

Western Rock Lobster Fishery

Surveillance Report #5 March 2003

Client: Western Australian Fishing Industry Council

Evaluation Team: Dr. Chet Chaffee, Scientific Certification Systems, Inc.
Dr. Trevor Ward, University of Western Australia
Dr. Bruce Phillips, Curtin University
Dr. Tony Smith, CSIRO, Hobart, Tasmania

Date: April 2003

General Information

Certified Fishery	Western Rock Lobster Fishery	Western Australia
Client	Western Australian Fishing Industry Council (WAFIC)	Ian Finley Guy Leyland
Management Agency	Department of Fisheries, Western Australia (DOF)	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.)	Team Member
	Tony Smith, Ph.D. (CSIRO)	Team Member
	Trevor Ward, Ph.D. (Univ. Western Australia)	Team Member
Surveillance Stage	Annual Surveillance	March-April 2003

Summary of Findings

The 2003 surveillance audit of the Western Rock Lobster fishery in Western Australia comprises a series of information exchanges by email and phone along with on-site audit meetings in Perth and Fremantle.

The SCS evaluation team met with a number of stakeholders including representatives in the conservation community, the Department of Conservation and Land Management, and the Department of Fisheries.

In general, the SCS evaluation team found good compliance with issues surrounding MSC Principle 3. The SCS team found that good progress has been made with improving stakeholder involvement with RLIAC. The SCS team did note that final arrangements for transfer of MSC arrangements from WAFIC to the Rock Lobster Council are still to be clarified.

The SCS evaluation team also found generally good compliance with Principle 1; however, there were some minor non-conformances raised.

The SCS evaluation team found 2 major non-conformances under its review of MSC Principle 2 issues, specifically with regard to completing and implementing the required Environmental Management Strategy (EMS).

Non-Conformance Issues

Minor

1. The need to compare current stock levels to the reference level (1980) based on analysis of all the data using the assessment model.
2. A written and formal explanation of the process for moving to an agreed harvest strategy over the next two years.
3. The voluntary Bait Handling Code of Practice has not been adequately demonstrated to be operational and effective.

Major

4. The draft EMS provided to SCS is insufficient to meet the Principle 2 requirements, and therefore represents a major non-conformance with the 'Requirements for Continued Certification'.
5. The lack of a final EMS with an implementation strategy along with the lack of direct implementation of the EMS in the fishery at the time of the 2003 surveillance is a major non-conformance with the 'Requirements for Continued Certification'.

Corrective Actions

1. Client must provide a comparative analysis between current stock levels and the reference levels (1980) within 90 days of the issuance of this report.
2. Client must provide a written and formal explanation of the process for moving to an agreed harvest strategy over the next two years within 90 days of the issuance of this report.
3. The client must provide a written plan for a specific and targeted evaluation of the awareness and operational effectiveness of the Bait Handling Code of Practice throughout the fishery, including a timetable for implementation, within 6 months from the issuance of this report.
4. The client must by 28 February 2003 provide a revised and final EMS.
5. The client must by 28 February 2003 provide written proof of an implementation strategy.

Additional Surveillance Requirements

Scientific Certification Systems Inc.

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SCS understands that WAFIC needed until 28 February to comply with the corrective actions associated with the Requirements for Continued Certification on the EMS and an EMS implementation strategy. In addition, SCS believes that the client will need at least 30 days from the issuance of this report to properly respond to corrective actions under Principle 1, and 60 days to meet the corrective action required under Principle 2 Bait handling Code of Practice. In addition, the SCS evaluation team will need appropriate time to review all further submissions from the client.

To accommodate the timeframes needed for complying with the issued corrective actions and reviewing the client's submissions, SCS set timeframes for conducting further surveillance at 45 days after the issuance of this report to review the revised EMS and implementation strategy for the EMS submitted on 28 February 2003; at 100 days after the issuance of this report to review submissions covering the minor non-conformances and corrective actions under Principle 1; and at 6 months after the issuance of this report to review submissions covering the non-conformance and corrective action raised regarding the effectiveness of the bait handling code of practice. Each surveillance will culminate in a report to the MSC on the effectiveness of the client's response in terms of maintaining the fishery's certificate. WAFIC must correct the non-conformances within the identified timeframes to maintain the certificate for the fishery.

Background

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

- State of target resources (stocks),
- Impacts on the ecosystem from fishing, and
- 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 the Annual Surveillance for 2003 (Visit 5). This surveillance is designed to bring the WRL fishery back on track with all agreed timelines and is a regular annual surveillance audit, as required by the Marine Stewardship Council. This visit covers a number of issues

selected by the certification team as relevant to maintaining the fishery in compliance with MSC standards, as well as progress on all "Requirements for Continued Certification (also referred to as special conditions or corrective actions by the MSC and other certification bodies).

The information in this audit report is based on written submissions by WAFIC and DOF as well as meetings with WAFIC, DOF staff, CALM (Department of Conservation and Land Management) staff, and a number of stakeholders.

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 information on this fishery is available. Since the original evaluation team members were selected through a public process that achieved agreement with industry, the management agency, and interested stakeholders on the makeup of the team, SCS has continued to use the same experts to provide for consistency and continuity, as well as reduce personal bias and maintain the highest level of knowledge about the fishery. Although these noted scientists provide 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. Table 1 shows the general steps followed by SCS, Table 2 the correspondence that preceded and followed the on-site meetings, Table 3, the dates and attendees during the on-site surveillance meetings, Table 4 the SCS Questions for the 2003 Surveillance, and Table 5 Agenda for Meetings with WAFIC and DOF. Along with the specific questions asked, WAFIC and DOF were reminded that SCS would also be asking for evidence of WAFIC's compliance with the ongoing 'Requirements for Continued Certification' stipulated in the initial assessment report and agreed to by a written Memorandum of Understanding signed by SCS, WAFIC, and DOF.

Table 1. Steps in the 2003 Annual Surveillance Audit

1.	Confirm MSC Surveillance Requirements with WAFIC and DOF
2.	Agree a budget and timeframe for the 2003 Surveillance
3.	Submit to the client and DOF the Surveillance Team's questions and topics for the 2003 Surveillance at least one week prior to the Surveillance on-site visit.
4	The client and DOF to submit answers to SCS questions and any additional information before on-site visit by SCS Surveillance Team.
5	SCS Surveillance Team to review documentation submitted by client/DOF.
6	On-site Visit to be conducted (3 February - 6 February 2003)
7	Surveillance team to evaluate information provided by Client, DOF, stakeholders
8	Surveillance Team Draft Report
9	Surveillance Team Final Report

Table 2. Correspondence between SCS (CB), WAFIC, and DOF regarding 2003 Surveillance

Date	Item	Sender	Recipient
12-Dec-02	Email requesting audit budget and timeframe for 2003	CB	DOF
30-Dec-02	Report (by email) Team Comments on ERA/EMS	CB	DOF
13-Jan-03	Confirmation of budget and timeframe for audit	DOF	CB
15-Jan-03	Letter (by email) regarding audit schedule	CB	DOF
21-Jan-03	Letter (by email) from Peter Rogers concerning conflict of interest for SCS team members.	DOF	CB
24-Jan-03	Letter (by email) with questions for audit	CB	WAFIC/DOF
30-Jan-03	Email confirmation of schedule	DOF	CB
31-Jan-03	Letter (by email) commenting on SCS Team report about ERA/EMS	DOF/ WAFIC	CB
3-Feb-03	Draft Program for audit meetings	DOF	CB
3-Feb-03	Revise and confirm final program for audit meetings	CB	DOF
4-Feb-03	Begin On-site Surveillance Audit meetings	N/A	N/A
6-Feb-03	Complete On-site Surveillance Audit meetings	N/A	N/A
14-Feb-03	Letter (by email) to WAFIC re: conflict of interest for SCS team members (copied to RL Council, MSC, DOF)	CB	WAFIC
20-Feb-03	Letter (by email) committing to provide documents requested by audit team	DOF	CB
22-Feb-03	Letter (by email) stating WAFIC position on conflict of interest	WAFIC	CB
27-Feb-03	RL Council confirm agreement with WAFIC letter on conflict of interest for SCS team members	RL Council	CB
28-Feb-03	EMS, Response to Comments on EMS, Responses to SCS questions during audit	DOF	CB
9-Mar-03	Letter (by email) regarding EMS implementation	DOF	CB

Table 3. On-site Meetings for 2003 Surveillance

Date	Place	Time	Attendees
3-Feb	Sheraton Perth	1430-1730	SCS Surveillance Team (T. Smith, B. Phillips, T. Ward, C. Chaffee)
3-Feb	Sheraton Perth	1800-1900	Chet Chaffee, Tim Bray (DOF), Guy Leyland (WAFIC)
4-Feb	RLIAC Meeting - Fremantle Sailing Club	0900-1200	General Meeting open to all interested parties
4-Feb	Fremantle Sailing Club	1230-1330	Nic Dunlop (Cons. Council WA), C. Chaffee, T. Smith, T. Ward, B. Phillips
4-Feb	CALM Offices	1400-1530	Nick D'Adamo (CALM), Bob Prince (CALM), C. Chaffee, T. Smith, T. Ward, B. Phillips
4-Feb	Lotteries House West	1600-1645	Rachel Siewert (Cons. Council WA), C. Chaffee, T. Smith, T. Ward, B. Phillips
5-Feb	DOF Offices	0900 - 1300	C. Chaffee, T. Smith, T. Ward, B. Phillips, DOF staff (Tim Bray, Jim Penn, Nick Caputi, Chris Chubb, Rick Fletcher, Katie Weir), Guy Leyland, Steven Gill (RL Council), Ian Finlay (WAFIC)
5-Feb	Sheraton Perth	1500 - 1700	C. Chaffee, T. Smith, T. Ward, B. Phillips, David Offord (independent stakeholder)
6-Feb	WWF Office	0800 - 0900	C. Chaffee, T. Smith, T. Ward, B. Phillips, Liz Brown (WWF)
6-Feb	Waterman's Lab	1000 - 1600	C. Chaffee, T. Smith, T. Ward, B. Phillips, Tim Bray, Jim Penn, Nick Caputi, Chris Chubb, Rick Fletcher, Katie Weir, Guy Leyland, Steven Gill, Ian Finlay

Table 4. SCS Questions for WAFIC and DOF during 2003 Surveillance

Principle 1
1. The evaluation team would like to see the latest update on the stock assessment (stock status) and latest figures from the various surveys that are used in the assessment.
2. The evaluation team would like to see stock status in relation to the reference points used.
3. The evaluation team would like to know of and view any further work on harvest strategies and be apprised of any changes to those strategies.
Principle 2
1. The evaluation team would like to know what plans WAFIC/DOF have in terms of addressing the concerns raised by peer reviewers regarding the need for better information about potential ecosystem impacts of the fishery (e.g. effects on prey and predators of lobster)? In the original certification report, the conditions specifically described the need to provide data/evidence that is of equal quality and rigor to studies that have used fished and unfished areas in an experimental design to address the issue of fishing impacts. While we recognize that there are other ways of addressing the issue than promoting the use of unfished areas, we also acknowledge that the studies or analyses need to be as scientifically defensible as studies using unfished areas for experimental comparison. We would like WAFIC/DOF to provide a detailed description of any plans being formed to address the concerns mentioned above, and include in the description the time frame needed and the personnel that will likely handle the tasks.
2. The issue of seal bycatch continues to be an area of concern. The peer reviews note this area as of potential concern. In addition, stakeholders have continued to focus on this issue. In addition, the evaluation team has been told, but not seen, that some new studies have been or are being completed that detail the genetic structure of the islands' populations of seals. Again, we have been told that the information suggests enough genetic differentiation by island to raise concerns if even a small bycatch exists. Given the new information about the apparent local isolation of seal breeding groups, and the ongoing concern about seal bycatch, we would like WAFIC/DOF to provide the evaluation team with a detailed description of any plans being formed to address this continuing concern.
3. The evaluation team would like WAFIC/DOF to provide evidence that the bait handling code of practice is operational. We would like to see evidence that the code is widely known throughout the industry. We would also like to see evidence (preferably fishery-independent) that the code is being complied with in relation to discarding of used bait and the retention of bait bands for proper shore-based disposal.

4. The evaluation team would like to get a detailed description of the plans WAFIC/DOF have to continue to update, and where necessary, revise the ERA and EMS to address the concerns/issues raised by peer reviewers. For example, the peer reviewers note that there were apparent weaknesses in the original ERA process. We are not asking how the original will be revised or redone, as we do not expect that. We are asking what plans there are to update the ERA and EMS on a regular schedule, and what the time frame will be for updating these documents. We would also like a written explanation for any time frame proposed showing why the time frame was selected.

Principle 3

1. The evaluation team would like a description of the hand-over from WAFIC to the Rock Lobster Council (intended for March 2003), and what the handover will mean in terms of the MSC certification and ongoing surveillance requirements. For example, it is our understanding that the conservation representative is on RLIAC, not the Rock Lobster Council. What implications does this have for the MSC process?

2. The evaluation team would like to know if there have been any changes to regulation that have been implemented over the past 12 months or are planned for the coming 12 months. If so, please provide a description of the changes and their implications for the MSC certification.

3. The evaluation team would like to know if there have been any significant changes to personnel in management or research for the fishery.

Requirements for Continued Certification

- Determine the acceptability of the Environmental Risk Assessment.

The final ERA will be assessed during the 2003 Surveillance audit for compliance with the requirement of the original certification.

- 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.

Table 5. Agenda for SCS Meetings with WAFIC and DOF

Date	Agenda Item	Person(s)
5-Feb-03	Opening Remarks / Salutations	Tim Bray (DOF), Guy Leyland (WAFIC), Chet Chaffee (SCS)
	Issues related to conflicts of interest for the evaluation team	Chet Chaffee
	Concerns related to proper application of the MSC standard - is the WRL? Being held to a unique and more rigorous standard?	Chet Chaffee
	Status of the assessment process and guidelines for the 2003 surveillance visit	Chet Chaffee
	Assessment of Principle 1 Concerns	Tony Smith
	Assessment of Principle 3 Concerns	Bruce Phillips
	Initial discussion of Principle 2 Concerns to be addressed on 6 February 2003.	Trevor Ward
	Develop program for 6 February meeting	Tim Bray
6-Feb-03	Review progress from 5 February 2003 Meeting	Chet Chaffee, Tim Bray
	Assessment of Principle 2 Concerns	Trevor Ward
	Review progress and itemize outstanding data needs and information requests	Tim Bray, Chet Chaffee

Surveillance Discussion and Results

Three types of meetings were held during the on-site surveillance visit: attendance at the general RLIAC meeting, meetings with stakeholders, and meetings with the Client (WAFIC) and the Department of Fisheries (DOF). All other information such as stakeholder comments on the ERA (Ecological Risk Assessment) and EMS (Environmental Management Strategy), or documents and letters from WAFIC and DOF were predominately exchanged via email.

RLIAC General Meeting

Chet Chaffee attended the general RLIAC (Rock Lobster Industry Advisory Committee) session. No comments were made by SCS during the meetings. Tim Bray, Chris Chubb, and other departmental staff provided presentations on the rock lobster fishery including updates on progress made on meeting the certification requirements identified in the initial certification report.

Stakeholder Meetings

The stakeholder meetings were held with Nic Dunlop and Rachel Siewert of the Conservation Council of Western Australia; with Nick D'Adamo and Bob Prince of the Department of Conservation and Land Management; with David Offord (independent), and Liz Brown (WWF).

All meetings were started with a presentation by the SCS surveillance team concerning the basic elements of the surveillance audit. SCS then asked if the respondents were interested in providing specific information regarding any of the points to be covered during the surveillance. Each respondent provided comments around areas of interest.

In general, the comments from the Conservation Council of WA representatives, David Offord, and Liz Brown focused on areas of concern where the respondents felt that either WAFIC as the

client or the Department of Fisheries (DOF) had not fully met the 'Requirements of Continued Certification' described in the original certification report. The major issues of concern raised by all respondents were the continued interactions between the fishery and sea lions and the very limited extent of information about the ecological impacts of the fishery in the ecosystems. Several stakeholders expressed the feeling that the measures suggested to date by WAFIC to understand and mitigate potential impacts on sea lions within the WRL fishery were not sufficient to properly identify the level of interactions between the fishery and sea lions or to understand the impact of the fishery on sea lions caused by the interactions. This focus was spurred by the release of new information on sea lion biology, which appears to come from some recent doctoral thesis research that has yet to be published or properly peer reviewed. Regardless, this information is raising concerns by the conservation sector that the sea lion colonies in the area of the fishery may be smaller and more vulnerable than originally understood. The Conservation Council of WA also provided correspondence that indicated their major concern about the lack of evidence on the ecological impacts of the fishery.

The other issue raised was the continuing debate about proper conservation sector representation on RLIAC. Nic Dunlop provided that his position as an official observer was allowing the conservation sector to get its concerns tabled within the context of RLIAC. However, he also noted that the observer status did not allow for direct participation in the decision-making activities of RLIAC, and this was something that still needed to be addressed. According to Dr. Dunlop, he supported a consideration to appoint a person to RLIAC with ecological expertise so that potential impacts by the fishery could be handled directly by the committee. Dr. Dunlop suggested the person should not be affiliated with any conservation organization or with any specific fishery-based organization to avoid any potential conflicts or bias. This is a noted change from the original position adopted by the conservation sector that a member of a conservation organization should actually sit on RLIAC. The SCS team was made aware that this was in progress. SCS will watch this activity to see if the appointment settles the issue of representation on RLIAC.

The meetings with Bob Prince and Nick D'Adamo from CALM pointed to several areas of ongoing interest - potential interactions in the WRL fishery with turtles, especially leatherback turtles, and potential interactions with sea lions. In addition, Chris Simpson submitted in writing the department's major concern that a better understanding of the potential impacts occurring from removing a large biomass of lobster from the ecological systems along the coast is required, and noted CALM's interest in helping establish a potential research framework for addressing this issue.

Meetings with WAFIC and DOF

The on-site meetings between SCS, WAFIC, and DOF began by reviewing general issues raised as a result of information that had come to SCS's attention (see Table 5).

Issues related to conflicts of interest for the evaluation team

A letter from the Department of Fisheries was sent to SCS on 21 January 2003 detailing concerns by the Department of Fisheries about potential conflicts of interest regarding two members of the SCS Surveillance Team: Bruce Phillips and Trevor Ward. The letter was not sent or endorsed by the client of record (WAFIC).

To properly review the concerns raised by the Department of Fisheries, SCS took several actions:

- A. SCS requested that both Dr. Phillips and Dr. Ward provide letters to SCS describing their current work activities and potential for conflict of interest with either the WRL fishery in general, the client (WAFIC) in specific, or any of the participating stakeholder organizations.
- B. Chet Chaffee (SCS) contacted the MSC for advice and guidance with regard to MSC's requirements on conflict of interest.

- C. Chet Chaffee openly discussed the issue with stakeholders during the 2003 surveillance meetings and asked for a direct response to the issue.
- D. Chet Chaffee openly tabled this issue with Department of Fisheries staff and with WAFIC and Rock Lobster Council representatives at the surveillance meetings.
- E. Chet Chaffee sent a letter to WAFIC (copied to the Rock Lobster Council) with his determination that there was no conflict of interest and asked for the client's reply.

The letters from Dr. Phillips and Dr. Ward made it clear that neither of these scientists has ongoing work relationships that were compromising their ability to provide a clear, objective, and transparent review of the fishery's compliance with the MSC standards or the 'Requirements for Continued Certification'.

In the case of Dr. Phillips, it was confirmed that due to a specific grant awarded to both the Department of Fisheries and Dr. Phillips, the Department of Fisheries was selected as the organization to administer the funds of the grant. For tax purposes, the Department advised Dr. Phillips that it was required to put him on the payroll as a part time employee with standing only through the end of the funded grant to facilitate the administration of the grant. This is the only change in Dr. Phillips' status since the original certification review.

In the case of Dr. Ward, no significant changes have occurred with regard to his employment status. At the time of the initial certification assessment, Dr. Ward was also conducting independent consulting work (both paid and pro bono) for a variety of clients in the fishery sector, the conservation sector, and government agencies involved in fisheries and environmental management. This is still the case. Dr. Ward's good standing in all of these sectors is what initially led the Department of Fisheries and WAFIC to make the suggestion to include Dr. Ward as a member of the initial evaluation team. Upon the Department's and WAFIC's suggestion, SCS queried all the stakeholders and later confirmed Dr. Ward's participation in the initial evaluation. While Dr. Ward has completed several projects and publications in the field of ecologically based fisheries management since the initial evaluation, these were ongoing projects that were a continuation of research interests that Dr. Ward has been engaged in for a number of years. No evidence has been provided that Dr. Ward's status with regard to any organization (fishery or stakeholder) has changed since the initial certification evaluation; and therefore, a finding of no conflict was reached by SCS.

SCS raised the issue of conflicts of interest for Dr. Ward and Dr. Phillips with Rachel Siewert during the stakeholder meeting on 4 February 2003. After tabling the issues, Ms. Siewert confirmed to all the attendees that the Conservation Council of WA had no concerns of conflict of interest regarding either Bruce Phillips or Trevor Ward.

During the open discussions with the Department of Fisheries, WAFIC, and the Rock Lobster Council, SCS made known its findings of no conflict and provided a thorough explanation to all attendees. SCS also allowed for an open discussion on the matter to make sure that all interested parties were able to provide input. No additional information over and above what was provided in the original departmental correspondence to SCS was provided at the meeting.

In follow up letters to the Client (WAFIC and the Rock Lobster Council), SCS declared its finding of no conflict and asked for each organization's response. Both organizations acknowledged the issue and the SCS response. No further follow-up was deemed necessary as none of the stakeholders or the client wished to pursue it further.

Should additional evidence be provided to SCS regarding this issue, SCS would re-examine the issue within 10 working days (as required by SCS policy) to ensure that its evaluation of the WRL fishery remains transparent, objective, and rigorous.

Concerns related to proper application of the MSC standard - is the WRL being held to a unique and more rigorous standard?

In written correspondence to SCS, and in the presentations made during the RLIAC meeting of 4 February 2003, statements were made concerning the fact that the Department of Fisheries is concerned that the WRL fishery was being held to a higher standard than other fisheries certified under the MSC initiative. The specific concerns tabled were in two general areas: a) the level of stakeholder consultation, and b) the amount of work and data required to address ecological risks.

During meetings with the Department of Fisheries staff and client representatives, Dr. Chaffee reminded everyone that stakeholder consultation is not an option, but a requirement under the MSC initiative and that WAFIC, DOF, and all stakeholders were made aware of this and actively participated in these consultations during the initial certification review and during ongoing surveillance reviews. SCS also provided the group with a verbal review of requirements for stakeholder consultation under MSC and an update on how stakeholder consultation requirements were changing, noting that stakeholder consultation would be even more rigorous in future evaluations. Given the history of stakeholder consultation under the MSC program, it is the determination of SCS that the WRL fishery is not being held to a higher standard in this arena.

The concern that the WRL fishery is being held to a higher standard than other fisheries with regard to understanding and mitigating ecological impacts was also discussed. The concerns raised to SCS were two: first, that the evaluation team's interpretation of the requirements seemed to be getting tougher since the initial evaluation, and second that the WRL fishery was being asked to do work that no other fisheries under the MSC, or in general around the world, were doing as it regards identifying and understanding potential ecological impacts in a fishery. Dr. Chaffee (SCS) stated that he did not believe the WRL fishery was being held to either a higher standard than other MSC fisheries or to an unprecedented standard as regards fisheries in general. He summarized his reasoning for this statement as follows:

A. The requirements for understanding and addressing ecological impacts in the fishery were detailed in the original evaluation report and that nothing had changed since that time. In the evaluation report, SCS found the WRL fishery to have certain specific deficiencies with respect to these concerns and set forth a number of 'Requirements for Continued Certification'. These requirements were agreed by WAFIC in its review of the report, and later WAFIC and DOF confirmed in a signed Memorandum of Understanding their respective commitments to meeting the agreed requirements. The surveillance audits were designed to evaluate the progress made in completing these requirements. In several instances where WAFIC or DOF disagreed with the surveillance team and could show that the team had potentially misinterpreted the requirements, the surveillance team re-reviewed the information and revised its conclusions as appropriate.

B. The same requirement for an Ecological Risk Assessment was placed on at least one other fishery (the Hoki fishery of New Zealand) certified under the MSC initiative. In the case of Hoki, not only had the fishery assessment team made the same finding as the team in the WRL fishery, an independently convened panel comprised of a retired senior judge and two additional independent and internationally recognized fisheries scientists re-confirmed the need for an ecological risk assessment as a requirement for the hoki fishery, because the fishery could not provide sufficient evidence for how ecological impacts were identified, assessed or addressed.

C. Dr. Chaffee also pointed out that the practice of identifying and assessing ecological risks in a fishery was becoming more commonplace in developed countries. A case in point was made of the pollock fishery in the Pacific Northwest, where the fishery was carrying out a similar, albeit much more rigorous assessment, as required by US law. In addition, Tony Smith and Trevor Ward provided additional examples both in and out of Australia where fisheries were assessing the ecological impacts of fishing on the wider ecosystem.

SCS Submitted Surveillance Questions

After the general discussions were completed, the meeting continued forward with open discussions about the surveillance questions submitted by SCS to WAFIC as well as progress on the 'Requirements for continued Certification'. The remainder of 5 February was spent discussing issues falling under MSC Principles 1 and 3. On 6 February 2003 the entire day was spent discussing issues pertaining to MSC Principle 2 and the 'Requirements for Continued Certification'.

To facilitate the surveillance audit, SCS requested that WAFIC provide answers to its questions in the form of documented evidence of continued compliance with MSC standards. SCS requested that this information be made available prior to the on-site meetings so that it could be properly reviewed. The DOF provided the SCS surveillance team with a variety of documents in answer to and in support of WAFIC's compliance with all MSC standards and SCS questions, including progress on meeting the 'Requirements for Continued Certification'. These documents (see Table 6) provided the basis for the discussions between SCS, WAFIC, RL Council, and DOF.

Table 6. Documents submitted to SCS in Preparation of the On-Site Surveillance Meetings for the WRL Fishery (2003)

<p>Accreditation of a plan of management for the purposes of Part 13, Environment Protection and Biodiversity Conservation Act 1999. Letter from David Kemp, Minister for the Environment and Heritage to Kim Chance (Minister for Agriculture, Forestry, and Fisheries). 20 August 2002.</p> <p>Assessment of the Western Rock Lobster Fishery. Environment Australia. 2002. Attachment 10. Additional referees' reports with DOF response. October 2002.</p> <p>Beach litter survey in Marmion Marine Park. Summary excerpted from unknown report.</p> <p>Comments on the WRL draft EMS by David Offord, Jan. 2003</p> <p>Commercial Fisheries Production Bulletin No. 26 22 May 2002</p> <p>Commercial Fisheries Production Bulletin No. 27 15 August 2002</p> <p>Copy of email submission from Bob Prince (CALM) on EMS dated 10 January 2003</p> <p>Copy of submission from Conservation Council of WA, Sustainable Fisheries Liaison Officer, comments on EMS</p> <p>Don't trash the oceans, bring your garbage back. Sticker produced by AMSA Ecologically Sustainable Fishing, Rock Lobster Fishery. Pamphlet. Dept. of Fisheries. 2002.</p> <p>Email concerning pilchard and mackerel import requirements with attachment showing Australian Quarantine and Inspection Service Export Import Conditions</p> <p>Excel Spreadsheet showing Bait (Local and Imported) 2001/02</p> <p>Excerpts from 2001-02 Survey of the Recreational Fishery for Western Rock Lobster in Western Australia</p> <p>Marine Stewardship Council, Western Rock Lobster. Letter on requirement no. 4, involving conservation expertise on RLIAC. October 2002. Signed by Tim Bray, Vikki Gates, and Rachel Siewert.</p> <p>Report to the Minister for Agriculture, Forestry, and Fisheries by the Integrated Fisheries Management Review Committee. Fisheries Management Paper No. 165. Nov. 2002.</p> <p>Review of relationships between life history stages of the western rock lobster, <i>Panulirus Cygnus</i>, in Western Australia. Draft 2003. Caputi, N., C. Chubb, R. Melville-Smith, A. Pearce, D. Griffin.</p> <p>Review of RLIAC composition and process for appointing members. Tim Bray. August 2002.</p> <p>Rock Lobster Industry Advisory Committee October 2002 Coastal Tour</p> <p>Rock Lobster Industry Advisory Committee Tour, Jurien 17 October 2002, Power Point Slides.</p> <p>State of the Fisheries Report 2001/2002. Dept. of Fisheries, WA.</p> <p>Western Rock Lobster Ecological Risk Assessment. IRC Consultants. 31 January 2003.</p> <p>Western Rock Lobster Environmental Management Strategy July 2002 - June 2005. Draft -23 October 2002.</p> <p>Western Rock Lobster Status Report January 2003. C. Chubb, N. Caputi, R. Melville-Smith, I Wright, A. Thomson.</p>
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Different from previous surveillance audits, the Client did not provide written responses to SCS questions prior to the on-site visit. However, DOF personnel on behalf of WAFIC were exceedingly responsive and cooperative in answering the SCS team's questions during the audit.

After reviewing the information provided, completing 3 days of on-site discussions, and getting some additional information from WAFIC and DOF following the on-site visit, the SCS evaluation team is able to provide a general view of the progress made during the 2003 surveillance audit required by the MSC program. The SCS surveillance team's views of WAFIC's continued compliance with MSC standards is organized below by MSC Principle.

Principle 1

There were no 'Requirements for Continued Certification' pertaining to Principle 1. However, the annual surveillance seeks to ensure that the fishery continues to meet at least the 80 level of performance with regard to the original scoring criteria. To that end, the evaluation team sought an update of information in three areas:

- Trends in stock status and in survey data.
- The current stock status relative to reference points.
- Progress in implementing agreed harvest strategies.

For points 1 and 2, the evaluation team was provided with several documents that provided recent updates to the stock assessment (Chubb et al., 2003; RLIAC, 2002; Department of Fisheries, 2002). For point 3, Department of Fisheries provided a verbal update outlining the current process for moving to an agreed harvest strategy over the next two years.

Trends in stock status and in surveys

Western rock lobster undergoes natural variations in population abundance that appear to be environmentally determined. Over and above this natural variability, there is also clearly an impact of fishing on the abundance and biomass of adult rock lobster. Management measures introduced in 1993/94 were aimed at rebuilding breeding stock levels from the low levels at that time. These management measures were successful in rebuilding these levels to above those in 1980 (the reference year used) within two years, and stock levels subsequently increased further and were substantially above the reference level at the time of MSC certification. Data used to support this assessment include fishery dependent as well as fishery independent surveys.

The most recent assessment of trends in survey data and in assessed levels of spawning stock are found in Chubb et al (2003). There are somewhat conflicting signals in separate analyses and for different management zones reported in different parts of that study. Overall, the trend in biomass is up in most zones and using most survey methods, and there appears to have been a positive response to the management measures introduced in 1993/94. However there are some concerns about decreasing stock levels and increasing exploitation rates in Zone B of the fishery, and this will be examined again in further audits.

Current stock status relative to reference points

The spawning stock seems to be in a healthy state in Zones A and C, but still at undesirably low levels (9% of unfished levels) in Zone B (though improved on levels in 1993/94). Overall, stock levels have improved markedly in all areas since 1993/94, but the modeling results do not show how the levels currently sit relative to 1980 (reference) levels. Department of Fisheries staff indicated that they would provide this missing information soon (Chris Chubb, pers. comm.).

Progress in implementing agreed harvest strategies

Progress is reported in comments under Principle 3.

Non-conformance

The overall assessment of the evaluation team is that the fishery continues to generally meet the standards for certification against MSC Principle 1. However, two minor non-conformance issues were raised:

1. The need to compare current stock levels to the reference level (1980) based on analysis of all the data using the assessment model.

2. A written and formal explanation of the process for moving to an agreed harvest strategy over the next two years.

SCS Corrective Action Request

1. Provide a comparison of current stock levels to the reference level (1980) based on analysis of all the data using the assessment model within 90 days of the issuance of this report.
2. Provide a written and formal explanation of the process for moving to an agreed harvest strategy over the next two years within 90 days of the issuance of this report.

References:

Chubb, C., N. Caputi, R. Melville-Smith, I. Wright and A. Thomson (2003). Western rock lobster fishery status report, January 2003. Rock Lobster Research Unit, Research Division, Department of Fisheries, WA.

Department of Fisheries (2002). West Coast Rock Lobster Managed Fishery. WA State of Fisheries Report 2001/02.

RLIAC (2002). Stock assessment and catch predictions. Rock Lobster Industry Advisory Committee, 2002 Coastal Tour.

Principle 2

Requirement for Continued Certification No. 1 (from the initial certification report) - An Ecological Risk Assessment.

The peer reviewers that were agreed by the SCS team and stakeholders found the ERA to be acceptable. Therefore, SCS advised the client that the ERA is accepted as completing one of the 'Requirements for Continued Certification'. The peer reviewers raised concerns in several areas about the original process of the ERA and some of the conclusions, and felt these areas needed further attention. These concerns were of particular importance to the SCS team since they coincided with concerns raised by the SCS team itself throughout the process of developing the ERA. The SCS evaluation team noted these concerns in written comments provided to the Client (and DOF) and advised the Client during the on-site surveillance meetings that these concerns must be dealt with to the satisfaction of the SCS team and in an appropriate timeframe.

Requirement for Continued Certification No. 2 - The development of an Environmental Management Strategy.

As noted in Table 6, the SCS evaluation team was given a draft EMS for review. However, the 'Requirement for Continued Certification' required, even with a time extension, the completion of the final EMS prior to the 2003 surveillance audit.

The SCS evaluation team reviewed the draft report and provided comments back to the Client (WAFIC) and DOF in written form (report to WAFIC and DOF emailed on 30 December 2002). In addition, the SCS evaluation team re-emphasized its comments during the on-site surveillance meetings in an effort to help WAFIC fully understand what aspects of the EMS did not meet the required condition.

The SCS evaluation team noted during the on-site meetings that the EMS is well structured, written and documented, consistent with the earlier agreement SCS had with WAFIC regarding the draft structure. However the original certification condition specifies, '*The EMS will specify an operational plan, including implementation actions and a supporting program of research.*' In general, the draft EMS lacks design details of the specific tasks, such as indicative budgets, practitioners, milestones and timelines for any of the proposed activities that would enable the SCS team to fully assess the practicality of implementation aspects of the EMS. The EMS should be fully descriptive of the program of investigations and actions to be taken in the fishery, and such actions should have a plan of action and timeline for implementation. The SCS team also advised that the EMS needed to provide clarity on how measures would be implemented and suggested inserting after the heading 'Operational Objective' a new heading that provides a summary statement of the actual activities/tasks to be undertaken. This would then be more consistent with the material that follows, covering the indicators and performance measures etc. At present, specific tasks to be undertaken are not identified until the last section of each Objective, under the heading of 'Research Methods', which is sometimes incomplete or inconsistent as many of the tasks are not of a research nature. Additional detail is also needed on the specifics of each task in relation to the linkages of each task to specific (possible) changes that might be implemented in the fishery.

The SCS evaluation team also pointed out some specific areas of concern including, but not limited to, the development of improved monitoring programs to adequately detect interactions with species of special concern (i.e. sea lions and turtles) and an improved understanding of the potential impacts on the ecosystem from lobster biomass removal and fishery activities. In the original 'Requirement for Continued Certification', the evaluation team stated the need for strategies to address risks, including research strategies, that will result in data of *comparable*

value to data obtained from comparative studies between fished and unfished areas. Nowhere in the draft EMS did the Client make the case that the data used to originally assign risk or develop strategies to address this issue long-term were consistent with this aspect of the requirement.

Non-Conformance

At the time of the on-site meetings, the Client was advised that the draft EMS provided to SCS was insufficient because the EMS was not an adequate response to weaknesses identified in the ERA, it failed to meet the specific ecosystem impacts requirement from the assessment, and did not deal effectively with issues about monitoring and assessment of the impacts of the fishery on icon species, and therefore represents a major non-conformance with certification requirements.

SCS Corrective Action Request

SCS advised the Client at the close of the surveillance meetings that a new and final EMS would need to be submitted to maintain the certificate. The Client advised SCS that a new and final EMS would be submitted by 28 February 2003. SCS notes that the corrective action time frame of 28 February 2003 was acceptable.

Requirement for Continued Certification No. 3 - Implementation of the Environmental Management Strategy

The original requirement was for the EMS to be implemented within the fishery by the 2003 surveillance audit. WAFIC and DOF noted during the on-site surveillance meeting that a number of actions were already taking place within the fishery based on the final ERA and draft EMS. However, no specific and detailed plan of implementation was provided either in the draft EMS or separately.

Non-Conformance

The lack of a final EMS with an implementation strategy along with the lack of direct implementation of the EMS in the fishery at the time of the 2003 surveillance is a major non-conformance with the 'Requirements for Continued Certification'.

SCS Corrective Action Request

SCS advised WAFIC (the client) at the close of the surveillance meetings that a specific implementation strategy along with a commitment to that strategy needs to be provided to maintain the certificate. WAFIC advised SCS that this would be submitted by 28 February 2003 and SCS noted that this timeframe was acceptable.

Bait Handling Code of Practice

The audit requirement sought objective evidence on the effectiveness of the Bait Handling Code of Practice (WAFIC 'Rock Lobster Industry Voluntary Code of Practice for Using and Handling Bait, Bait Packaging and Rubbish') under Question 3 (see Table 4). The client (WAFIC) responded with anecdotal evidence from research program staff that were conducting the commercial catch-monitoring program. SCS deemed this as inadequate in terms of supplying objective evidence that the bait code of practice is known and understood by fishers, and is implemented, operational and effective.

Non-conformance

Anecdotal information from a monitoring program established for another purpose is not fishery-independent and does not meet the expected standard of an assessment of the effectiveness of an important industry-wide code of practice. This is a minor non-conformance.

SCS Corrective Action Request

The Client is requested to provide evidence of an appropriate design for a specific and targeted evaluation of the effectiveness of the Bait Handling Code of Practice throughout the fishery, along with a plan and timeline for implementation of the evaluation. This should be designed to provide data and information that will allow an assessment of the outcomes of each of the 8 elements of the code of practice (the WAFIC 'Rock Lobster Industry Voluntary Code of Practice for Using and Handling Bait, Bait Packaging and Rubbish') sampled from across the full spatial and temporal extent of the fishery.

The timeframe allowed for providing this information is 6 months from the time of the on-site visit. If at 6 months there are no improved procedures, this matter will be raised to a major non-conformance and then be subject to urgent corrective action.

Principle 3

Four subject areas concerning MSC Principle 3 were examined during the surveillance visit:

1. The evaluation team asked for a description of the arrangements for hand-over of the MSC certification process from WAFIC to the Rock Lobster Council (intended for March 2003). SCS was advised that it is the Council's intention to take over from WAFIC as the industry client with respect to the MSC certification following the completion of the report to be produced from the current surveillance visit.

The evaluation team also asked what the handover would mean in terms of the MSC certification and ongoing surveillance requirements, and in particular, what implications would this have for the conservation representative, who is on RLIAC, not the Rock Lobster Council. We were advised that this should have no implications to the MSC process. However, no specific plan has yet been formed for handing over the responsibility of maintaining the MSC certificate.

This issue will be watched and re-evaluated by the SCS evaluation team when SCS is notified of the change in the status of the client responsible for maintaining the MSC certificate.

2. The evaluation team asked if there had been any changes to regulation that had been implemented over the past 12 months or are planned for the coming 12 months. If so, WAFIC was asked to provide a description of the changes and their implications for the MSC certification.

Items that were mentioned included the National Competition Policy, Integrated Fisheries Management, Strategic Management Initiatives, Maximum Size Rule, and Hide and Hair Bait Regulation.

Implementation of the Government's announced direction under the guise of National Competition Policy means that by 1 July 2003 the following changes will occur:

- The rock lobster processing sector will be partially deregulated to allow for new entrants entitled to process rock lobster and market within Australia;
- The 150 maximum unit-holding rule will be abolished*;
- There will be a specific aquaculture policy for rock lobster to deal with increasing interest in obtaining licences.

** further consideration is being given to the future of this rule and an outcome of this process should be known by the end of March 2003.*

These proposed changes have not yet been implemented. The SCS evaluation team will continue to monitor this activity and ask WAFIC for a detailed explanation of its implications if and when these actions are implemented.

A. Strategic Management Initiatives

Work was to commence on the establishment of a fisheries management decision rules framework for western rock lobster – a harvest strategy. The development of a discussion paper in which a decision rules framework is proposed has occurred primarily through a multi-stakeholder working group. This process has taken a little longer than anticipated, however RLIAC considered a draft of the proposal at its 4 February meeting. Some further work is required but it is expected that the discussion paper will be completed before July 2003. Once available a copy of the discussion paper will be made available to the audit team. It is also

relevant to note that the team was privy to a report presented at the Joint Stakeholders meeting on 4 February.

The decision rule framework ultimately adopted will provide the basis upon which further “reform” orientated management change can be considered. In particular, there has been discussion about management initiatives designed to promote greater efficiency and increased economic return to Western Australia within a sustainable framework.

These proposed changes have not yet been implemented. The SCS evaluation team will continue to monitor this activity and ask WAFIC for a detailed explanation of its implications if and when these actions are implemented.

B. Maximum Size Rule

The regulation, banning the taking of females above a maximum carapace length, was dropped for the 2001/02 season. This resulted in approximately 90t catch of “oversized” animals. As was always intended, the maximum size rule regulation was re-instated for the commencement of the 2002/03 season. There is no current proposal for the rule to be amended or dropped.

The implementation of this decision did not alter the overall compliance of the fishery with MSC standards. There is no required follow-up unless the fishery decides to continue this practice at a later date.

C. Hide and Hair Bait Regulation

Prior to the commencement of the 2001/02 season, a regulation was passed that has effectively banned the use of the following substances as part of the bait used in the WRL fishery:

- Bovine matter;
- Animal skin or hide; or
- Anything to which the skin or hide of a mammal is attached.

This regulation was passed to address longstanding concerns in export markets that emanated from the use of cowhide and other hair covered baits. Prior to the commencement of the 2002/03 season the regulation was amended to explicitly allow for continued research and development into “artificial baits” that use tallow or gelatin as a binding agent. This amendment enhances the law because it allows the development of non-wild capture bait without compromising the market-based objectives of the regulation.

Nothing as yet is considered to have changed the overall management of the fishery. The SCS evaluation team will continue to monitor this activity and ask WAFIC for a detailed explanation of its implications if it gets implemented.

D. Rock Lobster Aquaculture

As interest in rock lobster aquaculture grows within Australia (and the world) the need for a Departmental policy to govern the way in which this industry develops has become apparent. Such a policy has been drafted and was considered and endorsed by RLIAC, which has forwarded it to the Minister recommending that he release it for a public comment phase. A copy of the public document will be made available to the audit team. It is envisaged that should the department take onboard any submissions received, the policy will be implemented by 1 July 2003. The four core principles of the draft policy are:

Ensure biological Sustainability of western rock lobster,
Ensure equity of existing western rock lobster user groups is not compromised,

Ensure potential environmental and ecological impacts of applications are determined and mitigated appropriately; and
Encourage research and development into economic feasibility.

None of these items was assessed to have a significant effect on the MSC assessment. Again, the SCS evaluation team will continue to monitor this activity and ask WAFIC for a detailed explanation of its implications if it gets implemented.

3. The evaluation team asked if there had been any significant changes to personnel in management or research for the fishery. We were advised that no significant changes had occurred over the past year. A document detailing the resources set aside for rock lobster research projects in the 2002/03 financial year, as compared to the 2001/02 season, was provided.

No further action is required on this item.

4. Representation on RLIAC

Following a full review of RLIAC's composition and process for appointing members, RLIAC has advised the Minister as follows:

- That a new membership position be created for a person with appropriate expertise in the field of marine ecology and conservation.
- That the name of RLIAC should be amended to the "Rock Lobster Ministerial Advisory Committee" recognizing that the committee's functions extend beyond management of the commercial fishery for rock lobster.
- That the proposal to reduce the number of commercial fishing membership positions from eight to four be further discussed when the committee next meets in May 2003.
- RLIAC has also confirmed its view that employees of formal lobby groups such as the Western Rock Lobster Council, Conservation Council of WA and Recfishwest should not occupy membership position but rather be extended permanent observer status and continue to be actively involved in relevant sub-committee processes. The key lobby groups support this approach.

Further progress on this matter is now conditional upon the Minister's assessment of the RLIAC advice.

Nothing as yet is considered to have changed the overall management of the fishery. The SCS evaluation team will continue to monitor this activity and ask WAFIC for a detailed explanation of its implications if it gets implemented.

Additional Surveillance Requirements

Given the non-conformances raised and the corrective action requests noted in this report, there is a need for additional surveillance by the SCS evaluation team.

SCS will conduct further surveillance with reports at 45 days from the issuance of this report (covering the major non-conformances and corrective actions raised under Principle 2), at 100 days (covering the minor non-conformances and corrective actions under Principle 1), and at 6 months (covering the non-conformance and corrective action raised regarding the effectiveness of the bait handling code of practice).

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).