23 April 2003

Dear Minister,

TAIL DOCKING OF DOGS

The New South Wales Young Lawyers Animal Rights Committee (“the Committee”) is part of NSW Young Lawyers, a voluntary organization devoted to progressive change, and a division of the Law Society of New South Wales. Membership of the Committee is open to any NSW legal practitioner who is less than 36 years of age, or in their first 5 years of practice.

The Committee has taken an interest in the debate on the tail docking of dogs. Our analysis of relevant provisions of the Prevention of Cruelty to Animals Act 1979 (sections 12 & 12A) and the Prevention of Cruelty to Animals (General) Regulation 1996 (clause 12) indicate that NSW remains one of the least progressive States in implementing legislation to ban this cruel and unnecessary practice. We understand that currently, tail docking is permitted to be performed on dogs less than 5 days old by either a veterinarian or anyone classed as an ‘experienced breeder’.

We note that the ACT Government three years ago took a stance to ban this practice through provisions included in the Animal Welfare Amendment Bill in 2000. The position in the ACT now under the Animal Welfare Act 1992 is that tail docking by non-veterinarians without reasonable excuse is punishable by 1 year’s imprisonment and/or 100 penalty units. Further, tail docking by veterinarians may not be performed for a purpose other than a prophylactic or therapeutic purpose, thus banning docking for cosmetic purposes.

We also understand that Western Australia is currently in the process of implementing legislation similar to the ACT and that the Queensland Primary Industries Minister, Henry Palaszczuk, has also announced his commitment to push for a ban on tail docking by the end of 2003.

Further, it is our understanding that the NSW and Northern Territory Governments now present the only barrier to a national ban on tail docking following the PIMC meeting on 10 April this year.

Whilst the Committee does not profess to have expertise in animal care, our stance against tail docking is based on the information set out below. We have identified the sources that we have relied upon in order to enable your department to conduct its own assessment of the facts:
The Method

Puppy’s tails are docked at around 2 – 5 days of age. One of two methods is used to amputate the puppy’s tail. Some breeders amputate by winding a rubber band so tightly around the tail that it cuts off blood circulation to the tail resulting in ischaemia, necrosis and eventually to loss of the tail. One Australian Survey has shown that approximately 16% of breeders use this method.

The second method, which is the most common method, involves using sharp scissors or a sharp blade to cut through muscles, tendons, highly sensitive nerves, bone and cartilage connections. The side effects of this procedure have been known to include death from shock or blood loss.

Tail docking is often carried out without any anesthetic in circumstances where puppies are restrained manually. We understand that NSW does not have any legislated hygiene standards for the procedure. However is such standards exist, we would be pleased if you could direct us to them.

Evidence of Pain and Damage

The Australian Veterinary Association has reported that the basic nervous system of a dog is fully developed at birth and the available evidence indicates that puppies have similar, if not increased, sensitivity to pain as adult dogs. Puppies give repeated intense shrieking vocalizations the moment the tail is cut off and during the stitching of the wound.

Docking a puppy’s tail involves cutting though muscles, tendons, up to 7 pairs of sensitive nerves and severing bone and cartilage connections. Furthermore, inflammation and damage of the tissues during the ‘healing’ process also cause ongoing pain.

Chronic health problems are also associated with tail docking. The reported problems include atrophy and degeneration of tail and pelvic muscles leading to an increased risk of faecal incontinence and perennial hernia. A connection has also been drawn between docked dogs and urinary incontinence, with this health problem being over-represented in certain docked breeds. A further reported health problem is the development neuromas which consist of bundles of swollen, tangled masses of nerves which appear as either one large mass or smaller scattered masses. Neuromas result in

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4. Note 1 at 209.
5. Note 1 at 209 and Note 3.
6. Note 1 at 211.
7. Note 3.
8. Note 3.
9. Note 1 at 212.
10. Note 1 at 212.
chronic pain suffered by the dog for years following the amputation of its tail\textsuperscript{11}. We submit that such health problems should raise welfare concerns by the government.

Further long-term consequences include dogs losing their most important tool for balance and communication\textsuperscript{12}. They are also deprived of the most recognized means for expression of their feelings with humans, this being a particularly detrimental consequence given that many docked breeds are today companion animals.

We understand that none of this evidence has been disproven by those in favour of docking.

\textbf{The Case for Docking}

\textbf{1 To Preserve Tradition and Breed Standards}

Breeders argue that tail docking is a long held tradition which needs to be continued in order to maintain breed standards. In support of this, the Director of ‘The Dog Body’, Patricia Hall, was reported in \textit{The Australian} on 3 April 2003 as stating:

“If people want dogs with tails, that’s their choice, but the breeders continue with standards that were laid by their forebears [sic].”

Before arguing in favour of breed standards and maintaining tradition, it should be understood why tails were traditionally docked. Tail docking is understood to have been introduced some 2000 years ago for the following reasons\textsuperscript{13}:

- To prevent damage to tail tips for breeds used in hunting and retrieving in dense undergrowth;
- For ease of manipulation of terriers working in burrows and other confined spaces;
- To prevent rabies; and
- To prevent luxury dog taxes being imposed on working dogs.

It must be questioned which of these traditional grounds for docking can be justified today given that most docked breeds are companion animals.

As for maintaining breed standards, it must be asked what ethical justification exists for humans in civilized Society to use surgical methods to create a distinctive looking animal which is not only unnatural, but causes the animal short term and long term health problems.

\textbf{2 To Avoid Tail Damage}

Those in support of docking argue that docking is necessary to avoid tail damage. In response to this, we look firstly for evidence that suggests that docking decreases the likelihood of tail damage. One study which examined records of over 12,000 dogs treated at a university clinic found no significant difference in the rate of tail injury

\textsuperscript{11}Gross TL et Carr SH, “Amputation Neuroma of Docked Tails in Dogs” as cited in Note 1.
\textsuperscript{12}Hunter R, as reported in “Let’s Cut to the Chase” in the Australian 3/3/03.
\textsuperscript{13}Note 1 at 214.
between docked and undocked breeds\textsuperscript{14}. A further study surveying over 2000 visits to an animal emergency clinic in Australia found only 3 presentations for tail injuries, all of which reflected difficulties which occurred immediately post docking\textsuperscript{15}. These studies indicate that there is no scientific evidence to suggest that docking reduces the likelihood of tail damage.

In responding to this argument, we should also consider whether the argument is relevant in today’s Society. In Australia, there are approximately 57 breeds which routinely have their tails docked\textsuperscript{16}. These breeds include Rottweilers, Poodles, Spaniels, Terriers and Dobermans. These breeds are today found as companion animals in homes and not hunting dogs, yet they still have their tails docked.

3 Hygiene

Supporters of docking argue that docking is necessary for hygiene reasons.

It is incredible that such a basis can be put forward to justify a surgical method when the problem, if it exists at all, can be overcome with bathing and hair clipping.

The Position on Tail Docking Internationally

Cosmetic tail docking has been banned in the following countries\textsuperscript{17}:

- Sweden
- Norway
- The Netherlands
- Finland
- Germany
- Denmark

In addition, the following countries have ratified a European Convention which prohibits tail docking\textsuperscript{18}:

- Greece
- Cyprus
- Luxembourg
- Switzerland
- Austria.

In light of the overwhelming evidence that docking is painful, has both short and long term detrimental health consequences and has no proven benefits, the Committee submits that the practice of tail docking for cosmetic purposes should be banned in Australia. We are concerned about our State Government’s failure to demonstrate leadership on this issue given its commendable record on animal welfare reforms.

\textsuperscript{14} Darke PGG, “Association between Tail Injuries and Docking in Dogs” as cited in Note 1 at 209.
\textsuperscript{15} Wansbrough RK, “Cosmetic Tail Docking of Dogs” as cited in Note 1 at 215.
\textsuperscript{16} Note 3.
\textsuperscript{17} Note 3.
\textsuperscript{18} Note 3.
including the banning of fire face branding, steel-jawed traps, the tethering of pigs and firing. We urge the NSW Government to reconsider its recent stance and to protect the welfare of dogs by introducing appropriate amendments to the *Prevention of Cruelty to Animals Act 1979* and its associated regulations. We would be happy to provide our suggestions for such amendments if invited to do so.

Please do not hesitate to contact our Committee Chair, Katrina Sharman, by e.mail on arc.chair@younglawyers.com.au if you have any questions.

We await your reply.

Yours faithfully,

NSW Young Lawyers Animal Rights Committee