



Barking Dog

Risks and Mitigation Options

Prepared for Casper (Jasper's owner)

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1. Context

- 1.1 Casper recently adopted Jasper, a one-year-old chihuahua. Despite his small size, Jasper has a deafening bark.
- 1.2 Jasper barks excessively when Casper is not home, and neighbours have complained on several occasions.
- 1.3 Casper and Jasper live in the City of Melbourne.

2. Questions

Question 1

What are the risks associated with Jasper's excessive barking?

- 2.1 Casper may contravene part 5.3(b) of the Activities Local Law 2024 (**Act**) if he has failed to provide housing for Jasper so as not to cause any nuisance, which includes excessive dog barking.¹
- 2.2 Casper may also face relationship issues, such as disputes with neighbours, and reputational risks, including:
 - disparaging comments about Jasper on the neighbourhood Facebook group; and
 - removal from the neighbourhood dog Christmas party.

¹ Please see Annexure 1 for a more detailed explanation of the Act.

Question 2

What are the consequences of contravening the Act?

2.3 The Melbourne City Council (**Council**) has a range of enforcement powers under the Act, including:

- issuing an infringement notice or prosecution of an offender; and
- issuing a notice to comply, specifying actions to rectify a contravention.

2.4 The penalty under an infringement notice is fixed at \$247. If prosecution is pursued, a court may issue a penalty of up to \$3,951 and, if the contravention continues following conviction, \$395 per day.

Question 3

What steps can Casper take to mitigate the risks?

2.5 **Remediation:** Take steps to remediate Jasper's barking through behaviour modification and noise reduction strategies, as further described in section 3 below.

2.6 **Relationship management with neighbours:** This is critical because disgruntled neighbours may report Jasper's barking to the Council, which may prompt investigation and one or more of the consequences described above (if a contravention is found). Options include:

- arranging meetings with affected neighbours to discuss the proposed remediation plan and debrief on progress made; and
- if required, engaging in mediation to resolve any issues amicably. The Dispute Settlement Centre of Victoria offers free mediation services.

3. Remediation strategies

STRATEGY	DETAILS / EXAMPLES
Reduce noise levels	<ul style="list-style-type: none">• Ensure Jasper is left inside with all windows closed when Casper leaves home.• Soundproofing a room is a costly option, which might only be considered after all other remediation strategies have been exhausted.
Provide activities	Puzzle toys, such as Snuffle Mats and treat dispenser games , will help occupy Jasper while left alone.
Behaviour training	Undertake training to stop the barking behaviour. There are various online and in person training course providers, such as Woofz Academy and Think Like a Dog .
Companionship	<ul style="list-style-type: none">• Leave Jasper with a family member or friend, engage a dog walker or enroll Jasper in doggy daycare while Casper is out of home.• Adopt another animal to act as a companion for Jasper.

4. Annexure 1 – Explanation of the Act

4.1 Part 5.3 of the Act states the following:

5.3 Any structure or location used for housing an animal must be maintained:

(a) in a clean, inoffensive and sanitary condition;

(b) so as not to cause any nuisance; and

(c) to the satisfaction of the Council.

4.2 The term 'nuisance' is defined by its ordinary common meaning. Cambridge Dictionary defines 'nuisance' as 'something or someone that annoys you or causes trouble for you'.

4.3 Noise disturbance, such as excessive dog barking is likely to fall within the ordinary meaning of 'nuisance'. [Guidance](#) published by the Council states that it may take enforcement action in respect of noisy dogs.