

# Apple-of-Sodom - Statutory Weed Management Plan

## ***Solanum linnaeanum* Hepper & P.-M.L.Jaeger**

### **Interpretation:**

In this Weed Management Plan (approved 30 August 2003)  
(amendments approved 21 June 2011):

- "Act" means the *Weed Management Act 1999*.
- "Approved quarantine place" means a place approved by the Secretary under section 70 of the *Plant Quarantine Act 1997* for the purpose of examining any prescribed matter imported into or to be exported out of the State.
- "Court fine" means a prescribed penalty for breaches against the *Act*. Court fines may be imposed if a person is convicted of any offence against the *Act*.
- "DPIPWE" means the Department of Primary Industries, Parks, Water and Environment, Tasmania.
- "Infringement fine" means a prescribed penalty for breaches against the *Act*. Infringement fines are imposed by way of an infringement notice that may be issued by a Weed Inspector.
- "Inspector" means a Weed Inspector appointed under section 34 of the *Act*.
- "Penalty unit" means the basic unit of the fine for which persons who fail to comply with any prohibition or requirement under the *Act* may be liable. See [values of penalty units](#) under the *Penalty Units and Other Penalties Act 1987* for more details.
- "Quarantine Tasmania" means that branch of the Department of Primary Industries, Parks, Water and Environment that, in cooperation with the Australian Quarantine Inspection Service, maintains both overseas and interstate quarantine barriers for this State.
- "[Regional Weed Management Officer](#)" means a person employed in the Department of Primary Industries, Parks, Water and Environment under that specific title.
- "Regulations" means the *Weed Management Regulations 2007*.
- "Secretary" means the Secretary of the Department of Primary Industries, Parks, Water and Environment.
- "Zone A" includes those Tasmanian municipalities for which eradication of a declared weed is the principal management objective. These municipalities are either free of the declared weed, host only small, isolated infestations, or host larger infestations which are deemed eradicable because a strategic management plan exists and the resources required to implement it have been or are likely to be secured. See [Management of apple-of-Sodom by municipality](#) (Section 12) for details.
- "Zone B" includes those Tasmanian municipalities for which

containment of the declared weed is the principal management objective. Such municipalities host large, widespread infestations of the declared weed that are not deemed eradicable because the feasibility of effective management is low at this time. These municipalities lack a strategic management plan for the weed and/or resources to undertake control actions at a level required for eradication have not been secured. See [Management of apple-of-Sodom by municipality](#) (Section 12) for details.

- "Apple of Sodom" means *Solanum linnaeanum* Hepper & P.-M. L. Jaeger and includes whole plants and plant parts, live or dead.

### **1. Purpose of this management plan:**

The purpose of this Weed Management Plan for apple-of-Sodom is to:

- Provide direction upon the implementation of the *Act* with respect to apple of Sodom.
- Specify measures to prevent the establishment and spread of apple-of-Sodom in Tasmania.

### **2. Area covered by this management plan:**

The State of Tasmania is covered by this management plan

### **3. Description and distribution of the weed:**

Apple-of-Sodom is a perennial herb that can infest natural areas, crops and pastures, particularly in coastal areas. It is a significant problem in a number of Australian mainland locations.

There are no known naturalised apple-of-Sodom populations in Tasmania. It is a recognised possible contaminant of imported agricultural products and is occasionally found in gardens in south-east and eastern coastal areas of the State.

See the DPIPWE [Apple-of-Sodom Information Page](#) for more information on this weed.

### **4. Importation of declared weed:**

#### **(1) A person must not import or allow to be imported into Tasmania any apple of Sodom.**

*It is an offence against section 57(1) of the Act to fail to comply with this prohibition. A person found committing that offence may incur an infringement fine of 4 penalty units. A person convicted in court of that offence may be liable to a fine not exceeding 50 penalty units.*

*The Secretary may exempt a person from this prohibition under section 60 of the Act.*

To avoid committing this offence, actions including but not limited to the following should be undertaken:

- Persons travelling to Tasmania, in particular from areas infested with apple of Sodom, should conduct thorough searches for the presence of the plant and apply appropriate hygiene measures, such as vehicle, baggage, footwear and clothing cleaning. In particular, any soil or plant material picked up from infested areas should be removed prior to entering Tasmania. Questions or concerns about hygiene issues should be directed to Quarantine Tasmania personnel before or directly upon disembarkation in Tasmania.
- Persons importing items to Tasmania that may contain apple-of-Sodom should have these checked for the presence of the plant. This can be arranged through Quarantine Tasmania.

**(2) Feed grain may be imported according to specifications in the Plant Quarantine Manual (Tasmania), Import Requirement 30 – Declared Weeds, Pests and Diseases in Feed Grain. This document establishes requirements for importing feed grain in order to minimise the risk of declared weed seed entry and establishment. Import Requirement 30 should be consulted by all existing and prospective feed grain importers.**

**(3) A person must not import any livestock that may be carrying apple-of-Sodom otherwise than in accordance with any measures prescribed under the Regulations.**

*It is an offence against section 57(3) of the Act to fail to comply with this prohibition. A person found committing this offence may incur an infringement fine of 4 penalty units. A person convicted of that offence in court may be liable to a fine not exceeding 50 penalty units.*

*The Secretary may exempt a person from this prohibition under section 60 of the Act.*

The prescribed measures for importing stock under regulation 5 of the Regulations are as follows:

- a) the length of hairs in the coat is not to exceed 25 mm;
- b) seeds are not to adhere to the coat or anywhere else on the livestock;
- c) a permit for importation is obtained from the Secretary, DPIPW;E;
- d) importation is direct to an approved facility for slaughter.

To avoid committing this offence, actions including but not limited to the following should be undertaken:

- Persons importing livestock to Tasmania should liaise with suppliers on the subject of possible apple-of-Sodom contamination of stock.
- Persons importing livestock to Tasmania should ensure their animals are confined to holding pens prior to release to paddocks, until thorough coat inspection and complete bowel evacuation has occurred. Pens should be checked subsequently for the emergence of apple of Sodom.
- Anyone importing stock to Tasmania should make him/herself familiar with regulation 5 of the Regulations as that applies to declared weeds.

**Note: The importation of this species into Tasmania is also restricted under the Plant Quarantine Act 1997. Quarantine Tasmania should be contacted for information on the relevance and application of the Plant Quarantine Act 1997 to activities concerning plant species.**

## **5. Procedures for notification of the occurrence of the weed:**

Inspectors shall notify a [Regional Weed Management Officer](#) of any apple-of-Sodom occurrences. The Regional Weed Management Officer will then check the identity of the plant and if apple-of-Sodom is confirmed the Principal Weed Management Officer will initiate a weed incursion response.

## **6. Sale, purchase, propagation, use, &c., of declared weed:**

### **(1) A person must not:**

**(a) sell apple-of-Sodom or any material or thing containing or carrying apple-of-Sodom; or**

**(b) purchase or offer to purchase apple-of-Sodom or any material or thing containing or carrying apple-of-Sodom; or**

**(c) grow, propagate or scatter apple-of-Sodom; or**

**(d) store apple-of-Sodom or any material or thing containing or carrying apple-of-Sodom; or**

**(e) hire or offer for hire any material or thing containing or**

**carrying apple-of-Sodom; or**

**(f) use apple-of-Sodom or any material or thing containing or carrying apple-of-Sodom; or**

**(g) deal with apple-of-Sodom or any material or thing containing or carrying apple-of-Sodom in any manner that is likely to result in the spread of the declared weed.**

*It is an offence against section 56(1) of the Act to fail to comply with this prohibition. A person found committing that offence may incur an infringement fine of 4 penalty units. A person convicted of that offence in court may be liable to a fine not exceeding 50 penalty units.*

*The Secretary may exempt a person from this prohibition under section 60 of the Act.*

To avoid committing this offence, actions including but not limited to the following should be undertaken:

- Persons giving away, bartering or selling, purchasing, growing, propagating or scattering, storing, hiring, using, or otherwise dealing with agricultural produce or agricultural, earthmoving or roadworking machinery should ensure that these items do not harbour live apple-of-Sodom contaminants by conducting appropriate inspection and cleaning procedures. Any plant identification queries may be referred to a [Regional Weed Management Officer](#).

**(2) Section 56(1) of the Act does not apply in respect of feed grain for animals that is:**

**(a) carrying a declared weed; and**

**(b) imported into Tasmania in accordance with any measures prescribed for the purpose of section 57(2) of the Act and as detailed in part 4(2) of this Management Plan.**

**(3) It is a defence in proceedings for an offence under section 56(1) of the Act if the defendant establishes that he or she took all reasonable actions to prevent the commission of the offence.**

## **7. Measures to reduce the number of apple-of-Sodom plants, eradicate apple-of-Sodom from an area or restrict apple-of-Sodom to a particular area:**

**An Inspector may, by serving a notice on the owner of any place, require that owner to implement any of the measures described in this part of the Weed Management Plan or any other measures consistent with it.**

*It is an offence against section 13(3) of the Act to fail to comply with a requirement notice issued by an Inspector. A person found committing that offence may be liable to an infringement fine of 8 penalty units. A person convicted of that offence in court may be liable to a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.*

To avoid committing this offence, actions including but not limited to the following should be undertaken:

- Persons discovering any plant resembling apple-of-Sodom should contact a [Regional Weed Management Officer](#) without delay.
- Persons responsible for managing a site that has had imported agricultural produce (e.g. imported seed) spread over it should check that site for the emergence of apple of Sodom.
- Persons responsible for managing a site to which imported livestock have been released should check that site for the emergence of apple of Sodom.
- Persons responsible for managing a site upon which imported earthmoving, agricultural or roadworking machinery has been used should inspect that site for the emergence of apple of Sodom.
- Persons wishing to dispose of apple-of-Sodom or anything contaminated with apple-of-Sodom should notify a Weed Inspector or a [Regional Weed Management Officer](#) first, in order to receive direction and advice upon how best to do this.

## **8. Storage in a specified area of anything contaminated with the declared weed:**

**Anything found to be contaminated with apple-of-Sodom may be removed to storage at an appropriate approved quarantine place. A [Regional Weed Management Officer](#) will determine whether removal to storage at any of these facilities or treatment/destruction of material *in situ* is most appropriate.**

*Failure to comply with this requirement is an offence against section*

*51(1) of the Act. A person found committing that offence may incur an infringement fine of 4 penalty units. A person convicted of that offence in court may be liable to a fine not exceeding 50 penalty units.*

*The Secretary may exempt a person from this requirement under section 60 of the Act.*

To avoid committing this offence, actions including but not limited to the following should be undertaken:

- A person who discovers or suspects he/she possesses anything contaminated with apple-of-Sodom should contact an Inspector or a [Regional Weed Management Officer](#) without delay. The contaminated thing should not be moved, treated or disposed of prior to making this contact. If apple-of-Sodom is confirmed, the person will be directed and advised in the proper management, including disposal, of the contaminated thing.

## **9. Any other measures the Minister considers appropriate to control the weed:**

There are no other measures appropriate for the management of apple-of-Sodom in Tasmania at this time.

## **10. Exemptions:**

Persons wishing to gain exemption from any of provisions of the *Act* that relate to apple-of-Sodom should contact a [Regional Weed Management Officer](#) to discuss the reasons for seeking the exemption and obtain an exemption application form.

Persons granted an exemption should ensure they understand fully, any conditions specified in the exemption. Queries can be directed to a [Regional Weed Management Officer](#).

## **11. Review of this Weed Management Plan:**

A review of this Weed Management Plan may be undertaken at least once every five years if it is necessary and desirable to do so. The review will incorporate consultation with stakeholders deemed appropriate by the Secretary, DPIPWE.

## **12. Management of apple-of-Sodom by municipality:**

Each Tasmanian municipality is classified into one of two management zones (Zones A or B) for the purposes of implementing this Weed Management Plan for apple-of-Sodom.

**Zone A Municipalities - eradication:** Eradication is the most appropriate management objective for Zone A municipalities which have little or no apple-of-Sodom, or when a credible plan for eradicating existing infestations is being developed and implemented. The ultimate management outcome for Zone A municipalities is achieving and maintaining the total absence of apple-of-Sodom from within municipal boundaries.

**Zone B municipalities - containment:** Containment is the most appropriate management objective for Zone B municipalities which have problematic infestations but no plan and/or resources to undertake control actions at a level required for eradication. The management outcome for Zone B municipalities is ongoing prevention of the spread of apple-of-Sodom from existing infestations to areas free or in the process of becoming free of apple-of-Sodom.

The decision regarding which category is most appropriate for a particular municipality at a particular time is made jointly by DPIPWE and each municipality. Municipalities may change categories over time. For example, a Zone B municipality may decide to develop and implement a strategic plan for apple-of-Sodom, with eradication as the objective. Provided the plan is credible, this municipality would qualify for inclusion in Zone A. Conversely, a Zone A municipality with widespread infestations may decide to stop supporting a strategic plan for apple-of-Sodom eradication, in which case it would be re-classed as Zone B.

There are no known naturalised apple-of-Sodom populations in Tasmania. Therefore all municipalities are currently classed as Zone A (eradication) for apple-of-Sodom.