

About this 'nuisance pack'

You may use this form if you wish to make a complaint about a barking dog being a nuisance in your neighbourhood. Included with this pack is *Barking Dog Allegation* form, *Barking Dog Diary Sheet*, *Information on Barking Dogs* and *Barking Dogs – Frequently Asked Questions*. To support your allegation, you will need to complete and attach a diary sheet. The forms in this pack are in keeping with Council's *Local Law No. 2 (Animal Management) 2011*.

Information Privacy Act 2009

Barcaldine Regional Council is collecting your personal information in accordance with the *Environmental Protection Act 1994*. The information collected on this form will be accessed by authorised Council officers for the purpose of investigating complaints and ensuring Council records are accurate. Your information will not be accessed by any other person or agency unless you have given us permission or we are required to do so by law.

How to complete this form

1. Ensure that all fields have been filled out correctly on the allegation notification and diary sheet
2. Once completed you can submit this form by facsimile, mail and in person. Please refer to the Lodgement details section for further information

Receiving your Complaint

Once we receive this completed form and a diary of events we will contact you to discuss our next actions. Please note that any ensuing investigation will require your further assistance and may necessitate you appearing in court to describe the problem.

Please add a separate statement if there is not enough space on this form (please note - additional space overleaf)

Complainant Details

Full Name: _____ BRC Complaint Number: _____

Postal Address: _____

Physical Address: _____

Email: _____

Day Contact Number: _____ Mobile Number: _____

Most convenient contact time: _____

Do you give permission for your details to be released to the alleged source – if required? ☐ Yes ☐ No

Who do you allege is the source of the problem?

Full Name: _____

Organisation: _____

Postal Address: _____

Physical Address: _____

Contact Number: _____ Type of premises: ☐ Residential ☐ Commercial/ Industrial

Have you spoken to this person/company/business about the problem? ☐ Yes ☐ No

Description of the problem - i.e. What is it that concerns you, what is causing the problem?

Details of the problem

When does the problem occur?
(time and days) _____

How long does it last for? _____

How often does it occur? _____

How long has the problem existed? _____

When is the problem most annoying to you and why? _____

Where does the nuisance effect you?
(i.e. Inside your home? Which room?) _____

Have you kept a diary regarding the nuisance? (stating when it occurred and how it affected you)

☐ Yes If yes, please enclose copy of diary

☐ No If no, please complete the enclosed diary forms over the next seven (7) days, so that it is possible for us to assess the extent of the problem and return them together with this completed complaint form

Additional Comments

Declaration

I acknowledge by virtue of s110A(5)(c) of the *Justices Notices Act 1886* that:

1. This written statement by me is true to the best of my knowledge and belief; and
2. I make it knowing that, if it were admitted as evidence, I would be liable to prosecution if I stated in this statement anything that I knew to be false.

Signature _____

Date: _____

Lodgement of your application

MAIL Post to 'PO Box 191, Barcaldine QLD 4725'

Email: council@barc.qld.gov.au

IN PERSON Alpha 43 Dryden Street, Alpha
Aramac 35 Gordon Street, Aramac
Barcaldine 71 Ash Street, Barcaldine

TELEPHONE 07 4651 5680
07 4651 5650
07 4651 5600

Barking Dog Diary Sheet

About this 'nuisance pack'

You may use this form in addition to support your *Barking Dog Allegation*. The forms in this pack are in keeping with Council's *Local Law No. 2 (Animal Management) 2011*.

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Complainant Details

Full Name _____

BRC Complaint Number _____

Who do you allege is the source of the problem?

Full Name _____

Organisation _____

Postal Address: _____

How to complete a barking 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 minimum of a seven (7) full day period as the example indicated below.

When completing over a seven (7) day period, include each and every day in consecutive days and indicate times or days when you are absent from your property. All information provided will assist Council and the dog owner when determining peak barking times.

If there is more than one (1) dog on the property, please state which dog is barking (e.g. large white dog or small brown dog). If all dogs on the property are barking, write that all are barking.

Date	Time barking Started	Time barking stopped	Barking for how long?	Are people at home at the dog's property?	Reason for barking (for example, person walking past, weather, another animal, postman)	What were you doing at the time that barking interfered?

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Signature _____

Date _____

Lodgement of your application

MAIL Chief Executive Officer, PO Box 191, Barcaldine QLD 4725

Email: council@barc.qld.gov.au

IN PERSON Alpha 43 Dryden Street, Alpha
Aramac 35 Gordon Street, Aramac
Barcaldine 71 Ash Street, Barcaldine

TELEPHONE 07 4651 5680
07 4951 5650
07 4651 5600

Information on Barking Dogs

All dogs bark, but some barking dogs become a real neighbourhood nuisance – greatly reducing the quality of life for their neighbours and increasing neighbourhood tensions. Barking dogs are the most common animal behaviour problem Council is asked to deal with.

Ongoing barking is often a symptom of another problem, and taking time to understand what makes a dog bark – especially your pet or other dogs in the neighbourhood – is the first step towards solving this problem, both for the dog involved and the neighbours.

Why Do Dogs Bark?

- Dogs are social animals and often bark when they are lonely;
- Separation from an owner can cause stress or anxiety to a dog;
- Barking may also be a result of boredom and frustration;
- Barking is the dog's way of getting attention from the owner;
- Dogs bark out of fear – this can be fear of other people, objects or other dogs;
- Dogs bark when there is a threat to their territory;
- Play; playing with your dog often stimulates barking; and
- Some breeds have a reputation for barking

Can you control Barking?

The most important first step is to work out why your dog is barking. Once you know the symptom, you can find the cure. Barking can be controlled through several small behavioural changes. Some behavioural changes could be as small as walking your dog twice a day to relieve boredom.

Dogs are social animals and require a certain amount of interaction on a daily basis. If your dog barks when you are away from the premises then it is probably due to loneliness.

An easy way of combating this is to provide your pet with stimulants such as balls and chew toys to keep them occupied whilst you are away. It can be handy to leave the radio on and to leave something that belongs to you such as an old shoe.

Try giving your dog a bone when you leave the house. This will teach your dog that when you leave there is a positive reaction.

A fence that is correctly designed to restrict your dog's vision will help reduce the barking. Obedience training and discipline are also very important when trying to stop a barking problem. A dog can be trained alone, and to bark only on command.

My Neighbour's Dog Barks – What Do I Do?

Talk to your neighbour as soon as the problem arises. They may not be aware that their dog is barking or that their dog's barking is bothering you.

Give your neighbour this information and if the barking persists after a week or two, speak with your neighbour again to provide feedback.

If your neighbour is unapproachable, or does not agree that a problem exists, you should contact Council for further advice.

Excessive Barking

Excessive barking is an offence and Council staff will respond to reported barking problems. Initially the owner will receive an administrative letter. If the problem continues and further complaints are reported, Council will investigate.

Irresponsible owners who fail to comply with Council recommendations can face significant penalties including on the spot fines of up to \$630.00.

Council staff can help you with barking problems in the community so that you do not have to suffer the nuisance caused by dogs that make too much noise.

Guidelines for Excessive Barking

The following guidelines are used to determine if the noise is excessive:

- a) The noise is made for more than a total of 6 minutes in an hour between the hours of 7:00 am – 10:00 pm; or
- b) The noise is made for more than a total of 3 minutes in any 30 minute period after 10:00 pm and before 7:00 am.

Barking Dogs – Frequently Asked Questions

Q This pack is for Nuisance Complaints under the Environmental Protection Act 1994. Why do I have to complete the nuisance pack?

A Council has to ascertain if the complaint is valid prior to carrying out an investigation. The completion of the 'nuisance pack' allows us to do this.

Q What happens after I have completed and returned the 'nuisance pack'?

A Council Officer will assess it and decide if it is a justified complaint. If they feel that it is not they will send out a 'rejection notice' stating why the complaint is rejected. This letter will also detail an appeal process if you are not happy about the 'rejection notice'. If the complaint is accepted contact will be made with the person being complained of and a request made to them to assess their activities and amend accordingly. During this time you will again be requested to keep a diary of the events for a further 2 week period. If after this time you feel that the problem has been resolved the complaint will be closed. If you still feel that you are experiencing a nuisance a Council Officer will arrange to visit your place three times, to assess the problem. If during these visits the Council Officer witnesses a nuisance a notice will be served on the person causing/responsible for the problem. If however a nuisance is not witnessed during these three visits the complaint will be closed for at least three months.

Q How does a Council Officer assess nuisance?

A The Council Officer has undergone extensive training and usually has a wealth of experience to draw upon. There is no definition of nuisance in Legislation however there is guidance with regard to how it should be assessed and this takes into account many issues including for example how often the problem occurs and the severity of the problem. The Council Officer may take noise readings of the event/s or photos etc as well as detailed notes so that they are able to describe clearly the problem.

Q What happens after a notice has been served?

A Once a notice has been served the person causing the nuisance has a certain time in which to control the problem. Once this time has expired the Council Officer may arrange up to six visits at times of your choosing to assess the problem. If during one of these visits a nuisance is found to be occurring then either an on the spot fine will be issued for 3 penalty units (currently \$126.15 per penalty unit) or the case will be taken to court where a maximum fine of up to 30 penalty units can be made.

Q If the case goes to court will I have to give evidence?

A To help us in any legal action the more information that can be supplied to the court the better. As such your testimony as well as the diary that you have been keeping will prove to be essential in any successful court proceedings.

Q Are there any other ways of solving the problem rather than continuing with the complaint and possible legal action?

A We believe it is important for people to discuss the problem with each other so possibly have a chat with your neighbour as they may be unaware that they are causing you distress. A formal dispute resolution system is available to people who would like somebody to help them discuss the issues together.

Q How do I complete the diary?

A Please put in the date that the problem occurs, the time at which it starts and finishes, the type of problem i.e. noise from DIY work or barking dog. The final column is there for you to state where you witnessed the problem i.e. in the lounge and how it affected you i.e. if it was noise it could be that the noise stopped you from being able to hear the television.

Q Will the person who I complained about be told it was me who complained?

A It is policy not to reveal the details of complainants. We often find that the person being complained about usually has a good idea who has complained about them, but we will not confirm their suspicions. Please be aware that if the case did go to court, it is likely that your details would have to be released.

Q How long can it take for the problem to be resolved?

A It is impossible to say how long it will take to resolve a problem. We only have control over the activities we cover and we can set down performance criteria for ourselves however we obviously need to rely on you for providing information and possibly the availability of court times. As such it can take just a matter of weeks if the person responds to our requests or many months if we need to take the matter to court.