

Dog Barking

Barking is a natural behaviour for dogs, it's one of the ways they communicate.

While barking is a natural behaviour, it may be an issue if it occurs too often and at inappropriate times of the day or night for extended periods of time.

Dog owners may not be aware that their dog is barking or there is a problem. Communication between neighbours and early intervention assists in preventing the issue escalating.

What triggers dogs to bark:

- boredom
- being anxious when left alone
- fear
- territorial behaviour
- attention seeking behaviour.

If barking is due to distress and is a welfare issue, please contact the RSPCA.

What to do: Speak to the dog owner

- If you're concerned about the amount of barking coming from a neighbouring property, we encourage you to take the first steps to work through the issue with the dog owner.
- Most of the time, dog owners are not aware that their dog is barking.
- A friendly approach may help the owner address their dog's barking quickly and avoid an unnecessary dispute.

Use our anonymous letter to the dog owner

If you don't feel comfortable approaching the dog owner in person, you can use one of our anonymous letters that can be found on our website: marion.sa.gov.au/services-we-offer/animals-and-pests/dogs-complaints

Report to Council

If contact with the owner has not resolved the issue and you are willing to attend court about the matter, visit our website: marion.sa.gov.au/services-we-offer/animals-and-pests/dogs-complaints, complete an "Initial Barking Dog Complaint Form" and submit.

Council action

After the "Initial Barking Dog Complaint Form" has been received. The information will be assessed and if it is deemed the barking could be considered a nuisance an investigation will commence.

Allocated to a Community Safety Inspector

The matter will be referred to the Community Safety area and allocated to an inspector for investigation.

You will be contacted via phone

A Community Safety Inspector will call you to speak to you further about the matter and explain what is happening next.

Dog owner notified

If it is determined that there is a case of excessive barking the following will occur:

- the dog owner will be sent a formal letter advising of the report
- they will be given 7 days to resolve the nuisance barking
- they will be provided with suggestions to resolve their dog's barking
- a Community Safety Inspector may attend the nuisance dog's property.

Estimated time: about 7 days.

Monitor behaviour change

Over this time, we will seek weekly feedback from you.

For example:

- Has the barking reduced, increased or stayed the same?
- What is the dog owner doing that is and is not working?

The monitoring stage may be extended to allow for continuous improvement of the dog's behaviour to be recognised.

Estimated time: 3–5 weeks

No improvement

If the dog owner is unable or unwilling to address their dog's nuisance behaviour and there is evidence of persistent nuisance, we may:

- issue an expiation and/or a Control (Barking Dog) Order to the owner. See page 3 for information about control orders.
- if we issue an expiation or a control order, supporting evidence will be required to prove persistent unreasonable barking and its impact on neighbours.

See page 2 for information about documenting evidence. Before a control order can be issued, we must give the dog owner prior notice and consider any information they provide.

Estimated time: 2–4 weeks

If a control order is served

- When a dog owner has been served a control order and has been directed to engage a dog behaviourist, we will check that this action has been taken.

Estimated time: Completing mandated training may take 2 - 3 months

If barking continues after a control order is in place

If unreasonable barking continues after a control order has been served, further evidence of the breach will be required.

This will include:

- the duration and
- frequency of the barking, and
- what impact it is having on neighbours.

If the dog owner fails to meet the requirements of the control order:

- an expiation notice may be issued for breaching the control order; and/or
- prosecution may be initiated through the Magistrates Court which can lead to strict controls being imposed on the dog.

Estimated time: Briefing a matter before the court for prosecution or court ordered directions may take 12–18 months.

Resolution

The issue is resolved once persistent barking has been addressed and the barking no longer persistently interferes with the peace, comfort or convenience of a person.

Once the barking issue is resolved, a letter of acknowledgement will be sent to the dog owner and the person who made the complaint, and the report will be closed.

If nuisance barking recommences, we may re-open the report, starting at the relevant stage.

FAQ

Why does the investigation take so long?

To lawfully take enforcement action for a barking dog complaint, the investigating Community Safety Inspector must prove that a person who owns or is responsible for the control of a dog is guilty of an offence.

To do this, evidence must be collected to prove that the dog is creating noise by barking persistently. It needs to be proven that this noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person.

To prove this collation of evidence is required and this includes:

- barking dog diaries
- electronic monitoring
- in person monitoring
- statements from all affected people.

All of this required evidence takes time to collate to prove the offence.

What is persistent barking?

There is an important distinction between isolated instances of barking and persistent barking.

Isolated barking does not occur with any degree of regularity (i.e. it may occur intermittently, for a short period on a few occasions each week).

Persistent barking is constant barking (i.e. barks one after the other) that may last for a significant amount of time (eg 15-30 minutes or more) in circumstances where such periods are recurrent multiple times a day and most days a week.

What is unreasonably interfering?

The barking needs to unreasonably interfere with a persons peace and comfort or convenience.

The barking needs to hinder a persons ability to carry out normal activities (such as watching TV, sleeping, speaking on the phone).

What is a control order?

A control order is a legal document and that is how council can place restrictions and /or requirements on the owner of a dog.

A Control (Barking Dog) Order requires the dog owner to take all reasonable steps to reduce the nuisance barking.

This may include undertaking specific training courses or to seek professional assistance to address the dog's barking.

Documenting evidence

If we proceed with enforcement action by issuing a Control (Barking Dog) Order and/or an expiation, supporting evidence will be required to prove persistent unreasonable barking and its impact on neighbours.

This evidence can be in the form of:

- a diary with date, time and duration of barking recorded
- audio or video recordings
- an impact statement; or
- a combination of all of the above.

Our Community Safety Inspectors will talk you through this process and assist you with information on completing diaries.

Can councils seize and detain barking dogs?

In situations of excessive barking council cannot seize and detain dogs for barking.

Alternative solutions

Legal action

The Dog and Cat Management Act 1995 provides the legislative framework from which civil action can be taken against a dog owner.

Any person can take civil action; however, this course of action can only be initiated by the complainant. The City of Marion cannot take civil action against a dog owner, on your behalf.

For more information please contact:

- your own solicitor
- Southern Community Justice Service Ph: 8384 522
- Legal Services Commission of South Australia Ph: 1300 366 424

Mediation

Mediation can help to resolve conflict and disputes at an early stage, with a view to avoiding the expense and stress of drawn-out legal proceedings.

Community Mediation Services: This is a free dispute resolution service and, in many circumstances, resolves issues between neighbours. Ph: 8350 0376 or 1300 850 650.