

Barking dog information booklet



Contents

About barking dogs	3
Where to go for further assistance	4
How to complete a barking dog diary	5



About barking dogs

Why dogs bark?

Dogs bark for many reasons, and even though they appear to be “barking for no reason” they are trying to communicate something.

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

While 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 possums, cats and birds.

What is nuisance barking?

The Domestic Animals Act (DAA) 1994 makes it an offence if barking is “Persistent continuous noise to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises”
[DAA 1994, S32 (2)(b)].

This means there is no minimum or maximum to this; however, the key is persistent and continuous. One single event of barking does not represent a nuisance.

For example:

- > If a dog barks for 15 minutes at 9am, and then stops and is not heard again, we would not consider this to be a nuisance.
- > If a dog barks for 15 minutes, at 9am, Then again at 9.30am, 10am, 10.30am, etc., this appears to be persistent and continuous, and may be considered a nuisance.

Council may add more weight to barking if it is occurring during late night/early morning.

What can you do about a barking dog?

Talk to your neighbour

Neighbours can help each other to solve barking problems by communicating to each other their concerns and needs.

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. The owner may not be aware their dog is barking. Provide the dog owner or keeper with a copy of the diary.
- > If the owners are unapproachable, or you are not comfortable approaching them, try placing the ‘Dear Neighbour’ letter and the ‘Useful Tips to Reducing Barking’ flyer in their mailbox.

Download a [neighbour letter template](#) or scan the QR code.



Where to go for further assistance

In most cases, the answers and solution can be found between neighbours prior to lodging a complaint with Council.

The barking dog complaint process

An official report of a nuisance/barking dog should be made using the online form on Council's website.

Upon receipt of a complaint, which includes a completed barking dog diary, an Animal Management Officer will review the evidence provided to identify whether a nuisance offence may be occurring. Irrespective of whether nuisance barking may be present, the Officer will contact you to discuss their review.

The Officer will contact the dog owner to advise them of the complaint and provide some basic advice on how to assist in reducing any barking. This is where most

complaints are resolved.

If there is evidence to support a nuisance barking complaint, the officer will wait 2 or 3 weeks before contacting both parties again to ascertain what level of noise is still occurring, and what measures have been put into place to reduce the noise.

If the noise has not abated, Council Officers will install an audio recording device at your home to objectively record what noise is occurring. A second set of written diary logs will be required to accompany this. This evidence is objective and allows Council to identify whether the noise is a nuisance issue.

The officer will review the audio and logs in-line with nuisance requirements. This can lead to different enforcement outcomes, which the officer will discuss with you.

If at any point the noise is abated, or reaches an acceptable level, the complaint will be closed.

Legal requirements for court action

If you wish to formally lodge your complaint, you need to acknowledge that you are lodging an allegation of a criminal offence under the *Domestic Animals Act 1994*.

The submission of logs is no different from attending a police station and making a statement.

These logs represent a legal document, and must be completed accurately, and in good-faith, and you must be willing to defend this evidence at Court.

It is important you keep a comprehensive diary over the course of the investigation that shows the patterns of the dog's barking behaviour. Remember, in a court of law the evidence you give may be subjected to cross-examination.

Council will consider taking the matter to court if:

- > A nuisance as defined by the Domestic Animals Act 1994 has been established,
- > All avenues available to Council to rectify the nuisance have been exhausted and the dog continues to be a problem, and
- > You are prepared to give evidence at court.

The success of any court action relies on the support and assistance of the complainant. If relevant information and evidence is not provided, Council is unable to pursue the matter.

Officers deal with nuisance barking on merit; Maroondah City Council maintains a neutral position during the investigative process and will not assist where complaints form part of an ongoing neighbour dispute.

How to complete a barking dog diary

Be accurate in the details you record

Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in Court.

Please create a detailed diary over a continuous 7-day period as seen in the example in the below table.

This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence. It is also important to note how the barking is affecting you at the various times of the day.

Forward the completed 'Barking Dog Diary' via email to maroondah@maroondah.vic.gov.au when requested by the investigating officer.

Download a [Barking Dog Diary template](#) or scan the QR code.



Example of a detailed diary over a continuous 7-day period.

Date	Time barking started	Time barking stopped	Duration of barking	Reason for barking (if known)	Affect on you
11/02/22	3pm	3.15pm	15mins	Unknown	Couldn't study
11/02/22	3.50pm	3.53pm	3mins	Owner away	Headache
11/02/22	4.18pm	4.22pm	4mins	Barking at me mowing	Children in street
12/02/22	3.25pm	3.35pm	10mins	Traffic	Couldn't hear TV
13/02/22	7pm	8pm	60mins	Music being played	Couldn't sleep
15/02/22	1.50pm	2pm	10mins	Postman	Headache
16/02/22	6pm	7pm	60mins	Birds	Couldn't hear TV
17/02/22	3.22pm	3.44pm	22mins	Thunder	Headache

For more information

Dispute Settlement Centre of Victoria

4th Floor, 456 Lonsdale Street,
Melbourne, VIC, 3000

T: 9603 8370

F: 9603 8355

E: dscv@justice.vic.gov.au

www.justice.vic.gov.au

www.disputes.vic.gov.au

Contact us

1300 88 22 33 or 03 9298 4598

SMS 0480 020 200


TIS: 131 450 (Translating and Interpreting Service)

NRS: 133 677 (National Relay Service)

maroondah@maroondah.vic.gov.au

www.maroondah.vic.gov.au

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Visit us

Croydon

Croydon Library, Civic Square, Croydon

Realm

179 Maroondah Highway, Ringwood

