

BARKING DOGS

INFORMATION PACK



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Introduction

Council recognises the important role pets play in the lives of many within our community, particularly in providing companionship, security and enhancing wellbeing generally.

At times, sometimes unbeknownst to the animal owner, pets may be adversely impacting other community members.

Communication is vital in resolving animal noise nuisance in the community, particularly dog barking, which is a common complaint in this realm.

Fraser Coast Regional Council's Community Rangers will liaise with animal owners and customers to assist in resolving concerns within the community, whilst ensuring compliance with relevant laws. More broadly, Community Rangers will endeavor to proactively educate the community in responsible pet ownership.

This guide aims to clarify the responsibilities of all parties involved, together with the process followed by Council in addressing complaints of this nature, in a fair, equitable and consistent manner.



Definitions

- *Customer* - refers to the person making the complaint.
- *Owner* - means owner, keeper or person responsible for the dog/s.
- *Council* - refers to Fraser Coast Regional Council.
- *Animal noise nuisance* - is a nuisance if it
 - i. is made by a domestic animal; and
 - ii. occurs more than once; and
 - iii. in the opinion of an authorised person unreasonably disrupts or inhibits an activity ordinarily carried out on a premise.
For example: The barking of a dog, which disrupts a person holding a conversation, watching television, listening to a radio or recorded material, or sleeping.
- *Reasonable* - The Cambridge Dictionary defines 'reasonable' as based on or using good judgment and therefore fair and practical. In the case of dog barking, the authorised person will be required to make a reasonable determination based on the parameters set by Council.
- *Community Ranger* – means an authorised person who has been appointed by the chief executive, enabling them to perform certain functions and exercise particular powers under the Act. Appointments are only made if, in the opinion of the chief executive, the person has the necessary expertise or experience.
- *Required timeframes* - means number of days from the date of written advice.
- *Pound* - means Council pound (whether it be Hervey Bay or Maryborough) or other suitable location determined by Council for the impounding of the animal.
- *Listening Post* - means unscheduled visits from a position that will not provoke the subject dog, undertaken by an authorised officer.



Responsibilities of Owners

Your dog is your responsibility and you are to ensure the care of your dog/s and that they are compliant with all relevant laws.

It is reasonable to expect that many dogs will bark; however, ongoing barking is often a symptom of another problem. Owners are responsible for ensuring their animals don't cause a nuisance by making unreasonable noise that disrupts or inhibits any normal activity ordinarily carried out in nearby properties.

Understanding Dog Behavior & Why Dogs Bark

Barking is a natural way in which many dogs will communicate, however if barking is unreasonable or occurs for long periods of time during the day or night, it must be addressed.

Taking the time to understand whether there is an underlying issue impacting the dog which results in the barking is the first step to solving barking problems, both for the dog and neighbours.

Dogs may bark when they are:

- Unwell.
- Scared (of people, animals, or objects).
- Feeling separation anxiety, lonely, bored, or frustrated.
- Seeking attention.
- Excited or stimulated because of playing.

Other reasons dogs may bark include:

- 'Learnt behavior' to get what they want.
- Not getting enough exercise.
- Inadequate shelter from weather conditions.
- Hunger or thirst.
- Feel their territory is being compromised (i.e. disturbances with pedestrians, postman, etc. walking in vicinity).



Problems and Strategies

Council may consider barking unreasonable when it is:

- A disruptive noise made for more than a total of 6 minutes in any hour from 7am-10pm on any day; or
- A disruptive noise made for more than a total of 3 minutes in any 30 minute period from 10pm-7am on any day.

Remember - nuisance barking can be subjective. The following strategies have been found to assist in the relief of dog barking:

- Go on walks twice a day.
- Visit your vet & discuss options, e.g. barking collars or anti-anxiety medication.
- Leave a radio or TV on for your dog/s to hear when you are not at home.
- Leave an item of clothing with your scent on the dog/s bedding or in their enclosure.

- Install a visual barrier/block the dog's view of passing traffic.
- Provide raw dog bones and other stimuli such as chew toys.
- Differ feeding times to allow easier settling.
- Meet your neighbours or people who frequently attend/pass by the property – quite often a dog who is familiar with neighbourly faces will feel less stimulated and as a result will bark less.

Responsibilities of Customers Adversely Impacted

- Communication & Patience is key - barking issues can take time (and training) to remedy. It is not always an easy solution to improve/resolve.
- Dog owners may not be aware of the issues you/the neighbours are experiencing.
- If safe to do so, Council encourages customers to contact dog owners in the first instance to let them know of concerns. An example letter is contained in Annexure A of this document. *If this is not possible, a formal complaint may be lodged with Council.*
- You may be required to provide additional information (diary; statutory declaration etc.).
- Council will work with the dog owner on strategies to best improve the issues you are experiencing (and in accordance with their procedures, policies, and relevant laws).



Complaint Management Process for Barking Dogs

When Council becomes involved, appropriate evidence will need to be provided by the customer as part of the investigation process. When the complaint is verified, the investigation can progress.

Throughout the process, Council will work with the parties to seek remedy to their concerns. It is Council's intention to keep all parties advised as the matter progresses, as appropriate.

While the process follows the steps below, Council does reserve the right to amend as necessary (including timeframes) in some circumstances.

Stage 1 – Initial Complaint

- Once a complaint is received - a review of the complaint will be undertaken.
- A Community Ranger will work with the customer to have a noise questionnaire completed, to establish the extent of the perceived noise nuisance.
- If the questionnaire demonstrates the complaint to have merit, a formal investigation will then commence.

If the requirements of the questionnaire are insufficient, Council will consider the following options regarding your request:

- If in the authorised officer's opinion the noise issue with further investigation and consideration may demonstrate periods of sustained disruption, a formal investigation may commence; or
- If the noise issue is identified as meeting adopted tolerances, the request will be closed, and no further action will be taken.

Note: If the initial investigation reveals other matters of non-compliance, the authorised person will make investigations into the other issues separately.

Stage 2 – Formal Investigation

A Community Ranger will contact the customer to advise that a formal investigation is commencing.

Tools that Community Rangers utilise during an investigation in a noise complaint includes but are not limited to;

- i. Using scientific noise listening devices such as *NoiseNet (pictured)*.
- ii. Performing listening surveys at different times.
- iii. Undertaking a neighbourhood survey/door knock of the area to gather further information; or
- iv. Requesting the customer to complete a noise nuisance diary.



Stage 3 – Determination

If the noise issue is determined to comply with the set parameters

- Council will contact the customer to advise of the outcome and the reasons for the determination.
- Letters confirming this information will be provided to the customer.
- The matter will be closed.

Please see [Additional Information](#) in respect to the process for lodgment of additional complaints after the matter is closed.

If a noise issue is identified to be a nuisance

Council will:

- Notify the dog owner of the findings.
- Issue a Compliance Notice requesting the dog owner to act to remedy.
- Give timeframes to the owner in which to rectify the situation.

The dog owner is to:

- Comply with the requirements of the compliance notice; by managing the noise nuisance

going forward.

Tolerance and patience are essential during this period to understand the issue and work with the dog/s and dog owner to reduce/overcome this.

A Community Ranger will continue to monitor the issue (including seeking feedback from the customer). If the issue is resolved, the customer and dog owner will be advised of the outcome and the reasons for the determination, and the matter will be closed.

If a noise nuisance is not rectified

If Council is satisfied that a nuisance continues because the owner of the offending animal/s has not effectively abated the barking nuisance, and fails to comply with the compliance notice, Council may:

- Request a bark management plan requiring the owner to provide information on how they are to manage the issue moving forward.
- Take enforcement action of a higher order ie issue a fine.
- Commence legal action; or
- Take another action to resolve the matter.

Additional Information

At the conclusion of the investigation and a decision is made, any further complaint received from the customer within three (3) months of the decision on the matter, will not be progressed.

An [administrative action complaint](#) can be submitted if a matter has not been addressed to the customers satisfaction. More details can be found on Council's website.

Legislation

- *Fraser Coast Regional Council Local Law No. 1 (Administration) 2011*
- *Fraser Coast Regional Council Subordinate Local Law No. 1 (Administration) 2011*
- *Fraser Coast Regional Council Local Law No. 2 (Animal Management) 2011*
- *Fraser Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011*
- *Local Government Act 2009*

Note: The Schedule 1 of the Environmental Protection Act 1994 provides that 'environmental nuisance is excluded from this Act where excluded from Sections 440 and 440Q and (3) regulated by other laws (i.e. a local law).

Annexure A – Example Letter to Dog/s Owner

Date:

Dear Neighbour,

I am not sure that you have been made aware, however I wanted to bring to your attention that your dog/s have been barking a lot when you are not home.

It is not my intention to cause you problems, however this is genuinely impacting our daily life and I want to do the right thing and let you know in the first instance so you can attempt to address the issue.

I am willing to work with you in resolving this issue and therefore, if you require any further feedback in relation to how the methods you engage in are working, I am happy to assist.

Regards,

Annexure B – Noise Nuisance Statement

Dog Noise Nuisance Statement Form – Complaint Information

I,(full name) of

.....(address)

in the State of Queensland, declare that I wish to lodge a formal complaint with Fraser Coast Regional Council in relation to a barking dog noise nuisance. The details of the nuisance are set out below and are true and correct in all respects to the best of my knowledge.

Required information – please provide as much detail as possible
<div style="background-color: #eee; padding: 2px;">Dog details (number of dogs, breed, colouring, name etc.).</div>
<div style="background-color: #eee; padding: 2px;">Address where dog is kept.</div>
<div style="background-color: #eee; padding: 2px;">Can you identify where the dog is normally kept within the property (i.e. inside house/ front or back yard)?</div>
<div style="background-color: #eee; padding: 2px;">Times of the day or night the barking dog noise nuisance is occurring including: <ul style="list-style-type: none"> - Date/s; and - Duration including start/finish times </div>

Can you see the dog barking? (If not, advise how you can confirm the offending dog).

Are the owners' home when the barking occurs and what may be causing the barking?
I.e. Does the dog start barking when it sees you?

How long has it been a problem?

Do you believe the owners take any action when the dog barks and if so how?

Outline details of how the barking dog noise nuisance is unreasonably disrupting the amenity and enjoyment of your premises.

Provide details of any steps you have already taken to address the issue with the owner of the barking dog (if any). (Please attach any relevant correspondence including the date, times and how often you have spoken to the dog owner or actions taken such as screening your fence line).

Please provide any further evidence you wish Council to consider in relation to your complaint.

By lodging this barking dog complaint with Council, I acknowledge:

- i) I am prepared to act as a witness in any legal action instigated by Council against the owner of the subject animal. I am prepared to attend a Magistrate Court to do so.
- ii) I may be requested to submit other evidence to substantiate any complaint for this matter to be progressed further. This evidence must be of an unprovoked nature.
- iii) Council may also conduct a survey of other residents in the neighbourhood to corroborate my complaint. In the event that my complaint is not corroborated by an independent party residing in the neighbourhood or by a Council Officer conducting surveillance of the area, Council may not be in a position to take further action in relation to the matter.

Signature:	
Date:	
Address:	
Contact Number:	
Email:	