

BARKING DOG NUISANCE FACTSHEET

Local Law No. 2 (Animal Management) 2022

RESOLVING A BARKING DOG NUISANCE

Resolving a barking dog nuisance is a difficult task which requires a joint effort by yourself, the dog owner, Council and the neighbourhood.

The Local Law requires in section 11(2)(i) that an animal (including a dog) is to be kept so that it does not cause an unreasonable nuisance or become injurious or prejudicial to health.

In determining if an unreasonable nuisance is being created the investigating authorised person (usually a Local Law Officer) will consider the following factors:-

- The **purpose of the local law**, which is to manage and control the keeping of dogs in a way that:
 - Ensures a proper place for the inclusion of pets in the community
 - Balances community expectations with the rights of individuals
 - Protects the community against risks to health and safety
 - Prevents pollution and other environmental damage
 - Protects the amenity of the local community and environment.
- The **nuisance criteria** specified in the local law section 12, which is:

Has Council received 3 complaints from 3 persons all of whom occupy separate premises in the same or adjoining street to the alleged nuisance?

Has Council received 3 complaints in circumstances where the premises subject of the alleged nuisance is not located in a predominantly residential premises?

7am – 10pm does the barking persist for more than 6 minutes in any 60 minute period?

10pm – 7am does the barking persist for more than a total of 3 minutes in any 30 minute period?



Cassowary Coast
REGIONAL COUNCIL

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THE PROCESS

When you ring Council on 1300 763 903 to report a barking dog you will be directed to a link that outlines the process. Council will send dog owner a letter advising Council has received notification that their dog is allegedly persistently barking. Hopefully that will encourage the dog owner to identify if their dog is barking and put measures in place to stop the barking.

At the same time you will be provided with a link to Council's Barking Dog Diary form. Give the matter a couple of weeks to see if the dog owner has been able to modify the dogs behaviour, then if barking persists complete a Barking Dog Diary and return completed diary to Council via email to enquiries@cassowarycoast.qld.gov.au or drop off at a Council Customer Service Centre.

The diary must be completed before Council officers can investigate the matter as the barking diary is required as part of evidence gathering and support.

The investigating Local Law Officer will then assess with the purpose and nuisance criteria of the local law and possibly undertake a neighbourhood survey.

Before a compliance notice or fine is issued the investigating officer must be confident the evidence is sufficient to be presented before a magistrate, if the recipient of the fine chooses to have the matter heard before a magistrate.

Further Information

For further information contact Council at 1300 763 903 or email enquiries@cassowarycoast.qld.gov.au.



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