



Fact Sheet: Barking Dog Nuisance Complaints

Are barking dogs annoying you?

Dogs bark for a reason, and there are many ways that excessive barking can be managed. What are the initial steps for you to take if you have a barking dog in your street?

- First try talking to the dog's owner as they may not even be aware of the problem.
- If the dog is only barking when the owners are out, you may be able to help them identify why the dog is barking.
- Does it bark at certain times such as when children are walking to school, or the postman or people are going past? This is deemed as an acceptable territorial response from a dog if it stops barking after the stimulus has gone by.

Prior to proceeding with a nuisance complaint?

If you talk to the dog's owner and they do nothing to assist, you can lodge a barking complaint with Council. However, there are requirements you must meet for Council to act on your behalf; and you need to be aware this process has set legal requirements to be met. Failure to cooperate fully will see the complaint closed due to insufficient evidence as Council cannot act without reasonable grounds.

- First the offence of nuisance must be proven. This can often be a lengthy process depending on the timing of, and reasons behind the barking – so be prepared for this delay to occur.
- An officer will speak to you regarding the issue. In some cases, you may be required to give a statement attesting to the facts of the matter – this gives Council the power to act on your behalf.
- You may be asked to keep a diary of the dates and times that barking occurs. This is so Council can demonstrate whether or not the barking is causing an unreasonable disturbance.
- Adjoining and adjacent neighbours may be visited to verify the details of your complaint.
- Council may subsequently issue the dog's owner with a warning or formal Notice to Comply to stop the barking. If the owner fails to comply Council can issue infringement notices.
- If the matter persists, Council may look at serving a nuisance declaration on the dog's owner which is a first step toward enforcing that the animal is removed from the property.
- If the matter persists further, Council may proceed with legal action and seek a Court Order directing the animal to be permanently removed from the premises.
- If the matter proceeds to Court, you will be required to attend as a witness and give evidence to support Council's actions. Be aware that the dog's owner will potentially be present as the law states they have a right to face their accuser and be heard in their own defence.
- Should you be unwilling to attend Court to give evidence, the ability to prove the claim is compromised; Council reserves the right to cease actions following such a refusal.