Excerpts from the New Zealand Veterinary Association submission on the review of the Animal Welfare Act

12 April 2012

Tail docking

In the opinion of the New Zealand Veterinary Association (NZVA), removal of a tail is a significant surgical procedure in that it involves invasion of the periosteum and removal of significant tissue - see **Appendix 1**.

It is NZVA policy that surgical alterations to the natural state of animals are only acceptable if there is a net welfare benefit to those animals. It is our opinion that there is no net benefit in the removal of tails, with the exception of sheep. For dogs, horses and cattle, there is a net welfare cost, and we consider that for these species, tail docking should be a prohibited procedure.

In addition, the Veterinary Council of New Zealand's (VCNZ) Code of Professional Conduct, which governs the conduct of all veterinarians in New Zealand, states that surgical procedures should "not be performed primarily for the convenience of the owner" and uses the removal of the canine tail as an example in the following way:

"VCNZ considers that amputation of all or part of a dog's tail without having a justifiable medical reason or because the dog is a particular breed, type or conformation is unacceptable. It is the policy of NZVA that tails should not be docked. While the Animal Welfare (Dogs) Code of Welfare 2010 makes provision for tails to be docked (minimum standard 17), allowing a tail band to be used by an appropriately experienced person operating under a documented quality assurance system (such as the Accredited Tail Dockers Scheme promoted by the New Zealand Kennel Club) veterinarians are required to comply with the Code of Professional Conduct as the Codes of Welfare do not necessarily reflect veterinary policy or ethics".

The NZVA can find no credible evidence supporting any benefit associated with this procedure. On the contrary there is ample evidence of a net welfare cost to the animals concerned. New Zealand has fallen behind many countries in placing bans or restrictions on the tail docking of dogs – currently at least 33 nations have addressed this issue, mainly through outright bans (see **Appendix 3** for list), placing our reputation as a welfare-friendly nation at risk. NZVA would strongly support the classification of tail docking in dogs as prohibited. Further arguments in support of this are given in the **Appendix 2**.

APPENDICES

Appendix 1 - New Zealand Veterinary Association Policy on Significant Surgical Procedures, December 2009

Policy

The NZVA believes that a significant procedure is one that includes one or more of the following:

1. Entry into the body cavity;
2. Invasion of the periosteum;
3. Significant loss of tissue or loss of significant tissue;
4. The potential, if performed inadequately, to seriously impact on an animal's welfare and/or function; and has the capacity to cause significant pain.

Explanation

Under the Animal Welfare Act 1999, no person may perform any significant surgical procedure on an animal unless that person is-

1. A veterinarian; or
2. A person who is acting under the direct supervision of a veterinarian and who is being taught veterinary science at undergraduate level.

The Act does not specify what procedures are, or are not, "significant", although there is provision under section 6(2) for a surgical procedure about which there is some doubt to be declared either significant or not significant.

Guidelines

In determining where the line should be drawn between significant and non-significant procedures, NZVA has determined that the following criteria are prerequisites to the performance of significant surgical procedures which necessarily restrict their performance to veterinarians or directly supervised veterinary students:

1. A detailed knowledge of anatomy and physiology.
2. An understanding of the medical and surgical management of complications during and post-surgery including herniation, infection, haemorrhage, adhesions, shock, failure to return to homeostasis, allergic reaction, pain.
3. An understanding of pharmacology including pharmacokinetics and dynamics, anaesthesia and analgesia, allergic response.
4. An understanding of patho-physiology.
5. An understanding of asepsis and antisepsis.
6. The need for particular facilities, instruments, trained and adequate numbers of staff, suitably prepared equipment, and a pharmacy containing appropriately selected and stored drugs.
7. Access to and knowledge of pre-operative diagnostic facilities including x-ray, imaging, endoscopy, diagnostic laboratory services, knowledge of clinical pathology.
8. Access to specialist help.
9. Ability to provide 24 hour service.
10. Ability to provide intensive care.

NZVA is aware that this interpretation includes some procedures which are not carried out by veterinarians viz castration of bovine animals, sheep, goats and pigs under 6 months; dehorning of cattle under 9 months; and de-velvetting of deer. The latter is specified as a "controlled" surgical procedure, meaning that it can be performed by the animal's owner or employee of the owner as long as they have veterinary approval to perform that procedure on that species of animal. Castration of the named species up to 6 months, and dehorning of cattle up to 9 months are specifically allowed under

the Animal Welfare (Painful Husbandry Procedures) Code of Welfare 2005, although NAWAC has signalled its intention to promote wider use of analgesia for such procedures, a stance that is supported by NZVA.

References

Animal Welfare Act 1999

Animal Welfare (Painful Husbandry Procedures) Code of Welfare 2005

Appendix 2 – Arguments for and against tail docking in dogs.

Arguments against the dog tail docking fall under five headings:

- Ethical considerations;
- Complications;
- Impairment of normal function that results from docking;
- Pain associated with the procedure; and
- New Zealand's reputation.

Arguments advanced by proponents of tail docking to justify the procedure include:

- Convenience;
- Hygiene;
- Maintenance of breed standards;
- Freedom of choice;
- Prevention of damage;
- Impracticality of enforcement of banning the procedure.

i. Ethical considerations

The ethical basis of all mutilations and surgical interventions is that the activity must achieve a net welfare benefit. There is no benefit associated with this mutilation. The science underpinning the humane treatment animals and ways in which we look after their welfare has increased enormously in the last two decades. The modification of dog breeds to attain a certain look, whether through selective breeding or surgical procedures, is increasingly insupportable in a country where increasing societal concern places much greater emphasis on animals as sentient beings, and this is reflected in the imposing of a proactive "duty of care" within the Animal Welfare Act 1999.

ii. Complications

Quite apart from acute complications of the docking process – infection for example – there is the potential for docking to cause problems later in a dog's life. Although research in this area is sparse, there are several papers that link docking of dogs' tails to various side effects including atrophy and degeneration of tail and pelvic muscles resulting in increased risk of faecal incontinence and perineal hernia (Wansbrough 1996); urinary incontinence (Adams and DiBartola 1983; Holt and Thrusfield 1993); and formation of neuromas (Gross and Carr 1990). Although the incidence of these potentially serious side effects as a result of docking is unknown, it is certainly against their welfare interests to lay dogs open to risk for an unnecessary procedure.

iii. Impairment of normal function

The tail of a dog functions as an organ of balance, and is used in communication with other dogs and humans. Research (Leaver and Reimchen 2008) has showed that a longer tail is more effective at conveying different intraspecific cues such as those provided by tail motion. The tail is also used to mark out territory by means of the supracaudal scent gland. Children especially rely on a dog's tail as a guide to "reading" canine body language.

iv. Pain

The New Zealand Kennel Club (NZKC) accepts in a policy statement dated February 2004 (http://www.nzkc.org.nz/pdf/policy/TAILDOCKING.pdf Accessed 5/03/12) that "the procedure may inflict a degree of discomfort, however it is the belief of the NZKC that the short term discomfort is outweighed by the long term management advantages".

Acute pain – The postnatal age at which mammals become able to perceive pain varies between species. In lambs it is within a few days of birth, in rats about three weeks after birth and in wallabies about 200 days after birth. So animals that are younger than this will not be able to perceive pain at the time of presentation of the stimulus. The other side of this coin is

that animals presented with a noxious stimulus prior to their ability to perceive it seem to become hyperalgesic (more sensitive to pain) for at least a period and possibly permanently. Even though their welfare is probably not compromised at the time of stimulus presentation (because they can't yet perceive the stimulus), they are subjected to welfare compromise later in life when presented with other stimuli that are perceived to be more painful than they otherwise would.

Chronic pain - Although there has been little research on dogs in this area, there is well-documented evidence that humans suffer both phantom limb pain and stump pain following amputation of limbs or appendages. These can be associated with the formation of neuromas, tangled masses of nerve fibres that develop when nerve processes (axons) are severed and that can result in spontaneous nerve activity which may be perceived as chronic pain. Because of the similarity of mammalian nervous systems, it would be logical to assume that dogs may suffer such chronic pain - neuromas have certainly been found at the point of docking in dogs (Gross and Carr 1990), as well as in other species that have undergone amputation of some sort. (Gentle 1986; Simonsen, Klinken et al. 1991; French and Morgan 1992).

v. New Zealand's reputation

With an increasing number of countries placing bans or restrictions on canine tail docking (See **Appendix 3**), it is entirely appropriate this should happen here, thereby also demonstrating New Zealand's enlightened attitude to animal welfare. New Zealand is probably more dependent on the export of animal products than any other trading nation. In a world where perceptions are increasingly important, this country has a good reputation as a country which looks after its animals. This reputation has been hard won and its maintenance requires a constant evolution in attitudes and practices. Although the docking of dogs' tails is perceived by many as a relatively minor issue, it is one that has a high profile and the ban was shown to be supported by a significant majority of New Zealanders in the February 2005 Colmar Brunton survey. Of 500 people aged 15 or more, 68% agreed that tail docking should be banned, whilst 18% disagreed and 13% had no opinion. The poll had a margin of error of 4.4%. The list of countries that have restricted or banned the tail docking of dogs is growing – we run the risk of looking conspicuous by our absence.

In the past, the NZKC has put forward the following justifications for continuing the docking of dogs' tails. NZVA refutes them as follows:

i. Convenience

Dogs that are both excitable and not particularly well-trained may indeed cause problems in the home, though not just with their tails – claws on the wooden floors and jumping up against pieces of furniture are a couple of examples. To suggest that it is necessary to cut off a tail rather than simply rearrange the furniture as one does for any two-year-old child flies in the face of both logic and credibility.

ii. Hygiene

The NZKC's policy mentions animal husbandry purposes as one of its justifications for tail docking dogs. It has been asserted that long-haired breeds need to be docked to prevent accumulation of faecal material, possibly resulting in flystrike. Once again there are inconsistencies given the number of long-haired breeds (Pekingese, Rough-Coated Collie) that are not docked. However, tail or no tail, it is clear that a long-haired dog needs regular attention. NZVA finds incongruous the suggestion that any form of surgery should replace essential maintenance in the form of regular grooming, washing or clipping.

iii. Maintenance of breed standards

The NZKC policy statement on tail docking asserts its support for the procedure for "maintenance of the phenotype of traditionally docked purebred dogs". While there are, indeed, some few dog breeds whose phenotype, as a reflection of genotype, includes a shortened tail, most are genetically programmed – and therefore phenotypically programmed – to have a tail. To remove the tail actually alters the phenotype, which is after all simply the observable physical characteristics of the dog, as determined firstly by its genetic makeup and to a lesser extent by environmental influences. If the NZKC wanted to maintain phenotypes,

they would leave tails intact. And while this alteration to the phenotype may be traditional, this does not mean it is beyond scrutiny. Many traditions, particularly those which are long-standing, have their origins in times and situations very different to those of today. Our present day dog breeds all originated from wolves; indeed it could be said that, traditionally, all dogs were tailed. Tail-docking began for a variety of reasons - some functional, some economic (to avoid a tax on dog tails) and some aesthetic - and at a time when the relationship between humans and animals was very different from that of today. Now, humans are clearly seen as having a moral duty to minimise harm to the animals in their care, and any traditional animal practice should be looked at in that light. It is also true that many breeds, and many dogs within breeds, are no longer used for the purposes for which it was claimed docking was necessary at the time it was started.

The NZKC, despite its opposition to a ban on tail docking, has acknowledged that breed standards can evolve rather than remain static by changing the standards of docked breeds to allow for an intact tail.

iv. Freedom of choice

As part of its policy statement on tail docking, the NZKC states that it believes in the freedom of choice – presumably of owners to choose what they do to their animals. NZVA would contend that:

- Although New Zealand is a society that values the ability to make choices that affect our lives, we are not, as a rule, a society that endorses such freedom when it negatively impinges on other people, other animals or the environment. That is why we have rules and laws – so that, as a society, there are limitations on how those choices are exercised in relation to others. The freedom to choose carries with it a responsibility that we would argue is not being shouldered by those who continue to dock their dogs' tails. Arguments, both scientific and ethical, clearly indicate that there is no net welfare benefit for dogs in having their tails removed, but rather a cost in terms of pain, both acute and chronic, as well as possible side effects. There are precedents for limiting choice within the Animal Welfare Act already, in that the cropping of the ears of a dog, for example, is specifically prohibited. It seems inconsistent that tail docking, a cosmetic and/or prophylactic procedure in exactly the same way as is ear cropping, should be allowed while the other is banned.

- There is evidence that some breeders of dogs that are traditionally docked have refused to grant prospective owners' wishes to have tails left intact, denying the buyer the freedom to choose.

v. Prevention of damage

- NZVA has yet to sight any credible, scientific evidence indicating that intact tails of dogs that are traditionally docked suffer a greater rate of injuries than those of traditionally undocked breeds.

- There are studies that indicate that the incidence of tail injury in dogs is very low (Darke, Thrusfield et al. 1985; Wansbrough 1996), and there is anecdotal evidence from veterinarians that confirms the relative infrequency of canine tail injury – in fact, they see many more tail injuries in cats than in dogs.

- There is also no suggestion that we amputate any other part of a dog in case it gets damaged, despite not infrequent injuries.

- Many of the dogs that come from breeds that are traditionally used in what are claimed to be high risk occupations for tail injury (mainly hunting), are not used for that purpose at all.

It is also true that there are many inconsistencies between breeds in what is judged as the necessity to dock, with the two breeds that might be considered to be most at risk in New Zealand – the pig dog and the sheepdog – being left intact

Appendix 3 – Countries reported as having bans or restrictions on tail docking of dogs include the following:

- Australia (banned)
- Austria (banned)
- Belgium (banned)
- Brazil (banned for cosmetic purposes)
- Croatia (banned)
- Cyprus (banned)
- Czech Republic (banned)
- Denmark (banned with some exceptions)
- Estonia (banned)
- Finland (banned)
- France (banned)
- Germany (banned with some exceptions)
- Greece (banned)
- Iceland (banned)
- India (banned)
- Israel (banned for cosmetic purposes)
- Latvia (banned)
- Lithuania (banned)
- Luxembourg (banned)
- Netherlands (banned)
- Norway (banned)
- Poland (banned)
- Scotland (banned)
- Slovakia (banned)
- Slovenia (banned)
- South Africa (banned)
- Spain (banned in some jurisdictions)
- Switzerland (banned)
- Turkey (banned)
- Virgin Islands (banned)
- United Kingdom (restricted)
- Wales (banned with some exceptions)

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