



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

**Welfare of Animals Bill:
Department of Agriculture and Rural
Development**

28 September 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)

Mr P J Bradley

Mr Trevor Clarke

Mr Willie Clarke

Mr Simpson Gibson

Mr William Irwin

Mr Francie Molloy

Mr George Savage

Witnesses:

Ms Kate Davey)

Mr Andrew Kell)

Mr Paddy McGuckian)

Ms Colette McMaster)

Department of Agriculture and Rural Development

The Chairperson (Mr Moutray):

I welcome Colette McMaster, Kate Davey, Paddy McGuckian and Andrew Kell.

Ms Colette McMaster (Department of Agriculture and Rural Development):

Thank you for the opportunity to give evidence on the policy behind clause 6 of the Welfare of

Animals Bill, which deals with docking of dogs' tails. I am accompanied by Kate Davey, who is head of the Welfare of Animals Bill team, her deputy Andrew Kell and Paddy McGuckian, who is our veterinary adviser on animal welfare issues.

Following last week's meeting, we have updated the Minister on the Committee's discussion about tail docking. On the Committee's request, she has asked us to set out the evidence that was considered when deciding to ban docking of dogs' tails except as part of medical treatment.

I will begin by reminding the Committee why the existing Welfare of Animals (Northern Ireland) Act 1972 needs to be replaced. That legislation is almost 40 years old and is no longer sufficient to deal with welfare issues. In particular, it provides insufficient protection for non-farmed animals when compared with the level of protection that is provided to farmed animals. The emphasis on farmed-animal welfare is not simply about preventing cruelty but about securing an acceptable standard of welfare for the animals. That means that farmers must provide for the needs of their animals and not merely avoid causing them unnecessary suffering.

In Northern Ireland, we are lagging behind the improved welfare legislative standards for non-farmed animals, including dogs, that were introduced in GB in 2006. The Department's objective is to promote and enhance animal welfare. That objective is based on a long-standing and firm belief that animals must not be caused unnecessary pain and suffering. Key to that is an understanding that, every day, animals are subjected to pain and suffering, but that society accepts an element of suffering if there are justifiable reasons.

For many years, the Department has emphasised that the mutilation of animals to deal with management issues is not the best option, and has given consistent advice about that. That policy is enshrined in the 1972 Act, and we are seeking to improve the situation through this Bill, as science and society have moved forward to a better understanding of how animals feel pain.

Today, we are focusing on the tail docking aspect of the Bill and how tail docking affects dogs. As the Committee will be aware, the current legislation permits the docking of a dog's tail, provided it is carried out by a veterinary surgeon before the pup's eyes are open. In order to put the proposal to ban the docking of dogs' tails in the Bill in context, it is important to look at one

of the key objectives of the Bill, which is to prevent unnecessary pain and suffering. That is in line with the five freedoms: the ideal would be to stop all animals from experiencing pain, but that is not practical or possible. In certain circumstances, some pain may be necessary for the greater good of the animal's welfare. The question to be addressed is whether there are welfare benefits from tail docking that outweigh the harm done to a dog by docking its tail.

Let us consider where the tail is. The tail is a major body appendage; it is a section of the spinal column that comprises 20 vertebrae, muscles, nerves and blood vessels. Muscular structure and activity are an integral part of the normal bodily shape and function of the dog.

How is the tail docked? Amputation is usually done with a sharp knife, scalpel or scissors. The procedure involves cutting or crushing skin, muscle, nerves, tendons and bone-cartilage connections.

Is it painful to dock a pup's tail? It is widely accepted that animals experience pain. The 1999 EU treaty in Amsterdam recognised that vertebrate animals are sentient beings which do have feelings. Research in 1996 by R Wansbrough, published in the 'Australian Veterinary Journal', and by Fleeman in 1995, advised that mammals, including dogs and humans, possess the same neural transmitters, receptors, pathways and higher brain centres. Although animals may show different signs of pain, it is clear that they feel pain in the same way as humans, and pain thresholds have been determined to be the same in dogs and people.

Wansbrough found that the initial pain from the direct injury to the nervous system caused by cutting or crushing the tail of a neonatal puppy would be intense and at a level that would not be permitted to be inflicted upon a human. Urination and abnormal vocalisation, characterised by whimpering or squealing with wriggling of the tail stump or the whole body, are common reactions. That some puppies cease making noises soon afterwards cannot be construed as an indication that any pain has stopped, as animals tend to be more stoic than humans due to an inherent preservation instinct.

A range of scientific evidence demonstrates that, in addition to causing pain, tail docking deprives a dog of a major body appendage and can, in some dogs, result in behavioural changes.

It deprives the dog of a vital form of canine expression, and may result in post-docking infections and complications, including incontinence.

Tails are docked for two reasons. First, tails are docked for cosmetic reasons, to conform to breed standards — for example, Rottweiler, Dobermann and boxer. From the little information that is available to us, the number of dogs in breeds that are traditionally docked could account for over 50% of tail docking in Northern Ireland. Secondly, tails are docked for precautionary reasons, known as prophylactic docking, to prevent injury to the dog in later life. A number of stakeholder groups and owners of working dogs such as spaniels, hunt point retrievers and terriers have expressed the view that it is better to dock pups' tails in case they injure them later in life. Also, a small number of dogs' tails are docked as part of medical treatment, following, for example, an injury to the tail. That is referred to as therapeutic docking.

The evidence that the Minister has drawn on to come to her decision to ban the docking of dogs' tails is wide-ranging and includes veterinary opinion from the Royal College of Veterinary Surgeons (RCVS) and the British Veterinary Association, scientific evidence on tail docking, stakeholders' opinions expressed in response to consultation, and the standards agreed at EU level. I will outline the key elements of that evidence.

The RCVS has, for a number of years, highlighted its opposition to the tail docking of dogs, because it causes unnecessary pain and suffering. Prior to new animal welfare legislation being made in GB, the RCVS issued a press release on 3 March 2006, saying that, among other things:

“The Council of the Royal College of Veterinary Surgeons (RCVS) has unanimously agreed to support an amendment to the Animal Welfare Bill prohibiting tail-docking in dogs, except for therapeutic purposes ... For some time the RCVS has been firmly opposed to the docking of dogs' tails without good clinical reasons ... Animal welfare must be to the fore in any decision made by RCVS Council, and with a new Animal Welfare Bill going through Parliament this seemed like an excellent opportunity to call for a ban on all but therapeutic docking in dogs”.

More recently, in November 2008, in a petition to the Scottish Parliament on tail docking, the RCVS stated, in respect of the English legislation, that:

“Section 6 of the Animal Welfare Act 2006 and the regulations which have been made under it represent an unhappy compromise, and it would be unfortunate if the legislation which applies in England and Wales were taken as a precedent for

adoption in Scotland.”

Earlier this year, the RCVS wrote to the Department in respect of the new Welfare of Animals Bill and, in particular, the issue of tail docking. In that letter, the RCVS stated:

“The policy enshrined in section 6 of the Animal Welfare Act 2006 is open to question, even if it is assumed for the sake of argument that it can be justifiable to dock the tail of a working dog for its own benefit. The legislation permits the docking of the tail of a ‘certified working dog’, but five-day-old puppies are not working dogs in any normal sense of the word. It is impossible for anyone to judge at that stage whether it will grow up with the right temperament to be trained as a working dog. If, as will often be the case, the owner of the dog is a breeder who plans to sell it, the animal’s future will depend on the decisions of a third party whose identity may not be known at the relevant time ... The discussions on the law in Northern Ireland should not assume that there is an easy option of excepting working dogs from a ban on tail docking. Section 6 of the Animal Welfare Act 2006 and the regulations which have been made under it represent an unhappy compromise, and it would be unfortunate if the legislation which applies in England and Wales were taken as a precedent for adoption in Northern Ireland.”

The British Veterinary Association, the British Small Animal Veterinary Association and Veterinary Ireland are all opposed to docking of dogs’ tails, except as part of medical treatment, because puppies suffer unnecessary pain as a result of docking and are deprived of a vital form of canine expression.

I will move on now to the scientific evidence on tail docking. The evidence that we passed to the Committee on 2 April 2010 covered a range of research that is relevant to the tail docking issue. It covers the tail docking procedure; research papers on tail injuries; the neurobiology of pain; behavioural science; tail movement function; medical risks, including stress factors; and the ethics of tail docking.

In assessing the evidence, appropriate weight has been given to evidence that is soundly based, for example, from expert professionals, practitioners with the relevant experience, or methodically robust research that has been properly peer reviewed and published in a reputable journal. In the scientific context, anecdotal information carries less weight, primarily on the grounds that it has not been independently validated and can be unreliable for various reasons, including selective attention to details, self-interest, and so on. Anecdotal information can be inherently problematic and is usually impossible to test for accuracy.

I will refer to a number of the reports that have formed part of the Department's consideration. The first is the Swedish report on tail injuries of short-haired German pointer dogs, which was undertaken after the tail docking ban was introduced in Sweden in 1989. Having considered that report, the Swedish Board of Agriculture decided that there should be no change to the policy of banning docking in Sweden. The Swedish Veterinary Association advised the Department for Environment, Food and Rural Affairs (DEFRA) before it introduced its new welfare legislation that the ban was no longer being questioned, and there are no reports of any alarming increase in tail injuries of working dogs. It advised that, on the contrary, the general view is that working dogs of the former docked breeds had become more used to handling their tails while working, resulting in a decrease in tail injuries. It also advised that veterinarians in Sweden think that the few tail injuries that do occur are not an animal welfare problem compared to the systematic tail docking of certain breeds. The Swedish Veterinary Association remains convinced that the ban on all tail docking is in the best interests of a dog's welfare.

A report by J E F Houlton, which was undertaken in 2008 on gundog lameness and injuries in GB in the shooting seasons 2005-06 and 2006-07, was also considered. The report did not concentrate on tail injuries alone, but the number of undocked dogs included in the study was very small. The key findings were that there were 10 tail injuries in 245 docked springer spaniels, and three injuries in 12 undocked dogs in the same breed. In addition, there were five tail injuries in 164 docked cocker spaniels and three in 10 undocked dogs. However, the author of the report did not conclude that undocked dogs are at greater risk of tail injuries than docked dogs, casting doubt on previous research that suggested that they were at no greater risk. The study was very limited, and further studies involving more dogs would be needed to establish that undocked gun and hunting dogs are really at a greater risk of tail injury than docked dogs.

At last week's Committee meeting, the British Association for Shooting and Conservation (BASC) drew extensively on the Airlie Bruce Jones report. That study covered the period August 2008 to July 2009, which is the first year in which young dogs started to work in Scotland after the introduction of the Scottish ban on tail docking. That report focused on spaniels and hunt point retriever gun dogs in Scotland. The key findings were that around 81% of spaniels — 45 dogs — with undocked tails suffered a tail injury, and 52% — or 24 dogs — had to have partial amputations. However, that particular survey has a number of important shortcomings.

First, the survey was undertaken by a gun dog breeder who objected to the ban on docking in Scotland, rather than by an independent agency. Secondly, the survey was organised in such a way — through a general appeal to gun club members etc — that it was likely to lead to more responses from owners of gun dogs with injuries than from owners of gun dogs with no injuries. Thirdly, information provided by respondents to the survey was not verified for accuracy by way of physical checks on the dogs.

Although the report presents information about the number of tail injuries in gun dogs with undocked tails, the survey has not been properly peer reviewed or published in a reputable journal. Therefore, the report's objectivity and reliability has not been established.

A review of the issues surrounding tail docking was undertaken in Monash University in Victoria, Australia, and published in the 'Australian Veterinary Journal' in 2003. That review concluded that tail docking, as a widespread practice, is difficult to justify. It cannot be defended on the basis of traditionalist arguments or to satisfy a breed standard created for another time or place. Moreover, there was no clear evidence that any kind of benefit associated with tail docking exists that could outweigh the potential harm that may be caused to the animals involved.

The report found that for certain individual dogs, tail docking may be an option if, as adults, they would be expected to engage in activities in which tail damage is encountered on a frequent basis, particularly if appropriate veterinary care is unlikely to be available. A caveat to that was that tail docking should only be carried out if the expected benefits outweigh the potential harm that is associated with the docking process, and only if adequate anaesthesia and analgesia is provided at the time of docking.

The report concluded that docking may be associated with both acute and chronic pain. Even very young pups experience substantial pain when their tails are removed, and they continue to experience pain as the normal physiological processes known to be associated with any amputation take place. The fact that the docking is carried out before any socialisation period simply makes the practice more difficult to justify, as does the fact that it may leave some dogs with chronic physical problems and possibly unable to communicate effectively.

More recently, a joint report was conducted by the Royal Veterinary College and Bristol University. That was based on a survey of 52 veterinary practices across GB, and included 319 dogs in the case and control studies. It concluded that there is no justification for the continued practice of docking dogs' tails, especially as only one tail injury would be avoided for every 500 dogs that have their tails docked.

That research confirmed that, overall, the risk of tail injuries in dogs is small. Dogs generally have a 0.23% risk of tail injury and, even in working gun dogs, the risk of a tail injury is extremely low at 0.29%. The survey has been properly peer reviewed and published, and is the largest undertaken to date. It is the first study to assess the risk of tail injury and risk factors for dogs from all parts of Britain, which has allowed an objective assessment of the frequency of injuries and the risk factors associated with them.

The Committee will also want to be aware of the wider European position on animal welfare. The European Convention for the Protection of Pet Animals, which was agreed by member states at Strasbourg in November 1987 and came into force from May 1992, sets out in article 10 that non-curative surgical operations are prohibited. That specifically includes the docking of tails as well as the cropping of ears and the devocalisation, de-clawing and de-fanging of animals. Exceptions are only provided if a veterinarian considers it necessary for medical reasons or for the benefit of any particular animal. That sets out the aspiration for EU member states. We acknowledge the strongly held views that have been expressed on the issue by stakeholders. Those views range from support for the Minister's ban on tail docking to support for a ban with some exemption to allow precautionary tail docking of working dogs. A small number of stakeholders have opposed a ban. We have heard little if any expression of support for cosmetic tail docking. Those views must be considered in the context of all other welfare-related evidence that is available, particularly veterinary medical scientific research.

Does evidence indicate that tail docking has welfare benefits that outweigh the harm that is done to a dog by docking its tail? In 1996, Robert Wansbrough conducted an extensive veterinary scientific evaluation of tail docking in dogs. It assessed six criteria to test the necessity to remove or modify any part of a dog. The criteria were as follows. First, whether there was evidence that to leave the dog intact predisposes it to harmful consequences. Secondly, whether

there was evidence that the interference was in the dog's best interest and will be beneficial to it. Thirdly, whether the harmful consequences or the benefit occur in a significant proportion of dogs and, therefore, justify the procedure on all dogs of a particular breed. Fourthly, whether the proposed interference causes greater harm to the dog than the damage that one is trying to prevent. Fifthly, whether there was another way, with no or lesser adverse effects, that would achieve the same end. And, sixthly, whether the increase in value as a result of interference justified the harm that is done to the dog.

The evaluation concluded that to submit dogs to a procedure that is known to be painful and which may have harmful consequences cannot be justified in a humane society. Cosmetic tail docking cannot be justified from a veterinary medical or scientific viewpoint. In Wansbrough's view, recent advances in our knowledge of pain indicate that docking should be regarded as an inhumane act.

When we apply those questions to the circumstances in which tail docking currently takes place in Northern Ireland — namely cosmetic tail docking, precautionary tail docking in working dogs, and tail docking for medical treatment — the following conclusions are reached. Cosmetic docking is carried out to meet the preference of the dog owner; it is not done for the dog's welfare benefit. Taking into account veterinary opinion and the range of evidence that is available, as there is no welfare benefit to the dog, the harm that is done by tail docking for cosmetic reasons is not justified.

On precautionary tail docking of working dogs, recent research by the Royal Veterinary College and Bristol University concluded that in dogs generally, the risk of a tail injury is extremely low, at 0.23%. Even among working gun dogs, the risk of a tail injury is also extremely low at 0.29%. The tails of 500 dogs would have to be docked to save one tail injury. Taking into account veterinary opinion and the evidence that a very small number of working dogs might get injured, precautionary docking of dogs' tails generally, or of working dogs in particular, is not justified. As regards tail docking for medical treatment, if a veterinary surgeon decides that the only means to treat a tail injury is amputation, it is justified for that particular dog.

That takes me to the final issue that was raised by the Committee with regard to tail docking of lambs and pigs. The Department fully accepts that tail docking in lambs and piglets is equally as painful as tail docking in puppies. Again, the question is whether there are welfare benefits from tail docking that outweigh the harm that is done to lambs or pigs. Tail docking is permitted because under current husbandry practices for both lambs and pigs, a ban would result in greater welfare problems for a significant number of animals than the tail docking process.

As regards lambs, the 1972 Act permits tail docking through the application of a rubber ring or other constricting device before the second week of life, or by any other means before the age of three months. The Department's codes of recommendations for the welfare of sheep advise that farmers and shepherds should consider carefully whether tail docking in a particular flock is necessary. Tail docking may be carried out only if failure to do so would lead to subsequent welfare problems because of dirty tails and potential fly-strike where alternative measures, such as parasite control or rotational grazing, are not feasible. There are practical husbandry reasons why tail docking of lambs is acceptable on welfare grounds. It helps to prevent faecal and urinary contamination of the hind quarters. If faecal contamination is present, that can lead to fly-strike, which is an infestation of maggots, normally in the rectal area.

The 1972 Act permits the docking of piglets' tails before the eighth day of life. That is further enhanced under the Welfare of Farmed Animals Regulations (Northern Ireland) 2000, as amended, which state:

“no intervention procedures which result in damage or loss to or loss of a sensitive part of the body or the alteration of bone structure shall be carried out except for therapeutic or diagnostic purposes.”

The regulations also state that the docking of piglets' tails:

“shall not be carried out routinely but only where there is evidence that injuries to...other pigs' ears or tails have occurred”.

Moreover, no tail docking may be carried out:

“unless other measures to improve environmental conditions or management systems have been taken in order to prevent

tail biting”.

Tail biting in pigs partly reflects the natural curiosity of the species. Biting is commonplace in intensive pig farming practices in which animals are crowded together with minimal or no distractions to occupy their innate behaviour. It is known that where intensive husbandry practices remain unchanged, tail docking is the only pre-emptive action to counter the welfare considerations associated with tail biting. Tail docking also mitigates the potentially serious damage to the carcass that can follow, with consequent costs to the producer.

The current level of docking of pigs’ tails is high. A recent survey conducted at abattoirs during the summer of 2010 showed that 99% of pigs had docked tails and 58% of those showed tail-biting injuries. Of the remaining small number of undocked pigs in the survey, 90% showed tail-biting injuries. That indicates that there is a very high risk of biting injury to pigs’ tails. Although that could be construed as some reflection on inappropriate management systems, it is worth pointing out that tail biting among pigs still occurs in apparently ideal conditions. That indicates that the tail-biting habit is a more complex problem, and it is therefore necessary to take the pre-emptive action of tail docking to ensure the welfare of the pigs involved in the longer term.

Work is ongoing on the docking of pigs’ and lambs’ tails. Should husbandry systems be developed in the future that eliminate the need for tail docking of those species, powers exist in clause 11 of the Bill, which deals with regulations for securing welfare of animals, to ban tail docking of one or both species.

In conclusion, the arguments put forward by those who wish the docking of dogs’ tails to continue are not supported by veterinary opinion or from a scientific viewpoint. They are not based on robust statistical evidence; they are contrary to accepted standards for the welfare of dogs; and they contribute to artificial physical breed standards.

Analysis of published, peer-reviewed evidence on the docking of dogs’ tails supports the following statements: the removal of a tail, in whole or in part, from a breed or type of dog that is born with a full tail deprives the dog of a major body appendage and can result in behavioural

changes in individual dogs; tail docking definitely causes pain in neonatal puppies, and neither anaesthetics nor post-surgical analgesics are routinely used; post docking, complications of infection and disorganised nerve regrowth with increased sensitivity may occur; the RCVS, the British Veterinary Association, the British Small Animal Veterinary Association and Veterinary Ireland are all opposed to the docking of dogs' tails, except for the docking of an injured or diseased tail as part of medical treatment, or, in the opinion of the RCVS, where there are genuine preventative reasons for the necessary protection of an individual dog; tail docking causes unnecessary pain and does not improve the welfare of the dog; and little if any robust evidence exists to support the view that the docking of working dogs' tails prevents a significant number of future tail injuries.

I understand that the Committee will be listening to further evidence on the issue of tail docking from a number of key stakeholders, such as the Northern Ireland Veterinary Association, the Dogs Trust and the Council for Docked Breeds over the next couple of weeks. I hope that our presentation has been helpful to the Committee. We are happy to clarify any issues or answer any questions that members may have.

The Chairperson:

Thank you. You said in your presentation that the objective of the Welfare of Animals Bill is to ensure that animals endure no unnecessary pain or suffering. A paper published by Bristol University and the Royal Veterinary College stated that nearly a third of dogs with injuries required full tail amputation. Is that not unnecessary pain and suffering?

Can medical treatment be preventative: namely tail docking of working dogs to prevent future injury? You also indicated that there is acute pain when docking is done without an anaesthetic. If it is done with an anaesthetic, would you still describe it as acute pain?

Ms McMaster:

You referred to the report by the Royal Veterinary College and Bristol University, and to the number of dogs with undocked tails that were injured. First, the overall finding was that the risk of a tail injury was extremely low. For the dogs that were involved in the case and control studies, there was 0.23% risk of tail injury generally, and 0.29% risk of injury for working gun

dogs. When you talk about the treatment that was required to deal with those cases, you are already talking about a very small number of dogs.

The Chairperson:

I accept that, but you will accept that the risk is a lot greater when looking specifically at working and hunting dogs.

Ms McMaster:

In that particular survey, the risk for working gun dogs was found to be 0.29%, which is less than one third of 1% of the working gun dogs that were involved in the survey.

Mr Paddy McGuckian (Department of Agriculture and Rural Development):

The paper does not show that work is a risk factor for a tail injury.

The Chairperson:

You quote extensively from that paper, but the last line of it states:

“Further studies focusing on what appear to be the highest-risk groups of dogs would be valuable in order to assess the specific risks in further detail.”

That is rather inconclusive. Do you not agree?

Ms McMaster:

Of the surveys carried out, it is the largest to have been undertaken to date. It is the first study to assess risk of tail injury and risk factors for dogs across GB in order to allow an objective assessment. It has identified certain findings, and it recognises that there is scope to do further work.

Mr McGuckian:

The strength of that paper is that it acknowledges its potential weaknesses. I think that the Committee needs to be very clear that some of the pieces of unpublished evidence that it has seen do not acknowledge the weaknesses in their own arguments. It is important that the Committee appreciates the difference between the paper that we mentioned, and that type of evidence. The

paper by the Royal Veterinary College was conducted by some very experienced veterinary epidemiologists, who will acknowledge a bias in their own paper.

The Chairperson:

Is another weakness of the report the fact that it surveyed only 29 working dogs out of 138,000?

Mr McGuckian:

It is recognised in that paper that there is a small number of working dogs. However, when they apply their epidemiological models, it gives them enough confidence to make the statements that they make. They would not make those statements if the models that they apply do not work. It states in the paper that the power of the study is relatively low in regard to working dogs. That is actually a strength of the paper and the researchers who compiled it.

The Chairperson:

I am afraid that I regard that as a weakness. Of 138,000 dogs, 29 were working dogs.

Mr McGuckian:

That is a strength.

Ms Kate Davey (Department of Agriculture and Rural Development):

I should clarify that the figure of 138,000 is the number of veterinary records that were looked at; it is not the number of dogs that were included in the survey. There were, I think, 360 dogs included in the survey, but those were the records that initially belonged to that practice and which were looked at.

Mr T Clarke:

Was it not 281?

Ms Davey:

I think that the overall figure was in the 300s.

Ms McMaster:

319 dogs were included in the case and control study.

The Chairperson:

It considered 52 practices out of 314 — approximately 16%.

Mr T Clarke:

Out of 3,000 practices? There were only 52 practices selected.

The Chairperson:

Out of 314.

Mr T Clarke:

Yes; but how many practices are there in the UK?

Mr McGuckian:

That is irrelevant.

Mr T Clarke:

It is not irrelevant. Chairman, I asked how many practices there are in the UK. If someone wants to come before the Committee with a biased opinion and hope to direct it a certain direction, they must accept that some members will have different opinions. We want all of the evidence — not just the evidence that they want to give to us so that we come to the same conclusion as them. My question is not irrelevant.

Ms McMaster:

We have sought to refer to a range of evidence. We discussed the reports that were mentioned to the Committee —

Mr T Clarke:

Chairman, can I pose that question again? My question has still not been answered.

The Chairperson:

I will give you an opportunity to come back.

Ms McMaster:

The evidence that the Department put forward on 2 April includes the full range of published evidence. The paper referred to today was published in June. The Department has drawn on a summary of reports today, including those that were referred to by previous stakeholders.

The report has been published and peer reviewed by the scientific community, and it does not represent the Department's view. The conclusion drawn is that the overall risk of tail injury is very small for dogs generally, and for working dogs. The question that the Department asked was whether the evidence indicates that there are welfare benefits from the practice of docking dogs' tails that outweigh the harm that is done to a dog by doing it. We considered the numbers involved.

Mr T Clarke:

Returning to my previous question, I want to know how many veterinary practices there are in the UK, where those practices that produced the evidence are located, and, importantly, whether they are in an urban or rural setting. If they are in an urban setting, there is less likelihood that the dogs are working dogs and will have been injured as a result of working. All those factors play a part.

Mr McGuckian:

I cannot tell you how many veterinary practices there are in the United Kingdom, but we can get that information for you. If you read the paper, you will see that it dealt with evidence from rural and urban practices in order to deal with the very bias that you indicated. A previous paper that was produced in 1985 was criticised because it dealt only with an urban population. That is mentioned in the paper, if you read it.

Mr T Clarke:

We are talking about a sample of 28 working dogs, and I want a breakdown of what areas those dogs are based in. The Royal College of Veterinary Surgeons told the Committee that there is

very little evidence, and it seems to be another case of turkeys voting for Christmas. The ban on docking puppies' tails will mean more business for vets at a later stage. If there are such low incidences, will they propose to offer that service free of charge? Perhaps we should pose that question to them through the Department.

Mr Molloy:

The Department was asked one question last week, and, in its report today, it did not answer it. That question was whether it would consider removing the clause on the docking of dogs' tails in order to get the Bill passed, and I assume from the evidence that the Department has gathered up today that the answer is no. It a case of lies, damned lies and statistics. The Department has gathered up all the reports that it likes and ignored the ones that it did not. We can all do that, but that does not make it evidence. The Department has gone to veterinary organisations and got reports, yet we have had vets before the Committee who told members the exact opposite.

As Trevor Clarke said, the veterinary organisations should declare an interest, because they are the ones that will benefit most from the injuries that are caused to dogs' tails. If the Department is interested in the welfare of animals, it should take seriously the Scottish report that suggested that 81% of the sample they examined sustained a tail injury. That is quite a large percentage.

Returning to the queries that were raised with the Department, I raised the issue of the docking of lambs' and pigs' tails. There are no figures for either the number of lambs that needed to have their tails docked or those that had their tails docked for no reason.

I have a figure of 97% in relation to pigs. Someone is obviously employed in the marts or abattoirs to look at every pig's tail to see if it has signs of biting, but most of their tails are docked, so it is difficult to see how that can be. Nevertheless, it is a statistic that the Department likes. On an earlier occasion, I raised the issue of rubber rings being used to dock lambs' tails, but it was denied. In fact, I think that it was Kate Davey who denied that those articles were even available. She said that they may be sold, but that the Department did not approve of them. However, for the first time, there is a clear indication that the Department approves of rubber rings being used to dock lambs' tails.

Ms Davey:

That is not evidence that I recall. I come from the country, so I am well aware that it is common practice, and I do not think that I would have said that.

Mr Molloy:

We can check Hansard —

The Chairperson:

Let Ms Davey answer.

Ms Davey:

It is unlikely that I would have said that because I am well aware of how lambs' tails are docked.

Mr Molloy:

We can check the Hansard report, because I am aware of what was said. Nevertheless, with all the statistics that you have gathered, is there a figure for the number of dogs' tails that are docked in the North of Ireland? How are we going to resolve the issue? You have little or no chance of getting the legislation through in its present form, so are we going to drag this out, or are you going to admit that a small number of tails are docked for working dogs and that the best way forward is to exempt them or for the Committee to withdraw the docking provision completely or make amendments to it?

Ms McMaster:

The Committee asked us to come back to set out the evidence that we had drawn on to support the case for a ban on tail docking, and that is what we have sought to do today.

Mr Molloy:

The Committee asked about a very specific issue, which was whether you would modify the proposals and withdraw the docking provision. That was a very clear question that was asked during the previous session.

Ms McMaster:

The letter that outlined what you wanted us to bring to the Committee today asked us to provide the evidence, and that is what we have sought to do today.

Mr Molloy:

You have not provided it.

Ms McMaster:

We have sought to do that. I explained the sort of evidence that we looked at. That includes veterinary opinion, professional opinion, scientific evidence and the views of stakeholders that we gathered over the consultation period.

Mr Molloy:

But in the same way as you responded on the clauses, the only people who get any recognition are those who support your Bill. Those who do not support your Bill are dismissed. Any piece of legislation, survey or research that you do not agree with is dismissed, and the only evidence or surveys that you accept agree with what you are proposing. You started off by saying that the Minister wants to do this, but we know quite well that it is the Department that wants to get the Bill through. The Minister is not saying that she wants docking of dogs tails banned here. Perhaps someone could claim ownership of this pet subject so that we can get to the bottom of this.

Ms McMaster:

I need to make it very clear that it is the Minister's proposal, and it is included in the Bill because that is the position that she has taken on tail docking. We presented the evidence that has been drawn on to come to that decision, so it is not the other way around. We are not saying: here is a decision, and here is the evidence to justify it. It is the evidence that has helped to lead us to that position. That is the way that it has been done.

We referred to the Scottish evidence. I acknowledge that there is information in that report about the number of tail injuries sustained by gun dogs with undocked tails. It is a report that has

not been peer reviewed or published, which means that, taking it into account overall and taking into account the weight of scientific evidence, the objectivity and reliability of that report has not been established. We have looked at other reports, but they have been peer reviewed and published, and their objectivity has been established. I am drawing that distinction as well. As I explained at the beginning, appropriate weight has been given to the scientific evidence, subject to the extent to which it has been peer reviewed, published, and so on.

Mr Molloy:

I suppose that we can agree to differ on that. With regard to the proposals on the banning of tail docking, the Kennel Club clearly regrets that some evidence has not been gathered and that other evidence that has been put forward has not been taken into account. Evidence has been presented today, and five different reports indicate and support its stance. The Kennel Club is coming from the position of wanting to deal with the welfare of dogs, and it has an issue. I am glad to see that the Department has at least recognised that there is a conflict in its position with regard to pigs and sheep, and the other issue around dogs. There is, therefore, conflict in the evidence that it has produced. Its issue is not about welfare; it is particular to dogs.

Ms McMaster:

Do you mean that the Kennel Club has an issue about dogs?

Mr Molloy:

Yes. The Kennel Club's issue is on dogs. The Department's issue is on dogs, but it is not interested in animal welfare. If it was, it would be banning the docking of lambs and pigs' tails.

Ms McMaster:

It is about looking at the overall balance. Where does the welfare benefit lie? We have looked at evidence that states that the risk of tail injury to dogs is low. Therefore, the question is: does that justify preventative tail docking of all dogs? On the other hand, the scale of injury in pigs, for example, is very different. In the case of pigs, the evidence points to the fact that the risk of tail-biting injury in pigs is extremely high.

Mr Molloy:

What about lambs? If a lamb owner looked after and watched lambs continuously, they would not have a problem. Is it necessary to put a lamb through the suffering that you say is so severe in dogs? The farmer can get away with doing it to sheep.

Mr T Clarke:

Put the pigs in individual cubicles.

Mr McGuckian:

I will respond to Mr Molloy's point on lambs. The Farm Animal Welfare Council recently produced a report, which is available on the Internet. It recognises that tail docking in lambs has been done for very many years, but it also recognises that removing a tail from a day-old lamb causes acute pain. It recognises that there is an objective not to dock lambs' tails. If it were a perfect world, you would be able to rear lambs in a situation in which they are not docked.

Sometimes, lambs in Northern Ireland are reared for the Easter market. I used to do that myself. People turn up at an Easter market and see that the tails have been taken off the lambs, because it helps the look of them. Perhaps those lambs have never been out and they have not been subject to any parasite infection. In fact, there is no need to dock those lambs. The Farm Animal Welfare Council recognises that, and suggests that the aim should be that good husbandry practices, such as parasite control, rotational grazing, managing stocking density, etc, could do away with the insult to a lamb of removing its tail.

Mr Molloy:

So why is that not included in the Bill?

Mr McGuckian:

This has been dealt with in other ways. It is dealt with through the concept of causing unnecessary pain and suffering.

Mr Molloy:

Mr McGuckian, do you, as a vet, accept the line that has been put forward in several reports that

state that dogs at a couple of days old do not endure the pain that you think is there?

Mr McGuckian:

No. The body of evidence is very clear that neonate pups suffer intense pain and that young lambs also suffer intense pain. That is clear.

Mr Molloy:

Do you disagree with all of the other evidence that has been provided?

Mr McGuckian:

What I am telling you is —

Mr Molloy:

It is not about telling me. If you are working with evidence, you need to provide that evidence.

Mr McGuckian:

We have.

Mr Molloy:

I do not know how any human can say that a dog or lamb experiences a particular amount of pain.

Mr McGuckian:

We have provided you with a lot of evidence.

Mr Molloy:

Evidence from the Kennel Club states the opposite.

Mr McGuckian:

The Kennel Club may be incorrect.

Mr Molloy:

And so may you.

Mr McGuckian:

That is unlikely, because I am reflecting —

Mr Molloy:

Will you accept that you may also be wrong?

Mr McGuckian:

On this occasion, I am reflecting the views of science.

Mr Molloy:

You are more infallible than the Pope, in that case.

Mr McGuckian:

No, no —

The Chairperson:

On that point, we will move on. William Irwin has to go out to speak in the House, so he is next.

Mr Irwin:

The issue around tail docking are well rehearsed. I have always felt that working dogs should be exempt. Clause 6 states that it is OK to dock a dog's tail for the purpose of medical treatment. However, it then goes on to introduce a ban on the showing of dogs whose tails have been docked. Is it not unfair and ridiculous that a dog owner cannot show a dog whose tail has been docked for welfare reasons?

Ms Davey:

The policy principle is to stop tail docking.

Mr Irwin:

Showing a dog is a completely different issue.

Ms Davey:

It is. However, this is about cosmetic docking as well as therapeutic docking. Therefore, it is about looking at the policy principle, which is to stop unnecessary suffering and to make it unacceptable to dock a dog's tail. However, I fully accept that there may be genuine medical reasons for docking a dog's tail. However, the policy is about actually stopping docking. It is not encouraging people to show docked dogs, irrespective of why the dog's tail has been docked.

Mr Irwin:

That does not seem to be a fair way of doing things.

Mr W Clarke:

Tail docking is a very divisive issue. We have had the pro-docking groups before us, so that is the general reaction that you are getting from the Committee. However, we still have to get the anti-docking evidence, so that we can make a balanced decision.

So far, we have heard evidence about — I still am trying to make my mind up about this — the pigs and lambs and about how tail docking is for the greater good of the welfare of the animal. Countryside Alliance Ireland and the BASC have provided evidence about cocker spaniels and springer spaniels. They argued the same thing that you did about the pigs and lambs and about how tail docking is for the greater good and the welfare of that breed of dog. Even research from the University of Bristol provides some evidence of that.

I am open-minded about the debate. I am trying to get the best evidence that I can to inform my decision. What is your view on what it has heard so far from organisations about the spaniel breed and the damage that can be caused to their tails, and the greater good and the welfare of the animal? They have not come up with any evidence about, for example, terriers; that may come later. The evidence that has been given to me is about spaniels, so what is the Department's view on that?

Ms McMaster:

We have set out the evidence that we have seen so far, including the published research and so on about the low risk of tail injury. That is how this point has been arrived at. There is no welfare

benefit to be derived from docking all dogs' tails because only a small number may get injured. I am aware that some stakeholders still have to present their evidence. Obviously, the Minister will want to hear that evidence as it is presented.

The evidence from the RVC and Bristol University on spaniels is not —

Mr McGuckian:

I know that some members are uncomfortable with the evidence in the RVC paper. It forced into its model a breed, ie springers, and it did not produce an increased risk for springers. That evidence is in the paper.

Ms Davey:

The RVC report says that greyhounds, lurchers and whippets are most likely to suffer injury. Those dogs are not traditionally docked. We have to look at that and at where tail injuries occur. The vast majority of tail injuries occur in the home, as opposed to working situations. We must assess all the evidence. Colette has clarified the position on lambs and pigs. It is not that the Department supports the docking of pigs' and lambs' tails, but the husbandry systems that are in place on farms in Northern Ireland are not at the stage where it would be an advantage to ban that. That is something for the future, as farming and the techniques progress. We are not ready for that at this point.

Mr W Clarke:

I agree; it would place a greater burden on the farming community at present. If it was included, members here would probably argue the opposite.

Ms Davey:

No doubt.

Mr Molloy:

That is not a fair comment. We are saying that the contradictions are in your welfare legislation. We did not make the legislation.

Mr Savage:

When I look around this table, I see that I am probably as old as any of us. I have worked at this all my life. I have docked the tails of lambs, pigs and dogs, and never once did an animal suffer. I listened to what Kate said about lambs' tails. It is all to do with the speed and how the person operates. I can take off a lamb's tail with my finger and thumb. That is all done because of animal welfare. For example, if a pig's tail is not docked, the pigs in the pen might start biting the tails overnight. Anybody who has been involved with keeping animals knows that. The next thing is that they are all lying dead because of one pig. In this day and age, we cannot afford to take those chances. I listened to the arguments made by Paddy and Francie, and some of that is probably right. However, in reality, that is all done for the good of the animal. It is all to do with the speed and the way that it is done. Never once did I see an animal suffer. I have done thousands of them. I wish I had a pound for every one that I have done. We have to look at this with a common sense approach.

Mr P J Bradley:

I am sorry that I had to leave for Question Time. I will read the Hansard report. When the Countryside Alliance came to the Committee, it said that, in general, tail docking will cost £20 or £30 plus other costs that reoccur. On 21 September, Colette said:

“We believe that after universal microchipping is introduced, the market forces will mean that it will remain fairly inexpensive.”

Can you do as the Countryside Alliance has done and put an estimated figure on the cost?

Ms McMaster:

For tail docking, not microchipping?

Mr P J Bradley:

For microchipping.

The Chairperson:

That is in a different Bill. We are discussing the Welfare of Animals Bill.

Mr P J Bradley:

Sorry about that. I had the question down for earlier. Maybe I will write to you on that.

The Chairperson:

No problem. Do members have any other questions? If not, are members content that the evidence and the opinion of the Committee is inconclusive, and, on that basis, that we cannot support the clause in its current form? If members are content, we will ask the Department to amend or remove it and report to the Committee on 7 October.

Mr W Clarke:

I do not agree, because we have not heard all sides of the argument. They have not been presented to the Committee. Until that happens, I am not comfortable.

The Chairperson:

OK. So you want to hear further presentations before we take a decision?

Mr W Clarke:

All of the presentations, apart from the Department's, have been pro-docking. We have to hear the other side of the argument.

The Chairperson:

OK. If members are content —

Mr T Clarke:

Surely the Department has put a fair case against docking. It collated evidence from other arguments in that regard. We are prolonging this issue longer than is necessary, because we will still come to the same conclusion. Many of our minds were made up before we came in on the first day, because we all come from various parts of the countryside and have opinions on it. Regardless of who comes into the room, it will not change my mind. I am sure that, if others were open and honest, they would say the same. I suggest that we go ahead.

The Chairperson:

Bearing in mind that it is one clause and that there are 60-odd clauses, I am happy to be guided by members.

Mr T Clarke:

I appreciate that, Chairman. If the proposal is taken to its conclusion, we are not saying that the clause should be removed; we are asking the Department to come back with an alternative or look at options. Failing that, you know that we will still not get consensus, regardless of who comes into the room to give evidence. Many of our minds are made up about what way we are going to go in relation to the matter.

Mr P J Bradley:

I apologise again. The Countryside Alliance said that it did not consider the Irish hare to be a threatened species. Do you?

Ms McMaster:

That sits within the remit of the Department of the Environment, as opposed to —

Mr P J Bradley:

It is in this Bill, too.

The Chairperson:

We are back to the DOE issue as well.

Mr P J Bradley:

It is in the Bill with which we are dealing.

The Chairperson:

No.

Mr Molloy:

It should not be in this Bill. I know that the Department would like it to be in this Bill, but that is

a different story.

Mr P J Bradley:

It is still referred to.

The Chairperson:

Let us concentrate on what is in the Bill. We have a decision to make today about how we take it forward.

Mr W Clarke:

I do not want to leave the credibility of the Committee in danger in relation to some sort of challenge. Somebody could challenge the Committee and even the credibility of the House. They could say that we did not take account of both sides of the argument and that we made up our minds before we heard all of the evidence. That would set a dangerous precedent, and we would be open to challenge.

Mr T Clarke:

In saying that, from an early date, before we took any evidence, we could still have stated an opinion. Some of us who were here on the first day would have asked for the clause to be removed then. Why put other people through —

The Chairperson:

We listened to the evidence of the Department on two occasions. We also have written evidence.

Mr Molloy:

We can drag this on to Easter if necessary. The issue is whether the Department wants to get the legislation through and wants to modify it. This is an irrelevant issue in respect of what the Department is trying to do in relation to the welfare of animals. It is some wee person's pet subject, but it is in there. If the Department wanted to drag it out and debate it, we could take evidence for the next three months on the issue of docking dogs' tails. The Department had an opportunity to come back with a modification or amendments, but it did not do so. We have heard as much as we will hear on the alternatives. Let us move on to the rest of the Bill. Either

way, I am happy to ask questions for the next three months.

Mr Savage:

This is a fairly lengthy document. There are many, many things in it, but it has been working. Why change it?

Mr T Clarke:

Exactly.

Mr Savage:

It is there, and it is working. Nobody dares step out of line. It should be left alone because, as colleagues said, it could be chopped and changed, and comments could be made from now until doomsday and it might not make one bit of difference. There is a fair substance of what people can do with animals and the welfare of animals. It should be left alone.

Ms McMaster:

We tried to set out the evidence on that today. The Minister is very keen for the Committee to have the opportunity to hear what other stakeholders have to say. A number of stakeholders have come before the Committee, and I know that the Committee has invited others. The Minister is keen for the Committee to have heard all the evidence before coming to a conclusion.

The Chairperson:

I accept that, but we have received written evidence from others. The majority of the Committee here today want the Department to either amend or remove that clause and report back to us on 7 October with a clear steer as to how we go forward. Are Members content?

Mr T Clarke:

I am content.

Mr W Clarke:

I am not content. There is a lot of the Bill to progress, and we can still take evidence on it. There is a bit of disagreement on one clause, but we can work our way through that. Concentrating on

that one aspect will not speed up the Bill's progress.

Mr T Clarke:

I differ. The presentations today have concentrated on that one clause. We have been sitting here all day today, and you sat all day last Thursday. There is lots of other business. Are we going to bog ourselves down talking about something —

The Chairperson:

At the end of the day, we need to know whether the Department is willing to move on the clause.

Ms McMaster:

I will certainly reflect the Committee's views to the Minister, so I want to be clear about what the Committee would like to see in a possible amendment.

Mr Molloy:

We want to see the clause removed or amended along the lines of an exemption for hunting and working dogs.

The Chairperson:

We want to see what the Department proposes, and then we can debate that.

Ms McMaster:

To help us know what you are asking us to do —

Mr T Clarke:

To make it very easy: come back and let us move on with the Welfare of Animals Bill with that clause having been removed. That is as simple as we can make it, and that is my proposal.

Mr Savage:

I second that.

Mr Gibson:

Just to be clear: am I correct that the proposal is to remove that clause, which means that the tail of any dog can be docked?

The Chairperson:

Yes. You have heard Mr Clarke's proposal that the clause be removed, which was seconded by Mr Savage. All those in favour —

Mr W Clarke:

I want some legal advice as regards the fact that you have taken evidence —

The Chairperson:

We are in the middle of a vote.

Mr W Clarke:

I asked at the very start: what is the legal advice as regards taking evidence on one side of the argument and not from everyone else?

The Chairperson:

I am sorry, Mr Clarke. We are halfway through a vote.

Mr W Clarke:

I raised the issue at the start.

The Chairperson:

No; you did not raise it before we started the vote.

Question put, That clause 6 of the Bill be removed.

The Committee divided: Ayes 4; Noes 2.

AYES

Mr T Clarke, Mr Molloy, Mr Moutray, Mr Savage.

NOES

Mr W Clarke, Mr Gibson.

The Chairperson:

P J Bradley has abstained.

Mr W Clarke:

To protect Committee members, I want legal advice as regards the fact that you have taken verbal submissions from one side of the argument and not from the opposing side.

The Chairperson:

OK; we will see that you get that. The next meeting is on Tuesday. Thank you for your attendance today.