

City of
West Torrens
Between the City and the Sea



The barking booklet



What to do about barking dogs



Introduction

Dogs are a much-loved part of our local community but dogs that bark excessively can become a nuisance for neighbours. If they bark excessively, our best friends can become an intrusion and create conflict in neighbourhoods. Council receives many complaints about nuisance noise from barking dogs and this booklet is an overview of the way we act to resolve problems.

Approaching a dog's owner in a friendly manner and discussing your concerns with them sometimes easily resolves this type of matter. Some residents may not feel comfortable speaking to their neighbours and in this situation we suggest leaving a note to make the dog owner aware of the issue.

Please be aware of the following when making these types of complaints:

- The owner may not realise that the barking is causing a nuisance to others.
- 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.
- The owner may be a very sound sleeper and is not woken when the dog barks.

As many dog owners are not annoyed by or even aware of the barking of their own dog, they can feel victimised if a formal complaint is lodged before they even realise there is a problem. Council's approach is to encourage friendly communication as soon as a barking problem becomes apparent. This gives a dog owner the opportunity to investigate the cause of excessive barking and find an effective solution.

Friendly communication can also avoid the need for formal processes which are often lengthy, sometimes highly demanding and may involve collecting detailed information during many weeks to provide evidence of any breaches of the Dog and Cat Management Act.

This booklet provides you with the options for resolving a barking problem and information to address barking problems with dogs.



Our process

All dogs make noise at some time but if you are concerned about the level of noise a dog is making, try to resolve the issue by speaking to the dog's owner first. Remember, dog owners may not be aware that their dog is causing a nuisance if they are not at home when the barking occurs. If this attempt at resolving the problem does not work, then a formal complaint process could begin.

The process below explains the sequence of a barking dog complaint. Read the following to understand what will be required when making a formal complaint. Reports will remain anonymous during an investigation. However, should the matter require court action or if a Freedom of Information application is received, we may be required to provide your details.

1. When you notice the barking dog is becoming an issue, start noting down times to inform the dog owner.
2. Speak to your neighbour or leave a note (see page 11) with information about when the dog barks and for how long. This will help the dog owner to address the issue.
3. Wait a week or two and see if the barking reduces. Please note that barking dog complaints are not normally fixed overnight.
4. If there is still no improvement you can consider mediation or lodge a formal complaint. You may report the issue to the City of West Torrens Service Centre by phoning 8416 6333, or lodge it via the City Watch app available at westtorrens.sa.gov.au
5. Council will send both the complainant and the owner of the dog a 'Barking Complaint Kit'. The purpose is to give the owner an opportunity to resolve the barking issue and for the complainant to provide additional information to us to investigate further if required.
6. Completed kits will be assessed to determine if further investigation is required and some further evidence may be collected by the Council's community safety team. Both the complainant and the dog owner will be notified of the outcome.
7. If further investigation is required, the complainant and neighbours may be asked to provide additional evidence of the nuisance the barking is causing them. This may involve one or more of the following:
 - barking dog diaries
 - impact statements
 - medical reports
 - CCTV
 - videos
 - recordings
 - other neighbours collaborating the complaint
 - notebooks.
8. After we have gathered all the evidence both the complainant and the dog owner will be notified of the outcome which may include no further action, expiation notice or a Control (Barking Dog) Order.
9. If you are not happy with the outcome of Council's investigation you may consider civil action. Council will only reinvestigate the complainant if new evidence is received which proves the dog is excessively barking.

Below is an example of a barking dog diary that you will be required to keep if you wish to lodge a formal complaint with Council. It is important that this diary is accurately completed with actual dates, times and descriptions of the barking and its impact on you. Writing 'constantly barking' in the description will not be accepted. We need to have a clear indication of the nuisance you are experiencing. This may seem excessive but remember that you or Council may be required to present this diary before a court magistrate as accurate evidence of the dog's nuisance behaviour.

Date	Start	Finish	Description	Reason (if known)	Impact
20/5/10	8am	8.15am	30 loud barks.	Children going to school.	Woke me up.
20/5/10	8.30am	9am	Continued high pitched wailing	Owner left for work.	Upset because dog was obviously upset - interrupted phone call.
20/5/10	10.05am	10.10am	20+ loud barks	Other dog walking past.	Frustrating. Interrupted study.
20/5/10	10.20am	10.25am	10+ loud barks	Other neighbour returned home.	Headache.
20/5/10	11pm	11.15pm	30+ loud barks	Not known.	Woke me up - can't get back to sleep.

Why dogs bark

Dogs bark for many reasons and even though they appear to be barking for no reason they are in fact trying to communicate something to their owner or anyone who is willing to pay attention.

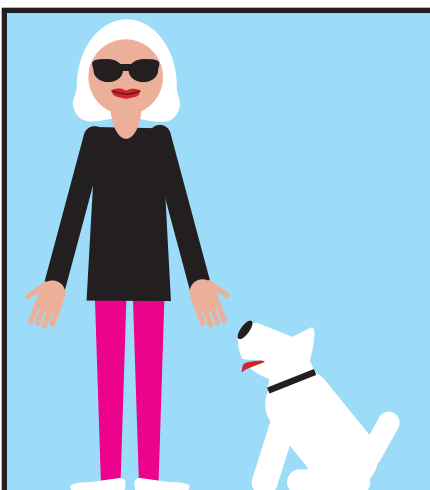
The following are the main behaviours that explain why a dog barks:

- territorial or alert barking
- sensitive to sound
- old age or health issues
- bored or attention seeking
- separation anxiety.

For dog owners there is further information on each behaviour, how to identify it and how to try and address the issue on page 6.

Barking is normal

While it is acceptable for a dog to bark to warn its owner of an intruder or bark while playing, it is the owner's responsibility to train the dog not to bark at normal occurrences such as possums, domestic noise, cats or birds. Barking at normal movements or noises from adjoining properties can be upsetting and is considered to be unacceptable behaviour. In South Australia, a dog owner can be fined, prosecuted or issued with a Barking Dog Order to control a dog that creates a noise that is persistent, excessive or unreasonably interferes with the peace, comfort or convenience of other people.



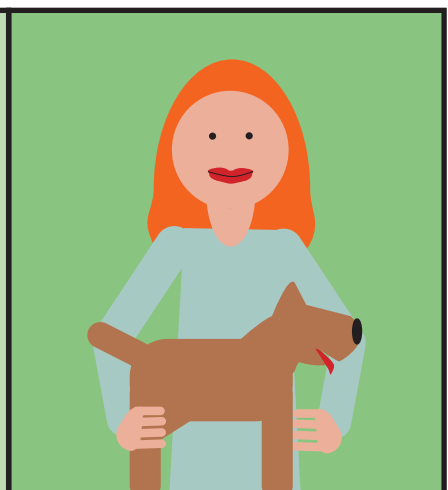
A dog trainer can help with

- Basic obedience.
- Socialisation.
- Learning tricks.
- Performing service and working duties.
- Unruly behaviours.



A behaviour consultant can help with

- Unusual / abnormally intense behaviour.
- Behaviours that cause a dog to injure itself.
- Problems related to fear.



A veterinary behaviour specialist can help with

- Problems that are atypical in dogs.
- Extreme behaviours that are not responsive to other treatments.
- Medical problems that need to be ruled out or need treatment at the same time.
- Multiple medical problems that impact behaviour.
- Medical treatment for emotional disorders.

<p>Territorial or alert barking</p> <p>Does your dog do any of the following?</p> <ul style="list-style-type: none"> • Bark at movement. • Bark at sound. • Bark at other animals. <p>This means your dog may be territorial.</p>	<p>Ways to help address this behaviour include:</p> <ul style="list-style-type: none"> • Increase your dog's fitness. • Block their view to the front yard. • Let your dog have inside access to the house. • Move them away from triggers. • Call your dog when barking and treat them for stopping. • Increase their access to stimulating environments.
<p>Sensitive to sound</p> <p>Does your dog bark at any noises or sounds it may hear?</p> <p>This means your dog may be sensitive to sound.</p>	<p>Ways to help address this behaviour include:</p> <ul style="list-style-type: none"> • Remove the source of the sound from your dog. • Provide a safe and quiet place. • Be aware of events like fireworks and take appropriate measures. • Massage and reassure the dog when it is triggered. • Get the opinion of a vet and consider medication.
<p>Old age or health issues</p> <p>Does your dog do any of the following?</p> <ul style="list-style-type: none"> • Bark at nothing. • Bark at people the dog knows. • Barks for no reason but never had an issue in the past. <p>This means your dog may be elderly or have underlying health issues.</p>	<p>Ways to help address this behaviour include:</p> <ul style="list-style-type: none"> • Get the opinion of a vet and consider medication. • Provide a safe, quiet and dark place for your dog. • Give access to the inside of your house. • Block street views.

Bored or attention seeking

Does your dog do any of the following?

- Dig holes.
- Escape the property.
- Destructive behaviour.
- Jump at fence.
- Overly energetic
- Excessively bark at you for attention.

This means your dog may be attention seeking.

Ways to help address this behaviour include:

- Regular exercise and play
- Access to more stimulating activities
- Rotate toys
- Training
- Socialisation
- Doggy day care
- Dog sitting.

Separation anxiety

Does your dog do any of the following?

- Barks when no one is home.
- Is unable to settle.
- Refuses to go outside
- Looks uncomfortable when you leave
- Problems with toileting
- Escaping the property often
- Pacing
- Compulsive behaviours
- Shadows you
- Shows destructive behaviour.

This means your dog may have anxiety.

Ways to help address this behaviour include:

- Go to a veterinary behaviourist.
- Consider medication.



The law

A dog barking persistently can be a breach of the Dog and Cat Management Act 1995.

Section 45A of the Act makes it an offence if a dog's barking "persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person". Under the Act, there is no set level or amount of barking which makes the dog a nuisance. Factors taken into account include:

- how often the dog barks
- how long it barks for
- the effect the barking has on neighbours
- the times in which the dog barks.

If a dog barks only occasionally or at irregular times then it is probably not enough to class the barking as a nuisance. If it can be established that the noise is persistent and it is an unreasonable interference to you and or others there may be grounds for the Council to act.

What does a Council barking order mean for me?

Under the Dog and Cat Management Act Sec 50, a barking dog order means:

1. All reasonable steps to be taken to prevent the dog repeating the behaviour that gave rise to the order.
2. A dog or its owner or both, are to undertake approved training courses as specified in the order.
3. A council may issue written directions to a person who owns or is responsible for the control of a dog subject to an order, about how to comply with the order in the local area.
4. If directions issued are complied with, a person who owns or is responsible for the control of the dog is not liable to prosecution for contravention of the order.

Council does not act as an advocate for a complainant but plays an independent role in all investigations by gathering facts and working with the dog owner to find a lasting solution. Only if this fails with Council take enforcement action such as a Barking Dog (Control) Order.



FAQs

- Council has investigated my complaint and said there is no issue. I disagree, what can I do?

Any person can institute civil proceedings against a dog owner at any time. This course of action can only be handled by the complainant in a civil court and cannot be handled by the Council.

- I don't have time to record this dog's behaviour. Why can't Council do it?

Council officers will investigate and do listening posts when possible. Unfortunately we can't be there 24/7 and if no evidence is received, then the job may be closed. The sooner you provide the evidence of a nuisance the quicker that Council can act.

- My dog doesn't bark, my neighbour has a civil issue with me.

Council is a third party that will only act if we receive evidence. If you believe your neighbour has made a false report please start gathering your own evidence to challenge the complaint.

- What is the expiation fee for a noisy dog?

This is set by State Government and is currently \$315.

- If I get a Barking Order and don't obey by the order's directions what will happen?

If you don't obey the directions on the order, this is a contravention of a control barking dog order, which is an expiation fee of \$500 expiation or a maximum penalty of \$2,500. If you continue to contravene the order you may be prosecuted by Council.

- Why can't I be anonymous when making a complaint?

Council needs a formal complaint and evidence to investigate, expiate or issue an order against a resident. We are unable to gather the evidence required without your involvement. Should the matter require court action or if a Freedom of Information application is received, we may be required to provide your details.

- What is excessive barking?

There is no number of barks which defines excessive barking or nuisance barking. Each case is assessed by an authorised officer based on the evidence provided. Considerations include times, dates, frequency and impact.

- What is prosecution?

Prosecution may be initiated through the Magistrates Court. Prosecutions can result in further fines, further restrictions or in severe cases the removal of the dog.

- What if I don't know where the barking dog lives?

Unfortunately, we are unable to put an allegation against a dog owner if we don't know which dog is causing the nuisance. If we accuse someone of having a nuisance dog, we may investigate the wrong person or be seen as harassing an innocent party.

Example of a letter to a dog owner

On the following page is note that you can use to inform a neighbour about a problem with a barking dog. Remove the note from this booklet, complete the details and leave it in your neighbour's letterbox.

Remember to keep your message friendly. Many of these types of problems can be solved through respectful communication.

If you need need further advice from Council on these matters, contact us:

Phone 8416 6333

Email csu@wtcc.sa.gov.au



Dear neighbour / dog owner

Please accept this note as a friendly message to let you now that I'm concerned about your dog due to the amount of:

- barking
- howling
- crying/whining
- growling

This mainly occurs:

- at night
- on weekdays
- on weekends
- when you're not home

Further comments:

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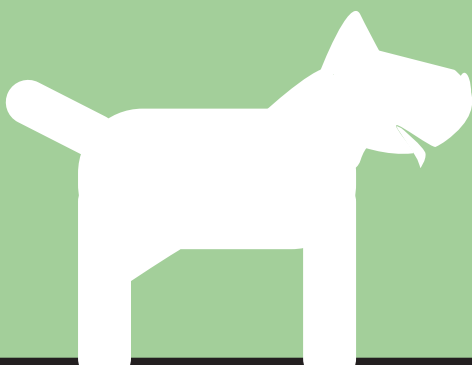
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My contact details

Name:

Phone:

Quick tips to help manage your dog's barking



- Restrict your dog's vision through fencing and gates.
- Keep your dog in the rear yard, away from passing traffic.
- Increase the amount of exercise for your dog.
- Provide adequate shelter, food and water.
- Consider training for your dog.
- Seek advice from your vet.

This note has been supplied by the City of West Torrens.