



Dogs are an important part of our local community but dogs that bark excessively can become a source of irritation for neighbours and others using the local environment. Our best friend can, if it barks continually, become an intrusion and create friction between neighbours.

City of Port Lincoln receives numerous complaints regarding nuisance noise from barking dogs. Approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint. Council recommends the following options:

- 1. Communication between neighbours**
- 2. Lodge a barking complaint form with Council**
- 3. Civil action**

Neighbourhood Communication

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.

The dog's owner may not realise that the barking is causing an annoyance to other people. This may be because:

- 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.

Approaching the dog's owner should be the first step 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 with a copy of the 'Dear neighbour' letter contained in this brochure.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing the 'Dear Neighbour' letter contained in this document into their letterbox including ticking the tips and times that may help resolve the complaint.

If the neighbour takes no action or does not agree that a problem exists, you should complete the 'Barking Complaint Forms' and return to Council for a Community Safety Officer to investigate.

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with the Council.

Lodge a barking complaint form with Council

If a complaint about a noisy dog is received, Council's Community Safety Officer may observe the dog to assess whether it is creating a noise that 'persistently occurs to such an extent that it unreasonably interferes with the peace, comfort or convenience of others' (Section 45A, of the Dog and Cat Management Act 1995).

Most complaints about noisy dogs received by Council are handled informally and through mediation. This way all parties are given the opportunity to work towards a resolution before any legal action is taken.

Note: The person making the complaint needs to be willing to keep a diary recording the extent and occasions that the dog causes a nuisance. In addition, the person must be prepared to attend Court if necessary to give evidence in order for the Council to proceed when all other measures have been exhausted.

The need to keep a diary is important so Council officers can ascertain the extent of the nuisance and make recommendations to the dog owner and the other to be used as evidence should the situation arise. Depending on the situation further diaries may be required.

How to lodge a complaint

Fill out the attached barking complaint form including a 7-day diary, noting the date, start time, number of barks, time ceased and total number of barks in that time period. Once completed, complaint forms together with diaries can be returned to Council office or mail to 'City of Port Lincoln, PO Box 1787, Port Lincoln SA 5606'.

Council Action

Council's Community Safety Officers will:

- Study the complaint forms and diaries to establish barking patterns in attempt to try to determine the reason for the dog's barking;
- Confirm that other residents are being affect by the dog's barking by a survey;
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If the Community Safety Officer believes there is a problem with the dog, they will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour.

If the dog owner refuses to cooperate with the Community Safety Officer, the process becomes more formal.

Council has the power to expiate a dog owner if there is sufficient evidence to prove that the dog unreasonably interferes with the peace, comfort or convenience of a person.

If the problem is not resolved the Community Safety Officer may issue a letter informing the owner of Council's intention to issue a Control Order in accordance with the provisions of the Dog and Cat Management Act 1995. The Control Order will require the owner to take reasonable steps to abate the barking.

The dog owner has a right to appeal a Control Order to the courts.

Legal action is only considered if all other efforts from Council have failed to resolve the barking. Council will only commence legal action if:

- The owner of the dog is not complying with Council's request, and
- The dog is a problem, and
- The complainant is prepared to support their evidence in court.

If the information recorded in the Diary Sheets substantiates the claim that the dog is unreasonably interfering with the peace, comfort or convenience of others the Council may issue the dog owner with an expiation notice for the alleged offence.

Legal action is not automatic and depends on a legal assessment of each case and evidence provided. Should court action proceed you may be asked to appear as a witness. If you do not wish to do so, Council may terminate its investigation.

It may also take time to obtain a hearing date at court, during this time you must keep an up to date record of the barking and the effect it has on you.

Should court action be successful, Council will ask the Magistrate to order that specific controls be placed on the owner of the dog to take certain actions to reduce the occurrence of barking.

If, at any time, Council believes you are not taking an interest in the complaint and have not done what Council has requested of you, the complaint will be terminated and you will have to take civil action.

Civil Action

Any person can institute Civil Proceedings against a dog owner in a Court; however, this course of action can only be handled by the complainant and cannot be handled by the City of Port Lincoln.

Complaints and Grievance Procedures

If you believe that the City of Port Lincoln has not handled the matter in accordance with its obligations under the Dog and Cat Management Act please contact us.

In the first instance we will seek to resolve any problems.

Owners may request a formal review of decision (as provided for under Section 270 of the Local Government Act) where a person not directly involved in handling the issue will conduct a review.

Owners retain the right at any time refer the matter to the State Ombudsman's Office for an investigation.



ENVIRONMENT AND
COMMUNITY SAFETY

CITY OF PORT LINCOLN

Barking Dog Kit



Please complete form and return to Council

Name:.....

Address:.....

Phone: (h)..... (w)..... (m).....

Address where dog is kept:.....

Name of owner (if known):

Type of dog: Colour of dog:.....

How long has the dog been on the property?.....

How long has the dog been a nuisance?.....

Please supply the name and address of any neighbour who may be able to support your complaint. (if available)

Name:.....

Address:.....

Are you prepared to give evidence in court? Yes No

Signed:..... Date:.....

The following information will assist us in trying to resolve the noise nuisance

1. Have you approached the dog owner to discuss the problem? Yes No

What action did they take?.....

.....

.....

If no, give reason:.....

.....

2. Barking occurs: Once Twice Several times per day

3. The dog/s bark regularly between: 0.00am-7.00am 7.00am-Midday Midday-5.00pm

5.00pm-8.00pm 8.00pm-Midnight

4. Barking may last for: minutes..... hours.....



Please complete form and return to Council

5. Barking increases when: Owners leave property Owners are home
6. The dog/s bark at: People passing the property Neighbours dogs/cats/children
- Dogs passing the property Postman When I am in my yard
- Nothing Other

7. When the dog/s barks it usually:

- | | | | |
|---|--------------------------------|-------------------------------|---|
| <input type="checkbox"/> Runs along the fence at the: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Jumps at the fence at the: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Sits or stands on the spot: | <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input type="checkbox"/> Side of property |
| <input type="checkbox"/> Other | | | |

8. If more than one dog is involved does: One dog bark more than the other? Yes No
- Barking increases when playing / fighting? Yes No

9. How does the barking impact on your health or wellbeing?.....

.....

.....

10. Other relevant information:

.....

.....

.....

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.....

.....



Please complete the following diary by recording the times the dog barks during the next seven (7) days.

Example:

Time Start	Number of Barks	Time Finished	Total Barks	Intermittent/ Constant
9.00		9.05	18	Intermittent

Day: Date:.....

Time Start	Number of Barks	Time Finished	Total Barks	Intermittent/ Constant

Comments:.....
.....
.....

Full Name:..... Address:..... Signature:.....	Date:...../...../.....
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ENVIRONMENT AND
COMMUNITY SAFETY

CITY OF PORT LINCOLN

Barking Dog Kit



Date:.....

Dear Neighbour,

You may not be aware but your dog is currently causing a noise nuisance in the neighbourhood by barking. I have contacted the City of Port Lincoln Council for help and it was suggested that I express my concern to you, to allow you to rectify the situation without a formal complaint being lodged.

I advise the following behaviour of the dog/s, as this may help you to resolve the problem.

1. The dog(s) bark regularly between:

- 0.00am-7.00am 7.00am-Midday Midday-5.00pm
- 5.00pm-8.00pm 8.00pm-Midnight

2. The dog(s) bark when:

- You leave/arrive at the property When you are at home
- When you are not home Other:

3. The dog(s) bark at:

- People passing the property Neighbours dogs/cats/children
- Dogs passing the property Postman When I am in my yard
- Nothing Other

4. When the dog(s) barks it usually:

- Runs along the fence at the: Front Back Side of property
- Jumps at the fence at the: Front Back Side of property
- Sits or stands on the spot: Front Back Side of property
- Other:

5. The behaviour is a concern to me because:

.....

.....

.....

.....

I hope this information will help you to monitor the dog(s) and be able to rectify the situation as quickly as possible. You can contact the City of Port Lincoln Council for resources and expertise on (08) 8621 2300.

Regards,

Neighbour