DISCUSSION PAPER

REVIEW OF THE ENVIRONMENT PROTECTION (WATER QUALITY) POLICY 2003

DECEMBER 2008

EPA South Australia

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Comments are invited on the four principal questions set out in this discussion paper. These are whether the *Environment Protection (Water Quality) Policy 2003* (the Policy) should be amended in the following ways:

- by replacing the mandatory requirements (offences) in cl 13 for ambient, or general, water quality protection with a general duty to keep discharges as low as is reasonably practicable (which is consistent with the approach taken in other States) and the making of corresponding changes to cll 14 and 15;
- by tightening ambient water quality criteria in Schedule 2 to which the proposed general duty will apply, bringing them into line with national standards;
- by replacing the mandatory requirements in cll 17 and 19 that relate to the discharge of wastes listed in Schedule 1 Part B of the *Environment Protection Act 1993* with a general duty to keep discharges as low as is reasonably practicable, while maintaining the mandatory requirements for all of the other pollutants listed in Schedule 4 of the Policy; and
- by making changes to wastewater lagoons (cl 18) to broaden the term and treat them as a particular activity under Part 4 Div 2 of the Policy.

Additional comments on the Policy that readers might want to make are also invited.

A feedback form is available on this website consultation forum <www.epa.sa.gov.au/instructions.html>, and can be submitted electronically or in hard copy to:
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Submissions close at 5 pm on **27 February 2009.**

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TABLE OF CONTENTS

INTRODUCTION

This discussion paper canvases some possible changes to the *Environment Protection (Water Quality) Policy 2003* made under the *Environment Protection Act 1993* (EP Act). It is well accepted that South Australia is a dry state in a dry continent and that its waters are a precious resource requiring protection through legislation and public policy. Part of that protection is from pollution, and in South Australia the primary legislation to achieve this is the EP Act.

This Act, which is administered by the Environment Protection Authority (EPA), seeks to prevent environmental harm by imposing general statutory duties and penalties. It also licences and regulates specified activities that might place pressures on the environment. The EP Act tends to take a general outcomes-based approach to assessing whether the statutory duty has been complied with or an offence committed: for example, the key offence is causing environmental harm, which is not defined in a particular way but is determined by the impacts that a polluting activity has or might have had on the environment.

By comparison, detailed and specific protection of the environment is provided for in the policies that are established under the EP Act. These relate to particular aspects of environment protection, notably water, air, noise and waste. Each is designed to extend the general provisions in the Act to the particular contexts covered by the Policy. In this regard the Environment Protection (Water Quality) Policy or Water Quality EPP, which has been in operation since October 2003, was the first, extending the general provisions of the Act to South Australia's marine, surface and underground waters.

The Water Quality EPP reflects the new model of regulation envisaged by the EP Act. In particular, and in the context of protecting water quality, it:

- establishes objects (cl 8)
- extends and specifies the general duty in relation to impacts on water (cl 11)
- provides explicit prohibitions of environmental harm and in doing so provides specific contexts that expand the general term in the Act (cl 12)
- establishes general obligations in relation to water quality (cl 13), and
- creates specific offences in relation to discharges into waters (cll 16 and 17).

The Water Quality EPP also regulates both 'particular,' or specified, activities (cll 20–38) and diffuse sources of pollution notably through stormwater (cll 39–43). In doing this it calls up a range of codes of practice which have legal effect through the Policy and gives them formal recognition as another tier in the statutory enforcement and compliance scheme.

The Water Quality EPP is a component of the overall framework of regulation provided by the EP Act, its Regulations and the Policies and Codes called up under it. Any proposed change to the Policy needs to be considered in terms of how it supports this framework overall.

Over its five years of operation the Water Quality EPP has provided the structure for the regulation and management of waters. It is a flexible document that allows values to be changed without undue delay. It can create specific controls to deal with particular situations. It is also used regularly by local councils as part of their general stormwater management programs.

However, there is a case for some change. In particular, the experiences of the past five years suggest that some central clauses in the Policy need to be reviewed and this discussion paper identifies the issues associated with those clauses and sets out some options for change. In considering any possible amendments the key question is 'will they lead to greater compliance with the Policy and to a better environmental outcome overall?'. In particular,

the options for change outlined in this paper would if implemented create a set of requirements that deals with water quality in a specific way by imposing defined and measurable targets, while at the same time being flexible enough to allow for an active program of continuous improvement.

The possible changes raised in this discussion paper have been grouped into key issues, notably those relating to mandatory provisions, water quality criteria and the storage and management of wastewater. Comments are sought on the summary 'options for change' which are set out in boxes at the end of each issue that is being discussed. The steps that are required to change the Policy are set out in section 28 of the EP Act. This requires a second round of discussion based on a draft amendment to the Policy. However, this amendment will be strongly influenced by this discussion paper and the responses to it.

THE KEY ISSUES

Introduction—a mandatory approach to water quality

When compared with its interstate counterparts, the Water Quality EPP is unusual in that it uses mandatory provisions. However, this is in keeping with the model envisaged when the EP Act was first drafted, and was provided for in section 27(2)(d) and 34. Overall there is no argument to change the general position, but this discussion paper does focus on particular clauses in the Policy that do provide mandatory provisions with a view to exploring the case for change. These clauses are set out below.

Clause 13, the obligation not to contravene water quality criteria

This clause creates an offence for anyone whose discharges can be shown to have breached the water quality criteria established under the Policy. Cl 13 provides in general terms that:

A person must not, by discharging or depositing a pollutant into any waters, cause any of the water quality criteria applicable … to those waters—to be exceeded or, if already exceeded (whether through natural causes, the discharge or deposit of a pollutant or a combination of both), further exceeded [or decreased where a minimum level is specified].

Failure to comply is an offence and attracts a Category B penalty.

Importantly, it should be recognised that cl 13 of the Water Quality EPP is one of a range of tools that address polluting discharges. Discharges that cause actual or potential environmental harm or an environmental nuisance may be prosecuted under Part 9 of the Act (which can attract the substantial penalties specified in that Part). Additionally, cl 12 of the Water Quality EPP provides for penalties relating to certain environmental harm arising from pollution of waters and attracts the same Category B penalty as cl 13. By contrast, cl 13 is less focussed on environmental harm; rather it provides a tool for managing discharges, that typically place *pressures on*, rather than causing significant harm to the environment.

Clause 13 must be read in conjunction with both Schedule 1 (which provides the protected environmental values for the three general water bodies—marine, inland and underground) and Schedule 2 (which establishes the actual criteria or limits for those protected values). Arguably the criteria (ie the numbers) so listed are serving two, potentially inconsistent, purposes. One is to establish general water quality criteria for the particular environmental values applicable to each water body. The other is to provide the basis for determining whether or not an offence created by the mandatory penalty in cl 13 has occurred. The mandatory nature of the clause has led to the criteria being higher, and therefore water quality objectives being lower, than in the other Australian States which do not use mandatory requirements to protect general water quality.

It is envisaged that cl 13 should be amended to replace the mandatory requirement with a general obligation to take all reasonable and practicable measures not to exceed (or if exceeded, not to further exceed) the relevant water quality criteria. This borrows from the language of section 25 of the Act and would change compliance with the ambient requirements from a mandatory provision to a general duty enforceable by orders.

While the test for what is ‘reasonable and practicable’ may be seen as subjective, it does appear elsewhere in legislation, and is a common feature of environmental enforcement. The concept works successfully in these contexts and could just as successfully form the basis of a new approach to managing water quality criteria.

Schedule 2 Limits

As indicated, one problem with the current position is that the water quality criteria in Schedule 2 are higher than desirable and not considered adequately protective of the state's waters. Current thresholds, arguably, are up to an order of magnitude higher than that necessary to provide adequate protection and in many cases exceed the national guidelines (ANZECC 2000). The need for tightening of the Schedule 2 criteria is evident in the Adelaide coastal waters. The recently completed multi-million dollar Adelaide Coastal Waters Study (ACWS) identified nitrogen pollution as the primary cause of the loss of thousands of hectares of seagrasses along the Adelaide coastline. The ACWS indicated that nitrogen pollution loads discharged into these waters needed to be reduced by about 75% in order to protect the seagrass beds[1]. Yet the average nitrogen concentrations in these waters comfortably meet the Schedule 2 criteria, a clear indication that these criteria are not adequately protective of the ecosystems.

When compared with the South Australian position, interstate thresholds (which are set as non-mandatory targets) are far lower and are regarded as goals to be moved towards and achieved through a range of administrative options. A discussion and table of the position in other States is set out in Appendix 1. In South Australia, the natural resource management boards also take this position and are adopting Schedule 2 criteria as objectives.

In summary, the effect of cl 13 being a mandatory requirement is to keep the Schedule 2 thresholds undesirably high. Were the offence to be replaced by a general obligation, the threshold limits can be brought down to levels protective of the State's waters, an approach equivalent to those in other states, and the EPA would then apply a range of mechanisms (licence conditions, environmental improvement programs, etc) to move discharges towards those levels.

Replacing the cl 13 mandatory provision with a general duty should not weaken the enforcement capacity of the Policy: mandatory penalties are only one in a range of ways of securing compliance and prosecution is not an end in itself. The relevant question should be 'which mix of options achieves the best outcome for the environment?'. An order to comply with what is reasonable and practicable best practice can secure specified change while failure to comply with an order is an offence is in its own right.

Further, the proposed change to cl 13 will not occur in isolation: in line with national standards and practice, the Schedule 2 thresholds will also be brought down in the way envisaged in this discussion paper. Furthermore, mandatory penalties will continue to exist in both the EP Act and the Policy, with cases of actual or potential harm or nuisance being prosecuted under Part 9 of the Act or cl 12 of the Policy. Furthermore, if the effect of a discharge is to place a licensee in breach of a condition of their licence this may also lead to prosecution under the Act.

It is also felt that the substitution of a specific obligation (a mandatory requirement) with a general obligation to do whatever is reasonable and practicable should not raise undue uncertainty in terms of compliance. The general duty in section 25, a key provision of the Act, has long operated this way without difficulty and the proposed change to cl 13 adopts this approach.

[1] The Adelaide Coastal Waters Study Final Report, Vol. 1, <www.epa.sa.gov.au/pdfs/acws_report.pdf>.

Arguments for greater certainty can where necessary be addressed through EPA guidance documents for compliance with the general duty. These can establish what, in the view of the community and regulators, amounts to best practice and since the enforcing of the duty will almost always be by administrative action undertaken by the EPA or an administering agency (through an Environment Protection Order or EPO), guidelines will provide the de facto standard of what 'reasonable and practicable' means. The standard for what is reasonable and practicable can also be expressed and reflected in licence conditions. It should also be noted that environment protection policies can call up codes of practice. The Water Quality EPP has called up a number of codes that relate to particular activities (Part 4, Division 2) and also in relation to diffuse sources of pollution (Part 5). These documents have become part of the Policy and also offer detailed guidance for compliance with water quality issues. They can be enforced through an EPO to 'give effect' to the policy.

Arguments for making the change to a general duty

- The new obligation is still 'serious' in the sense that, like section 25, it can be enforced by an EPO and failure to comply with the order is an offence in its own right.
- Discharges that cause environmental harm or nuisance will continue to be pursued as offences under Part 9 of the Act (subject to the defence in section 84(1)).
- The general duty allows EPA officers to work with industry to achieve substantial improvements, realistically over a period of time.
- The proposed change reflects the way that water quality criteria are protected in other states.
- A general duty will allow for the reduction of the limits in Schedule 2 and therefore the tightening up of water quality objectives in the way discussed earlier.
- Ultimately, the difference between a provision that is enforceable by way of an EPO (with potentially an offence for non-compliance) and one that is enforceable by prosecution is not great. Warnings typically are issued before prosecution and if those warnings are substituted for an EPO, the enforcement paths are much the same.
- The option does not weaken the Policy. The relevant question should be 'which approach secures the better environmental outcome?'. In particular, the combination of:
  - a general duty,
  - the lowering of the Schedule 2 thresholds, and
  - a program of active continuous improvement

  will lead to a better outcome for the environment, especially when used in conjunction with the other mandatory provisions (notably cll 12 and 16).
- The option will also avoid pressures on the exemption process in the many cases where cl 13 as it currently stands cannot be complied with and an exemption from the obligation is the only feasible option. It is undesirable to operate a Policy that relies extensively on exemptions, when compliance can be obtained through a general duty tied to a program of continuous improvement and which ultimately can deliver better environmental outcomes than the existing provision. It should also be noted that the exempting process for cl 13 is limited by the requirements of cll 14 and 15, which are in themselves problematic (this is discussed on the following page).

Question 1: Cl 13

Should the mandatory requirement, currently in cl 13, be replaced with a general duty? If so, should this duty be enforced in the way set out in this discussion paper?

Should the water quality criteria (Schedule 2) be tightened up?

The possible change to cl 13 discussed above envisages that once the mandatory provision is replaced with a general duty of care, the criteria (the numbers) set out in Schedule 2 will be tightened and brought into line with national standards (as discussed earlier in this paper). This will then be accompanied by a program of continuous improvement using the various mechanisms in the Act (licence conditions, environmental improvement programs, etc) to achieve this.

> *Question 2: Schedule 2*
>
> Should the proposed change to cl 13, be accompanied by a plan for tightening the Water Quality Criteria in Schedule 2 together with the understanding that a program designed to secure continuous improvement in discharges will be implemented by the EPA?

Clauses 14 and 15 exemptions

It is open to the EPA to exempt persons from the requirements of cl 13. But the Act specifies that an EPP may establish mandatory conditions under which the exemption is granted. Clauses 14 and 15 of the Policy attach special conditions for anyone exempted from cl 13 (ie a person exempted from cl 13 must comply with cl 14—in the case of surface waters—or cl 15—in the case of underground waters). Thus cl 14 (surface water mixing zones) imposes a number of requirements on a person exempted from cl 13 including the size of the mixing zone, which is as follows:

> in the case of marine waters (other than estuarine waters), the zone must—
>
> (i) have a radius not exceeding 100 metres; and
>
> (ii) not be within 200 metres of the mean low water mark of the coast at spring tides;
>
> in the case of other surface waters, the zone must have a radius not exceeding 20 metres;

In practice, these specifications have caused difficulties insofar as they are too restrictive and often cannot be complied with where an exemption might be the best course of action. More particularly, they impose an inflexible 'one size fits all' approach. Arguably, it is better to allow the EPA, having regard to and seeking to further the objects of the Act, to decide the extent of the mixing zone (or in the case of underground waters, the attenuation zone) in each particular case.

> *Question 3: Cll 14 & 15*
>
> If cl 13 is changed from a mandatory requirement to a general duty there will be no need for exemptions and thus no need for cl 14 and 15 which are exemptions from mandatory conditions. They can be repealed.
>
> However, if cl 13 remains as a mandatory requirement, should the specified dimensions of the mixing and attenuation zones be changed, making them less specific and better able to be tailored to the specific circumstances of each case?

Clauses 17 and 19, discharging pollutants into waters

These clauses impose mandatory offences for persons who deposit pollutants (as listed in Schedule 4) into waters or where they can enter waters.

> (1) A person must not discharge or deposit a pollutant listed in Part 1 of Schedule 4—
>
> (a) into any waters; or

(b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

Clause 19 is a similar provision, though more specific, relating to discharges into bores, mineshafts, sinkholes, etc. While the discussion here relates to cl 17, the comments apply equally to cl 19.

Clause 17 as a mandatory requirement generally

Clause 17 is used widely by local councils who have responsibilities for the administration of the Policy within their areas in relation to the activities of non-licensees and they appear to regard the clause as very useful. For example building work often presents the risk of waste material (sand, gravel or clay) getting into the stormwater system. Local councils say that the clause is enforced regularly and that expiation notices are issued in response to breaches of it. In their experience the Policy is effective and they appear to have no significant problems with it. There was a view however that the list of pollutants in Schedule 4 should be kept under review.

There is no obvious case for removing the mandatory requirement from cl 17 and converting it to a general duty. It may be that other jurisdictions do set guidelines, rather than strict criteria, but there has been no compelling argument advanced for why the position as it currently operates in SA should be changed. Faced with a consistent view that the provisions work well, there appears to be no case for change.

However, it is recognised that Schedule 4 (as well as the other Schedules in the Water Quality EPP) were seen in 2003 as a 'default position' and it was expected that there would be continual monitoring of the Policy with a view to updating and modifying the listings. The cl 6 process allows these changes to be made more quickly than changes to other provisions in the Policy.

Any difficulty with the current listings in Schedule 4 can be dealt with by making changes through the cl 6 'fast track' process.

Clause 17 and 19 insofar as they relate to listed wastes

While there is no general case to change the mandatory nature of cll 17 or 19 its application to listed wastes should be considered.

In particular, one of the pollutants in Schedule 4 is 'Wastes listed in Part B of Schedule 1 of the Act' ie listed wastes. It is the case that difficulties have occurred in relation to the discharges of listed wastes especially by licensees where even best environmental management practice on their part may require discharge of listed wastes to waters or onto land, which may in turn lead to their committing an offence under cll 17 or 19 even where there are no environmental impacts associated with the activity.

The change from a mandatory requirement to a general environmental duty in such cases where there are no actual or potential adverse environmental impacts will allow the EPA to manage these activities in accordance with best environmental management practice. The alternative is to require exemptions for a range of operations which are discharging very small amounts of listed wastes into waters with no adverse environmental impact. In particular, potentially over 1,000 exemptions (including virtually all agricultural, industrial and community wastewater storage and treatment lagoons, artificial wetlands, waste depots and tailings dams) would be needed which is quite impractical and an undesirable way of regulating water quality.

It is felt that the better approach is to create a new provision in relation to listed wastes only, which imposes a general duty enforceable by an EPO, based on the requirement to do whatever is reasonable and practicable to minimise discharges of these wastes into waters, or land where they may enter waters. But it should be noted that this approach to enforcement via the general duty will only apply in cases where there are no adverse environmental impacts associated with a discharge. If there were to be such impacts (which includes actual or potential harm), they would be addressed through the mandatory provisions of the Water Quality EPP and the EP Act.

Question 4: CII 17 and 19

Should there be a new approach to the discharge of the wastes listed in Part B, Schedule 1 of the Act (listed wastes) based on a duty of care and the requirement for improved management of these wastes?

Should the mandatory requirements (the offence) for the discharge of other pollutants listed in Schedule 4 remain?

Clause 18 wastewater storage lagoons

Clause 18 relates specifically to wastewater storage lagoons, providing a series of directions from their planning through to their operation. Specifically:

- Cl 18(1) provides directions to the EPA when deciding an environmental authorisation for an activity that involves the construction of a lagoon, or in relation to comments made in response to a Development Act application (construction should be avoided in certain locations). It is not a mandatory provision.
- Cl 18 (3) relates to the construction of wastewater storage lagoons and imposes mandatory requirements.
- Cl 18 (2), (4) and (5) impose mandatory requirements in terms of: storing specified (schedule 5) pollutants in specified areas; the ongoing maintenance of the lagoon; and the limits to which it can be filled.

Clause 18(1)

The formal and specific directive provided to the EPA on assessing planning and licence applications appears inconsistent with the approach adopted for assessing other similar activities, where each is assessed based on risk rather than a set of prescriptive criteria. Furthermore, the subclause applies only in the case of lagoons that are *developments* within the meaning of the *Development Act 1993* or which require an authorisation under the EP Act. Some large agricultural lagoons need neither an authorisation nor a development application, yet may present a far higher risk than smaller lagoons included in a development or associated with a licensed activity. In this sense cl 18(1) has a patchy operation that does not necessarily deal with the issues of greatest environmental significance.

Clause 18(2), (3), (4) & (5)

These mandatory provisions relating to construction and storage are not consistent with best practice, including that specified for the dairy industry, making it potentially inconsistent with other provisions of the Policy. It also imposes a ‘one size fits all’ approach requiring unnecessarily high construction standards in the case of lagoons that may not present significant risks to the environment.

Overall, the treatment of wastewater lagoons is not consistent with the approach that the Policy takes to the other particular activities as set out in Part 4, Division 2 (cll 20–38). As it stands, cl 18 has the following issues:

- It is too limited in its cover, applying only to wastewater lagoons. It should be extended to cover a wider series of water bodies—namely sedimentation basins, managed wetlands and tailings dams. Furthermore, for the reasons discussed, cl 18(1) does not cover the construction of all lagoons.
- The mandatory provisions impose an arbitrary set of requirements that go so far as to create internal inconsistencies within the Policy itself and which are better dealt with by a Code of Practice, that can be enforced through an EPO as necessary.
- The construction and operation of these lagoons can be characterised as a 'particular activity' that should more logically be dealt with in Part 4, Division 2.

Question 5: Cl 18

Should cl 18, the provisions relating to 'wastewater storage lagoons':

(a) be treated as a particular activity and be transferred into Part 4 Division 2 of the Policy;

(b) be expanded to include sedimentation basins, managed wetlands and tailings dams; and

(c) be managed by a Code of Practice enforceable by an EPO and not by mandatory provisions.

APPENDIX 1 WATER QUALITY OBJECTS AND CRITERIA—A NATIONAL COMPARISON

Discussion

South Australia's current method for protecting environmental values is to create an offence for individuals or corporations whose discharges exceed the prescribed criteria for the pollutants listed in Schedule 2. In particular, cl 13 imposes a mandatory provision (Category B offence). This approach is quite unusual in Australia certainly as far as the protection of general environmental values is concerned. Indeed of all the states, only South Australia uses offences to implement its general water quality objects. The general position in other states is that while the protected values for water bodies are set and criteria (or values for individual pollutants) are applied to them, their significance is to inform decision making and planning. In other words, water quality criteria in other states have the effect of influencing decisions or providing goals for planning. They do not provide offences for individuals who might be in breach of them.

Table 1 Interstate comparisons

South Australia	*Environment Protection (Water Quality) Policy 2003* Cl 8 allows for the designation of protected environmental values for waters (Table 1, Schedule 1). Cl 9 allows for the creation of water quality criteria for waters that have a protected environmental value (Schedule 2)—this can be done generally or for particular bodies of water (ie specified areas). Cl 13 creates an *offence* for exceeding the applicable water quality criteria (or if already exceeded further exceeding)—Category B
New South Wales	*Protection of the Environment Operations Act 1997* The POEO Act Dictionary defines the environmental values of water as 'the environmental values of water specified in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*. Sections 45(f1) & 96(3A)—regulatory authorities that are 'exercising licensing functions or issuing prevention notices in relation to an activity (or work in relation to licensing) that causes, is likely to cause or has caused water pollution must consider (in addition to any other relevant matters): the environmental values of water affected by the activity (or work); and the practical measures that could be taken to restore or maintain those environmental values'. The regulatory authority 'must balance consideration of these environmental values with consideration of the practical measures that can be taken at a site to maintain or restore environmental values. This means considering, on a case-by-case basis, what level of environmental performance is reasonable and viable for the type of activity being regulated, while ensuring that the community's values and uses for waterways are considered'. (Considering Environmental Values of Water when Issuing Prevention Notices, EPA Guidelines issued under the Protection of the Environment Operations Act 1997)

Victoria	*State Environment Protection Policy (Waters of Victoria) 2003* Cl 10 refers to the beneficial uses for waters. Cl 11 and Schedule A—environmental quality indicators and objectives necessary to protect beneficial uses are established. Unless otherwise specified, the values derived from the Australia and New Zealand Guidelines for Fresh and Marine Water Quality are the objectives. Cl 12 of the policy envisages an attainment program to meet the water quality objectives (a series of practices and actions necessary to help protect beneficial uses, the development of best practice and taking into account practicability). Cl 13 of the policy is implemented through the Victorian EPA and, on a day-to-day basis is the 'shared responsibility of protection agencies, businesses and communities'. The implementation of the Policy is mainly through 'regional catchment strategies and … coastal action plans'
Queensland	*Environment Protection (Water) Policy 1997* Cl 7 establishes environmental values to be enhanced or protected (as in Schedule 1 which lists by way of individual river systems and refers to documents establishing environmental values and water quality objectives for the system). Cl 9 defines water quality guidelines (numerical concentration levels) that protect stated environmental values. Cl 11 establishes water quality objectives by reference to the documents referred to in Schedule 1 for water bodies so listed or where not listed, a set of water quality guidelines generally. Part 5 Management of Activities, cl 33 and local governmentt environment plans (cl 40 and 43)—water quality objectives must be considered in each of the range of activities that require an environmental management decision by an administering authority.
Western Australia	Specific policies, eg *Environmental Protection (Swan and Canning Rivers) Approval Order 1998* [see also Environmental Protection (*Peel Inlet-Harvey Estuary*) *Policy* 1992] Cl 6 establishes beneficial uses for the particular water body. Cl 8—the general environmental quality objective is to restore and maintain the beneficial uses and the environmental quality objectives are as prescribed. Cl 9—beneficial uses are protected by planning and decision making which is consistent with these objectives. Cl 10—a management plan to achieve and maintain the objectives—to recommend measures and develop a program to achieve the pollutant levels within the objectives.

Tasmania	*State Policy on Water Quality Management 1997* Cl 7 defines protected environmental values. Water quality objectives for waters are established by determining which of those values should apply to each of those waters. Cl 11—the water quality guidelines (see also cl 8) provide the indicators (the numbers) that achieve the relevant environmental values for the waters. These give meaning to the water quality objectives. Cl 12–14 provides general obligations to achieve the objectives (decision makers *must examine* ways of meeting the objects, allocation decision *must take account* of the objectives).