

The barking dog owner – using the big stick

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Abstract

The handling of barking dog complaints present some unique problems for animal management officers in local government; not the least being that the legal tools available are somewhat crude, and resourcing solutions that involve intensive coaching of dog owners is beyond most local governments.

Issues arise with complainants in establishing the validity of a complaint which may be misdirected or part of a wider neighbourhood dispute, and their expectations as to what Council can and will achieve, particularly in the short term.

Dog owners are often unwilling to accept their animal is a problem, let alone take responsibility for it, or take the time and trouble to deal with their responsibilities in a constructive manner.

Elected representatives receive pressure from both sides and this can be transmitted to officers who try to work through problems knowing that legal remedies are crude tools and are problematic in terms of their demanding the criminal burden of proof.

Collecting evidence to support legal is sometimes not possible, even after the thorough documentation of progressive actions taken, and complainants need to be told that nothing more can be done. However, sometimes the only solution is to use the big stick.

Introduction

The handling of barking dog complaints present some unique problems for animal management officers in local government; not the least being that the legal tools available are somewhat crude, and resourcing solutions that involve intensive coaching of dog owners is beyond most local governments.

Issues arise with establishing the validity of a complaint which may be misdirected or part of a wider neighbourhood dispute, and complainant's expectations as to what Council can and will achieve, particularly in the short term.

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Elected representatives receive pressure from both sides, and this can be transmitted to officers who try to work through problems knowing that legal remedies are relatively crude tools and are problematic in terms of their demanding the criminal burden of proof.

Collecting evidence to support legal action is sometimes not possible, even after the thorough documentation of action taken, and complainants need to be told that sometimes nothing more can be done.

In coming up with a fresh approach to the problem at Rockhampton Council has analysed its expectations of what we would be an ideal response from each party in a problem barking dog situation, and attempted to translate that into a tool for all stakeholders to use. We call that tool the Barking Dog Peace Pack.

Presenting the pack

The Peace Pack was originally going to be called the Barking Dog Tool Kit but in some quarters it was felt that this name had implications in terms of people doing nasty physical things to dogs. The name Barking Dog Peace Pack was then adopted.

The name brings expectations in terms of the use of the word *Peace* in the name, implying a solution to the noise problem; and the work *Pack*, while usefully alliterative, also has another meaning and implications when talking about dogs.

Available funding for the Barking Dog Peace Pack was, and still is, subject to prioritisation; however it was felt that to achieve the best acceptance by clients the standard of presentation of the Pack was important. So it was decided to commission a designer to professionally produce an attractive theme and artwork for a binder, the internal envelopes, and stationery that could be used for in house printing of the detailed inserts.

Reflecting the desire to obtain an ideal response the Pack was divided into four component sections each of which has its own envelope inside the Pack.

The envelopes are titled:

The first step - Talking it out
For the dog owner
For the complainant
What Council will do

The information sheets inside each envelope are printed using a colour photocopier. While this is more costly, the material is more appealing to readers, can be colour coded to the envelope in which it is contained, may be produced to meet demand and readily amended if required or desired without the cost of the loss of redundant pre-printed stock.

The first step - talking it out

In an ideal world it would be good if complainants and dog owners could get together to sort out their problems. It would also avoid Council becoming unnecessarily involved with legal tools too early in a matter.

All the material in the Barking Dog Peace Pack is directed at avoiding Council having to become involved. However the *The First Step - Talking It Out* specifically recommends the complainant and the dog owner getting together to deal with the problem, and also provides information on the Queensland Department of Justice and Attorney General's free dispute resolution process.

For the dog owner

The envelope *For the Dog Owner* emphasizes the responsibilities of the dog owner and gives constructive advice on some of the techniques that they can use to identify why their dog barks and how to deal with nuisance barking. It deals with training your dog not to bark, the use of dog toys and also directs dog owners to organisations and sources of more information, such as the Internet and Council's libraries (which stock a number of helpful books on dog training).

There is also a pro forma for the dog owner to use to canvas their neighbours to ask if their dog is a problem. No comment has yet been received by dog owners on this form, but again it's a very strong hint to owners that their dog's behaviour is their responsibility and that they have a duty to be good neighbours.

The information also points out to dog owners that Council has the big stick of the local law to use if necessary.

For the complainant

The envelope *For the Complainant* again urges them to try to resolve the matter with the dog owner.

It explains that the complainant must be prepared to put their complaint in writing and provides a compliant form if they want to use it.

The material also explains some of the problems Council may face in dealing with the complaint and outlines briefly the process that will be used by Council. In particular it draws attention to the fact that if the matter is contested in court, the complainant will be expected to act as a witness.

Most importantly it points out that if there is no independent support for a complaint made to Council, Council may only be able to counsel the dog owner. It advises the complainant that this does not mean that a problem does not exist, but that Council believes there is no legal basis for further action.

What Council will do

The *What Council Will Do* envelope is all about process under the local law. It should be noted that Council prefers to use its local law rather than the Queensland Environmental Protection Act. This is permissible under the State legislation.

It gives both complainants and dog owners a clear understanding of what will happen if a formal complaint is made, with samples of Council's neighbourhood survey form, nuisance notice and infringement notice.

The idea is to convey the level of standardisation of the methods used in pursuing a complaint to emphasize its objectivity while also providing a copy of the legislation and other factual documentation to reinforce to both complainants and dog owners the weight and formality of the process.

The cost, the problems and the potential

The Barking Dog Peace Pack will have been in use for a full twelve months at the end of this calendar year.

With the initial artwork and plate making costs amortised over the initial production run, each Pack used in the first year will cost about \$4.50. Depending on the level of enhancements made future costs will be lower. At this stage no comparative figures on the number of barking dog complaints received are available to gauge the actual savings made with the issue of the Pack. In terms of officer time in dealing with a barking dog complaint this cost is low. If every barking complaint costs a minimum of four hours of officer time with associated resources, the elimination of one barking dog compliant investigation pays for over 30 Peace Packs.

The Barking Dog Peace Pack is available at Council's customer service centre: the point where personal complaints are lodged. It is also available to phone complainants by mail and people visiting the pound. Importantly every Councillor is provided with a stock of Packs to enable them to provide immediate information for a complainant. In the first 8 months of the use of the Pack, 250 were distributed.

However one of its more recent uses is as a counselling tool for barking dog owners where a complaint has been made, but the use of the big stick has not been justified. Council has always made dog owners, about whom a barking dog complaint has been made, aware of that complaint even when further action by Council is not immediately justified. This, and attendant counselling, allows the dog owner to have a look at the situation and deal with any problem that, while occurring at a low level, might have potential to become a more significant problem.

Given available resources, and that includes staff time as well as money, we would hope to be able to enhance and extend the material included in the Pack. The use of more graphic material, photographs and the like will improve its appeal, acceptability and usefulness to clients.

The question has also arisen as to whether it would be appropriate to have the Pack sponsored. The usual problems arise in this regard with accepting sponsorship by a particular local organisation in a small city and the processes whereby proper tendering for such sponsorship might be conducted.

It is not envisaged that the scope of the Pack be widened as it is specifically directed at barking dogs. However, if the Pack is successful it may be appropriate to produce a similar tool for general animal care matters including dog registration requirements, wandering dogs, and cat care.

Council hopes that the Barking Dog Peace Pack will encourage responsible and responsive dog ownership with informed neighbour to neighbour interaction to deal with barking dog problems. This is indeed an ideal but if all else fails Council can always fetch the big stick.

Paul Frisby

After what he describes as a misspent youth Paul Frisby joined the NSW Public Service as a junior Consumer Affairs Inspector in 1977. Following 8 years in consumer protection he moved into management working for his home Department and the NSW Office of Public Management in management review and change management. At the same time he was a senior volunteer officer with the NSW State Emergency Services specialising in disaster response planning and management.

In 1992 he resigned his position as Director, Audit with the NSW Department of Corrective Services for a "sea change" position with Queensland Corrective Services at the Rockhampton Correctional Centre. He subsequently ran a small business and for the last four years has been employed as Coordinator Regulatory Services with the Rockhampton City Council. Paul has graduate qualifications in Management from the Central Queensland University.