



# **NUISANCE DOGS**



## **38. NUISANCE DOGS**

## **HOW TO MAKE A COMPLAINT**

- (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.]*

If you wish to lodge a complaint against a "Nuisance Dog", you are required to attend the Local Shire Office and fill out a Complaint Form so that action can be taken to prevent further nuisance behaviour.

Before you do this, there are certain items of information that are required to ensure your complaint can be processed as soon as possible.

- A Positive ID on the Dog creating a nuisance
  - The Type or Breed of dog
  - The Colour of the Dog
  - The Gender of the dog
  - Any identifying marks
- Type of nuisance
- Dates and Times on or between which the nuisance occurred (Where possible)
- Where the dog was at the time of the nuisance
- Name and Address of the person believed to be the owner
- Address where dog is ordinarily kept
- Name and Address of Person(s) making the complaint

Without the necessary detail, the Ranger is unable to proceed in neutralising the complaint, so the above information is absolutely necessary for the Nuisance Dog(s) to be dealt with as quickly as possible.

**IT IS A LEGAL REQUIREMENT THAT A "COMPLAINT AS TO A NUISANCE CREATED BY A DOG" FORM IS FILLED OUT BEFORE ANY ACTION CAN BE TAKEN TO RESOLVE THE PROBLEM.**

After lodging your complaint with the Local Shire, the Ranger is contacted and made aware of the problem. When he is next available, he will get in contact with the owner of the alleged Nuisance Dog and speak to them about the issue. They will be given two weeks in which to resolve the issue.

After the owner of the alleged Nuisance Dog is spoken to, the Ranger will then speak to the complainant(s) regarding the conversation with the dog owner. On doing so, he will give you a diary with which you will be asked to formally note down the times that you are disturbed by the nuisance dog. This will act as evidence should the complaint proceed to court.