



# SOLVING NEIGHBOURHOOD PROBLEMS

## Series: Solving Neighbourhood Problems

### Part 9 of 12: Privacy, Defamation and Nuisance Calls

Living in close proximity to one another is difficult and allegations of privacy, defamation and nuisance are common. They are all conditions easily alleged and extremely difficult to prove. This note puts these matters in some perspective.

1. State and federal privacy legislation relates only to the way some organisations collect, store and use personal information on individuals. These laws do not cover privacy issues between individuals.
2. Peeping or prying on another person is an offence under Crimes Act legislation but it does not cover nosy neighbours who take a little too much interest in your comings and goings.
3. Summary Offences legislation prohibits offensive behaviour or language but often under these laws neighbours are not considered 'public' so unless it can be seen from the street, it will not be an offence. By-laws of course may make such behaviour the subject of an owners corporation's application for enforcement.
4. Defamation laws have been tightened in recent times to make it less likely that organisations can be defamed. The reality of defamation cases between members of an owners corporation is that proceedings are too costly and therefore likely to go nowhere.
5. Nuisance calls can be an offence but if you are receiving nuisance calls from another owner about an owners corporation matter, then the calls would have to be frequent, persistent and threatening before they would amount to harassment.

The list of possible actions in neighbourhood warfare is long but the solution rarely comes from enforcing these rights. Getting beyond threats of legal action to understanding the real issues is important in resolving conflict. An understanding of just how illusory these rights really are might help people get to a more practical place soon.

**Next Week: Part 10—Children**