City of
Bayswater

Dog Nuisance Pack

LODGING A DOG NUISANCE COMPLAINT

The City of Bayswater appreciates that barking or nuisance dogs can be disruptive and acknowledges that the treatment and solution can often be lengthy and complex.

Barking is a dog's way of communicating, and not all barking can be considered nuisance barking. Nuisance barking is persistent barking that negatively impacts a person's lifestyle and includes.

- Barking at traffic, people, or other distractions long after the distraction has left.
- Barking, howling, or whining regularly and for long periods of time without a defined cause.
- Continual barking as a result of boredom or separation.

The laws relating to dog nuisances are prescribed under s*ection 38* of the *Dog Act 1976* as outlined below;

Dog Act 1976 s38. Nuisance Dogs

The majority of reports received by the City of Bayswater request immediate action to remedy the situation. The reality is that dog nuisance complaints are sometimes difficult to resolve, and comprehensive evidence is required before enforcement action can be taken.

There are a number of reasons why Community Rangers request this evidence:

- Nuisance barking is subjective, with different interpretations of what constitutes a dog nuisance.
- The degree of annoyance often varies with the location of the dog and the level of tolerance of the people affected.
- It is extremely difficult for investigating officers to collect reliable and admissible evidence of the frequency and loudness of a dog's barking.
- A barking complaint may, in some cases, be one aspect of a neighbourly dispute, and therefore the standard of evidence has to be of a high level and often takes time to gather.
- Dog owners are sometimes unaware that their dog is causing a nuisance to others. Some dog owners do not believe their dog/s barks excessively. This may be due to the dog barking when the owners are away, and once they return home, the dog discontinues barking, or it decreases to an acceptable level.

Complainants are encouraged to speak with the dog owner when barking becomes a nuisance and inform the dog's owner when the barking is occurring and the effect it is having.

If the complainant is not comfortable talking to the dog owner, they can deliver a 'Barking Dog Card' at the address of the dog owner as an informal and anonymous way of advising the dog owner and providing an opportunity to address the issue. This card can be printed on our website. Hard copies are available at the City's Rangers and Security Office and can be collected between 8.00 am and 4.00 pm Monday to Friday.

If you are affected by a nuisance dog and wish to pursue the matter, you can access this Dog Nuisance Pack on the City of Bayswater website.

City of
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What happens next?

A Ranger will be in contact with you to discuss the matter once you have returned your signed documents below.

- Dog Barking Diary,
- Form 7 - Complaint created by a nuisance dog,
- Barking Complaint Form, and
- Impact statement.

Investigations will commence, including the possible use of an electronic monitoring recording device specifically to detect dog noise, once all of the above documentation has been submitted.

Rangers will communicate with the dog owner and provide them with information that may assist them in mitigating the nuisance issue.

If evidence determines the dog is a nuisance, the owner will be issued with an Order to prevent a dog from being a nuisance (Abatement Notice), which will be in effect for 6 months from the date of issue. Failure to comply with the Order may result in a penalty being issued to the dog owner.

DOG NUISANCE PACK COMPLETION GUIDE

To encourage neighbors to work together, included in the Dog Nuisance Pack is a 'Barking Dog Card' to anonymously make the nuisance dog owner aware of their dog/s behavior and the impact it is having. Our Community Safety team encourages respectful communication between neighbours.

If you feel this card has not improved the situation, or you would like the City to investigate without providing the letter to the dog owner, you will be required to complete the following documentation:

- Dog Barking Diary.
- Form 7 - Complaint created by a nuisance dog.
- Barking Complaint Form; and
- Impact Statement.

The Diary must be completed over a period of at least 7 seven consecutive days.

This may seem excessive but remember the success of your case will rely on the quality and completeness of your evidence. Also, the more information provided to the dog owner makes it more likely they will be able to establish the causes of the barking and address the issues effectively.

DOG NUISANCE PACK SUBMISSION

To formally request the City of Bayswater's assistance to investigate the nuisance, the completed documents must be signed and can be returned either by post to City of Bayswater, PO Box 467, Morley, WA 6943, in person to City of Bayswater, 61 Broun Avenue, Morley, or by email to mail@bayswater.wa.gov.au

Note: *Great care is to be observed when compiling this record, as you may need to rely on the records you keep, should you be called to give evidence in Court.*

Once the City has received your completed Dog Nuisance Pack, a Ranger will review the information provided and contact you to discuss it.

If you require any further information, please contact the Community Safety team on 1300 360 333.

City of
Bayswater
FOR PRINTING

BARKING DOG CARD

DEAR NEIGHBOUR / DOG OWNER

Please accept this card as a notification that your dog is causing concern with its level of: ◯ **Barking** ◯ **Howling** ◯ **Crying**

The dog barks at the ◯ **Front** ◯ **Rear** ◯ **Side** ◯ **Inside** ◯ **Other** of your property.

This mainly occurs: ◯ **At night** ◯ **When you aren't home** ◯ **All day long** ◯ **On weekends**

Comments (specific dates and times, if applicable) _____

_____

_____

If you would like to discuss this situation further, my contact details are: _____
(Please leave blank if wishing to remain anonymous)

tips

- Restrict the dog's vision through fencing/gates
- Confine your dog to the rear yard, away from passing traffic
- Increase the amount of exercise your dog gets
- Consider if your dog could be kept indoors whilst you're away
- Consider training/retraining
- Seek advice from your vet or an animal behaviourist
- Provide adequate shelter, food, water and toys to keep your dog occupied

The City of Bayswater encourages friendly communication and mutual respect amongst neighbours in the community. In this spirit, a neighbour is providing this information to you with the aim to raise concern for your dog and respectfully asks you to make some changes to remedy this situation.

This card has been kindly supplied by the City of Bayswater for use by the public. Any comments or information added to this card after publication are not a representation of the City of Bayswater and its values. You can find further information under the animals and pets section on our website bayswater.wa.gov.au

[Office Use Only]
CRM Reference:

City of
Bayswater

Why is your dog barking?

- Attention? Give your dog attention. When it is quiet and no acknowledgement when it barks.
- Sound over the fence? Move your dog to another part of the yard, or play a radio at low volume.
- Something it can see through the fence or gate? Try blocking its vision to the other side.
- Regular disturbances? Keep your dog inside at times when the rubbish truck drives by or children walk to school.
- Boredom? Make sure your dog has plenty of exercise and training.
- Uncomfortable? Your dog should always have clean water and shelter from the weather.

If these don't work, consider obedience training or anti-bark training devices. Barking collars are a temporary training device only.

Things to remember:

- Getting another dog to keep the barking dog company often creates two problem barkers rather than resolving the issue.
- Keeping your dog active might distract from barking.
- Discourage barking while playing with your dog.
- A regularly barking dog becomes ineffective as a security measure as your household and neighbours stop checking to see why the dog is barking.
- The most important step you can take is to determine what causes your dog to bark excessively.
- Don't give up! Problem barking won't stop overnight and training your dog will take time and dedication.

What will Rangers do if a formal complaint is made?

Local governments are responsible for enforcing the nuisance provisions of the Dog Act 1976 and each Council may take a different approach to dealing with complaints.

In the first instance, Rangers need to be satisfied that a nuisance is being created.

He or she could do this by talking to neighbours, observing behaviour using an electronic monitoring device, or asking the complainant to keep records to submit as evidence.

If a Ranger is satisfied that your dog is creating a nuisance, an abatement notice may be issued which may result in infringements or further action being taken.

Consult your local veterinarian or a dog obedience club for advice on the best approach for your situation.

Where can I get more information?

For more information visit the Department of Local Government, Sport and Cultural Industries website at:
https://www.dlgsc.wa.gov.au/local-government/community/cats-and-dogs
or contact the City of Bayswater Community Safety on 1300 360 333

City of
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HOW TO COMPLETE THE DOG NUISANCE DIARY

To enable the City to resolve this matter, the City is reliant on complainants and those affected by nuisance dogs to complete a barking dog diary. This can be used as evidence to take the matter further and can also be a useful tool for dog owners to address the problem.

NOTE: When completing a dog barking diary, it is important that your comments do not identify you or your property. A copy of the completed diary (with personal details removed) may be provided to the dog owner as evidence of the issue, and also for them to use it as a tool to identify the cause issues and cater for a solution.

Complainants are required to complete diary information accurately and to the required standard to be assessed.

All entries need to be made within 12 hours of the occurrence and ideally should be entered as close to the time of the event as possible.

DIARY PERIODS

Entries into the diary are to be kept for a minimum period of seven (7) consecutive days, preferably for longer (10 days).

DAY & DATE

Enter the day and date of each recorded event.

TIME BARKING FROM AND TO

The time that the barking started and ceased is to be recorded. If you left the property and the dog was still barking, please note this in the diary. If you are not home for the day, please also note this in the diary. Avoid recording large blocks stating 'barking all day' or 7am to 7pm, as this will affect the credibility of the diary and will not be considered detailed enough to act upon.

NUMBER OF BARKS

Please count the number of barks and place this in the appropriate column. This is also assessed against nuisance barking criteria to determine if it is excessive or at nuisance levels.

TYPE OF BARKS

Please provide details of the type of barking, i.e. intermittent barking (non-continuous barking, starts and stops), continuous howling (continual non-stop howling without a break) or whimpering etc.

REASON FOR BARKING

When the dog is heard barking, check to see if there is any identifiable cause, i.e. the postman is going past, children teasing the dog, etc. If there is no identifiable reason, please state "Unknown".

AFFECT BARKING HAD ON YOU

It is also a requirement that you state what effect the barking had on you, e.g. woke me up; prevented me from studying, unable to enjoy television, prevented from working in the back yard etc.

NOTE: It is NOT sufficient to state generalisations such as "It's annoying" and do not use dittos " " at any point throughout the diary.

IDENTITY OF DOG AND PROPERTY

If you are uncertain where the dog barking is coming from, please go and check by investigating the source.

Any barking where you are unsure of the origin (may not be from the problem location) and you are unable to identify its source should not be recorded in the dog diary or logged as an event.

City of
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DIARY INTEGRITY

Care is to be observed while compiling this record. The information that is provided by you must be true and correct and may be used as evidence in court should this action become necessary. You will need to be willing to testify and swear to its accuracy.

Should the diaries not be correctly completed or not filled in sufficiently, the City will be unable to investigate further, and the complaint file may be closed. Where the barking records show that barking is below nuisance levels, there will be no further action by the City, and the job will be closed. You will be advised of this where this occurs.

EXAMPLE OF ACCEPTABLE DIARY DETAILS AND COMMENTS

DAY	DATE	TIME BARK STARTS	TIME BARK STOPS	No OF BARKS	TYPE OF BARKS	REASON FOR BARKING (if known)	AFFECT BARKING HAD ON YOU	LOCATION WHERE NOISE IS HEARD FROM
Tues	*11/01/2022*	*10:10pm*	*11:00pm*	*24*	*Continuous loud bark*	*Unknown*	*Woke me up*	*Bedroom*
Wed	*12/01/2022*	*9:15am*	*9:30am*	*15*	*Intermittent barking*	*Workman across the road*	*Unable to relax and watch TV*	*Loungeroom*
Wed	*12/01/2022*	*3:10pm*	*3:16pm*	*5*	*Intermittent barking*	*Postman*	*Unable to hear the TV*	*Loungeroom*
Wed	*12/01/2022*	*5:18pm*	*5:25pm*	*N/A*	*Intermittent howling*	*No one at property*	*Disrupted*	*Kitchen*
Thurs	*13/01/2022*	*5:10am*	*5:30am*	*22*	*Continuous barking*	*Unknown*	*Woke me up*	*Bedroom*
Thurs	*13/01/2022*	*3:20pm*	*3:30pm*	*17*	*Intermittent barking*	*Children walking by*	*Cannot relax*	*Loungeroom*
Fri	*14/01/2022*	*5:02pm*	*5:12pm*	*35*	*Continuous barking*	*Other neighbours dog bark and set it off*	*Unable to watch TV*	*Loungeroom*

PLEASE RETURN COMPLETED DIARIES TO THE CITY OF BAYSWATER PROMPTLY AFTER COMPLETION.

City of
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DOG BARKING DIARY

Address of barking/nuisance dog:

DAY	DATE	TIME BARK STARTS	TIME BARK STOPS	No OF BARKS	TYPE OF BARKS	REASON FOR BARKING (If Known)	AFFECT FOR BARKING ON YOU	LOCATION WHERE NOISE IS HEARD FROM

I declare the recordings to be a true record of matters observed by me, and I will appear in Court to give evidence as a witness to the truth of this complaint if required to do so by the City of Bayswater.

Signed:	Name and Address:	Date:

City of Bayswater

Dog Act 1976

Form 7 - Complaint created by a nuisance dog.

To: The City of Bayswater		
Take notice that a dog believed to be a (1)		
Has created a nuisance by (2)		
The dog is believed to belong to (3)		
And is usually kept at (4)		
And I (5)		
of		
Email:	Telephone:	
request the City to institute proceedings if the nuisance does not stop, and I undertake to: a. give full information to the City as to this matter; and b. appear in court and give evidence as a witness to the truth of this complaint.		
Dated the	Day of	20
Signature:		

1. Insert breed or kind of dog and, where possible, its sex and identifying marks.
2. Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and times on or between which the nuisance occurred, and where the dog was at the time of the nuisance.
3.
4. State the name and address of the person believed to be the owner.
5. State where the dog is usually kept. Name and address of complainant.
6. Name and address of complainant.

City of Bayswater

BARKING COMPLAINT FORM

Have you attempted to engage with the owner by way of notification, either by letter or in person?	
How have you confirmed the barking is from that address?	
Have you reported this to the City before?	
Number of dogs normally kept at this property:	
Details about Dog 1	
Breed:	Colour:
Gender:	Size:
Does the dog have any distinguishing features? and include the dog's name if known:	
Details about Dog 2	
Breed:	Colour:
Gender:	Size:
Does the dog have any distinguishing features? and include the dog's name if known:	
Does the barking occur when the owner is home?	
When did the issues start?	
Other notes (optional)?	
Will any other residents be assisting with completing this diary?	

City of
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IMPACT STATEMENT

Please describe how the nuisance barking is affecting your peace, comfort, and convenience whilst on your premises.

Name:

Address:

I hereby acknowledge that this statement is true and correct, and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

I am/am not willing to attend court and give evidence in relation to this matter. (circle one option)

Signed: _____ Date: _____