

Western Rock Lobster Fishery

Surveillance Report #4 November 2002

Prepared for: Western Australian Fishing Industry Council
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Date: 5 November 2002

General Information

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|-------------------------------|---|--|
| Certified Fishery | Western Rock Lobster Fishery | Western Australia |
| Fishery Agencies | Western Australian Fishing Industry Council (WAFIC) | Department of Fisheries, Western Australia (DOF) |
| Fishery Contacts | Ian Finlay (WAFIC) | Tim Bray (DOF) |
| Species | <i>Panulirus cygnus</i> | |
| MSC Registration No. | SCS-MFCP-F-0001 | |
| Certification Date | March 2000 | |
| Certification Expiration Date | March 2005 | |
| Certification Body | Scientific Certification Systems, Inc. (SCS) | |
| Surveillance Team | Chet Chaffee, Ph.D. (SCS) | Project Leader |
| | Bruce Phillips, Ph.D. (Curtin Univ.) | MSC Principle 3 - Fishery Management |
| | Tony Smith, Ph.D. (CSIRO) | MSC Principle 1 - Stock Assessment |
| | Trevor Ward, Ph.D. (Univ. Western Australia) | MSC Principle 2 - Ecological Assessment |
| Surveillance Stage | 4th Surveillance (Annual) (November 2002) | |
| Surveillance Timeframe | 28 October 2002 – 5 November 2002 | |

Summary of Findings

This report describes the fourth in a series of surveillance audits of the MSC certified Western Australia Rock Lobster Fishery, conducted in October/November 2002. This specific surveillance audit focuses on (1) evaluating progress toward meeting the requirement for securing internationally recognized peer reviews of the Ecological Risk Assessment (ERA) produced by the Department of Fisheries and (2) assessing the interim progress made on the required Environmental Management Strategy (EMS) that reflects the issues identified in the ERA.

The surveillance found that WAFIC and DOF have satisfactorily completed the requirements of securing an international peer review of the ERA report, and completing a response to the comments/inputs received from stakeholders and participants within the ERA process. The revised ERA document (the final ERA report) now contains the details of stakeholder and public concerns, peer review comments, and revisions of the ERA and responses to each matter raised. Since this surveillance is limited to determining if the procedural steps for completing the ERA process have been met, the content of the completed and final ERA will be reviewed to determine compliance with the original certification requirement prior to Surveillance Visit 5 (January to March 2003) in order to give WAFIC and the Department of Fisheries time to respond to any additional comments from the Evaluation Team during the surveillance visit.

This surveillance has also determined that progress towards the development of an EMS is satisfactory to this point. The draft EMS is broadly consistent with the framework approved in Surveillance audit #4. However, a complete review is still underway to determine if the EMS as currently structured satisfactorily meets all the agreed requirements. Upon receiving comments from the Evaluation Team and revising the EMS, DOF is expected to distribute the document for public comment and then make further revisions as appropriate. The revised draft EMS will be fully reviewed as part of Surveillance Visit #5 (January to March 2003).

This audit also considered evidence in relation to Certification Requirement #4—Transparency of Decision-making. The evidence shows that there is an intention to replace RLIAC with a new management advisory committee that will broadly conform to the intentions of the original certification requirement. Taken together with the previous changes, this matter is therefore determined to satisfy the Requirement #4. The effectiveness of these anticipated arrangements to more fully involve conservation stakeholders in the decision-making processes of the fishery will be subject to routine random audit at future surveillances.

The client provided important evidence of on-going procedures in improving the awareness of fishers of the importance and role of the monitoring procedures for icon species interactions in the fishery. The intention for gradual handover of the MSC responsibility from WAFIC to the WA Rock Lobster Industry Council was also confirmed.

The surveillance team found that the fishery remains in compliance with the MSC Standard, and that the fishery management remains in compliance with the MSC Standard.

Background

Initial evaluations of fisheries considering certification under the MSC program include the review of information in three key areas:

1. Health of target resources (stocks),
2. Impacts on the ecosystem from fishing, and
3. The robustness and transparency of the fishery management system.

A fishery that is assessed and shown to be in compliance with the MSC Principles and Criteria is then awarded a certificate of achievement that is valid for a period of 5 years. Although the initial certification is valid for 5 years, the certified fishery is still responsible for contracting an MSC accredited certification body each year to monitor the fishery for continued compliance with the MSC standard and with any requirements for change placed upon it by the initial assessment team.

Section 17 of the MSC Certification Manual (Appendix 1) requires all certified fisheries to be subject to an annual surveillance visits to ensure ongoing compliance with the MSC Principles and Criteria. Section 17.4 of the MSC Certification Methodology provides specific guidance on what is required in an annual surveillance:

"17.4 In addition to focusing on compliance/progress with stipulated conditions and any issues raised in prior assessments, the assessor(s) will, on a random basis, select areas to inspect within the fishery of current or recent management activity for consistency with the standards of certification, including:

- Meetings with Managers, Scientists, Industry and Stakeholders to get their views
- Review any potential changes in management structure
- Review any changes or additions/deletions to regulations
- Review any personnel changes in science, management or industry to evaluate impact on the management of the fishery
- Review any potential changes to scientific base of information."

This is the report of Surveillance Visit 4, which is an added component of the surveillance of this fishery. Surveillance visit #4 was added by the surveillance team and agreed by WAFIC and DOF after the first surveillance visit. It comprises a minor surveillance visit to allow the surveillance team to check on progress being made against the certification requirements as an aid to the overall surveillance of the fishery. The program of surveillance activities for 2002/early 2003 was agreed to be:

| Surveillance Activity | Date | Audit Tasks |
|------------------------------|---------------------------|---|
| Surveillance Visit 2 | May 2002 - June 2002 | <ol style="list-style-type: none"> 1. Conduct Surveillance Visit prior to 17 May 2002. This is a regular surveillance that covers a random selection of issues as well as progress toward meeting Requirements for Continued Certification for the fishery. 2. Draft report to client for review by 24 May 2002. 3. Complete and Post Final Report on MSC website by 14 June 2002. |
| Surveillance Visit 3 | By 30 June 2002 | <ol style="list-style-type: none"> 1. Determine if WAFIC and DOF have successfully met the June 2002 requirement for completing the ERA based on public comments. 2. Check on progress of international peer review. 3. Surveillance Visit 3 Final Report completed by 5 July 2002. |
| Surveillance Visit 4 | By 15 September 2002 | <ol style="list-style-type: none"> 1. Determine if WAFIC and the Dept. of Fisheries have successfully met the August 2002 (extended) requirement for completing an independent, internationally accepted peer review of the ERA. 2. Determine if the ERA adequately meets the requirements of the original certification. 3. Surveillance Visit 4 Final Report completed by 20 September 2002. |
| Surveillance Visit 5 | January 2003 - March 2003 | <ol style="list-style-type: none"> 1. Conduct Surveillance Visit before 31 January 2003. This will be a regular surveillance by all team members that will cover a random selection of issues and progress on all certification requirements in the fishery. (To include EMS and progress on incorporation) 2. Complete Audit Draft Report and send to Client by 15 Feb 2003. 3. Complete Final Report and send to Client and MSC by 3 March 2003. |

Due to difficulties (through no fault of WAFIC or the Department of Fisheries) finding and contracting available international peer reviewers, the certifier postponed Surveillance audit #4, originally scheduled for September 2002, to October 2002. Also, surveillance audit #4 was initially envisaged to be able to fully review the ERA (as shown in the table above); however, the difficulties with arranging peer reviewers, delays in obtaining the views of stakeholders on the peer review outcomes, and difficulties

scheduling the surveillance visit, have meant the final determination of the fulfilment of the ERA requirement from the original certification will now be made at the next scheduled audit (#5, January to March 2003). Hence the requirements for Surveillance Visit #5 will now include an additional responsibility for the certifier to assess and determine the acceptability of the ERA in the context of the original certification requirement.

The tasks for this surveillance visit are:

- (a) Determine if WAFIC and the WA Department of Fisheries are complying with the specific requirements for ensuring that international peer reviews have been implemented for the ERA, and that issues arising are documented, and the written ERA report is amended with documentation of how DOF addressed any peer review concerns through changes to the report or direct responses appended to the report;
- (b) Make a preliminary assessment of the progress being made on the draft EMS, in order to ensure that there is consistent progress toward completing an effective EMS that will meet the requirements of the original certification;
- (c) Consider any other matters relevant to the original certification or any substantive changes in the fishery.

The information in this audit report is based on written submissions by WAFIC and DOF as well as a meeting with the WAFIC and DOF staff, and on verbal discussions or email with selected members of the conservation community.

Methodology

In accord with the requirements for surveillance stated above, and in recognition of the complexity of the many issues covered under an MSC certification, SCS continues to utilise all members of the initial evaluation team (Dr. Trevor Ward, University of Western Australia; Dr. Tony Smith, CSIRO; and Dr. Bruce Phillips, Curtin University) to ensure the needed expertise for reviewing the information. Although these noted scientists provided expertise for the review, all conclusions and reporting requirements under the MSC program are the sole responsibility of SCS as the certification body of record.

The approach followed by the SCS surveillance team during the review is outlined below in Table 1:

Table 1. Steps in the Fourth (October/November 2002) Surveillance Audit

| | | | |
|-------|--|--|---|
| 1. | Confirm MSC Requirements with WAFIC and DOF | | |
| 2. | Advise client regarding information needs of the surveillance team | | |
| 2.a | Collect information from the client on progress made toward meeting 'Requirements for Continued Certification' as described in the Third Surveillance Report and adjusted. | | |
| 2.a.1 | Adjusted Requirement 1 | Principle 2, Criteria C Ecological Risk Assessment | Evidence that the following matters are being addressed as regards the development of a final Ecological Risk Assessment: <ul style="list-style-type: none"> 1. Obtaining independent international peer review of the draft ERA and subsequent revision 2. Publish the final ERA and seek comments from stakeholders 3. Resubmit to the certification body for approval |
| 2.a.2 | Adjusted Requirement 2 | Principle 2, Criteria 3 - Environmental Management Strategy. | Progress towards development and implementation of an EMS: <ul style="list-style-type: none"> 1. Design and documentation 2. Commencement of fishery or other activities as part of the EMS |
| 2.b | Receive from the client the revised ERA report, taking account of peer reviewer comments/inputs and examine responses; and plans for publishing of final ERA | | |
| 3 | Consult briefly with conservation community on views about the completeness of the ERA process | | |
| 4 | Evaluate Information collected by the surveillance team | | |
| 5 | Recommendations of the surveillance team | | |
| 5.a | | Progress re: requirements | |
| 5.b | | Stability of fishery | |
| 5.c | | MSC compliance | |
| 6 | Surveillance Report | | |

Surveillance Results and Discussion

ERA Completion including Peer Review Comments

The original Requirement for Continued Certification on Ecological Risk Assessment states:

“Within 14 months of certification, a comprehensive and scientifically defensible assessment of the risks of the fishery and fishing operations to the ecosystem (ecological risk assessment) will be completed, based on existing knowledge, and taking into account points 2 to 5 in criterion 2C. The assessment should consider risks of all aspects of fishing (see intent in criterion 2B) on species (including protected and ecologically related species), habitats, and biotic communities (see criterion 2A). The risk assessment will identify and prioritise gaps in knowledge. The risk assessment will produce a set of prioritised risks, and strategies to address those risks, including research strategies that make maximum use of comparisons between fished and unfished areas. The risk assessment will be reviewed by independent and external expert reviewers, and be available for public comment.”

While the requirement has not changed, the timeline was extended after the first surveillance audit to permit WAFIC and DOF to merge the process with a parallel process of submissions required by Environment Australia (see first surveillance report for specific details). Subsequent revisions of the ERA after consultation with stakeholders and delays with the availability and appointment of independent international reviewers have further delayed the finalisation of the ERA.

Situation

Evidence that internationally recognized peer reviewers have been contracted, comments received, and the ERA report either modified or responses to peer reviewer comments included in the final ERA.

DOF/WAFIC provided a final version of the ERA Report (dated 17 October 2002) that contains, appended to the June 2002 version, reviews from three international reviewers, DOF responses to issues and comments raised, and identification of aspects the ERA report that were altered to reflect the reviewers comments. The ERA is intended for distribution to key stakeholders for their information. Stakeholders (including workshop participants) will be encouraged to provide feedback and responses to DOF/WAFIC on the final ERA.

Analysis

Three international peer reviewers, each with specific and unique areas of expertise, have provided a highly valuable set of opinions, comments, suggestions and criticisms of the ERA (both the process and the content).

The final ERA (17 October 2002) report contains specific additions as required, in the form of amendments to the text and attachments of the reviewers' reports and DOF responses. This final version of the ERA report can now be considered to have completed a cycle of comments and revision, and can now be fully evaluated in the context of the original certification requirement.

In determining if the final ERA meets the requirements of the original certification, the certifier will take account of views of the stakeholders, workshop attendees, and the peer reviewers. In addition, the Evaluation Team will examine how issues raised in or from the ERA process and report have been taken into consideration in the draft EMS.

EMS Development and Implementation

Situation

A draft of the EMS has been prepared that conforms in part to the broad outline agreed by the certifier in Surveillance 3, and provided to the audit team. DOF intends to develop the EMS further in November/December 2002, and distribute the draft for public comment with a view to revising it as necessary prior to completion of the surveillance audit in January - March 2003.

Analysis

This is a major but early draft of the EMS that has been provided for early review by the certifier. The draft is not yet complete in a number of areas, and not ready for public review, but provides a detailed guide to the level of specificity intended, the nature of objectives and work plans proposed, and the processes for review and analysis.

The draft EMS appears to conform to the agreed framework, although careful consideration of the draft is still underway. At the least, The Evaluation Team regards the progress made by WAFIC and DOF to be consistent with meeting the current timelines for completion during the next surveillance visit (January - March 2003).

Prior to the next surveillance visit, the Evaluation Team will provide comments to WAFIC and DOF regarding (but not limited to):

1. The overall framework,
2. Significant departures from issues agreed in previous surveillance audits,
3. Incorporation of concerns and issues from the ERA report and process,
4. Incorporation of clear and appropriate objectives in identifying and responding to environmental and ecological issues,
5. Incorporation of clear timelines for responses to identified issues, and
6. Timelines and processes proposed for updating the ERA and EMS.

Other Matters: Transparency of Decision Making

Situation

The auditors were provided a copy of a letter addressed to Scientific Certification Systems, Inc. signed by the client, WAFIC and the Department of Fisheries, and also by Rachael Siewert, Coordinator of the Conservation Council of WA. The letter drew our attention to the document "Review of RLIAC composition and process for appointing members" currently in circulation for public comment by 15 November 2002. WAFIC and DOF also indicated their endorsement of the contents of the document as satisfying Certification Requirement No. 4 (Transparency of Decision Making), and sought a determination by the certifier that the arrangement satisfies Requirement #4.

The review document in question is recommending the establishment of a new committee to replace RLIAC. The new committee would be known as the Rock Lobster Ministerial Advisory Committee (RLMAC). The composition of the RLMAC is intended to include representatives from sections of the industry, as well as "one person with expertise in the wider ecological and conservation values associated with fishing for rock lobster". In addition, observer status would be given to the Conservation Council of WA, in the same manner as other interested stakeholder groups and industry sectors, including WAFIC. Standing invitations to attend committee meetings as observers would be extended to each organisation, along with the ability to (with the Chairman's approval) address the committee on matters of importance.

Analysis

The letter provided indicates that the appointment of the ecology/conservation member of the intended RLMAC will be subject to involvement of the Conservation Council in choosing the appropriate person. Subject to this arrangement being put in place, it appears that these arrangements satisfy the intention of Requirement # 4. The implementation and effectiveness of this arrangement will be subject to random audit at future surveillance visits.

Other Matters: Monitoring of Fishery Impacts

DOF provided evidence of presentations to fishers describing the importance of monitoring to gather reliable data for use in assessing the potential impacts of the fishery.

Other Matters: Rock Lobster Industry Council

The chair of the new WA Rock Lobster Industry Council attended the audit interview, and WAFIC and DOF confirmed that it is intended that there will be a gradual 'handover' of MSC responsibilities from WAFIC to the WRLIC. The current schedule is that this is intended to be complete by end of the 5th Surveillance Audit (March 2003).

Evaluation Against Requirements

The fishery is within the terms of the requirements of the original certification, as adjusted in the previous Surveillance Audits, and therefore is maintained in compliance with the MSC Standard.

Summary of the Surveillance Findings

It is the overall assessment of the surveillance team that the Western Rock Lobster Fishery continues to be in compliance with the Principles and Criteria of the MSC.

Requirements for Fifth (Annual) Surveillance Audit

(On-site visit tentatively scheduled for 3 to 7 February 2003)

- Requirement:** Determine the acceptability of the Environmental Risk Assessment. The final ERA will be assessed for compliance with the requirement of the original certification.

Timeframe : This requirement will be completed by March 2003.

- Requirement:** Principle 2, Criteria 3 - Environmental Management Strategy. Assess the acceptability of the EMS in relation to the requirements of the original certification.

Adjusted Timeframe : This requirement was initially extended to December 2002, 34 months post certification, pending the completion of the required internationally accepted peer reviews. Given the time required to secure the necessary peer reviews, the Evaluation Team will now provide comment on the draft EMS to WAFIC and DOF during December 2002 and complete a full and final review against certification requirements during the January - March 2003 surveillance audit.

- Requirement:** Random Audit of fishery activities. Notice of specific audit requirements will be provided one month in advance of the surveillance visit.

Timeframe : This requirement will be completed by March 2003.

Appendix 1

MSC Requirements For Maintenance of Certification

(Extract from MSC Certification Methodology; issue 3 of March 2001)

Section 17 On-going Maintenance Of Certification

17.1 It is not sufficient to simply certify a fishery at one point in time and then allow a MSC Label to appear on fish containers or fish products thereafter. It is important to know that the claim made by the MSC Label is still accurate and can be substantiated on an ongoing basis. As a result, it is necessary as part of the overall certification process to establish a monitoring program that keeps the substantiation of the claim in the marketplace up-to-date and accurate. The monitoring period may be different for different fisheries, and will be established by the certification team and the client before final certification is awarded.

17.2 Certified fisheries are required to have, as a minimum, an annual on-site visit by the certification body in order to maintain their certified status. Members from the original Assessment team shall conduct the annual maintenance assessments. Annual on-site visits are an important follow-up to an initial assessment for two reasons:

- 1) They enable the certification body to monitor a fisheries continued compliance with stated goals and,
- 2) Any conditions in place at the time of the original assessment.

They establish an ongoing framework by which the certification body may track any specific issues or concerns raised in the initial evaluation by the Assessment team and/or the peer review committee.

17.3 Prior to conducting an annual assessment, the assessors designated by the certification body shall have reviewed the original certification report and any prior annual assessment reports as well as receive written and/or oral direction from the Certifiers designated “MSC Program Manager” and, as appropriate, the Assessment team Leader.

17.4 In addition to focusing on compliance/progress with stipulated conditions and any issues raised in prior assessments, the assessor(s) will, on a random basis, select areas to inspect within the fishery of current or recent management activity for consistency with the standards of certification, including:

- Meetings with Managers, Scientists, Industry and Stakeholders to get their views
- Review any potential changes in management structure
- Review any changes or additions/deletions to regulations
- Review any personnel changes in science, management or industry to evaluate impact on the management of the fishery
- Review any potential changes to scientific base of information

The findings of the assessor will be presented in a written report. The certification body's MSC Program Manager will transmit the assessment report to the fisheries along with any requests, conditions, or recommendations that may arise from the assessor's findings.

17.5 A Public Summary Report shall also be generated and forwarded to the MSC within a month of completing the on-site visit for publication on the MSC website. The content of the Surveillance Visit Public Summary shall include the following:

1. TITLE & HEADING INFORMATION

Title ("Surveillance Visit - Public Summary for XYZ Hake Fishery")

Certificate Number

Name and Address of Certification Body

Date of Summary

2. GENERAL INFORMATION

Name and contact information for the certified fishery: Source name, contact person, address, tel/fax/email.

General background about the fishery

3. THE CERTIFICATION ASSESSMENT PROCESS

Date(s) of the Surveillance Visit

Member(s) of the Assessment team.

Assessment process: describe general context, scope and history of assessment(s), if applicable; generally outline activities, e.g., what was inspected.

Guidelines: Reference the guidelines and methodologies used.

4. RESULTS, CONCLUSIONS AND RECOMMENDATIONS

General discussion of findings and statement confirming the status of the Certification.

Status of previously raised conditions:

The progress being made by the Fishery to address any conditions that were placed on the certification from previous assessment visit(s) shall be detailed.

Any conditions that have not been closed out within previously agreed timescales shall be detailed together with the reasons (if any). The report shall detail what actions are required by the fishery, including revised timescales, and what the implications are for continued certification.

Any conditions that have been closed out to the satisfaction of the Certifier shall be detailed.

Surveillance visit results: Specifically or generally describe any new conditions and recommendations and agreed timescales for implementation and timeframes for achievement. Quote the actual conditions raised.

- 17.6 In addition to annual assessments, the certification body shall ensure that its contractual documentation with the client reserves the right to conduct irregularly timed short-notice inspections

17.7 Ongoing Chain-of-Custody Compliance

17.7.1 Each certification body shall ensure that all chain-of-custody participants undergo annual on-site assessments related to the segregation of, processing and distribution of

certified fish products. In addition to annual assessments, the certification body shall ensure that in its contractual documentation with a chain of custody client, that it reserves the right to conduct irregularly-timed short-notice inspections, and/or to request and examine documentation related to the processed product's chain-of-custody (i.e. bills of lading).