



Tail docking of dogs

On the 1st April 2004, an offence to tail dock dogs was introduced into the Victorian *Prevention of Cruelty to Animals Regulations 1997*. From that date only a registered veterinary practitioner could dock the tails of dogs in Victoria and only for therapeutic reasons. This occurred as a result of a national agreement across all Australian States and the Territories to ban the tail docking of dogs.

On 12 December 2007 amendments were introduced into the Prevention of Cruelty to Animals Act that altered how a range of prohibited procedures under the Act and Regulations were dealt with. All existing procedural offences (relating to a range of animal species) from the Act and Regulations have been put together under an offence to conduct a prohibited procedure.

No new procedures have been introduced in relation to dogs. Existing procedures relating to dogs are ear cropping, debarking and tail docking. These procedures now (or will shortly) come under the definition of a prohibited procedure. Prohibited procedures can only be done in Victoria by a registered veterinary practitioner for therapeutic reasons and in the case of debarking also in accordance with the code of practice (existing requirement). The inclusion of tail docking under this offence in the Act has been delayed as the current offence in the Regulations first needs to be removed. In early 2008 (expected 1 March 2008) the offence for tail docking will be swapped from the Regulations into this new section.

In addition, two new offences relating to prohibited procedures have been introduced into the Act:

- It is now an offence for the owner or person in charge to allow a prohibited procedure to be conducted on an animal; and
- There is a new offence for an owner or person in charge to show or exhibit an animal or allow an animal to be shown or exhibited where the animal has had a prohibited procedure conducted on it. Provisions have been built into this offence relating to when the procedure was done and where it was done, i.e. if the animal has been imported with the procedure already conducted. These provisions are detailed below in the question and answer section.

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Q. When can tail docking be carried out and has this been changed by these recent amendments?

A. Tail docking can only be carried out in Victoria by a registered veterinarian for therapeutic reasons (for the health or welfare of the animal). This hasn't been changed by the recent amendments only the placement of the offence will be moving from an individual offence in the Regulations to part of a wider offence for any prohibited procedure. (Due to a need to amend the Regulations first this movement will not occur until around 1 March 2008 but the offence will remain in the Regulations until that date.)

Q. What is meant by docking?

A. Docking (in relation to the tail of a dog or horse) means the amputation, removal or shortening of the tail of the animal, other than the shortening of the tail hairs of the animal.

Q. What it meant by Person in Charge?

A. "Person in charge of" in relation to an animal or thing, includes—

- (a) a person who has the animal or thing in the person's possession or custody, or under the person's care, control or supervision; and
- (b) any employee or agent of the owner of the animal or thing if a person referred to in paragraph (a) is bound to comply with the directions of that employee or agent in respect of the animal or thing;

Q. The legislation commenced in December 2007 but tail docking is currently not mentioned in the Act, why?

A. Tail docking is currently an offence in the Regulations, to avoid having duplicate offences in the Act and Regulations the incorporation of tail docking as a prohibited procedure has been delayed until an amendment to the Regulations can be made. In early 2008 (around 1 March 2008) the offence for tail docking of dogs will be removed from the Regulations and added into the Act as a prohibited procedure. This will be coordinated to occur on the same day.

Q. My dog was docked prior to these amendments, can I still show it?

A. Yes, provided the docking was done prior to 12 December 2007 you will still be able to show it. However for any dog **born after the commencement of these amendments (12/12/07)** which is docked you will need to demonstrate that the docking was done legally if it is to be shown.

Q. What about dogs brought in from interstate or overseas?

A. If a dog has not previously resided in Victoria and is already docked, debarked or ear cropped and then brought in from interstate or overseas, allowance has been made for the dog to be shown provided the procedure was done in accordance with the legislation of the jurisdiction (country/state/territory) in which the procedure was carried out.

If the procedure was carried out on the dog in Australia, a veterinary certificate stating that the procedure was done in accordance with the law of the relevant jurisdiction will allow the animal to be shown.

In relation to imported dogs, the importation or supporting documentation should show that the procedure had occurred prior to importation and that the procedure was done legally according to the laws of the jurisdiction in which the procedure was carried out.

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Q. Why has the offence to show or exhibit an illegally tail docked dog been introduced?

A. This offence has been introduced as part of wider legislation amendment relating to prohibited procedures, under the Prevention of Cruelty to Animals Act. This amendment combines all current procedure based offences, from both the Act and Regulations, into one consistent offence for conducting a prohibited procedure.

A number of the prohibited procedures were still being carried out despite the individual offences and these animals were consequently being shown or exhibited sometimes with the person benefiting from having the procedure illegally done on the animal. This offence means that only those who are complying with the laws of Victoria (or other jurisdictions) will be able to show or exhibit their animals.

As part of this amendment, three new prohibited procedures have also been introduced (declawing of cats, devenomation of snakes and electrical tooth clipping/grinding of sheep).

Q. What are the penalties associated with these offences?

A. Upon conviction, fines of up to \$3,215 or 12 months imprisonment apply if a person (other than a vet) docks a dog's tail, or if a vet docks a tail where it is not considered reasonably necessary for therapeutic purposes or for allowing a prohibited procedure to be done.

If a person intentionally damages a dog or a pup's tail they would be committing an offence under the Prevention of Cruelty to Animals Act 1986, and be liable for a fine of up to \$6,429 or 24 months imprisonment.

If a person in Victoria shows or exhibits a dog that was illegally tail docked, a penalty up to \$2202 applies.

These fines apply to any prohibited procedure that is carried out.

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