



DOG NOISE COMPLAINTS

DOG AND CAT MANAGEMENT ACT, 1995

Have you got a dog noise problem?

The South Australian Dog and Cat Management Act 1995 states that Council may take action against a dog owner if their dog persistently interferes with your peace and harmony.

Convincing a dog owner to change their pet's habits is not easy, and the more information we have will enable us to more effectively resolve the problem.

Sometimes all that is required is for someone from Council to talk to the dog owner about the problem. We need your help to ensure we can give the dog owner as much information about the problem as possible. Therefore providing Council with a completed and detailed Dog Noise Record is essential.

Dog Noise complaints are difficult to deal with for a number of reasons:

- Each individual person will have a different view as to what is a noise nuisance. This will vary from the location of the dog to the complainant, noise tolerance level of the complainant and the type and length of barking.
- Information supplied by the complainant is based on their personal perception/experience of how the noise affects that individual.

Essential for Council to Proceed - Keeping a Record

To help you, please find enclosed a Dog Noise Record which you are required to fill in when the barking occurs. Do not try to remember at the end of each day or night as this will lead to mistakes in the accuracy of the Record. You must remember that the Record is a legal document that could become evidence in court. Therefore, be sure to complete the entry correctly. Please ensure you have correctly identified the offending dog/s and their location.

Each page of the Record including the cover must be completed, and the front page signed and witnessed by a Justice of the Peace. Without the Record being completed, signed and witnessed, Council will not proceed with any investigation.

So What Happens From Here?

Once you have filled out the Dog Noise Record Sheets, return it to Council. If sufficient evidence is received an Inspector will approach adjoining or nearby residents and the dog owner either in person, by letter or both. The dog owner will be advised that Council is investigating a complaint and advise them, if required, how they may resolve the noise. We will also contact you at this point and let you know the situation.

If the Dog Owner Cooperates

If the dog owner cooperates then things become a little easier. Depending upon the nature of the problem, it may take some time to correct a habit of the dog. We will contact you again after about 14 days to see if the problem still exists. (This allows time for behaviour correction).

Until the matter has been resolved it would be valuable to maintain Dog Noise Record Sheets to monitor progress (e.g. If there has been any improvement).

What happens if the Dog Owner Does Not Cooperate?

If the dog owner refuses to cooperate, the process becomes quite formal. Council has the power to issue expiations (fines) or serve an order (a legal document) on the dog owner to take reasonable steps to abate the noise. They then have 14 days to indicate their intentions.

After this time Council may also give you and other complainants further Record Sheets to fill out during this period. It is very important that you do so as this may have to be produced as evidence in Court that the problem has not been rectified. If we do not receive all the Record Sheets, or if they are not completed, we will not be able to proceed any further.

Legal Action

If things have not improved, the Council will consider taking legal action. Legal action is not automatic and depends on our assessment of each case. Should Court action be necessary, you may be asked to appear as a witness. If you do not wish to do this, then Council may not commence an investigation.

It may also take some time to obtain a hearing date at the Court. During this period you must keep an up to date record of the noise and the effect it has on you.

Should Court action be successful, Council will ask that the Court orders the dog owner to seek some special help (usually from a vet or other qualified person) to correct their pet's problem. Council may ask the Magistrate to order that specific controls be placed on the owner of the dog. Assuming that the Order is given and they comply with it, this should have the desired result.

If you have any further questions please contact The Flinders Ranges Council, Monday to Friday, between 9:00am and 5:00pm on 8648 6638.