

Cut Leaf Nightshade - Statutory Weed Management Plan

Solanum triflorum Nutt.

Interpretation:

In this Weed Management Plan (approved 25 November 2006)
(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 cut leaf nightshade 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 cut leaf nightshade by municipality](#) (Section 12) for details.
- “Cut leaf nightshade” means *Solanum triflorum* Nutt. (syn. *S. calophyllum* Phil., *Solanum triflorum* var. *calophyllum* (Phil.) Bitter). and includes whole plants and plant parts. It does not include products such as tablets, lotions, tinctures or other preparations that contain extracts of these plants or other dead *Solanum triflorum* materials. People who are uncertain about whether certain products (e.g. dried materials) contain plant parts capable of regenerating should contact a [Regional Weed Management Officer](#).

1. Purpose of this management plan:

The purpose of this Weed Management Plan for cut leaf nightshade is to:

- Provide direction upon the implementation of the *Act* with respect to cut leaf nightshade.
- Specify measures to prevent the establishment and spread of cut leaf nightshade 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:

Cut leaf nightshade is a sprawling herb of the potato family that originates from the Americas.

This plant can infest crops and is toxic to stock. It is regulated in Victoria and New South Wales. It has potential to grow in a number of areas in Tasmania and could have many undesirable impacts on a range of agricultural activities.

Cut leaf nightshade occurs in the Seven Mile Beach area in Tasmania’s south. It prefers sunny positions with well drained soils. It is found growing on dunes, recreational areas, along roadsides and in stock yards. Cut-leaf nightshade has the potential to be a serious agricultural weed in Tasmania. Refer to [Management of cut leaf nightshade by municipality](#) (Section 12) for information on the distribution of cut leaf

nightshade in Tasmania by municipality.

See the DPIPWE [Cut Leaf Nightshade 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 cut leaf nightshade.

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.

Actions to assist compliance in this matter could include but are not limited to the following:

- Persons travelling to Tasmania, in particular from areas infested with cut leaf nightshade, 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 cut leaf nightshade should have these checked for the presence of the plant. This can be arranged through Quarantine Tasmania.

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 cut leaf nightshade occurrences in municipalities or parts of municipalities where the weed is not yet recorded. Refer to [Management of cut leaf nightshade by municipality](#) (Section 12) for distribution of cut leaf nightshade in Tasmania by municipality.

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

(1) A person must not:

(a) sell cut leaf nightshade or any material or thing containing or carrying cut leaf nightshade; or

(b) purchase or offer to purchase cut leaf nightshade or any material or thing containing or carrying cut leaf nightshade; or

(c) grow, propagate or scatter cut leaf nightshade; or

(d) store cut leaf nightshade or any material or thing containing or carrying cut leaf nightshade; or

(e) hire or offer for hire any material or thing containing or carrying cut leaf nightshade; or

(f) use cut leaf nightshade or any material or thing containing or carrying cut leaf nightshade; or

(g) deal with cut leaf nightshade or any material or thing containing or carrying cut leaf nightshade 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.

Actions to assist compliance in this matter could include but are not limited to the following:

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

(2) 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 cut leaf nightshade plants, eradicate cut leaf nightshade from an area or restrict cut leaf nightshade 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.

Actions to assist compliance in this matter could include but are not limited to the following:

- Persons discovering any plant resembling cut leaf nightshade 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 cut leaf nightshade.
- Persons responsible for managing a site upon which imported agricultural, earthmoving or roadworking machinery has been used should check that site for the emergence of cut leaf nightshade.
- Persons wishing to dispose of cut leaf nightshade or any thing contaminated with cut leaf nightshade should notify a Weed Inspector or a [Regional Weed Management Officer](#) first, in order to receive direction upon how best to do this.

8. Storage in a specified area of any thing contaminated with the declared weed:

Any thing found to be contaminated with cut leaf nightshade 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.

Actions to assist compliance in this matter could include but are not limited to the following:

- A person who discovers or suspects he/she possesses any thing contaminated with cut leaf nightshade should contact an Inspector or a [Regional Weed Management Officer](#) without delay. The contaminated thing should not be moved, treated, disturbed or disposed of prior to making this contact. If cut leaf nightshade 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 cut leaf nightshade in Tasmania at this time.

10. Exemptions:

Persons wishing to gain exemption from any of provisions of the *Act* that relate to cut leaf nightshade 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 cut leaf nightshade 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 cut leaf nightshade.

Zone A Municipalities - eradication: Eradication is the most appropriate management objective for Zone A municipalities which have little or no cut leaf nightshade, 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 cut leaf nightshade 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 cut leaf nightshade from existing infestations to areas free or in the process of becoming free of cut leaf nightshade.

The decision regarding which category is most appropriate for a particular municipality at a particular time is made jointly by DPIPWEE 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 cut leaf nightshade, 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 cut leaf nightshade eradication, in which case it would be re-classified as Zone B.

Table 1 lists the distribution and management measures of all Tasmanian municipalities currently classified as Zone A for cut leaf nightshade. Note that all municipalities are currently classed as Zone A for cut leaf nightshade.

Table 1. Distribution and management measures for cut leaf nightshade in municipalities classified as Zone A at 01/2011.

Distribution based on Tasmanian Herbarium and DPIPWE records.

Municipality	Cut leaf nightshade distribution	Management measures*
Break O'Day	None recorded	Prevention and early detection

Brighton	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Burnie	None recorded	Prevention and early detection
Central Coast	None recorded	Prevention and early detection
Central Highlands	None recorded	Prevention and early detection
Circular Head	None recorded	Prevention and early detection
Clarence	Localised infestations	Implement integrated control program for eradication and prevent future occurrences
Derwent Valley	None recorded	Prevention and early detection
Devonport	None recorded	Prevention and early detection
Dorset	None recorded	Prevention and early detection
Flinders	None recorded	Prevention and early detection
George Town	None recorded	Prevention and early detection
Glamorgan/Spring Bay	None recorded	Prevention and early detection
Glenorchy	None recorded	Prevention and early detection
Hobart	None recorded	Prevention and early detection
Huon Valley	None recorded	Prevention and early detection
Kentish	None recorded	Prevention and early detection
King Island	None recorded	Prevention and early detection

Kingborough	None recorded	Prevention and early detection
Latrobe	None recorded	Prevention and early detection
Launceston	None recorded	Prevention and early detection
Meander Valley	None recorded	Prevention and early detection
Northern Midlands	None recorded	Prevention and early detection
Sorell	None recorded	Prevention and early detection
Southern Midlands	None recorded	Prevention and early detection
Tasman	None recorded	Prevention and early detection
Waratah/Wynyard	None recorded	Prevention and early detection
West Coast	None recorded	Prevention and early detection
West Tamar	None recorded	Prevention and early detection

*When a DPIPWE approved weed management strategy that has local council endorsement exists, management of this declared weed in the municipality concerned should occur with direct reference to that strategy.

The following distribution categories are used in Table 1:

“None recorded”. This means the plant is not known to be naturalised in the municipality, either from the records of the Tasmanian Herbarium or from DPIPWE databases. In cases where the plant was known to be naturalised at a previous time but is not known there currently, the description “Previously recorded, none known now” is used.

“Isolated occurrences”. This means the species is uncommon in the municipality, with populations limited to one or a few. The number of plants is generally small and/or populations cover small areas.

“Localised infestations”. This means the species is present in the municipality in moderate proportions, with populations numbering several. The number of plants is also moderate and/or populations

cover moderate-sized areas.

“Widespread infestations”. This means the species is very common in the municipality, with many populations present. The number of plants present is generally large and/or populations cover large areas.

Note that the distribution descriptions presented in Table 1 apply to naturalised populations of the plant only. They do not include amenity, garden, horticultural or other deliberate plantings unless specified. The descriptions are relative and provide a general indication only of the spatial status of the plant in the municipality. Detailed location information may be obtained by contacting a [Regional Weed Management Officer](#). In addition, if you have reason to believe any of the distribution information presented in Table 1 is incorrect, please advise a Regional Weed Management Officer.