

NUISANCE DOGS

Fact Sheet for affected residents

The Shire of Bridgetown has rules for the management and control of dogs within its boundaries; these rules are consistent with the Dog Act 1976, other relevant legislation and are designed to encourage responsible pet ownership. The following information is provided to address FAQ's and common issues.

Q: What constitutes a Dog Noise complaint?

A: A dog noise complaint is where a dog makes a noise by barking that persistently occurs or is allowed to continue to such a degree that it unreasonably interferes with the peace, comfort or convenience of any person in any place.

Q: Is there anything I can do to try and resolve the barking?

A: Yes, there are ways that you can try and resolve the issue yourself. In many cases, owners are unaware of the barking issue, so taking the time to speak with them may alert them to the problem so they can take the necessary steps to address the nuisance.

If you are uncomfortable approaching your neighbours, you may leave a "Dog Noise Card" in their letter box (see attached) as this will again alert them to the issue and hopefully assist in rectifying the barking problem.

Q: I have tried talking with my neighbour but nothing has changed, can the Shire help me?

A: If any of the above steps fail to help with the barking issue, the Shire can intervene and will contact the dog owner and offer some helpful tips and information, making them aware of the possible nuisance being caused by their dog(s). We will then allow the dog owner approximately nine (9) days to take action to try and reduce or alleviate the barking. Generally after contact is made by a Ranger no further action is required, however should the problem continue, we will require further information from you to help address the problem.

The Laws controlling dog noise nuisances are prescribed under State Legislation within the WA Dog Act. A local Court may take action against a dog owner if the complainants are affected by the dog(/s) noise and are willing to declare it in writing (and in a Magistrates Court if need be). For this to occur, the Shire uses a "Dog Noise Diary" as per s.38(1)(c) of the Dog Act 1976 to provide written evidence on the times and the extent of the barking. Depending on the circumstance, you may also be asked to complete a victim impact statement.

Convincing a dog owner to change their pet's habits is not always easy, and the more information and evidence we have, the easier it usually is to explain the problem to the dog owner and to change the behaviour. During this time the ranger will work with the dog owner to assist in addressing the issues.



Keeping a record – “Dog Noise Diary” (the 10 day diary) s.38(1)(c)

We will provide you with a “10 day diary” to make things a little easier in recording the problem times. This diary is to be filled out over ten (10) consecutive days. The reason for it being over 10 consecutive days is to ascertain the continuity of the problem barking. We understand that you may work and may not be at home for periods of time throughout the day, but if all the barking times are noted whilst you are at home it will help us gauge the extent of the nuisance. The guidelines for filling out the diary are to be strictly adhered to as this will enable the Shire to make a fair and accurate assessment of the alleged problem, and also have the necessary evidence to prove a case in Court if need be.

Q: So what happens from here?

A: Once the diary has been accurately completed and returned to the Shire of Bridgetown-Greenbushes, we will provide the dog owner a copy of the diaries that outlines the times when their pet is a problem. (Your name and address will be deleted). This information is often the key to success as the dog owner can examine the days and times of the nuisance and take necessary steps to rectify the problem.

Ranger Services will give the owner further advice on how they can address the barking issue. Changing the behaviour of a nuisance dog can sometimes take a few days or even weeks and providing efforts are being made by the dog owner to address the problem we will work with them in order to gain a successful outcome. If however there are no attempts made to address the problem further action may be necessary.

Q: If the dog owner refuses to co-operate

A: If the dog owner refuses to co-operate, the process becomes quite formal.

We will serve an Abatement Notice (a legal document) on the dog owner requiring them to take all reasonable steps to abate the noise. They have 14 days to successfully abate the noise.

Legal Action

If this abatement notice is ignored, the Shire will consider its options in respect to taking legal action. Legal action is not automatic and depends upon a detailed assessment of each individual case.

Should Court action be necessary, we will require you to appear as a witness in Court as indicated by your signed Declaration on the Complaint Form. A witness summons will be issued for your attendance in Court.

If you or any of the other people affected by the dog noise do not wish to do this, then the Shire cannot proceed with the matter.

It may also take some time to obtain a Hearing Date at the Magistrates Court. During this period you may wish to keep an up to date record of the noise and the effect it has had on you.

Q: What if I make a false complaint?

A: Making a false report (for whatever reason) may result in possible court action (legal or civil) being initiated against you by the Shire, the dog owner or a third party for providing a false declaration.

Still not sure of what to do?

Contact the Shire of Bridgetown-Greenbushes Rangers on 08 9761 0800 for more information.



Dear Neighbour / Dog Owner

We would like to advise you that your dog is causing concern with its level of:

- Barking** **Howling** **Crying / Whining**

It is observed that this mainly occurs:

- At night** **When you're not home**
 All day **On weekends**

Further Comments:

Date:

We request that you please take steps to address this issue.

For your information, dogs may bark for many reasons – you can help prevent this by:

- Giving your dog plenty of exercise
- Providing toys / bones
- Ensuring your dog has adequate food, water and shelter
- Ensuring your dog is comfortable (e.g. not too hot, cold, wet or in pain)
- Arrange proper veterinary care for your dog, as required
- Consider seeking professional advice from a vet or animal behaviourist.

Thanking you in advance,

Your concerned neighbour

This letter has kindly been supplied by the Shire of Bridgetown-Greenbushes Ranger Services

COMPLAINT AS TO A NUISANCE CREATED BY A DOG

Form 7 – Dog Act 1976 s. 38(2)

This form is to be completed and submitted in conjunction with a Dog Barking Diary.

To The Shire of Bridgetown-Greenbushes

Take notice that a dog, believed to be a

Breed of kind of dog and, if known, its name, gender and any identifying marks

Has created a nuisance by

Describe details of the alleged nuisance, including the kind of nuisance

The dog believed to be owned by

Name and address of the person believed to be the owner

And is ordinarily kept at

Where the dog is ordinarily kept, if know

And I/we

of

of

Name and address of each person making the complaint

Request the local government to institute proceedings if the nuisance does not stop and undertake —

- (a) to give full information to the local government as to this matter; and**
- (b) to appear in court and give evidence as a witness to the truth of this complaint.**

To be signed by the complainant/s:

signature

signature

date

date

