

Instruction on How to Complete the Barking Dog Diary

To enable the Council to resolve this matter, the Barking Dog Diary needs to be completed in the following manner:

- **DATE:** - The date of each instance is to be recorded
- **TIME BARKING FROM AND TO:** – The time that the barking started and ceased is to be recorded
- **CAUSE OF BARKING:** - When the dog is heard barking, check to see if there is any identifiable cause, i.e. The Postman is going past; Children teasing the dog, etc
- **THE SPECIFIC EFFECT THAT THE BARKING HAD ON YOU:**
It is also a requirement that the effect that the barking had on you is recorded. This needs to be specific, i.e.: - “woke me up”, “prevented my studying”; etc.

It is not sufficient to state generalisations such as “it’s annoying”.

Great care is to be observed in compiling this record. The information that you provide may be used in Court should this action become necessary.

WESTERN AUSTRALIA DOG ACT, 1976

COMPLAINT AS TO A NUISANCE CREATED BY A DOG

To **CITY OF FREMANTLE**

TAKE NOTICE that a dog, believed to be a (1)
has created a nuisance by (2)
.....
.....

The dog is believed to belong to (3)
and is usually kept at (4)
and I (5)
of Phone:

request the Council to institute proceedings if the nuisance does not stop and undertake: -

- a) to give full information to the Council as to the 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
(to be signed by the complainant)

- (1) Insert breed or kind of dog and, where possible, its sex 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 person believed to be the owner.
- (4) State, if known, where the dog is usually kept.
- (5) Insert name and address of complainant.

NOTE: This form is to be completed and signed by each complainant.

Division 4 – Control of nuisance

38. Nuisance

1. For the purposes of this section, a dog is a nuisance if the dog —
 - (a) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any place; or
 - (b) is shown to be allowed to behave consistently in a manner contrary to the general interest of the community; or
 - (c) makes a noise, by barking or otherwise, that exceeds —
 - (i) a prescribed noise level measured by a prescribed method over a prescribed period of time; or
 - (ii) a prescribed number of times of occurrence during or over a prescribed period of time.
2. A person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.
3. If an authorised person is satisfied that a dog is a nuisance as alleged in a complaint, the authorised person may issue an order to a person liable for the control of the dog requiring that person to prevent the behaviour that is alleged to constitute the nuisance by a time specified in the order.
4. An order has effect for 6 months after the day on which it is issued.
5. A person to whom an order is issued must comply with the order during the period in which it has effect.

Penalty:

- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
 - (b) for an offence relating to a dog other than a dangerous dog, a fine of \$5 000.
6. This section does not apply to a dog while that dog is kept at an establishment licensed as an approved kennel establishment under section 27.

[Section 38 inserted by No. 18 of 2013 s. 46.]

