

Animal Welfare (Restriction on Docking of Dogs' Tails) Bill

Member's Bill

Explanatory note

General policy statement

Introduction

This Bill amends the Animal Welfare Act 1999 as it applies to the docking of dogs' tails.

Policy development process

During the consideration stages of the Animal Welfare Bill (No 2) in 1999, the Primary Production Committee considered at length a proposal to prohibit the practice of tail docking. The Committee was unable to agree on the inclusion of a clause that would have prohibited the docking of dogs' tails from 1 January 2003. The Committee "also considered an alternative approach that would enable the making of an Order in Council to prohibit a specific surgical procedure at a later date." The Committee did not support that approach, as it believed "Parliament is the appropriate body to decide whether any procedure should be prohibited."¹

In the ensuing 4 years all Australian State legislatures have moved to restrict the tail docking of dogs. In New Zealand breeders continue to perform this procedure on pups of breeds commonly docked, often with unfortunate results. The view of the veterinary professions in New Zealand, the United Kingdom and Australia is that there is no justification to continue the practice and that "there is no clear evidence that any kind of benefit associated with tail docking

¹ Committee commentary on the Animal Welfare Bill (No.2), May 1999, page vii.

exists that can outweigh the potential harm that can be caused to the animals involved.”²

Animal welfare

Section 16 of the Animal Welfare Amendment Act 1999 allows the Governor-General in Council, on the advice of the Minister tendered after advice from the

National Animal Welfare Advisory Committee, to declare any surgical procedure to be performed on an animal to be, *inter alia*, a restricted surgical procedure. It follows that this process could be used to declare the tail docking of a dog to be a restricted surgical procedure. Should that process be followed, tail docking could be performed only by a veterinarian or a person being taught veterinary science under supervision of a veterinarian, where the veterinarian has first satisfied himself or herself that the performance of that procedure is in the interests of the animal. That course of action is not satisfactory as “the interests of the animal” could be interpreted widely enough to justify a cosmetic procedure to enable a show dog to continue to be shown, or as a prophylaxis procedure justified on the grounds that it is better that a veterinarian perform the procedure than allowing the breeder to do so.

The most satisfactory resolution is to amend the Act so that it is clear that the procedure cannot be performed for cosmetic reasons.

This Bill will not prohibit the tail docking of dogs. It will restrict the procedure to veterinarians, or veterinary science students under supervision of a veterinarian, where the docking of the tail is necessary for the welfare of the animal because the tail has been damaged by injury or disease.

This amendment will also impact on the docking of horses' tails. Docking of the tails of horses is currently restricted by section 17 of the Animal Welfare Act 1999, in that subsection (2) includes in the definition of **restricted surgical procedure** “the docking of the tail of a horse”. Hence the procedure is restricted to veterinarians, or veterinary science students under supervision of a veterinarian. The proposed amendment to the term “in the interests of the animal” will clarify that the docking of the tail is necessary for the welfare of the horse because the tail has been damaged by injury or disease. There

² Bennett, P C, and Perini, E, “Tail docking in dogs: a review of the issues” *Australian Veterinary Journal* Vol 81, No 4, April 2003, p 217.

is no justification for the docking of horses' tails, except as part of veterinary treatment for injury or disease. The docking of horses' tails, if it is performed at all, is restricted to shire horses. The tails of shire horses can be adequately protected without docking.

Clause by clause analysis

Clause 1 relates to the title.

Clause 2 relates to commencement.

Clause 3 amends the definition of **restricted surgical procedure** by inserting the words "or a dog".

Clause 4 amends section 17(2) of the Act by amending the provision that restricts the procedure of tail docking to a veterinarian, or a veterinary science student under supervision of a veterinarian, so that "in the interests of the animal" is only where docking of the tail is necessary because the tail has been damaged by injury or disease.

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Contents

1	Title	4	Performance of restricted surgical procedures
2	Commencement		
3	Interpretation		

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Animal Welfare (Restriction on Docking of Dogs' Tails) Act **2004**.
- (2) In this Act, the Animal Welfare Act 1999¹ is called "the principal Act". 5

¹ 1999 No 142

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

Section 2(1) of the principal Act is amended by adding to the definition of **restricted surgical procedure**, after the word "horse", the words "or a dog". 10

4 Performance of restricted surgical procedures

Section 17(2) of the principal Act is amended by adding, after the words "interests of the animal", the words " , which, in the case of tail docking, is based on an informed veterinary opinion that the procedure is necessary for the welfare of the animal where the tail has been damaged by injury or disease, 15

and is not being performed for cosmetic or prophylactic purposes”.