

Deciding on a course of action checklist

This checklist helps councils decide which regulatory tool to apply.

Checklist item	Yes	No	N/A
Is the council the ARA and is the investigating officer an authorised officer under the relevant legislation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is it a complex air pollution problem (e.g. one with more than one type of pollutant being emitted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can the problem be easily remedied (e.g. by extinguishing a fire)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is work required to reduce or avoid air pollution (e.g. the installation of new equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do measurements of air pollutant/odour emissions need to be taken or can the authorised officer assess the air pollution without testing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does council have, or can it obtain, the expertise and equipment to take air emission measurements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is it possible to set an achievable emissions limit that should be met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is it more appropriate to require best management practices to be adopted to minimise air pollution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the ARA have enough evidence to issue a notice, and to defend any appeal against a notice in court?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If a penalty notice is to be issued by an officer, is the officer authorised to issue the penalty notice under the relevant legislation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is a penalty notice appropriate in the circumstances? Will a fine act as a deterrent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will council be able to determine compliance with any notice served? A notice may include directions that the ARA be notified of actions taken under the notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Notes: ARA = appropriate regulatory authority; N/A = not applicable.