



**WEST
WIMMERA
SHIRE COUNCIL**



**West Wimmera Shire Council
Dealing with a Barking Dog
Help Guide**

2020

The best of country living

INTRODUCTION

West Wimmera Shire Council frequently receives complaints due to excessive barking throughout the year.

Before reporting a dog that barks loudly and frequently first try to contact the dog's owner.

Discussing the issue with the dog owner in a neighbourly manner often resolves this type of problem in a timely fashion.

A dog owner may not realize that their dog barking is causing a nuisance to neighbors.

The dog owner may not be home when their dog barks.

The dog owner may be a sound sleeper and does not hear his or her own dog barking.

THIS INFORMATION PACK OUTLINES THE GUIDELINES FOR YOUR REQUIREMENTS TO LODGING AND DEALING WITH A BARKING DOG COMPLAINT.

YOU MAY WISH TO SEEK LEGAL ADVICE IF YOU DO NOT FULLY UNDERSTAND WHAT IS SET OUT IN THIS DOCUMENT.

CONTENTS

Introduction.....	2
Neighbourhood communication	4
Why Dogs Bark	5
Lodging a complaint with Council.....	5
Your legal requirements for Court action	6
'Dear NEighbour' letter example	7
Council Action	8
Barking Dog Complaint Form	9
How to complete a barking dog diary	11

NEIGHBOURHOOD COMMUNICATION

Neighbours can help solve barking problems by communicating their concerns and needs with each other. Neighbours can positively assist each other to identify the reasons for excessive barking and noting what is happening in the area when the dog is barking.

Try to establish a relationship with your neighbour and their dog. This may assist with the barking dog issue. You may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons.

DON'T FORGET, THE OWNER OF THE OFFENDING DOG MAY NOT KNOW THE ANIMAL IS CAUSING A NUISANCE.

Try the following steps to attempt to resolve the issue in a neighbourly manner:

Approach the dog's owner when the problem arises and state your case clearly and politely. He or she may not be aware of the barking situation. Provide the dog owner or keeper with a copy of the diary contained in this brochure.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing a '**Dear Neighbour**' letter contained within this document into their letterbox.

If the neighbour takes no action or does not agree that a problem exists, the Department of Justice offers a dispute settlement service for people who find themselves in a situation of dispute or conflict with another person.

This service uses mediation as a way of settling neighbourhood disputes without expensive legal action. It is a private and free service. The service offers specially trained mediators who will help you both find a workable solution.

Ballarat Justice Centre 206 Mair Street,

Ballarat Centre, Victoria 3350 Phone: (03) 4301 7000

Email: dscv@justice.vic.gov.au

In most cases the solution can be found by communicating between neighbours and it is suggested that this be undertaken prior to lodging a complaint with your Council.

WHY DOGS BARK

Barking, growling and howling are normal behaviors for dogs and an important means of communication.

Below are some of the main reasons why dogs bark:

- Boredom / Loneliness / Lack of companionship
- Guarding its territory
- Owner inadvertently reinforce the barking
- Strange Noises
- Alarm / Fear
- Easily excited or highly strung
- Habit
- Thirst & Hunger
- Lack of Exercise
- Weather conditions and insufficient shelter



Dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. Remember, a dog's idea of an 'intruder' may differ to that of the owner. It could include cats, possums, other dogs or even birds.

While it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner's responsibility to train the dog not to bark at 'normal' occurrences such as possums, cats and birds

Barking at normal movement / noises from adjoining properties should also be considered unacceptable behavior for dogs.

LODGING A COMPLAINT WITH COUNCIL

To lodge a complaint with Council you must first show that YOU:

- Have spoken with your neighbour and have tried to resolve the problem with them: or given them a Dear Neighbour Letter contained in this pack.

And/or

- Have attempted to resolve the issue through an independent party like the Dispute Settlement Centre of Victoria.

Then you can start the procedure for lodging a barking dog complaint as follow:

- Identify the correct address of the offending dog
- Complete the "Barking Dog complaint form" in this booklet.
- Keep a diary of the dog's barking habits for a period of two (2) weeks, noting the date, time, weather conditions and duration of the barking and the reason for the barking as well as the effect the dog's barking is having on you
- Forward to Council the Barking Dog complaint form and your completed fourteen (14) day diary signed by you and one other neighbour who is affected by the barking and
- Continue to keep the diary of the dog's barking habits for a further month. This will monitor whether the problem continues or improves as a result of any action taken.

YOUR LEGAL REQUIREMENTS FOR COURT ACTION

In complaints of this nature Council can only do what is stated in the Domestic Animal Act 1994. The only way Council can abate the noise completely is to go to court and obtain a court order.

To take a barking dog complaint to court **YOU** are required, as the complainant, to provide information as it is **YOU**, not the Council who will need to convince a Magistrate that the dog is a nuisance.

You must keep a comprehensive diary over a period of time that shows the patterns of the dog's barking behaviour. Remember, in a court of law the evidence you give may be subjected to cross-examination.

Council will only take court action if:

- It is fully established that there is a case to answer,
- All avenues for reconciliation of the problem are exhausted, and
- More than one person is prepared to go to court and give evidence as well.

Council will not get involved in any domestic dispute between you and your neighbour. If this happens, Council will inform you to take your own legal action.

'DEAR NEIGHBOUR' LETTER

Dear Neighbour,

You may not be aware, but your dog is currently causing a noise nuisance in the neighbourhood by barking.

As dog owners, we are responsible for the care and wellbeing of our dogs, but we sometimes overlook that our dogs can affect other people's lives as well as our own.

Barking, growling and howling are a dogs' form of communication — these noises when in excess can become a nuisance to people living within a nearby area.

I have discussed the problem with the West Wimmera Shire Council who has suggested that as a first step, I express my concern to you, to allow you the opportunity to rectify the situation without recording an official complaint against you on Council's register.

Your cooperation at this stage is all that is needed to avoid this matter progressing any further.

Obedience train your dog as not to become a nuisance

While dogs will bark to alert their owners of intruders entering the property, it is the responsibility of the owner to make sure they train their dog not to bark at regular occurrences such as cats, possums, birds & other dogs.

Barking at normal movements or noise from adjoining properties should be considered to be unacceptable behaviour.

Thank you,

Your Neighbour.

COUNCIL ACTION

Council will appoint a Local Laws Officer who will:

- Study the diary to establish barking patterns to try to determine the reason for the dog's barking,
- Confirm that other nominated residents are being affected by the dog's barking,
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If the officer believes there is a problem with the dog, the officer will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour.

Council will only start taking court action if the Local Laws Officer believes,

- The owner of the dog is not complying with Council's request.
- The dog is a problem.
- The owner of the dog has exhausted all avenues to resolve the problem.
- The complainant is prepared to go to court.

If, at any time, Council believes you are not taking an interest in the complaint and have not done what Council has requested of you, the complaint may be terminated and you may have to take your own court action.

Remember, Council reserves the right at any time to terminate all actions under the State Government legislation.

BARKING DOG COMPLAINT FORM

This document and the diary must be completed in full, signed and returned to West Wimmera Shire Council, Local Laws Office, 49 Elizabeth Street, Edenhope, Victoria, 3318, within seven days of completion.

(PLEASE PRINT ALL DETAILS}

COMPLAINANT DETAILS

Name: _____

Address: _____

Contact Number: _____

OFFENDING DOG/S

Address: _____

Description of dog/s:

1. _____

2. _____

3. _____

(Colour and breed of dog/s)

Have you verified where the barking is coming from? Yes/No

Have you seen the dog/s barking? Yes/No

Have you spoken to the neighbours about this problem? Yes/No

Are you prepared to have the matter mediated? Yes/No

Have any of your neighbours mentioned this problem to you? Yes/No

If Yes, are they prepared to support your claim? Yes/No

If yes, please supply their name and contact details below:

BARKING DOG COMPLAINT FORM(CONT.)

WITNESS DETAILS

Name: _____

Address: _____

Contact Number: _____

I the undersigned, wish to lodge a formal complaint with the West Wimmera Shire Council in relation to the dog/s described above which barks persistently to such a degree that it unreasonably interferes with my (peace), (comfort) or (convenience) in my premises.
(Please strike out items not applicable in brackets)

Signature of Complainant: _____ Date: _____

Privacy Statement:

Council is collecting the personal information on this form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to any other party except as required by law. If you fail to provide the information, no action can be taken in regards to this complaint.

HOW TO COMPLETE A BARKING DOG DIARY

Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in court

Please create a detailed diary over a **two-week period** as the example indicated below, and attach the diary with the complaint form.

NUISANCE BARKING REPORT FILE NO

REPORT COMPLETED BY	KEY	
Name: _____	Barking Level	Cause of barking (if known)
Address: _____	1. Loud	1. People or dogs walking by
Contact Number: _____	2. Yapping	2. Owners out
	3. Whining	3. Territorial of property
	4. Muffles	4. Nothing

Please use a new sheet for each day and ensure that each sheet is signed & dated at the top left of the page. Please be accurate and precise in recording times.

Times when you were not on the property should also be recorded. Untidy, unreadable or illegible report sheets will not be accepted.

DATE	START TIME	END TIME	BARKING LEVELS	CAUSE (IF KNOWN)	INDICATION OF WHEN YOU WERE NOT HOME TO RECORD
15/6/2005	8.15am	12.00pm	1	Children in street	
16/6/2005	6.30pm	7.00pm	2	Owners returning	
17/5/2005					Was not home
18/5/2005	5.30am	6.15am	1	Unknown	

This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.