

Barking Dog Investigation Process

Introduction

This fact sheet aims to help residents understand what to do if they are affected by a barking dog. It also describes Council's process for investigating barking dog complaints. Resolving barking dog complaints can take time and can be challenging to resolve.

There are laws that apply to nuisance barking in NSW under the Companion Animals Act 1998, and you can find further information at www.legislation.nsw.gov.au – refer to Companion Animals Act 1998, Section 32A Nuisance Dogs.

Why dogs bark

Barking is one way dogs communicate. Some reasons that dogs bark include:

- They are being territorial;
- They are playing, attention seeking or bored;
- They are being provoked intentionally or unintentionally;
- Other wildlife or pets are disturbing them;
- They are hungry, thirsty or have a poor diet;
- They have not been appropriately trained;
- They have separation anxiety; and
- They are under exercised or neglected.



If you suspect a dog is being mistreated or neglected, contact the RSPCA on 1300 278 358 or visit www.rspca.org.au.

What can I do about my barking dog?

Taking care of a dog's basic needs can sometimes be the answer to reducing nuisance barking, including:

- Exercising and playing with your dog;
- Making sure your dog has plenty of food, water and shelter;
- Leaving toys out for your dog to play with when you're not home;
- Making sure your dog receives veterinary attention when needed;
- Additional training for your dog, e.g. obedience school;
- Removing the direct line of sight from people or other animals if this is the cause; and
- Keeping your dog inside at the times the barking is at its worst.

What should I do if my neighbour's dog is barking?

If your neighbours' dog is barking and causing a nuisance, the steps you can follow are:

1. Discuss

Speak to the dog owner first. How you do this is your decision. You may decide to talk to the owner or write them a polite letter. The dog owner may not realise the barking is causing a nuisance.

Be courteous when contacting the dog owner. They may not know how to go about fixing the problem and may need you to assist them with information about the barking.

2. Wait

If the owner agrees to do something about the barking, please wait a few weeks to see if they have been successful in their efforts.

3. Contact Community Justice Centre (CJC)

The CJC specialise in mediating differences and disputes between neighbours. This service is free, voluntary, available to all residents and can be conducted locally. We encourage this as an option as it can be quicker at resolving the barking, than a Council investigation. You can contact the CJC on 1800 990 777 or through www.cjc.nsw.gov.au.

4. Lodge a complaint to Council

If attempts to resolve the matter have not reduced the nuisance barking, a written complaint may be lodged with us.

Visit our website at www.camden.nsw.gov.au and either:

- Fill in the **barking dog e-request form online**,
- **Complete the PDF barking dog form** and email to mail@camden.nsw.gov.au, or
- Call our customer service officers on 13 22 63.

It is important that as much information as possible is provided to help us investigate the matter. Information provided may be used as evidence in a court.

Investigation process (first complaint)

1. Once we receive all the required information, we will contact the dog owner and arrange to meet them. We will provide them with details about the complaint and give them information to help manage their dog's behaviour. We don't pass on any personal details of who made the complaint to the dog owner.
2. We will let you know that we have spoken to the dog owner.
3. We will allow four weeks for the dog owner to modify the dog's behaviour.

Investigation process (second complaint)

1. If the barking is still causing a nuisance, we will continue into the next phase of the investigation process.
2. You will be requested to complete another **Barking Dog Form**.
3. We will contact you to obtain any additional information and explain the action we are intending to take
4. As part of the process you may be required to fill out a Barking Dog Diary to show what time the dog is barking, the frequency of barking and how it is affecting you.
5. We will speak with the dog owner and tell them that further complaints have been received.
6. We will assess all evidence provided and if we are satisfied that the barking is a nuisance, we will continue with the investigation. No further action will be taken if we are unable to prove the barking is a nuisance.

If we continue the investigation we will:

1. Perform patrols at the times the barking has been identified as a nuisance (usually during Council's business hours) to gather further evidence.
2. If further evidence is required, we will send out surveys to surrounding neighbours to see if they are also affected by the nuisance barking.
3. Once all evidence has been assessed we must be satisfied the barking is a nuisance before taking any action against the dog owner.

The action we can take will depend on the circumstances but may include:

- Issuing a Barking Dog Nuisance Order (most likely action);
- Issuing a Noise Abatement Direction;
- Issuing a Prevention Notice; and
- Issuing fines when a breach is found after any of the above are issued.

What can you do if council is not satisfied the barking is a nuisance?

Where we don't have sufficient evidence, are not satisfied that the barking is a nuisance, have decided that no further action is justified, or if you do not wish to follow Council's process, you can seek civil action via a Noise Abatement Order from a Local Court.

The burden of proof required for an order to be issued, as a civil matter, is less than that required for legal proceedings taken by Council. The magistrate may make a ruling on 'the balance of probabilities' based on the evidence provided, rather than proving 'beyond reasonable doubt' which Council must achieve.

To apply for an order, contact the registry at your local court. Contact details for your local court can be found at www.lawlink.nsw.gov.au

Further information about dealing with barking dogs can be found at the NSW Environment Protection Authority Dealing with barking dogs webpage www.epa.nsw.gov.au/your-environment/noise/neighbourhood-noise/dealing-with-barking-dogs

Some barking dog investigations can be more complex and may require a different approach by Council than outlined in this sheet. Noise from commercial dog kennels may be investigated in a different manner.



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13 22 63



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