



Image Credit: Bing Images

Shire of Esperance

Barking Dog Diary

1. Lodging a complaint with the Shire

1.1 When can a complaint be lodged with the Shire?

To lodge a complaint with the Shire you **must first demonstrate** you have:

- Tried to resolve the problem with your neighbour;
- Identified other immediate neighbours affected by the barking who are willing to support your claim (noting this may involve giving evidence in court); and
- **Completed “Diary 1”, and**
- **Completed Form 7: “Complaint as to a Nuisance Created by a Dog”**

If you have undertaken the above, or your neighbour disagrees a problem exists, contact Ranger Services at the Shire on (08) 9083 1533 to commence the complaint process.

1.2 What can't the Shire do?

It is important to note that Rangers cannot:

- Remove the dog from a property.
- Repeatedly speak to the dog owner without the evidence provided by the Barking Dog Diary/s.

Rangers are authorised to investigate all offences under the *Dog Act (1976)* and approach dog control in a manner that is required by legislation and the community needs. Rangers can only follow what is prescribed in this legislation.

2. Keeping a Barking Dog Diary

2.1 What is a Barking Dog Diary

A Barking Dog Diary (diary) is a record of the dog's barking – the date and time the barking occurred, how long it occurred for, the type of barking (whether it was continuous or intermittent), its cause, and how the barking affected your lifestyle.



See the following pages for the “Barking Dog Diary” template, which you can print and use.

All barking dog diaries form the foundation of any Shire action and will be used as part of a Brief of Evidence if the issue proceeds to Magistrate's Court. Should the matter proceed to this stage, you will be required to document the nuisance barking in a barking dog diary until the matter is heard in a Magistrate's Court.

All complaints to the Shire **must** commence with Diary 1.

2.1.1 Diary 1 (10 days)

The first diary (Diary 1) is to establish and validate your complaint to the Shire. You must complete this diary prior to making a complaint to the Shire.

Once you make a complaint to the Shire, a Ranger will be assigned to assess the information provided and contact you to discuss the information. The Ranger may attend the property and discuss the issue with the dog owner. You will be contacted by the Ranger before and after this process and advised of the outcome. If the Ranger deems it necessary, you will be asked to commence Diary 2.

2.1.2 Diary 2 (10 days)

The second diary (Diary 2) will be required to establish if the nuisance continues after the dog owner has been advised of their obligations. Should this diary show a continuing nuisance, a Notice to Comply (the Notice) will be issued by the Shire to the dog owner. The Notice is a Shire direction and must be complied with. The Ranger will inform you when the Notice has been issued and when to commence Diary 3.

2.1.3 Diary 3 (10 days)

The third diary (Diary 3) is to establish that the dog owner has failed to comply with the Notice issued by the Shire and the nuisance barking is continuing. This diary will trigger enforcement action and may result in fines being issued or an immediate progression to Court.

2.1.4 Diary 4 (Ongoing)

The fourth diary (Diary 4) must be maintained until Court proceedings. The Ranger may check back with you on occasion to obtain updated information from this diary to assess any incidents during this period.

2.2 How to Complete a Barking Dog Diary

Please create a detailed diary over a 10-day period as shown in Table 1 below and attach the diary to the Barking Dog Complaint Form (the form).

The completed form, along with the completed diary, must be returned to the Shire within seven (7) days of the last date recorded or action cannot be taken and another diary will need to be completed.

IMPORTANT: Accuracy in recording the nuisance barking is extremely important as it may be presented as evidence in Court. Remember, in a Court of Law the evidence you give may be subjected to cross-examination and you may need to explain your records.

Table 1 - Example diary entries

(C) Continuous (I) Intermittent

Date	Time barking started AM/PM	Time barking stopped AM/PM	Type of barking How many barks & type (C) OR (I)	Cause of barking Person walking past, another animal, weather, etc.	Effect barking had on you
15/2/23	3.00pm	3.02pm	4 barks (I)	Nobody in street	Woke my baby
15/2/23	5.10pm	5.13pm	8 barks (I)	Man walking dog	Can't concentrate on study
15/2/23	5.18pm	5.18pm	2 barks (C)	Nobody in street	Frightened my son playing outside
15/2/23	6.28pm	6.30pm	16+ barks (C)	Children in street	Woke my baby
15/2/23	8.33pm	8.33pm	3 barks (C)	Nobody in street	Couldn't sleep
15/2/23	9.45pm	9.47pm	6 barks (I)	Plane passing over	Couldn't sleep
15/2/23	9.52pm	9.55pm	10 barks (I)	Nobody in street	
15/2/23	9.58pm	10.03pm	16+ barks (C)	Cat on fence	

IMPORTANT:

- All entries in the diary must document when the dog starts barking, then when it stops barking. One (1) diary for each dog must be completed.
- Records stating "Barking all day" or "Barking 9am – 12pm" will not be considered detailed enough to act upon.
- Document when you are not at home to record barking.
- **All entries must be to the minute.** This may seem excessive, but remember, you may be required to present this diary before a Magistrate so evidence must be accurate and concise.

Form 7 Complaint as to a Nuisance Created by a Dog



*Dog Regulations 2013 – Schedule 1
Dog Act 1976 s. 38(2)*

COMPLAINT AS TO A NUISANCE CREATED BY A DOG			
To: The Shire of Esperance			
TAKE NOTICE that a dog, believed to be a			1
has created nuisance by			2
The dog is believed to be owned by			3
Address			4
and is ordinarily kept at			5
and I/we			6
of			7
request the local government to institute proceedings if the nuisance does not stop and undertake -			
a) to give full information to the local government as to this matter; and			
b) to appear in court and give evidence as a witness to the truth of this complaint.			
Dated the	___ day of		20__
Signature			Date
Signature			Date
<i>(to be signed by complainants)</i>			
CONTACT			
Phone Number		Email	
Phone Number		Email	

¹ Insert breed or kind of dog and, where possible, its name, gender and identifying marks.

² Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.

³ State name and address of the person believed to be the owner.

⁴ State, if known, where the dog is ordinarily kept.

⁵ Insert name and address of each person making the complaint.

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