

Barking Dog Complaints

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Relevant Legislation:	<i>Expiation of Offences Act 1996</i> <i>Freedom of Information Act 1991</i> <i>Independent Commission Against Corruption Act 2012</i> <i>Local Government Act 1999</i> <i>Ombudsman Act 1972</i> <i>Privacy Act 1988 (Commonwealth)</i> <i>State Records Act 1997</i> <i>Dog and Cat Management Act 1995</i>
Related Policies/Protocols:	Complaint Handling Customer Service and Public Interactions Employees Conduct Protocol Fraud and Corruption Prevention Internal Review of Council Decisions (Section 270 Procedure)

1. Introduction

This protocol sets out the process that the Council will follow when dealing with a barking dog complaint.

2. Legislative Requirements and Corporate Policy Context

Expiation of Offences Act 1996

Freedom of Information Act 1991

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Privacy Act 1988 (Commonwealth)

State Records Act 1997

Dog and Cat Management Act 1995

3. Interpretation

- 3.1. **Complaint** - *means an expression of dissatisfaction in relation to noise nuisance created by a dog or dogs*
- 3.2. **Complainant** - *means the person/s who makes the complaint.*
- 3.3. **Dog Owner** - *Same meaning given in the Dog & Cat Management Act, 1995 A reference to an owner of a dog includes a reference to a person responsible for control of a dog. Person responsible for the control of a dog - Same meaning given in the Dog & Cat Management Act, 1995*
- 3.4. **Dogs and Cats Online (DACO)** - *State-wide Dog and Cat Registration database*
- 3.5. **Barking Dog Complaint Form** - *Is a form a complainant must complete, sign and return to Council prior to the Council commencing an investigation. The form is to provide the Ranger with the relevant information relating to a barking dog. The form must also be signed a Justice of the Peace*
- 3.6. **Friendly Neighbour Note (Note)** - *is a note a complainant can place in the barking dog owner's letter box to advise them of their dog's barking.*
- 3.7. **Customer Request (CRM)** - *"Customer Request Management" is an internal Council program which records requests and actions taken by staff.*
- 3.8. **Seven (7) Day Barking Dog diary (Diary)** - *is a record a complainant must keep for seven consecutive days noting the dates, times and nature*

of a barking dog. The Diary must be signed by the complainant and a Justice of the Peace.

- 3.9. **Barking Dog Survey** - *Is a questionnaire/form which is placed in letterboxes of those properties in the vicinity of an alleged barking dog.*
- 3.10. **Listening Posts** - *An exercise where a Ranger attends the vicinity of a barking dog at least three times for 30-60 minutes and counts how many times a dog barks. If nuisance barking occurs between 9:30pm – 8:30am Council may accept a signed Statutory Declaration and Barking Dog Diary completed by complainant with both documents signed in front of Justice of Peace.*
- 3.11. **Barking Dog Flow Chart** - *Is a flow chart of this procedure*

4. Protocol

- 4.1. This protocol sets out in detail the steps taken by Ranger Services in investigating a barking dog complaint.

5. Procedure

- 5.1. A complaint is received from a member of the public.
 - 5.1.1. Staff to provide advice and explain the process required to achieve a positive outcome. The following information will then be sent (via email or post) :
 - 5.1.1.1. A copy of this Procedure
 - 5.1.1.2. Barking Dog Complaint Form
 - 5.1.1.3. Friendly Neighbour Note
 - 5.1.1.4. Barking Dog Flow Chart
 - 5.1.2. The complainant will be encouraged to place the Note in the alleged barking dog owner's letterbox.
 - 5.1.3. If the dog continues to bark, the matter will be progressed with the complainant and they will be encouraged to complete and sign the Barking Dog Complaint Form in front of a Justice of the Peace (JP) and return to Council.
- 5.2. Once the completed Barking Dog Complaint Form is returned:
 - 5.2.1. A Customer Request (CRM) is created and the Senior Ranger will allocate to a Ranger for assessment.

- 5.2.2. Once assessed, the Ranger will send a preliminary letter along with a copy of this Procedure and Flow Chart to the alleged barking dog owner (within 2-7 days of receiving the documentation).
- 5.2.3. An acknowledgement letter is sent to the complainant.
- 5.2.4. Two weeks minimum is allowed for the dog owner to implement suggestions and rectify the barking.
- 5.2.5. If communication is not received from the complainant after four weeks, the CRM will be closed and letters sent to the complainant and dog owner.
 - 5.2.5.1. If a complaint is received again within three months of closing the CRM, the CRM will be reactivated, and the process will recommence - refer to 5.3.1.
 - 5.2.5.2. If contact is made by the complainant after three months of closing CRM - refer to 5.1.
- 5.3. If the complainant makes contact with Council after two weeks of the initial complaint:
 - 5.3.1. A Diary will be sent (within 2-7 days).
 - 5.3.2. A Barking Dog Survey will be letter boxed dropped to the surrounding neighbours (within 2-7 days).
 - 5.3.3. If the Diary is not returned after four weeks, the CRM is closed and letters sent to complainant and dog owner.
 - 5.3.4. If the Diary is returned, the Ranger will assess and determine next steps:
 - 5.3.4.1 If Diary indicates there is no nuisance barking, the CRM will be closed and letters sent to complainant and dog owner.
 - 5.3.4.2 If Diary indicates nuisance barking - refer to 5.5.
- 5.4. If the complainant contacts Council within three months of closing CRM due to the Diary not returned or the Diary shows no evidence of nuisance barking, the CRM will be reopened - refer to 5.3.1.
- 5.5. Ranger Services conducts listening posts (over 7 – 14 day period).

- 5.5.1. If no nuisance barking is documented via listening posts and all avenues exhausted, the CRM will be closed and letters sent to complainant and dog owner.
- 5.5.2. If contact is made by the complainant within three months of closing the CRM due to no nuisance barking documented via listening posts - refer to 5.5.
- 5.5.3. If contact is made by complainant after three months of closing CRM - Refer to 5.3.1.
- 5.5.4. If nuisance barking is documented via listening posts - refer 5.6.
- 5.6. Once a determination has been made that barking is a nuisance, written correspondence will be sent to the dog owner to arrange a meeting to discuss the evidence and provide advice and/or suggestions on how to rectify the nuisance barking.
- 5.7. If no contact is received from the dog owner after 14 days of sending the correspondence, seek feedback from the complainant and if the barking has not improved – refer 5.10.4.
- 5.8. Once contact has been made by the dog owner arrange a suitable date and time to meet and discuss the barking complaint.
- 5.9. Once the meeting has occurred correspondence will be sent to the dog owner providing a summary of the meeting and agreed measures the dog owner will implement which *may* rectify the barking (within 2-7 days).
- 5.10. Contact with the complainant will be made after 14 days of meeting with the dog owner to seek feedback in relation to whether the barking has/has not improved.
 - 5.10.1 If barking has improved, close the CRM and send letters to complainant and dog owner.
 - 5.10.2 If barking has not improved, contact dog owner to provide feedback and continue to work with them to rectify the barking.
 - 5.10.3 If the dog owner refuses to work with Council or discontinues to communicate with Council – refer 5.10.4.
 - 5.10.4 Ranger Services will conduct listening posts (over 7 – 14 day period).
 - 5.8.1.1 If no nuisance barking is documented, the CRM will be

closed and letters sent to complainant and dog owner.

5.8.1.2 If nuisance barking is documented via listening posts, a Caution letter will be sent.

- 5.11. Contact with the complainant will be made after 14 days of issuing the Caution to seek feedback in relation to whether barking has/has not improved.
- 5.11.1. If complainant advises barking has improved, the CRM will be closed and letters sent to complainant and dog owner.
- 5.11.2. If complainant advises barking has not improved - refer 5.12.
- 5.11.3. If contact is made by complainant within three months re-open CRM - refer to 5.12.
- 5.11.4. If contact is made by complainant after three months of closing CRM, refer to 5.10.4.
- 5.12. Ranger Services conducts listening posts (over 7-14 day period).
- 5.12.1. If no nuisance barking is documented via listening posts and all avenues exhausted, the CRM will be closed and letters sent to complainant and dog owner.
- 5.12.2. If nuisance barking is documented via listening posts, an Expiation Notice will be issued pursuant to *Section 45A(5) of the Dog and Cat Management Act 1995 & a Notice Of Intention – Control (Barking Dog) Order* will be issued as prescribed under *Section 51(e) of the Dog and Cat Management Act 1995 (The dog owner can request a review of the Notice Of Intention within seven days of receiving the Notice Of Intention)*.
- 5.12.3. If no contact is made and or no review/correspondence is received from the dog owner, a Control (Barking Dog) Order will be issued under *Section 51 (e) of the Dog and Cat Management Act 1995*.
- 5.12.4. Contact with the complainant will be made after 14 days of issuing the Control (Barking Dog) Order to seek feedback if barking has/has not improved.
- 5.12.4.1. If complainant advises barking has improved the CRM will be closed and letters sent to complainant and dog owner.

- 5.12.4.2. If complainant advises barking has not improved - refer 5.12.4.3.
- 5.12.4.3. Ranger Services conducts listening posts. *(If contact is made by the complainant at any stage after issuing a Control (Barking Dog) Order - Ranger Services to conduct listening posts).*
- 5.12.4.4. If no nuisance barking is documented via listening posts and all avenues exhausted, the CRM will be closed and closing letters sent to complainant and dog owner.
- 5.12.5. If nuisance barking is documented an Expiation for Contravention of Order *under Section 55(1) of the Dog and Cat Management Act 1995* will be issued.
- 5.13. Contact with the complainant will be made after 14 days of issuing Expiation for Contravention of Order to seek feedback if barking has/has not improved. If barking continues after issuing contravention of an Order Expiation Council *may* proceed with Prosecution.