

14 December 2012

Dear Member Club,

**Re: Environmental Protection Authority Notices**

As you may be aware, the Environmental Protection Authority (EPA) has been investigating the possession and possible use of unregistered chemicals by users throughout NSW.

To date, 130 Notices have been issued, primarily to Golf Clubs, turf growers, chemical suppliers and a number of Councils, seeking explanation of the use and/or possession of unregistered products. It is our very strong view, especially after consultations with the EPA, that clubs should:

- Co-operate fully with the EPA in correcting the infringing conduct as quickly as possible
- Adopt clear policies directing course maintenance staff to use only registered products in accordance with label instructions, or otherwise obtain permits and use specific chemicals.

Further, if your Club is served with a Penalty Infringement Notice from the EPA, Golf NSW can provide general advice as follows:

1. Appeal against Penalty Infringement Notice(s) should only be considered in the knowledge that the court has the power to impose higher penalties as a result of the appeal failing.; and
2. If a Penalty Infringement Notice is issued and the penalty paid, Section 77 of the Pesticides Act (1999) provides that no person is liable to any further action for the alleged offence. In addition, payment of the penalty cannot be used as an admission in respect of any civil claim arising from the same incident.

Please note that this advice is only a general guideline, and may, of course, be superseded by independent legal advice sought by Club's based on their individual circumstances.

If you have any questions in regard to this matter, please don't hesitate to contact me at the Golf NSW office on (02) 9505 9105.

Yours sincerely,



Stuart Fraser  
Chief Executive Officer