



DOGS THAT CREATE A NUISANCE

Information Package



Mildura Rural City Council

Contents

Introduction.....	2
Neighbourhood Communication	3
Lodging a Complaint with Council	3
Council Action and Process.....	3
Stage 1	4
Stage 2	4
Stage 3	5
Stage 4	5
Privacy Collection Statement:.....	6

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. Our best friend can, if it barks continually, become an intrusion and create friction between neighbours.

Mildura Rural City Council receives numerous complaints regarding nuisance noise from dogs. This document has been designed for both dog owners and neighbours, to provide information on ways to prevent excessive barking. It provides an explanation of the Council process around barking dogs and the requirements of both dog owners and neighbours.

Section 32 of The Domestic Animals Act 1994 states that:

Dogs creating a nuisance

1. The occupier of any premises where a dog is kept or permitted to remain must not allow that animal to be a nuisance.
 - 1 Penalty Unit
2. A dog is to be regarded as a nuisance for the purpose of this section:-
 - a) if it injures or endangers the health of any person; OR
 - b) if it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
3. If a person is convicted of an offence against this section, the court may order the convicted person to take that action (if any) to abate the nuisance which is specified in the order.
4. A person must comply with an order made against him or her under sub-section (3).
 - 3 Penalty Units

Neighbourhood Communication

The first step Council encourages is communication. Neighbours can solve barking problems by communicating to each other regarding their concerns and needs. In most cases, dog owners are not aware that their dogs barking is a nuisance, as it can generally happen when the owner is at work or away from their home. Neighbours can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dog is barking.

Before lodging a complaint with Council, it is advised to try the following steps to attempt to resolve the issue in a neighbourly manner.

1. Approach the owner of the dog/s in a calm and friendly manner.
 - 1.1 - Introduce yourself clearly and politely and inform them that you have noticed excessive barking from their dog/s.
 - 1.2 - If known, explain when the barking seems to be a problem, it may be after the owner has left for work in the morning, or a particular time of night.
 - 1.3 - It is a good idea to explain the impact that the barking is having on you to help the dog owner understand why the barking is such a problem, you may have young children at home trying to sleep during the day, or you may work from home.
 - 1.4 - If the dog owner is unapproachable or you are not comfortable approaching them, you can place an anonymous letter in their mailbox, outlining the same information.
2. If after approaching the dog owner no improvement is noticed, or you are not comfortable approaching the dog owner, you should consider contacting Council and lodging a barking dog complaint.

Lodging a Complaint with Council

To lodge a complaint you will need to contact Council on (03) 5018 8100 and provide the following information:

1. Your full name, contact phone number and home address. (This information is not given to the dog owner and is treated in accordance with our privacy collection statement which can be found on page 6).
2. The correct address of the alleged nuisance dog/s.
3. Any information you have already collected regarding the amount of dogs, breeds, and times that barking is a problem.

Council Action and Process

Mildura Rural City Council's barking dog process is made up of 4 stages. In all cases Council aims to resolve barking dog problems in stage 1. In some cases where this is not able to be achieved you will be asked to continue working with Council up until the matter is resolved.

Stage 1

Once the complaint had been received with Council, Civic Compliance Officers will attend the property and/or contact the owner of the dog to inform them of the barking dog complaint. Our officers will suggest measures for the dog owner to implement to try and put a stop to the nuisance barking. Toys and bones are often enough to keep the dog occupied, whilst in some cases behavioural training or other measures may be required.

After this first visit, the owner of the dog must be given some time and a chance to implement the barking controls. Training a dog not to bark is not something that can be done overnight and patience will be required. We ask that 14 days grace be given during this period.

Stage 2

If after 2 weeks you have noticed no improvement or the problem still persists, it is advised to contact Council again and update us on the situation.

Upon lodging a second complaint you will be asked to start recording a 'Barking Dog Diary'. This diary must contain the following;

- your name, address and phone number;
- the address of the nuisance dog;
- the date, times, duration and any possible explanation for the barking;

A 'Barking Dog Diary' template can be found on the Council website under the nuisance animals section. <https://www.mildura.vic.gov.au/Services/Animals-Pets/Nuisance-Animals>

Council strongly advises downloading this template, printing it off and completing it for 14 days before returning it via email. All barking dog diaries must be signed and dated upon completion before being returned to Council. An example of the 'Barking Dog Diary' can be seen below.

Barking Dog Diary				
NAME AND ADDRESS OF DIARY-KEEPER:			ADDRESS OF NUISANCE DOG:	
Name: _____			Address: _____	
Address: _____			_____	
PHONE NUMBER: _____			Phone Number: _____	
DATE	START TIME	FINISH TIME	BARKING FOR HOW LONG	POSSIBLE EXPLANATION (People passing, weather, other animals, sirens, etc.)
18/5/2021	9.20am	9.52am	32 Minutes	Cyclist rode past

After the second complaint has been lodged, Council will contact the dog owner again to inform them of the complaint. The owner of the dog will be given another chance to implement barking dog measures and advised of Council's process going forward if the barking is not rectified.

Stage 3

If during the 2 weeks that you are recording the barking dog diary you notice no improvement or the problem still persists, it is advised to contact Council again and update us on the situation.

Once Council have received a third complaint a 'Door Knock' will be conducted in the neighbourhood. During this door knock a Civic Compliance Officer will contact surrounding properties to investigate if other residents are experiencing problems with barking dogs in the area and if so, which property the barking is coming from. Council will not provide information relating to the complainant or the dog owner during this door knock.

If the door knock uncovers no other complaints, where no other residents are experiencing problems with barking dogs, Council will consider the matter a 'Civil Dispute' and provide information to the original complainant to contact the Dispute Settlement Centre of Victoria.

If the door knock uncovers multiple complainants, Council will ask these separate complainants to also start to record a 'Barking Dog Diary'. The original complainant will also be asked to continue recording a 'Barking Dog Diary'. After 14 days all diaries will be collected and compared.

All completed diaries are then reviewed by a Civic Compliance Officer. If after reviewing the diaries Council consider the dog/s are creating a nuisance, Council will proceed to stage 4.

Stage 4

If after completing all previous steps the nuisance barking continues to remain a problem Council may choose to issue an infringement.

In cases where infringements may have been issued multiple times and barking continues to be a problem, Council may be left with no choice but to take the matter before the Magistrate's Court.

Stage 4 can only proceed if Council has been able to establish that:

- There is a case to answer;
- All avenues to rectify the issue have been exhausted;
- There is sufficient evidence provided; and
- You are prepared to attend the Magistrate's Court to give evidence if required.

It is important to understand that as a/the complainant you must be committed to working with Council and our Civic Compliance Officers throughout the barking dog process. We understand that this can be a challenging and often testing time but cooperation is crucial to achieving a resolution.

Should you have any further questions please contact Mildura Rural City Council on (03) 5018 8100 and ask to speak with our Civic Compliance Department.

Privacy Collection Statement:

Mildura Rural City Council collects Personal and or Health Information for municipal purposes as specified in the Privacy and Data Protection Act 2014. The information collected in this form is used only for the purposes specified (primary purpose) and is not passed on to third parties. Council may disclose this information but only if authorised or required by law. Council may not be able to process your request unless sufficient information is given. Should you need to change or access your personal details, or you require further information regarding Council's Privacy Policy please contact Council's Privacy Officer.