

# Dealing with a barking dog



*Knox City Council*

# Contents

Introduction	2
Why dogs bark	3
Talk to your neighbour	4
Letter to your neighbour	6
Some simple tips for reduced barking	7
Legal requirements for court action	8
The barking dog complaint process	9
How to complete a barking dog diary	11
Barking dog diary	12

# Introduction

Barking dogs remain one of the more difficult complaints for Council to assist customers in resolving. We need evidence from you to substantiate beyond reasonable doubt that a person is failing to prevent their pet being a nuisance. This also requires you to be able to identify the exact property where the dogs are barking, and also to clearly identify which dog is barking (in the case of a property having more than one)

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

## **Once you choose to make a complaint, you must be willing to provide your evidence at court**

Barking dog complaints are complex, require your participation, and can be a drawn out process; approaching the dog's owner **first** in a neighbourly manner and discussing your concerns with them can sometimes easily resolve this type of complaint.



# 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 list 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
- 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.

## What is nuisance barking?

The Domestic Animals Act (DAA) 1994 makes it an offence if barking is:

*‘...persistent continuous noise to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises’ [DAA 1994, S32 (2)(b)].*

This means there is no minimum or maximum to this; however, the key is persistent and continuous. No single event of barking represents a nuisance.

For example:

- *If a dog barks for 15 minutes at 9:00am, and then stops and is not heard again, we would not consider this to be a nuisance.*
- *If a dog barks for 15 minutes, at 9:00am, then again at 9:30am, 10:00am, 10:30am, etc., this appears to be persistent and continuous, and may be considered to be a nuisance.*

Council may add more weight to less persistent barking if it is occurring between 10pm and 8am.

# Talk to your neighbour

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. Most owners may not even be aware their dog is barking.

A neighbour may be in a position to offer to exercise a dog when its owner is unable to, 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. By obtaining the name of the dog, you are also able to assist in the control of the noise.

As mentioned earlier, 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.
2. If the owners are unapproachable, or you are not comfortable approaching them, try placing the 'Dear Neighbour' letter contained in this brochure into their letterbox.
3. 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/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.

## **Dispute Settlement Centre of Victoria**

4<sup>th</sup> Floor, 456 Lonsdale Street,  
Melbourne, VIC, 3000

T: 9603 8370 F: 9603 8355 E:

dscv@justice.vic.gov.au

W: www.justice.vic.gov.au

If these options are not successful, residents should contact the Community Laws team at Knox City Council on 9298 8000.

In most cases, the answers and solution can be found between neighbours prior to lodging a complaint with Council.

# 'Dear neighbour' template

Date:    /    /

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 Knox City Council, who 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.

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

Your cooperation at this stage would be much appreciated to avoid this matter progressing any further.

Your Neighbour.

**PS...**

Your dog appears to bark at the following times:

---

For the following reason/s:

---





# 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 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, seek further advice.**



# Legal requirements for court action

If you wish to formally lodge your complaint, you need to acknowledge that you are lodging an allegation of a criminal offence under the Domestic Animals Act 1994. The submission of logs is no different from attending a police station and making a statement. These logs represent a legal document, and must be completed accurately, and in good-faith, and you must be willing to defend this evidence at Court.

It is important you keep a comprehensive diary over the course of the investigation 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 consider taking the matter to court if:

- A nuisance as defined by the *Domestic Animals Act 1994* has been established
- All avenues available to Council to rectify the nuisance have been exhausted and the dog continues to be a problem, and
- You are prepared to give evidence at court

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

**Officers deal with nuisance barking on merit; Knox City Council maintains a neutral position during the investigative process and will not assist where complaints form part of an ongoing domestic dispute.**

# The barking dog complaint process

- Upon receipt of completed barking dog logs, a Community Laws Officer will review the evidence provided to identify whether a nuisance offence *may* be occurring.
- Irrespective of whether nuisance barking *may* be present, the Officer will contact you to discuss their review.
- The Officer will contact the dog owner to advise them of the complaint, and provide some basic advice on how to assist in reducing any barking. This is where most complaints are resolved.
- If there is evidence to support a nuisance barking complaint, the officer will wait 2 or 3 weeks before contacting both parties again to ascertain what level of noise is still occurring, and what measures have been put into place to reduce the noise.
- If the noise has not abated, you will be asked to install an audio recording device in your home to objectively record what noise is occurring. A second set of logs will be required to accompany this. This evidence is objective, and allows Council to identify whether the noise is a nuisance issue.
- The officer will review the audio and logs in-line with nuisance requirements.
- This can lead to different enforcement outcomes, which the officer will discuss with you.
- If at any point the noise is abated, or reaches an acceptable level, the complaint will be closed.

# Formally lodging your complaint



Your name \_\_\_\_\_

Your Address: \_\_\_\_\_

Knox City Council is unable to enforce anonymous complaints. The officer will still advise the dog owner of a complaint; however, we are not able to resolve it without evidence

## Contact information

\_\_\_\_\_

Primary Phone

Alt. Phone

Email

I wish to make a complaint about barking from the following address:

\_\_\_\_\_

I would describe the dog(s) as:

\_\_\_\_\_

I have read **all** the enclosed information and am willing to provide evidence before a magistrate in relation to my complaint

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Your privacy:** Knox City 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.

# 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 continuous 7-day period** as the example indicated below.

## EXAMPLE DIARY ENTRIES

Date	Time barking started	Time barking stopped	Total time barking	Your location (Bedroom, Kitchen, Bathroom, Outside, loungeroom, etc.)	Affect on you / Cause of barking
11/02/20	3:00 pm	3:15 pm	15 minutes	Bedroom	Couldn't Study
11/02/20	3:50 pm	3:53 pm	3 minutes	Kitchen	Headache
11/02/20	4:18 pm	4:22 pm	4 minute	Loungeroom	Children in street
12/02/20	3:25 pm	3:35 pm	10 minutes	Front yard	Postman
13/02/20	7:00 pm	8:00 pm	20 minutes	Loungeroom	Couldn't hear TV
14/02/20	3:45 pm	3:57 pm	2 minutes	Loungeroom	N/A
15/02/20	1:50 am	2:00 am	10 minutes	Bedroom	Sleeping
15/02/20	6:00 pm	7:00 pm	60 minutes	Backyard	Barking at me mowing
16/02/20	3:22 pm	3:44 pm	22 minutes	Backyard	Barking at me mowing

This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence. It is also important to note how the barking is affecting you at the various times of the day.

Forward completed '**Barking Dog Diary**' when requested by the investigating officer to:

### Local Laws Team

Knox City Council, 511 Burwood Hwy, Wantirna South 3152













# Barking dog diary

\* Please photocopy this blank form, if more entries are required to record barking.

Date	Time Barking Started	Time Barking Stopped	Barking Duration	Your Location (Bedroom, Bathroom, Kitchen, Outside, etc.,)	Affect on you / Reason for barking (if known)

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury

Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_









**511 Burwood Highway, Wantirna South 3152**

**T: 9298 8000, F: 9800 3096  
email [knoxcc@knox.vic.gov.au](mailto:knoxcc@knox.vic.gov.au)**

**[www.knox.vic.gov.au](http://www.knox.vic.gov.au)**

For further information, or if you would like this publication in braille, audio or translated, please contact Knox City Council on 9298 8000