BARKING DOGS
You can do something about a barking dog problem!

All dogs bark, but some barking dogs become a real neighbourhood nuisance, greatly reducing the quality of life for their neighbours and increasing neighbourhood tensions. Barking dogs are amongst the most common animal behaviour problems Council is asked to deal with.

WHY DOGS BARK
Persistent barking can be annoying and impact on the community's quality of life.

As ongoing barking is usually a symptom of another problem, the most important first step is to work out why the dog is barking. Once you know the cause, you can find the cure, solving the problem for you, the dog owner and the dog.

Talking to your neighbour may help both of you to identify why the dog is barking and enable your neighbour to stop the dog from barking excessively. Some common causes of barking include:

- Loneliness
- Stress caused by separation from an owner or relocation
- Boredom or frustration
- Seeking attention from an owner
- Fear of people, objects or other dogs
- Feeling their territory is under threat
- Being played with
- The breed.

WHAT CAN YOU DO?
It is important to talk to your neighbour as soon as the problem arises. In most cases the owner is not aware their dog is barking or that their dog's barking is bothering you. Many barking problems occur when the owner is not at home so they rely on you to help identify why the dog is barking and find the solution. Therefore you should attempt to resolve the issue directly with your neighbour prior to lodging a complaint with Council.

BARKING LAWS
The Domestic Animals Act (1994) states that the occupier of any premises where a dog or cat is kept or permitted to remain must not allow that animal to be a nuisance.

A dog or cat is considered to be a nuisance under this Act if it creates a noise, by barking or otherwise, which persistently occurs to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any other person in any other premises.

WORKING TOGETHER
The majority of dog owners respond to being approached in a polite, friendly manner. Being neighbourly and informing your neighbour of a problem in person has been demonstrated to be effective in resolving most barking concerns. You can help by noting when the dog barks and identifying what is happening in the area at the time that might cause the dog to bark.

DISPUTE SETTLEMENT CENTRE
If communication is difficult, you should contact the Dispute Settlement Centre for further advice.

The Dispute Settlement Centre is run by the Department of Justice and can provide expert advice on resolving neighbourly disputes without expensive legal proceedings. Trained mediators can be contacted on Freecall 1800 658 528 to help you to resolve matters such as this with your neighbour.

CONTROLLING BARKING
Barking can be controlled through behavioural changes which could require as little as walking the dog twice a day to relieve boredom. Other options include providing the dog with stimulants such as a bone, balls to chew, or toys or hiding treats to keep it occupied. It can also be handy to leave a radio on or provide something that belongs to the owner, such as an old shoe.

Council’s fact sheet on Barking Solutions may assist you and your neighbour in finding a solution. Taking some positive ideas to your neighbour will show you are prepared to contribute to a solution and not just complain.

MAKING A FORMAL COMPLAINT
If discussing the problem with your neighbour fails, Council can assist. However, Council staff will only respond to written barking complaints that contain your full name and address.
Your personal information is treated with confidentiality but is required in order for Council to follow through on an investigation. Council will not respond to anonymous complaints.

In order to lodge a formal complaint you must advise Council in writing:

• Clearly stating your name and address
• Identifying the address of the offending dog
• Containing a copy of a diary detailing the dates, times and duration of the dog’s barking habits for a period of at least 14 days

Complaints should be made on a Council ‘Barking Complaint Form’ and accompanied by a diary detailing the timing and duration of barking events. Both forms are available from Council’s Customer Service Centres or Website.

WHAT WILL COUNCIL DO?

• If required to investigate a barking nuisance complaint, Council will speak with the dog owner to ensure they understand a complaint has been made and provide them with advice and written information to help them manage the problem. They will also be given an adequate period of time to determine the cause of the problem and rectify it.

• As the complainant, you will be advised when Council has contacted the owner. They will be provided with time to start addressing the problem. During this period you must continue to keep a diary of barking events to determine if action taken by the dog owner is adequately addressing the issue.

• If the noise continues, a Council will speak with other residents in the neighbourhood to validate the complaint and determine the extent of the nuisance. It is necessary to prove that consistent and persistent barking is unreasonably interfering with the peace, comfort or convenience of another person’s premises.

• If the complaint can be validated, Council will continue to discuss solutions with the dog owner.

• Council will not get involved in unsubstantiated complaints that arise from neighbourly disputes

• If a nuisance barking matter is not resolved through negotiation, it may require legal action.

LEGAL ACTION

To enable Council to issue a fine, an abatement notice or proceed to court, you must be prepared to be a witness and present evidence in Court in front of a Magistrate. In order to provide adequate evidence you will be required to produce the dates, times and duration of barking events and clearly demonstrate to a Magistrate how the barking is affecting you. You may also be subject to cross examination by a defence lawyer.

To support your evidence and prevent a case of ‘their word against yours’, it is also necessary for a second neighbour to support the nuisance claims, be prepared to complete the nuisance diary and agree to be a witness in the Magistrate’s Court.

If you do not have the necessary evidence and supporting witnesses, Council will be unable to take the matter further.

Court is a last resort and Council will provide the dog owner with every opportunity to resolve a matter before considering legal action.

If Council is not prepared to go to Court, you can take civil action against the owner.

MORE INFORMATION

Further information is also available in Council’s range of Responsible Pet Ownership Fact Sheets. These include:

• Dogs, Fences and Roaming
• Biting and Aggression
• Litter
• Leashes and Exercise
• Registration and Identification
• Responsible Pet Ownership
• Barking Solutions
• Desexing Your Pet
• Registration Fees & Fines

CONTACTING COUNCIL

If you require any further information, or would like a copy of one of Council’s Responsible Pet Ownership Fact Sheets, visit either of Council’s Customer Service Centres at:

• 68 Sussex Street, Linton or
• 2 Pope Street, Bannockburn or call
  5220 7111 or
  1300 36 30 36 (Toll Free within the Shire)

Email enquiries@gplains.vic.gov.au
Website www.goldenplains.vic.gov.au