

Terms of Reference

Review into the Maritime Safety Information Requirements for the Export of Livestock by Sea

Background

On 14 August 2020 the *Gulf Livestock 1*, carrying 5,867 breeding cattle and 43 crew members, left Napier, New Zealand, for China. On Wednesday 2 September 2020 the vessel issued a distress signal while in the waters off Japan. At this stage, three crew have been located from the sea and it has been reported that the vessel, the remaining crew and cattle have been lost after hitting high waves and strong winds caused by a typhoon that was in the locality at the time.

Livestock exporters must obtain an Animal Welfare Export Certificate (AWEC) and must meet certain conditions for export before animals leave New Zealand. An AWEC is issued under New Zealand legislation by the Director-General of the Ministry for Primary Industries, New Zealand (or his delegate). The purpose of an AWEC is to protect the welfare of animals being exported from New Zealand and to protect New Zealand's reputation as a responsible exporter of animals.

In considering whether to issue an AWEC, the Director-General must have regard to a number of matters set out in section 43 of the Animal Welfare Act 1999, including the mode of the proposed transport, the length and nature of the journey proposed, the susceptibility of harm and distress to the animals under the conditions of the proposed transport, the manner in which the welfare of animals previously exported by an applicant was attended to on previous journeys, New Zealand's reputation as a responsible exporter of animals, and any other matters relevant to the welfare of the animals.

Given the uncertainty that still surrounds the *Gulf Livestock 1* incident, the Director-General has temporarily suspended approving the issuing of AWECs for export by sea, pending advice from this review.

Purpose of review

Following the tragic loss of the *Gulf Livestock 1*, the Director-General has directed a review of the sufficiency of the assurance that MPI receives in relation to:

- Carriage by sea as a mode of transport, and
- Susceptibility of livestock to harm and distress on the journey when exported by ship

when he (or his delegate) considers an application for an AWEC.

Focus of review

The reviewer is to report to the Director-General on any additional information that he should require to give a high level of confidence that issuing an AWEC for a

proposed export of livestock by sea is consistent with the protection of welfare of animals being exported from New Zealand, and with protection of New Zealand's reputation as a responsible exporter of animals.

In carrying out the review, the reviewer is to take into account:

1. the documentation required in support of applications for AWECs for export by sea, relating to loading of the vessel and the voyage to the final destination;
2. the voyage reports provided (or to be provided) by exporters in respect of exports of livestock by sea over the last two years;
3. conventions, laws and rules relating to international shipping safety, the primary responsibility of Flag States and owners of vessels for the safety and operation of livestock carrying ships, and the Port State Control system that supports the safety of shipping;
4. information that is available about the risk profiles of specific vessels, and the history of their Flag states, owners, operators and the exporters that use them;
5. any other information or matters considered relevant.