation, it will be acting unlawfully under the *Human Rights Act* — on facts materially identical to those the Supreme Court has already condemned.
- 2 If the Council attempts to act on the Advice Note, I will apply to the Supreme Court of Queensland — the same Court that decided *Bobeldyk* — for an urgent injunction restraining it, and I will pursue the Council for damages. I am aware that I am not the only person being targeted in this way, and I reserve the right to pursue that relief collectively.

Demand for undertakings. I require, by 5:00pm on Friday 27 June 2026, the Council's written confirmation that:

- a it will not seize, remove, impound or dispose of my tent or belongings unless and until it has given proper consideration to my human rights under s 58 and provided me reasonable notice and a genuine opportunity to be referred to suitable accommodation;
- b it will disclose what consideration, if any, was given to my human rights before the Advice Note was issued; and
- c if any property has already been taken, it will be preserved intact, an itemised inventory provided, and the property returned to me at no cost.

The Council administers a budget exceeding \$1.8 billion and has real obligations to the people of this city. Ratepayers' money is far better spent meeting those obligations than targeting homeless people sheltering under a tree — and far better than defending an action in the Supreme Court that, on the current state of the law, the Council will lose.

I reserve all of my rights, including under the *Human Rights Act 2019* (Qld), to seek injunctive relief and damages, and to complain to the Queensland Human Rights Commission, to whom this letter is copied.

Please acknowledge receipt of this letter by return.

Yours faithfully,

Kosta Kondratenko

In conjunction with:

Adam Watson — Consultant

Email: adam@adamwatson.au | Mobile: 0419 135 888

ANNEXURE A — Photographs

Taken at Albert Waterways Park, Sunshine Boulevard, Mermaid Waters, 24–25 June 2026.

CITY OF
GOLDCOAST.

Date: 24, 6, 2026
Reference: 1718464

Advice Note
Storage of goods in a public place

Please be advised that the Council of the City of Gold Coast's (Council) Local Laws prohibit and regulate the depositing, storing or abandoning of goods, objects or materials in a public place. This includes on a road, footpath, road reserve, park or reserve or bathing reserve in accordance with Local Law No. 9 (Parks and Reserves) 2008, Local Law No. 10 (Bathing Reserves) 2004 and Local Law No. 11 (Roads and Malls) 2008 (Local Laws).

An authorised person from the Council has observed that goods, objects or materials are being deposited, stored or abandoned by you in a public place in breach of the Local Laws, namely:

Location: SUNSHINE BLVD, MERMAID WATERS
Park name: ALBERT WATERWAYS PARK

Goods, objects or materials observed include:

☒ Tent (including unidentified contents)
☐ Tarp
☐ Timber / building materials
☐ Bags (plastic, packing or luggage)
☐ Bicycle/s
☒ Other: BEDDING

You are advised to remove all goods, objects or materials from the Public Place and cease placing such items throughout the City of Gold Coast in contravention of the Local Laws.

A further inspection of the Public Place may be carried out within 48 hours. Should goods, objects or materials including but not limited to the items listed above remain in the Public Place, they may be deemed unclaimed and / or abandoned and seized, confiscated, removed or impounded in accordance with the Local Government Act 2009 (Qld) and the Council's Local Law No.3 (Administration) 2008.

For further information please contact City Laws Compliance on **07 5667 5991**.

Authorised Officer's name: DARREN

Council of the City of Gold Coast
PO Box 5042 / QLD 9726 Australia
8 Kipp Court
45562548402

P 1300 GOLDCOAST (1300 465 326)
E mail@goldcoast.qld.gov.au
W cityofgoldcoast.com.au

Customer Service Centres
Find the closest centre or online service
at cityofgoldcoast.com.au/contactus

City Panel – Have your say
Register at gohaveyoursay.com.au

Figure 1: Advice Note (Reference 1718464), dated 24 June 2026, issued by the authorised officer and left at the tent.



Figure 2: The occupant's tent at Albert Waterways Park, with the Advice Note placed against it by the Council's officer.