

## **Western Rock Lobster Fishery**

### **2004 MSC Annual Surveillance Western Rock Lobster Fishery Surveillance Report No. 6**

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**Date:** 17 August 2004

## **WRL Annual Surveillance 2004**

### **Executive Summary**

This Surveillance Report (2004) has been prepared to provide the surveillance team's assessment of the fishery's continued compliance with the MSC standards. It is the assessment team's view that overall the fishery is in general compliance with the MSC standard. However, there continue to be lingering issues (both major and minor) that need further attention by the client and the fishery management authority including some issues that need to be carried through to the re-certification process. A number of non-conformances are noted with associated requests for corrective actions.

### **Background to 2004 WRL Surveillance**

The Western Rock Lobster fishery was originally certified 3 March 2000 by Scientific Certification Systems, Inc. The requirements of the Marine Stewardship Council (MSC) are that each certified fishery must undergo at a minimum an annual surveillance to ensure the basis of certification is still in place and that the fishery is meeting any conditional requirements from the original certification. At the end of the 5-year certification period, the fishery must complete a re-certification before the anniversary date of the original certification to ensure the uninterrupted use of the certificate and the MSC logo. Should the fishery either fail the surveillance audits or re-certification, the use of the certificate and the MSC logo can be revoked by the certifier and the MSC or may simply lapse.

This report represents the last annual surveillance before the Western Rock Lobster Fishery (WRL) is up for re-certification. The issues for the certifier are whether the fishery has sufficiently met all the required conditions set forth in the original certification report, whether the lobster stock is still as abundant and robust as 5 years ago during the initial assessment, and whether the management system has continued to improve and strengthen over time. It is the certifier's job to determine the answers to these questions and to decide whether to continue the certificate until a re-certification can be completed or to fail the fishery and revoke the certificate.

The continued use of a certificate, or more importantly the loss of an issued certificate, are important and far reaching circumstances that can affect a fishery politically and socially, and most important of all economically. In fact, losing a certificate is probably more problematic than never achieving the certificate in the first place as it affects the entire value chain built up and around the value added use of the MSC logo. That is one of the great strengths of the MSC program – the market incentive that drives fisheries to meet standards for good long-term fisheries management.

A number of things can and do happen in a fishery that can support or detract from continued certification. These can range from small inconsequential issues like missing some analyses or

timelines for dissemination of information to stakeholders or the MSC to large important issues such as failure to be able to determine the status of a stock or understanding of significant ecological impacts in a fishery. It is the certifier's job to determine whether the type and magnitude of a failure (or non-conformance) is sufficient to warrant the revocation of a certificate.

To ensure that no action is taken lightly, surveillance audits must be taken very seriously, not conducted in haste, and provide thorough reviews of the highest possible scientific and technical calibre. The MSC requirement for an annual audit is that the certifier provide a surveillance report no more than 30 days from the time of the audit. In this fishery, the actual audit process lasted almost 3 months – from the time of asking the initial questions (May 2004) to the receipt of final materials from the fishery (July 2004), and still there were materials not provided or only partially provided. While it would have been possible to perform a perfunctory annual audit in less time, it would not have maintained the value in the MSC system and could very likely have led to missing crucial information and issues in the fishery. As an assessment team, we made every effort to fully understand the issues in the fishery so we could properly determine which activities have been successful and which need further attention. In so doing, we allotted additional time to the fishery client to provide answers to the technical questions we posed, which led to this report being completed beyond the timeline initially estimated.

SCS will continue to strive to uphold the intent of the MSC process which is to provide a comprehensive and expert assessment of a fishery management system, not just an audit for audit's sake. Anything less would reduce the value of the MSC program in the marketplace for the fishery, the fishermen, stakeholders, and the MSC.

### **Basis of the Surveillance Report**

The content of this report deals with the questions posed by the certification team for the annual surveillance as well as follow-up to continued issues from past surveillances.

The annual surveillance audit process (as always) is comprised of four general parts:

1. The surveillance team provides questions around areas of inquiry to determine if the fishery is maintaining the level of management observed during the original certification. In addition, the surveillance team requires that the client provide evidence that the fishery management system has taken the necessary actions to meet all conditions placed on the fishery during the initial certification assessment or any previous surveillance audits.
2. The surveillance/assessment team meets with the client fishery to allow the client to present the information gathered in answer to the questions asked by the surveillance team. The surveillance team can then ask questions about the information provided to ensure its full understanding of how well the fishery management system is functioning and if the fishery management system is continuing to meet the MSC standards.
3. The surveillance team presents its findings to the client fishery at the end of the site visit. The results outline the assessment team's understanding of the information presented and its conclusion regarding the fishery management system's continued compliance with

MSC standards. Where indicated, the surveillance team may provide the client fishery with additional time to supplement the information provided if the surveillance team finds that there are still issues requiring clarification. In the WRL surveillance, this was the case.

4. Where appropriate, the client fishery submits final information to the surveillance/assessment team for consideration in the surveillance findings and report. The surveillance team then reviews the final information and submits a final report to the client fishery and the MSC for posting on the MSC website. If there are continued compliance concerns, these are presented as non-conformances that require further action and audits as specified in the surveillance report.

## **Surveillance Findings**

In the 2004 surveillance, there was a mix of new questions coupled with some continuing concerns from the 2003 surveillance audits, all of which were presented to the client (WAFIC or Western Australian Fishing Industry Council) for consideration and response. The audit requirements were spelled out in a letter sent to WAFIC on 15 May 2004 (see Appendix 1).

### **A. Annual Surveillance Questions**

1. ***Current stock levels, including a comparative analysis between current stock levels and the reference levels (1980).***

This question embodies concerns raised in the 2003 surveillance audits that were never fully answered by the client. However, the SCS surveillance team felt these were minor issues relative to other concerns being dealt with during the 2003 audit, and with such recognition postponed the requirement to answer these questions until this annual surveillance. Therefore, the minor non-conformances issued in 2003 for lack of answering these questions were extended to this audit. Likewise, the corrective actions associated with these minor non-conformances were also extended to the 2004 audit.

Several documents pertaining to this issue were provided to the audit team before, during and after the site visit. These included:

- Western Rock Lobster Fishery Status Report, Caputi et al., January 2004
- Western Rock Lobster Fishery Assessment of Management Options for the 2004/05 Season, Zones A/B. DOF, 23 January 2004
- Depletion based population estimates for western rock lobster (*Panulirus cygnus*) fishery in Western Australia. Wright et al.
- The status of the western rock lobster, *Panulirus Cygnus*, fishery and the effectiveness of management controls in increasing the egg production of the stock. Norm Hall and Chris Chubb, Marine and Freshwater Research, 52: 1657-67.
- A spreadsheet with updated results from the Hall and Chubb model showing stock levels in relation to 1980 reference levels, by zone (provided in response to questions raised at the audit visit).

Apart from updates based on another year’s data, the main new information comes from document 3, based on the depletion method estimates. Based on the entire set of information, the current status of the stocks can be summarized as follows by zone.

Zone A (Abrolhos)

Based on data and surveys

- Catch and effort trends: steady
- Egg production from commercial catch monitoring: not available
- Fishery independent breeding stock index: declining towards 1994 levels

Based on depletion model

- Post season (residual) biomass: rising
- Exploitation rate: declining (85%)

Based on Hall and Chubb model

- Egg production relative to unfished: about 22%
- Egg production relative to 1980: slightly above reference level

Summary

This zone has the highest exploitation rate and the fishery independent breeding stock index is declining. The egg production level is 22% which is slightly above the target level. To properly protect the fishery and the fishermen, the situation needs to be further assessed and the model results reconciled to determine what is happening and how important these trends are to maintenance of the stock and the economics of the fishery. This step is important not only for the MSC process, but for the fishery in general as this fishery is highly dependent on accurate estimates and analysis of trends.

Zone B (North Coastal)

Based on data and surveys

- Catch and effort trends: effort steady, catch down
- Egg production from commercial catch monitoring: declining and close to or below target level
- Fishery independent breeding stock index: stable after recent decline

Based on depletion model

- Post season (residual) biomass: declining rapidly
- Exploitation rate: rising rapidly (60%)

Based on Hall and Chubb model

- Egg production relative to unfished: less than 10%
- Egg production relative to 1980: well above reference level (which is extremely low)

Summary

Exploitation rates are increasing rapidly and residual biomass is declining. Egg production levels have increased well above 1980 reference levels, but are still at very low levels relative to unfished (less than 10%). Some fishers have expressed concerns about levels of effective effort and the impact on breeding stock levels. Again, the situation in this zone suggests further assessments would be beneficial to reconcile model results and determine if additional management actions are required to protect the stock and maintain the economics of the fishery for the fishermen.

Zone C (South Coastal)

Based on data and surveys

- Catch and effort trends: effort steady, catch variable (currently rising)
- Egg production from commercial catch monitoring: rising and well above target level
- Fishery independent breeding stock index: stable after recent decline

Based on depletion model

- Post season (residual) biomass: variable
- Exploitation rate: increasing (50%)

Based on Hall and Chubb model

- Egg production relative to unfished: close to 30%
- Egg production relative to 1980: well above reference level

Summary

Overall, the stock in this zone is in the healthiest state. Exploitation rates are moderate and egg production is rising and is well above reference levels. Even with this circumstance looking quite positive, there needs to be better reconciliation of the results of the different models. This will aid a better understanding by fishery managers and fishermen, as well as stakeholders, so they can all more positively engage in the discussions over the management actions required in this fishery to maintain this fishery in a healthy biological and economic status.

Audit Team Findings

The stock remains fully exploited, with some significant regional variation in population levels and exploitation rates. There are concerns about the stock status and trends in zone B in particular, and these have been noted by both fishers and the Department. All future audits and/or re-certification efforts should track both the changing stock status in this

zone and the management response to it. This is very important to maintain the health of the stock and the economic viability of the fishery.

The surveillance team finds that the information provided is sufficient to answer the current corrective action request and the non-conformance is removed. However, the re-certification of this fishery must require a more detailed effort to synthesize the various (sometimes conflicting) indices and model results (as outlined above) within a common modelling assessment framework.

## 2. ***Harvest Strategy***

The corrective action required by SCS is:

*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.*

The client in conjunction with the Department of Fisheries provided the SCS assessment team with a draft for a harvest strategy along with an explanation of the process being followed in RLIAC to get the strategy adopted. The strategy has a number of points that trigger various actions depending on the seriousness of the issue. It sets up limit and target reference points for management action.

## Audit Team Findings

SCS is satisfied with the progress that has been made on this point, accepts the corrective action has been met, and removes the non-conformance.

SCS will monitor progress on this issue as it is important to the stability and reliability of the fishery. Also, any re-certification process must seek absolute evidence that the strategy shown to SCS or some other form of a strategy will be implemented so that management has a clear set of objectives by which to manage the stock. By its own recognition, the Department of Fisheries in the Ecological Risk Assessment listed maintenance of the stock as a significant issue as the entire fishery rests on it.

## 3. ***The fishery EMS, including overall design and procedures for dealing with sea lion bycatch and ecosystem impacts of the fishery. This will also include progress or completion on all matters agreed at the end of the 2003 Surveillance.***

This question embodies a full understanding by the SCS surveillance team of the revisions made to the EMS to make it compliant with the original certification requirements outlined in March 2000 and the direct requests by the SCS surveillance team for modifications to the EMS document and the processes supporting the EMS. This includes the non-conformances issued by SCS in April 2004 (see Appendix 1, minor non-conformances D and E, major non-conformances I and J, and corrective action requests I and J.).

The Environmental Management System for the WRL fishery is described in the documents 'Western Rock Lobster Management System' dated 2 July 2004, and 'Western Rock Lobster Environmental Strategy July 2002 –June 2006' dated 2 July 2004.

The majority of issues identified previously with earlier version of the EMS have been well addressed in the new versions of these two documents. The revised versions clarify earlier concerns of the audit team about the form and likely implementation of the various key elements of a system to manage the environmental issues in the fishery.

The operations of the SRGs, particularly confidential decision making process, the requirement for personal sign-off of each member and the opportunity for dissenting reports to be included within the SRG outcomes, appear to adequately allow the SRG the capacity to provide fully independent advice to RLIAC.

Nonetheless, the content of the advice provided from the SRG to the Department of Fisheries and RLIAC will remain a matter of audit assessments, to determine if the advice provided, as well as the subsequent uptake and implementation of that advice by the client, is likely to meet the requirements of the certification.

In respect of the specific issues pertaining to MSC certification, it is clear that the SRGs and the WRL ESD Committee should take these matters as part of their normal operations, and the revised TORs will encourage this to occur. However, despite the pivotal role expected of the WRL ESD Committee, it appears to have not yet had a meeting, and member stakeholders are either not aware of the committee or are confused about its existence. In any case, the WRL ESD Steering Committee has a vital potential role in the WRL management system, and will need to be activated with full engagement of the stakeholders.

The proposed arrangements therefore appear to be capable of providing quality advice on the MSC Principle 2 issues to RLIAC and to WAFIC/DOF.

The details of the type of advice currently being provided to RLIAC, and how this advice is implemented on the ongoing present management of the fishery to address the requirements of the current certification, is considered in following items of this audit.

#### Audit Team Finding

The current (2 July 2004) documentation on the EMS meets the basic requirements for an EMS in the WRL. However, the requirement is to produce a final EMS that has been subject to review by stakeholders and the public, and the appropriate incorporation/resolution of any relevant matters.

The progress made to date closes out the Major Corrective Action Request in relation to the EMS structure required by the 2003 audit. The form, content and operation of the EMS will be kept under constant surveillance throughout the remaining period of

certification, and its implementation must continue to be followed for any re-assessment of the fishery, specifically to consider how risks are assessed and updated, and how the EMS system operates to identify and reflect current issues and provide for timely and effective management responses.

### Non-Conformance

The need to release the EMS documents for public comment and then to revise the documents based on comments, still exists and therefore causes a continuing non-conformance with the requirement.

### Minor Corrective Action Request

1. By 27 August 2004, provide SCS with a written explanation of the timeline for public release and comment on the EMS documents.
  2. By 27 August 2004, provide SCS with a written explanation of when the EMS documents will be revised and made final after the public comment period.
  3. Provide SCS with a copy of the public notice of the release of the EMS documents for comment by interested parties.
  4. Provide SCS with a copy of the final EMS according to the timeline provided to SCS under item #2 above.
4. ***The procedures, operations and findings of the ecosystem and sea lion SRGs, and client uptake of the findings.***

### A. Ecosystem SRG

The (revised) TOR for the SRG and its operations appears to be appropriate, and likely to allow the SRG to meet the basic requirements as a source of reliable and independent expert advice for the fishery on ecosystem impact matters. Peter Rogers, Managing Director of the Department of Fisheries, has outlined a process that requires the SRGs meet independently of the Department of Fisheries staff and the client to allow for and ensure the ability to provide reliable, independent scientific advice to the Department of Fisheries and RLIAC. The assessment team still has some concerns over the appointments to the SRGs, especially the Ecosystem SRG, as the names have changed from the original appointments and there may still be unintended influence from Department of Fisheries' staff whose names still appear on the SRG committees. However, SCS has been given assurances from the client and the Department of Fisheries that the advisory body will have procedures in place to overcome any internal roadblocks and allow for solid, independent, and reliable scientific advice to be developed and submitted from the SRGs without interference. These procedures include having each SRG report endorsed by each individual member through a signature attesting to the member's agreement with the report findings. Two meetings of the Ecosystem SRG have been held, one in 2003 and the second in 2004.

The meeting report of the 2003 SRG (5 –7 August) meeting has been provided for assessment in this audit. The 2003 report identifies a number of key issues that remain to be resolved by the SRG at the 2004 meeting. These include how the client intends to implement the requirement for research to determine the ecological impacts of the fishery.

The 2003 SRG report does not provide any explanation or evidence of how the approach being taken answers the question of impacts of removing lobsters in a manner that will produce evidence *at least as* robust as that produced from fished versus unfished area comparisons. The 2003 SRG report also does not address how the approach being taken will lead to delivering acceptable outcomes within the timeframe of the certification. The audit team fully recognises that the questions of ecological impact of the fishery will not be fully resolved within the timeframe of the certification. However, the conditions of the original certification require the client to take a robust approach to determining the ecological impacts of the fishery. This requires a timely and defensible level of progress in design and implementation of appropriate research to incrementally resolve the uncertainties about ecological impacts of the fishery. This is a critical issue for continued certification and for re-assessment of the fishery.

The draft copy of the final report from the 2004 meeting was also provided to SCS. The report has not been signed off by all SRG members as required from the agreement between SCS and the client and by the requirements of the EMS. Therefore, the current operations and outcomes of the SRG are not able to be accepted as final by the assessment team at this time. While the draft report makes progress over the 2003 report, it still only goes so far as to outline a course of action requiring further steps by the SRG to develop significant advice to the Department of Fisheries and RLIAC. This falls short of the intended requirement to have a plan in place and implementation underway by this time. Furthermore, there is no discussion provided about when additional meetings will take place so that SCS can assess progress on this issue. The client has assured the SCS assessment team that additional meetings will take place and advice formulated by the SRG during 2004. The exact times have not been specified. As a result, the client has not met the intended requirements.

SCS was also provided with a copy of a research proposal submitted by the Department of Fisheries to FRDC as evidence of meeting the requirement for a plan on how to address the issue of ecosystem impacts. Without a formal signed and agreed SRG report, it is not possible to assess whether the FRDC grant proposal complies with the scientific advice of the SRG and will indeed answer the requirement placed on the fishery during the original certification assessment. Some of the material in the proposal appears to address certain aspects of the question, but there is a lack of clarity in terms of how the entire proposal fulfils the ongoing certification requirements.

Based on the materials provided to SCS, the matter of establishing a research program to address the certification requirement of determining ecosystem impacts has not yet been fully resolved. Good progress has been made during the 2004 meeting, and we accept that the overall framework now being proposed is an acceptable beginning to providing sound

advice on an implementable research strategy for understanding impacts of lobster removal on the associated ecosystem. However, the client still needs to provide:

- A. A final SRG report from the 2004 meeting with all members' signatures showing acceptance of the report.
- B. Further explanation of how the FRDC proposal either fully or partially meets the ongoing certification requirements.
- C. A plan of action, with timeframes identified, for further SRG work to provide final advice to the Department of Fisheries and RLIAC.
- D. An SRG report that provides final advice on a research strategy that can be successfully implemented in the fishery.

### Audit Team Finding

The client has made significant progress on developing an SRG process that can provide useful independent advice to the Department of Fisheries and RLIAC. However, only the first steps have been taken and the requirement is still not fully completed. SCS recognizes the amount and difficulty of the work in setting up and implementing the SRG process and commends the fishery for making forward strides in this area. However, with the time of the initial certification coming to a close, it is imperative that the client provide, in a short and timely manner, evidence that the fishery will meet this requirement in full before re-assessment.

### Non-Conformance

SCS is issue a continuing non-conformance from:

- A. Lack of a signed off 2004 SRG report as required and agreed.
- B. Lack of verification on SRG membership as it appears to be changing.
- C. Lack of an action plan showing how the SRG will complete its work.
- D. Lack of a final strategy and implementation to address the ecosystem impact question raised in the original certification.

### Major Corrective Actions

1. By 27 August 2004 provide a final list of SRG members.
2. By 27 August 2004 provide a timeframe for submitting 2004 SRG report signed and agreed by all SRG members.
3. Provide the SRG report with member signatures in the time frame agreed under 1 above.
4. By 27 August 2004 provide SCS with a plan of action on when the Ecosystem SRG will meet to continue its work with an estimated timeline for completing its advice to the Department of Fisheries and RLIAC.
5. Provide SCS with a completed and signed off SRG report based on the action plan provided from the requirement outlined above in number 3.

## B. Sea Lions SRG

The (revised) TOR for the Sea Lions SRG and its operations appear to be appropriate, and likely to allow the SRG to meet the basic requirements as a source of reliable and expert advice for the fishery in sea lion interaction matters.

The meeting record for the SRG meeting of 28 July provides a useful summary of the issues and potential strategies for addressing the sea lion interaction matter. In establishing the SRG, the audit team expectations included provision for understanding the importance of possible levels of sea lion pup mortality induced by the fishery. The assessment team suggested that this could be met by modelling studies to determine acceptable or unacceptable levels of impact (mortality). We also noted that we would expect that subsequent to any assessments of the significance of sea lion mortalities induced by fishing, the spatial/temporal extent of management interventions in the fishery would be determined. The SRG considers that modelling is not likely to be useful at this time due to data insufficiencies and seems to have advised the department to take a different course of action. Instead of modelling the potential impacts, the approach adopted has been to assume that no sea lion mortality is acceptable and move directly to the development and trials of physical intervention methods in the fishery. This is a more precautionary approach; however, it requires the attainment of zero mortality and a robust method to verify the results.

Provided that there is suitable reliable monitoring of the levels of ongoing sea lion interactions and mortalities, and these are shown to be acceptable (near zero mortality each fishing year), the strategy of reducing impacts through pot-adaptation is considered by the audit team to be an acceptable response to issues of sea lion interaction in the fishery.

Information was provided to the SCS assessment team through a presentation by Department staff. The Department of Fisheries has taken on this concern seriously and hired Richard Campbell to work on the issue. Richard Campbell is working on sea lion interactions, on the effectiveness of different sea lion excluders, and ways in which to get better monitoring of sea lion interactions in the fishery. Dr. Campbell's work suggests that sea lion interactions may be quite a bit higher than originally estimated during the Ecological Risk Assessment making this issue of greater importance in the risk rankings. Specific monitoring data should be assembled through the monitoring systems outlined in the SRG report: 6 systems for collecting sea lion interaction information are identified. This data should be synthesised and assessed to determine the annual level of interaction and bycatch, and this should be reported for MSC audit and for stakeholder input.

## Audit Team Findings

The operation of the Sea Lion SRG is acceptable, provided that the system in place to monitor and report on sea lion interactions, and specifically monitoring of pup mortality, is robust, with both the process and the outcomes open to stakeholder scrutiny through an annual process of SRG review and assessment.

## Non-Conformance

SCS has not been presented with a full explanation of the monitoring system that will be put in place to adequately assess sea lion interactions and mortalities. This is a non-conformance in regard to the requirement for implementation of the EMS.

## Minor Corrective Action Request

1. by 27 August 2004 provide SCS with a written explanation of the timeframe for design and implementation of an adequate monitoring system and the times for subsequent meetings by the SRG.
  2. Provide SCS with a final report in compliance with the timeframe set forth in #1 above showing the design and implementation strategy for a monitoring program that adequately captures data on sea lion interaction, sea lion mortalities, and the effectiveness of management measures to obtain zero mortality.
  3. As agreed with the client and the Department of Fisheries, SCS assessment team members will attend the August 2004 meeting (or nearest meeting to this time frame) of the Sea Lion SRG to ensure that the SRG members know the requirements of the SRG (including sign off by all SRG members on advice and reports from the SRG) and the requirements of the MSC conditions.
5. ***The operational effectiveness of the Bait Handling Code of Practice throughout the fishery, including, if necessary, the details of a process to assess the effectiveness of the Code. This reflects point #4 and Non-conformance C in the previous surveillance report (see Appendix 1).***

The Bait Handling Code of Practice contains some important procedures designed to reduce the risks of discarded bait and bait packaging to the environment. The client was requested to provide independent evidence that the fishers had adopted and were conforming to the voluntary provisions of this code.

The SCS assessment team was provided with the draft version of a report on survey of beach-stranded litter in Marmion Marine Park, conducted in July 2002 as evidence that the code of practice is in place and effective. The report found that there appeared to have been a substantial reduction in fishery-derived litter compared to a survey of the same locations conducted 10 years earlier. This indicates a progressive improvement in management of plastic wastes and fishing gear.

## Audit Team Findings

The evidence provided in the present audit meets the basic requirement of the Corrective Action (H in Appendix 1). The non-conformance is therefore removed.

Further measures are still needed to ensure that the code of Practice for bait handling is working effectively throughout the fishery. It is highly recommended that the fishery

client or management authority address this issue. This issue will need to be directly addressed in the re-assessment of the fishery.

**6. *Any major changes in the fishery, key personnel, or management arrangements.***

1. The audit team was advised that there were no major changes in the fishery, key personnel or management arrangements.
2. Capes Region Fishing

Stakeholders advised the audit team of concerns about the influx of boats and intense fishing pressure in Zone C over the past two years. Stakeholders assert that there has been a ten-fold increase in fishing boats in the Capes region, sustained over at least two seasons. This constitutes a major change in the fishery, since the effort in Zone C is concentrated on much smaller spatial areas than it is likely to be in other Zones of the fishery, and hence the intensity of fishing is much more focused. This may have implications for stock management, but also has important implications for the ecological impacts of fishing, given the high spatial and temporal intensity of effort.

The SCS assessment team sought a detailed explanation of how the intense fishery effort in the Capes region was being managed, including a more detailed scientific/technical analysis of the situation so that the audit team could be informed about the issue, and any ramifications for the stocks in the remainder of the fishery or the environmental impact of this high level of effort.

The preliminary information supplied after the on-site audit indicates that the catch taken in 2002/03 south of 33°S (includes the Capes) may only represent less than 4% of the total catch for that year. However, this information is only preliminary and it still does not address the matter of the impacts of increased fishing on the local ecosystems or population of lobsters.

Peter Rogers did provide SCS with an explanation of why further analysis had not been completed. The explanation notes that more time is needed for all the landings data to be available to make an appropriate assessment. Peter Rogers suggested that all the data won't be available for 5-6 months, and that a final written analysis would be conducted by the end of 2004.

#### Audit Team Findings

The shift in effort of the fishery into the Capes region is a matter of interest in the Fishery. The management understanding of its potential impact on the stock and the ecosystem of the area is therefore important. SCS seeks a formal report on the matter to resolve the issue.

#### Non-Conformance

The analysis provided so far is incomplete. Based on Peter Rogers' written explanation, a formal complete analysis will be conducted later in 2004.

#### Minor Corrective Action Request

1. By 27 August 2004, provide an action plan showing when the analysis of the Capes region will be undertaken and a report made final before 25 December 2004.
2. Provide SCS with final report on the specified date in #1 above.

#### **7. *Progress on changes to RLIAC in response to the requirement for increased stakeholder involvement in decision making in the fishery.***

The composition and membership of RLIAC was reviewed in 2002. This audit has been provided with details of the intended revision to the structure, as recommended to the Minister for implementation. While changes to RLIAC appear to need a change in the Fisheries Act, it has been proposed that the new structure of RLIAC might operate in an informal 'shadow' of the proposed new RLIAC while legislative changes are being drafted and implemented. However, the new structure for RLIAC (proposed in the public consultation document of August 2002) has not yet been implemented, either in formal or informal mode.

The proposed new structure is intended to comprise a series of observers that represent the main stakeholder organizations together with members appointed for their expertise in fishing (4), processing/marketing (2), recreation (1), Department of Fisheries (1), ecology/conservation (1) and an independent Chair. In addition to this, stakeholders are expected to be able to participate in various committees within the RLIAC structure, including the research and ESD committees. We expect that this structure, given the proposed operational procedures and the WRL management procedures outlined elsewhere, will make a substantial contribution to achieving the increased participation of stakeholders in decision-making in the fishery.

#### Audit Team Findings

Implementation of the revised structure of RLIAC will be an important step in encouraging increased participation of stakeholders in meaningful management decisions in the fishery. However, the process for implementation of the revision is slow, and needs to be expedited.

#### **8. *Revised ERA Procedures***

The client and the Department of fisheries provided a copy of the new National Ecological Risk Assessment Procedures being implemented in Australia. According to the EMS, these will be used for any subsequent Ecological Risk Assessments. The SCS

assessment requested an analysis of how the national policy varied from the procedures designed by CSIRO and implemented by AFMA.

Peter Rogers wrote to SCS and explained that an analysis of the differences between the CSIRO ERA process and the national ERA process would be conducted, and the WRL fishery would use a system that can be shown to be as robust and comprehensive as that conducted by CSIRO.

Any re-certification assessment conducted on this fishery will require a full understanding of the ERA procedures in use in assessing risks in the WRL fishery. The original ERA was significantly flawed in terms of providing verifiable and consistent analyses of risk, which needs to be corrected if the fisheries managers, fishermen, and stakeholders are to have any faith that the process will produce useable and verifiable outcomes.

## **Conclusion**

The SCS Evaluation Team is satisfied that the corrective action requests described above can effectively progress the efforts by WAFIC and DOF to improve the rock lobster fisheries management process to a degree that will meet the 'Requirements for Continued Certification'.

As a result, SCS finds that the Western Australia Rock Lobster Fishery currently remains in compliance with MSC requirements and Standards and retains its certificate at present.

**Appendix 1 – SCS Letter to Client Fishery Regarding 2004 Surveillance****WRL Audit #6****June 2004**

The WRL fishery will be undergoing the annual surveillance audit on 3 and 4 June 2004. The audit will include meetings with key stakeholders, as shown below, and will evaluate the following list of specific matters in the fishery.

**Stakeholders for Interview (2 June 2004)**

1. Conservation Council of WA
2. WWF Australia
3. Department of Conservation and Land Management (Marine Conservation Branch)
4. David Offord (by phone or in person)

**Specific Matters for Audit**

1. Current stock levels, including a comparative analysis between current stock levels and the reference levels (1980).
2. The fishery EMS, including overall design and procedures for dealing with sea lion bycatch and ecosystem impacts of the fishery. This will also include progress or completion on all matters agreed at the end of the 2003 Surveillance.
2. The procedures, operations and findings of the ecosystem and sea lion SRGs, and client uptake of the findings.
3. The operational effectiveness of the Bait Handling Code of Practice throughout the fishery, including, if necessary, the details of a process to assess the effectiveness of the Code.
4. Any major changes in the fishery, key personnel, or management arrangements.
6. Progress on changes to RLIAC in response to the requirement for increased stakeholder involvement in decision making in the fishery.
7. Non-conformance Issues from Surveillance #5 (March 2003)

**Minor**

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

Major

- D. 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'.
- E. 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

- F. Client must provide a comparative analysis between current stock levels and the reference levels (1980) within 90 days of the issuance of this report.
- G. 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.
- H. 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.
- I. The client must by 28 February 2003 provide a revised and final EMS.
- J. The client must by 28 February 2003 provide written proof of an implementation strategy.