

## Dealing with barking dogs

This information is about ways in which you can look after your dog to prevent excessive barking. It explains the law applying noise and provides information that is intended to make life better for dogs, dog owners and their neighbours.

### Why dogs bark

Barking is one of the ways dogs communicate. It can signify anything from playfulness to danger. However, dogs sometimes bark when they are:

Chained to a fixed point without enough room to move, or kept in a space which is too small

Provoked, deliberately or unintentionally, by people or roaming dogs

- Under exercise, or not exercised at all
- Untrained
- Lonely
- Sick
- Hungry, thirsty, on the wrong diet or generally neglected
- Kept in circumstances that are unsuitable for that particular breed
- Victims of abuse

If you suspect a dog is being mistreated, contact RSPCA inspectors on (02) 97095433 or visit [www.rspcansw.org.au/rspca-cruelty.htm](http://www.rspcansw.org.au/rspca-cruelty.htm)

The causes of barking listed above should not be part of a dog's life. As well as indicating a possibly distressed animal, chronic excessive barking can disturb people living nearby.

### Caring for dogs

Compassion and common sense can eliminate many causes of excessive barking. A well cared for dog will generally not bark unreasonably and disturb neighbours. The following suggestions should help:

- Dogs need enough space to move freely in an enclosed backyard. A dog should not be left on a fixed chain for long periods. If a dog has to be chained, they should be on a running chain.
- Dogs need a place of their own. This can be ventilated and waterproof kennel or an indoor area. Under Section 8 of the Prevention of the Cruelty to Animals Act 1979, a dog must be provided with adequate shelter, that is, a structure that protects them from wind, rain and sunshine.
- Dogs need regular and adequate exercise according to their breed and size.

### Curing the barking habit

If you feel that a dog is well cared for, but continues to bark excessively, there are several things that can be tried:

- Remove direct line of sight between dog and children or animals, as looking at other animals or children may provoke barking
- Take the dog to a recognised animal trainer to discourage bad habits
- Provide noise insulation for the kennel
- Take the dog to the vet – it may be sick

Citronella collars also help prevent barking. These are endorsed by the RSPCA, and are available from a vet or local council. Other sorts of anti barking collars are not recommended by the RSPCA and may be illegal.

The RSPCA website provides more information about proper care and management of dogs at [www.rspca.org.au/animalcare](http://www.rspca.org.au/animalcare)

### Noisy dogs and the law

If you are annoyed by the noise from your neighbour's dog there are several things you can do.

#### **Talk to the dog's owner**

The dog's owner may not have realised that their dog is bothering you, and in many cases, will be happy to work with you to solve the problem.

#### **Contact a Community Justice Centre**

If the problem persists, contact a Community Justice Centre (CJC). These are government-funded but independent centres that specialise in settling differences between neighbours without entering complicated legal processes. They will suggest mediation, which is where you meet with the dog's owner and a CJC representative to try and solve the problem. This process will not cost you any money, and has a 95% success rate.

For information on your nearest CJC, visit [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au) or look up CJC contact details listed at the end of this information.

#### **Contact your local council**

If mediation is unsuccessful and the noise problem persists, contact your local council. They have statutory powers to deal with barking dogs. Under the *Companion Animals Act 1998*, a council officer can issue a **nuisance order** to the registered owner, or the person who normally keeps the animal. The dog can be declared a nuisance if they bark or make another noise that keeps occurring or continues to such a degree that it unreasonably disturbs the neighbours.

If you complain about a noisy dog, the council officer can investigate to substantiate the complaint. This means collecting evidence such as written statements from neighbours, asking you to keep a diary of when the noise occurs, and visiting the property where the dog is kept.

If the complaint is substantiated, the officer can issue a nuisance order, specifying aspects of the dog's behaviour that must be prevented. A nuisance order cannot be appealed against.

The order remains in force for six months. If the owner does not comply with the order, the offender is liable for a fine of \$550 for the first offence and \$1100 for the second and subsequent offences.

## **Use the Protection of the Environment and Operations Act**

### **Seek a prevention notice**

Under sections 95-100 of the *Protection of the Environment Operations Act 1997* (POEO Act), a Council officer can serve a prevention notice on the owner of a noisy dog. Conditions that may be added in a prevention notice include providing regular food and water facilities, sufficient space and freedom, and adequate shelter. The notice may also require direct action against barking such as the use of citronella collars.

The prevention notice has a 21 day appeal period.

The POEO Act allows local council officers to issue on the spot fines of \$750 to individuals (\$1500 to corporations) who breach a notice.

If proceedings are brought in a local court, and the offender is prosecuted, they may be liable for a maximum penalty of \$22000.

### **Seek a noise abatement order**

If you want to take action independently of the council., you can seek a **noise abatement order**. This order may be issued when a person satisfies the court that a neighbouring dog is making an offensive noise.

Under the POEO Act, offensive noise is defined as noise:

- (a) That by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

To apply for an order, contact your local court by looking up 'Local Courts' in the white pages, visiting [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au) or speaking to your legal advisor

The next step is to make an appointment to see the chamber magistrate in your local court who will explain the process to you.

There are fees for applying for a noise abatement order.

If the court is satisfied that the dog is causing an offensive noise or that the noise is likely to recur, it may order the owner to stop the noise within a specified time or prevent a recurrence. If the person fails to comply with the order, they could be prosecuted and be liable for a maximum of \$3300.

The person responsible for causing the noise can appeal against an order.

Community Justice Centre  
1800 990 777  
[www.cjc.justic.nsw.gov.au](http://www.cjc.justic.nsw.gov.au)