



Guide to Resolving Barking Dog Issues in Your Neighbourhood

Introduction

Pets are an important part of people's lives as they enhance wellbeing through companionship and security. Unfortunately, not all pet owners are aware when their pet's barking is having a negative impact on their neighbours.

This guide has been developed as a tool to help neighbours resolve concerns about animal-related issues without needing to make a formal complaint to Mareeba Shire Council.

Involving Council can lead to increased levels of neighbourhood conflict, while direct communication between neighbours can go a long way towards preserving good neighbourhood relationships.

Council will continue to investigate barking dog complaints. Dog owners have the right to appeal any action taken by Council, so we need to have the right level of evidence before we can issue a fine, compliance notice or take the matter to court.

This barking package outlines the level of evidence needed and your role in collecting this evidence.

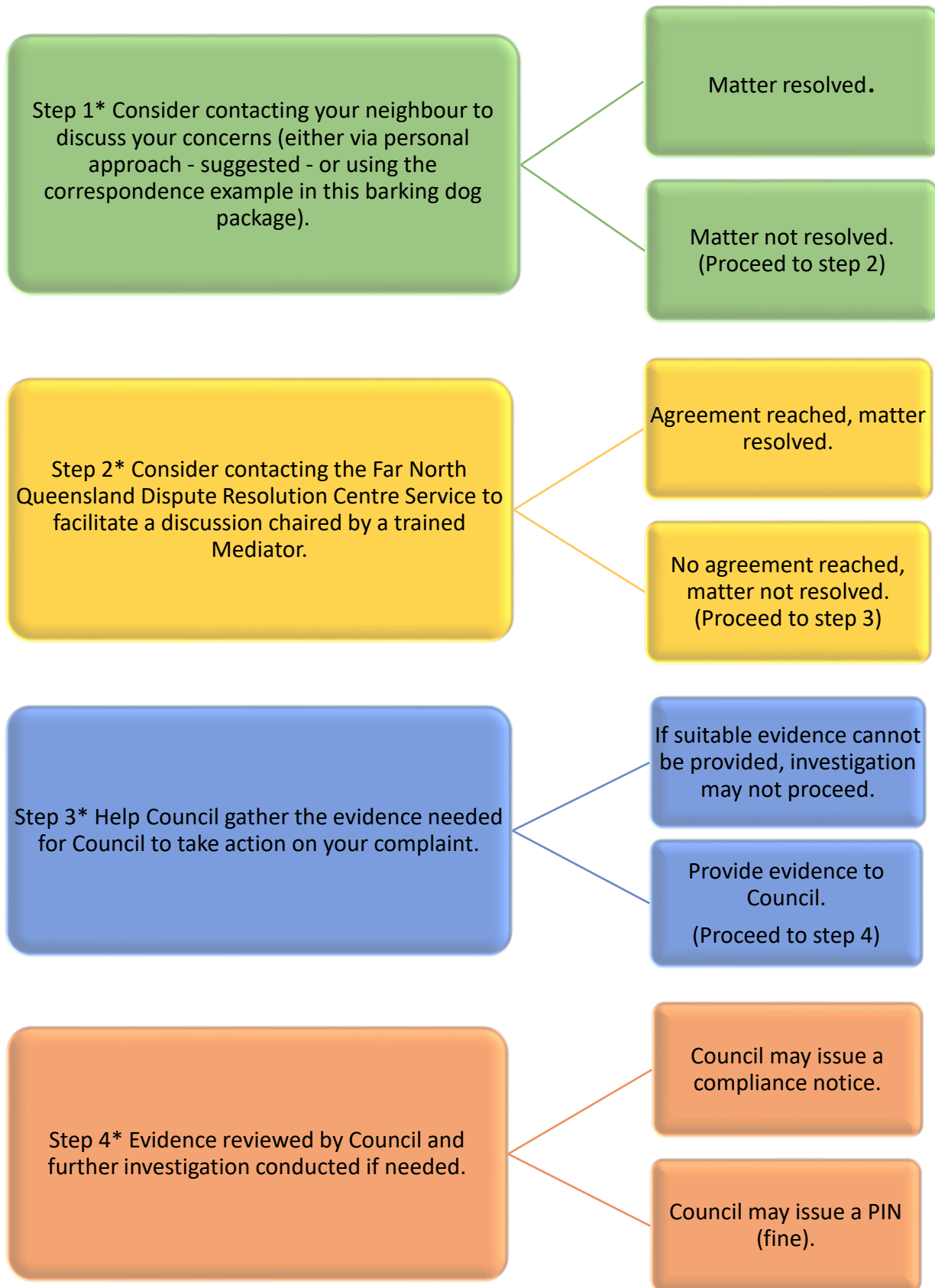
For reference: In this document -

'Customer' means the person making the complaint

'Owner' means the owner or keeper of the dog.

Resolution process

The flowchart below outlines the process to follow to resolve barking complaints between neighbours.



Step 1: Contact your neighbour*

Many dogs bark when their owner isn't home so you can't assume that the animal's owner knows there is a problem.

If you are comfortable approaching your neighbour in person, politely let them know their dog's barking is affecting your household. Some information on when the barking is happening and what's causing it will help your neighbour take the right steps to address the problem.

If you are not comfortable approaching your neighbour, you can drop the letter contained in this pack into their mailbox.

Introduce yourself to your neighbour and their pet, particularly if they, or you, are new to the neighbourhood. This may alleviate possible issues with their pets and make any conflict resolution easier.

Work on what you can change and not what you can't.

Remain positive and respectful while dealing with your neighbour.

Step 2: Facilitated discussion*

If you have attempted to talk to your neighbour and this has not worked, or the situation has deteriorated too far, mediation facilitated by the Queensland Government Far North Queensland Dispute Resolution Centre may help.

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.

Mediation for neighbourhood disputes is free, completely confidential and independent of Council. You can arrange for mediation yourself. The contact details for the Far North Queensland Dispute Resolution Centre appear below.

Phone: (07) 4037 2600; 1800 671 680 (toll free outside Cairns)

Email: drc.fnq@justice.qld.gov.au

Address: Level 1, State Government Office Building, 10-12 McLeod Street Cairns Q 4870

NOTE: If circumstances suggest that Steps 1 and 2 are not viable options, as per Step 3, residents may lodge a formal complaint with Council.

Step 3: Lodge a formal complaint with Council*

Should you wish to lodge a complaint with Council, we need as much detail as possible so we can fully investigate the matter.

Dog owners have the right to appeal any decision of Council. We therefore have to be certain that there is sufficient evidence of nuisance barking that if taken to Court, a Magistrate will be satisfied, beyond a reasonable doubt, that the nuisance barking is happening.

If there isn't sufficient evidence Council may not be able to investigate your complaint.

Evidence must prove that:

- The barking is coming from a particular property, rather than various dogs at different properties; and
- The nature, frequency, duration and intensity of the barking coming from a particular property is such that it constitutes an unreasonable noise nuisance.

Some examples of common complaints received by Council that are not considered an unreasonable noise nuisance are:

- Territorial barking e.g. someone walking past the property.
- Dogs barking at the postie.
- Dogs barking at other dogs being walked.

For your assistance, Council has included a Formal Complaint Form and Animal Noise Diary in this package. Council will investigate formal complaints as received.

Should you choose to lodge a complaint anonymously, please note that while the complaint will be recorded, your complaint may not be actioned depending upon the level of information provided.

If a complaint has been recorded anonymously, we are unable to provide any information about the investigation, even if you are the person who made the complaint.

Due to privacy reasons Council cannot provide information in respect of whether or not an investigation into the matter has been undertaken or any other updates, even if you were the original customer.

Usually, correspondence of a general nature advising of the concerns and suggested actions will be sent to the dog owner when a complaint has been received.

Correspondence is also usually issued to the customer advising that the concerns will be or have been investigated.

Please note that Council is committed to the privacy principles of the *Information Privacy Act 2009*. In protecting confidentiality, Council will ensure that the details of the customer, the investigation and related decisions will be 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.

If Council's initial intervention does not achieve the desired outcome, you will be required to gather sufficient evidence of a suitable quality and submit same for Council's consideration prior to any further action being taken.

Please see the *Evidence Gathering* attachment for information.

Step 4: Action by Council*

If there is sufficient evidence of a suitable quality provided to Council and Council can corroborate your complaint, we can:

- Issue of a Compliance Notice pursuant to Council's Local Law; and/or
- Issue of Penalty Infringement Notice (fine)

Council will attempt to work with the dog owner so that a long term solution can be achieved. Your understanding that this may take some time is appreciated.

Completing an Animal Noise Diary

Council has provided you with an Animal Noise Diary. This is a document in which you record information about the time and frequency of noise nuisance. The key points to note are:

- The more detailed the information, the better.
- The diary should be maintained for a minimum period of 14 consecutive days and up to a maximum period of 21 days.
- The diary must be signed on all pages and accompanied by the Complaint Form.
- The Formal Complaint Form and Animal Noise Nuisance diary must be returned to Council within 28 days from the date of the letter attached to this package.

An example has been provided below, please ensure the days are consecutive even if the dog does not bark on a particular day. More than 1 entry can be made on the same day.

Day of week	Date	Timing of the nuisance (in am/pm)	Duration of consistent barking (in minutes)	Types of Noise Nuisance (eg barking, loud, whining, howling, yelping, yapping, high-pitched, persistent)
Wednesday	21/07/24	6:25pm to 7:45pm	20 mins	Loud barking
Thursday	22/07/24			No barking heard
Friday	23/07/24	8:00pm to 8:25pm	25 mins	Howling and barking
Friday	23/07/24	9:00pm to 9:10pm	10 mins	Loud barking

Council's Role

Council has certain legal responsibilities to uphold its Local Laws and devolved State Government Legislation and may take enforcement action against individuals in appropriate circumstances.

Council will undertake certain investigations to verify and corroborate complaints where it is able to do so.

If a complaint is made, but the person making the complaint is unwilling to assist in providing the evidence discussed above, then Council is unlikely to be in a position where it is able to progress the matter further.

Resolution of complaints will be dependent on the quality of the evidence obtained during the investigation and for animal noise nuisance's corroboration of the complaint.

Dear Neighbour

You may not be aware, but your dog is barking and causing a noise nuisance for your neighbours.

As a first step, I would like to contact you to let you know about the problem.

For more detailed information and tips on how to reduce nuisance barking you may like to visit the Mareeba Shire Council website

<https://msc.qld.gov.au/council/animal-management/dogs/barking-dogs/>



I have noticed your dog barking at these times:-

Date	Start Time	End Time	The dog was barking at:-

Any measures you could put in place to help minimize the barking would be greatly appreciated.

Regards

Your Neighbour _____ at _____

Formal Complaint – CRM#

Complaint Information

I, (Full Name)	Phone:
Of (Address)	

in the State of Queensland, declare that I wish to lodge a formal complaint with Mareeba 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. (Following questions are mandatory)

Information required	Details
Dog details (number of dogs, breed, colouring, name etc.)	
Address where the dog is kept including approximate distance from the general location of the barking dog to your residence	
Details of how the barking dog noise nuisance is unreasonably interfering with the amenity and enjoyment of your premises	
Details of any steps you have taken already to address the owner of the barking dog.	
Provide any further information you wish Council to consider in relation to your complaint	

INITIALS:

Declaration

By lodging this formal complaint with Mareeba Shire Council I acknowledge:

- i) Council may conduct a survey of other residents in the neighbourhood to corroborate my complaint. In the event that my complaint is not corroborated by independent parties residing in the neighbourhood by conducting survey of the area, Council may not be in a position to take further action in relation to the matter.
- ii) I am prepared to act as a witness in any legal action instigated by Council against the owner of the subject animal. I am prepared to attend a Magistrate Court to do so.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867

.....Declarer
(signature)

Taken and declared before me at this.....day of,
(place) (day) (month, year)

before meA Justice of the Peace/
(signature) Commissioner for Declarations