



GETTING MY STUFF BACK

This sheet is intended to provide **general legal information** about the law in Queensland.

This information is not legal advice.

If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

Sometimes when you leave where you are staying, you might have to leave some things behind. Here are some ways to try to get those things back.

Make a list

Start by making a list of everything that's yours that you want back. E.g. your phone, clothes, shoes, DVDs, CDs, books - anything you might have bought for yourself or that was given to you. When you are making this list you should keep a couple of things in mind.

Does the thing belong to me or to someone else?

One way to figure this out is based on who paid for it. If you paid for it, it's yours but it will help if you have receipts or can show in your banking records that you paid for it. If someone else paid for it but it was a gift, for example a Christmas or birthday present, you may have a right to it.

Sometimes if you attach something permanently to the property you will lose ownership of it. Examples of this may include putting up shelves, installing air conditioning systems or toilets. Ask a lawyer if you are not sure if you own an item of property. If you leave a place owing rent it is an offence for the owner of the house to sell your property to cover the rent debt.

Is it worth it?

Is the thing you want back worth arguing about? You might ask yourself questions like:

- Is it something that is really important to me?
- Is it something that is worth a lot of money?
- Could I get another one if I need to?

For example, you might decide that you don't really need your football but your warm clothes or shoes are really important.

Once you have made a list, it might be worth talking to a youth worker to get some advice about the things you have decided to include or not include in your list.

What is against the law when I try to get my stuff back?

You can try to get your things back yourself but you should know that the following things are against the law:

- Trespass - If you no longer live at the address and you have not been given permission to enter the house you could be trespassing by going into the house.
- Breaking and Entering - if you break into a house and then take something which might not actually be yours, you could be charged for Breaking and Entering as well as Stealing.
- Burglary - if you enter the house planning on committing an offence such as stealing or you commit an offence in the dwelling you could be charged with Burglary.
- Wilful Damage - if you do damage to someone's property while trying to get your property back you could be charged with Wilful Damage.
- Assault - getting into a fight over the things - remember assault can be as simple as touching someone without their permission.

Try talking to whoever has your stuff calmly about the things that you want. It might help to have a trusted adult to support you during this talk. See if they will agree on a time to go to collect your belongings or if they will drop it somewhere safe for you to pick up.

More options

If it is not possible to get your things back yourself or to talk to the person without the risk of getting into trouble or because there is a risk to your safety, you still have options.

Can I call the Police?

If you think that someone is holding your property without your permission you can contact the police. If the police think someone is breaking the law they may get your stuff and charge the person. When the police are trying to decide if someone has your stuff illegally, they may want some proof to show that you own the property like receipts or bank records. You can also tell them how, when and where you got the thing to help the police understand it is yours.

If the police think they do not have enough evidence to charge the person, you can still ask the police to come with you to get your things. The police may try to help make sure things don't get out of hand but they cannot force the person to give your things back.

Can I get legal advice?

You can seek legal advice and ask a lawyer to write a letter of demand to the person who has your stuff asking them to give your things back within a period of time and advising them that if they don't that you will go to court.

What about going to court?

You can go to court to get a judge to make an Order to the person to return your property, but it is best to get legal advice first before going to court. If you are under 18 you cannot make a claim against someone else without a litigation guardian. This is an adult who agrees to pay court costs if you are ordered to pay costs and whose name will be on the court documents. Usually, a parent would be the litigation guardian but this won't be possible if you are claiming against your parents.

Who can help?

Youth Advocacy Centre (YAC) www.yac.net.au 3356 1002

Logan Youth & Family Legal Service www.yfs.org.au 3826 1500

Legal Aid Queensland www.legalaid.qld.gov.au 1300 651 188

Youth Legal Advice Hotline..... 1800 527 527

(Monday - Thursday 8am – 9pm; Friday 8am – Sunday 5pm)

Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au 3025 3888 or
1800 012 255 (free call)
24hrs 7 days a week)

Women's Legal Service..... 3392 0644 or
1800 957 957 (free call)

Youth Service in your area www.mycommunitydirectory.com.au

Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC

This sheet was last reviewed and updated in November 2023. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.