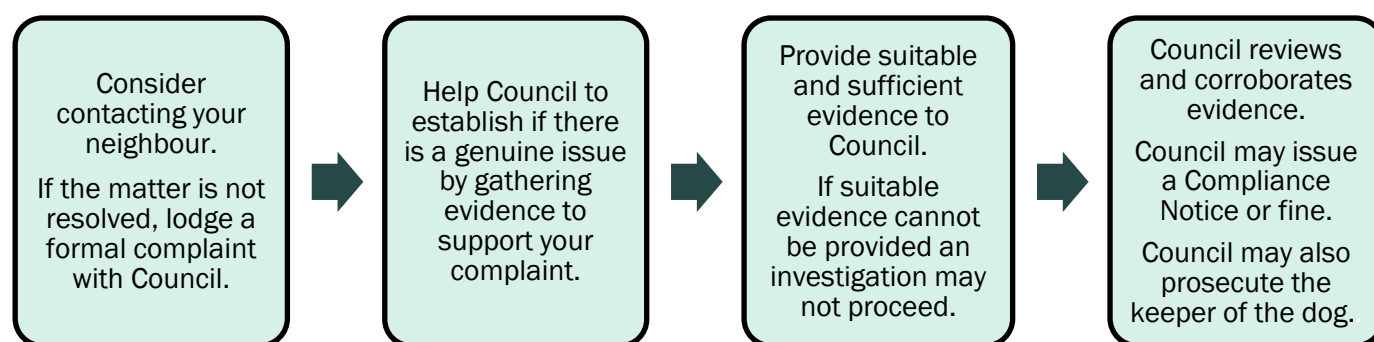


This factsheet provides general information on Council's barking dog complaints process.

Dogs are an important part of our local community. Dogs that bark excessively can become an intrusion and a source of irritation for neighbours and others in the local area, creating friction between neighbours.

Complaints Process



Reasons Why Dogs Bark

Dogs bark for many reasons. Often they are, in fact, trying to communicate something to their owner or anyone who is willing to pay attention. Reasons for barking can include:

- Lack of human companionship;
- Separation anxiety;
- Boredom, frustration or lack of exercise;
- Attention seeking;
- Fear of people, objects or other dogs;
- A perceived threat to their territory;
- Hunger or thirst;
- A medical condition; and
- Provocation.

Dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. 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.

Whilst it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner's responsibility to train the dog not to bark at normal occurrences such as other animals and noises.

Communicating With Your Neighbour

Approaching the barking dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

Try the following steps to attempt to resolve the issue:

- Approach the dog's owner when the problem arises and state your case clearly and politely. The dog's owner may not realise the barking is causing an annoyance to you or others 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; or
 - The owner may be a very sound sleeper and not be woken when the dog barks;
- If the dog's owner is unapproachable or you are not comfortable approaching them, try placing a note outlining your concerns into their letterbox; and
- If the neighbour takes no action, or does not agree the problem exists, you could contact the North Queensland Dispute Resolution Centre by telephone on 1800 809 605 or via email at drc.nq@justice.qld.gov.au. The Centre provides a free, confidential and impartial mediation service.

Lodge a Formal Complaint with Council

Often all that is required is for Council to explain to the owner that their barking dog is causing a problem. From our experience, often the owner is unaware that there is a problem.

Local Law No. 2 (Animal Management) 2012 allows Council to take action against the keeper of a dog if it is not being kept in compliance with the minimum standards for keeping animals generally.

This provides, in part, that a person who keeps an animal on premises must ensure that the animal does not make a noise that is excessive, that is:

- Noise that is made for more than a total of six minutes in any hour from 7.00am to 10.00pm on any day; or
- Noise that is made for more than a total of three minutes in any 30 minute period on any day after 10.00pm or before 7.00am.

Council's Legal Requirements for Court Action

Council can only do what is stated in the Local Law.

Council cannot assist with any domestic dispute between you and your neighbour. If you require assistance with this type of dispute you should seek legal advice.

To take a barking dog complaint to court Council will need to show the court the dog is a nuisance. Without evidence (usually a minimum of a Council-provided Barking Dog Diary) and complainant details Council cannot take the matter any further.

Complainants must keep a comprehensive diary over a period of 14 days to show any patterns of the dog's barking and behaviour.

Council Action

Council will appoint an authorised officer who will:

- Review any diaries received to establish if a nuisance exists in accordance with the Local Law and try to determine a reason for the dog's barking;
- Confirm with any witnesses who have co-signed the diary/diaries;
- Discuss possible solutions with the keeper of the dog and inform them of their responsibilities; and
- Advise the complainant of any action which will be taken.

If the authorised officer believes there is a problem with the dog, they will begin the monitoring process to gain further evidence in support of any received diaries. Authorised officers may also issue a Compliance Notice or Penalty Infringement Notice, or take further legal action if required.

Council will not pursue a complaint without assistance from the complainant. This includes the completion of all documentation.

If Council is unable to assist with the complaint due to incomplete required evidence you should seek your own legal advice.

Further Information

For more information on this or other animal related issues, visit the Hinchinbrook Shire Council website www.hinchinbrook.qld.gov.au, contact the Regulatory Services Team on 4776 4600 or write to PO BOX 366, Ingham QLD 4850.

