



## Nuisance Dog Complaints

### What powers does the council have to deal with my complaint?

Kingborough Council enforce the *Dog Control Act 2000* and implements the Kingborough Council Dog Management Policy.

### What is a Nuisance Dog?

Section 46(3) of the *Dog Control Act 2000* states a dog is a nuisance if:

- a) it behaves in a manner that is injurious or dangerous to the health of any person; or
- b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

### What do I do about a barking dog nuisance?

Under Section 47(2) of the *Dog Control Act 2000*, a formal complaint must be submitted to Council to facilitate investigation into the nuisance. This includes filling in the 'Barking Dog Complaint Form' and filling in the 'Barking Dog Record / Diary' over a two week period. Lodgement of this form will need to be made at the cashiers including the payment of the appropriate fee which can be refunded once the complaint has substance.

### Will Council act on my complaint?

Yes. The matter will be referred to a Compliance Officer who will investigate the complaint.

### Will Council contact the owner of the dog?

Yes. The officer will contact the owner of the dog and advise them that a complaint has been made.

### How does Council investigate barking dog nuisances?

Council utilises contemporary ethical investigative techniques to establish if a nuisance does or does not exist. This may include, but is not limited to, surveillance activities, interviewing of witnesses, adoption of evidence via statutory declaration etc. While the *Dog Control Act 2000* provides the enforcement tool, how Council chooses to investigate nuisance complaints remains at its full discretion.

### Why have you not demanded the owner to stop the nuisance immediately?

If the complaint has substance, Council **may** issue an Abatement Notice to allow the property owner reasonable time to abate, or remove, the nuisance. Often dog owners are unaware of the problem, particularly when the barking occurs when the owner is at work.

Some dog owners employ the services of dog behaviour specialists to help with the nuisance and it may take some time to achieve a positive outcome. In some cases there is a requirement for additional fencing or barriers to be built where the dog is sight stimulated.

### Will Council give me advice if I have been issued an abatement notice?

As Council Officers are not dog behaviour specialists or veterinarians they will not provide owners with advice on reducing any nuisance. As a general practice they will advise you to engage a professional.

**What happens after the abatement period?**

The Compliance Officer will make relevant contact after the abatement period has expired to ascertain if the nuisance has been abated. If the nuisance has abated the owner will be notified. In the event that the nuisance has not abated Council may need to conduct further investigations. This could result in the issuing of an Infringement Notice or prosecution.

**Can the owner plead ‘not guilty’ to the Infringement Notice?**

Yes. The matter is then put before the courts. You may be called as a witness in the matter.

**Will Council tell the owner my name?**

No. Your name and address will not be revealed to the owner unless the matter is prosecuted and is heard before the court. In this case you may be called as a witness and your details would be available to the other party.

**Should I expect the nuisance to stop within the abatement period?**

Generally, most owners take appropriate action within a very short period and the dog is no longer a nuisance. Often a dog owner is simply unaware of the nuisance and can take simple steps to abate the nuisance.

On occasions an owner of a nuisance dog may choose to do nothing. In this case the matter can become prolonged and may extend into many months if the case proceeds to court. Difficult matters have been known to continue past six months, though these cases are rare.



## Barking Dog Complaint Form

This document and the barking record / diary must be completed in full, signed and returned to Kingborough Council within seven days of completion (please PRINT all details).

Complainant's Name: \_\_\_\_\_  
(Your Name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
(Your Address)

Contact Phone: \_\_\_\_\_  
(Home) (Work) (Mobile)

Address of Offending Dog(s): \_\_\_\_\_  
\_\_\_\_\_

Description of Dog(s): \_\_\_\_\_  
(Colour and Breed of Dog/s)

Have you verified where the barking is coming from? YES / NO

Have you seen the dog/s barking? YES / NO

Have you spoken to the dog/s owner/s about this problem? YES / NO

Have you discussed this problem with your neighbours? YES / NO

If YES, are they prepared to support your claim? YES / NO

If YES, please supply their name and address and contact details below:

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

### Statement of Complaint

I, the undersigned, wish to lodge a formal complaint with the Kingborough Council with the appropriate fee in relation to the dog(s) described above which bark persistently to such an extent that it unreasonably interferes with my (peace), (comfort) or (convenience) in my premises and I undertake –

(a) to give full information to the Council (or relevant authority) as to this matter; and

(b) to appear in court and give evidence as a witness in relation to this complaint.

Signature of Complainant: \_\_\_\_\_ Date: / /

#### Privacy Statement

Completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Kingborough Council in order to advance the purposes of this form and to carry out Council business. The Personal Information Protection Act 2004 and Council's Privacy Policy regulate the use of this information, which will not be disclosed to any other party, except with your permission or if required or authorised by law. You may make application to access or amend personal information held by Council by contacting the Customer Service Unit on 6211 8200. Should you not provide the information sought, Council will not be able to process this form.

Office Use Only

Receipt#.....



