



Dealing with a
BARKING DOG



Southern Grampians
SHIRE COUNCIL



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 creates friction between neighbours.

Southern Grampians 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.

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.

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

- lack of exercise,
- inadequate yard space,
- boredom,
- not enough human companionship,
- inadequate shelter from weather conditions,
- hunger or thirst,
- a medical condition,
- provocation,
- disturbances,
- changes to family structure, or
- movement outside the dog's property.

Of course 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 flying across the property.

Whilst 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 or birds.

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

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. 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 the 'Dear Neighbour' letter contained in this booklet into their letterbox.

2. If the neighbour takes no action or does not agree that a problem exists, you should contact the Department of Justice 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.

Dispute Settlement Centre

4th Floor, 456 Lonsdale Street
Melbourne 3000

9603 8370 | Fax: 9603 8355

dscv@justice.vic.gov.au

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with your 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 like the Dispute Settlement Centre of Victoria.

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' in the centre of 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 barking, and the reason 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 also 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.

COUNCIL ACTION

Council will appoint a ranger (Animal Management 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 ranger believes there is a problem with the dog, the ranger 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 ranger believes:

1. the owner of the dog is not complying with Council's request, and
2. the dog is a problem, and
3. the owner of the dog has exhausted all avenues to resolve the problem, and
4. the complainant is prepared to go to court.

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

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

If you don't understand what you have just read, then you are advised to seek legal advice.

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 all the 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 advise you to take the matter to court if:

- it is fully established that there is a case to answer;
- all avenues for reconciliation of the problems 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.

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

HOW TO COMPLETE A BARKING DOG DIARY

Neighbours can help each other to solve barking. 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 three-week period as the example indicated below, and attach the diary with the complaint form. If the diary is not completed correctly, Council will be unable to follow up on the complaint.

Example diary entries

Date	Time barking started	Time barking stopped	Barking for how long?	Reason for barking
11/02/2020	3:00pm	3:02pm	4 barks	Nobody in street
11/02/2020	3:10pm	3:13pm	8 barks	Man walking dog
11/02/2020	3:18pm	3:18pm	2 barks	Nobody in street
11/02/2020	3:28pm	3:30pm	16 + barks	Children in street
11/02/2020	3:33pm	3:33pm	3 barks	Nobody in street
11/02/2020	3:45pm	3:47pm	6 barks	Plane passing over
11/02/2020	3:52pm	3:52pm	2 barks	Nobody in street
11/02/2020	3:58pm	4:03pm	16+ barks	Cat on fence

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

Forward your completed form and diary to:

LOCAL LAWS – ANIMAL CONTROL
SOUTHERN GRAMPIANS SHIRE COUNCIL
LOCKED BAG 685
HAMILTON VIC 3300



BARKING DOG COMPLAINT FORM

This document and the log sheet must be completed in full, signed and returned to Southern Grampians Shire Council within seven days of completion.

(PLEASE PRINT ALL DETAILS)

Complainant's name: _____

Address: _____

Contact phone:

Home: _____ Business: _____ Mobile: _____

Address of offending dog/s: _____

Description of dog/s: _____

(Colour and breed of dog/s)

Have you verified where the barking is coming from? YES / NO

Have you seen 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 address and contact details below:

Witness 1 Name: _____

Address: _____

Phone: _____

WITNESS PAGE

Witness 1 Name: _____

Address: _____

Phone: _____

I, the undersigned, wish to lodge a formal complaint with the Southern Grampians 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) 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.

Forward your completed form and diary to:

LOCAL LAWS – ANIMAL CONTROL
SOUTHERN GRAMPIANS SHIRE COUNCIL
LOCKED BAG 685
HAMILTON VIC 3300

Dear Neighbour,

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

I have discussed this problem with Southern Grampians Shire Council which 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 file.

On the back of this letter is some information that may be of assistance to you in resolving the problem.

Your co-operation at this stage is all that is needed to avoid this matter progressing any further.

Your Neighbour.

SOME SIMPLE TIPS FOR REDUCING 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 a 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 these 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.
- Ensure that the dog has adequate exercise and obedience training.
- Make sure that the dog has food, water and shelter from the weather.
- If the dog is barking through gaps and cracks in the fence, fill them in.
- If the dog is barking at people it can see passing by, try blocking the dog's view.
- 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. If the dog will not listen to you, it will need obedience training.

Remember, dogs bark for many reasons. If these simple tips do not help you, seek further advice.



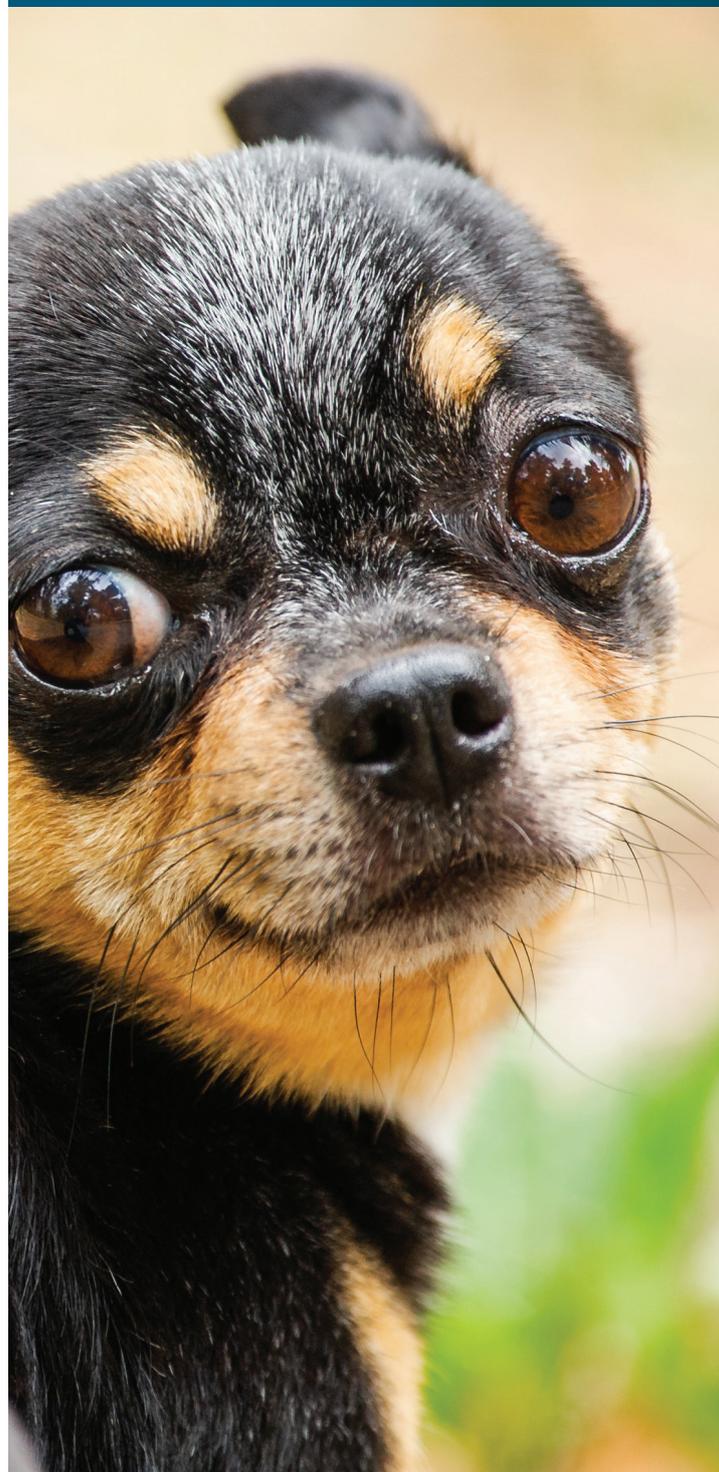
Southern Grampians
SHIRE COUNCIL

Myth

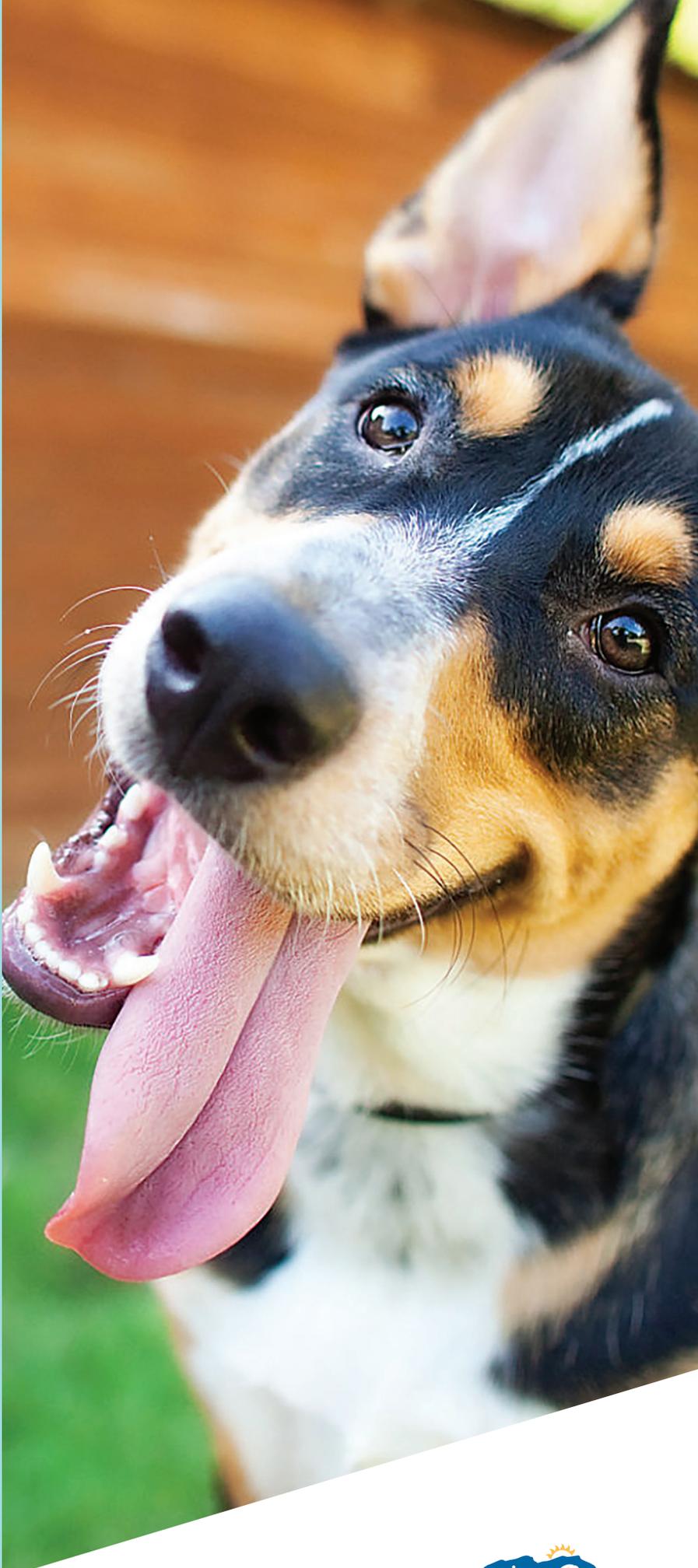
MYTH

It is natural for dogs to bark a lot.

False! Barking is one of the dog's main ways of communicating. However, it is NOT normal for a dog to bark at every noise, passer by, nor to bark for long periods of time.







For further information contact:

**SOUTHERN GRAMPIANS
SHIRE COUNCIL**

111 Brown Street (Locked Bag 685)
Hamilton Victoria 3300

 (03) 5573 0444

 council@sthgrampians.vic.gov.au

 www.sthgrampians.vic.gov.au



Southern Grampians
SHIRE COUNCIL