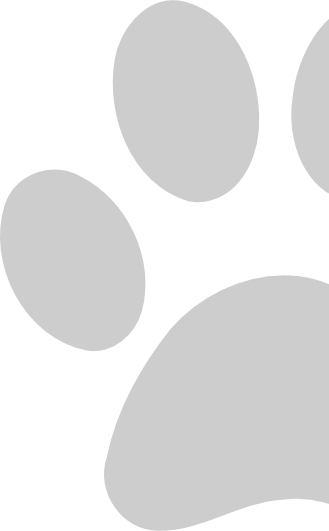


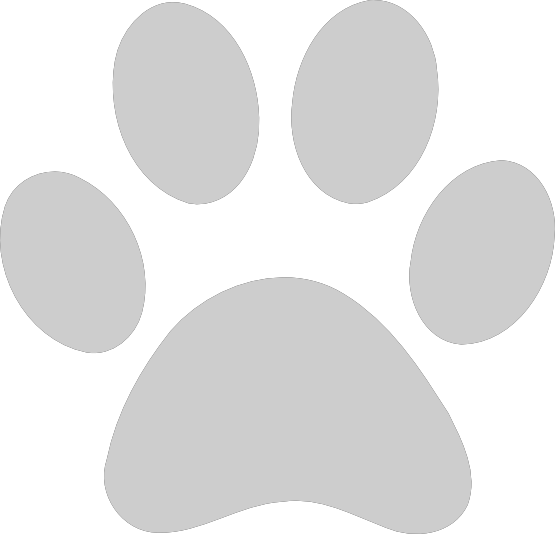
Dealing with a Barking Dog Kit

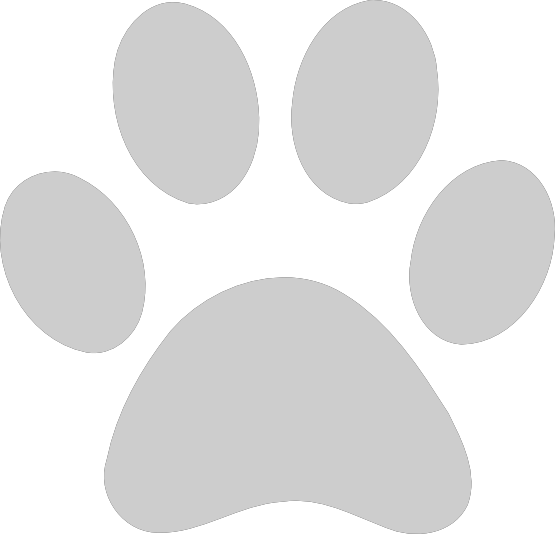
Diary and Complaint form



Contents

1. Introduction
2. Neighbourhood communication
3. Why do dogs bark?
4. Lodging a complaint with Council
5. Your legal requirements for Court action
6. Dear Neighbour: letter
7. Council action
8. Barking Dog Complaint form
9. Barking Level Report Sheet
10. How to complete a barking level report





# Introduction

Melton City Council frequently receives complaints due to excessive barking.

Barking is one of the ways dogs communicate and can signify anything from playfulness to fear.

Before reporting a dog that barks loudly and frequently first try to contact the dog’s owner.

Discussing the issue with the dog owner in a neighbourly manner often resolves this type of problem in a timely fashion.

A dog owner may not realise that their dog barking is causing a nuisance to neighbours.

The dog owner may not be home when their dog barks.

The dog owner may be a sound sleeper and does not hear his or her own dog barking.

This information pack outlines the guidelines for your requirements to lodging and dealing with a barking dog complaint.

You may wish to seek legal advice if you do not fully understand what is set out in this document.

# Neighbourhood communication

Neighbours can help solve barking problems by communicating their concerns and needs with each other. Neighbours can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dog is barking. Try to establish a relationship with your neighbour and their dog. This may assist with the barking dog issue.

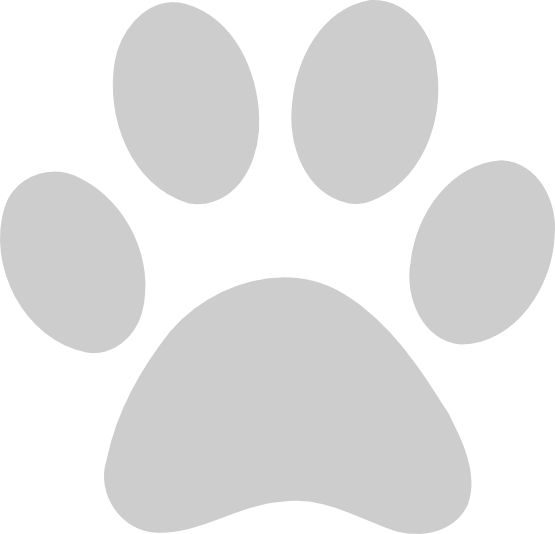
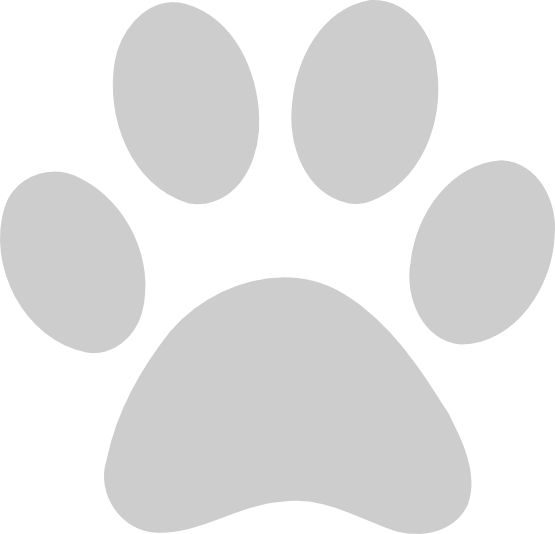
#### Don’t forget, the owner of the offending dog may not know the animal is causing a nuisance.

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

1. 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.
2. If the dog owner is unapproachable or you are not comfortable approaching them, try placing the **‘Dear Neighbour’** letter contained within this document into their letterbox.

## Why Dogs Bark

Barking, growling and howling are a dog’s form of communication. Below are some of the main reasons why dogs bark,

* + Boredom
  + Guarding its territory
  + Loneliness
  + Owner inadvertently reinforce the barking
  + Strange Noises
  + Fear
  + It gets easily excited or is highly strung
  + Habit
  + Thirst & Hunger
  + Lack of Exercise
  + Lack of companionship
  + Weather conditions and shelter

## Lodging a complaint with Council

To lodge a complaint with Council you must first show that you:

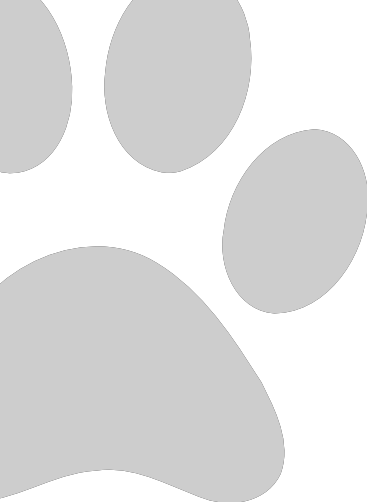
* + Have spoken with your neighbour and have tried to resolve the problem with them or given them a **Dear Neighbour Letter** contained in this pack

#### Then you can start the procedure for lodging a barking dog complaint as follows:

* + Identify the correct address of the offending dog:
  + Complete the “Barking Dog complaint form” in this booklet.
  + Keep a diary of the dog’s barking habits for a period of 14 consecutive days, noting the date, time, weather conditions and duration of the barking and the reason for the barking as well as the effect the dog’s barking is having on you:
  + Forward the Barking Dog complaint form and your completed fourteen

(14) day diary signed by you and one other neighbour who is affected by the barking to Council, and

* + Continue to keep the diary of the dog’s barking habits for a further month. This will monitor whether the problem continues or improves as a result of any action taken.



## Your legal requirements for Court action

In complaints of this nature Council can only do what is stated in the Domestic Animal Act 1994. The only way Council can abate the noise completely is to go to court and obtain a court order.

To take a barking dog complaint to court you are required, as the complainant, to provide information as it is you, not the Council who will need to convince a Magistrate that the dog is a nuisance.

You must keep a comprehensive diary over a period of time 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 advise you to take the matter to court if:

* + It is fully established that there is a case to answer,
  + All avenues for reconciliation of the problem are exhausted, and
  + More than one person is prepared to go to court and give evidence as well.

Council will not get involved in any domestic dispute between you and your neighbour.

Council will inform you to take your own legal action if it believes this is happening

Dear Neighbour,

You may not be aware but your dog is currently causing a nuisance in the neighbourhood by barking.

As dog owners, we are responsible for the care and wellbeing of our dogs but we sometimes overlook that our dogs can affect other peoples’ lives as well as our own.

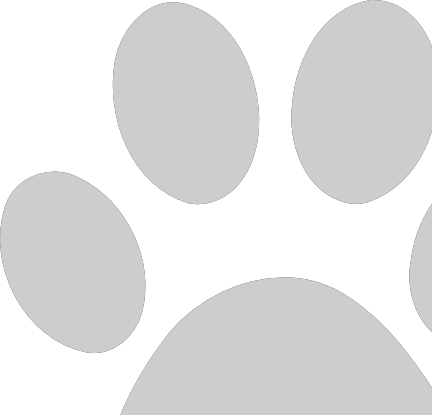
Barking, growling and howling are a dog’s form of communication. These noises when in excess can become a nuisance to people living within a nearby area.

I have discussed the problem with the Melton City Council who has suggested that as a first step, I express my concern to you, to allow you the opportunity to rectify the situation without recording an official complaint against you on Council’s register.

Whilst dogs will bark to alert their owners of intruders entering the property, it is the responsibility of the owner to make sure they train their dog not to bark at normal occurrences such as cats, possums, birds & other dogs.

Your cooperation at this stage is all that is needed to avoid this matter progressing any further.

Thank you

**Your Neighbour.**

## Council Action

Council will appoint a Local Laws Officer who will:

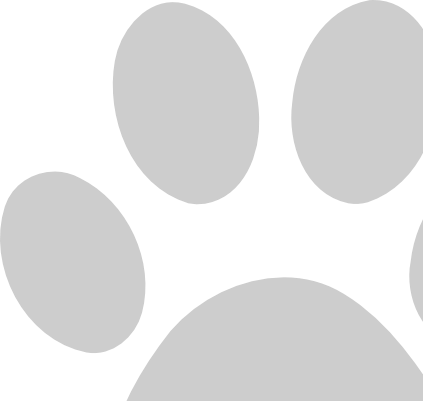
* + Study the diary to establish barking patterns to try to determine the reason for the dogs’ barking,
  + Confirm that other nominated residents are being affected by the dog’s barking,
  + Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

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

Council will only start taking court action if the Local Laws Officer believes,

1. The owner of the dog is not complying with Council’s request.
2. The dog is a problem.
3. The owner of the dog has exhausted all avenues to resolve the problem.
4. The complainant is prepared to go to court.

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 may be terminated and you may have to take your own court action.

Remember, Council reserves the right at any time to terminate all actions under the State Government legislation.

### Barking Dog Complaint Form

This form and the Barking Dog Complaint Diary must be completed in full, signed and submitted within seven days of completion.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Your details |  |  |  | | | | | |
| Name |  | | | | | | | |
| Street address |  | | | | | | | |
|  |  | | | | Postcode | |  | |
| Phone number |  | | | | Mobile | |  | |
|  |  |  |  | | | | | |
| 2. Offending dog d | eta | ils |  | | | | | |
| Address |  | | | | | | | |
|  |  | | | | Postcode | |  | |
| Colour and breed dog 1 |  | | | | | | | |
| Colour and breed dog 2 |  | | | | | | | |
| Have you verified where the barking is coming from? | | | | Yes | | No | | |
| Have you seen the dog/s barking? | | | | Yes | | No | | |
| Have you spoken to the neighbours about this problem? | | | | Yes | | No | | |
| Are you prepared to have the matter mediated? | | | | Yes | | No | | |
| Have any of your neighbours mentioned this problem to you? | | | | Yes | | No | | |
| If Yes, are they prepared to support your claim? | | | | Yes | | No | | |
| If yes, please supply their name and contact details below: | | | | | | | | |
| Name |  |  |  | | | | | |
| Street address |  |  |  | | | | | |
|  |  |  | | | Postcode | |  | |
| Phone number |  |  | Mobile | | | | |  |

I the undersigned, wish to lodge a formal complaint with the Melton City Council in relation to the dog/s described above which barks persistently to such a degree that it unreasonably interferes with my (peace), (comfort) or (convenience) in my premises. (Please strike out items not applicable in brackets)

|  |  |  |  |
| --- | --- | --- | --- |
| **Complainant’s Signature** |  |  | **Date** |
|  |  |  |  |

Privacy Statement:

Council is collecting the personal information on this form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to any other party except as required by law. If you fail to provide the information, no action can be taken in regards to this complaint.

Please return completed form to:

**Mail:**

Melton City Council PO Box 21,

Melton VIC 3337

**Email:** [animals@melton.vic.gov.au](mailto:animals@melton.vic.gov.au) (max. file size: 10MB)

**Phone:**

9747 7200

Please note

* Use a new sheet for each day and ensure that each sheet is signed and dated.
* Be accurate and precise in recording times of disturbances.
* Write down times you were not on your property and were unable to note any disturbances.
* Illegible sheets will not be accepted.

|  |  |  |  |
| --- | --- | --- | --- |
| 1. Your details | | | |
| Name | John Citizen |  |  |
| Address | 14 Smith Road |  |  |
|  | Suburbia | Postcode | 4444 |
| Signature | |  |  |
| Date: | 15 April 2023 | | |

|  |  |  |
| --- | --- | --- |
|  | | |
| Barking key: | | |
| Type | Frequency | Cause |
| 1. Barking | 1. Continuous | 1. People or dogs walking by |
| 2. Yapping | 2. Intermittent | 2. Owner out |
| 3. Whining | 3. Other | 3. Territorial of property |
| 4. Growling |  | 4. Weather |
| 5. Howling |  | 5. Fireworks or aircraft |
| 6. Other |  | 6. Other |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Date | Times: start – | | finish (in 15 minute intervals) | Type | Frequency | Cause | Additional information |
| *15 April 2023* | *4.00am* | to | *4.30am* | *2* | *1* | *6* | *Unknown* |
|  | *8.00am* | to | *11.30am* | *1* | *2* | *1* |  |
| *1.45pm* | to | *3.30pm* |  |  |  | *Not home* |
| *6.00pm* | to | *8.30pm* | *5* | *1* | *2* |  |
| *8.30pm* | | |  |  |  | *Owner arrived home* |
|  | | |  |  |  |  |
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| Your Details | | | | |  | Barking Key: | | |
| Name |  | | |  |  | Type | Frequency | Cause |
| Address |  | | |  |  | 1. Barking | 1. Continuous | 1. People or dogs walking by |
|  |  | Postcode |  |  |  | 1. Yapping | 2. Intermittent | 2. Owner out |
| Signature |  | | |  |  | 1. Whinning | 3. Other | 3. Territorial of property |
| Date |  | | |  |  | 1. Growling |  | 4. Weather |
|  | | | | |  | 1. Howling |  | 5. Fireworks or aircraft |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Your Details | | | | |  | Barking Key: | | |
| Name |  | | |  |  | Type | Frequency | Cause |
| Address |  | | |  |  | 1. Barking | 1. Continuous | 1. People or dogs walking by |
|  |  | Postcode |  |  |  | 1. Yapping | 2. Intermittent | 2. Owner out |
| Signature |  | | |  |  | 1. Whinning | 3. Other | 3. Territorial of property |
| Date |  | | |  |  | 1. Growling |  | 4. Weather |
|  | | | | |  | 1. Howling |  | 5. Fireworks or aircraft |
|  | 1. Other |  | 6. Other |

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| Date | Times: start – finish (in 15-minute intervals) | | | Type | Frequency | Cause | Additional information |
|  | am/pm | to | am/pm |  |  |  |  |
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| Your Details | | | | |  | Barking Key: | | |
| Name |  | | |  |  | Type | Frequency | Cause |
| Address |  | | |  |  | 1. Barking | 1. Continuous | 1. People or dogs walking by |
|  |  | Postcode |  |  |  | 1. Yapping | 2. Intermittent | 2. Owner out |
| Signature |  | | |  |  | 1. Whinning | 3. Other | 3. Territorial of property |
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