**SUBMISSION ON THE PROPOSALS FOR A NEW ZEALAND ANIMAL WELFARE STRATEGY & AMENDMENTS TO THE ANIMAL WELFARE ACT 1999**

This submission is to:- Animal Welfare Strategy & Legislation Review

Ministry of Primary Industries

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**This submission is in regard to the Proposals for a New Zealand Animal Welfare Strategy and amendments to the Animal Welfare Act 1999, MPI Discussion Paper 2012/07 released August 2012.**

**This submission is in relation only to the docking of dogs' tails.**

**The Submitters Profile**

* I have been a member of the New Zealand Kennel Club (NZKC) since 1979 and have been breeding Pembroke Welsh Corgis since 1990.
* I am licensed by the NZKC to judge Toy, Terrier, Gundog, Hound, Working Dog and Utility dogs at Championship level internationally.
* I have judged in New Zealand, Australia, Thailand, South Africa and the United Kingdom.
* I am the Chair of the New Zealand Council of Docked Breeds (NZCDB), a member of the NZKC Breeds Standards Sub-Committee, a member of the NZKC Judges Association Judges Training Review Committee, a committee member of 3 All Breeds Dog Clubs.
* I am an approved by the NZKC/NZCDB to be on the Accredited Banders Panel.
* I have successfully shortened the tails of approximately 300 puppies using the banding method.
* I consider myself amongst the top breeders and dog show judges in New Zealand.
* I consider that I have banded more puppies than the majority of Veterinarians who are untrained in the practice.
* I consider that from my experience in the dog world, this places my observations uniquely above many of the veterinarians in New Zealand.
* I support the Submission made by the New Zealand Council of Docked breeds.
* I support the Submission made by the New Zealand Kennel Club.

**Experience with banding**

* Of the 300 plus puppies I have banded, none of these puppies have experienced the complications, impairment of function or pain the NZVA claims in their interim submission dated 13 April 2013.
* Competing against tailed dogs, many dogs I have bred have successfully competed to Best in Show level on the world stage.
* To win Best in Show at a dog show in any country in the world, the specimen must display impeccable soundness of mind and body that would not be possible for any docked dog if the claims of the NZVA are correct.

**Docked Dogs General Information**

* Traditionally docked dogs have successfully hunted, hearded and guarded for hundreds of years.
* In recent years Docked Dogs also exhibit excellence in Search & Rescue, as Guide Dogs and in the domain of agility and obedience.
* Docked dogs are fairly represented as Police and Customs dogs as well as fitting comfortably into the family home as pets.
* Many dog breeds were established hundreds of years ago.
* The reason for docking was to prevent injury to the dog and the practice was also established hundreds of years ago.
* If, as NZVA claims, puppies are pre-disposed to infection and complications and subsequent death, this would have been even more prevalent centuries ago when the hygiene standards we experience today were sadly missing.
* If this claim is correct, then during those times when breeds were established precious puppies would have been dying or suffering at excessive rates (not desirable or acceptable by stockmen even all those years ago) and tail docking would have ceased.
* Today we see in Europe many traditionally docked breeds with thin, whippy, inappropriately positioned tails that in the view of people with stock history, are prone to injury.
* Since the inception of a ban in several around the world, many have made exceptions to the ban for certain “working breeds” – confirmation of what the experienced stockman had already established when the breed was developed.
* In the future statistics will confirm that the reasoning behind the docking of those breeds was sound and based on experience, not over-emotive opinion.

**Refuting claims made by NZVA**

**International Situation**

* Since the adoption of the Code in 2010, only 1 further country in the World has subsequently banned the docking of dogs’ tails – India in 2011.
* The list supplied in the NZVA’s Submission on this review is not factual and includes several countries where no ban exists, but the local Veterinary Associations have forbid its members to dock.
* The list also fails to acknowledge that several of the countries listed have “breed exceptions” to the ban – which recognises that some breeds are susceptible to tail damage and simply enforces our observations that early prevention by banding at the appropriate age eliminates amputation as an adult.

**Previous Decisions on Tail Docking**

* While reviewing the Code of Welfare (Dogs) during 2009/2010 the NAWAC Committee concluded the following (From the NAWAC Committee report published on the Ministry of Primary Industries Website).

*“The National Animal Welfare Advisory Committee (NAWAC) considered, on the available evidence, that the amount of pain that a dog experiences when its tail is docked is reduced if the puppy is of a very young age. At this age, some of the connections in the puppy’s brain which carry signals to let the puppy experience pain are not yet fully developed and scientific evidence suggests that, at this age, the puppy does not experience pain as it would if the tail was removed in an older dog.”*

And

*“The National Animal Welfare Advisory Committee (NAWAC) is aware of one accredited tail banding scheme that is managed by the New Zealand Kennel Club. More information is available on their website. Anyone can establish an accreditation scheme, as long as it meets the requirements in the code of welfare.”*

* Since this Code came into force, there has been no new scientific evidence provided that disproves these findings!
* Does the current NAWAC consider the past Committee were erroneous in its findings?

**The right to continually oppose Government and Public opinion**

* Do the current NAWAC Committee, the NZVA and the SPCA consider they can ignore the findings of the three bodies that have reviewed this topic three times in less than 15 years?
* This has been reviewed by the Government on 2 occasions via the Animal Welfare Act and then via a proposed amendment to the Act, then its own Committee as recently as 2010?
* All of these process/reviews included public consultation and considered public opinion.
* I have been told by a practicing veterinarian who is a member of the NZVA, that the NZVA have NEVER canvassed its members on the issue of tail docking!
* The NZVA and SPCA are heavily financed in their ongoing opposition to this argument. This makes it incredibly hard for the breeders and owners of traditionally docked breeds to continually fight back.
* As an individual with enormous experience in the dog world, I struggle to have my opinion heard.
* The NZCDB is a not for profit organisation funded solely by subscription and run by volunteers, people who are passionate about protecting their dogs and the heritage behind them.
* In spite of the imposition on my time and finances to be constantly protecting my rights, I still pledge to my dogs to continue this fight!
* Whilst I have complete respect for those Veterinarians who train and develop the ability to understand the internal working of the dogs – breeders have the responsibility of ensuring the dogs are fit for purpose on the outside – and they take this responsibility extremely seriously.
* As guardians of their chosen breeds, breeders have the responsibility of maintaining the breeds against the individual blueprint of the breed – the Kennel Club Breed Standards.

**Insufficient trial period of Tail Banding Panel**

* The Accredited Banders Scheme has been established by the NZKC and the NZCDB and now only NZKC Registered litters of traditionally docked breeds are to be banded.
* I consider that by restricting banding to being performed by accredited people only, New Zealand is being proactive in animal welfare and building a fence at the top of the cliff, as opposed to being the ambulance at the bottom.
* Only two years since the enforcement of the Code is not sufficient time to be able to accurately gauge if the panel is operating successfully and that only NZKC Registered, traditionally docked dogs are being banded.

**Just how prevalent are incidents of incorrect Tail Docking?**

* I have always maintained that sufficient processes already exist to deal with people who inflict puppies to incorrect tail docking procedures. Relying on media reports as our only source of information, since the inception of the Code of Welfare (Dogs) I have been made aware of only aware of 1 case that may progress to prosecution.
* If the incidence is as prevalent as NZVA and SPCA claim – then why are we not seeing any prosecutions?
* If the incidence is as prevalent as NZVA and SPCA claim – then why do they not publish this information and include it on their Submission?
* I suggest that the reason is because it does not exist.
* If it is NOT prevalent – then why do we need to consider further legislation when quite simply, any dog docked by a person other than a vet or an Accredited Bander is currently identifiable and able to be punished?

**Consequences of Banding performed by non-accredited people**

* I fully endorse the punishment of any persons operating outside of the requirements of the Code of Welfare.
* I fully endorse the punishment of any person operation outside of the protocols of the Accredited Banding Scheme administered between the NZKC and the NZCDB

**Pressure to remove dogs tails by Breed Standards**

* The Breed standards do not included a disqualification for traditionally docked dogs, which are exhibited with tails! This position is what I fight for with the most passion – the “Freedom of Choice”.
* What the NZVA continually fail to acknowledge is that the breed standards contain the characteristics of each breed and make very clear delineations about the tail set and type for each breed. The breed characteristics are set in stone because they are the minimum (or maximum) an individual dog needs to complete the task he was bred for.
* If the tail was prone to damage while performing this duty, it was docked.
* If erect ears meant the spaniels had ear problems, dropped ears were required.
* If a sight hound needed 180 degree plus vision to detect prey, they had obliquely placed eyes.
* There are thousands of examples of why each dog differs from the next and each is recorded in the Breed Standards.
* Indeed we have breeds in the Gundog group who work with their tail and the Standard set very specific requirements for the tail that prevent the tail from damage in the field. One example is the Labrador Retriever, this is from the NZKC Breed Standard.

Tail: Distinctive feature, very thick towards base, gradually tapering

towards tip, medium length, free from feathering, but clothed thickly

all round with short, thick, dense coat, thus giving ‘rounded’ appearance

described as ‘Otter’ tail. May be carried gaily but should not curl

over back.

* This illustrates that NZVA shows a complete disregard for breed characteristics of the pedigree dog and when we try to explain this we are treated with disdain.
* That is why I claim that Veterinarians are the masters of the internal working of the dog, dog breeders are the experts on why they were developed to look like they do.

**No Scientific Evidence**

* Since before a Public Members Bill was introduced in Parliament by Hamilton East MP Diane Yates in 2004, there has been no scientific evidence produced that puppies feel pain while being banded.
* The Private Members Bill relied heavily on a Review released in 2003, BENNET, P.C. & PERINI E. (2003) Tail Docking in dogs; a review of the issues. *Australian Veterinary Journal* **81,** 208-218.
* This was simply a review of the available publications to date. There was no new scientific evidence that proved that the docking of dogs’ tails was painful.
* During the consultation on the Bill by the Government Administration Select Committee, then again during the process around the format of the Code of Welfare (Dogs), it was accepted that much of this publication based the conclusions on experiments performed on animals other than dogs.
* These studies made no reference to the fact that the animals used in these experiments had functioning nervous systems from the time of birth or within the few hours after birth.
* Conversely, it is universally accepted that if under 5 days of age, a puppies nervous system is not developed sufficiently to allow it to feel pain when a tail was banded.
* **In its Submission, NZVA** continues to use over-emotive opinions or theories, as opposed to sound scientific based proof. Without this evidence – then that is simply all the statements are – opinions and theories. Hardly sound building blocks for a robust Animal Welfare system!
* This over-emotive propaganda is also used in articles or publications circulated to its own members.
* Claims of ethical considerations, complications, impairment of normal function, pain – there is no supporting evidence and the statements are full of over-dramatised comments.
* As an example Appendix 6, c. Impairment of normal function

*...Children especially rely on a dog’s tail as a guide to “reading” canine body language.*

* This statement has never been supported by statics that might indicate more children are being bitten by docked dogs.
* This statement makes no allowance for the differing tails sets of dogs – as an example, spaniels hold their tails down and are not capable of raising them above their backs. Basenji's have their tail tightly curled over their back. Which carriage best suggests to a child a dog is about to attack them?
* There are far more visual signs of aggressiveness that are more reliable indicators of a dog's temperament than tails set. Head carriage, ear carriage being examples.
* NZVA submit that there are many complications arising from docking, and then by its own admission confirm research in this area is sparse. If neuromas were present I have already explained that we would see associate responses from dogs whilst being examined in the ring, competing or working, while under examination at the vet clinic as well as in their normal life. I can find nowhere where this has been documented.
* For NZVA to prove its case as a professional body, surely it has the responsibility to effect change using a strong science base to its submission and not just unsubstantiated opinions?
* NZVA submit on chronic pain, and then again go on to admit there is little research on dogs in this area.
* The balance argument from both the NZVA and SPCA looses creditability when you consider several of the docked breeds carry a bobtail gene and are born without tails. Even if not in use today as working dogs, they were more than capable of performing the task they were bred for when they were in use, let us not forget this is the sole reason the breed was developed.
* This is why we constantly refer to the “Tradition” of docking. Yes it is historical but it is based on experience and breeds that were traditionally docked were most often docked to prevent damage.
* There are many successful greyhounds which continue to win races with docked tails, removed as result of having sustained damage that refused to heal. Information from a Vet Clinic in Christchurch confirms that on average it would be required to complete an adult amputation of a damaged tail from a greyhound at least once a week!
* The NZVA submit that convenience is a reason for docking. Use of yet another emotive statement!
* The NZVA submit that docking of dogs’ tails may damage New Zealand’s reputation. It does however remain silent on procedures such as inducing/aborting calves that are nearly full term in the name of milk production. It remains silent on other procedures that DO inflict pain yet are only classified as Restricted such as deer velvetting!
* The NZVA submit that hygiene is a justification for tail docking – and this sets us along side lambs and other primary industry animals. If it is acknowledged that lambs do feel pain from docking – can I expect to see a Submission from NZVA that the docking of lambs tails becomes classified as a Surgical Procedure?
* NZVA go on to submit on Freedom of Choice with even more emotive statements by comparing the cropping of dogs ears in with the banding of dogs tails. Cropping takes place at a much later age and requires pain relief intervention and post-operative care.
* I am a breeder who refuses to leave tails on my puppies – alternatively there are breeders who want to (and do) leave them on. Any prospective purchaser who disagrees with this stance also has the “Freedom of Choice” to find another breeder.
* NZVA also submit on Prevention of damage and yet again emotively wish us to compare tail banding to removing any other part of the dog in case it gets damaged! This from a professional science based organisation.....?
* NZVA dispute the use of the word phenotype in arguments. The word is defined as below

**Phenotype – Mosby's Medical Dictionary, 8th edition (c) 2009**

**1 the complete observable characteristics of an organism or group, including anatomic, physiological, biochemical, and behavioral traits, as determined by the interaction of genetic makeup and environmental factors.**

**2 A group of organisms that resemble each other in appearance.**

* The NZVA seem intent on disregarding that the development of any breed fits perfectly into this definition. Different breeds were developed solely by manipulating/eliminating the genetic makeup in an attempt to satisfy the remainder of the requirements in this definition.
* The phentoype of the dog has simply been established by a high paced and selective evolutionary process.

## In Conclusion

In May 2010, a study was published in the Veterinary Record, ***Risk factors for tail injuries in dogs in Great Britain, (Diesel et al, 2010).***

By the authors own admission this study had weaknesses in their work. For example *“The study was started approximately one year after the introduction of the new legislation, and therefore it may be too soon to detect differences in the risks of tail injury due to the differences in legislation”.*

Amongst many other issues with the study, it is important to note that the study reported 281 dogs with damaged tails were presented from just 52 veterinary practices. According to the RCVS there are 3000 verified vet practices in the UK. If these 52 were representative of them all, then circa 16,000 dogs would have suffered tail injuries in the UK for that 12-month period and circa 5,000 would have undergone adult tail amputation! Even if it were 50% of this figure, this is nothing short of a scandal, resulting from an Act of Parliament that was designed to protect the welfare of animals.

One other conclusion of the study has been reported thus

*“The final multivariable risk factor model showed that being a working dog was not a major risk factor for tail injury, and other factors, including breed characteristics and level of activity of dogs, were more important than work itself”*

**This conclusion has been the claim of experienced breeders since the beginning of this campaign!**

The NZCDB have a copy of a letter from the Rural and Environmental Directorate, Animal Welfare Division of The Scottish Government, dated 26 November 2010. It is in answer to a letter of 28th October 2010 that asked the Scottish Government;

“In light of the study by the University of Bristol and the Royal Veterinary College *on the risks of tail injuries in dogs*, will you commission, and when, further research focussing on the risk of tail injuries specifically in working dogs in Scotland, and how will such research conclusively address the questions raised in the petitions?”

Subsequent to this letter, the Scottish Government has decided to commission further research that will examine the risk of tail injuries in working dog breeds, whether or not used as working dogs.

**Perhaps the question should NOT be why New Zealand does not follow other countries – but why other countries imposed a ban at all?**

I wish to thank you for the opportunity to make this submission.

It is my hope that the Minister will recommend that the current requirements of the Code of Welfare regarding the acceptance of Tail Banding by accredited people will be maintained and given a chance to demonstrate it can work.

I also hope that this will finally settle the ongoing arguments from NZVA and SPCA and leave the system to work without antagonism for the future well being of my dogs.

If it is required, I am willing to be heard supporting this submission.

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**Karen McIntyre**