

Western Rock Lobster Fishery

Surveillance Report #2

May/June 2002

Prepared for: Western Australian Fishing Industry Council
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Date: 14 June 2002

General Information

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|-------------------------------|---|--|
| Certified Fishery | Western Rock Lobster Fishery | Western Australia |
| Fishery Agencies | Western Australian Fishing Industry Council (WAFIC) | Department of Fisheries, Western Australia (DOF) |
| Fishery Contacts | Vikki Gates (WAFIC) | Tim Bray (DOF) |
| Species | <i>Panulirus cygnus</i> | |
| MSC Registration No. | SCS-MFCP-F-0001 | |
| Certification Date | March 2000 | |
| Certification Expiration Date | March 2005 | |
| Certification Body | Scientific Certification Systems, Inc. (SCS) | |
| Surveillance Team | Chet Chaffee, Ph.D. (SCS) | Project Leader |
| | Bruce Phillips, Ph.D. (Curtin Univ.) | MSC Principle 3 - Fishery Management |
| | Tony Smith, Ph.D. (CSIRO) | MSC Principle 1 - Stock Assessment |
| | Trevor Ward, Ph.D. (Univ. Western Australia) | MSC Principle 2 - Ecological Assessment |
| Surveillance Stage | 2 nd Annual (May 2002) | |
| Surveillance Timeframe | 13 May 2002 – 14 June 2002 | |

Summary of Findings

This report describes the second full surveillance audit of the MSC certified Western Australia Rock Lobster Fishery, conducted between May 2002 and June 2002. This surveillance audit focuses on evaluating progress on the requirements for continuing certification as specified in the original MSC assessment report of the fishery and the first surveillance audit (2001), along with a select number of other matters chosen at random by the evaluation team as required by the MSC certification methodology.

The surveillance found that WAFIC and DOF have made substantial additional progress toward meeting the extended timelines of each of the *Requirements for Continued Certification* outlined in the initial certification evaluation. Although the actual requirements remain to be completed, the extended timelines and proposed activities appear appropriate. As the ERA (Ecological Risk Assessment) is the next requirement needing completion (June 2002), the surveillance team spent additional time examining the progress made by WAFIC and DOF in order to ensure that it would be completed on time. The full content of the ERA will be evaluated (Surveillance Visit 4, September 2002) after the reports of two additional and internationally recognised expert reviewers are secured to establish whether the material in the ERA relating to ecosystem, habitat and trophic level impacts of fishing are adequate and meet the requirements identified by the evaluation team during the original certification. As stated in the first surveillance report (2001), it is necessary to meet this requirement to maintain the fishery certification.

In all other areas examined, the surveillance team found that the fishery remains in compliance with the MSC standard. The surveillance team also considered progress by the fishery on the additional recommendations (although not required to be completed by WAFIC or DOF) from the full assessment and the 2001 surveillance audit, and notes that many of these issues continue to be addressed as WAFIC and DOF work to improve the management of the fishery.

The surveillance team finds that the fishery management remains in compliance with the MSC Standard, and that WAFIC/DOF retain the certification for the Western Rock Lobster fishery until the next surveillance visit.

Background

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 visits to ensure ongoing compliance with the MSC Principles and Criteria. Section 17.4 of the MSC Certification Methodology provides specific guidance on what is required in an annual surveillance:

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

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

This is the report of Surveillance Visit 2; it describes the second surveillance of the Western Rock Lobster Fishery certified under the MSC Program. The program of surveillance activities for 2002/early 2003 is:

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

This surveillance visit (May 2002) is intended 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.

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

Methodology

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

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

Table 1. Steps in the Second (May/June 2002) Surveillance Audit

| | | | |
|-------|---|---|--|
| 1. | Confirm MSC Requirements with WAFIC and DOF | | |
| 2. | Advise client regarding information needs of the surveillance team | | |
| 2.a | Collect information from the client on progress made toward meeting 'Requirements for Continued Certification' as amended in the 2001 Surveillance Audit, and as listed in 2.a.1 - 2.a.5. | | |
| 2.a.1 | Adjusted Requirement 1 | Principle 2, Criteria C Ecological Risk Assessment | Evidence that the following matters are being addressed as regards the development of a final Ecological Risk Assessment: <ul style="list-style-type: none"> • continued consultation with participants of the Feb 2001 ERA workshop • revision of the draft ERA to meet the June 2002 deadline • documenting the comments of interested parties • resolving issues about the content of the ERA to achieve the intention of the certification requirements • incorporating supporting information to justify ERA outcomes • incorporating updated information |
| | Adjusted Requirement 2 | | Progress towards arranging an additional peer review of the draft final ERA by two internationally recognised experts: <ul style="list-style-type: none"> • selection of two internationally |

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|-------|--|--|--|
| | | | <p>accepted peer reviewers</p> <ul style="list-style-type: none"> consult with WAFIC/DOF on the terms of reference for the ERA peer review arrangements for dealing with subsequent amendments to the ERA based on peer reviewer comments. |
| 2.a.2 | Adjusted Requirement 3 | Principle 2, Criteria C Environmental Management Strategy | Progress towards preparation of the EMS to meet the December 2002 deadline |
| 2.a.3 | Original Assessment Requirement 5 | Principle 2, Criteria G | Data on Bycatch of Icon Species |
| 2.b | Collect information from the client on 'Random Areas for Audit' as listed in 2.b.1 - 2.b.3. | | |
| 2.b.1 | Updates on stock assessment/stock status and evaluation of management options | | |
| 2.b.2 | Changes to management regulations or measures | | |
| 2.b.3 | Changes to any key DOF personnel | | |
| 2.c | Collect information from the client on continued efforts toward achieving an increased participation of conservation stakeholders in the fishery | | |
| 3 | Consult conservation community 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 | | Stability of fishery | |
| 5.c | | MSC compliance | |
| 6 | Surveillance Report | | |
| | | | |

Surveillance Results and Discussion

Section A: Requirements for Continued Certification

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

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

While the requirement has not changed, the timeline was extended after the first surveillance audit to permit WAFIC and DOF to merge the process with a parallel process of submissions required by Environment Australia (see first surveillance report for specific details).

Situation

1. Evidence that the following matters are being addressed as regards the development of a final Ecological Risk Assessment

1a Continued consultation with participants of the Feb 2001 ERA workshop

A timetable has been established to bring the process of the ERA workshop to a satisfactory conclusion with respect to stakeholder consultation and involvement:

17 May: revised ERA to be forwarded to workshop participants for their review and comments

31 May: participant's comments returned to DOF

15 June: revised ERA forwarded to two peer reviewers and Certifier

31 July: ERA further revised and supplied to certifier and workshop participants

1b Revision of the draft ERA to meet the June 2002 deadline

The process in (a) above has been established to ensure the June 2002 timeline for revision of the ERA based on public comments is achieved. A new Attachment is proposed that will summarise and comment on various recent comments of stakeholders, and will show how the main report has been changed in order to reflect these comments.

1c. Documenting the comments of interested parties

In the revised version of the ERA, the comments of all workshop participants, the EA public comments, and any recent and subsequent comments will be appended. This will identify where changes have been made to the ERA document as a response to these comments.

1d. Resolving issues about the content of the ERA to achieve the intention of the certification requirements

The DOF has stated that all relevant matters will be appropriately included in the ERA according to the revised timeline. Progress on this will be reviewed during the June 2002 surveillance audit and again after peer review comments are made available.

1e. Incorporating supporting information to justify ERA outcomes

The DOF has stated that it has incorporated all relevant background materials as raised by workshop participants. Progress on this will be reviewed during the June 2002 surveillance audit and again after peer review comments are made available.

1f. Incorporating updated information

The DOF has stated that it will incorporate new materials as appropriate to bring the Draft ERA to completion and ready for international peer review. Progress on this will be reviewed during the June 2002 surveillance audit and again after peer review comments are made available.

2. Progress towards arranging a peer review of the draft final ERA by two internationally recognised experts

2a. Selection of two internationally accepted peer reviewers

A short list of potential internationally recognised reviewers has been developed by WAFIC and DOF through consultation with the surveillance team. Areas of expertise to be required are ecological/ecosystem impacts of fishing, and the use of ERA in natural resource management. The final selection of reviewers is proposed to be completed by 15 June. The expected procedure is that DOF will supply a prioritised list of names and brief CVs of at least 4 acceptable reviewers to the certifier's surveillance team. The conservation community will consult with the certifier to seek agreement on the 4 nominees. The certifier in conjunction with WAFIC and DOF will then agree on the final selection.

2b. Terms of reference for the ERA peer review.

The terms of reference for the reviewers are expected to be agreed by 31 May (WAFIC and DOF have already made progress on this point); they are expected to be based on a

set of requirements that call for the reviewers to determine if the design and implementation of the ERA has met the original requirement of the certification, if the conduct and reporting from the ERA has been of a high quality, if stakeholder concerns have been adequately addressed, and if there are any specific management responses that could be used to address any of the issues identified in, or about, the ERA.

2c. *Arrangements for dealing with subsequent amendments to the ERA based on peer reviewer comments.*

This is expected to be covered within the process described at point 1a above.

3. Preparation of the EMS to meet the December 2002 deadline

An initial conceptual outline for the EMS has been prepared. DOF is expecting that the structure of the EMS will be agreed with the certifier within the next few months. Subsequently, the draft EMS will be prepared, supplied to workshop participants and the public for comment, then revised and submitted to the workshop participants and the certifier for consideration. The public comment process is expected to be the standard DOF process that is used by the Fish and Fish Habitat Program for public notices seeking comment. The timelines suggested to date are appropriate to keep the development of the EMS on target.

4. Data on Bycatch of Icon Species

Three separate monitoring approaches have been underway:

- Annual survey of fishers
- Voluntary research log book data
- Research monitoring on commercial vessels

Initial data has been compiled from each of these three approaches, and strengths and weaknesses of each approach are being assessed, and initial data is being analysed to summarise catches. Early indications are that returns from voluntary logbooks are not as high as expected. Also, data from the research monitoring, although statistically robust, may be too limited to reveal patterns in catch of important icon species that are rarely encountered in the fishery. Additional analysis of the data are being undertaken to see if these problems can be resolved.

Analysis

1. Evidence that the following matters are being addressed as regards the development of a final Ecological Risk Assessment

1a *Continued consultation with participants of the Feb 2001 ERA workshop*

The proposed timetable for completing the intended consultations appears adequate to meet the requirement.

1b. Revision of the draft ERA to meet the June 2002 deadline

The process established in 1a appears appropriate to meet the requirement.

1c. Documenting the comments of interested parties

The timetable to incorporate the comments of workshop participants and the public appear appropriate to meet the requirement.

1d. Resolving issues about the content of the ERA to achieve the intention of the certification requirements

The content of the ERA will be fully assessed after the comments of the additional internationally-recognised peer reviewers have been secured (Surveillance Visit 4, September 2002) and WAFIC and DOF have had reasonable time to prepare revisions to the ERA, should any be deemed necessary. The intentions of the original assessment will be used, together with findings from the additional reviewers, to determine if the final ERA meets the requirements of the original certification particularly in terms of elements of the ERA that are carried through to the EMS.

1e. Incorporating supporting information to justify ERA outcomes

Further progress is being made on incorporating supporting information in the ERA. WAFIC and DOF continue to solicit information from stakeholders and workshop participants and will be incorporating this information into the revised draft ERA for the additional peer reviews. The comprehensiveness of evidence used to support the outcomes of the ERA will be assessed in Surveillance Visit 4 (September 2002).

1f. Incorporating updated information

New information, including that of the Abrolhos workshop, is continuing to become available. WAFIC and DOF have noted that new information will be incorporated up to the date of the ERA additional peer review and final revision of the ERA report based on peer reviewer comments. . After completion of the additional peer review and ERA report revisions, the proponents intend to maintain a compendium of new information and implications relevant to the ERA, as an addendum to the final ERA.

2. Progress towards arranging a peer review of the draft final ERA by two internationally recognised experts

2a. Selection of two additional and internationally accepted peer reviewers

Acceptable progress is being made. Nominations for international peer reviewers have been discussed with the surveillance team and a short list has been developed and initial contact with prospective reviewers made.

2b. Terms of reference (TOR) for the ERA peer review.

Acceptable progress is being made. WAFIC and DOF have submitted the draft TOR to the certifier for comment and approval.

2c. Arrangements for dealing with subsequent amendments to the ERA based on peer reviewer comments.

Acceptable progress is being made.

3. Preparation of the EMS to meet the December 2002 deadline

Progress is being made. Since the timeline to accomplish this task is short (December 2002), discussions with the certifier are ongoing so that progress toward this requirement can be closely monitored. There remain a number of the details to be resolved about specific issues of concern and implementation activities.

Components that will require the use of research programs may require additional time for implementation, due to research funding cycles. The certifier will monitor the situation at each surveillance visit to determine if appropriate progress can be and is being made.

4. Data on Bycatch of Icon Species

Acceptable progress is being made.

Evaluation Against Requirement

The fishery is within the terms of the requirements of the original certification, as adjusted in the 2001 Surveillance Audit, and therefore is maintained in compliance with the MSC Standard.

Section B: Random Selection of Parameters in the Fishery

Situation

1. Updates on stock assessment/stock status and evaluation of management options

The situation is unchanged since the first surveillance visit in 2001.

2. Changes to management regulations or measures

The following changes have either been made, or are to be implemented in the fishery:

- a. Unitisation: a change in the way in which the capacity in the fishery (the number of pots) is expressed. The licences of commercial fishers now refer to a number of units and a unit value, which is currently set at 0.82 pots per unit. The quotient of the number of units and the unit value determines the quantity of gear that the individual licensee can use. This development makes the nature of the commercial fishing right more clear with more explicit links to the overall (and adjustable) capacity of the fishery as described in the management plan.
- b. Development of a set of fishery management decision rules; these are new rules but are intended to codify decision points already in use in the fishery. It is expected that they will expand from stock sustainability to ecological and socio-economic considerations in due course. The rules will include matters based on harvest strategy, and this will necessitate a clearly defined harvest strategy for the fishery.
- c. An assessment of relative efficiency of fishing effort under current management arrangements to determine if there are matters that are currently inhibiting the socio-economic performance of the fishery. Ultimately, work done in this process may be useful in the review of input versus output controls as required by government under National Competition Policy directions.
- d. The maximum size rule, dropped for the 01/02 season will be reinstated in the 02/03 season.
- e. Hide and hair bait: all bovine material, animal skin or hide, and anything attached to the skin or hide of a mammal has been banned from use as bait.

3. Changes to any key DOF personnel

Dr Rick Fletcher has joined the Research Division as Supervising Scientist of the Stock Assessment and Data Analysis Branch.

4. Other relevant matters

- a. The Conservation Council of WA continues to be funded to support the position of Sustainable Fisheries Liaison Officer (Dr Nic Dunlop) and administrative assistance.
- b. A new peak industry rock lobster body has been formed: the Western Rock Lobster Council. Executive responsibility is currently vested in an Executive Director, and a Chief Executive Officer. These appointments commence in mid June. It is intended that the WRLC will eventually take over responsibility for the management and contracting of the MSC certification for the WRL, but this is anticipated to occur progressively over the next 12 months. In the meantime, WAFIC and DOF will remain as the prime point of contact and management for the MSC process in WRL.

- c. A new MSC Working Group of the WAFIC Industry Profile Sub Committee has been formed in WA in order to develop and promote the benefits of the MSC for fisheries.

Analysis

1. Updates on stock assessment/stock status and evaluation of management options

The situation is noted. An analysis of the impact of the relaxation of the maximum size rule will be made and the certifier will be provided with the results at the appropriate surveillance visit.

2. Changes to management regulations or measures

In regard to the changes:

- a. Unitisation: noted
- b. “Development of a set of fishery management decision rules; the development of these rules is consistent with recommendations from the full assessment.” The form and intent of these rules will be subject of subsequent audits to ascertain their consistency and impact on existing arrangements.
- c. “An assessment of relative efficiency of fishing effort under current management arrangements to determine if there are matters that are currently inhibiting the socio-economic performance of the fishery.” This matter is noted. Should a shift from the existing *form* of management arrangements to a rights-based set of arrangements be made, the certifier will be notified along with an explanation of how the change will effect the management and sustainability of the fishery. Should this occur, and should there be considerable concern about the effects of such a change, WAFIC and DOF will be required to submit the change for review as stipulated in the MSC requirements.
- d. The maximum size rule, dropped for the 01/02 season will be reinstated in the 02/03 season. Noted.
- e. “Hide and hair bait: all bovine material, animal skin or hide, and anything attached to the skin or hide of a mammal has been banned from use as bait.” Noted.

3. Changes to any key DOF personnel

Dr Rick Fletcher: noted.

4. Other relevant matters

- a. The Conservation Council of WA continues to be funded to support the position of Sustainable Fisheries Liaison Officer: noted.

- b. A new peak industry rock lobster body has been formed: the Western Rock Lobster Council. The WRLC will eventually take over responsibility for the management and contracting of the MSC certification for the WRL. This is anticipated to occur progressively over the next 12 months. In the meantime WAFIC and DOF will remain as the prime point of contact and management for the MSC process in WRL. Matter noted.
- c. A new MSC Working Group of the WAFIC Industry Profile Sub Committee has been formed in WA in order to develop and promote the benefits of the MSC for fisheries. Noted. Further details will be sought on how the Working Group may interact with existing interests in the WRL and the MSC process.

Evaluation Against Requirement

The fishery remains in compliance with the requirements of the MSC Standard.

Section C: Continued progress towards achieving an increased participation of conservation stakeholders in the fishery

Situation

WAFIC has stated that it is generally supportive of a broader involvement of environmental, ecological or conservation expertise within fisheries management in WA. The conservation sector, specifically the Conservation Council of WA, have been invited to join the RLIAC R&D Sub Committee and a number of working groups associated with the WRL. The Conservation Council of WA rejected membership on the R&D Sub Committee. They have been accorded, and have accepted, observer status on RLIAC, the Ministerial Advisory Committee for the WRL. The composition of RLIAC is currently under review, and was discussed with stakeholders during 2001. This process is continuing with the objective of providing advice to the Minister this calendar year.

WAFIC is seeking specific guidance from the WRLC to assist in the development of a current preferred policy position on the matter of identifying and recommending appropriate environmental, ecological or conservation expertise for inclusion on RLIAC. WAFIC's stated reasoning is the belief that the appropriate expertise could bring significant benefits to the WRL, including a more cohesive approach to the resolution of environmental issues.

Analysis

Progress is continuing to be made regarding efforts to further incorporate the conservation community in decision-making processes in the fishery. Consideration of options within RLIAC itself has occurred and these were presented to stakeholders on the 2001 coastal tour. RLIAC will formally seek submissions from stakeholders on a

proposed new composition in the second half of 2002. The matter continues to be under consideration while recommendations to the Minister are still being formulated.

Evaluation Against Requirement

Progress is sufficient to maintain certification. However, the industry consultation process deemed necessary by WAFIC and DOF to achieve an agreed outcome has been slow, but is progressing. The developments will continue to be monitored by the certifier at every surveillance visit in 2002 and 2003.

Section D: Recommendations from the original evaluation report

Situation

Progress towards synthesising the management plan for the fishery into a single document

There is in-principle support to make more explicit the objectives and indicators for the fishery. A process of compiling the relevant body of legislation and policies that exist under the Fish Resources Management Act 1994 has been commenced. This includes the West Coast Rock Lobster Managed Fishery Management Plan, sections of the Fish Resources Management Regulations 1995, gazetted closed water notices and a number of Ministerial Policy Guidelines.

Analysis

Progress towards synthesising the management documents for the fishery

Current activities are ongoing toward developing a comprehensive set of documents that can be made available to all interested parties. The set of documents would comprise the management system, either in full or in outline with appropriate linkages elsewhere, and other related matters in addition to specific pieces of legislation, regulation, statute or rule. In addition, DOF intends to produce a document that informs the public of how all the various parts come together to form the overall rock lobster “plan of management”.

Section E: Other Matters of Relevance

None of the activities discussed below were requirements of the full assessment. We note these to show that additional progress over and above the required elements continues within the fishery.

Situation

1. Recreational catch and effort

Models for predicting catch and effort in the recreational sector have been developed.

2. Review of stock assessments

Various aspects of the stock assessment process have been published in the scientific literature.

3. Habitat mapping

Proposals in relation to the Abrolhos Islands have been discussed in a workshop, and are summarised in a two-volume workshop report.

4. Unique labelling of bait bands

A Code of Practice for handling of rubbish, including, bait bands operates in the fishery.

5. Ecological effects of bait use

Bovine products have been banned. A time release mechanism is being researched in order to reduce the amount of bait required by making bait available within the trap at the time of lobster feeding activity. The introduction of artificial baits into the Fishery is being closely monitored.

6. Develop more integrated approach to management of Abrolhos Islands

A number of plans of management relate to the Abrolhos Islands. DOF and CALM have signed a memorandum of agreement over management of the Abrolhos.

Analysis

1. Recreational catch and effort

Noted. The predicted catches will be of ongoing interest, and future audits will seek to examine the rates of change and spatial structure of recreational catch in relation to commercial catch.

2. Review of stock assessments

Various aspects of the stock assessment process have been published in the scientific literature. Noted. Further clarification will be sought in upcoming audits regarding external reviews of the complete stock assessment process and results separate from technical publications.

3. Habitat mapping

Proposals in relation to the Abrolhos Islands have been discussed in a workshop, and are summarised in a two-volume workshop report scheduled for publication. Noted. The outcomes of this work are unknown at this time, but are expected to be evaluated by WAFIC and DOF for inclusion, as necessary, in the compendium of additional relevant information to the final ERA and incorporated in the EMS. Habitat delineation in other geographic areas of the fishery will be reviewed at subsequent surveillance visits.

4. Unique labelling of bait bands

A voluntary “Code of Practice for Using and Handling Bait, Bait Packaging and Rubbish” has been devised and introduced into the fishery. Noted. At present, there is no verification of how well this code is being implemented by fishers. This matter will continue to be examined in further audits to determine if the voluntary program is effective.

5. Ecological effects of bait use

Bovine products have been banned. A time release mechanism is being researched in order to reduce the amount of bait required by making bait available within the trap at the time of lobster feeding activity. Noted.

6. Develop more integrated approach to management of Abrolhos Islands

The new management plans for the Abrolhos have been released. The certifier notes that it continues to recommend that the fishery still consider how it can best integrate this information into a more comprehensive fishery management plan or system for WRL.

Section F: Comments from Stakeholders in the Conservation Community

The information in this audit report is based on written submissions by WAFIC and DOF as well as interviews with the WAFIC and DOF staff. During the course of the surveillance audit, comments were also received from two conservation stakeholders (Conservation Council of WA and WWF) about the fishery, and about the MSC process. The main issues raised by the conservation stakeholders are summarised in Appendix 2, to maintain full transparency regarding the information the surveillance team received during the surveillance audits.

Summary of the Surveillance Findings

It is the overall assessment of the surveillance team that the Western Rock Lobster Fishery continues to be in compliance with the Principles and Criteria of the MSC. The surveillance team also finds that WAFIC and DOF have made additional progress on meeting the "Requirements for Continued Certification". Additionally, agreed surveillance visits in 2002 will review specific progress against these requirements as agreed timelines come to an end.

At present, the surveillance team finds that WAFIC/DOF will retain the certification issued for the Western Rock Lobster Fishery until the next surveillance visit.

Requirements for Third Annual Surveillance Audit

- Requirement:** Revise the draft ERA based on public comments and re-submit to contracted certification body.

Timeframe : This requirement shall be completed no later than 3 months into the second year of certification (June 2002) or revocation of the certification will be considered.

- Requirement:** Complete an internationally recognized and scientifically defensible peer review of the ERA using a minimum of 2 additional internationally recognized experts approved by the certification body in consultation with stakeholders (including identified conservation groups that have participated in all prior consultations) in the fishery. Publish results of the peer review as an appendix to the final ERA.

Timeframe : Within 5 months into second year of certification (August 2002), this requirement shall be completed or revocation of the certification of the fishery will be considered.

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

Timeframe : This requirement shall be extended by 10 months (to December 2002, 34 months post certification) at which time it must be fully completed or revocation of certification will be considered.

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

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).

Appendix 2

Comments from WWF and the Conservation Council of Western Australia

The information contained in the body of the main report outlines the information and views submitted to the surveillance team from WAFIC and DOF. During the course of the audit, comments were also received from two conservation stakeholders (Conservation Council of WA and WWF) about the fishery, and about the MSC process. The main issues raised by these stakeholders are summarised in this Appendix (2) to maintain full transparency regarding the information the surveillance team received during the surveillance audits. There is no specific attempt at this time by the surveillance team to directly answer the comments provided below, nor does the inclusion of these comments in any way infer the surveillance team either supports or rejects the content of these comments.

1. The ERA workshop did not appear to be based on an appropriate approach to evaluating ecological risks in the fishery. This meant that specific effects of the fishery on icon species such as sea lions could not be adequately addressed, and this weakness in approach led to the potentially misleading conclusion that the ecological risks from the fishery are minimal. Similarly, this is the case for matters such as biomass removal and trophic interactions. Data weaknesses were not generally taken as a signal where more knowledge was needed, and a better outcome would have been to identify these areas as unknown, rather than low risk.
2. The settlement/catch model this year is out of the expected range, and this should be taken as a strong signal of fishery changes that have not been predicted within the existing management models. It is argued by the conservation stakeholders that the management system seems unable to adapt to such changes, and this may leave the fishery in a dire predicament if incremental shifts related to (say) gradual shifts in climate, begin to change the underlying relationships used in current models to manage the fishery.
3. The conservation stakeholders argue that the issue of bait use was poorly dealt with in the ERA, but is an emerging important issue for the fishery. Recent changes in the composition of the bait, country of origin, and contamination issues mean that this should be kept under major and constant review.

Of equal concern to conservation interests is the question of locally derived baits, should certain types of overseas bait be banned. Local sourcing of bait may impose unsustainable demands on local fisheries that are currently weakly managed or are open access fisheries, hence creating sustainability problems in local fish stocks.

4. The Code of Conduct for bait handling is not widely used in the fishery, and few operators are aware of its existence. Also, it is believed to be impractical to implement, and so in any case it would not be widely implemented even if it were well known. There is no independent monitoring of the level of implementation of this part of the Code of Practice, and it should be radically improved in order to achieve the intended objectives of keeping used bait away from species that may become dependent on discarded bait.

5. No information has been provided to stakeholders about the monitoring of icon species, either the progress with monitoring trials, or the data itself.

6. Broadly speaking, both conservation stakeholders felt a lack of suitable communications with the WRL over the MSC requirements and felt that it had become bogged down by trying to combine the MSC process with the national Environment Australia process, to the detriment of the MSC process. They felt the key issue is the failure of the ERA to be carried through to completion, the lack of data content and supporting material, and the lack of justification overall for the risk rankings.

7. WWF considers that there is a crucial need for an improved communications system, and that this needs to commence urgently given the extensive slippage of the ERA and the EMS. This is considered to be crucially important to back up the EMS process and ensure that there can be rapid and agreed progress from now on.

8. CCWA considers that the certifier has unilaterally extended the conditions of the original certification without consultation with the conservation stakeholders or approval of the MSC. This is considered by the CCWA as an unwarranted and unsupported shifting of the 'goalposts', and so incorrectly enabling the fishery to stay certified when it had failed to meet the requirements of the certification to complete the ERA within a specific timeframe.
