



Prevention of Cruelty to Animals Amendment (Tail Docking) Bill.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.02 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The Australian Veterinary Association, the RSPCA and other animal welfare groups have, over a number of years, been lobbying strongly to ban the cosmetic tail docking of dogs. In their view, such a procedure is unnecessary and inhumane. There are two methods of tail docking. The banding procedure places a rubber ligature over the tail. This is usually an orthodontic band placed over the tail when the puppy is two to four days old. This effectively cuts off the blood supply to the tail, which comes off after a few days. The other procedure involves severance of the tail, usually with surgical scissors.

Following a number of representations from animal welfare groups, veterinary bodies and other concerned individuals, the Primary Industries Ministerial Council agreed in October 2003 to introduce a nationally co-ordinated ban on cosmetic tail docking by April of this year. It is vital that the States and Territories work towards a national approach to key issues, and this decision will bring New South Wales legislation into line with that of every other Australian government. This national ban was proposed at the first Primary Industries Ministerial Council meeting that occurred after the current Minister took up his position.

The Minister specifically asked that any action be held over until he had had the opportunity to fully consider the consequences and to canvass the viewpoints of all New South Wales stakeholders. Since that time the Minister has met with or received and considered representations and submissions from interested stakeholder groups. They include the New South Wales RSPCA, the New South Wales division of the Australian Veterinary Association, the New South Wales Animal Welfare League, the Animal Societies Federation, the Animal Welfare Advisory Council, the Pet Industry Joint Advisory Council of Australia, the Royal New South Wales Canine Council, the Council of Docked Breeds, the Dog Body, and a range of dog breed societies, as well as dog owners.

All animal welfare organisations and the Australian Veterinary Association are strongly in favour of a ban on the routine or cosmetic docking of dogs. However, it is apparent that many dog breeders, particularly those with an interest in breeds that are traditionally docked, are opposed to any amendment that would prohibit cosmetic tail docking. The practice of tail docking started hundreds of years ago when community expectations were quite different and people were not as well informed about the welfare of animals as they are today. The practice became common in the Middle Ages in Britain and Western Europe.

A number of theories have been advanced that seek to explain the origins of tail docking. They include the prevention of rabies and back injury, increasing the speed of the tail-docked dog, and prevention of tail damage due to fighting, baiting or ratting. Docking of tails on farmers' or drovers' dogs, used for herding or driving cattle and sheep, originated in early Georgian times in England as it exempted the owner from a tax levied upon working dogs with tails. Many other types of dogs were also similarly docked to avoid this luxury tax and, although this imposition was repealed in 1796, the habit of docking particular breeds remained.

Given the variety of historical reasons for the practice of tail docking, and the fact that none of them appear to have any continued significant application in a modern, animal welfare oriented society, there are no compelling reasons to continue this practice into the future, unless it is done specifically in the best interests of the dog. The Minister has listened to a number of arguments that have been raised by those in opposition to the proposed amendments. They include advocating that tail docking remain because of the tradition that it represents, personal preferences, or because breeders can be trusted to ensure they will do nothing to harm their animals.

The Government has no doubt that breeders have the welfare of their dogs firmly at heart. Indeed, the vast majority of breeders to whom the Minister has spoken are incredibly knowledgeable as to the needs and wants of their dogs, and the passion they hold for their animals was clear for all to see. However, the need to remove a dog's tail for the sake of tradition must be challenged in a society that is constantly re-evaluating our laws and customs to ensure that they reflect community expectations and are targeted to promote our animals' best interest.

Another argument against these amendments is to state that tails are removed to prevent potential hygiene problems and tail injuries. Under the proposed amendments, the docking of tails will still be permissible if it is done for the dog's wellbeing—for example, if a dog seriously injures its tail or contracts diseases such that its tail causes significant pain or distress. Others have proposed that the ban would be the beginning of the end for many pure breeds of dogs, that economic problems will ensue for the dog breeding industry and that generations of careful selection will be

jeopardised. Others predict that the prohibition will eventually extend to include sheep, pigs and cattle. The Government makes it clear that it certainly will not. However, an examination of the technical and other evidence available shows that no convincing case exists that would necessitate any other course of action than that which is proposed in this bill. Stakeholders have been adequately consulted during this process and the Government has fully and comprehensively considered all submissions.

The amendments proposed to the Prevention of Cruelty to Animals Act will restrict tail docking of dogs to veterinarians only where it is in the welfare interests of a particular dog to do so. This will effectively limit tail docking to situations where the curative or therapeutic effect is sought. This might occur if a dog has suffered a severe injury to the tail from, for example, being jammed in a closing door or through a vehicle accident. There may also be situations where a dog's tail may require amputation because of the growth of a tumour or the development of severe dermatosis. Very few dogs may require docking because of repeated minor injuries sustained through vigorous tail wagging or because of repeated injuries sustained during hunting.

From an examination of the technical material available, removing a dog's tail for preventive reasons when it is perfectly healthy and useful to the dog is clearly not in the animal's best interests. Inflicting an unnecessary and potentially painful injury to prevent an accidental one that may, but is unlikely to, occur appears to be contrary to the animal's welfare interests. The Australian Veterinary Association and various animal welfare groups assert that the act is inhumane, unwarranted and self-serving. Perhaps more importantly, no clear benefit has been shown to accrue from tail docking that can outweigh the potential harm that may be caused to the dog involved—particularly if the tail docking is not conducted by appropriately trained professionals.

The evidence supports the assertion that all dogs that undergo a tail amputation are likely to experience acute pain as an immediate consequence unless appropriate analgesics are administered. However, the administration of such drugs to puppies is impractical and may result in serious complications. Consequently, they are usually not used. It has been argued that very young animals, such as puppies that are poorly developed at birth, will have an immature nervous system incapable of feeling pain. However, modern research suggests otherwise. While a puppy cannot effectively demonstrate that it is in pain, many biological markers show that pain is being experienced. Studies in premature infants, once thought not to feel pain, have shown that they are well able to feel pain but are incapable of expressing this feeling as they will do at a later age. The same is true of puppies. A scientific study of docking has demonstrated that puppies often do respond in a limited way, usually by whimpering and shrieking during and after the docking procedure.

As well as the acute pain, there is also the possibility of long-term consequences that have been associated with tail amputation. They include muscular weakness around the perineal area, urinary incontinence and a diminished ability to communicate effectively through tail carriage and wagging. Even if only in a small number of cases, it seems clear that the harm that may result from the cosmetic tail docking of dogs far outweighs any purported benefit. The decision to amend the Prevention of Cruelty to Animals Act to ban the tail blocking of dogs, with a defence for veterinarians where the docking is done in the interests of the dog's welfare, strikes an appropriate balance between the concerns of the broader community, dog breeders and legitimate animal welfare issues. It will prevent the routine or indiscriminate docking of puppies' tails.

Other States and Territories either already have banned cosmetic tail docking or are well on the way to doing so. Since October 2003 Queensland legislation has restricted this procedure to veterinarians and only where it is in the interests of a dog's welfare. It is expected that this wording will essentially restrict the procedure to therapeutic use only. Amendments are proposed for the Victorian animal welfare regulations whereby the practice will be restricted to veterinarians and, similar to Queensland, only where it is in the interests of a dog's welfare. In the Australian Capital Territory the legislation has been in place for a number of years to restrict the practice to veterinarians for therapeutic and preventive purposes. It is expected that within 12 months the procedure will be limited to use for therapeutic purposes only. The introduction of a new animal welfare Act in Western Australia in early 2003 ensured that the practice of tail docking of dogs was restricted to veterinarians. Docking for preventive as well as therapeutic purposes is allowed under that legislation.

In the Northern Territory legislative amendments are proposed whereby the operation will be restricted to veterinarians but will be allowed for both therapeutic and prophylactic purposes. This will be essentially the same as the requirements currently enforced in the Australian Capital Territory and Western Australia. The South Australian animal welfare legislation was amended in late 2003 to restrict the docking of dogs' tails to veterinarians and only then for therapeutic purposes. However, there is a mechanism to allow a review of the general prohibition with respect to individual breeds. If valid statistics can demonstrate satisfactorily to a properly constituted panel that a particular breed should be allowed to be docked because of hygiene or injury concerns, that breed may be docked as a preventive measure. Legislative amendments are soon to be introduced into the Tasmanian Parliament that are essentially the same as those proposed in South Australia.

In addition to the prohibitions on tail docking that already exist in Australia, a number of European nations have prohibited the tail docking of dogs—some, such as Norway, since 1987. These countries include Denmark, Estonia, Finland, Germany, Iceland, Israel, the Netherlands, Norway, Switzerland, Sweden, and some parts of Austria. A number of other countries are considering bans and the number is sure to increase in the future. Despite claims to the contrary, there has been no action to repeal the legislation in those countries. The perception that dog owners can surgically alter the appearance of the dogs as they wish is out of step with community expectations and other existing

requirements of the Act. For example, ear cropping in dogs, a purely cosmetic procedure, has been outlawed for many years.

This prohibition, if introduced, will show the continuing respect for dogs and other animals as much-loved companions and family pets. It will also demonstrate that dogs are not just objects to be bought and sold, disposed of, euthanased, mistreated, exploited, or surgically modified at will. The arguments supporting the tail docking of dogs are ethically unconvincing and do not accord with the contemporary status of companion animals in our country. In the words of George Bernard Shaw, "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity." This bill demonstrates the Government's commitment to both protecting the welfare of animals and upholding contemporary community values.

The Legislation Review Committee sought clarification of the intended commencement date of the legislation. Although a specific commencement date has not been nominated in the bill, the Legislation Review Committee has been advised that an education and information campaign will be run ahead of the bill's commencement, and the expected commencement date is 1 June 2004. This will allow time for the education campaign to be fully implemented, including notice of the ban being sent to numerous representative bodies, and press releases and advertisements being run in key newspapers and magazines. As the performance of this procedure has had such a long history, fairness dictates that adequate lead time be provided so that public awareness can be assured. I commend the bill to the House.

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