



Nuisance Barking Dogs

Information for the dog owner

Responsible dog ownership

The City of Gosnells promotes responsible dog ownership. Dog owners need to ensure their dog/s do not become a neighbourhood nuisance by barking. Barking is a dog's natural means of communication and often signifies its alertness to danger or intruders. However, a dog that persistently barks to a degree or extent not normally habitual in dogs, constitutes a nuisance.

For the purpose of Section 38 of the *Dog Act 1976* a dog shall be taken to be a nuisance if the dog:

"makes 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".

The cause 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.



Nuisance Barking Dog Investigation Process

Initial complaint

As required under Section 38, a formal complaint must be lodged in a prescribed format. 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.

Upon receipt of the complaint, the alleged nuisance dog owner will be notified and should the matter not be resolved, an investigation may be undertaken which could lead to further action.

Subsequent complaints

On receipt of a subsequent complaint regarding the dog/s, a ranger will attend the property and advise that a subsequent complaint has been received and explain the investigation process. A ranger will also provide the dog owner with limited advice on how to resolve the nuisance barking.

As part of the investigation, Ranger Services will use a Barking Diary completed by the complainant to verify the complaint.

A ranger 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.



Insufficient evidence

Should it be concluded there is insufficient evidence to proceed, all parties will be advised and the City will 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*.

Further action

Once a 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 in an attempt to establish the reasons why there is a barking issue. The personal details of the complainants will not be disclosed. A ranger may then issue an Abatement Notice.

Abatement Notice

If the barking is not resolved in a timely manner, a ranger will issue an Abatement Notice to the owner. 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 owner may be issued 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.

The Legislation

The *Dog Act 1976* provides for the following:

Section 38. Nuisance dogs

For the purposes of this section, a dog is a nuisance if the dog:

- a. makes 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
 - b. is shown to be allowed to behave consistently in a manner contrary to the general interest of the community; or
 - c. makes a noise, by barking or otherwise, that exceeds:
 - i. a prescribed noise level measured by a prescribed method over a prescribed period of time; or
 - ii. a prescribed number of times of occurrence during or over a prescribed period of time.
1. A person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.
 2. If an authorised person is satisfied that a dog is a nuisance as alleged in a complaint, the authorised person may issue an order to a person liable for the control of the dog requiring that person to prevent the behaviour that is alleged to constitute the nuisance by a time specified in the order.
 3. An order has effect for six months after the day on which it is issued.
 4. A person to whom an order is issued must comply with the order during the period in which it has effect.

Penalty:

- a. for an offence relating to a dangerous dog:
 - i. a fine of \$10,000, but the minimum penalty is a fine of \$500;
 - ii. for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
 - b. for an offence relating to a dog other than a dangerous dog, a fine of \$5,000.
5. This section does not apply to a dog while that dog is kept at an establishment licensed as an approved kennel under section 27 of the Dog Act.



Dog barking solutions

To manage a barking problem the dog owner will need to determine the cause of the barking. Once the underlying cause and triggers for the barking are identified, the owner can treat the excessive barking using:

- Dog training
- Behavioural modification
- Anti-barking devices
- A combination of the above.

How to deal with some types of nuisance barking

Separation anxiety

If a dog usually begins barking when you leave the house, it may be separation anxiety. The owner will need to catch the dog barking and reprimand the dog.

Apprehensive/fearful

Usually found in the nervous, confidence-lacking dog that barks out of the fear of the unknown. It is usually exacerbated when it is home alone. In this case, the dog may need to be socialised and professional help may be needed to deal with any serious fears your dog may have.

Boredom

This is usually identifiable by the dog barking, digging and chewing. To help fill some of the dog's day, the owner could buy a large bone and chain the bone to a tree or post so the dog cannot bury it. The owner may also consider using a dog walking service.

Territorial

This normally applies to the dominant, confident type of dog and as a rule is not the worst cause of nuisance barking. However, if the owner has problems with this type of dog, it is best to seek professional help.

Where to go for help

There are a number of brochures available from the City of Gosnells with helpful information about addressing excessive dog barking. These pamphlets provide tips and techniques to prevent barking, information about anti-barking devices and where to go for training.

Dog owners may also seek more information on products and services to help deal with behavioural problems from their vet, pet store, or online resources.

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