

BARKING DOG DIARY



In order for Council to investigate your barking dog complaint, Council must collect valid evidence to determine a genuine noise nuisance. The offence of nuisance must be proven beyond reasonable doubt. This involves the collection of various types of valid and reliable evidence. This can often be a lengthy process, so be prepared for this delay to occur. As part of this process, you (the complainant) are required to complete this barking dog diary in full, and return to Council within two days of completion.

The barking dog diary is completed over at least 5 consecutive days. The information provided in this diary will be used as evidence to assess the level of barking nuisance, as well as used to schedule activities such as inspections at the property to assess the noise. For example, if you state that the barking mostly happens when the dog's owner leaves for work at a certain time, Council will arrange for listening posts by Authorised Officers to observe the barking.

Anonymous or incomplete complaints will not be investigated, as the matter may proceed to Court. As the complainant, if you are unwilling to attend Court to give evidence, the ability to prove the claim is compromised and Council reserves the right to cease action.

Potential actions:

- If Council is unable to verify the claims, no action can be taken, hence the need for you to provide comprehensive recording of events.
- If the nuisance is proven, Council may issue the dog's owner with a written caution or formal Compliance Notice to stop the barking. If the owner fails to comply, Council can then issue them with penalty infringement notices.
- If the barking nuisance persists, Council may seize and impound the dog until the dog's owner can prove that they have taken all reasonable steps to prevent the barking from continuing. Repeated impounding for non-compliance may see a destruction order made the dog.
- Depending on circumstances Council may seek a Court Order directing the animal to be permanently removed from the premises.
- If the matter proceeds to Court you will be required to attend as a witness and give evidence to support Council's actions. Be aware that the dog's owner will potentially be present as the law states they have a right to face their accuser and be heard in their own defence.

COMPLAINANT DETAILS				Council N/A #:	
Name				Date of Birth (must be 18+)	
Address					
Town		State		Postcode	
Phone		Email			

PROPERTY WHERE ALLEGED BARKING NUISANCE OCCURS					
Address					
Town		State		Postcode	
Do you know the name of the person who owns the dog/s, or the name/s of any person/s that lives at the property?					<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please state name/s:					

PLEASE ANSWER ALL QUESTIONS. MARK BOXES WITH A ✓			
Have you made any contact with the dog owner regarding the barking issue? Prior to Council intervening with your complaint, you are required to have attempted to resolve the issue directly with the dog owner.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
What action/s have you taken to attempt to resolve the issue directly with the dog owner?		<input type="checkbox"/> Wrote a letter/note and delivered to the property <input type="checkbox"/> Delivered anonymous letter provided by Council <input type="checkbox"/> Spoke to the dog owner directly, in person <input type="checkbox"/> Spoke to the dog owner directly, via phone <input type="checkbox"/> Contacted the dog owner, via email or social media <input type="checkbox"/> Other: _____	
What response did you receive?		<input type="checkbox"/> Helpful <input type="checkbox"/> Apologetic <input type="checkbox"/> Denial about the barking <input type="checkbox"/> Refused to speak about it <input type="checkbox"/> Hostile <input type="checkbox"/> No response Any other details about your contact with them:	
Have you found the barking continues to such a degree that it unreasonably interferes with your peace, comfort or convenience?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the barking disturbed or interfered with any of these activities?		<input type="checkbox"/> Sleeping <input type="checkbox"/> Listening to radio/music <input type="checkbox"/> Watching television <input type="checkbox"/> Holding a conversation	
How long has it been since the barking issue started?			
What is the location of the house where the dog resides in relation to you?		<input type="checkbox"/> Immediate next door neighbour <input type="checkbox"/> Adjoining property at the rear on my yard <input type="checkbox"/> House is directly opposite mine. <input type="checkbox"/> House is diagonal across the street	
If they are not an immediate neighbour, how many properties separate you from the where the barking occurs?		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 or more	
Can you describe the barking dog/s?		<input type="checkbox"/> Yes <input type="checkbox"/> No _____	
Dog 1		Dog 2	
Dog's name (if known):		Dog's name (if known):	
Breed:		Breed:	
Colour/s:		Colour/s:	
Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female	Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female
Age:	<input type="checkbox"/> Puppy <input type="checkbox"/> Adult	Age:	<input type="checkbox"/> Puppy <input type="checkbox"/> Adult
Dog 3		Dog 4	
Dog's name (if known):		Dog's name (if known):	
Breed:		Breed:	
Colour/s:		Colour/s:	
Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female	Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female
Age:	<input type="checkbox"/> Puppy <input type="checkbox"/> Adult	Age:	<input type="checkbox"/> Puppy <input type="checkbox"/> Adult
Are all of the dogs at the property causing a barking nuisance? I.e. if there are 2 dogs, are both dogs barking, or only one?		<input type="checkbox"/> Yes <input type="checkbox"/> No _____	

What part/s of the property is the dog located when the barking usually occurs?	<input type="checkbox"/> Front yard <input type="checkbox"/> Rear yard <input type="checkbox"/> Your side of the yard <input type="checkbox"/> Opposite side of the yard to you	<input type="checkbox"/> Entire yard area <input type="checkbox"/> Exits property and barks on street <input type="checkbox"/> Barks at boundary fences at neighbours / pedestrians
Can you indicate why you think the noise may be occurring?	<input type="checkbox"/> Cars passing <input type="checkbox"/> Post Office Worker <input type="checkbox"/> School children passing by <input type="checkbox"/> Workmen in area <input type="checkbox"/> Pedestrians passing <input type="checkbox"/> Rubbish truck / street sweeper <input type="checkbox"/> Barking at other animals through a division fence <input type="checkbox"/> Boredom <input type="checkbox"/> Barking a person/s through division fence <input type="checkbox"/> Stray animals on street Other:	
Does the barking stop once the cause has passed?	<input type="checkbox"/> Stops immediately <input type="checkbox"/> Continues for a short time then stops <input type="checkbox"/> Barks continually regardless of annoyance leaving	
Are you prepared to testify to this in the event that this matter is taken to Court?	<input type="checkbox"/> Yes <input type="checkbox"/> No – If No, will you please state your reasoning: <input type="checkbox"/> Fear of reprisals/retaliation <input type="checkbox"/> Avoiding conflict <input type="checkbox"/> Unwilling <input type="checkbox"/> Friend of dog owner <input type="checkbox"/> Relation of dog owner	

BARKING DIARY – must be completed for a minimum of 5 consecutive days				
Date	Time Started	Duration	Cause/s of Barking	Comments
18/02/2022	8:06am	7mins	Bin truck	Stopped 2 mins after truck left
18/02/2022	8:41am	3mins	No apparent reason	Owner was home, no attempt to stop the barking
18/02/2022	9:10am	25mins	Lonely/bored	Owner had left for work and dog barked continuously, no one home, no other dogs
19/02/2022	3:27am	14mins	Unsure, no other noise	Barking woke me from sleep, owner's car was in driveway

BARKING DIARY – must be completed for a minimum of 5 consecutive days

<u>Date</u>	<u>Time Started</u>	<u>Duration</u>	<u>Cause/s of Barking</u>	<u>Comments</u>

