



SHIRE OF WYNDHAM | EAST KIMBERLEY

BARKING DOGS

LODGING A COMPLAINT
WITH THE SHIRE

DOGS

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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.

Approaching the dog's owner in a neighbourly manner and discussing your concerns with them can sometimes easily resolve 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/s bark.

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 provides some of the main reasons why dogs bark:

- Lack of exercise.
- Inadequate yard space.
- Boredom or lack of stimulation, both mental and physical.
- Not enough human companionship.
- Inadequate shelter from weather conditions.
- Hunger or thirst.
- Medical condition such as an illness or discomfort.
- Provocation/Disturbances.
- Change to family structure/separation anxiety that can lead to destructiveness, howling or escaping.

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, wallabies, 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 cats, birds etc.

Barking excessively at normal movement/noises from adjoining properties should be considered unacceptable behaviour.

Working Together

In solving barking dog issues, sometimes all we need to do is **B.A.R.K**

B – Be understanding and listen to your neighbours concerns.

A – Accept your neighbour’s perspective and try to be considerate of their situation.

R – Respect the other person’s position as these can be emotive and often stressful times.

K – Keep lines of communication open so everyone is on the same page about the issue.



Talk to your neighbours

Neighbours can help each other to solve barking problems by communicating 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 barks and provide this feedback to the owner.

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 to build your relationship with the dog.

As mentioned in the introduction, the owner of the offending dog may not know the animal is causing a nuisance. 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 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’** and **‘Some simple tips’** letter provided at the back of this brochure to their property.

Assess your options

If the neighbour takes no action or does not agree that a problem exists, you should then contact the Shire of Wyndham East Kimberley Ranger Services Unit on (08) 9168 4100 to lodge your complaint.

Proceed to Lodge your complaint with the Shire

To lodge a complaint with the Shire you **must** first demonstrate that **you** have:

- Tried the above consultative steps to resolve the problem with your neighbour.
- Identified other immediate neighbour/s that are also affected by the barking and willing to support your claim, (*this may also involve attending court to give evidence*).
- Completed the “Nuisance Dog Complaint Report” and the first set of diaries.



Once you have –

- Identified the correct address and description of the offending dog/s.
- Completed the “Nuisance Dog Complaint Report”.
- Keep a diary of the dog’s barking habits for a period of ten days, noting the date, time, weather conditions and duration of the barking and the reason (Refer attached diary).
- Include what the effect of the dog barking is having on you.
- Forward this information to the Shire (Ranger Services) for assessment.
- Continue to keep a diary of the dogs barking habits for a further one month.
- This will monitor whether the problem continues or improves as a result of any action taken.
- Contact other neighbour/s affected who are prepared to corroborate the barking dog/s.

During the investigation three 10 day documented diary periods will be required by you as outlined below. The last diary will be ongoing until court.



Diary 1 (10 Days) - The first diary is to establish and validate your complaint to the Shire. A Ranger will be assigned to assess the information provided and contact you to discuss the information when it's received. If the Investigating Officer feels there is an issue they will attend the property and discuss the issue with the dog owner. You will be informed of this action prior and after regarding its outcome. You will be advised when to commence **Diary 2**.

Diary 2 (10 Days) - The second diary will be required to establish if the nuisance is continuing after the dog owner has been advised of their obligations. Should this diary show a continuing nuisance then a Notice to Comply will be issued to the dog owner. This notice is a Shire direction and must be complied with. The Officer will inform you when this Notice has been issued and when to commence **Diary 3**.

Diary 3 (10 Days) - The third diary is to establish that the dog owner has failed to comply with the "Notice to Comply" issued by the Shire and the nuisance barking is still occurring. This diary will trigger enforcement action and may result in fines being issued or an immediate progression to Court.

All diaries provided by you form the foundation of any Shire action and will be used as part of a Brief of Evidence for the purposes of a prosecution.

Diary 4 (Ongoing) - The fourth diary must be maintained on an ongoing basis until court. Your investigating Officer may check back with you on occasion to obtain updated information from this diary to assess any incidents during this period.

Please be aware that you will be required to document the nuisance barking until the matter is heard in a Magistrates Court. Remember in a court of law the evidence you give may be subjected to cross-examination and you may need to explain your records to the court.

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 10 day period** as shown in the example below and attach the diary to the Barking Dog Complaint Form.

The completed form **must** be returned to the Shire within 7 days of the last date recorded or take action cannot be taken and another diary set will need to be completed.

EXAMPLE DIARY ENTRIES (C) Continuous (I) Intermittent

Date	Time barking started	Time Barking stopped	Type of Barking How many barks and what type (C) or (I)	Reason for barking (Person walking past, another animal, weather, etc)	Noise How does the noise affect you
11/02/06	3:00pm	3:02pm	4 barks (I)	Nobody in street	Can't sleep
11/02/06	3:10pm	3:13pm	8 barks (I)	Man walking dog	Trying to entertain friends
11/02/06	3:18pm	3:18pm	2 barks (C)	Nobody in street	
11/02/06	3:28pm	3:30pm	16+ barks (C)	Children in street	
11/02/06	3:33pm	3:33pm	3 barks (C)	Nobody in street	
11/02/06	3:45pm	3:47pm	6 barks (I)	Plane passing over	
11/02/06	3:52pm	3:55pm	10 barks (I)	Nobody in street	
11/02/06	3:58pm	4:03pm	16+ barks (C)	Cat on fence	

All entries must document when the dog starts barking, then when it stops barking. One (1) diary for each dog must be completed.

Records stating "Barking all day" or "Barking 9am – 12pm" will not be considered detailed enough to act upon.

Please document when you are not at home to record barking.

ALL ENTRIES MUST BE TO THE MINUTE. This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.

Shire Action

On receipt of a barking dog complaint, together with an initial barking dog diary, the Shire will appoint an Investigating Officer (Ranger) who will:

- Study the diaries provided to establish barking patterns to try to determine the reason for the dogs barking.
- Confirm whether the dogs barking is affecting other residents.
- Advise the owner of the offending dog/s of their obligations and discuss possible solutions to ensure they meet their responsibilities as a pet owner.

If the Ranger believes that there is an issue with the dog/s a “Notice to Comply” to abate the barking can be issued, however, at this stage a verbal discussion/warning is appropriate.

- Should the dog owner fail to take any action the Officer may issue a notice to abate the nuisance or issue an infringement notice against the owner. These actions will normally occur after further evidence is received from you. (*Refer diary process*)

If the noise complaint persists after an infringement notice has been Issued, the Shire may proceed with legal action against the dog owner in a Magistrates Court and seek a Court Order.

Shire’s Obligations and Your Legal Requirements for Court Action

In complaints of this nature the Shire must comply with the provisions of the *Dog Act 1976*.

The primary method available to the Shire to abate the noise completely is to go to court and obtain a court order.

To take a barking dog complaint to court **you will be required to attend**, as the complainant to give evidence in court. Your evidence will be critical in convincing a Magistrate that the dog is causing a nuisance.

It is important you keep comprehensive dairies over a period of time that shows the patterns of a dogs barking behaviour.

The Shire will only consider taking the matter to court if:

- All other avenues to resolve the problem have been tried and attempts for reconciliation have not been successful.
- It is fully established that there is a case to answer through the evidence provided.
- A supporting witness has been established and they are prepared to give evidence at court.
- The Shire will not get involved in any unrelated domestic dispute between you and your neighbour. If this occurs, the Shire will inform you to take your own legal action.

Court Orders

Where a Magistrate's Court has made an order, it must be complied with. Failure to do so is an offence, and a Magistrate may impose further penalties.

The Shire will only start taking court action if:

1. The owner of the appropriate dog/s is not responding adequately to the Shire's request;
2. The dogs/s continue to be a problem; and
3. You and other corroborated neighbour/s are prepared to go to court again.

The success of any court action relies on the support and assistance of the complainant. If relevant information is not provided, the Shire will be unable to pursue the matter.

It should be noted that a successful prosecution of the owner does not have a direct impact on the behaviour of the offending dog/s.

Further action will need to be undertaken by the owner to address this, and may be ordered by the court.





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8.00am - 4.00pm MON - FRI

Nuisance Dog Complaint Report

Dog Act 1976

1. COMPLAINANT

Full name				
Postal address				
Residential address				
Home phone		Work phone		Mobile
Email				Fax

2. DOG DETAILS

Breed of dog	
Colour / markings	

3. OWNERS DETAILS (IF KNOWN)

Full name				
Residential address				
Home phone		Work phone		Mobile

4. DETAILS OF NUISANCE

Please provide details of the nuisance that has been created by the dog

.....
Complainant Signature

Date / /

OFFICE USE ONLY

Complainant N&A		Record file		Record:	I-
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Dear Neighbour Letter

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 the Shire of Wyndham East Kimberley Ranger Services Unit who have suggested that as a first step, I express my concern to you, to allow you the opportunity to rectify the situation.

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

Your co-operation at this stage would be much appreciated.

Please find below some information that may assist you.

PS: Your dog appears to bark at the following times:

For the following reason(s):

I am happy to discuss this with you further and have included my details if you would like to discuss the times your dog is barking.

Details:

Thank you

Simple Tips for Reducing Barking

(Together with the Dear Neighbour Letter)

- 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 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 at 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.
- Attend accredited dog obedience training.

Dogs bark for many reasons and, if these simple tips do not help you, you may need to seek further advice.

Disclaimer

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