

Barking Dog Investigation Process Information Package



Introduction

Investigating barking dogs is one of the most challenging for Council to resolve. This information sheet will help residents understand what they can do if they are affected by a barking dog and Council's investigation process.

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 of the ways dogs communicate. Some reasons are:

- Territorial;
- Playfulness;
- Provoked intentionally or unintentionally;
- Wildlife or other domesticated pets;
- Chained to a fixed point;
- Hungry or thirsty;
- Under exercised or not exercised at all;
- Untrained;
- Separation anxiety;
- Boredom;
- Attention seeking;
- Sick or poor diet; and
- Being 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 should I do if my neighbour's dog is barking?

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

1. Discuss

Speak to the dog owner. How you do this is your decision. You may decide to talk to the owner or if you think they are unapproachable write them a letter. If you do not feel comfortable writing your own, a sample letter can be found on our website www.camden.nsw.gov.au. Be courteous when contacting the dog owner. They may not realise that the barking is causing a nuisance 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)

CJC are government-funded centres that specialise in mediating differences between neighbours. This service is free, voluntary and can be conducted at local centres. You can contact the CJC on 1800 990 777 or through www.cjc.nsw.gov.au.

4. Lodge a complaint to Council

Efforts to resolve the issue through contacting the owner and CJC are advised before contacting Council. If attempts to resolve the matter has 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 form online,
- Complete the PDF barking dog form and email to mail@camden.nsw.gov.au, or
- Contact Councils Customer Relations Team on 4654 7777.

We will not investigate anonymous complaints or forms that are not filled with all information required. Providing the barking dog form, you are agreeing to act as a witness in court and provide evidence if required.

Investigation process (first complaint)

1. We will contact the customer of the complaint and outline our investigation process.
2. We will send the owner(s) of the barking dog(s) a letter advising that a complaint has been received and provide an information package.
3. The complaint will be closed.

Investigation process (second complaint)

A second complaint will not be investigated until at least 6 weeks after the first complaint has been closed. To lodge a second complaint please contact Councils Customer Relations Team on 4654 7777.

1. We will contact the customer of the complaint and outline our investigation process.
2. We will speak with the owner(s) of the dog(s) and advise them that a second complaint has been received.
3. We will assess all evidence provided and the officer will either:
 - a. take no further action if not satisfied the barking can be proved as a nuisance
 - b. continue with the investigation if the officer is satisfied the barking is a nuisance.

If we continue the investigation we will:

1. Perform patrols at the times the barking has been identified a nuisance (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 affected by the nuisance barking.
3. As part of the survey you will be required to fill out a barking dog diary to show what time the dog/s are barking and how it is affecting you.
4. Once all evidence has been assessed the investigating officer will either:
 - a. close the investigation if not satisfied the barking is a nuisance, or
 - b. take action against the owner(s) of the barking dog(s)

The action we can take will be dependent on the situation but may be:

- Issue a Nuisance Order;
- Issue a Noise Abatement Direction;
- Issue a Prevention Notice; and
- Issue any 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 have decided that no further action is justified, the customer can seek a Noise Abatement Order from a Local Court.

The burden of proof required for an order to be issued, which is a civil matter, is less than that required for criminal enforcement action 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 do.

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

SOME BARKING DOG INVESTIGATIONS ARE MORE COMPLICATED AND MAY REQUIRE A DIFFERENT APPROACH BY COUNCIL THEN OUTLINED ON THIS INFORMATION SHEET



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4654 7777



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