



DEALING WITH BARKING DOGS



Ararat Rural City

INTRODUCTION

Ararat Rural 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.

WHY DOGS BARK Dogs bark for many reasons. The following are some of the main reasons why dogs bark:

- lack of exercise,
- boredom,
- inadequate shelter from weather conditions,
- hunger or thirst,
- a medical condition,
- provocation,
- disturbances,
- changes to family structure,
- movement outside the dog's property,
- a new property for a dog or a new puppy settling in to new surrounds.
- Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. Remember, a dog's idea of an 'intruder' may differ to that of the owner. It could include cats, possums, other dogs, or even birds flying across the property.
- **STEP 1 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. The dog owner may not even be aware of the problem if the dog is only barking when they are out.
- **STEP 2 LODGING A COMPLAINT WITH COUNCIL** If your neighbour takes no action or does not agree that there is a problem you can contact Council with your complaint. You can lodge the complaint by completing an statutory declaration (as attached) or download the form via the Department of Justice website, www.justice.vic.gov.au .
- The statutory declaration must contain the following information: • Your name, address and phone number • Address of the offending dog/ dogs • The breed/colour of the offending dog/s • If you have spoken to the dog/s owner • When you believe the dog/s barking is an issue • Any other information you feel maybe useful The statutory declaration must be witnessed by an appropriate person to do so (list provided)

Before commencing an investigation Council will write to the dog owner advising that it has received a complaint about a barking dog, enclosing information about barking dogs and some possible solutions. Many people respond positively to this letter. Council therefore asks you to monitor the situation for 2 weeks or longer if you wish and advise whether the problem has been fixed or still exists

STEP 3 WHAT HAPPENS IF THE PROBLEM STILL PERSISTS? If the problem continues Council will:

- 1) appoint an animal management officer to investigate your complaint including discussing possible solutions. If the dog owner is cooperative and willing to try to solve the problem, Council's officer may work with the dog owner. This is often the quickest way to solve the problem as court can take some time. This will commence an investigation into the matter. Both you and the dog owner will be given diaries to fill in for a nominated 2 week period. At the end of the period you must return these to Council without delay. If there is more than one member of your family affected each adult should complete their own diary.
- 2) 2) explore the possibility of mediation with the Department of Justice Dispute Settlement Service. This service has been effective in many difficult situations. If you unreasonably refuse mediation Council may discontinue its investigation

HOW TO COMPLETE A BARKING DOG DIARY Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in court. Please create a detailed diary over a two-week period as the example indicated below, and attach the diary with the complaint form.

This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.

PERSONS WHO CAN WITNESS STATUTORY DECLARATIONS

Section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (as of 24 August 2011), (previously Evidence Act 1958), reads: 1) Any of the following persons may witness the signing of a statutory declaration: a) a justice of the peace or a bail justice; b) a public notary; c) an Australian lawyer (within the meaning of the Legal Profession Act 2004) d) a clerk to an Australian lawyer; e) the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court; f) the registrar of probates or an assistant registrar of probates; g) the associate to a judge of the Supreme Court or of the County Court; h) the the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court; i) a person registered as a patent attorney under Chapter 20 of the Patents Act 1990 of the Commonwealth; j) a member of the police force; k) the sheriff or a deputy sheriff; l) a member or former member of either House of the Parliament of Victoria; m) a member or former member of either House of the Parliament of the Commonwealth; n) a councillor of a municipality; o) a senior officer of a Council as defined in the Local Government Act 1989; p) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); q) a person registered under the Health Practitioner Regulation National Law – i) to practise in the dental profession as a dentist (other than as a student); and ii) in the dentists division of that profession; r) a veterinary practitioner; s) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student); t) a principal in the teaching service; u) the manager of an authorised deposit-taking institution; v) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the Institute of Public Accountants; w) the secretary of a building society; x) a minister of religion authorised to celebrate marriages; y) a person employed under Part 3 of the Public Administration Act 2004 with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification; z) a fellow of the Institute of Legal Executives (Victoria). 2) Despite anything to the contrary in any Act, a person referred to in paragraph (c) or (d) of subsection (1) is not prevented from witnessing the signing of a statutory declaration only because he or she is – a) acting for any of the parties to the proceeding or matter in respect of which the declaration is made; or b) a clerk to a person so acting. 3) If the signing of a statutory declaration purports to have been witnessed by a person referred to in subsection (1), all persons to whom that declaration comes must take official notice of that declaration and of the qualifications of the person referred to in that subsection to witness that signing.

