

Animal Nuisance Complaints

Standard Operating Procedure

1. PURPOSE

- 1.1 The purpose of this procedure is to outline the actions and considerations for workers when assessing and responding to an alleged animal nuisance complaint.

2. SCOPE

- 2.1 This procedure applies to any worker who is involved in receiving, assessing, investigating, or deciding on an alleged animal nuisance complaint.

3. POLICY STATEMENT

- 3.1 The ACT Government has legislated provisions under the *Domestic Animals Act 2000* to deal with animal nuisance. They aim to balance the rights of individuals to a peaceful environment with the welfare needs of animals.
- 3.2 It is acknowledged that animal nuisances, such as those caused by excessive noise or property damage, can significantly impact an individual's quality of life and ability to function. These disturbances can be frustrating and disruptive to daily activities.
- 3.3 This procedure recognises that certain animal behaviours, such as rooster crowing and dogs barking, are natural and protected under the five freedoms of animal welfare. These freedoms ensure that animals can express normal behaviour, which is essential for their wellbeing.
- 3.4 In the case of animal nuisance, excessive noise is defined as noise that is persistent, loud, and significantly disrupts the peace and comfort of individuals in the vicinity. What constitutes excessive noise can vary among individuals, however, it generally includes:
- continuous barking or howling of a dog for extended periods.
 - frequent and loud crowing of roosters, especially during early morning hours.
 - any other animal noise that is recurrent and disrupts the normal activities of neighbours.
- 3.5 This procedure aims to address animal nuisances effectively while respecting the natural behaviours of animals and the rights of individuals to a peaceful living environment.
- 3.6 Pet owners are encouraged to cooperate and exercise responsible pet ownership to minimise conflicts and enhance community wellbeing.

4. AUTHORITY

- 4.1 The legislative authority for dealing with an animal nuisance is derived from Part 6 of the *Domestic Animals Act 2000*.
- 4.2 Section 109 outlines that for Part 6, an animal causes an **animal nuisance** if—
- a) the animal causes, solely or in part—
 - i. damage to property owned by a person other than the keeper; or
 - ii. excessive disturbance to a person other than the keeper because of noise; or
 - iii. an unacceptable risk to the public or another animal; or
 - b) for a dog—there are repeated occurrences of the dog—
 - i. not being kept under control by the dog’s keeper or carer; or
 - ii. the dog is not restrained in contravention of section 44 (1) of (3) (Dogs in public places must be controlled) or section 45 (1) or (3) (Dogs on private premises to be restrained).
- 4.3 Section 110 creates an offence for a person to allow an animal nuisance.
- 4.4 Section 111 specifies that a person affected by an animal nuisance may complain in writing to the registrar about the nuisance. For the purposes of this procedure, that is done through an Animal Nuisance Complaint Form and noise diary attachment, which is publicly available on the City Services website.
- 4.5 Section 112 describes that, if the registrar reasonably believes that an animal is causing an animal nuisance, they may issue a written notice to the keeper or occupier, as well as the complainant. The registrar **must** consider a range of criteria which includes, but is not limited to, the number of people affected, damage, disturbance or danger, as well as reasonable precautions taken by the keeper or person adversely affected. This provision specifies that the registrar **must** consider potential or likely adverse impacts when issuing a nuisance notice.
- 4.6 Further, section 112 outlines mandatory information contained on a nuisance notice, and that a nuisance notice continues in force until revoked under section 113. Section 112 (7) also creates a strict liability offence if a person fails to comply with a nuisance notice.
- 4.7 Section 113 requires the registrar to revoke a nuisance notice if satisfied, after carrying out an inspection, that the notice has been complied with, **and** adequate steps have been taken to reduce the nuisance or stop the nuisance from happening again. A revocation notice **must** be in writing and given to the person to whom the notice was issued, and a copy given to the complainant.

- 4.8 Section 114 gives an authorised person the power to seize an animal if they reasonably believe the animal is causing an animal nuisance, after considering the extent of the nuisance and likelihood of the keeper or carer reducing or stopping the nuisance, or complying with steps mentioned in a nuisance notice. If seized, the registrar **must** impound the animal until it is returned, or sold or destroyed.
- 4.9 Further, section 114 requires the registrar to release the animal if reasonably satisfied of certain things. If the registrar released a dog, they may issue a control order to the dog's keeper or carer.
- 4.10 Section 114A requires seizure notices to have certain information.

5. EXCEPTIONS

- 5.1 For the purposes of animal nuisance, section 108 of the *Domestic Animals Act 2000* explicitly excludes animals kept on land that is under a lease granted for agricultural or grazing purposes, or allows for an *animal care facility* (as defined by the ACT Territory Plan).

6. CONSIDERATION OF HUMAN RIGHTS AND ANIMAL WELFARE

- 6.1 In the ACT, the rights and protections afforded to animals are enshrined in legislation. Animals are recognised as sentient beings that are able to subjectively feel and perceive the world around them. Animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value.
- 6.2 The Five Freedoms of Animal Welfare are internationally accepted standards of care that affirm every living being's right to humane treatment. One of those freedoms is the freedom for animals to express normal and natural behaviour, such as barking or crowing.
- 6.3 The *Human Rights Act 2004* does not contain any specific references to animals. It primarily focuses on the protection of human rights and freedoms, such as the right to life, freedom from torture, and the right to privacy, among others. The Act is designed to ensure that individuals' rights are respected and protected within the legal framework of the ACT.

7. REVIEW OF A DECISION

- 7.1 As a regulatory body, Domestic Animal Services often makes decisions about animal management and welfare. Decisions pertaining to animal nuisance is one such topic.
- 7.2 If the keeper/occupier or an impacted party is dissatisfied with a response or decision, they may request an internal review. Internal reviews will be considered by an Assistant Director (or above) who was not involved in the original response or decision, ensuring an impartial escalation of the dispute resolution process. A person can submit a request for an internal review by phoning, emailing, or writing to Domestic Animal Services.

- 7.3 If the keeper/occupier or an impacted party is still dissatisfied after an internal review, they may contact the ACT Ombudsman or ACT Human Rights Commission.
- 7.4 In some cases, decisions made about aspects of an animal nuisance may be reviewable by the ACT Civil and Administrative Tribunal (ACAT). In accordance with section 120 of the *Domestic Animals Act 2000*, an entity prescribed by regulation in relation to the decision may apply to the ACAT for a review, which includes:
- issuing a nuisance notice under section 112, the keeper of the animal or occupier of the place.
 - refusing to revoke a nuisance notice under section 113, the person given the notice.
 - seizing an animal under section 114 (1), the keeper of the animal.
 - refusing to return an animal under section 114 (4), the keeper of the animal.
- 7.5 Further, section 120 permits any other person whose interests are affected by the decision to apply to the ACAT for review, also known as an *impacted party*.

8. POWERS AND RESPONSIBILITIES

8.1 The table below outlines roles, powers and responsibilities of each party.

Role	Powers and Responsibilities
Assistant Director Field Operations (as Deputy Registrar)	Decide on whether to issue a nuisance notice; impound a seized animal.
Case officer	Review and investigate complaint; Gather and assess evidence; Make a recommend pertaining to action/outcome; Issue, monitor and enforce nuisance notice; Seize an animal creating an animal nuisance.
Keeper/occupier	Reduce or stop an animal nuisance; Comply with conditions of a nuisance notice.

9. WORK INSTRUCTION: ANIMAL NOISE COMPLAINTS

- 9.1 This work instruction outlines the process required for reviewing a complaint submission, and conducting an assessment or investigation of whether an animal nuisance for excessive noise can be substantiated.
- 9.2 Where the case officer deviates from any of these requirements (must or will), a case note must be generated by them to explain the decision and rationale.

9.3 All complaints require investigation unless the case officer specifically recommends to the Assistant Director Field Operations that the case is frivolous or vexatious under section 111.

Step	Task Description	Responsibility
1	<p>Assign the complaint</p> <p>Animal Nuisance Complaint is received via Salesforce, in the DAS Ranger queue. The Senior Ranger will assign the complaint to a Ranger by setting them as the “Case Owner” on the Salesforce case.</p>	Senior Ranger
2	<p>Receive complaint</p> <p>The case officer will review the complaint and update Salesforce to ensure that there is a fulsome description of the complaint, including in the case header:</p> <ul style="list-style-type: none"> • the address of the alleged nuisance. • the type of nuisance – i.e. excessive noise, damage to property, unrestrained dog, etc. • the type of animal involved – i.e. dog, cat, rooster, poultry, etc. <p>If related to a noise complaint, a noise diary must be attached.</p> <p>The noise diary must be at least five consecutive days, but is preferable to be 10 consecutive days or longer.</p> <p>If the form or noise diary is not completed, the case officer will request the complainant to submit additional details.</p>	Case officer
3	<p>Initial assessment</p> <p>The case officer will acknowledge the complainant in writing, which will include the case number, as well as organising a time to meet them at their residence.</p> <p>The case officer will send an <u>Animal Nuisance Allegation Notice</u> to the keeper/occupier.</p> <p>The case officer will conduct a search of Salesforce to ascertain if there have been any other complaints or investigations about the same keeper/occupier and residence, and from the same complainant. If so, the case officer must discuss with the Senior Ranger taking into account the number of previous complaints, their outcome, and time since closure.</p> <p>In determining that a complaint is frivolous or vexatious, this decision must be made by the Assistant Director Field Operations before any party is advised that the matter will not be investigated.</p>	Case officer

Step	Task Description	Responsibility
<p>4</p>	<p>Neighbourhood canvas (door knocking)</p> <p>Working in pairs, the case officer will undertake a canvas of the neighbourhood, which will include physical door knocking of neighbouring residences. The aim of door knocking is to establish whether nuisance noise is ongoing and impacting one or more other residents.</p> <p>The neighbourhood canvas should be conducted within four days of receiving the complaint, but no longer than 10 days thereafter.</p> <p>The case officer must canvas residences directly beside, behind and in front of the alleged residence. No less than 8 and no more than 10 residences will be door knocked. Where there is no answer, the case officer will leave a <u>Calling Card</u> at the residence door requesting a call-back.</p> <p>The case officer must note any barking or crowing behaviour which occurs while door knocking. Where a residence appears vacant or empty, this must also be noted on the case file.</p>	<p>Case officer</p>
<p>5</p>	<p>Keeper/occupier contact (in person)</p> <p>Immediately after conducting the neighbourhood canvas, the case officer will contact the alleged keeper/occupier. Contact should be made in person at the alleged residence. If the keeper/occupier is not home, contact must be made via phone call.</p> <p>If the keeper/occupier does not answer the phone call, the case officer will leave a <u>Calling Card</u> at the residence door requesting a call-back.</p> <p>The case officer will discuss with the keeper/occupier:</p> <ul style="list-style-type: none"> • the nature of the allegation. • outcome of door knocking, including the likelihood of whether the nuisance may be substantiated or not. • options for reducing barking or crowing, such as employing Bark Busters or surrendering the dog/rooster for adoption, fostering or as a last resort euthanasia. • options to mediate through the Conflict Resolution Service, a free service aimed at mediating neighbourhood disputes. 	<p>Case officer</p>
<p>6</p>	<p>Complainant contact (in person)</p> <p>Immediately after contacting the keeper/occupier, the case officer will contact the complainant. Contact should be made in person at the</p>	<p>Case officer</p>

Step	Task Description	Responsibility
	<p>complainants' residence. If the complainant is not home, contact must be made via phone call.</p> <p>If the complainant does not answer the phone call, the case officer will leave a <u>Calling Card</u> at the residence door requesting a call-back.</p> <p>The case officer will discuss with the complainant:</p> <ul style="list-style-type: none"> • the requirements of substantiating an animal nuisance, and what actions have been taken so far, such as the results of the neighbourhood canvas. • that animals must be allowed to express natural behaviours, such as barking or crowing, while recognising that disturbance caused by excessive noise etc can be frustrating. • any additional evidence, such as emails from neighbours supporting a nuisance including dates and times, which may be helpful in substantiating the allegation. • evidence that cannot be used, such as video or audio recordings taken of animals, which may have provoked or aroused them. • advise immediate and long-term resolution options, such as talking with the alleged keeper/occupier, contacting their property manager (if applicable), or using the Conflict Resolution Service which is a free service aimed at mediating neighbourhood disputes. 	
7	<p>Noise inspections (sit-off)</p> <p>The case officer must complete a minimum of three noise inspections of the residence to detect barking/crowing (also known as a 'sit off') for a period of no less than 15 minutes each.</p> <p>The case officer will conduct these in the days following neighbourhood canvassing. Noise inspections should be used as a corroborating form of evidence to support other evidence such as the noise diary and neighbourhood canvas.</p> <p>Where the case officer deviates from the number of recommended inspections, a case note must be generated justifying this decision.</p>	Case officer
8	<p>Gather additional evidence</p> <p>There may be some circumstances where the case officer is required to gather further evidence, such as where neighbourhood canvassing has not been productive, for example, where multiple people aren't home</p>	Case officer

Step	Task Description	Responsibility
	<p>and residents have not returned calls, or where residences are unoccupied/empty.</p> <p>The case officer may choose to conduct further door knocking or sit-offs. Additionally, they may choose to send Neighbourhood Canvas Letters.</p>	
<p>9</p>	<p>Determine whether nuisance can be substantiated</p> <p>Within 28 days from the submission of the complaint, the case officer will determine whether or not an animal nuisance is likely to exist.</p> <p>The case officer will prepare an Animal Nuisance Decision Cover Sheet outlining a summary and outcome, and recommending a course of action for the Assistant Director Field Operations (as Deputy Registrar).</p> <p>The recommendation must consider the criteria under section 112 which includes, but is not limited to, the number of people affected, damage, disturbance or danger, as well as reasonable precautions taken by the keeper or person adversely affected. It must also consider <u>potential or likely adverse impacts</u> to impacted parties.</p> <p>Where the case officer makes a recommendation that no animal nuisance can be substantiated, they will provide an Animal Nuisance Closing Letter, along with the Decision Cover Sheet, which provides the complainant with details of the actions taken and outcome.</p> <p>Where the case officer makes a recommendation that an animal nuisance can be substantiated, they will provide an Animal Nuisance Notice, along with the Decision Cover Sheet.</p>	<p>Case officer</p>
<p>10</p>	<p>Make decision</p> <p>The Assistant Director Field Operations, in their capacity as a Deputy Registrar, will review the Animal Nuisance Decision Cover Sheet.</p> <p>Prior to deciding, they will ensure that all criteria under section 112 have been considered. They will also consider the potential or likely adverse impacts to impacted parties, as well as any other relevant matter under subsection (3).</p> <p>The signed copy of the Decision Cover Sheet, and either Closing Letter or Nuisance Notice, will be returned to the case officer for actioning.</p> <p>Where there is ambiguity or doubt, prior to making a decision, the Assistant Director may choose to escalate the matter to one of the following:</p> <ul style="list-style-type: none"> • DAS Case Management Group. 	<p>Assistant Director Field Operations</p>

Step	Task Description	Responsibility
	<ul style="list-style-type: none"> • Director (or Senior Director). • TCCS Regulatory Advisory Committee (RAC). 	
<p>11</p>	<p>Update complainant</p> <p>Where it is determined that a nuisance cannot be substantiated, the complainant will be provided with a closing letter. The closing letter will outline the complainants' options for review of the decision.</p> <p>Where it is determined that a nuisance can be substantiated, the complainant will be given a copy of the <u>Nuisance Notice</u>.</p> <p>The case officer will issue the signed letter or notice to the complainant via email (preferable) or via post, if email is not available.</p> <p>The case officer will phone the complainant and explain the outcome.</p>	<p>Case officer</p>
<p>12</p>	<p>Update keeper/occupier</p> <p>Where it is determined that a nuisance cannot be substantiated, the keeper/occupier will be provided with a closing letter.</p> <p>Where it is determined that a nuisance can be substantiated, the keeper/occupier will be given a copy of the <u>Nuisance Notice</u>.</p> <p>The case officer will issue the signed letter or notice to the keeper/occupier via email (preferable) or via post, if email is not available.</p> <p>The case officer will phone the keeper/occupier and explain the outcome.</p>	<p>Case officer</p>
<p>13</p>	<p>Update other impacted parties</p> <p>The case officer will phone other impacted parties, such as neighbours who have agreed that there is a nuisance, and advise them of the outcome, as well as options for review of the decision (for example, an internal review). A case note summarising details of the conversation will be entered on the case file.</p>	<p>Case officer</p>
<p>14</p>	<p>Submit for Approval (if not substantiated)</p> <p>The case officer will ensure that all relevant evidence and information is attached to the electronic case file, and submit it for approval.</p>	<p>Case officer</p>
<p>15</p>	<p>Monitor compliance and enforce (if substantiated)</p>	<p>Case officer</p>

Step	Task Description	Responsibility
	<p>If a nuisance notice is issued, the case will remain open with the case officer for an additional 28-day period, unless the nuisance is resolved prior. During this period, the case officer will:</p> <ul style="list-style-type: none"> • monitor compliance with the nuisance notice conditions. • determine whether any reasonable precautions have been taken to reduce or stop the animal nuisance within the 28 days of the notice issued. • revocation of the nuisance notice when required in accordance with section 113. 	
<p>16</p>	<p>Failure to comply with nuisance notice (if substantiated)</p> <p>Where the keeper/occupier refuses or otherwise does not comply with the nuisance notice, the case will be referred to the Investigations team, through the Assistant Director Field Operations and in collaboration with the Director of Domestic Animal Services.</p> <p>The Director will review the case, assess the reasons for non-compliance, and determine an appropriate course of action, such as:</p> <ul style="list-style-type: none"> • issuing an infringement for contravention of a nuisance notice in accordance with section 112 (7). • seizing and impounding (and returning, including on a Control Order under section 114 (5)) the animal causing the animal nuisance in accordance with section 114. • prosecuting the keeper/occupier and seeking a court order to destroy or sell the animal, or otherwise dispose of it to another person in accordance with section 110. 	<p>Director</p>
<p>17</p>	<p>Tribunal review</p> <p>Where the keeper/occupier, complainant, or other impacted party applies for a review by the ACAT, the case will be referred to the Investigations team, through the Assistant Director Field Operations and in collaboration with the Director of Domestic Animal Services.</p>	<p>Assistant Director Field Operations</p>

10. SAFETY

10.1 A risk assessment has been conducted for the tasks outlined in this Standard Operating Procedure. Workers with assigned responsibilities must ensure that they have read and understand the risk assessment before undertaking tasks.




10.2 The risk assessment identifies that workers **must**:



- a) work in pairs when conducting tasks in the field
- b) carry a two-way radio at all times, while inside and outside of the vehicle
- c) inform Delta Base via radio when arriving at, and departing from, a location (for example, “Delta Base, this is Delta Two One – show me off at 21 Launceston Street in Fyshwick”)
- d) x
- e) x
- f) x
- g) x
- h) x
- i) x

10.3 The risk assessment recommends, as best practice, that workers **should**:

- a) X
- b) X
- c) X
- d) X
- e) X
- f) X
- g) X
- h)

11. REFERENCES

Document	Artifact
Animal Nuisance Allegation Letter	 Form - Animal Nuisance - Allegatio
Animal Nuisance Decision Cover Sheet	 Form - Animal Nuisance - Decision
Animal Nuisance Notice	 Form - Animal Nuisance - Nuisance

Document	Artifact
Animal Nuisance Revocation Notice	 Form - Animal Nuisance - Revocatic
Animal Nuisance Closing Letter	 Form - Animal Nuisance - Closing L

12. DOCUMENT DETAILS

Criteria	Details
Document title:	Standard Operating Procedure: Animal Nuisance Complaints
Document owner:	Assistant Director, Field Operations
Document approver:	Senior Director, Domestic Animal Services
Effective date:	Trial from 14 July 2025
Review date:	Within 3 months of trial.

13. VERSION CONTROL

Version	Effective Date	Summary	Author
0.2	6 August 2025	Added Allegation Notice to procedure after feedback from case officers during trial of process.	Assistant Director, Field Operations
0.1	14 July 2025	Draft procedure for consultation.	Assistant Director, Field Operations

Number of animal nuisance complaints received each year between 2022 – August 2025

Month/Year	Number of complaints received
2022	
January 2022	19
February 2022	22
March 2022	27
April 2022	16
May 2022	26
June 2022	23
July 2022	18
August 2022	8
September 2022	17
October 2022	21
November 2022	16
December 2022	13
2023	
January 2023	20
February 2023	26
March 2023	34
April 2023	24
May 2023	21
June 2023	18
July 2023	19
August 2023	19
September 2023	16
October 2023	10
November 2023	8
December 2023	13
2024	
January 2024	14
February 2024	18
March 2024	8
April 2024	16
May 2024	12
June 2024	12
July 2024	7
August 2024	15
September 2024	9
October 2024	9
November 2024	18
December 2024	11
2025	
January 2025	16
February 2025	13

March 2025	18
April 2025	16
May 2025	17
June 2025	8
July 2025	17
August 2025	7

All of the animal nuisance complaints identified above were investigated.

From the above animal nuisance complaints, the following number of animal nuisance notices were issued:

Year	Number of nuisance notices issued
2022	4
2023	10
2024	3
2025 to date	3