

Fixed or Fixed? Are Councils Really Resolving Barking Dog Problems?

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Abstract

In May 1974 at the National Conference on the Ecology of the Surplus Dog and Cat Problem in Chicago, Alan Beck, a leading authority on animal management stated that *"in 1919 controlling authorities were discussing dog registration, leash laws and barking nuisance, today we are her to do the same. Little has changed in 55 years"*. In some ways when it comes to barking noise nuisance, Beck's words are still applicable in 2004, 30 years later.

Murray,² remarked in 1992: *"how little research had been carried out to evolve the ad hoc dog control practices of the past"... "and if the keeping of dogs as family pets in the future is to be more socially tolerable, a general improvement (in this bark management aspect of) urban animal management methods appears necessary"*.

Barking noise nuisance is probably the most complex problem of all the problems that Local Government currently has to manage. The management of barking dogs in our communities is failing to deliver satisfactory community outcomes because most Local and State Laws about barking noise nuisance are impossibly subjective and in a practical sense unworkable.

Introduction

Each State or Local Government Authority has a suite of laws that provide a platform for the maintenance of accepted community standards. Dog owners are not excluded and are expected to comply with the legislation that is intended to prevent their pets from causing nuisance. In most communities however, the dogs are continuing to bark, and with constantly increasing density of urban housing, public tolerance is declining. People are still keeping pets that bark too often, Animal Management Practitioners continue to mediate between neighbours, barking disputes are still difficult to resolve and in extreme cases, the newspapers periodically report on the death or an attack on a pet by an annoyed neighbour.

McQuillan,³ stated in 1989 that *"Pet Care Information and Advisory Services commissioned a report to identify the problems associated with keeping companion animals and barking dogs where by far the most common cause of animal related disturbance handled by local government and Victorian mediation centers"*. Murray,⁴ describes in his paper *"Barking Management – Appropriate Noise Standards and Definitive Assessment"*, that the legislation is simply ineffective due to its ambiguity in determining where the community tolerance level has been breached.

Murray,⁵ also wrote *"in 1986 the Australian Environmental Council carried out a national noise survey and from the number of responses, noise was identified as one of the most serious forms of community pollution with dogs and traffic the worst offenders. Of these two, barking dogs were the most annoying"*.

Similar evidence comes from Blackshaw,⁶ a leading animal behaviour scientist at the University of Queensland who reported that *"barking was one of the most common behavioral problems she was asked to advise on"*. In addition, a study of dog population management methods was carried out in Townsville 1986 and Murray,⁷ advised *"that barking was the most commonly mentioned neighborhood dog problem"*

Most Animal Management Practitioners would have little trouble if asked to interrogate their Council's database to generate a report which would identify what proportion of their work is taken up with the management of barking dogs. It is probable that barking dog complaints would top the list of almost every Council. Despite this high level of community disquiet, Local authorities and their staff sometimes seem to find it easiest to make the task of investigating a barking dog nuisance so complex that the aggrieved parties simply give up and go away.

Why after Beck's warning of 1919, hasn't this phenomenon been better managed?

This year (for this paper), a review on the processes employed by Local Government in Queensland, New South Wales and South Australia in the management of barking dog conflict is detailed below.

The municipalities involved were:-

- Townsville City Council - Queensland -
- Liverpool City Council New South Wales; and
- City of Holdfast Bay - South Australia.

Example 1: Townsville City Council

Townsville City Demographics

- a population of approximately 100,000
- 35,000 domestic residential properties; and
- approximately 17,000 registered dogs.

Townsville City Bark Management Process

A review on the number of complaints made to Townsville City Council show that barking dog nuisance is greater than any other type of complaint received by Council. The procedure in which these complaints are managed is briefly summarized below.

The Local Law provides that an animal must not be kept on any land if the animal creates a nuisance to persons or animals. This is further clarified in the subordinate legislation where a "written complaint must be made about a noise nuisance unless exceptional circumstances exist and in this case verbal complaints can be received".

The complainant must provide statutory information and upon receipt of that information, Council can take further action. If the complaint is justified written notices must be issued requiring the offending dog owner to abate that nuisance.

The Local Law is very non-descript in what it says can and can't be done, so the outcomes have been strengthened by developing a work procedure which satisfies the Local Law.

This procedure consists of:-

Step 1:-

When a complaint is made to Council the information is recorded. Council immediately sends the owner of the alleged barking dog a letter advising them Council is in receipt of a complaint about their dog and offers a brochure detailing ways in which they may be able to manage the problem.

The person who has lodged the complaint is also sent a letter (including a diary) immediately advising them that if the problem persists they are to keep a log in the diary of how often and for how long the offending dog is barking. On completing the diary it must be returned to Council before it will take any further action. The complaint does not reach Local Law staff at this stage unless a number of other circumstances are triggered i.e. multiple dogs in a location without our knowledge etc.

This has effectively reduced the number of barking dog complaints requiring Council intervention by 90%.

Step 2:-

Where a completed diary is received up to 28 days after the original complaint, a local laws officer reviews the diary entries to determine if the barking is excessive. If it is, a notice is sent to the dog owner requesting them formally to abate the noise. A further letter is sent to the complainant advising on the action and included in the correspondence is another diary requesting it be completed if the dog continues to create a problem.

Step 3:-

If at the end of 28 days the diary is returned to Council and the complaint is deemed justified, a Prescribed Infringement Notice (PIN) (\$75.00) is issued and a 14 day first and final notice is given to the owner to abate the nuisance. A further letter is sent to the complainant advising on the action and included in the correspondence is another diary requesting it be completed if the dog continues to create a problem.

Step 4:-

If the diary is once again returned to Council up to a period of a further 28 days after the second complaint and the complaint can once again be justified a PIN (\$150.00) is issued and a seven day notice issued for the nuisance to be abated. A further letter is sent to the complainant advising on the action and included in the correspondence is another diary requesting it be completed for a period of 7 days if the dog continues to create a problem.

Step 5:-

If at the end of the seven day period the diary is returned, all information is placed in a report format with a recommendation for prosecution. This recommendation is considered by the Environmental Health Services management team prior to instructing the Legal Section to prosecute.

How successful has this procedure been?

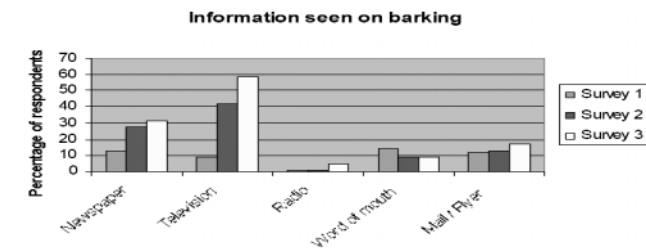
While this procedure is in place, it's believed that the health education strategy in respect of responsible pet ownership is far more effective toll than wielding the big stick. With this in mind a number of television, radio and newspaper commercials have been developed to alert and advise resident of how to deal with barking dogs.

It's difficult to measure if Townsville City Council's approach to barking dog management is successful. Little or no research has been carried out to determine what the problem was in the past and if this procedure has assisted in reducing barking dog complaints.

However, observations have shown the following:-

1. Local Laws Officers workloads have decreased significantly due to the administrative procedure for an animal management issue. What has been found is that a majority of barking dog complaints are highly emotive and reactionary. The administrative steps show some immediate action to both parties.

2. Townsville City Council did undertake a significant survey before, during and after the introduction of the animal management health education strategy to determine where information on animal management issues was being seen by the community. The survey has shown the following.



- Survey 1 was conducted in November 2002;
- Survey 2 in March 2003; and
- Survey 3 in June 2003.

Over the 12 month period that the survey was conducted, Council has seen a major increase in people seeing or having access to information that had been "put out" in relation to barking.

Prosecutions

The procedure is long and laborious, and to date Council has had no cases that have gone to prosecution.

Prescribed Infringement Notices Issued

Two- (2) Prescribed Infringement Notices have been issued for barking dog nuisance in the last two- (2) years.

Complaints over past 2 years

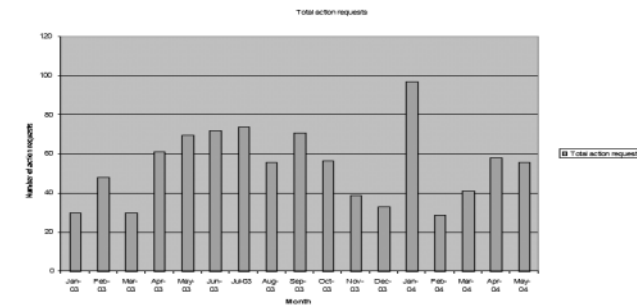
The attached table and graph documents the complaints received in relation to alleged barking nuisance recorded from January 2003.

Total action requests

Jan 03	30	Oct 03	57
Feb 03	48	Nov 03	39
Mar 03	30	Dec 03	33
Apr 03	61	Jan 04	97
May 03	70	Feb 04	29
Jun 03	72	Mar 04	41
Jul 03	74	Apr 04	58
Aug 03	56	May 04	56
Sep 03	71		

Is the Process Working?

The statistics demonstrate a general decline in barking dog complaints over a 12 month period; however more information is required over a longer time frame to determine if there are any environmental conditions that need to be taken into consideration (temperature, humidity, school holidays etc).



From a workload perspective, the process is working. From a public education point of view, the messages are getting out, statistics can show that these two issues are a success, however from a client point of view how satisfied are they with the process and outcomes, the jury is still out.

The Future

There are no proposals to amend, update or reconsider the management processes for managing barking dog conflict in Townsville. However, the actions and discussions at UAM conferences, discussion and feedback with other Councils will assist officers from Townsville City Council to reconsider this point at any time in the future.

Example 2: Liverpool City Council

Liverpool City Demographics

- Current Population 160,000

Complaints

- Barking dog complaints – 250 from May 2002 – June 2004

Statistics

- Dog Registration Statistics – 10,000.00 on Companion Animal Register NSW
- Infringements issued – Nil
- Prosecutions – Nil

Liverpool City Bark Management Process

1st Complaint is received and the information is recorded. Council immediately sends the owner of the alleged barking dog a letter advising them Council is in receipt of a nuisance complaint concerning their dog and mails out an education package detailing ways in which they may be able to manage the problem.

The person who has lodged the complaint is also sent a letter immediately acknowledging receipt of the action and the steps taken detailed.

Where a 2nd complaint is received a diary is mailed to the complainant for completion over a 7 day period. The completed diary must be returned to Council to be used as evidence. Upon receipt of a diary, Council requests the cooperation of immediate neighbours to determine if a nuisance exists. Residents are also requested to complete a diary over a 7 day period to collaborate the issue of nuisance. If the diary is not returned the enquiry is deemed completed. No further action is taken.

Where the neighbours are unable to collaborate the alleged nuisance the complaint is referred to the Chamber of Magistrates for mediation.

If the complaint is collaborated by diaries returned from immediate neighbours, the dog owner is advised of the complaint. Council officers may at this time proceed with remedial action i.e. prosecution, service of noise abatement notice or other action as deemed appropriate,

City of Holdfast Bay

Holdfast Bay Demographics

- Current Population 32,340

Holdfast Bay Complaints

- Barking dog complaints – 21 complaints 1 July 1 to 31 June 2004

Holdfast Bay Statistics

- Dog Registration Statistics – 4,377
- Infringements issued – 31
- Prosecutions – Nil

Holdfast Bay Bark Management Process

In the City of Holdfast Bay the major dog problem is barking dogs, with a total of 21 complaints being recorded this year (2003 – 2004).

The legislation that administers the way in which dogs are required to be kept in South Australia is the *Dog and Cat Management Act*. Section 43 of Division 1 of Part 5 of the Act provides the head of power for local government to manage noise emitted by dogs.

	Division 11 fine.	Division 11 fee.
11. If the dog (either alone or together with other dogs, whether or not in the same ownership) creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person.	\$100	\$50

The Act appears fine in principal, but, when it comes to its delivery there is little deterrent to the dog owner and the investigation process costs Council significant amounts of time and money.

Although the Act requires only one- (1) complainant, Councils have to be mindful that the complaint is not the result of a neighbourhood dispute. To assist Council in validating the complaint, several independent neighbours are also requested to keep diaries detailing when and for how long the offending dog is allegedly barking. The diaries must be kept for a minimum of seven- (7) days and be returned to Council.

This process has proven to aggravate many complainants who want Council to resolve the problem immediately. There are many occasions when the complainant is unable to enlist the assistance of nearby neighbours. For this reason an alternate management strategy has been adopted by Council which runs parallel with the barking dog process above.

The City of Holdfast Bay involved itself with the Holdfast Bay Dog Owners Association approximately 10 years ago during its consultation process in developing local laws and policies to manage dogs in the city.

Council took the opportunity to work with the group and over a period of time have assisted with finding a facility for training. Jointly they have embarked on a program whereby dog owners under investigation by Council (as a result of a barking dog complaint) are referred to the Association for remedial training. The program has evolved to a level where trainers can now be seen conducting house calls where requested by dog owners, to assist in resolving their pet's behaviour problem. This is carried out at no cost to Council and a minimal fee to the dog owner.

The group has recently expanded its operation to include a "doggy day care" program where owners whose dogs may or may not have significant behavioural problems may have the animals undertake remedial training whilst the owner is at work. There can be more than 30 dogs being cared for at any one time. The dogs housed under the "doggy day care" program are allowed to socialise with other dogs and humans. Trainers play and care for the animals and if required, remedial training is applied in a fully fenced premise.

This program has proven to have been of great benefit to Council. Complaints concerning barking dogs are low and Council staff can access to immediate professional advice and friendly service. It has also been found that pet owners are also more receptive to advice offered by trainers and can see that Council is trying to solve the problem not persecute owner or dog.

Summary

The three barking dog management processes detailed above, demonstrate that the legislation and internal processes used by the local authorities to manage the nuisance are complex and not particularly easy to work with.

It would be quite wrong, however, to give the impression that Local Government and Animal Management practitioners are solely responsible for stalling the evolution of more effective and efficient mechanisms to manage barking dog nuisance.

No one would suggest that the business of resolving barking dog conflict been engineered to not get tidy results for all parties involved.

However, it is perhaps correct to say that current methods for dealing with barking dog complaints have become so complex, that while the complaints may have gone away, the problems have not.

It is a difficult subject and progress has not been as good as it should have been for this aspect of local government. There are other reasons why this is so.

- The first major barrier in applying a fair and even-handed approach to barking dog conflict is a lack of resources. Simply put, effective outcomes cost time and money... R&D costs money.. Complex problems do not have simple solutions. Animal Management programs are generally under funded and bark nuisance is no exception in the minds of those building and delivering budgets. UAM needs better resourcing and barking problems are right up there on the top priority list.

- One of the biggest faults with the contemporary methodology of bark management is the issue of imprecise and unreliable evidence gathering techniques. Accepting evidence of a nuisance where that evidence has been gathered by an aggrieved party is, in a technically legal sense, a fundamentally flawed process. It is not a transparently fair and even-handed business.

- Many people unhappy with the processes of barking noise nuisance resolution may be reluctant to attend court for a variety of reasons including fear of retribution. While dissatisfied clients are not getting the chance to contest the validity and fairness of the processes used, the processes are not being seriously challenged for fairness. Where this is happening there is no reality check on service quality.

Discussion and recommendations

Studies and global marketing are now focused on promoting the positive benefits in social health and welfare of pet ownership. The social cost of pet ownership in Australia has never been calculated. Jennens⁹ in general terms wrote *"the community is being told that pets are good companions and help people to cope with stress and physical illness, however promoting the benefits and usefulness of pets without making people aware of the potential causes and consequences of poor pet management practices created further problems for those involved in animal management"*. While pets are a social asset, barking noise is a liability. It is the task of UAM to resolve this conundrum.

To find better methods for community barking dog noise nuisance management, it is (before all else) necessary to appreciate just how complex an issue this is. We sometimes forget that Urban Animal Management is a composite discipline made up in about equal parts by the following TWO interconnecting components:-

1. Animal behaviour management – and –
2. Community behaviour management

When one considers that EACH of these disciplines is a fully fledged science in its own right, one begins to appreciate just what is in the melting pot when they are both thrown together all tangled up together. With the issue of community nuisance caused by barking dog noise nuisance, that is exactly what happens.

Animal Management is a composite discipline made up in about equal parts by the following TWO interconnecting sciences:-

1. **Animal** behaviour management – and –
2. **Community** behaviour management

This conference will hear a number of papers from leading animal behaviourists about the barking behaviour of dogs. These speakers will doubtlessly discuss the interactive relationships between dogs, their owners and their environment, and while this is all well and good, it is only half of the story. Local Government is about community management and community in this case is about what everybody else in the rest of the neighbourhood thinks barking noise nuisances.

Legislation is written on the assumption that people will obey the law and in the case of pet ownership be able to manage their dog's behaviour to an acceptable community standard. Wrong! In many cases, dog owners have formed the view that a barking dog makes a good watch dog, or that's it natural for dogs to bark, or that dogs bark because they are lonely and need another dog for company, or that barking over a fence is acceptable...you get my drift.

This subject embraces the behaviour of the dogs, their owners and all the neighbours – UAM has to cover the whole story.

Many different groups have a role to play in getting better bark management methods and outcomes. These might include:

- Dog breeders who could include breeding for quietness as an objective
- Professional dog trainers who could instruct in training for quietness
- Veterinarians who could involve their staff in recognising early puppy behavioral problems
- Respective canine associations and lobby groups that could support active dog tolerance initiatives on the part of all dog owners
- Dog retailers and animal shelters that could seek to get better behavioural matching between dogs and their new owners

But the most important role of all is the one that rests in the hands of Local Government. This is the finding of better ways to regulate this nuisance. While everyone else can play an important role in helping dog owners to lessen the incidence of barking nuisance, local government still has to better define the nuisance and still has to deal with the nuisance when it happens.

One method which has been under trial for approximately 6 months with Caloundra City Council is the prototype bark collar counter. The collar is worn by the alleged offending dog around its neck. Once barking is detected by a microphone inside the counter box, a signal is transmitted to a counting circuit attached to a microcontroller processor. The data is then captured and stored in the systems memory.

It is the author's hope that the concept of a bark count collar will be a step in the direction of providing the key five- (5) elements to more satisfactory resolution process in barking dog conflict.

■ Definitive

The Local Government can determine by community consultation what it considers to be a reasonable number of barks before an offence is committed and legislates to this effect.

■ Meaningful

The people who own the dogs will know exactly what is required of them and the neighbours know exactly what Council considers to be acceptable.

■ Reasonable

The community is involved with and approves the barking tolerance level and integration into local law.

■ Validateable

The bark counter records the number of barks omitted by the dog. The data can be assessed and presented as evidence if required.

■ Enforceable

Where the bark counter collar data demonstrates the dog has barked excessively enforcement can be administered in a transparent, fair and even handed way.

The Multivet bark counter collar is one method to record barking. It is not the complete answer but what is demonstrated is that noise nuisance from barking dogs can be measured, and where necessary, integrated into the regulatory processes of Local Law.

Acknowledgements

The author would like to thank the following people for their contribution to this paper.

- Mr. Gavin Hammond, Principal Environmental Health Officer, Townsville City Council;
- Mrs. Brenda Knowles, Animal Management Officer, Liverpool City Council;
- Mr. Philip Kirkpatrick, General Inspector, City of Holdfast Bay; and

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Shane Scriggins

Shane Scriggins is an Animal Management Professional who has worked in Local Government for a number of years and with Dick on several significant animal management projects and initiatives during this time. Always seeking alternative pet management strategies, Shane is strong believer in the outcomes that can be achieved by the sharing of ideas and initiatives between colleagues where the common goal is to provide better long term harmony of our community in relation to pet ownership.

Dick Murray

Dick Murray is a veterinarian who has long believed that companion animals have a remarkable quality of life potential in contemporary urban society. To realize the full potential he has no doubt at all that our society will depend more and more in the years ahead on the services of good systems of Urban Animal Management systems.

Dick believes that provided everybody continues to help push the envelope of excellence in UAM, service quality will continue to improve for the good of all. He believes that UAM conferences like this one are the focus and the forum of that process in Australia and hopes that this paper will be of both interest and stimulation to delegates.