

# Barking Dog Information Pack

## Resolving Animal Noise Nuisances in your Community

Council recognises the important roles pets play in people's lives through providing companionship and security. Sometimes an animal's activities may be causing a negative impact in the community, without the owner being aware.

Communication is key to preventing such problems from escalating and also to help maintain community amenity. Council's involvement should be seen as a last resort to resolve a neighbourhood matter as opposed to the initial response. This guide can assist in resolving concerns between neighbours over issues relating to animal noise.

Please be advised that addressing these issues can be a lengthy process.

Please note there is a difference between an annoying noise and a noise nuisance as defined under Council's Local Laws.

In this document:

'Customer' means the person making the complaint, and 'Owner' means the owner or keeper of the dog

### Step 1: Contact your neighbour\*

In many cases a pet's owner may not be aware that their animal's behaviour could be having an adverse effect on neighbouring properties. Often the behaviour may be occurring whilst the owner is absent.

First, try talking to your neighbour about the issue. There is a Sample Letter contained in this pack which you can use as a guide for contacting your neighbour in writing.

Ultimately the most positive outcomes in these types of issues come about through respectful and constructive communication between the affected parties. Patience and tolerance from both parties is important whilst attempting to resolve these issues. Animal noise nuisances often occur due to underlying behavioural issues in the animal which may require time to rectify.

*\*NOTE: If Step 1 is not a viable option, you may lodge a formal complaint by submitting a Dog Noise Nuisance Statement Form to Council as per Step 2.*

## Step 2: Formal Complaint (Dog Noise Nuisance Statement Form)

It is essential that this complaint is lodged in writing using the Dog Noise Nuisance Statement Form, providing as much detail as possible to enable Council to investigate further. Council has included a copy of the Dog Noise Nuisance Statement form in this pack. Please complete all fields and return a copy to Council.

Upon receipt, a Council Officer will assess the information and make contact with both the customer and the dog owner. Officers will assess the underlying cause of the animal behaviour, whilst ensuring that the dog owner is reminded of their obligations under law to ensure their animal does not cause a noise nuisance.

It is important that the dog owner is given a reasonable amount of time to address any identified issues. Council adopts a solutions-focused approach to these matters and in most cases positive outcomes are achieved from this intervention. If, however, the issue remains unresolved after 14 days, the complaint will proceed to Step 3.

Please note that Council is committed to the privacy principles within the Information Privacy Act 2009. In protecting confidentiality, Council will ensure that the details of the customer, the investigation and related decisions are kept confidential. While every attempt to protect confidentiality will be made, there may be occasions when disclosure of details of a customer may be legally required. For more information, please refer to the Council's Privacy Policy, available on its website.

Although anonymous complaints will be recorded, further action may not be possible depending upon the level of information provided. Due to privacy reasons Council will not be able to provide information or feedback in regard to anonymous complaints, even if you were the original customer.

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### For more information

[noosa.qld.gov.au](http://noosa.qld.gov.au)

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## Step 3: Gather evidence

If steps 1 and 2 do not achieve the desired outcome, you will be required to assist Council by gathering sufficient evidence of a suitable quality. The evidence will then be assessed for suitability by a Council Officer prior to any further action being taken.

### Why evidence is required - The Burden of Proof Rests with Council

Before a Council Officer takes enforcement action against the owner of a barking dog for causing a noise nuisance, they must be satisfied there is sufficient evidence to prove all elements of the offence and determine that the barking is coming from a particular property.

Barking can be regarded as a noise nuisance under Local Law if in the Authorised Officer's opinion, it unreasonably interferes with the quality and enjoyment of a neighbour's property.

For example, a dog's continuous barking may cause a noise nuisance if, in an Authorised Officer's opinion, its barking unreasonably disrupts or inhibits any normal activity that is ordinarily carried out in nearby premises including:

- Holding a conversation,
- Sleeping,
- Watching television.

Please note that in the event that your complaint is not corroborated by an independent party residing in the neighbourhood or by a Council Officer, Council may not be in a position to take further action in relation to the matter.

Council must be able to corroborate your complaint. This may involve surveying other residents in the area or conducting 'listening posts'. If Council cannot corroborate your complaint through these methods, further action against the owner of the barking dog may not be possible.

Before Council makes a decision to commence legal proceedings against a dog owner for a barking noise nuisance, Council must be satisfied that there is sufficient evidence to establish the offence beyond any reasonable doubt.

## Step 4: Action by Council

If a complaint is made, but the person making the complaint is unwilling to assist in providing the evidence requested above, and Council has not been able to substantiate the complaint allegation, it is unlikely the investigation will be able to progress further.

If sufficient evidence has been established to prove an offence is being committed by the animal owner, potential action may include:

- Issue of an Action Notice

- Issue of Penalty Infringement Notice (fine)
- Issue a Compliance Notice pursuant to Council's Local Laws
- Prosecute the owner of the dog in Noosa Magistrates Court.

Council has certain legal responsibilities to uphold its Local Laws and devolved State Government Legislation and may prosecute individuals in appropriate circumstances where Council is satisfied on the evidence that:

- An unlawful noise nuisance is occurring, and
- It will likely be successful in prosecuting the dog owner, and
- It is in the interest of the community to spend public money on the action, and
- No reasonable defence for the animal noise nuisance has been provided by the animal owner.

Please note that in respect of prosecuting the owner of the subject dog, **this action will only occur in exceptional circumstances** and will be determined on a case-by-case basis.

## Step 5: Facilitated discussion

If following Steps 1 to 4 do not achieve the desired outcome, you may undertake mediation facilitated by the Queensland Government Dispute Resolution Centre. Mediation involves you attending a face-to-face meeting with your neighbour and one (1) or two (2) mediators.

The mediators act as an impartial third party to guide you through a structured mediation process. They help you decide what you want to achieve and keep the discussion on track, ensuring both sides get a fair hearing.

The solution is one that you and your neighbour agree upon. It is not imposed on you by anyone else. When you reach an agreement, the mediators write it down and read it back to you so you're both clear about what you've agreed before you sign it.

Mediation for neighbourhood disputes is free, completely confidential and independent of Council. You can arrange mediation without Council's involvement.

The contact details for the South Queensland Dispute Resolution Centre appear below:

Phone: (07) 3738 7000  
Email: [drc.sq@justice.qld.gov.au](mailto:drc.sq@justice.qld.gov.au)  
Website: [www.qld.gov.au](http://www.qld.gov.au)  
Address: Level 1, 363 George Street Brisbane QLD 4001

### For more information

[noosa.qld.gov.au](http://noosa.qld.gov.au)

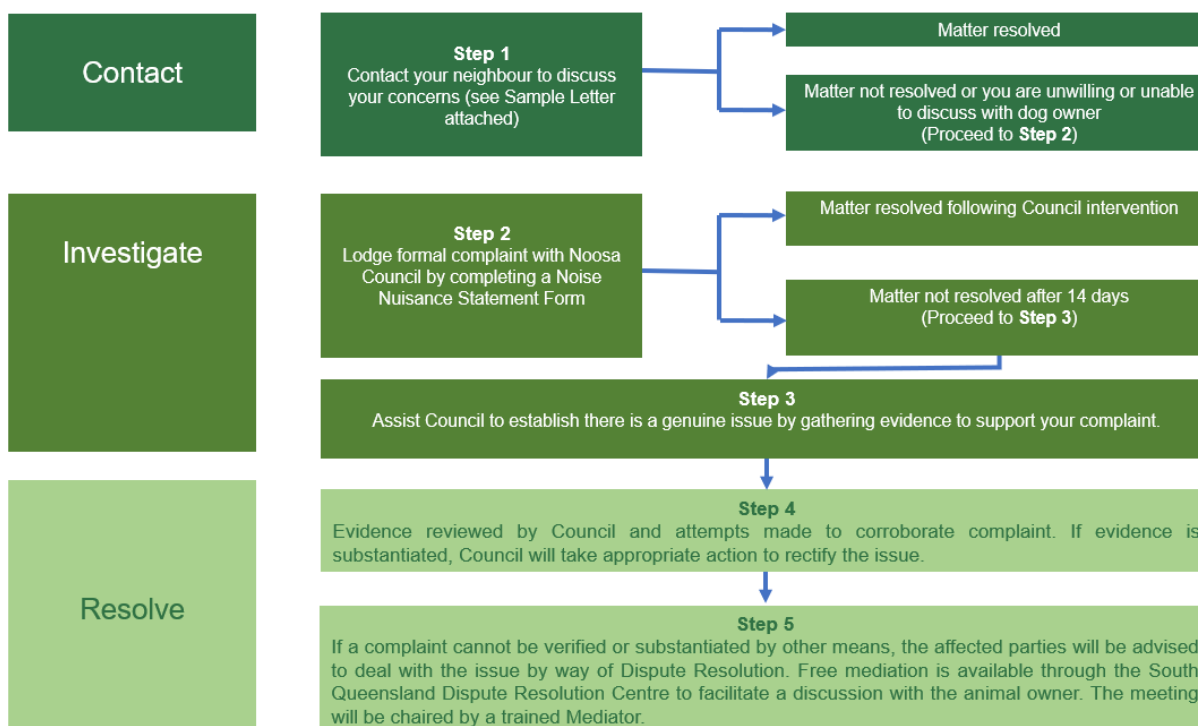
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# Resolution Process

The flowchart below outlines the process to follow in the instance of an animal related dispute.



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# Formal Complaint

## Dog Noise Nuisance Statement Form – Complaint Information

I, .....(full name) of  
.....(address)

in the State of Queensland, declare that I wish to lodge a formal complaint with Noosa Shire Council in relation to a barking dog noise nuisance. The details of the nuisance are set out below and are true and correct in all respects to the best of my knowledge.

### Required Information – please provide as much detail as possible

#### Dog details (number of dogs, breed, colouring, name, etc)

#### Address where dog is kept

#### Can you identify where the dog is normally kept within the property (e.g. inside house, front back yard)?

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<b>Times of the day or night the barking dog noise nuisance is occurring. (Must be specific dates and times)</b>
<b>Frequency and duration of the barking dog noise nuisance at those times</b>
<b>Can you see the dog barking? (If not, how can you identify the offending dog?)</b>

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<b>Are the owners at home when the barking occurs – can you suggest what may be causing the barking?</b>
<b>How long has the barking been a problem?</b>
<b>Do you believe the owners take any action when the dog barks and if so, how?</b>

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<b>Details of how the barking dog noise nuisance is unreasonably disrupting the amenity and enjoyment of your premises</b>
<b>Details of any steps you have already taken to address the issue with the owner of the barking dog. (Please attach any relevant correspondence including the date, times and how often you have spoken to the dog owner)</b>
<b>Provide any further evidence you wish Council to consider in relation to your complaint</b>

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***Please attach any diagrams or photographs to illustrate the general location of the barking dog in relation to your residence.***

By lodging this formal complaint with Noosa Shire Council, I acknowledge:

- i) I may be requested to submit audio and/or visual evidence to Noosa Shire Council to substantiate any complaint for this matter to be progressed further. This evidence must be of an unprovoked nature.
- ii) I am aware that without the submission of audio and/or visual evidence of a suitable quality to substantiate my complaint, Council may not be in a position to take action against the owner of the subject animal.
- iii) I understand I may be requested to gather community support in the form of the *Neighbourhood Noise Nuisance Support Survey Form*.
- iv) Council may also conduct a survey of other residents in the neighbourhood to corroborate my complaint. If my complaint is not corroborated by an independent party residing in the neighbourhood or by a Council Officer conducting surveillance of the area, Council may not be in a position to take further action in relation to the matter.
- v) I am prepared to act as a witness in any legal action instigated by Noosa Shire Council against the owner of the subject animal. I am prepared to attend a Magistrate Court to do so.

**Signature:** ..... **Date:** .....

**Address:** .....

**Contact Telephone Number:** .....

**Email:** .....

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## SAMPLE LETTER

Dear Friend/Community Member/Neighbour

I am not sure if you are aware, but I need to let you know that your dog/s has/ve been barking frequently when you are not home.

I thought it would be the right thing to do to bring this to your attention in the first instance so that you can address the problem.

It is not my intention to be difficult, however the barking has genuinely become a problem for us that is impacting our daily lives.

Thank you in advance for trying to find a solution.

**(Option 1)** If you require any further feedback in relation to any methods to address the barking, I am happy to assist.

My name is <insert your name> and I live at <insert your address>.

**(Option 2)** Regards, a Concerned Friend/Community Member/Neighbour

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