

Western Australian Rock Lobster

2001 Annual Surveillance Report

Prepared for: Western Australian Fishing Industry Council
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Scientific Certification Systems, Inc.
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General Information

Certified Fishery	Western Rock Lobster	
Fishery Agencies	Western Australian Fishing Industry Council (WAFIC)	Department of Fisheries, Western Australia (DOF)
Fishery Contacts	Guy Leyland (WAFIC)	Nick Caputi, Ph.D. (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	1 st Annual (2001)	
Surveillance Timeframe	May 10, 2001 - March 28, 2002	

Summary of Findings

This report describes the first annual surveillance of the MSC certified Western Australia Rock Lobster Fishery, conducted between March 2001 and March 2002. The surveillance audit focussed on evaluating progress on the requirements for continuing certification as specified in the full MSC assessment of the fishery concluded in March 2000.

The surveillance has found substantial progress has been made by the fishery towards meeting each of the Requirements for Continued Certification outlined in the initial certification evaluation. Some aspects of the requirements remain to be completed, and in view of the complexity and uniqueness of the fishery arrangements and situation, the timelines for achievement of some of these remaining requirements have been extended. In the other areas examined, the surveillance has found that the fishery remains in compliance with the MSC standard. The surveillance team also considered progress by the fishery on the additional recommendations from the full assessment, and notes specific points of satisfactory progress.

In respect of each of the Requirements for Continued Certification, the surveillance team finds as follows:

Requirement 1. Ecological Risk Assessment

The ERA workshop process was not significantly upheld by all participants or stakeholders. In addition, the process and outcomes have not been adequately peer-reviewed according to the Requirements for Continued Certification, thus preventing a complete audit assessment of the scientific quality of the ERA process. The surveillance team however recognises the complexity of this process, and the interaction with the parallel national requirements, and has extended the timeline for this to be concluded to a satisfactory level to August 2002.

Requirement 2. Environmental Management Strategy; plan for public comment

The progress of the fishery towards meeting this requirement is satisfactory at this time. Because of the delay in fully achieving the ERA requirements, as detailed under Requirement 1, the time frame to establish a full EMS plan has been extended to December 2002. Progress towards achievement of this EMS requirement will be assessed in each of 3 agreed audit visits in 2002, and finally in the completion of the second annual audit in early 2003.

Requirement 3. Environmental Management Strategy; operational in the fishery

The progress of the fishery towards meeting this requirement is satisfactory at this time. This will be further considered in the 2002 annual surveillance audit period. Although there have been slippages in specific requirements, these will not flow on to the requirement to have the EMS operational in the fishery within 36 months of certification.

Requirement 4. Transparency in decision-making

The progress made to date largely meets the requirement for the fishery towards achieving representation and increased participation in decision-making at more than one level in the fishery. This requirement will continue to be reviewed in 2002 to determine the extent of further participation that has been developed by the fishery for the conservation stakeholders.

Requirement 5. Data on bycatch of icon species

The fishery has met this requirement. Where the monitoring programs indicate a significant by-catch or other negative interaction with icon species, the performance of the fishery in assessing the ecological risks of such interactions or by-catch will be assessed during each annual surveillance audit, as well as the incorporation of the specific issues into the EMS.

Overall Finding

The overall finding of the first annual surveillance is that the Western Rock Lobster fishery remains in compliance with the MSC standard and retains the MSC certification.

Background

This report describes the first annual surveillance of the Western Australia Rock Lobster Fishery certified under the MSC Program.

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

- health 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 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 surveillance report is the first in a sequence relating the results of the annual audits to determine if WAFIC and the WA Department of Fisheries have complied with the specific requirements for maintenance of MSC certification as agreed in a formal Memorandum of Understanding signed by SCS, WAFIC, and the Department of Fisheries in Western Australia in early 2000.

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 concluded that it was necessary 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 was available for reviewing the information. Although these noted scientists provided expertise for the review, all conclusions and reporting requirements under the MSC program were undertaken solely by 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 Surveillance Audit for 2001.

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 listed in 2.a.1 - 2.a.5.		
2.a.1	Requirement 1	Principle 2, Criteria C	Ecological Risk Assessment
2.a.2	Requirement 2		Environmental Management Strategy
2.a.3	Requirement 3		Operation of EMS
2.a.4	Requirement 4	Principle 2, Criteria D	Transparency of Decision Making
2.a.5	Requirement 5	Principle 2, Criteria G	Data on Bycatch of Icon Species
2.b	Collect information from the client on progress made toward recommendations from initial assessment report as noted below in 2.b.1 - 2.b.14		
2.b.1		Principle 1, Criteria A	Prevent downgrading of larval studies
2.b.2		Principle 1, Criteria C	Formalize harvest strategy
2.b.3			Improve monitoring of recreational harvest
2.b.4		Principle 1, Criteria D	Improve dissemination of fishery assessments
2.b.5			Improve risk assessment of current management strategies

2.b.6			Further modelling efforts of management options
2.b.7		Principle 2, Criteria A	Research on habitat mapping
2.b.8			Research on trophic relationships
2.b.9			Improve review of potential threats to fishery from development
2.b.10		Principle 2, Criteria B	Unique labelling of bait bands
2.b.11			Research on changes to reef habitats at the Abrolhos Islands
2.b.12		Principle 2, Criteria D	Improve research on the effects of bait
2.b.13		Principle 2, Criteria E	Improve research on effects of lobster biomass removal
2.b.14		Principle 2, Criteria G	Improve management for Abrolhos Islands
2.c	Collect information in three general areas of concern as noted in 2.c.1 - 2.c.3.		
2.c.1		Change in maximum size rule	
2.c.2		Staffing changes in management and research agencies	
2.c.3		Stock assessments	
3	Consult stakeholders on views of progress or changes in the fishery		
4	Evaluate Information collected by the surveillance team		
5	Recommendations of the surveillance team		
5.a		Progress re: requirements	
5.b		Progress re: recommendations	
5.c		Stability of fishery	
5.d		Modifications to schedule re: meeting requirements for continued certification	
6	Surveillance Report		

During the initial surveillance visit (May 2001), the client provided evidence of the complexity of the process involved in conducting and completing an ERA for the fishery. Although the ERA required under the MSC program was not fully achieved by March 2001, thus delaying the complete assessment of the merits of the ERA by the surveillance

team, sufficient progress in regard to the ERA was demonstrated to warrant an extension of the timeline to complete this requirement. The confounding circumstances considered significant by the surveillance team included:

- Developing the ERA in the context of simultaneously developing and implementing a parallel process for a risk assessment to meet the Australian national requirements of the fishery. These two processes needed to be harmonized as they depend on the same sets of information and analyses.
- The workshop participants and conveners agreed that additional information and analyses were needed to provide detailed justification for some of the risk rankings. The development of this information required more time than originally anticipated by department staff.
- Delays in finalising the ERA. The surveillance team noted that additional time was required for incorporating any additional materials and analyses cited above, securing stakeholder/participant responses, allowing for a public comment period required for the EA process, allowing for a peer review for the EA process, and allowing for time to incorporate information from the public comment and peer review processes into the ERA.

Based on the extensions provided for completing the ERA under the MSC requirements, the surveillance team also found reasonable the granting of further time extensions on Requirement 2 but not on Requirement 3 based on the circumstances noted below:

- Attaining Requirement 2: EMS by March 2002 is dependant upon a completed ERA and its acceptance by the surveillance team. As a result, a time extension is necessary and consistent with the extension granted for Requirement 1.
- Although attaining Requirement 3: Operational EMS by March 2003 remains dependant on the completion of the ERA, the required completion date has not been amended.

Surveillance Results and Discussion

Requirement 1: Principle 2 Criteria C

"Ecological Risk Assessment

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."

Situation

A draft report of an Ecological Risk Assessment Workshop, conducted in February 2001, was provided as evidence of partial fulfilment of this requirement. The Workshop report was supplemented by a draft report prepared for submission to Environment Australia to meet assessment requirements of the national Environment Protection and Biodiversity Act.

During a meeting with DOF and its consultant IRC Environment, the surveillance team was able to discuss the contents of the initial reports and the risk assessment process. The surveillance team found that the processes followed to develop the information in each of the 2 reports provided (the ERA and the EA submission), as well as the information itself, were complementary. The surveillance team recommended that WAFIC and DOF utilize the information in the EA submission to further support the risk assignments and analyses stated in the ERA. In addition, it was agreed that the improvement of the ERA required under the MSC program could best be served by allowing it to be informed by the EA process. As a result, the surveillance team agreed to a time extension on completing the ERA that was consistent with completing the EA process. Table 1 provides an overview of the process steps thus far followed to complete the ERA.

Table 1. Process Steps in Developing and Completing the Ecological Risk Assessment

Step 1	The Standing Committee of Fisheries and Aquaculture (SCFA) and the Fisheries Research and Development Corporation (FRDC) have a project to develop reporting mechanisms for Australian fisheries against Ecologically Sustainable Development (ESD). Dr. R Fletcher, as the project leader of this
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	ESD project, conducted a stakeholder workshop in August 2000, as part of a Case Study on the western rock lobster fishery. As part of the workshop, a set of “component trees” identifying ecological and environmental impacts of the fishery was developed by the workshop participants and with additional input from Department of Fisheries. A draft report, including the component trees, later became the basis for the application process to Environment Australia (EA) for recognition of the sustainability of western rock lobster fishery under the Commonwealth Environmental Protection and Biodiversity Conservation Act.
Step 2.	15 January 2001 - The component trees and the 29-page draft report from the case study by the Standing Committee of Fisheries and Aquaculture were sent (by email) to the ERA workshop participants to provide background information.
Step 3.	5-6 February 2001 - The ERA workshop for MSC and EA purposes was conducted. Participants for the workshop were pre-selected, invited by, and accepted by DOF. Two risk assessment experts from IRC Environment were engaged to facilitate the workshop, provide an analysis of the information from the workshop, and provide a draft ERA to the DOF. Australian Standard AS/NZS 4360:1999 Risk Management was selected and used as the basis for conducting the workshop and analysing the information on ecological risks in the fishery.
Step 4.	16 March 2001 - The draft ERA developed from the workshop was provided to workshop participants for their comment.
Step 5.	3-6 May 2001 - The draft ERA report was provided to the SCS Surveillance Team and discussed during the surveillance visit. A revised process for the completion of the ERA report was agreed by the surveillance team at the conclusion of the May audit meetings. The revised schedule would be provided by DOF and parallel the EA process (confirmed in a letter of 25 May 2001 from Dr Penn and Ms Vikki Gates to the Certifier).
Step 6.	October 2001 - The ERA report was revised according to the issues raised at the May audit meeting. Two peer reviewers (Dr. Colin Buxton and Dr. Fred Wells) were selected and given the ERA report for review.
Step 7.	October 2001 - In a second and parallel process to the peer review process, the revised ERA Report was forwarded to the February ERA workshop participants for comment.
Step 8.	October 2001 - in a third and parallel process to the peer review process, a submission was made to EA to enable EA to issue an export permit in keeping with requirements of the Environmental Protection and Biodiversity Conservation Act. The application included much of the information found in the ERA as well as additional information required by EA. The EA review process included: <ul style="list-style-type: none"> • A scientific review by EA’s Scientific Committee on Wildlife Use; verbal comments by the Chairperson of the Committee indicated that the

	<p>application to EA, including the ERA report was satisfactory.</p> <ul style="list-style-type: none"> • A public comment phase where three (3) public comments were received by EA and were forwarded to the Department of Fisheries.
Step 9.	19 December 2001 - All comments received from initial peer reviewers selected by DOF were addressed in a revised ERA report and forwarded to the Certifier.
Step 10.	13 March 2002 - A review of the public comments was conducted and a response provided to EA. The same response was provided to the SCS surveillance team.

In addition to receiving information from WAFIC and DOF, the surveillance team met with selected other stakeholders (May 2001 meeting and subsequent phone calls) to solicit their views on the ERA process and draft report.

In general, the stakeholders from conservation groups expressed support for the management basis of the fishery in terms of the stock ('it is a well managed fishery') but some expressed concern that there were major gaps in the ERA in terms of scope and justification/validation. In general the concerns expressed in meetings and in written documents submitted to the surveillance team were about the lack of comprehensiveness in the approach taken to identifying the risks to be assessed. Specific concerns raised included:

- Inadequate ecological expertise at the workshop. Attendees appeared not to be selected based on their technical or scientific expertise in fisheries or ecology but on organizational affiliations.
- The scope of the workshop was limited by the direction of the consultants. Environmental risks were emphasised over ecological risks and therefore did not effectively include an analysis of some of the potentially major ecological risks such as the effects of removing lobster biomass on lower trophic levels, on habitats and ecosystems, or on icon species (eg. turtles and pinnipeds).
- The level of risk posed by importation of bait for use in the fishery was inadequately addressed. The specific concerns were that the bait used may well be a product of unsustainable fisheries elsewhere in the world, and that imported bait may pose a risk from introduction of non-endemic microorganisms to Australian waters. Specific reference was made to two very large-scale kills of pilchards during the 1990s thought by some to be linked to fish used for feeding in aquaculture cages in South Australia.
- The data available at the workshop was considered inadequate as input to, or for justification of, a number of statements, assumptions and conclusions regarding ecological risks reached in the workshop. A number of participants commented that they abstained from voicing an opinion for or against proposed risk assignments due to the lack of scientific information provided as validation for including a risk or assigning it a value. In the opinion of some, this biased the workshop discussions and reduced the thoroughness of the process. Participants were told that background or

supporting scientific information would be made available so they could later comment on the identified risks and their assigned values when reviewing the first draft. Some workshop participants have noted that there is still some concern regarding the lack of availability of subsequent drafts of the ERA for review.

- A lack of consensus on identified risks and assigned values. Some participants were concerned that the consultants did not fully understand or incorporate the spectrum of views in the workshop. When identifying a risk and assigning it a value, the consultants appear to have taken the lack of dialog by participants as a sign of agreement instead of directly polling the participants to document the diversity of opinions.
- Some participants were also concerned about the potential for bias in the outcomes of the workshop, citing the fact that most of the information stated in support of the outcomes was from DOF scientists and taken on faith rather than supported by analysis.

After queries by the surveillance team to WAFIC and DOF regarding stakeholder concerns, the surveillance team was provided with the following supplemental information:

- Selection of workshop participants was based on their involvement in the industry, conservation movement, scientific expertise, or previous expression of concern about ecological risks in the fishery.
- A number of scientists were also invited, but unavailable to attend on the day of the workshop. Actual workshop attendees and participants included three (3) scientists independent of DOF as well as three (3) DOF scientists.
- Background material on issues raised in the workshop was identified, compiled, and used to revise the ERA. The revised ERA, along with citation of the additional background information was sent to all workshop participants in October 2001 and to the surveillance team in December 2001.
- Subsequent to the workshop, DOF undertook an additional analysis on the potential impacts from the removal of lobster biomass in the ecosystems associated with the fishery. This analysis was specifically undertaken to address concerns raised by workshop participants, stakeholders, and the surveillance team regarding lack of knowledge in this area. The information from this analysis was included in the revised ERA sent to workshop participants in October 2001 and the surveillance team in December 2001.
- Background information about imported bait was compiled in response to specific concerns expressed by the surveillance team and stakeholders. This information was incorporated into the revised ERA sent to workshop participants in October 2001 and the surveillance team in December 2001.

Analysis

Given the mix of participants, the newness of the assessment framework, the limited conceptual model used for assessing ecological impacts in specific issues, the limited pre-workshop synthesis of the relevant data/knowledge, and the lack of adequate supporting documentation, it is not difficult to see why participants, chosen from a range of stakeholder groups, were unable to agree that a 'comprehensive and scientifically defensible' ERA for the fishery was completed in the initial workshop. While additional work has been undertaken to address concerns raised by workshop participants and stakeholders, there are still a number of specific points of concern to the surveillance team:

- The workshop approach is highly dependent on the expertise and knowledge of the workshop participants. This was well recognized by IRC and stated in the report:
"The risk ranking process using a working group of experts delivers the ability to prioritise risks and therefore focus on the relevant management actions required for the WRL fishery. A group of experts also avoids the need for time consuming sourcing and review of data during the workshop. Data known to exist was referenced during the workshop to support the allocation of risk ranking."
• The surveillance team found that although the participants originally invited to the ERA workshop were selected for both their institutional affiliation and scientific expertise, actual invitees able to attend significantly limited the scientific expertise in fishery and ecosystem issues. There were only 8 scientists with Masters level training or higher (4 from DOF, 1 from CALM, 1 from WA Museum, 1 from a conservation organization, and 1 from Curtin University). Of the 3 scientists present from outside the WA government, the scientist from Curtin University (Bruce Phillips), was only present as an observer from the surveillance team to provide clarification on points raised from the original assessment and to witness the workshop processes as part of the surveillance activities. Dr. Phillips did not act as a full participant in the workshop. Peter Jernakoff, also a qualified scientist with expertise in rock lobster ecology, was the workshop leader; however, given his role as a neutral facilitator, his ability to be a fully effective scientific participant in the workshop was extremely restricted.
- The surveillance team found that there was inadequate briefing documentation provided to all participants prior to the ERA workshop, such as an analysis of available information and data in categories of expected interest for the ERA. This would have assisted participants to become more fully engaged in the ERA process, to identify and agree on specific issues, and be more supportive of the outcomes.
- The initial workshop process relied on a minimalist approach to verifying information and assumptions, especially as regards risk rankings. In a number of instances insufficient information or data was made available at the workshop to support assumptions and outcomes. As noted previously (see description of post-workshop activities above), additional work has been completed to improve the information base used in support of the risk rankings. Most notably, DOF review of background information and an analysis of lobster biomass removal. In addition, workshop

participants were given an opportunity to comment on a revised draft ERA and provide those comments to DOF, WAFIC, and the surveillance team.

- Even with the additional work by DOF, a number of workshop participants and stakeholders have remained sceptical of the ERA results citing potential bias and a lack of clarification on points raised in stakeholder comments/reviews. The surveillance team is concerned that these issues have still not been adequately addressed by WAFIC and DOF. However, WAFIC has noted that work is in progress to address these concerns.
- The initial ERA draft did not contain appropriate scientific data and information in support of its conclusions. While the subsequent report prepared for submission to Environment Australia to meet assessment requirements of the national Environment Protection and Biodiversity Act appeared to contain much of the information lacking in the initial ERA, the surveillance team is concerned that there has been little comment provided regarding the appropriate handling of the initial concerns of stakeholders.
- The approach to assessing the ecological risks in the lobster fishery (AS/NZS 4360:199 Risk Management) was not designed to address "ecological" risks. As a result, it is unclear whether the approach used is consistent with other approaches specifically designed for this purpose. The surveillance team thus still requires a peer review from scientists able to address this question.
- An important gap in the initial ERA was an inadequate consideration of trophic cascades as an area of concern, particularly in areas of species richness and diversity. Although this has been dealt with in part in the revised ERA, there remains insufficient evidence from peer review processes that the added revisions have adequately addressed this subject.
- After reviewing the information received from WAFIC and DOF (December 2001 and March 2002) on the public comment process and the initial peer review by Buxton and Wells, the surveillance team found the need to have WAFIC and DOF secure additional peer review comments to meet the MSC requirement (a peer review by internationally recognized experts in ERA) and then have these comments properly incorporated into the final ERA.

Evaluation against Requirement

At the time of the initial visit, 13 months after the certification, the client had made good progress toward meeting the requirements. However, in the view of the surveillance team the client had not yet met the full requirement as stipulated - to provide a scientifically defensible ERA. The surveillance team did note that additional time was necessary to meet the requirement. Because the surveillance team recommended that the ERA be revised using information from the EA submission process, the DOF requested that it be allowed to link the ERA process to the EA process for efficiencies of work product and cost. In May 2001, the surveillance team, after numerous discussions with DOF and WAFIC, agreed to three activities as part of the process for achieving the MSC ERA requirement:

Scientific Certification Systems Inc.

Western Rock Lobster: 2001 Annual Surveillance Report

1. Combine the draft ERA and the report prepared for Environment Australia to meet requirements of the national Environment Protection and Biodiversity Act. The combination of the two reports would provide a more thorough basis for assessment of the identified risks. The combined analysis would be further assessed to determine if it fully met the requirements. (Completed and submitted to the surveillance team 19 December 2001)
2. As DOF was required to put the EA document out for public comment, they should use the public comments to improve the final ERA and then resubmit the document to the surveillance team. It was recognized that this formal process could take up to an additional 12 months. (As of 13 March 2002, the surveillance team has received the public comments on the EA document, the DOF response to EA regarding the public comments, and peer review comments from Buxton and Wells. The surveillance team also received a revised ERA in December 2001 that incorporated comments from Buxton and Wells. The surveillance team is still awaiting revisions based on public comment or a formal statement of why no revisions are necessary at this time).
3. The fishery must get a fully revised draft ERA document out for additional scientific peer review. The nature of independent peer review, consistent with the Requirement for Continued Certification of a comprehensive and scientifically defensible ERA, requires internationally recognised expert reviewers in the fields of ecological impacts of fishing and the processes and methods of ecological risk assessments. The reviewers should have published papers in high quality international journals and made invited presentations to international scientific symposia on these subjects. At least one reviewer would be expected to be from outside Australia/New Zealand.

The full reviewers reports, a summary of the public submissions, and a document detailing DOF's responses to both should be appended to the final ERA report. In addition, the ERA report should appropriately incorporate information provided by the peer reviewers consistent with making the final ERA acceptable to the surveillance team.

(Requirements for internationally accepted peer review provided by the surveillance team in meetings with WAFIC and DOF in May 2001, and by email communications between the surveillance team and WAFIC and the Department of Fisheries 18 October 2000 - 25 October 2001.)

As noted above, the innovative nature of the ERA required, and the ecological and institutional complexities, the time allocated for the fishery to fully meet this requirement was recognized as insufficient. The surveillance team therefore extended the timeline.

During the next full surveillance period, beginning 24 months post-certification (March 2002 to March 2003), the fishery will be required to demonstrate full achievement of the peer reviewed ERA to a level that meets the intention of the initial certification requirement as follows:

1. Revise the draft ERA based on comments received from the ERA and EA public reviews, the workshop participants, and stakeholders. Re-submit the complete, revised ERA to the certification body with appendices that document all the comments from all interested parties. This requirement shall be met by 30 June 2002

or discussions with the MSC will take place regarding the revocation of the certification.

2. WAFIC and the Department of Fisheries must complete an internationally recognized and scientifically defensible peer review of the ERA using at least two internationally recognized experts approved by the certification body (the certification body will consult with stakeholders, including identified conservation groups that have participated in all prior consultations). Based on the peer review comments, the ERA must be revised as required to meet international standards as reported by the peer reviewers and approved by the surveillance team. The revised ERA with the peer review comments appended must be submitted to the certifier by 30 August 2002 or discussions with the MSC will take place regarding the revocation of the certification.

The intent of the time extension is to ensure that an agreed and defensible ERA can be constructed in complete fulfilment of Requirement 1 and as a necessary step toward fully meeting Requirement 2.

Requirement 2: Principle 2 Criteria C

" Environmental Management Strategy - Within 24 months of certification, an Environmental Management Strategy for the fishery will be prepared and distributed for public comment and input. The EMS will address impacts of the fishery on the environment, and will include proposed objectives, strategies, indicators and performance measures. The EMS will specify an operational plan, including implementation actions and a supporting program of research. Future research should aim to provide information on the impacts of the fishery on the ecosystem that is at least as scientifically valid as that produced by studies of fished versus unfished areas."

Situation

Because of the delay in achieving a defensible ERA, as detailed under Requirement 1, the time frame to establish a full EMS has been extended, and achievement of the EMS requirement has been extended until December 2002, and progress will be assessed in the surveillance audits during the period (March 2002 to March 2003). The progress of the fishery towards meeting this requirement is partly contingent upon the outcome of the final ERA, but full delay in completing the ERA will not flow on to the requirement for the EMS because the EMS is a requirement of the original certification. The draft documents of the ERA workshop gives some details of the intended strategies to be implemented within the EMS framed against objectives derived from the ERA.

Analysis

The structure and scope of an EMS for the fishery has yet to be defined, but the key actions flowing from the ERA have been expressed as a set of strategies, objectives, indicators, and performance measures for implementation within the EMS. For effective design of the EMS these will also need to be developed into a set of operational activities,

consistent with the outcomes of the ERA, and demonstrate how the operational activities will broadly contribute to resolving issues identified in the ERA. This may include ERA issues identified as high-moderate risk, as well as areas considered to be hazards of potential concern where there are currently major gaps in data and information.

Evaluation Against Requirement

At this stage, progress against the expectations for an EMS appears to be slowed due to extended requirements for completing the ERA. Completion of the EMS plan is now required by December 2002. The second surveillance period (March 2002 to March 2003) will be used to assess the ERA as well as progress on achieving the EMS plan requirement.

Requirement 3: Principle 2 Criteria C

"Operation of the EMS - Within 36 months of certification, an Environmental Management Strategy will be effectively incorporated within the operational arrangements for the fishery."

The progress of the fishery towards meeting this requirement is satisfactory at this time, considering the need to complete an acceptable ERA prior to the design of the EMS. This will be further considered in the 2002 annual surveillance audit. Although there have been slippages in specific requirements, these will not flow on to the requirement to have the EMS operationalised in the fishery within 36 months of certification.

Requirement 4: Principle 2 Criteria D

"Transparency of Decision Making - Within 24 months of certification, there will be increased participation of the environmental community or their representatives in the decision-making processes in the fishery. This will include consultation on impending decisions, and involvement (full participation) in decision-making committees at a range of levels in the fishery."

Situation

The fishery has proceeded on a number of initiatives:

- The Conservation Council of WA has been offered membership on the Research Subcommittee of the statutory Rock Lobster Industry Advisory Committee (RLIAC). This offer was rejected by the Conservation Council;
- The Conservation Council has been offered Observer status at RLIAC meetings, which has been accepted. It is noted that Observers may participate in meetings at the discretion of the Chair, and that WAFIC, the peak industry body, is only allotted observer status;

- Funds have been allocated to the Conservation Council of WA for appointment and maintenance of a sustainable fisheries officer, to facilitate more effective communications between community and the NGOs and fisheries management in WA;
- An ESD Reference Group and a number of other consultative groups have been established by the Department of Fisheries to provide advice to fisheries managers on conservation issues in WA. The Conservation Council of WA has been offered membership on a number of these groups and has accepted.

The Conservation Council of WA has indicated to WAFIC and the surveillance team that its preference is to have membership on the Ministerial Advisory Committee for the fishery (RLIAC). This has not been possible under the current time frame, as it requires a change in the WA fisheries legislation to allow the Minister for Fisheries to appoint an NGO representative to RLIAC. While the fishery holds significant concerns about NGO participation as a result of past confrontations, it is continuing to consider solutions to this matter.

Analysis

Effective mechanisms for achieving increased participation by NGOs in decision-making in the fishery have been achieved. In addition, the surveillance team acknowledges that WAFIC is continuing to review the NGO request for joining RLIAC. At this time, the Minister for Fisheries is not able to make an appointment of conservation representative to RLIAC because the composition of members is set down in the Fisheries Resources Management Act and it requires a change in the Act for the composition to change.

RLIAC has indicated that it will review the arrangements regarding the invitation of a conservation delegate in 2002. Further progress on this will be monitored by the surveillance team.

Evaluation Against Requirement

The surveillance team notes that this requirement has been largely met in that NGO representation and increased participation in decision-making at more than one level in the fishery has been agreed with the Conservation Council of WA. While appointment to RLIAC was not achieved, the surveillance team feels that the fishery has substantially met the requirement. The surveillance team recommends that WAFIC continue to pursue avenues of discussion on an NGO appointment to RLIAC. This recommendation will be revisited during the 2002 surveillance audit period to determine the extent of further participation that has been developed by the fishery for the conservation stakeholders.

Requirement 5: Principle 2 Criteria G

"Data on Bycatch of Icon Species - Within 12 months of certification, formal monitoring systems in the fishery will have improved arrangements for recording data on

the by-catch of, or any other interactions of the fishery with, mammals, seabirds, manta rays, dolphins, or whales."

Situation

DOF has addressed the need for additional monitoring of by-catch and other interactions of icon species with the fishery in three specific initiatives:

- Voluntary questionnaire survey of the fisher's recent experience with interactions/catch with icon species;
- Additional columns in the fishers voluntary logbooks to record interactions/catch of icon species;
- Designed monitoring program conducted by research staff of Fisheries WA to record all interaction/catch during the Catch Monitoring Program conducted on fishing vessels for 8 months each year. The monitoring design covers 5 locations (from Fremantle to Kalbarri), and 4 depth categories in the fishery. Vessels are chosen at random consistent with the need for sampling according to the depth strata. It is intended that data from this program will be analysed and summarised, and included in the Environmental Assessment of the fishery within the annual State of the Fisheries Report for public distribution. Summaries will also be made available to CALM. A survey was undertaken on the catch or entanglement of turtles, sea lion pups, etc. for 1999/2000 season, as part of the annual vessel, gear and equipment surveys.

Analysis

The research-based monitoring program is an important initiative that should provide basic data on the frequency of by-catch/interactions with icon species. If the intensity of sampling is adequate, and the program has sufficient resolution to detect by-catch or interactions at a level that is important in environmental/conservation terms, it will provide reliable evidence that can be used to demonstrate that the fishery does not have important interactions with, or important levels of by-catch of, icon species. The utility of the monitoring program will be assessed in the second annual surveillance (2002) and beyond, and in particular the effectiveness in relation to potentially important interactions with icon species. The publicly available data summaries included in the State of the Fisheries annual reports will be important to confirm with stakeholders that the fishery is not having an important impact on icon species, and that changes in the fishery are not causing changes in these impacts.

It is possible that the research-monitoring program could be used to validate the data recorded in the industry voluntary logbooks. Subject to adequate validation, after a number of years of data have been gathered, the research program could be downgraded to a random periodic (within the 8 month season) program designed to confirm the ongoing validity of the voluntary logbook program for recording by catch and interactions with icon species.

Evaluation Against Requirement

This requirement as originally stated has been met. Ongoing certification will depend on the maintenance of the research-monitoring program throughout this period of certification, together with the continuing analysis and publication of data summaries for public review and comment. The research-monitoring program may only be downgraded during the period of this certification after the voluntary logbook program is comprehensively validated using the research program data. The validation will include an analysis of the power of both programs to detect specific levels of by-catch and interactions that are considered to be important in ecologically and/or conservation terms. Where the monitoring programs indicate a significant by-catch or other negative interaction with icon species, the performance of the fishery in assessing the ecological risks of such interactions or by-catch will be reviewed during each annual surveillance audit, as well as the incorporation of the specific issues into the EMS.

Progress on Recommendations

Along with the formal requirements, there were a number of other factors that the Assessment Team believed could be beneficial to strengthening the management of the WRL fishery. While these were not formal requirements for continued certification, the Assessment Team believed they are worthy of special mention.

Principle 1 Criteria A

The time series of larval settlement and fishery independent spawning stock surveys provides a sound basis for assessment and management of this stock. The only recommendation would be to put in place measures that ensure that a future downgrading of this monitoring will not occur even given the current changes to full cost recovery in the fishery.

Situation

Fisheries WA and RLIAC are committed to continuing these surveys under cost recovery.

Principle 1 Criteria C

(a) The current harvest strategy could be formalised and made more explicit, and alternatives explored and evaluated.

Situation

The consultation with industry will include a discussion on management changes being made more explicit in the form of decision rules based on the spawning index information. Alternative management strategies are continually being explored and evaluated (Hall and Chubb 2001, provided at May 2001 meeting with the surveillance team).

(b) There appears to be a need to closely monitor the longer-term development of recreational effort, as increasing participation rates could result in substantial increases in catches.

Situation

Recent work has enabled the prediction of the recreational rock lobster catch three years ahead based on puerulus settlement and level of participation in rock lobster fishing (Melville-Smith et al. 2001 provided at May 2001 meeting with surveillance team). The pattern of increase in participation rates was also described with increases occurring during seasons of improved catches.

A Working Group with members from RLIAC as well as the Recreational Fishing Advisory Group has been formed to examine resource-sharing issues between the two sectors.

Principle 1 Criteria D

(a) Make publicly available comprehensive documentation on current assessments and seek review.

Situation

Six scientific papers on various aspects of the rock lobster fishery (stock assessment, recreational fishery, migration, management options, environmental effects on recruitment, and oceanographic modelling of larval movement) were presented at the International Lobster Workshop in Florida in September 2000. These papers have been internationally peer reviewed and were published in 2001.

(b) Undertake a more comprehensive risk assessment of current strategies.

Situation

The likelihood profile distribution of the egg production under the current strategies relative to the specified objective of the management has been examined (Hall and Chubb 2001).

(c) Continue to develop models to evaluate future management options.

Situation

Hall and Chubb (2001) also examined future management options such as removal of maximum size, which is being implemented in the 2001/02 season.

Principle 1 Criteria E

There should be some consideration given to developing a more quantitative assessment of the risks of over-fishing.

Situation

See development of models (below).

Principle 2 Criteria A

(a) The fishery should consider the initiation of a research program of habitat mapping across the full extent of the area in which the fishery operates. This would include the inshore and offshore waters, and be based on existing data, knowledge and activities.

Situation

This is being considered for the sensitive Abrolhos Is.

(b) Research strategies should be considered for development that better address the natural trophic interactions between lobsters and their food in fished and unfished areas.

Situation

This issue is to be discussed in the Ecological Risk Assessment report.

(c) Research strategies should be considered for development that will evaluate the interactions of coastal developments with the lobster, particularly the young, and dependent and associated species and habitats.

Situation

Research input is provided on all development proposals that are likely to impact on the rock lobster fishery eg recent proposals in the Oakajee and Dongara area. It is noted that the proposed development at Dongara near a key-monitoring site has now been relocated to accommodate the needs of the rock lobster fishery.

Principle 2 Criteria B

(a) The fishery should consider implementing a procedure for uniquely labelling and identifying bait bands used in the WRL, and a subsequent monitoring to identify their proportional contribution to coastal litter, with reference to other sources of similar plastic straps.

Situation

A Code of Practice for using and handling bait, bait packaging and rubbish has been developed to help eliminate bait bands contributing to coastal litter. The effectiveness of such a program could be assessed using the bait band-labelling project recommended in the certification, although this does not appear to be under consideration by the fishery.

(b) The fishery should consider the development of a research strategy to identify and assess any historic changes to coral reef habitats of the Abrolhos Islands that may be related to fishing operations.

Situation

This issue was discussed at a workshop in July 2001 to plan a research programme to assess natural and fishery-induced changes at the Abrolhos.

Principle 2 Criteria D

The fishery could develop a strategy for development of a research program on the ecological effects of the use of bait in a variety of habits used by the fishery.

Situation

This was considered a low risk at the ERA workshop. There is industry research being undertaken to evaluate a time-release method for bait, which may significantly reduce the bait required, as it will be timed to be available for rock lobsters at the time of feeding during the night.

Principle 2 Criteria E

The fishery should consider developing research strategies that involve CALM to assess importance of the removal of lobster biomass for the population success of Australian Sea Lions.

Situation

This was considered a low risk at the ERA workshop. However the issue of lobster removal is still under review as part of the Ecological Risk Assessment report. In addition, all surveillance visits will continue to address the issue of sea lion interactions as stakeholders identify this as an ongoing concern.

Principle 2 Criteria G

The fishery should work more actively with AIMAC, DOF, CALM and the environmental NGOs to develop and implement an effective Plan of Management for the Abrolhos Islands (and see Requirement 2D of the certification report).

Situation

The plan for the Management of the Houtman Abrolhos System (December 1998) was adopted by Government and is being implemented by the Abrolhos Is. Management Advisory Committee (AIMAC). Since then an Aquaculture Plan (June 2000) and Tourism Plan (April 2001) have also been developed for the area.

The Department of Fisheries and CALM have signed a Memorandum of Understanding regarding the management of the Abrolhos Is. The environmental community group, Friends of the Abrolhos, with Fisheries WA have successfully applied for Coast Care Funds to install signage on sensitive areas of the Abrolhos Is. The Department of Fisheries secured Environment Australia funding to install environment-sensitive moorings at 11 locations that will protect sensitive habitat. Stakeholders, including environmental NGOs, were consulted in the placement of the moorings. Additional funding has been received this year to place an additional 13 moorings. The interactions of fishing and tourism with sensitive aspects of the environment remain to be addressed.

Other Areas of Inquiry

1. Regulatory changes

The maximum size rule was dropped for the 2001/02 season and is to be reinstated in the following season. This change was undertaken as the breeding stock was significantly above the target set at the level of the late 1970's and early 1980's and the removal of the rule for one year was not estimated to have a major impact on the breeding stock (Hall and Chubb 2001), noting that the setose prohibition remains and will continue to protect many of these larger females.

Surveillance Status - There is no adverse impact in this area and the fishery remains in compliance with the MSC Principles and Criteria.

2. Fishery Management Personnel Changes

A number of staff changes have occurred since the assessment. These were documented by the Department of Fisheries. They do not appear to significantly diminish the research and management capacity of the fishery with the exception of the reduction in modelling capacity in the fishery. The reduction in modelling capacity may be temporary or may be handled using contracted experts. Regardless of the implementation strategy decided upon by the Department of Fisheries, modelling capacity needs to be maintained to avoid adversely impacting the fishery's ability to develop and implement management changes in the event that unpredicted changes occur in the fishery outside the bounds of parameters used in the routine models and modelling system currently in place. The surveillance team of record shall monitor the effectiveness of the approach taken by the Department of Fisheries regarding this matter in all subsequent annual surveillance audits to ensure that it does not compromise compliance with the MSC Principles and Criteria.

Surveillance Status - There is no adverse impact in this area and the fishery remains in compliance with the MSC Principles and Criteria during the first surveillance audit.

3. Stock Assessments

Stock assessments are continuing, although there have been personnel changes in the Department of Fisheries.

Surveillance Status - There is no adverse impact in this area and the fishery remains in compliance with the MSC Principles and Criteria.

Adjusted "Requirements for Continued Certification" and Annual Surveillance

- 1. Adjusted Requirement :** Revise the draft ERA based on comments from both the ERA and EA public review, workshop participants, and stakeholders and re-submit to the certification body.

Adjusted Timeframe : This requirement shall be completed no later than 3 months into the second year post-certification (June 2002) or discussions with the MSC will take place regarding the revocation of the certification.

- 2. Adjusted Requirement :** Complete the peer review process of the ERA using at least two internationally recognized experts approved by the certification body (the certification body will consult with stakeholders, including identified conservation groups that have participated in all prior consultations). Based on the peer review comments, revise the ERA as required to meet international standards as reported by the peer reviewers and approved by the surveillance team.

Adjusted Timeframe : Within 5 months into second year post-certification (August 2002), this requirement shall be completed. The revised ERA with the peer review comments appended must be submitted to the certifier by the required time or discussions with the MSC will take place regarding the revocation of the certification.

- 3. Adjusted Requirement :** Principle 2, Criteria 3 - Environmental Management Strategy. This requirement is due to be completed at the end of the 24-month period following certification. Given the circumstances and time extensions allowed to meet requirement 1, this requirement will be extended.

Adjusted Timeframe : This requirement shall be extended by 9 months (34 months post-certification or December 2002) at which time it must be fully completed or discussions with the MSC will take place regarding the revocation of the certification.

No further adjustments to the "Requirements for Continued Certification" have been made at this time. All other requirements will remain in force both as regards content and time of completion.

Surveillance Audit Schedule for March 2002 - March 2003

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 will be a regular surveillance that will cover a random selection of issues and progress on certification requirements in the fishery. 2. Send Draft report to client for review by 24 May 2002 3. Complete and Post Final Report by 14 June 2002.
Surveillance Visit 3	By 30 June 2002	<ol style="list-style-type: none"> 1. Determine if WAFIC and Dept of Fisheries 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. 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.

Summary

It is the overall assessment of the surveillance team that the WA Rock Lobster fishery continues to be in general compliance with the Principles and Criteria of the MSC. The surveillance team also finds that WAFIC and DOF have made good progress on meeting the "Requirements for Continued Certification", but that additional time is warranted for completing Requirements 1 and 2. Adjustments to the time allotted for completing these tasks have been agreed. The timeframe for meeting Requirement 3 remains unchanged.

At this time, the surveillance team finds that WAFIC should retain the certification issued for the WA Rock Lobster Fishery.

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).
