



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

Second Reading

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [4.15 p.m.]: 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 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 away 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 States and Territories work towards a national approach to key issues. 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 I became Minister. I specifically asked that any action be held over until I had had the opportunity to fully consider the consequences and to canvass the viewpoints of all key stakeholders in New South Wales.

Since that time I have either met with, or received and considered representations and submissions from, interested stakeholder groups. These 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 vehemently 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, the prevention of back injury, increasing the speed of the tail-docked dog, and the 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 appears to have any continued significant application in a modern, animal-welfare-oriented society, there are no compelling reasons to continue this practice, unless it is done specifically in the best interests of the dog.

I have listened to a number of arguments raised by those who oppose the proposed amendments. They include advocating that tail docking should remain because of the tradition that it represents, personal preferences, or because breeders can be trusted to ensure that they will do nothing that will harm their animals. I make this very clear: I have absolutely no doubt that breeders have the welfare of their dogs firmly at heart. Indeed, the vast majority of the breeders I have spoken to are incredibly knowledgeable as to the needs and wants of their dogs, and the passion they hold for their animals is 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 laws and customs to ensure that they reflect community expectations and that they are targeted to promote the best interests of our animals. Another argument against these amendments is to state that tails are removed to prevent potential hygiene problems and tail injuries. Under the proposed amendments, docking of tails will still be permissible if it is done for the dog's well-being, for example, if a dog seriously injures its tail or contracts disease 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 would 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. Let me make this clear: 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 I now propose in this bill. I believe that all stakeholders have been adequately consulted during this process and that the Government has fully and comprehensively considered all submissions.

The amendments proposed for the Prevention of Cruelty to Animals Act will restrict the tail docking of dogs to veterinarians only when it is in the welfare interests of a particular dog to do so. This will effectively limit tail docking to situations in which a 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 in which 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.

An examination of the technical material available to me shows that 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 it 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 to me 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 presented to me suggests otherwise. The lack of a myelin sheath on pain conducting nerve fibres has often been cited as a reason why the nerve impulses are not properly conducted and pain is not perceived in these animals. However, we now know that this lack of a sheath merely slows pain impulses, rather than eliminating them.

While a puppy cannot often 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 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. These include muscular weakness around the perineal area, urinary incontinence and a diminished ability to communicate effectively through tail carriage and wagging. Even if in only 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 benefits.

This decision to amend the Prevention of Cruelty to Animals Act to ban the tail docking of dogs, with a defence for veterinarians when the docking occurs 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. The other States and Territories either already have bans on cosmetic tail docking or are well on the way to doing so. From October 2003 Queensland legislation has restricted this procedure to veterinarians and only when 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 when it is in the interests of a dog's welfare. In the Australian Capital Territory legislation has been in place for a number of years to restrict the practice to veterinarians for therapeutic and preventive purposes. Of course, that has not led to the sort of scaremongering in which the Hon. Rick Colless has engaged this afternoon. 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 purposes as well as therapeutic purposes is allowed under this 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 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. That rendition of the national scene shows that all States have agreed, essentially, to introduce the ban on tail docking that was agreed to by all governments, including the Commonwealth Government, at the Primary Industries Ministerial Council in October 2002 and reiterated in 2003, with a deadline of 2004. So New South Wales is not out of step in relation to this issue. Indeed, we are coming into line with the national framework proposed through the Primary Industries Ministerial Council.

In addition to the prohibitions on tail docking that already exist in Australia, a number of European nations have prohibited 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. I reiterate, a large number of countries have had tail-docking bans in place since 1987, and in all of those countries there are significant agricultural industries. So, the tail docking of dogs for cosmetic purposes should not be confused with genuine issues relevant to production animals in a real-life agricultural situation.

The perception that dog owners can surgically alter the appearance of their 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 tail docking of dogs are ethically unconvincing and do not accord with the contemporary status of companion animals in our community. 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. I commend the bill to the House.

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