

## Have You Got A Dog Noise Problem?

### What Can We Do To Help You?

The Dog and Cat Management Act says that Council may take action against a dog owner if their dog persistently interferes with your peace and harmony.

Convincing a dog owner to change their pet's habits is not easy, and the more information we have the easier it is to help you.

Sometimes all that is required is for someone from Council to talk to the dog owner about the problem, but we need your help to ensure we can give the dog owner as much information about the problem barking as possible.

### Nuisance barking complaints are difficult to deal with for a number of reasons:

- Each individual person will have a different view as to what is a noise nuisance. This will vary from the location of the dog to the complainant, noise tolerance level of the complainant and the type and length of barking.
- Information supplied by the complainant is based on personal recollection of how the barking affects that individual.

### Nuisance barking can be defined as:

A dog that:

- regularly barks at every person or dog passing the property or using part of the street, with barking continuing for a period of time;
- regularly barks, howls or whines for periods in excess of 10 minutes when the owners are absent or ignoring the dog;
- aggressively rushes, jumps, barks or growls at the fences;
- regularly barks during the night;
- regularly barks at the neighbours;
- barks excessively for no apparent reason.

### In certain situations the complainant's actions can worsen the dog's barking.

#### This can be caused by:

- verbally abusing the dog in an aggressive manner;
- hitting the dog or the fence;
- hosing or throwing objects at the dog;
- teasing the dog through the fence (by children or neighbour);
- a cat entering the dog's property or walking along the fence line.

The complainant should consider doing everything within their power to ensure that they or something/someone within their control is not the cause of the nuisance barking.

It is important that the dog noise issue is not due to hostility between two neighbours, a neighbourhood dispute or dislike of the neighbour. The barking nuisance should be

considered in isolation of all other matters and not used as a form of revenge or retaliation against a neighbour.

### Essential Steps For Council To Proceed.

The accuracy of information relating to the reason, time, date and duration of barking is crucial if the matter finally needs to go to court. If information collected is not accurate or legitimate, legal action may be lost. Video or audio taping of a dog is usually not admissible in court.

Correct identification and location of the dog barking is essential. Noise can and will travel in different directions. Ensure the location of the barking dog is correct.

Sometimes complainants make the mistake of accusing a dog for nuisance barking when it is really another dog causing the problem.

To help you, please find enclosed a barking complaint sheet which you are required to fill in when the barking occurs. **Do not** try to remember at the end of each day or night as this will lead to mistakes in the accuracy of the diary. You must remember that the diary is a legal document that could become evidence in court, as such, be sure to complete the entry truthfully and correctly.

Guideline for completing the Nuisance Dog Diary are printed on it

**Unless the diary and cover sheet are completed and signed *and* the statement section completed and signed, we *may not* proceed further with any investigations or action.**

### So, What Happens From Here?

Once you have filled out the diaries, return them to Council.

If sufficient evidence is received, an animal management officer will approach adjoining or nearby residents and the dog owner either in person, by letter or both. The dog owner will be advised that Council is investigating a complaint and advise them, if required, how to resolve the noise. We will also contact you at this point.

If the dog owner cooperates then things become a little easier. Depending upon the nature of the problem it may take some time to correct a habit of the dog. We will contact you again after about 14 days to see if the problem still exists (this allows time for behaviour correction).

### What Happens If The Dog Owner Does Not Cooperate?

If the dog owner refuses to cooperate, the process becomes quite formal.

Council has the power to issue expiations (fines) or serve an order (a legal document) on the dog owner to take reasonable steps to abate the noise.

During this time we may also give you and other complainants further diary sheets to complete. It is very important that you do so as this may have to be produced as evidence later on.

**If we do not receive all the diaries, or if they are not completed, we may not be able to proceed any further.**

### Legal Action.

If things have not improved, the Council will consider taking legal action. Legal action is not automatic and depends on our assessment of each case. **Should court action be necessary, then you may need to appear in court as a witness. If you do not wish to do this, then Council cannot proceed any further.**

It may also take some time to obtain a hearing date at the court. During this period you must keep an up to date record of the noise and the effect it has on you.

Should court action be successful, then Council will ask that the court orders the dog owner to seek some special help (usually from a vet or other qualified person) to correct their pet's problem. We may ask the magistrate to order that specific controls be placed on the owner of the dog. Assuming the order is given and they comply with it, this should have the desired result.

If you have any problems in physically being able to complete this form, please advise the officers when you received these forms.

## Barking Dog Complaint

### Applicant's Details

Given Name: \_\_\_\_\_

Family Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Dog Description (if known)

Address dog(s) kept at \_\_\_\_\_

Owner's Name \_\_\_\_\_

1<sup>st</sup> breed of dog \_\_\_\_\_ Colour \_\_\_\_\_

2<sup>nd</sup> breed of dog \_\_\_\_\_ Colour \_\_\_\_\_

Have attempts been made to approach the dog owner to discuss the matter?

☐ Yes. How? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ No. Why? \_\_\_\_\_

\_\_\_\_\_

How long do you estimate that this problem has been going on for? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Barking dog details

Describe the barking nuisance and explain why it is a nuisance to you.

Use the checklist below to assist you.

<ul style="list-style-type: none"><li>• How often does the dog bark?</li><li>• How long does the barking continue for?</li><li>• What sort of noise does the dog make?</li><li>• Does it bark at certain times of the day?</li><li>• Does it bark in response to passers-by or other stimulus?</li><li>• How long has this been an issue for you?</li></ul>	<ul style="list-style-type: none"><li>• Where is the barking in relation to your property?</li><li>• Does the barking interfere with any of your normal activities?</li><li>• Does the barking impact on your health or wellbeing?</li><li>• How does the barking impact on other members of your household?</li></ul>
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## Declaration

I hereby declare that all particulars given by me in this application are true and correct.

Signature \_\_\_\_\_

Date \_\_\_\_\_



## COUNCIL USE ONLY

Customer request number \_\_\_\_\_

Date diary received \_\_\_\_\_

Date other neighbours surveyed \_\_\_\_\_

Response from survey – Barking nuisance YES / NO

Expiation numbers \_\_\_\_\_ # \_\_\_\_\_

Date \_\_\_\_\_

Notice # \_\_\_\_\_ Date \_\_\_\_\_

Notice # \_\_\_\_\_ Date \_\_\_\_\_

### Enforcement order (if applicable) Barking Dog Order

Date \_\_\_\_\_ Delivery type (eg post) \_\_\_\_\_

Reg. Post No \_\_\_\_\_

Proposed order issued \_\_\_\_\_

Compliance order issued \_\_\_\_\_

Appeal lodged \_\_\_\_\_

Court action \_\_\_\_\_

### Authorised officer

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Barking Dog Diary Kit

It is important that this diary is accurately completed with actual dates, times and description of barking and its impact on you.

### *Example*

Date	Start	Finish	Description	Reason (if known)	Impact
20/05/2017	8.00 am	8.15 am	loud barks	Children going to school	Interrupted phone call
20/05/2017	8.30 am	9.00 am	Continued high pitched wailing	Owner left to go to work	Upset because dog obviously upset
20/05/2017	10.05 am	10.10 am	loud barks	Bird flying overhead	Frustrated at and for dog
20/05/2017	10.20 am	11.25 am	Protracted, intermittent barking	Not known	Annoyance and irritation

**This may seem excessive but remember this diary may be submitted before a Magistrate as accurate evidence of the dog's nuisance behaviour.**



## Barking Dog Diary

Location/s of dog(s) barking: \_\_\_\_\_

Date	Start	Finish	Description	Reason (if known)	Impact

I certify that the above recordings are a true record of matters observed by me and I will appear in Court to give evidence as a witness to the truth of this record if required to do so.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_





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**Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Dear Neighbour

You may not be aware, but your dog is barking in a way that is disturbing me/us and causing a nuisance.

As I was uncertain what to do, I contacted the Renmark Paringa Council and it was suggested that I provide you with information so you can investigate what may be causing the problem barking and have the opportunity to find an effective solution.

The barking is occurring as follows:

Date	Time	What Happened

You may find information on the Dog & Cat Management Board website <http://gooddogs.com/barking-dogs> helpful.

You can also contact Council on 8580 3000 and ask for a General Inspector to contact you and help you to resolve the matter.

Thank you for your cooperation