



**BARKING DOG DIARY**

**BROKEN HILL**

**CITY COUNCIL**

**AUSTRALIA'S FIRST  
HERITAGE LISTED CITY**

## TABLE OF CONTENTS

INTRODUCTION	3
WHY DOGS BARK	4
CARING FOR DOGS	5
NEIGHBOURHOOD COMMUNICATION	6
LODGING A COMPLAINT WITH COUNCIL	7
COUNCIL ACTION	8
YOUR LEGAL REQUIREMENTS FOR COURT ACTION	9
SOME SIMPLE TIPS FOR REDUCING BARKING	11
BARKING DOG COMPLAINT	12
HOW TO COMPLETE A BARKING DOG DIARY	13
BARKING DOG DIARY	14

## INTRODUCTION

Dogs are an important part of our local community but dogs that bark excessively can become a source of irritation for neighbours and others using the local environment. Our best friend can, if it barks continually, become an intrusion and create friction between neighbours.

Broken Hill City Council receives numerous complaints regarding nuisance noise from barking dogs.

Approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint.

The dog's owner may not realise that the barking is causing an annoyance to other people.

- 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 not woken when the dog barks.

Noise relating to dogs and cats is resolved under the *Companion Animals Act 1998*. Noise from other species (such as birds) must be treated under the *Protection of the Environment Operations Act 1997*. This Act can also be used to resolve problems with dogs and cats.

Police and Council Rangers can issue Noise Abatement Directions under this Act. Council's Rangers will generally follow Council's procedure, with the exception of extreme cases.



## 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 some of the main reasons why dogs bark:

- Under exercised or not exercised at all.
- Untrained.
- Inadequate yard space.
- Boredom.
- Not enough human companionship.
- Inadequate shelter from weather conditions.
- Hunger, thirst, on the wrong diet or generally neglected.
- A medical condition.
- Changes to family structure.
- Movement/disturbances outside the dog's property or provocation, deliberately or unintentionally, by people or roaming dogs.
- Victims of abuse.

Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property. Remember a dog's idea of an 'intruder' may differ to that of the owner. It could include cats, other dogs, or even the postie.

Whilst it is acceptable for a dog to bark to warn its owner of an intruder, it is the owner's responsibility to teach the dog not to bark at 'normal' occurrences.

Barking at normal movements or noises from adjoining properties should be considered to be unacceptable behaviour.

If you suspect a dog is being mistreated, contact RSPCA inspectors on (02) 9770 7555 or email [inspectors@rspcansw.org.au](mailto:inspectors@rspcansw.org.au) or visit [www.rspcansw.gov.au](http://www.rspcansw.gov.au), go to report a cruelty case.

## CARING FOR DOGS

Compassion and common sense can eliminate many causes of excessive barking. A well cared for dog will generally not bark unreasonably and disturb neighbours.

The following suggestions should help:

- Dogs need enough space to move freely in an enclosed backyard. A dog should not be left on a fixed chain for long periods. If a dog has to be chained, it should be on a running chain.
- Dogs need a place of their own. This can be a ventilated and waterproof kennel or an indoor area. Under Section 8 of the Prevention of Cruelty to Animals Act 1979, a dog must be provided with adequate shelter; that is, a structure that protects them from wind, rain and sunshine.
- Dogs need regular and adequate exercise according to their breed, size and energy level.
- Help your neighbour with the dog's care by sitting, exercising and taking over its feeding for a while. You get to know the dog and it gets to know you. Always do this in the company of the owner until you are familiar and confident with the dog.

The RSPCA website provides more information about proper care and management of dogs at [www.rspca.org.au/animal/petcare\\_dog.asp](http://www.rspca.org.au/animal/petcare_dog.asp).



## NEIGHBOURHOOD COMMUNICATION

Neighbours can help each other to solve barking problems by communicating to each other their concerns and needs. Neighbours can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dog is barking.

A neighbour may be in a position to offer to exercise a dog when its owner is unable due to work commitments, illness or other reasons. Approach your neighbour and offer this service. It will also help build your relationship with the dog.

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. Ignore your desire to react to the dog by yelling and throwing things, you may actually make it worse. The dog may see you as a threat and you will demonstrate this to be true.
2. Be a good neighbour and try to see why it is barking - there may be a legitimate reason such as an intruder or stray animal about.
3. 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. Provide the dog owner or keeper with a copy of the diary contained in this brochure.
4. If the dog owner is unapproachable or you are not comfortable approaching them, try placing the "Dear Neighbour" letter (contained on page 10 of this booklet) in their letterbox.
5. If the neighbour takes no action or does not agree that a problem exists, you should contact the Community Justice Centre which funds a dispute settlement service for people who find themselves in a situation of dispute or conflict with another person.

This service uses mediation as a way of settling neighbourhood disputes without expensive legal action. It is a private and free service. The service offers specially trained mediators who will help you both find a workable solution.

If you would like to contact the Community Justice Centre, they can be contacted between 9am to 5pm, Monday to Friday (excluding public holidays) on telephone 1800 990 777.

Should the methods as described in this brochure be too protracted for you, you may wish to seek legal advice or obtain a Noise Abatement Order from the local court. The NSW Police may also be of some assistance.

In most cases the solution can be found by communication between neighbours and should be sought prior to lodging a complaint with Council.

## **LOGGING 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
- Have attempted to resolve the issue through an independent party.

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 on (found in this pack);
- Complete the Barking Dog Diary (found in this pack) over a seven to ten day period and sign;
- Forward all of this information to Council for investigation by Council Rangers.

All complaints made to Broken Hill City Council are kept confidential.



## COUNCIL ACTION

Council has developed a procedure to ensure that responses to requests are fair and proportional to the problem, meet the processes previously required by the Court and avoid expensive drawn out legal battles.

Council's Rangers will do a number of things including:

- Study the diary to establish barking patterns to try to determine the reason for the dog's Barking.
- Confirm that other nominated residents are being affected by the dog's barking by speaking to them, and conducting a survey of the area.
- Advise the dog owner of the complaint, discuss possible solutions and inform them of their responsibilities.

If Council Rangers believe there is a problem with the dog, then they will work with the owner until they believe that the owner has done everything possible to help correct the barking behaviour to a satisfactory level.

If the Council Rangers believe the owner has made no reasonable attempt to resolve the problem and the noise is still an issue, they can take further action.

This could include:

- Nuisance Dog Order under Section 21 of the *Companion Animals Act 1998*.
- Court Action - Council will only start court action if the ACO/Ranger believes that the owner of the dog is not complying with Council's request or the owner of the dog has exhausted all avenues to resolve the problem or the complainant is prepared to go to court.

If there is a lack of evidence to support nuisance claims, Council's Rangers will recommend the complainant contact the Chamber of Magistrate of the Broken Hill Local Court to lay their own Noise Abatement Order under Section 268 of the Protection of the Environment Operations Act 1997.

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 can be terminated and you will have to take your own court action. Council reserves the right at any time to terminate all action under State Government Legislation.



## YOUR LEGAL REQUIREMENTS FOR COURT ACTION

Community members have direct access to Noise Abatement Orders under Section 268 of the Protection of the *Environment Operations Act 1997* and can bypass Council's procedure on these issues should they wish.

To take a barking dog complaint to court, YOU, not the Council, will need to convince a Magistrate that the dog is a nuisance.

You should 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 not get involved in any domestic dispute between you and your neighbour. If this happens, Council will inform you to take your own legal action.

If you don't understand what you have just read you should seek legal advice.



Dear Neighbour

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

I have discussed this problem with the Broken Hill City Council which 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 file.

On the back of this letter is some information that may be of assistance to you in resolving the problem.

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

Thank you for your time.

Kind Regards

Your Neighbour

## **SOME SIMPLE TIPS FOR REDUCING BARKING**

- Make sure that you do not reward your dog for barking too much. Don't let the dog inside or give it attention when it barks. Instead give the dog attention when it is quiet.
- If the dog is barking at people or noises on the other side of the fence, move the dog to another part of the yard or put up a barrier to keep the dog away from that area.
- If the dog barks at regular disturbances such as children walking to school or rubbish trucks, keep the dog inside or in an enclosed area at those times.
- If the dog races along a path or fence barking at passing distractions, put barriers or obstacles in the dog's way to slow it down. Remove direct line of sight between the dog and children or animals, a looking at other animals or children may provoke barking.
- Ensure that the dog has adequate exercise and obedience training. Broken Hill City Council has established leash free areas Queen Elizabeth Park, (Chapple Street) and Patton Street (off Patton Street).
- Make sure that the dog has food, water and shelter from the weather.
- Stimulants such as balls and chew toys left for the dog when you leave can keep them occupied whilst you are away. A bone for them to chew will teach your dog that there is a positive reaction when you leave.
- If the dog is barking through gaps and cracks in the fence, fill them in.
- An anti-barking collar may be useful for some, but not all barking dogs. Contact Broken Hill City Council's Environmental Services on telephone (08) 8080 3340 for further information.
- Teach the dog to stop barking on command. When the dog is barking give a firm command such as "cease" and call the dog to you. Praise the dog when it stops barking.
- Provide noise insulation for the kennel.
- Your dog may need to visit the VET – is it sick or in need of medical treatment?
- Remember, dogs bark for many reasons. If these simple tips do not help you, seek further advice from a recognised animal trainer.

## BARKING DOG COMPLAINT

This document must be completed in full, signed and returned to Broken Hill City Council

Complainant's name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of offending dog(s): \_\_\_\_\_

Description of dog(s): \_\_\_\_\_

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Privacy Statement

Council is collecting your personal information in accordance with the *Privacy and Personal Information Protection Act 1998*.

The purpose for collecting your personal information is to obtain and record details to assess your application.

The intended recipients of the personal information collected includes Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email [council@brokenhill.nsw.gov.au](mailto:council@brokenhill.nsw.gov.au) or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.





Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of offending dog(s): \_\_\_\_\_ Sheet: \_\_\_\_\_ of \_\_\_\_\_

I am willing to attend court to give evidence if required. Yes  No  Signature: \_\_\_\_\_

**Barking dates and times**

**Codes to assist in this section are obtained from the field below**

Date	Start	Finish	Noise Level	Cause of Barking	Action Taken	Nuisance Level	Location of Dog
			<b>Noise level of barking</b> 1 Loud 2 Yapping 3 Howling 4 Yelping 5 Muffled 6 Waning	<b>Cause of Barking</b> 1 Nothing 2 People walking by 3 Bored 4 Owner out 5 Territorial boundary 6 Unknown	<b>Action Taken by Owner to control dog</b> 1 None 2 Chastised 3 Dog put inside 4 Other	<b>Nuisance Level</b> 1 High 2 Medium 3 Low	<b>Location of Dog</b> 1 Side of house 2 Back yard 3 Front yard 4 Inside house 5 Inside shed 6 Other

# BARKING DOG DIARY

Barking dates and times

Codes to assist in this section are obtained from the field below

Date	Start	Finish	Noise Level	Cause of Barking	Action Taken	Nuisance Level	Location of Dog
			<b>Noise level of barking</b> 1 Loud 2 Yapping 3 Howling 4 Yelping 5 Muffled 6 Waning	<b>Cause of Barking</b> 1 Nothing 2 People walking by 3 Bored 4 Owner out 5 Territorial boundary 6 Unknown	<b>Action Taken by Owner to control dog</b> 1 None 2 Chastised 3 Dog put inside 4 Other	<b>Nuisance Level</b> 1 High 2 Medium 3 Low	<b>Location of Dog</b> 1 Side of house 2 Back yard 3 Front yard 4 Inside house 5 Inside shed 6 Other



# BARKING DOG DIARY

Barking dates and times

Codes to assist in this section are obtained from the field below

Date	Start	Finish	Noise Level	Cause of Barking	Action Taken	Nuisance Level	Location of Dog
			<b>Noise level of barking</b> 1 Loud 2 Yapping 3 Howling 4 Yelping 5 Muffled 6 Waning	<b>Cause of Barking</b> 1 Nothing 2 People walking by 3 Bored 4 Owner out 5 Territorial boundary 6 Unknown	<b>Action Taken by Owner to control dog</b> 1 None 2 Chastised 3 Dog put inside 4 Other	<b>Nuisance Level</b> 1 High 2 Medium 3 Low	<b>Location of Dog</b> 1 Side of house 2 Back yard 3 Front yard 4 Inside house 5 Inside shed 6 Other

# BARKING DOG DIARY

Barking dates and times

Codes to assist in this section are obtained from the field below

Date	Start	Finish	Noise Level	Cause of Barking	Action Taken	Nuisance Level	Location of Dog
			<b>Noise level of barking</b> 1 Loud 2 Yapping 3 Howling 4 Yelping 5 Muffled 6 Waning	<b>Cause of Barking</b> 1 Nothing 2 People walking by 3 Bored 4 Owner out 5 Territorial boundary 6 Unknown	<b>Action Taken by Owner to control dog</b> 1 None 2 Chastised 3 Dog put inside 4 Other	<b>Nuisance Level</b> 1 High 2 Medium 3 Low	<b>Location of Dog</b> 1 Side of house 2 Back yard 3 Front yard 4 Inside house 5 Inside shed 6 Other

## Further Information

Should you require any further information or clarification please contact:

Broken Hill City Council  
240 Blende Street  
Broken Hill NSW 2880

Postal Address:  
Broken Hill City Council  
PO Box 448  
Broken Hill NSW 2880

Telephone: 08 8080 3300  
Facsimile: 08 8080 3357  
Email: [envserv@brokenhill.nsw.gov.au](mailto:envserv@brokenhill.nsw.gov.au)  
Website: [www.brokenhill.nsw.gov.au](http://www.brokenhill.nsw.gov.au)

## Community Justice Centre Directorate

Street Address:  
Community Justice Centre Directorate  
Level 5 Parramatta Justice Precinct  
160 Marsden Street  
PARRAMATTA NSW 2150

Postal Address:  
Community Justice Centre Directorate  
Locked Bag 5111  
PARRAMATTA NSW 2150

Telephone: 02 8688 7455  
Facsimile: 02 8688 9615  
Email: [cjc\\_info@agd.nsw.gov.au](mailto:cjc_info@agd.nsw.gov.au)  
Website: <http://www.cjc.nsw.gov.au>