Dealing with barking dogs in Banyule

Barking dogs can ruin your day.

How do you deal with a barking dog in your neighbourhood?

This guide steps you through the process to help reach a resolution.

PET OWNERSHIP IN BANYULE



Banyule
City Council



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INTRODUCTION

Banyule City Council receives numerous complaints regarding nuisance noise from barking dogs. Approaching the dog's owner in a neighbourly manner and discussing your concerns with them sometimes easily resolves this type of complaint. The dog's owner may not realise that the barking is causing an annoyance to other people.

WHY DOGS BARK

Dogs bark for many reasons. The following are some of the main reasons why dogs bark:

- lack of exercise,
- boredom,
- inadequate shelter from weather conditions,
- hunger or thirst,
- a medical condition,
- provocation,
- disturbances,
- changes to family structure,
- movement outside the dog's property,
- a new property for a dog or a new puppy settling in to new surrounds.

Of course dogs also bark to alert their owners of trouble, such as an intruder entering the property or perhaps a fire. Remember, a dog's idea of an 'intruder' may differ to that of the owner. It could include cats, possums, other dogs, or even birds flying across the property.

STEP 1

NEIGHBOURHOOD COMMUNICATION

Neighbours can help each other to solve barking problems by communicating to each other their concerns and needs.

Neighbours can assist by identifying the reasons for excessive barking and noting what is happening in the area when the dog is barking. The dog owner may not even be aware of the problem if the dog is only barking when they are out.

STEP 2

LODGING A COMPLAINT WITH COUNCIL

If your neighbour takes no action or does not agree that there is a problem you can contact Council with your complaint.

You can lodge the complaint by completing an statutory declaration (as attached) or download the form via the Department of Justice website, www.justice.vic.gov.au.

The statutory declaration must contain the following information:

- Your name, address and phone number
- Address of the offending dog/ dogs
- The breed/colour of the offending dog/s
- If you have spoken to the dog/s owner
- When you believe the dog/s barking is an issue
- Any other information you feel maybe useful

The statutory declaration must be witnessed by an appropriate person to do so (list provided on Page 8).

Before commencing an investigation Council will write to the dog owner advising that it has received a complaint about a barking dog, enclosing information about barking dogs and some possible solutions. Many people respond positively to this letter. Council therefore asks you to monitor the situation for 2 weeks or longer if you wish and advise whether the problem has been fixed or still exists.

STEP 3

WHAT HAPPENS IF THE PROBLEM STILL PERSISTS?

If the problem continues Council will:

1) appoint an animal management officer to investigate your complaint including discussing possible solutions. If the dog owner is cooperative and willing to try to solve the problem, Council's officer may work with the dog owner. This is often the quickest way to solve the problem as court can take some time.

   This will commence an investigation into the matter. Both you and the dog owner will be given diaries to fill in for a nominated 2 week period. At the end of the period you must return these to Council without delay. If there is more than one member of your family affected each adult should complete their own diary.

2) explore the possibility of mediation with the Department of Justice Dispute Settlement Service. This service has been effective in many difficult situations. If you unreasonably refuse mediation Council may discontinue its investigation.

COUNCIL IS A RESPONSIBLE PROSECUTING AGENCY

This means Council is accountable for the actions it takes in prosecuting matters. It acts independently and does not favour one party over another. Council will only start prosecution proceedings if it believes it is appropriate to do so. Every case is different so the circumstances of each case must be considered on its merits. These are criminal proceedings. The parties to the case are the Council and it's accused.

You are obviously a very important part of the case but your role is that of a witness to the case. Your views will be taken into account however it must be understood that at all times the final decision in relation to the course of any prosecution lies with the Council alone.

You always have the right to take civil action for nuisance notwithstanding any decision by the Council. In a civil case the burden of proof is considerably less being "on the balance of probabilities" whereas in a prosecution it is "beyond reasonable doubt". Because of this difference there may be instances where a criminal prosecution cannot result in a finding of guilt but a civil action will succeed.





HOW TO COMPLETE A BARKING DOG DIARY

Your accuracy in recording the nuisance barking is of extreme importance as it may be presented as evidence in court. Please create a detailed diary over a two-week period as the example indicated below, and attach the diary with the complaint form.

DATE	TIME STARTED	TIME STOPPED	CONSTANT OR INTERMITTENT BARKING?	REASON	HOW BARKING AFFECTED YOU
11/02/05	3:00 pm	3:02 pm	4 barks	Somebody in street	
11/02/05	3:10 pm	3:13 pm	8 barks	Man walking dog	
11/02/05	3:18 pm	3:18 pm	2 barks	Nobody in street	
11/02/05	3:28 pm	3:30 pm	16+ barks	Children in street	
11/02/05	3:33 pm	3:33 pm	3 barks – low growl	Somebody in street	
11/02/05	3:45 pm	3:47 pm	6 barks	Plane passing over	
11/02/05	3:52 pm	3:52 pm	2 barks	Somebody in street	
11/02/05	3:58 pm	4:03 pm	Continuous barking	Cat on fence	
11/02/05	5:22 pm	5:24 pm	10+ barks	Neighbour returned home	

This may seem excessive, but remember, you may be required to present this diary before a Magistrate as accurate and concise evidence.

Forward your completed and witnessed Statutory Declaration and diary to:

Animal Management Officer
Banyule City Council
PO Box 94
GREENSBOROUGH VIC 3088

or scan and email to enquiries@banyule.vic.gov.au

BARKING DOG DIARY

Address of barking dog _____

Description of dog (breed, colour, size etc) _____

How many dogs are at the address _____

Have you spoken to the owner? _____

If so, what was the outcome? _____

_____

DATE	TIME BARKING STARTED	TIME BARKING STOPPED	CONSTANT OR INTERMITTENT BARKING?	REASON FOR BARKING? Eg: person walking past,weather, animal.	HOW BARKING AFFECTED YOU

Please keep a copy for your records.

BARKING DOG DIARY

DATE	TIME BARKING STARTED	TIME BARKING STOPPED	CONSTANT OR INTERMITTENT BARKING?	REASON FOR BARKING? Eg: person walking past,weather, animal.	HOW BARKING AFFECTED YOU

Please keep a copy for your records.

BARKING DOG DIARY

DATE	TIME BARKING STARTED	TIME BARKING STOPPED	CONSTANT OR INTERMITTENT BARKING?	REASON FOR BARKING? Eg: person walking past,weather, animal.	HOW BARKING AFFECTED YOU

Please keep a copy for your records.

PERSONS WHO CAN WITNESS STATUTORY DECLARATIONS

Section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 24 August 2011), (previously *Evidence Act 1958)*, reads:

1) Any of the following persons may witness the signing of a statutory declaration:

   a) a justice of the peace or a bail justice;
   b) a public notary;
   c) an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
   d) a clerk to an Australian lawyer;
   e) the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court;
   f) the registrar of probates or an assistant registrar of probates;
   g) the associate to a judge of the Supreme Court or of the County Court;
   h) the the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court;
   i) a person registered as a patent attorney under Chapter 20 of the Patents Act 1990 of the Commonwealth;
   j) a member of the police force;
   k) the sheriff or a deputy sheriff;
   l) a member or former member of either House of the Parliament of Victoria;
   m) a member or former member of either House of the Parliament of the Commonwealth;
   n) a councillor of a municipality;
   o) a senior officer of a Council as defined in the *Local Government Act 1989*;
   p) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);
   q) a person registered under the Health Practitioner Regulation National Law –
      i) to practise in the dental profession as a dentist (other than as a student); and
      ii) in the dentists division of that profession;
   r) a veterinary practitioner;
   s) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);
   t) a principal in the teaching service;
   u) the manager of an authorised deposit-taking institution;
   v) a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the Institute of Public Accountants;
   w) the secretary of a building society;
   x) a minister of religion authorised to celebrate marriages;
   y) a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification;
   z) a fellow of the Institute of Legal Executives (Victoria).

2) Despite anything to the contrary in any Act, a person referred to in paragraph (c) or (d) of subsection (1) is not prevented from witnessing the signing of a statutory declaration only because he or she is –

   a) acting for any of the parties to the proceeding or matter in respect of which the declaration is made; or
   b) a clerk to a person so acting.

3) If the signing of a statutory declaration purports to have been witnessed by a person referred to in subsection (1), all persons to whom that declaration comes must take official notice of that declaration and of the qualifications of the person referred to in that subsection to witness that signing.

STATE OF VICTORIA

STATUTORY DECLARATION

I, _____

[FULL NAME]

of _____

[ADDRESS]

_____ , do solemnly and sincerely declare that:-

[OCCUPATION]

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at _____

this _____day of _____ 20 _____ _____

Signature of person making this declaration

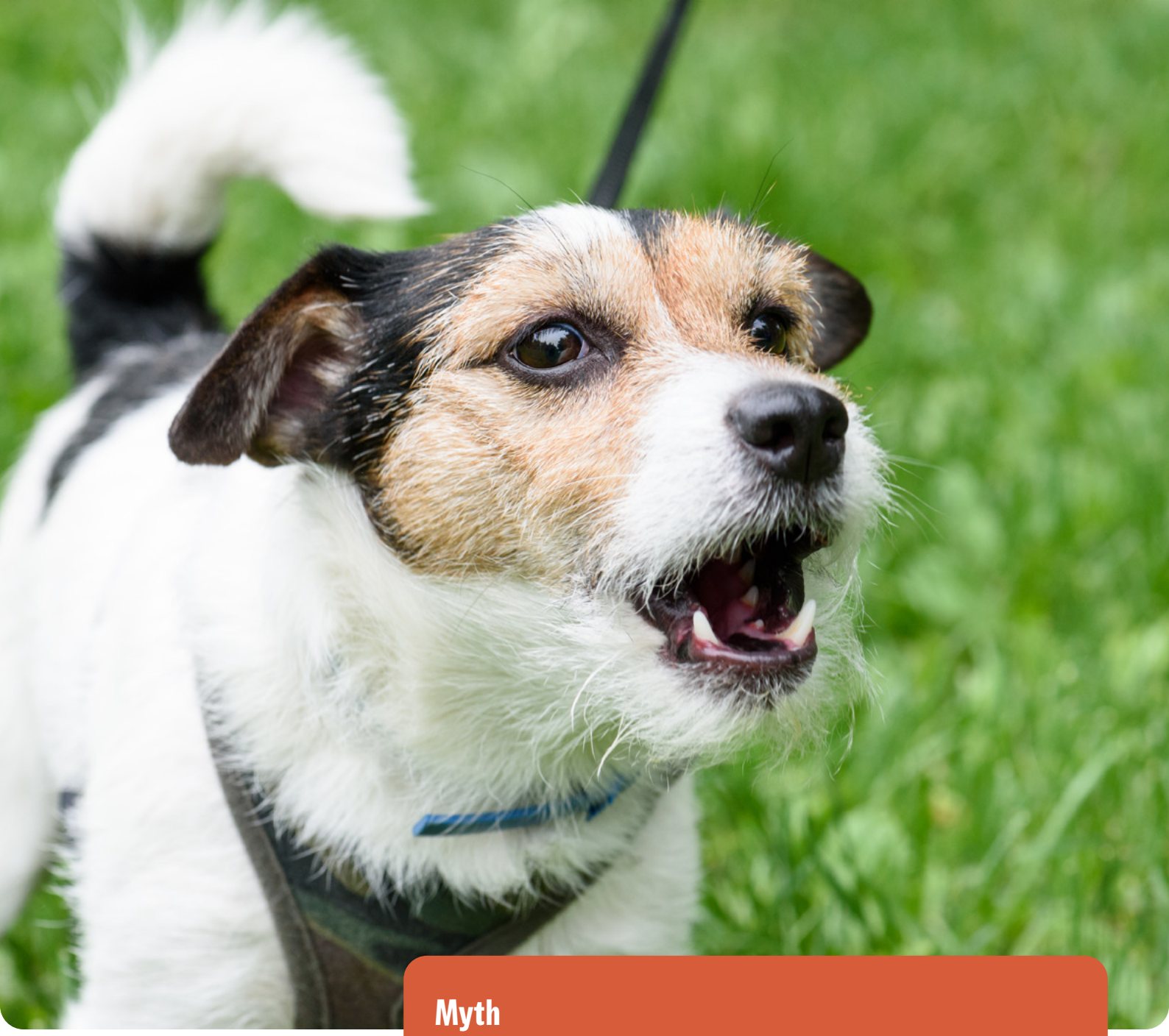
[TO BE SIGNED IN FRONT OF AN AUTHORISED WITNESS]

Before me,

_____

Signature of Authorised Witness

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)



Myth
It is natural for dogs to bark a lot.

False!
Barking is one of the dog's main ways of communicating. However it is NOT normal for a dog to bark at every noise, passerby, nor to bark for long periods of time.

How to contact your Council

For all enquiries or information about any Council services:

Telephone: 9490 4222

Email: enquiries@banyule.vic.gov.au

Website: www.banyule.vic.gov.au

Fax: 9499 9475

If your hearing or speech is impaired, you can call us through the National Relay Service on 133 677 (TTY) or 1300 555 727 (ordinary handset) and ask for 9490 4222.

Postal Address:
PO Box 94, Greensborough 3088

Council Service Centres:
Greensborough: Level 3, 1 Flintoff Street
Ivanhoe: 275 Upper Heidelberg Road

Office Hours of Opening:
Monday – Friday 8.30am – 5pm

Interpreter service:
If you need an interpreter, please contact TIS National on 131 450 and ask to be connected to Banyule Council on 9490 4222.

إذا كنتم بحاجة إلى مترجم. الرجاء الاتصال بالخط القومي لخدمة الترجمة الهاتفية TIS على الرقم 131 450. واطلبوا إيصالكم ببلدية بانيول على الرقم 9490 4222.

若你需要口譯員，請致電131 450聯絡TIS National，要求他們為你致電9490 4222接通Banyule市政廳。

Ako vam je potreban tumač, molimo vas, nazovite TIS National na broj 131 450 i zatražite da vas se spoji sa Vijećem općine Banyule na broj 9490 4222.

Αν χρειάζεστε διερμηνέα τηλεφωνήστε στην Εθνική Υπηρεσία Διερμηνέων Μεταφραστών στον αριθμό 131 450 και ζητήστε να σας συνδέσουν με τη Δημαρχία Banyule στο 9490 4222.

Se hai bisogno di un interprete chiama TIS National al numero 131 450 e chiedi di essere messo in comunicazione con il Comune di Banyule al numero 9490 4222.

Ако ви треба преведувач ве молиме јавете се на TIS National на 131 450 и замолете да ве поврзат со Banyule Council на 9490 4222.

如果你需要一名翻译，请打电话到国家电话翻译服务处（TIS National）131 450，再转接到Banyule市政府9490 4222

Haddii aad u baahan tahay mutarjum wac khadka qaranka oo ah TIS 131 450 weydiina in lagugu xiro Degmada Banyule tel: 9490 4222.

Nếu cần thông dịch, xin gọi cho TIS Toàn Quốc qua số 131 450 rồi nhờ họ gọi cho Hội Đồng Thành Phố Banyule theo số 9490 4222 giùm quý vị.

Banyule
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