

I have a complaint about a nuisance dog or cat. What Should I do?

Under the *Companion Animals Act 1998* a dog or cat is a nuisance if it:

- consistently roams; or
- makes persistent, excessive noise (such as barking); or
- repeatedly defecates on private property other than the property on which it is ordinarily kept; or
- runs at or chases a person, animal (other than vermin or in the course of droving, tending, working or protecting livestock) or vehicle; or
- endangers the health of a person or animal (other than vermin or in the course of droving, tending, working or protecting livestock); or
- repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

In the first instance, talk to the owner and try to find a mutually acceptable solution. Alternatively you may use the services of the Community Justice Centre. This Government funded centre provides free mediation sessions for residents having problems with issues such as barking dogs, fences etc. The Community Justice Centre can be contacted on 1800 990 777 / www.cjc.nsw.au

If these methods prove unsuccessful or you are not comfortable with this approach, contact the Federation Council.

Council may require more than one complaint from two independent bodies to progress an investigation and may also require you to keep a log of the type of behaviour and when it occurs. If other neighbours share your concerns encourage them to write to Council also to enable Council to make a stronger case for action if required in a court of law.

You may also wish to consider taking independent legal action by seeking a noise abatement order under the *Protection of the Environment Operations Act 1997* through your local court.

If Council identifies a serious or ongoing problem, it may issue a nuisance order requiring the owner to prevent the nuisance behaviour from persisting. Council may issue penalty notices for first and repeat offences, with the amount of the fine increasing for the second offence.

What happens if my cat or dog is declared a nuisance by Council?

Before Council issues an order under section 32A, you must be given notice of the proposed order. The notice must set out the requirements with you will be required to comply if the order is issued, and advise you of your right to object to the proposed order in writing to the authorised officer within 7 days after the date the notice is given.

If you do not object within the 7 days, the authorised officer may proceed to issue the order.

If you choose to object within that time, the authorised officer must consider the objection before deciding whether or not to issue the order.

If an authorised officer of a council is satisfied that your dog or cat is a nuisance, the officer may, issue an order in the approved form to the owner of the dog requiring you to prevent the behaviour that is alleged to constitute the nuisance.

The order must specify the behaviour of the dog that is required to be prevented and may specify more than one kind of behaviour. An order remains in force for 6 months after it is issued. An order under this section is final and is not subject to any appeal or review.

The maximum penalty for failure to comply with a nuisance order issued in relation to a dog is \$880 for a first offence and \$1,650 for a second or subsequent offence.

Why do dogs bark?

There can be many reasons why a dog barks. Some of the reasons dogs bark may be:

- Territorial
- Playfulness
- Provoked intentionally or unintentionally by humans, wildlife or other domesticated pets
- Hunger or thirst
- Boredom
- Neglect
- Sickness or poor diet
- Attention seeking or communication
- Lack of space or exercise
- Separation anxiety

If you feel that a neighbour's dog is barking as a result of neglect or abuse, you should contact the RSPCA or an animal welfare organisation.

How to help eliminate the barking dog habit

- Dogs should be engaged in training or puppy school at a young age to prevent them from learning the nuisance barking habit. There are many different companies who work exclusively with barking dogs and dog training who may be of assistance. Dog training isn't just useful for your dog, it's also useful for you to understand how to discipline your pet properly.
- Exercise and attention should be your first step in trying to stop the barking. The amount and intensity of the exercise will depend on the breed and size of the dog. For example, a large Border Collie would need a lot more exercise than a small Maltese.
- You must remember for dogs whom are "spoilt" or non-disciplined that you will need to eliminate the problem of barking before it elevates. You must display consistent dominance to your pet otherwise the problem will persist.
- Give your pet a kennel of some sort to give them shelter and warmth. You may also like keep your pet inside or locked in the garage or shed at night.
- A large, raw bone will draw their attention for hours on end. Chew toys may also have the same effect.
- Move your pet to the backyard or away from the direct line of vision from people walking past. Most dogs are territorial and bark when people walk past to protect their home.
- You must NEVER reward or induce barking. Ignore your dog until they stop, otherwise they will recognise that barking = attention. Giving comments like "What is it?" or "Go get it!" will make the dog think that barking is a game. Reward your dog when it is quiet, and never when it barks.

For more information or clarification regarding Restricted dogs, please contact Federation Council Officers or visit www.dlg.nsw.gov.au

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