



Barking Dog Diary

Information Package



introduction

Dogs are an important part of our local community but dogs that bark excessively can become a source of irritation for neighbours and others using the local environment.

Our best friend can, if it barks continually, become an intrusion and create friction between neighbours. Wentworth Shire Council receives numerous complaints regarding nuisance noise from barking dogs.

Approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

The dog's owner may not realise that the barking is causing an annoyance to other people.

- The dog may only bark excessively when the owner is not home.
- The owner may not hear the barking from various areas within the house.
- The owner may be a very sound sleeper and not woken when the dog barks.

Noise relating to dogs and cats is resolved under the Companion Animals Act 1998. Noise from other species (such as birds) must be treated under the Protection of the Environment Operations Act 1997. This Act can also be used to resolve problems with dogs and cats. Police and Council Officers can issue Noise Abatement Directions under this Act. Council's Officers will generally follow Council's procedure, with the exception of extreme cases.

why dogs bark

Dogs bark for many reasons and even though they appear to be ‘barking for no reason’ they are in fact trying to communicate something to their owner or anyone who is willing to pay attention.

If you suspect a dog is being mistreated, contact RSPCA
(02) 9770 7555
inspectors@rspcansw.org.au

Report a cruelty case:
www.rspcansw.gov.au

The following are some of the main reasons why dogs bark:

- Under exercised or not exercised at all
- Untrained
- Inadequate yard space
- Boredom
- Not enough human companionship
- Inadequate shelter from weather conditions
- Hunger, thirst, on the wrong diet or generally neglected
- A medical condition
- Changes to family structure
- Movement/disturbances outside the dog’s property or provocation, deliberately or unintentionally, by people or roaming dogs
- Victims of abuse.

Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property. Remember a dog’s idea of an ‘intruder’ may differ to that of the owner. It could include cats, other dogs, or even the postie.

Whilst it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner’s responsibility to teach the dog not to bark at ‘normal’ occurrences.

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

caring for dogs

Compassion and common sense can eliminate many causes of excessive barking. A well cared for dog will generally not bark unreasonably and disturb neighbours.

The RSPCA website provides more information about proper care and management of dogs.

www.rspca.org.au/animal/petcare_dog.asp

The following suggestions should help:

- Dogs need enough space to move freely in an enclosed backyard. A dog should not be left on a fixed chain for long periods. If a dog has to be chained, it should be on a running chain.
- Dogs need a place of their own. This can be a ventilated and waterproof kennel or an indoor area. Under Section 8 of the Prevention of Cruelty to Animals Act 1979, a dog must be provided with adequate shelter; that is, a structure that protects them from wind, rain and sunshine.
- Dogs need regular and adequate exercise according to their breed, size and energy level.
- Help your neighbour with the dog's care by sitting, exercising and taking over its feeding for a while. You get to know the dog and it gets to know you. Always do this in the company of the owner until you are familiar and confident with the dog.

neighbourhood communication

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

A neighbour may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons. Approach your neighbour and offer this service. It will also help build your relationship with the dog.

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:

1. Ignore your desire to react to the dog by yelling and throwing things, you may actually make it worse. The dog may see you as a threat and you will demonstrate this to be true.
2. Be a good neighbour and try to see why it is barking - there may be a legitimate reason such as an intruder or stray animal about.
3. 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.
4. If the dog owner is unapproachable or you are not comfortable approaching them, try placing the "Dear Neighbour" letter (contained on page 10 of this booklet) in their letterbox.
5. If the neighbour takes no action or does not agree that a problem exists, you should contact the Community Justice Centre which funds 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.

If you would like to contact the Community Justice Centre, they can be contacted between 9am to 5pm, Monday to Friday (excluding public holidays) on telephone 1800 990 777.

Should the methods as described in this brochure be too protracted for you, you may wish to seek legal advice or obtain a Noise Abatement Order from the local court. The NSW Police may also be of some assistance.

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with Council.

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
- Have attempted to resolve the issue through an independent party.

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

- Identify the correct address of the offending dog;
- Complete the Barking Dog Complaint form on (found in this pack);
- Complete the Barking Dog Diary (found in this pack) over a seven to ten day period and sign;
- Forward all of this information to Council for investigation by Council Officers.



council action

Council has developed a procedure to ensure that responses to requests are fair and proportional to the problem, meet the processes previously required by the Court and avoid expensive drawn out legal battles.

Council's Officers will do a number of things including:

- Study the diary to establish barking patterns to try to determine why the dog is barking.
- Confirm that other nominated residents are being affected by the dog's barking by speaking to them, and conducting a survey of the area.
- Advise the dog owner of the complaint, discuss possible solutions and inform them of the responsibilities.
- Council may conduct remote noise monitoring of any alleged noise concerns from barking dogs

If Council Officers believe there is a problem with the dog, then they will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour to a satisfactory level.

If the Council Officers believe the owner has made no reasonable attempt to resolve the problem and the noise is still an issue, they can take further action.

This could include:

- Nuisance Dog Order under Section 21 of the *Companion Animals Act 1998*.
- Court Action - Council will only start court action if the ACO/Officer believes that the owner of the dog is not complying with Council's request or the owner of the dog has exhausted all avenues to resolve the problem or the complainant is prepared to go to court.

If there is a lack of evidence to support nuisance claims, Council's Officer will recommend the complainant contact the Chamber of Magistrate of the Wentworth Local Court to lay their own Noise Abatement Order under Section 268 of the *Protection of the Environment Operations Act 1997*.

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 can be terminated and you will have to take your own court action. Council reserves the right at any time to terminate all action under State Government Legislation.

legal requirements for court action

Community members have direct access to Noise Abatement Orders under Section 268 of the *Protection of the Environment Operations Act 1997* and can bypass Council's procedure on these issues should they wish.

If you choose this pathway, you will need to contact the Wentworth Court House in Darling Street Wentworth on 1300 679 272.

To take a barking dog complaint to court, YOU, not the Council, will need to convince a Magistrate that the dog is a nuisance.

You should 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 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.

If you don't understand what you have just read you should seek legal advice.



Date : ____ / ____ / ____

Dear Neighbour,

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

I have discussed this issue with the Wentworth Shire Council to see how we can resolve this issue in a neighbourly manner.

They have suggested for a first step that I express my concern to you, to allow you the opportunity to rectify the situation and avoid recording an official complaint which will be held on your file at Council.

Please see the back of this letter for some information that may be of assistance to you.

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

Thank you for your time.

Kind Regards,

Your Neighbour

Simple tips to reduce barking

- Make sure that you do not reward your dog for barking too much. Don't let the dog inside or give it attention when it barks. Instead give the dog attention when it is quiet.
- If the dog is barking at people or noises on the other side of the fence, move the dog to another part of the yard or put up a barrier to keep the dog away from that area.
- If the dog barks at regular disturbances such as children walking to school or rubbish trucks, keep the dog inside or in an enclosed area at those times.
- If the dog races along a path or fence barking at passing distractions, put barriers or obstacles in the dog's way to slow it down. Remove direct line of sight between the dog and children or animals, as looking at other animals or children may provoke barking.
- Ensure that the dog has adequate exercise and obedience training.
- Make sure that the dog has food, water and shelter from the weather.
- Stimulants such as balls and chew toys left for the dog when you leave can keep them occupied whilst you are away. A bone for them to chew will teach your dog that there is a positive reaction when you leave.
- If the dog is barking through gaps and cracks in the fence, fill them in.
- Teach the dog to stop barking on command. When the dog is barking give a firm command such as "cease" and call the dog to you. Praise the dog when it stops barking.
- Provide noise insulation for the kennel.
- Your dog may need to visit the VET – is it sick or in need of medical treatment?

Remember, dogs bark for many reasons. If these simple tips do not help you, seek further advice from a recognised animal trainer.

barking dog complaint

This document must be completed in full, signed and returned to Wentworth Shire Council

Complainant's name: _____

Address: _____

Email: _____ Phone: _____

Address of offending dog(s): _____

Description 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 ☐

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

Signature: _____ Date: _____

Privacy Statement

We are collecting this information to process your request. We may not be able to do so without it. Supplying this information is voluntary and it will not be used for any other purpose without seeking your consent. We will store your personal information on our systems or in our offices, where it will be used by our staff and contractors. Other people can request access to it under the *Government Information (Public Access) Act 2009*. You can ask us to suppress your personal information from a public register and we will consider your request in line with the *Privacy and Personal Information Protection Act 1998*. Our Privacy Management Plan sets out how you can access or correct your personal information. Please visit **www.wentworth.nsw.gov.au** for a copy of the plan.

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 for about a ten day period. Example indicated below, and attach the diary with the complaint form.

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

The General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Wentworth Shire Council
24-28 Adelaide Street
WENTWORTH NSW 2648

council@wentworth.nsw.gov.au

[illegible]

BARKING DOG DIARY

Name: _____ Date: _____

Address: _____ Phone: _____

Address of offending dog(s): _____ Sheet: _____ of _____

I am willing to attend court to give evidence if required. Yes ☐ No ☐ Signature: _____

Barking dates and times Codes to assist in this section are obtained from the field below

Date	Start	Finish	Noise Level	Cause of Barking	Action Taken	Nuisance Level	Location of Dog
			Noise level of barking 1 Loud 2 Yapping 3 Howling 4 Yelping 5 Muffled 6 Waning	Cause of Barking 1 Nothing 2 People walking by 3 Bored 4 Owner out 5 Territorial boundary 6 Unknown	Action Taken by Owner to control dog 1 None 2 Chastised 3 Dog put inside 4 Other	Nuisance Level 1 High 2 Medium 3 Low	Location of Dog 1 Side of house 2 Back yard 3 Front yard 4 Inside house 5 Inside shed 6 Other

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