



ACT
Government

How to lodge an animal nuisance complaint

What is an animal nuisance?

The *Domestic Animals Act 2000* states that an animal nuisance exists if the keeping or behaviour of an animal causes a condition, state or activity that constitutes:

- a) damage to property owned by a person other than the keeper; or
- b) excessive disturbance to a person other than the keeper because of noise; or
- c) danger to the health of an animal or a person other than the keeper.

Generally, nuisance behaviour relates to excessive noise caused by a dog barking.

It should be noted that all dogs bark to some degree and only some barking behaviour meets the criteria for “nuisance” as described above.

Please note, it is recommended that prior to lodging a complaint with us, that you speak to your neighbours about the problem that you are having. Some people are unaware that their animals are causing a problem. Sometimes this direct approach will rectify the problem quickly.

What do I need to do to lodge an animal nuisance complaint?

In lodging an animal nuisance complaint you must demonstrate that the nuisance exists and has been ongoing for an extended period of time in excess of three weeks and how the nuisance behaviour is impacting upon you. To demonstrate the frequency and regularity of the nuisance we ask that you to complete a bark diary for a period of 14 days. This information is essential when Domestic Animal Services is holding discussions with the dog owner to demonstrate the nature of nuisance behaviour and when it is occurring so that they can take steps to address the issue. Please complete the attached nuisance diary and application form.

If you consider that you may be experiencing an animal nuisance problem in your neighbourhood please complete the form and diary and send it to:

Domestic Animal Services
GPO Box 158
Canberra City 2601

The *Domestic Animals Act 2000* states that the Registrar must investigate any written animal nuisance complaint unless satisfied that the complaint is frivolous or vexatious.

What will happen once I lodge my complaint?

Firstly, on receipt of your completed animal nuisance complaint form and bark diary, DAS will send you a letter advising you that your complaint has been received and your individual job number.

Secondly, the dog owner will be advised of the complaint. They will then be given a period of two weeks to address the issue.

If after this period, you are not satisfied that the nuisance has been stopped or adequately reduced, you should advise DAS in writing and enclose a copy of your 14 day bark diary.

On receipt of your 2nd bark diary and letter, DAS will conduct a formal investigation into the matter. To progress a nuisance complaint it is essential that DAS has supportive information for your complaint. This information is sought through:

- canvassing the neighbourhood taking into account all residences that may be affected by the nuisance behaviour;
- rangers visiting the area to make independent observations.

Each nuisance complaint will be assessed on its merit, taking into consideration the effect that it is having on your neighbourhood.

In assessing the issue, the Registrar must consider the following:

- the number of people affected, or potentially affected, by the nuisance;
- the damage, disturbance or danger resulting, or likely to result, from the nuisance;
- any reasonable precautions that a person whose animal is causing the nuisance has or has not taken to avoid or minimise the adverse effects or the potential adverse effects, of the nuisance;
- any reasonable precautions that a person adversely affected, or potentially adversely affected, by the nuisance has or has not taken to avoid or minimise the effects, or likely effects, of the nuisance.

DAS will not provide you with feedback until it is necessary or the investigation is completed. On completion of the investigation you will be notified of the outcome of the investigation.

If there is not enough supportive evidence from neighbours, or rangers cannot confirm the reported nuisance behaviour from their own observation it may not be possible to progress with the complaint. If this occurs the complaint will be closed.

Complainants should be aware that rangers must work to a standard of proof that would be accepted by the ACT Magistrates Court. This will assist the Court to uphold the decisions of the Registrar. For these reasons you are encouraged to provide the Registrar with detailed evidence of the nuisance.

However if following a formal investigation the Registrar is satisfied that a nuisance is occurring the Registrar will issue a Nuisance Notice under Section 112 of the *Domestic Animals Act 2000*. If you wish to access this Act it is available at the [ACT Legislation register](#) website.

Infringement notices can be issued for failure to stop the nuisance from occurring.

Continued failure to stop the nuisance may result in the matter being referred to the Director of Public Prosecution for consideration and possible proceedings in the ACT Magistrates Court. You will be required to provide a statement and provide evidence in court. Failure to pay the infringement notice could also result in legal action against the animal owner, with extra costs being imposed by the court.

Please send completed animal nuisance complaint form and supporting evidence to:
Domestic Animal Services
GPO Box 158
Canberra City 2601

Alternately you may also contact the Conflict Resolution Service to discuss the matter and receive some free dispute coaching, or enquire about mediation between both parties. This will not result in an investigation but can provide an alternative to the complaint path to DAS. The address of this organisation is:

Conflict Resolution Services

3.10 Griffin Centre
20 Genge Street
Canberra City ACT 2601
Ph: 6162 4050 F: 6162 4050
Website: www.crs.org.au

Animal nuisance complaint form

Your Details

Surname	
Given names	
Address	
Phone contact	(home) (work) (mobile)
Email	
Length of residence at current address	
Type of nuisance	
How long has nuisance been occurring	
Number of animals involved	
Description of animal	

Animal's details

Complete only the areas that you know, ie we do not expect you to know their name or phone numbers but we MUST have the address that the animal resides at. If you cannot provide the address of the animal we shall not action the complaint.

Animal owner's surname	
Animal owner's christian names	
Animal owner's address	

Animal owner's phone contact	(Home) (Work) (Mobile)
Animal owner's email	
How many dogs at that address?	
Description of the dogs?	

The problem that you have

Please be as specific as possible, for example, the dog barks every time I go into my backyard, the neighbours have two dogs, but only the brown kelpie barks excessively. The dog will bark for 10 minutes, stop for five and then start again for another 10 minutes, this will go on for up to three hours, usually between 3 pm and 6 pm The dog is not a problem at night etc.

Signature
Date

It is a serious offence for you to include false or misleading information on this form – see s.338 Criminal Code 2002.

14 day nuisance diary

If the animal makes a noise, indicate the length time and nuisance level by using the following scale:

+	++	+++	++++	+++++	++++++
0 - 5 minutes	5 - 10 minutes	10 - 20 minutes	20 - 30 minutes	30 minutes - 1 hour	Over 1 hour

Date:

1 am		1 pm	
2 am		2 pm	
3 am		3 pm	
4 am		4 pm	
5 am		5 pm	
6 am		6 pm	
7 am		7 pm	
8 am		8 pm	
9 am		9 pm	
10 am		10 pm	
11 am		11 pm	
Noon		Midnight	

Date:

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Location of nuisance animal _____

Type of nuisance animal _____

Complainant name _____

Complainant address _____

Complainant signature _____

Date _____

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Send completed form to:

Domestic Animal Services

GPO 158 Canberra ACT 2601

or email dogcontrol@act.gov.au