



## NUISANCE DOG COMPLAINTS

All dog owners have a responsibility under the *Dog Control Act 2000* to ensure their dog does not create a nuisance. A nuisance exists if a dog 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.

It has been Council's experience that often a dog owner is unaware their dog is causing a nuisance, particularly if the owner is absent from the property when the barking occurs. Many owners of nuisance dogs have demonstrated they can manage the situation once they become aware of the problem.

On receipt of an informal barking complaint (phone call or email) council will notify the owner of the dog that there may be a barking issue that requires their attention. We recommend they monitor their dog's behaviour and provide some resources for excessive barking.

A good resource is the RSPCA Knowledgebase website, <https://kb.rspca.org.au/> which provides some helpful information on excessive barking.

In most circumstances council will then allow two (2) weeks for the dog owners to voluntarily manage their dog's behaviour. In the event that the nuisance continues beyond two (2) weeks and the complainant would like Council to formally investigate the matter, they are required to submit a formal notice of complaint. This formal notice is required under section 47 of the *Dog Control Act 2000* and Council is unable to formally investigate the matter unless this is complied with.

There is a fee associated with this lodgement, which is fully refundable unless the complaint is considered by council to be frivolous or vexatious. This fee is also a requirement of the *Dog Control Act 2000*.

Should you intend to lodge a formal complaint. The below form should be completed in full, signed and returned to council, together with the appropriate lodgement fee.

It is strongly recommended that you provide the details of 2 witnesses who are prepared to support your claims and complete a written record of the dates, times and duration of the barking or other noise caused by the offending dog/s. This record should be maintained over at least seven (7) days and will greatly facilitate the investigation of your complaint.

A barking log sheet is included below, you can print out additional pages as needed.

You should be prepared to give evidence before a magistrate that the dog/s in question are creating an unreasonable nuisance, if the matter cannot be otherwise resolved.



# HUON VALLEY COUNCIL

40 Main Street, Huonville  
PO Box 210, Huonville 7109  
hvc@huonvalley.tas.gov.au  
ph: (03) 6264 0300  
ABN: 77 602 207 026

## Section 47 (2) (a) Dog Control Act 2000 NOTICE OF COMPLAINT AS TO NUISANCE CREATED BY DOG

To: General Manager  
Huon Valley Council  
PO Box 210  
HUONVILLE TAS 7109

### Barking Dog details

Complainants Name: .....  
Address: .....  
Phone Number: .....

### Have you verified where the barking is coming from? Yes/No

Address of offending dog/s: .....  
Description of dog/s: .....  
.....

### Have you seen the dog/s barking? Yes/No

### Have you spoken to the dog's owner about this problem? Yes/No

### Have any of your neighbours mentioned this problem to you? Yes/No

### If yes, are they prepared to support your claim? Yes/No

### If yes, please supply their name address and telephone number below:

Witness No (1) Name: .....  
Address: .....  
.....  
Phone Number: .....

Witness No (2) Name: .....  
Address: .....  
.....  
Phone Number: .....

### Statement

I, the undersigned, wish to lodge a formal complaint with the Huon Valley Council in relation to the dog/s described above which bark persistently to such a degree that it unreasonably interferes with my (peace), (comfort) or (convenience) in my premises.

Signature of complainant ..... Date : ...../...../.....

*This document and the log sheet must be completed in full, signed and returned to the Huon Valley Council within 14 days of the date of completion Council will take no action in this matter until this document is completed and returned.*

### BARKING LOG



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Please create a detailed diary over a 7-day period.  
 Photocopy this blank form if more entries are required to record barking.

Date	Time barking started	Time barking stopped	Intermittent -(I)* Continuous (C)*	Number of barks	Reason for barking
<i>Example: 20 Oct 19</i>	<i>8.30am</i>	<i>8.36am</i>	<i>I</i>	<i>8 barks</i>	<i>Man walking a dog past the property</i>

\*Intermittent – non-continual barking, start then stop  
 \*Continuous – continual non-stop barking

**I declare the above recordings as a true record of matters observed by me and I am willing to appear in Court to give evidence as a witness to the truth of the complaint if required to do so by the Council.**

**PRIVACY INFORMATION** The personal information requested on this form is being collected by Council for the purpose of evaluating a Barking Dog complaint. This information will be used solely by Council for that primary or directly related purposes. The applicant understands that the personal information provided is for the purpose of evaluating a Barking Dog complaint and that they may apply to Council for access and / or amendment of the information.

\_\_\_\_\_ **(Signed)**

\_\_\_\_\_ **(Date)**