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## 'Angry society' turns to the law

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### THE two men sitting in the Melbourne

Magistrate's Court live next door to each other in comfortable houses on an affluent inner-suburban street. But this morning they sit as far away as possible from each other on a long courtroom bench. Looking straight ahead, they avoid eye contact and leave any talking to their lawyers.

The man seated at the right-hand end of the bench likes to play loud music. But his neighbour, seated at the left-hand end, is unhappy about the noise and has allegedly underlined his views with vile language, threats and a brick through a window.

The man on the right is, of course, very upset by this. But like an increasing number of Victorians, he also believes he can resolve an argument by obtaining an intervention order.

Welcome to Wednesday in Court 27, home of the Melbourne Magistrates Court's "stalking list" — and the day that non-domestic-violence related applications for intervention orders are heard. While many of these applications involve violence and serious threats to personal safety, others blossom from disputes over moved pot plants, parked cars or on-the-sidelines rows between parents at children's footy games.

The numbers of these neighbourhood dispute-related applications have almost doubled from 1998-99 — when there were 3200 — to 2005-06, when there were more than 6100.

Applicants come from all social classes, with the courts hearing disputes between neighbours from both public housing estates and from South Yarra riverfront addresses. Intervention orders are sought against designer-suited blondes who have sent abusive texts to their ex-boyfriend's new lover, and between Russian-speaking men in their 70s who have had a dispute at their local club.

According to the chairman of the Law Institute of Victoria's family law section, David Schetzer, this increase in "neighbourhood" applications reflects a society of angry people, too quick to choose American-style litigation over old-fashioned good manners.

"I was around in 1987 when this legislation first came into effect — and it was there to protect the victims of domestic violence. People now use intervention orders as the first step to resolve any possible dispute. "Our society has changed dramatically: we are far, far more litigious than ever before, and people are turning to the law to try to resolve their issues."

Anne Goldsbrough, supervising magistrate in the court's family violence and family law division, regularly tells Court 27's warring neighbours that mediation would be far better. A staff member from the Dispute Settlement Centre of Victoria is always present for her Wednesday list.

"The court staff will always tell people, when they arrive, that the magistrate will expect them to have at least considered mediation," she says.

But applicants don't always want to hear about solving their problems with mediation. They want a day — or days — in court.

Ms Goldsbrough said many of the neighbourhood disputes that came before her could have a better result if people in authority, including police and public housing authorities, would recommend mediation rather than an intervention order as a first step. People from all walks of life applied for orders, although public housing residents were frequent applicants.

"The types of applications we get may suggest that, where people are disempowered, this is one of the ways they can be listened to and their problems solved," the magistrate said.

This created a huge workload for the court, especially given that orders were granted in only 48 per cent of these cases. "They are less likely to result in an intervention order being granted (than domestic violence-associated applications)," she said.

Ms Goldsbrough said she disliked talk of "taking out" an intervention order: "You make an application for an intervention order. It is not like taking out an insurance policy. Evidence is required to obtain an order of the court."

The manager of the Dispute Settlement Centre of Victoria, Teresa Zerella, said intervention orders were often necessary to protect people's safety.

"But they will not necessarily resolve the underlying issues which are causing the behaviour. Mediation is an opportunity to identify and resolve those issues."

## Keeping the peace

Intervention orders in stalking or neighborhood disputes:

- 48% of cases: an intervention order is made
- 34%: withdrawn by complainant or struck out by court because the parties fail to appear
- 10%: withdrawn by complainant after defendant enters an undertaking
- 8%: order refused by court
- Applications in 'stalking' or neighbourhood disputes: 6134
- Applications in family violence matters: 18,419

Source: 2005-2006, Magistrates Court of Victoria

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