



# Harassment from Neighbours

Some gay men and lesbians experience homophobic harassment from their neighbours. Neighbour harassment can start with something like verbal abuse and in some cases can escalate to property damage or physical violence.

## Examples of neighbour harassment include:

- Verbal abuse such as name calling.
- Damage to your property such as graffiti.
- Harming your pets such as poisoning.
- Theft of your property.
- Threats and intimidation through hate mail.
- Invasion of your privacy such as going through mail, or looking through windows.

Some forms of harassment might be called vilification. To vilify you because you are gay or lesbian might mean using words or doing things in public to stir up hate or serious contempt or serious ridicule. In some cases, vilification is against the law.

*"My partner and I moved into a new neighbourhood. Everyone was really welcoming except for one couple across the road. Everytime we would go in and out of our place they would yell out things like 'Faggot' and 'Poofter'. After that they came and wrote homophobic things all over our letterbox."* Peter, 38, Sutherland.



## Here are some tips on dealing with harassment from neighbours

- Being harassed can be a very stressful experience. You may need to draw support from close family and friends. For more information on how to look after yourself see the *'Finding help and support'* fact sheet.
- Make a report to the police if you believe that a criminal offence has been committed, such as assault, threatened assault or malicious damage to property. See our fact sheet *'Making a report to Police'*.
- Record all events that occur, even if you have reported them to Police. For more information see the fact sheet *'Keeping an harassment diary'*.
- Apply for an AVO (Apprehended Violence Order) if you are in fear of your neighbour because of something they have done or said to you. An AVO is an order of the court that restricts the behaviour of the defendant. For example, a court can order that a person not approach you, not contact you, or not go within a certain distance of your home or work. See our *'Legal Information'* fact sheet for where to find your local court.
- Contact a Community Justice Centre for mediation if you believe that the intervention of a skilled, neutral mediator may improve the relationship between you and your neighbours. For information on Community Justices Centres go to [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au) or phone (02) 92287455
- If you believe that the harassment may be considered vilification you can make a complaint against them to the Anti Discrimination Board within six months. To contact the Anti Discrimination Board go to [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb) or phone (02) 92685555 or 1800 670 812
- Remember that your safety is important. If you are in fear of your safety you should always contact the Police. In an emergency call 000 otherwise call (02) 9281 0000 for the Police Switchboard.

**LIVING FREE FROM FEAR**

**STOPPING HOMOPHOBIC HARASSMENT**



## If your neighbours are renting

Tenants are responsible by law for their own conduct as well as for the behaviour of other occupants and visitors to their property. The *Residential Tenancies Act* states that tenants can not initiate or allow 'nuisance' or 'interference' with the peace, comfort or privacy of any neighbour of the tenant."

If you know who the landlord or real estate agent is for your neighbour's property, you could make a complaint to them about your neighbour's harassment of you on the basis that they are in breach of the *Residential Tenancies Act*.

## If you and your neighbour are Department of Housing Tenants

If you are a Department of Housing (DOH) tenant, you can report harassment by neighbours to the DOH if you think the harassment interferes with the "reasonable peace, comfort or privacy of the tenant in using the residential premises".

If you believe that you are "at risk" or "being harassed", you can apply to **transfer**.

If your transfer application is refused, you can appeal this decision at your local DOH office (ph: 131571 or [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)) within three months of the original decision. If your appeal is unsuccessful you can take it further to the Housing Appeals Committee (HAC) within three months.

DOH also has a **Good Neighbour Policy** that states that harassment in the form of racial, homosexual or transgender vilification will not be tolerated.

A new law (**Public Housing Reform Act**) that deals with anti-social behaviour has been passed by the NSW Parliament and will commence during 2005. This new law allows the DOH to request tenants to enter into an Acceptable Behaviour Agreement (ABA) if their behaviour is found to be anti-social by the DOH investigation. The DOH can apply to give the tenant concerned a 14 day notice of termination if the tenant has refused to enter into an ABA or has seriously and persistently breached terms of an ABA.

## DOH Complaints Process

The DOH is committed to interviewing the complainant and investigating the complaints within 15 days if the complaint relates to breaches of the Residential Tenancies Act.

If the complaint involves violence the DOH will investigate the complaints within two days and take action against the violent person. If the complaints are substantiated, your neighbour will be given the opportunity to change the nuisance and annoying behaviour.

If the investigation finds that the complaint is a breach of the Residential Tenancies Act, DOH could apply to the Consumer, Trader and Tenancy Tribunal (CTTT) for any of the following orders:

- An order that the tenant is to abide by the tenancy agreement, and stop interfering with the reasonable peace, comfort or privacy of your use of the residential premises.
- A termination and vacant possession order to evict your harassing neighbour.