

# Dog Causing a Nuisance (Excessive Barking)

Thank you for your recent enquiry concerning a nuisance dog.

Included in this package is as follows:

- ❖ **Section 1** – Information for you relating to nuisance dogs and how to complete the diary.
- ❖ **Section 2** – Letter to neighbour for you to complete and information on barking dogs attached for neighbours information.
- ❖ **Section 3** – Nuisance Complaint form and Barking Diary to be completed and handed back to Rangers.

Please read **section 1** information first, once you have read all information, move on to **section 2**.

Complete the letter to your neighbour with as much detail as possible, and hand letter along with information to the owner of the dog, or place in their letterbox. Allow your neighbour a period of 7 days from receiving the letter to abate the issue. If there has been no improvement, move on to **section 3**.

Complete forms as per instructions and return to Ranger Services.

Once we have received the completed forms, we will initiate the appropriate action required. ***Please note if we receive no correspondence within 3 weeks of you receiving this package no further action will be taken by Ranger Services.***

If you have any further queries in relation to the above, please do not hesitate to contact Ranger Services on 9158 9741.

# Western Australian *Dog Act 1976*

## Section 38

### 38. Nuisance

(1) A dog shall not be a nuisance either of itself or together with other dogs whether or not in the same ownership.

(1a) Where it is shown that a dog is a nuisance in contravention of subsection (1) the occupier of the premises where the dog is ordinarily kept or ordinarily permitted to live commits an offence against that subsection unless he proves that he took all reasonable precautions and exercised all due diligence to avoid the contravention.

Penalty: Where the dog is a dangerous dog, \$4 000 and a daily penalty of \$400; otherwise, \$2 000 and a daily penalty of \$200.

(2) A dog shall be taken to be a nuisance for the purposes of this section if —

(a) it is injurious or dangerous to the health of any person;

(b) it creates a noise, by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or

(c) it is shown to be allowed to behave consistently in a manner contrary to the general interest of the community,

but not otherwise.

(3) Where 3 persons, of whom at least 2 occupy different premises, are prepared to sign and do sign a complaint in the prescribed form alleging the existence of a nuisance created by a dog the local government may serve on the occupier of the premises in which that dog is kept a notice requiring him to abate the nuisance within 14 days, and if the nuisance is not so abated the local government may institute proceedings for an offence against subsection (1).



# Barking Complaint Process

Thank you for your recent report of an alleged dog nuisance.

To obtain the best results in reaching a satisfactory outcome to this problem, it is very important that you read, and fully understand the contents of this package.

If you have any queries, or require further information on this matter, please contact the Town's Ranger Service who will be pleased to assist you.

The Town of Port Hedland Ranger Services fully appreciates that a barking dog can often severely disrupt people's lives, and erode their quality of life. However, the treatment, and solution for a barking dog is often a lengthy, difficult and complex issue to deal with.

The laws relating to an alleged dog nuisance are prescribed by State Legislation, and Local Governments are bound to follow that process.

Most aggrieved parties want "immediate action", the reality is that dog nuisance complaints are difficult to resolve for a number of reasons which may include:

- Barking is very subjective, with many different interpretations as to what is a nuisance. The degree of annoyance, therefore, varies with the location of the dog and the tolerance of the complainant.
- It is extremely difficult to collect reliable and permanent evidence of the frequency, and volume of a dog barking.
- A barking complaint may in some cases be one aspect of a dispute between neighbours, therefore, the standard of evidence from the complaints has to be of a high level, and takes time to gather.
- Dog owners are seldom bothered by their own dogs barking and are often unaware that it is causing a nuisance to others. Some dog owners have difficulty in believing that their dog barks excessively. This is usually because the dog barks when the owners are out, and when they return home, the dog stops barking, or decreases its barking to a more acceptable level.

For the reasons listed above, it is therefore extremely important that the aggrieved party approach the dog owner as soon as the dog barking becomes a nuisance.

This is the best solution to a dog barking problem, as in the vast majority of cases, if the complainant approaches the dog owner in a courteous, informative and neighbourly fashion, both parties can work together to solve their problem.

If you feel unable to approach your neighbour directly, then you should consider writing them a polite letter, stating the effects the dogs barking is having on you.

The letter should not be anonymous, as this often leads to bad feelings, and causes a breakdown in communications. You should also retain a copy of the letter for future reference and evidential purposes.

After these steps have been taken and after a reasonable time of the nuisance is continuing; or you are unable to approach the dog's owner, you are required to substantiate the allegation in writing to the Town of Port Hedland. Please find attached the prescribed form 6 (nuisance complaint form), for this purpose.

You are requested to assist in collecting the necessary evidence by keeping a barking diary, also attached. These diaries need to be as accurate as possible for a period of seven (7) days in the first instance.

A Ranger will proceed with the initial action once we have received the first seven day diaries. Initial action will include speaking to the dog owner and informing them of the situation, and discussing possible causes and solutions. Steps will be put in place by the dog owner with the assistance of the ranger to abate the issue.

If after an agreed amount of time the issue persists, you will be required to fill out a further diary for fourteen (14) days, as it has now reached the stage of evidence gathering for a court hearing. Three (3) diaries will be supplied to you and are to be kept by three (3) separate people from a minimum of two (2) properties, upon your organisation.

Upon completing the fourteen day diaries, you must understand that you may be called upon to give evidence in court; however, legal proceedings will only be taken as a last resort when all other possible remedies to abate the nuisance have failed.



# How to complete the Dog Barking Diary

To enable the Town of Port Hedland to help resolve this matter, the Dog Barking Diary needs to be completed for a consecutive period of (7) seven days in the following manner:

## DATE

The date of each instance the dog is barking needs to be recorded in every instance.

## TIME BARKING FROM AND TO

The time that the barking started and ceased barking needs to be recorded in every instance.

## COMMENTS

When the dog is heard barking, check to see if there is any identifiable cause, i.e.:

- The postman going past                       Visitors to the property.  
 Children teasing the dog (*i.e. hitting the fence with sticks/ throwing objects*)

It is also a requirement that the effect that the barking had on you is recorded. This needs to be specified i.e.

- Woke me up.                       Could not get to sleep.                       Prevented me studying.

It is **NOT** sufficient to state generalisations such as "*it is annoying*" you must be specific!

Currently (3) three complaints are necessary to proceed to Court, from a minimum of (2) two properties.

Please feel free to contact Ranger Services on 9158 9741 if you are unclear about what information is required or should you wish to ask any questions in relation to this complaint.

Please return this Dog Barking Diary to the Town's Ranger Services Section, either;

### In person to:-

Town of Port Hedland  
Ranger Services  
Works Depot Cajarina Street  
**WEDGEFIELD**

OR

### By Post to:-

To Town of Port Hedland  
Ranger Services  
PO Box 41  
**PORT HEDLAND WA 6721**

*Great care is to be taken in completing this record. The information that you provide may be used in COURT should this action become necessary. Therefore the details you provide will need to be accurate and concise.*

Dear Neighbour,

We felt that you should know that your dog is causing a nuisance by barking/howling. Rather than making a formal complaint to council we believe it best to advise you of the circumstances so that you can take action to ease the situation.

We have sought professional advice as to the possible cause of the barking/howling and as a result have attached some suggestions on how to treat the problem. Please see below information on your dog's barking/howling pattern.

Your Dog barks regularly during the: Day  Night  Both

Barking may occur: Once  A few times  continuously

Barking continues for periods up to: .....minutes

Barking is worse when you are: at home  not at home

The dog often barks just after you have left home: Yes  No

The dog barks at: Front  Back  Side Fence

Your dog appears to be barking at: Birds  Cats  Other Dogs

People passing by  Postman

Other  Details.....

.....  
.....

When the dog barks/howls it: Sits/Stands still  Runs  Plays

The dog predominantly barking is: *(if multiple dogs)* .....

.....

Please do not feel affronted that I have brought this matter to your attention, as I am trying to solve the matter amicably.

Kind Regards

Your Neighbour.

# Barking Dogs

Dogs may bark for lots of reasons such as breeding, inappropriate confinement, passing distractions, isolation, guarding, anxiety, discomfort and attention seeking. Dog's that bark excessively usually do so when their owners are not home. It is important to work out why the dog is barking so the problem can be solved.

## Tips to stop your dog barking

- Don't reward your dog for barking too much
- Don't let your dog inside or give it attention when it barks. Instead, give it attention when it's quiet
- If your dog is barking at people or noises on the other side of a fence, move it to another part of the yard, or put up a barrier to keep the dog away from that area
- A radio playing softly may help to block any noises your dog is barking at
- If your dog barks at regular disturbances such as children walking to school, the Postie or rubbish trucks, keep it inside or in an enclosed area at these times
- Ensure it has adequate exercise and obedience training
- Make sure it has food, water and shelter from the weather
- If the dog is barking at gaps and cracks in the fence, fill in the gaps
- If it is barking at passers-by, try blocking the dog's view
- Teach the dog to stop barking on command

For more information, contact your vet or an animal behaviourist such as Bark Busters on 1800 067 710, or the Dog Line on 1300 843 364. Alternatively phone the RSPCA on 08 9209 9300.

# Training tips for excessive barking

## Step 1

Determine if the dog's behavioural needs are being met.

Behavioural needs that may be poorly served in dogs that bark excessively include:

### **Exercise – is the dog adequately exercised?**

Owners should try to take their dog for a good walk in the morning before they leave for work. This can help to tire the dog out and reduce anxiety levels thereby reducing barking behaviour during the first part of the day.

### **Company – is the dog being left alone for long periods of time?**

Organising a dog 'walker' or dog 'minder' to visit the dog during the middle of the day is highly recommended. Owners may also consider trying to walk their dog in their lunch break. This provides the dog with physical and mental stimulation and is a good way of preventing barking. Owners should also look into 'doggy day care' services in their area. Dogs are social animals and generally do not like being on their own.

### **Stimulation – is the dog likely to be bored when barking occurs?**

Owners need to ensure that their dog has opportunities to be physically and mentally stimulated during the day. This may mean organising a walk during the day or dropping the dog off at doggy day care or a friends place for company during the day.

### **Oral needs – does the dog have food toys/toys to preoccupy it?**

Providing chew toys and Kong toys with food treats stuffed inside them can help to preoccupy a dog for some time. Providing a raw meaty bone can also provide hours of chewing time for the dog. Please read the knowledgebase article "What should I feed my dog?" for tips about raw bones.

Once the owner ensures that the dog's behavioural needs are being met they can proceed to **Step 2**.

## Step 2

Put in place a mechanism for making the dog actively quiet. This involves:

- a) Taking the rewards away when barking occurs
- b) Training an "off-switch"

**a) Taking the rewards away.** If the rewards for barking are identifiable it is usually possible to remove them. This allows a process of non-reward to extinguish the barking – i.e. an extinction programme.

Here are a few examples: For attention seeking barking, we can construct humane, unwelcome outcomes for barking when the owners are present. For example, if



every time the dog barks for attention the owners get up and walk out of the room, or silently turn their backs, the dog will eventually learn that barking is counter-productive. Owners need to be aware that the dog may tend to try even harder to get noticed in the early stages of this training.

Similarly, if the owners resolve to never enter the home when the dog is actively barking the dog will never associate barking with the return of their owner.

**b) Training an "off-switch".** Only when an extinction programme is in place (part a), is it time to think of ways of stopping the barking that remains.

The 8 Point Plan for training dogs to stop barking

1. Find a way of encouraging the dog to bark. You may find it will bark out of excitement in response to the door bell or if you hold its food bowl up in the air, or you may only need to use a food reward or a toy.
2. When, with a bit of friendly teasing, your dog does bark, praise it and start to repeat the word 'speak!' during the vocalisation.
3. Repeat the exercise until the dog associates the word 'speak' with the act of barking and is vocalising merrily for rewards.
4. Reserve praise and rewards for times when the dog has barked only after having heard the command to speak. This places the bark under stimulus control (i.e. puts it on command).
5. Introduce the word 'quiet!' or 'stop!' while your dog is barking on command, and give it a toy or food treat as soon as it stops barking.
6. Reserve praise and rewards for times when the dog has stopped barking only after having heard the command to be 'quiet!' or 'stop!' This places the termination of barking under stimulus control.
7. Repeat step 6 whenever the dog is barking without being told to speak. This links the signal to be quiet with the cessation of spontaneous barking. Reward liberally for all appropriate responses at this stage ....of course!
8. Issue your friendly neighbours with a supply of rewards and instruct them to repeat step 6 whenever the dog is barking.







File Number **19/08/0001** Job Number.....

# COMPLAINT AS TO A NUISANCE CREATED BY A DOG

To: The Town of Port Hedland

TAKE NOTICE that a dog, believed to be a (1).....  
(Describe breed & color of dog)

has created a nuisance by (2) .....  
.....  
.....  
.....  
.....

the dog is believed to be owned by (3) .....

and is ordinarily kept at (4) .....

and I (5) .....  
(Complainants Name)

of .....  
(Complainants Address)

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.

Dated the ..... day of ..... 20.....

.....  
Print Name Signature

(H)..... (W).....

(M).....

- (1) Insert breed or kind of dog and, where possible, its sex and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the dog is ordinarily kept.
- (5) Insert name and address of complainant.

**NOTE: A separate form is to be completed in full and signed by each complainant, all details remain confidential.** Return to Town of Port Hedland Ranger Services, Works Depot, Cajarina Street Wedgefield or fax to **9172-1914** or Post to TOPH Attention Ranger Services PO Box 41 Port Hedland WA 6721.