



Dear Neighbour

We felt you should be made aware that your dog is causing a nuisance by barking.

Rather than making a formal complaint to the council, we wanted to take this opportunity to advise you of the situation so that you can take action to rectify the problem.

- | | |
|---|------------------------------|
| 1. Your dog barks during the | Day / Night / Both |
| 2. Barking occurs | Once / Twice / Several Times |
| 3. The barking continues for periods of up to | _____ Minutes |
| 4. The barking is worse when you are | Home / Not home |
| 5. The dog barks at the | Front / Rear / Side |
| 6. Your dog appears to be barking at | _____ |
| 7. The dog predominantly barking is (if two dogs) | _____ |

By bringing this matter to your attention I hope we are able to resolve this issue in a neighbourly manner.

Neighbour



Section 38 (1) of the Western Australian Dog Act 1976 States:

- (1) 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.
- (2) A person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.
- (3) 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.
- (4) An order has effect for 6 months after the day on which it is issued.
- (5) 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.

INFORMATION TO COMPLAINANTS

Dog nuisance complaints are often difficult to resolve for a number of reasons:

1. Barking is very subjective with many different interpretations as to what is a nuisance. As a result, the degree of annoyance varies with the location of the dog, and the tolerance of the complainant.

Examples of possible nuisances include:

- Barking at every person/dog passing by and/or the barking continuing for some time after the passer-by has gone;
- Repeated rushing/jumping and barking/growling at the front, back or side fence;
- Barking regularly during the hours of darkness;
- Barking, whining and/or howling for regular periods in excess of 15 minutes when the owners are absent, or are inside the house and the dog is outside;
- Barking associated with other behavioural problems e.g. tail chasing.

2. It is extremely difficult to collect reliable and permanent evidence on the frequency and loudness of a dog's barking.

The diaries completed by the complainant, their recollection of the dogs barking and how it affects them, will often decide whether legal action is won or lost. Video or auditory taping is usually not admissible in court.

3. A barking complaint is often just one aspect of a feud between two neighbours, or between several families in an area.

It is important that the dog nuisance is considered in isolation, and does not become part of a dispute with the neighbour over one or more other issues, or is made as a result of the complainant's dislike of the neighbour. The dog should not be used as a way of getting even if the dog owner has lodged a complaint on another matter with the Shire.

4. The suspected dog may not be responsible for all the barking in the neighbourhood.

The complainant must be certain that they have identified the correct dog for all of the noise that is causing a nuisance. For example, if two dogs are barking at each other through adjoining fences, blame should not be attributed to just one dog.

5. The complainant may have deliberately or inadvertently caused the problem to worsen by hitting the fence or throwing objects at the dog when the barking first occurred. A minor problem that was annoying may lead to a dog lunging at or attacking the neighbours because of ongoing actions to stop the dogs barking.

The complainant's children or neighbours teasing the dog, or the complainant's cats entering the dog's property, or walking along the fence-line may cause barking. Where possible the complainant must co-operate to prevent these.

It is important those if a dog barks at a neighbour that they do not hit the fence, yell at it or throw objects into the dog owner's property.

Where the dog has been obedience trained the neighbour should be introduced to the dog and given commands that the dog has been taught e.g. "quiet". This enables them to have some control over the dog when it barks. In situations where the dog perceives the neighbour to be a threat, or if the dog is not trained, then friends can be made with the dog by talking gently to it and, by arrangement with the dog owner, offering it treats once it is quiet.

6. The dog may suddenly become a problem because circumstances have changed in the complainant's life e.g. a new baby has arrived or they have commenced shift work.

Whilst this does not detract from the alleged nuisance, the complainant may consider meeting the dog owner half way by making adjustments to their lifestyle in conjunction with the dog owner's attempts to reduce the noise.

7. As barking often severely disrupts people's lives, most complainants want immediate action. However the treatment for a barking dog is often lengthy and difficult and it is rarely possible to treat within the time allowed for by the Shire's Abatement Notice.

It is important that the complainant allows sufficient time for treatment to take place if the dog owner is prepared to carry this out, and the complainant provides sufficient information to enable a treatment program to take place.

8. Dog owners are seldom bothered by their own dogs barking when they are home, and are often not aware that it is causing a nuisance to others. Some dog owners have difficulty in believing that their dog barks excessively. This is because the dog usually barks when they are out and is not barking when they arrive home.

It is important that the dog owner is approached as soon as the dog becomes a nuisance. They should be informed as to when the dog is barking and how it is affecting the complainant's lifestyle. The complainant should be courteous, informative and supportive of any suggestions to rectify the problem, but if the dog owner fails to accept there is a problem, then a complaint should be lodged with the Shire immediately. Early action means treatment is more likely to be effective and immediate. A habitual barker and a prolonged dispute are difficult to resolve, being unpleasant and time consuming for all parties involved.

Form 7

[r. 32]

Dog Act 1976 s. 38(2)

Complaint as to a nuisance created by a dog

To _____
(insert name of local government)

TAKE NOTICE that a dog, believed to be a _____⁽¹⁾
has created a nuisance by ⁽²⁾ _____

The dog is believed to be owned by ⁽³⁾ _____
and is ordinarily kept at ⁽⁴⁾ _____

and I/we ⁽⁵⁾ _____ of _____
request the local government to institute proceedings if the nuisance does not
stop and undertake —

- (a) to give full information to the local government as to this matter; and
- (b) to appear in court and give evidence as a witness to the truth of this
complaint.

Dated the _____ day of _____ 20 _____

(to be signed by the complainant/s)

- (1) Insert breed or kind of dog and, where possible, its name, gender and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.



Record of Barking Dog

Date	Time Barking Started (AM/PM)	Time Barking Finished (AM/PM)	Cause of barking (If Known)	Effect barking had on you

The barking dog record must be kept for a minimum of 10 days

I
 Certify that the above record is true and correct to the best of my knowledge.

Signature:

Date:

Complainant's Diary

It is important that the diary is accurate and sufficiently detailed to demonstrate in a Court of Law that the dog shall be taken to be a nuisance if:

- (a) it is injurious or dangerous to the health of any person;;
- (b) it creates a noise, by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental, or social well being of a person;
- (c) it is shown to be allowed to behave consistently in a manner contrary to the general interests of the community,

Information That Should be Included in the Diary

- The date or dates of each episode of barking.
- The times that the barking and/or howling commenced and ceased.
- The actions of the dog when creating a nuisance e.g. rushing at the fence, sitting at back door, chasing birds.
- Any identifiable cause of the barking e.g. people or dogs passing by.
- Under what circumstances the barking is at its worst e.g. just after owners have left for work, when children are playing with the dog.
- What effect the barking is having on the complainant or their family e.g. preventing sleep, study, or social activities.
- What is most annoying about the noise e.g. the loudness or frequency of the barking.
- If there is more than one dog, which dog is causing the nuisance.

Statements in the diary such as; the dog is barking all day, the barking continues for long periods of time, or the dog is annoying, do not provide sufficient detail for a minimum standard of evidence to support a complaint in Court. The Shire will not proceed with legal action if this detail is not obtained.

BARKING FACTS

MYTH: A dog that always barks is a good watchdog.

FACT: Dogs that bark excessively make poor security systems, as neighbors often choose to ignore the barking.

MYTH: My dog does not bark when I am home, so it does not bark when I am out.

FACT: Dogs bark for many reasons including anxiety and isolation. Most nuisance complaints relate to dogs barking when their owners are not home.

MYTH: Sterilization will stop my dog from barking.

FACT: There is no direct relationship between sterilization and barking except where dogs are barking at dogs of the same sex, or when a male dog senses a bitch in season nearby. However there are many physical, behavioural and management reasons unrelated to barking why the operation should be carried out.

MYTH: It is natural for dogs to bark.

FACT: Barking is one of the dog's main forms of communication. However it is not normal for a dog to bark at every passer by, nor to bark for long periods of time.

MYTH: Dogs only bark when teased, bored or not exercised.

FACT: Excessive barking is only a symptom of an underlying problem. To resolve nuisance barking its cause has to be found, and the problem treated. Possible causes of barking include; breeding, inappropriate confinement, passing distractions, isolation, guarding, anxiety, excitement, discomfort and attention seeking.

MYTH: Dogs that bark because they are lonely need another dog for company.

FACT: Getting a second dog does not usually prevent or solve a barking problem.

MYTH: The dog barks because it is the wrong breed for its environment.

FACT: Excessive barking may be more likely to develop in some breeds than others, given similar environmental conditions. However it can occur in any breed or sex of dog, and most habitual barkers have learned that barking can be rewarding.