



Nuisance Barking Dogs

Information for the Complainant

Barking is a dog's natural means of communication and often signifies its alertness to danger or intruders. Although it is natural for a dog to bark, dogs do not bark all day.

Usually the barking is a result of external stimuli such as:

- hearing another dog bark
- the presence of a cat
- the presence of a bird
- people approaching or passing by.

Other causes of nuisance barking may be:

- lack of training
- separation anxiety
- seeking attention
- insufficient exercise
- threatened or protecting their territory
- ill health
- deliberate or unintentional provocation by people or other dogs.

However, a dog that persistently barks to a degree or extent not normally habitual in dogs, constitutes a nuisance.



Standards

- If a dog barks for more than six minutes in any hour between 6am and 10pm on any day,
- If a dog barks for more than three minutes in any 30 minute period between 10pm and 6am on any day, or
- If a dog barks 240 or more times between 6am and 10pm, and 32 barks overnight.



What to do if a neighbour's dog is barking excessively

A neighbour may not be aware that their dog is causing a nuisance in their absence, or they may have become desensitised to the noise and may not be aware of the effect it is having on others.

If you have not approached the owner, this is recommended in the first instance. Rather than a personal approach, you could place a letter or the enclosed Bark Card into the letter box of the dog owner.

If your neighbours are unapproachable or they do not agree there is a problem, you may lodge a complaint of nuisance barking with Ranger Services who will then manage the complaint as explained below.

If you are concerned about the welfare of the dog, please contact the RSPCA on 9209 9300.

Initial complaint

The City will investigate a complaint once it has been received in writing. The Nuisance Barking Dog complaint form is available upon request at the City's Civic Centre or an electronic version can be downloaded and submitted via the City's website.

The Nuisance Barking Dog Complaint form provides Ranger Services with some basic information such as the house address, a description of the dog/s and when and how the barking affects the complainant. For Ranger Services to investigate the complaint, the complainant must give detailed information and be willing to appear in court should it be necessary to instigate court proceedings.

Convincing a dog owner to change their pet's habits is not easy and the more information the City has, the easier it is to help resolve the issue.

Upon receipt of the complaint, Ranger Services will verify whether the City has received any prior complaints about the barking dog and record the information.

If there have been no previous complaints regarding the dog barking, the City will write to the dog owner advising a complaint has been received and, should the matter not be resolved, that it may investigate which could lead to court action. The dog owner will also be provided with some advice on resolving the nuisance barking.

The dog owner must be allowed a reasonable amount of time to deal with the barking issue once they become aware of the complaint. Some treatment strategies may result in a temporary increase in barking while the dog adjusts. It is impossible to predict how long it will take for the dog to cease its nuisance barking.



Subsequent complaints

On receipt of a second or subsequent complaint, Ranger Services will investigate. A ranger will attend the dog owner's property to verify the complaint, inform the dog owner that a second or subsequent complaint has been received and explain the investigation process. One stage of the investigation process is to record the instances of barking in a Barking Diary.

Insufficient evidence

Should the ranger conclude there is insufficient evidence to proceed, all parties will be advised that the City can take no further action. Both parties should be aware that the complainant may still take civil action under Section 44(2)(c) of the *Dog Act 1976*.

Barking Diaries

A Barking Diary will be provided to the complainant which will be used to assess the nuisance barking. The Barking Diary needs to be filled out accurately over a period of 14 consecutive days to clearly show there is a problem.

The complainant must record:

- The date of each instance. Ditto marks ("") are not acceptable.
- The time the barking started and ceased, even if it is for 10 minutes every 20 minutes. Each occurrence must be recorded.
- Cause of barking, if known such as 'the dog is tied up'.
- How the nuisance specifically affects them such as 'kept me awake' or 'prevented me studying'. It is not sufficient to state generalisations such as 'it's annoying'. A sufficient example would be 'couldn't sit outside due to the noise'.

The Barking Diary assists in the legal requirement to prove that the dog/s:

- Make/s a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any place; or
- Is shown to be allowed to behave consistently in a manner contrary to the general interest of the community

Please remember, Barking Diaries are legal documents and may be presented in court as evidence. Barking Diaries must be neat, accurate, precise and unemotional. Please contact Ranger Services on 9397 3000 if you are having difficulties completing the Barking Diary.

To assist with the investigation, rangers may conduct a survey of neighbouring residents to locate any additional complainants willing to declare in writing (and in court if required) that they are affected by the dog barking.

Further action

Once the ranger determines there is sufficient evidence of the dog/s creating a nuisance by barking, they will use the dates, times and duration recorded in the Barking Diaries, survey results, and the ranger's evidence with the dog owner to establish the reasons behind the barking issue. The personal details of the complainants will not be disclosed.

A ranger may then issue an Abatement Notice.

Abatement Notice

An Abatement Notice is issued to the owner if the barking is not resolved in a timely manner. This notice requires the owner or the person in charge of the offending dog/s to abate the nuisance within 14 days.

The order stays in effect for six months from the date specified in the order.

Issue of Infringement Notice or other action

Nuisance continues

If the nuisance does not subside, and investigations by the authorised person indicate continued nuisance, the City may issue the owner with an Infringement Notice. The modified penalty for this offence (breach of section 38(5)) is \$400 for a dangerous dog and \$200 for all other dogs.

Repeat offenders

For repeat offences, the City may decide to institute court action.

A maximum penalty for this offence (breach of section 38(5)) is \$10,000 for a dangerous dog and \$5,000 for all other dogs.

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