



HINCHINBROOK
SHIRE COUNCIL

GUIDE TO

Barking Dogs



CONTENTS	PAGE
INTRODUCTION	1
WHY DOGS BARK	1
NEIGHBOURHOOD COMMUNICATION	2
OUR LEGAL REQUIREMENTS FOR COURT ACTION	2
WHAT CAN COUNCIL DO TO HELP YOU?	3
KEEPING A RECORD – FOURTEEN (14) DAY DIARY	3
COUNCIL ACTION	4
FOURTEEN (14) DAY DIARY – EXAMPLE	5



INTRODUCTION

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

Hinchinbrook Shire Council receives a number of noise nuisance complaints because of barking dogs. Approaching the dog's owner in a neighbourly manner and discussing your concerns with them, sometimes easily resolves this type of complaint.

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.



WHY DOGS BARK

Dogs bark for many reasons, and 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 or frustration
- Attention seeking
- Fear – this can be fear of people, objects or other dogs
- Threat to their territory
- Hunger or thirst
- A medical condition
- Provocation
- Lack of exercise

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 animals and noises.

NEIGHBOURHOOD COMMUNICATION

Try the following steps to attempt to resolve the issue in a neighbourly manner –

- 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.

If the dog owner is unapproachable or you are not comfortable approaching them, try placing a note outlining your concerns into their letterbox.

- If the neighbour takes no action or does not agree the problem exists, you could contact the North Queensland Dispute Resolution Centre which provides a free, confidential and impartial mediation service.

North Queensland Dispute Resolution Centre

Address 8 Blackhawk Boulevard
Thuringowa Central QLD 4817
Hours Monday – Friday, 9.00am – 4.30 pm
Phone (07) 4760 9866
Fax (07) 4760 9850
Toll free (outside Townsville) – 1800 809 605
Email drcnq@justice.qld.gov.au



COUNCIL'S LEGAL REQUIREMENTS FOR COURT ACTION

With regard to complaints of this nature Council can only do what is stated in the Local Law.

To take a barking dog complaint to court Council will need your help. You, as the complainant, will need to provide permissible evidence to Council so it may be produced in court if the matter proceeds that far. Consequently, Council will need your assistance to convince the court that the dog is a nuisance. Without this evidence Council can not take the matter any further.

Therefore, you must keep a comprehensive diary over a period of fourteen (14) days to show the patterns of the dogs barking and behaviour.

You should note that Council can not assist with any domestic dispute between you and your neighbour. If you require assistance with this type of dispute, you should seek legal advice.

WHAT CAN COUNCIL DO TO HELP YOU?

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. As such, we need some information from you.

Local Law 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 6 minutes in any hour from 7am to 10pm on any day; or
- noise that is made for more than a total of 3 minutes in any 30 minute period on any day after 10pm or before 7am.

Convincing the owner to change their pet's habits is not easy, and the more information we have, the easier it is to help you.

KEEPING A RECORD - DIARY

A two (2) page **FOURTEEN (14) DAY DIARY** is supplied by Council as the preferred format for this purpose. You must complete the diary every time you are affected by the noise. An example to help you complete the diary is included on Page 5 of this booklet. Without the diary as evidence Council is unable to take action. This document is considered a minimum standard of evidence to prove a case in court, if the matter proceeds to that stage.

You are also required to obtain support from an independent witness from an address other than your own, who is also affected by this barking nuisance. Without this supporting information, Council may not proceed with this matter.

Please return your completed diary to –

Attention - Environmental Services
Chief Executive Officer
Hinchinbrook Shire Council
25 Lannercost Street
PO Box 366
INGHAM QLD 4850



COUNCIL ACTION

Council will appoint a Local Laws Officer who will –

- Review the diary you send back to establish if a nuisance exists in accordance with the Local Law and try to determine the reason for the dog's barking.
- Confirm with the witness who has co-signed your complaint.
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If a Local Laws Officer believes there is a problem with the dog, they will begin the monitoring process to gain further evidence in support of your diary and take relevant legal action against the dog owner.

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

If Council is unable to assist with the complaint due to the above, you should seek your own legal advice.



FOURTEEN (14) DAY DIARY – EXAMPLE

Please complete the Fourteen (14) Day Diary included separate to this booklet.

NOTE - When the dog barks more than 1 time in the hour please show EACH instance.

DAY	1	2	3	4	5	6	7
DATE	<i>01/02/13</i>	<i>02/02/13</i>	<i>03/02/13</i>	<i>04/02/13</i>	<i>05/02/13</i>	<i>06/02/13</i>	<i>07/02/13</i>
1am							
2am							
3am							
4am	<i>4.47 – 4.51</i>		<i>4.20 – 4.24</i>	<i>4.49 – 4.53</i>			
5am	<i>5.31 – 6.37</i>						
6am	<i>6.43 – 6.52</i>	<i>6.45 – 6.51</i>	<i>6.25 – 6.30</i>				
7am							
8am				<i>8.17 – 8.22</i>	<i>8.35 – 8.41</i>		
9am	<i>9.02 – 9.11</i>						
10am							
11am							
12 noon							
1pm	<i>1.24 – 1.36</i>	<i>1.41 – 1.44</i>	<i>1.15 – 1.28</i>		<i>1.16 – 1.29</i>		
2pm				<i>2.01 – 2.04</i>			
3pm	<i>3.21 – 3.35</i>	<i>3.17 – 3.23</i>	<i>3.16 – 3.27</i>		<i>3.14 – 3.20</i>		
4pm	<i>4.05 – 4.12</i>		<i>4.12 – 4.21</i>				
5pm							<i>5.09 – 5.16</i>
6pm							
7pm							
8pm							
9pm				<i>9.44 – 9.55</i>			
10pm							
11pm							
12 midnight							

You must include ALL dates and start/finish times the barking was being noticed over the 14 day period.

Council is receiving an increasing number of dog complaints on a regular basis and wishes to remind all animal owners that they have a duty of care and legal obligation to ensure that their animals are adequately controlled at all times and do not cause harm or nuisance to members of the public.

Your Council is committed to encouraging responsible pet ownership to benefit the entire community.

Please be a considerate and competent owner.

For more information on this or other animal related issues, visit the Hinchinbrook Shire Council website

www.hinchinbrook.qld.gov.au

or contact

Dept. Environment & Planning Services
on 4776 4607

or, alternatively, write to

PO Box 366, Ingham QLD 4850

