

Various types of neighbourhood disputes can be very disruptive to a person's normal enjoyment of their home.

In these circumstances, many community legal services offer a mediation service. You can also try and mediate disputes through qualified mediators. The State Government in regional areas provides mediation services through its Community Justice Program and details can be obtained from the Department of Justice in regard to your closest mediation centre.

### **THREATENED OR ACTUAL PHYSICAL VIOLENCE**

Where there is threatened or actual physical violence you can apply to your local Magistrates Court to take out a Peace and Good Behaviour Order pursuant the *Peace and Good Behaviour Act*. Your local Magistrates Court and Legal Aid Office can provide you with comprehensive guides in relation to the procedure required together with relevant forms.

You must be aware in these types of matters they are heard before a Magistrate. You will be required to appear in a Court. It is for this reason that it is often beneficial to try to mediate the dispute before getting to this stage.

If a Peace and Good Behaviour order is granted and the neighbour then breaches that order, the Court can impose sanctions including fines and terms of imprisonment for those breaches.

To satisfy the Court that an Order should be granted under the *Peace and Good Behaviour Act* you must show that your neighbour has threatened:

- ♦ Bodily injury to you or someone under your care;
- ♦ Damage to your house or property; or
- ♦ Otherwise committed a breach of the peace.

There are also other avenues to protect yourself or your property and you can obtain injunctions in Higher Courts. The *Criminal Code* also provides for an offence called a threat of physical violence and these matters should be referred to the police.

At Ferguson Cannon Lawyers, we understand the necessity to resolve these types of matters expeditiously for the benefit of you, the client.

Our lawyers have extensive experience in this area and we would be more than happy to discuss with you details of costs and outline what is required to ensure a successful and speedy resolution.