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**COMPLAINT AS TO A NUISANCE CREATED BY A DOG – FORM 7**  
 DOG ACT 1976 s. 38(3)

<b>TO SHIRE OF CHITTERING,</b>			
<b>TAKE NOTICE that a dog, believed to be a</b>			(1)
<b>Has created a nuisance by</b>			(2)
<b>the dog is believed to be owned by</b>			(3)
<b>and is ordinarily kept at</b>			(4)
<b>And I (state name)</b>			(5)
<b>of (your address)</b>			
<p><b>Request the Local Government to institute proceedings if the nuisance does not stop, and undertake:</b></p> <p style="padding-left: 40px;"><b>(a) to give full information to the Local Government as to this matter; and</b></p> <p><b>to appear in court, and give evidence as a witness to the truth of this complaint.</b></p>			
Dated the		day of	20

<b>PRINTED NAME</b>	
<b>SIGNATURE</b>	

(1) Insert breed or kind of dog, and where possible, its sex and identifying marks  
 (2) Describe details of the alleged nuisance, including the kind of nuisance, and where possible, the dates and times on or between which the nuisance occurred, and where the dog was at the time of the nuisance.  
 (3) State name and address of the person believed to be the owner  
 (4) State, if known, where the dog is ordinarily kept  
 (5) Insert name and address of complainant.

**NOTE:** This form is to be completed and signed by each complainant.

## The Dog Act 1976 states:

### 38. Nuisance dogs

- (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.