

Terms of Reference for the 2014 Quality Assurance Review Programme for the Commission for the Conservation of Southern Bluefin Tuna

1. INTRODUCTION

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) is an intergovernmental organisation responsible for the management of southern bluefin tuna throughout its distribution. Members of the Extended Commission comprise: Australia, the Fishing Entity of Taiwan, Indonesia, Japan, Republic of Korea and New Zealand.

Cooperating Non-Members (CNMs) of the Extended Commission comprise: the Philippines, South Africa and the European Union. Within the remainder of this document all references to Members includes Cooperating Non-Members.

The CCSBT's objective is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.

The purpose of CCSBT Quality Assurance Reviews (QARs) is to provide independent reviews to help Members identify how well their management systems function with respect to their CCSBT obligations and to provide recommendations on areas where improvement is needed. It is further intended that QARs:

- Benefit the reviewed Member by giving them confidence in the integrity and robustness of their own monitoring and reporting systems;
- Promote confidence among all Members as to the quality of individual Members' performance reporting; and
- Further demonstrate the credibility and international reputation of the CCSBT as a responsible Regional Fisheries Management Organisation.

The Extended Commission may consider the outcomes of QARs for fisheries management decision making.

The 2014 QAR programme has a significant development and continuous improvement dimension. Consequently, in addition to the purposes of a QAR described above, the 2014 QAR Programme is intended to:

- Develop and test a methodology for Phase 2 use in this and future QARs;
- Demonstrate the value (or otherwise) of QARs for the CCSBT; and
- Identify issues that may arise in the implementation of QARs.

2. SCOPE

The QARs will review the suitability of Members' systems and processes for ensuring compliance with the following measures:

- i) National allocations;
- ii) Catch Documentation Scheme; and
- iii) Transshipments

In particular, the reviews will determine whether Members' systems and processes meet CCSBT's minimum performance requirements for these three measures.¹

The reviews will be focused on government systems and processes, and will not involve reviews of any industry systems nor consultation with a Member's industry, except at the discretion of the Member. Consultation is to take place with nominated government officials and if applicable government-authorized third party service providers involved in the management of SBT. In assessing the suitability of systems QARs will take into account the particular circumstances and characteristics of each Member being reviewed. QARs will also take into account any issues identified by the Compliance Committee. All QARs will provide an overall review of the Members monitoring, control and surveillance (MCS) systems however some areas may need particular attention based on the Members involved, including:

- i) **Market States** – emphasis will be placed on the systems and processes in place to support requirements for the importation of SBT products;
- ii) **Farm States** – emphasis will be placed on the systems and processes required for accurate reporting of catch, monitoring the introduction of SBT into farms including the effectiveness of the 100 fish sampling methodology and the harvesting of farmed SBT product;
- iii) **Developing States** – emphasis will be placed on the systems and processes in place required to monitor, manage and accurately report artisanal and industrial catch including to address Indonesia's request for consideration of its allocation; and
- iv) **Distant Water Fishing States** – emphasis will be placed on the systems and processes in place for the accurate reporting of catch, recording/verifying of landing and/or transshipment and monitoring of direct exports of SBT.

Any compliance risks agreed by the Extended Commission shall be provided to the reviewers by the Executive Secretary.

Phase 1 QARs for Japan, Korea, Australia and New Zealand took place in 2013.

The 2014 QAR Programme will include:

- i) Taiwan (Phase 1);
- ii) Indonesia (Phase 1 and 2); and
- iii) Australia (Phase 2)

3. LANGUAGE

The review teams shall include at least one member which meets the language requirement of the Member state being reviewed.

4. REVIEW PROCESS

The review company is required to develop the methodology for the Phase 2 reviews. The methodology that the company intends to use should be detailed in its proposal to the CCSBT.

4.1 Phase 1 Reviews

1 Member can find these on the CCSBT website

The purpose of a Phase 1 QAR is to independently document and evaluate Members' systems and processes to meet relevant minimum performance requirements of CCSBT measures.

The reviewer must evaluate the Member's current MCS systems and processes, and assess the following matters:

- What systems and supporting processes are in place for ensuring compliance with national allocations of the SBT Total Allowable Catch (TAC)?
- Are the systems and processes fit for purpose?
- Do the systems meet CCSBT obligations in terms of the CCSBT's minimum performance requirements?
- Are any changes or improvements to current MCS systems underway or being planned?
- Have any corrective or preventative measures been taken in response to compliance monitoring?

It is expected that the review will involve the following general steps:

- Analysis of existing documentation, in particular the most recent National Report submitted to the CCSBT by the Member (these can be obtained from the CCSBT Secretariat on request);
- Building an initial process map of systems in place;
- Consultation with the Member (via electronic means – e-mail or telephone) to verify the general accuracy of the initial process map, clarify areas of uncertainty and seek any additional information required to complete the process map;
- Finalise the process map;
- Conduct a SWOT (strength, weakness, opportunities, threat/risk) analysis; and
- Develop recommendations and prepare a draft report.

4.2 Phase 2 Reviews

Phase 2 is an on-site inspection of the Member's MCS systems and processes documented in the Phase 1 QAR. The purpose of the Phase 2 QARs is the independent verification of the existence and effectiveness of Members' systems and processes. During Phase 2, the reviewer is expected to assess:

- Whether the documentation of systems and processes in Phase 1 is correct and whether the documentation accurately reflects the systems and processes that are actually in place?
- Whether these systems and processes are effective to ensure that Members meet their obligations?
- Whether there is any possible further improvement of each Member's compliance systems and processes, taking into account the results of the assessments listed above.

It is expected that Phase 2 will involve the following general steps:

- Development of a site visit, interview and testing plan based on the outcomes of Phase 1;
- A visit to the principal site(s) where the Member's main systems and processes are located and:
 - o Interviews of the key people involved in the operation of these systems and processes; and
 - o Verifying operation and effectiveness of systems and processes with objective evidence such as demonstrations of how the systems work/function in practice;
- Modify the process map and SWOT analysis from Phase 1 as appropriate;
- Produce a gap analysis between Phase 1 and Phase 2 QAR findings; and
- Develop recommendations for the overall review (Phase 1 & 2) and prepare a draft report.

5. REPORTS

The final outputs from the reviewing company will be individual QAR Reports for each Member undertaking the reviews and one Final Report of the 2014 QAR Programme.

5.1 Individual QAR Reports

A separate report is to be prepared for the QAR of each Member. The report will include both Phases of the review for those Members that undergo both Phases. Each report is to describe the findings of the review of that Member's systems, including the process map, analysis of the suitability of the systems and recommendations for improvements. It should also include any variations in the methodology used to conduct the specific QAR, noting that the full methodology will be provided in the Final Report of the 2014 QAR Programme.

The following process and timeline should be followed in preparing each of the QAR reports²:

- The reviewer will provide the draft report to the relevant Member by 30 May 2014;
- The Member may seek clarification from the reviewer concerning the draft report and may provide comments to the reviewer on any aspect of the draft report, particularly in relation to factual errors and omissions. The Member's comments should be provided to the reviewer within 8 weeks of receiving the draft report and no later than 31 July 2014;
- The reviewer will correct any factual errors reported by the Member. The reviewer will also consider other comments provided by the Member and make modifications to the report as the reviewer considers appropriate;
- The reviewer will provide the finalised report to the Member and to the CCSBT Executive Secretary no later than 31 August 2014. The table of contents of the finalised individual QAR Report will include provision for an attachment at the end of the report to be provided by the Member containing comments that the Member wishes to make in relation to the outcomes of the QAR; and
- The Secretariat will provide a feedback form in relation to the reviewers' performance, to Members.

5.2 Final Report on the 2014 QAR Programme

The reviewing company is to provide a final report of the overall 2014 QAR Programme, containing:

- A detailed description of the methodology used for the QARs. The methodology needs to be in sufficient detail to enable the QARs to be repeated with other Members, or with the same Members but for different CCSBT obligations;

² These timeframes are necessary in order for the finalised individual QAR Reports to be commented on and distributed in time for consideration by the Annual Meeting of the CCSBT Compliance Committee, which will be held from October 2014.

³ It should be re-iterated that the QAR is intended to be for the benefit of the Member and that discussion and feedback between the Member and reviewer during the review period is encouraged. Consequently, the Member will hopefully be aware of any significant outcomes before receiving the draft report.

- A description of issues encountered during the reviews (including benefits and limitations of the approach and methodology used in the programme); and
- Recommendations for future QARs, including any improvements of the methodology.

The final report on the overall 2014 QAR Programme is to be provided to the CCSBT Executive Secretary by 31 August 2014.

6. CONFIDENTIALITY, COPYRIGHT and INTELLECTUAL PROPERTY (IP)

In carrying out the reviews the reviewers will have access to confidential and commercially sensitive information.

With the exception of the finalised individual QAR reports and the 2014 QAR Programme Final Report, all information and material obtained or produced by the reviewing company and individual reviewer(s) during the course of conducting a QAR is confidential between the reviewer and the relevant CCSBT Member and shall not be released by the reviewing company or reviewer(s) to any other party either during or after conducting the QARs. The reviewing company and reviewer(s) will be required to make a declaration to this effect.

The finalised individual QAR reports and the 2014 QAR Programme Final Report will be subject to the CCSBT confidentiality requirements for documents submitted to a meeting of a subsidiary or advisory body of the Commission as described in Rule 104 of the CCSBT's Rules of Procedure.

The CCSBT will own exclusive copyright of each report and will have the right to reproduce each report (including any part thereof) and make each report publicly available at its sole discretion. The CCSBT will also own the IP for methods and techniques developed in the process of conducting the reviews and will be able to re-use these methods as it chooses.

7. QUALIFICATIONS OF REVIEWING COMPANY AND REVIEWERS

Reviewers will be expected to have sound knowledge of fisheries management and fisheries monitoring, control and surveillance systems. Reviewers will also have extensive experience of auditing/reviewing such systems. The reviewing company is required to clearly demonstrate in its proposal to the CCSBT that its reviewers have this knowledge and experience, that it can operate in English or Japanese, and the language of the Member being reviewed, and that the company and its reviewers are appropriately

qualified to ISO 9001/ISO 17065 standard or similar, with relevant accreditation. The reviewing company must also be independent (i.e. no conflict of interest) of the agencies being reviewed.

The reviewing company and the name and qualifications of the reviewers will be advised to the Member being reviewed prior to the review taking place.

8. MANAGEMENT OF QAR PROGRAMME

It is intended to use Global Trust Certification for the 2014 QAR Programme.

The following roles and responsibilities for the effective implementation of the 2014 QAR programme have been identified:

i) **Executive Secretary** – to manage the QAR contract;

4 For the purposes of Rule 10, the reviewed Member will be considered to be an author of the report which presents the findings and recommendations of its review.

ii) **Executive Secretary and Chair of the Compliance Committee** - – approve review methodology in consultation with the particular Member, provide technical advice to reviewers and peer review the final overall report;

iii) **QAR Coordinator** – each Member is responsible for appointing a suitably qualified official to coordinate the activities of Phase 1 and 2 QARs, this includes providing technical support and advice;

iv) **Reviewer** – must complete the Phase 1 and 2 QARs based on these Terms of Reference, the established methodology and the direction of the Executive Secretariat; and

v) **Member** – to provide advice and access to systems, processes and information to the reviewer, provide the reviewer with feedback on the draft QAR Report and provide feedback on the performance of the reviewers to the Executive Secretary.