

White-Edged Nightshade - Statutory Weed Management Plan

Solanum marginatum L.f.

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 white-edged 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 white-edged nightshade by municipality](#) (Section 12) for details.

- “White-edged nightshade” means *Solanum marginatum* L.f. and includes the whole plant or 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 marginatum* 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 white-edged nightshade is to:

- Provide direction upon the implementation of the *Act* with respect to white-edged nightshade.
- Encourage and facilitate an increase in the effectiveness with which white-edged nightshade is managed throughout Tasmania with a view to eradicating existing infestations and preventing future occurrences.
- Provide legislative support to regional and local efforts to manage white-edged nightshade in a strategic and integrated manner.

2. Area covered by this management plan:

The State of Tasmania is covered by this management plan.

3. Description and distribution of the weed:

White-edged nightshade is a small, toxic shrub from the potato family. It produces white-edged leaves and may grow to 1.5 m high.

It is rarely considered a serious weed on mainland Australia but at times may be locally significant. It is recorded in Victoria and South Australia.

White-edged nightshade is not widely distributed in Tasmania. It is an occasional weed of neglected areas and roadsides on the east coast, south of Swansea. Larger populations are found near Hobart and on Maria Island. White-edged nightshade may also be found in gardens as an ornamental. Refer to [Management of white-edged nightshade by municipality](#) (Section 12) for information on the distribution of white-edged nightshade in Tasmania by municipality.

See the DPIPW [White-edged 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 white-edged 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.

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 white-edged nightshade, such as parts of South Australia and Victoria, should conduct thorough searches for the presence of the plant and apply appropriate hygiene measures, such as clothing, vehicle, machinery and baggage inspection and cleaning. Questions or concerns about weed hygiene issues should be directed to Quarantine Tasmania personnel before or directly upon disembarkation in Tasmania.
- Persons importing ornamental plants, including seeds should ensure their stock does not include white-edged nightshade.
- Persons importing items to Tasmania that may contain white-edged nightshade should have these checked for the presence of the plant. This can be arranged through Quarantine Tasmania.

(2) A person must not import any livestock that may be carrying white-edged nightshade 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; and
- 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 white-edged nightshade contamination of stock.
- Persons purchasing livestock imported from areas infested with white-edged nightshade should ensure their animals are confined to holding pens until they have undergone thorough external inspections. Pens should be checked subsequently for the emergence of white-edged nightshade.
- Anyone importing stock to Tasmania should make him/herself familiar with regulation 5 of the Regulations.

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

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

(1) A person must not:

(a) sell white-edged nightshade or any material or thing containing or carrying white-edged nightshade; or

(b) purchase or offer to purchase white-edged nightshade or any material or thing containing or carrying white-edged nightshade; or

(c) grow, propagate or scatter white-edged nightshade; or

(d) store white-edged nightshade or any material or thing containing or carrying white-edged nightshade; or

(e) hire or offer for hire any material or thing containing or carrying white-edged nightshade; or

(f) use white-edged nightshade or any material or thing containing or carrying white-edged nightshade; or

(g) deal with white-edged nightshade or any material or thing containing or carrying white-edged 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.

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

- Person's involved in the giving away, bartering or selling, purchasing, growing, propagating or scattering, storing, using, or otherwise dealing with ornamental plants should ensure their stock does not include white-edged nightshade. This includes roadside stalls, market stalls, fundraising events, garden club swaps, nursery sales, supermarket plant sales and any other activities involving the distribution and promotion of ornamental plants.
- Persons involved in the giving away, bartering or selling, purchasing, storing, hiring, using, or otherwise dealing with vehicles or machinery likely to be contaminated with white-edged nightshade should ensure that this equipment is free of this plant by undertaking appropriate inspection and hygiene measures. These include introducing thorough visual checks and cleaning of machinery as routine tasks when preparing these items for sale or distribution.
- Persons involved in the giving away, bartering or selling, purchasing, storing, hiring, using, or otherwise dealing with livestock that may be carrying white-edged nightshade should ensure appropriate hygiene measures are undertaken to prevent spread of this plant. These include cleaning stock externally prior to transport from infested properties.
- Persons involved in the giving away, bartering or selling, purchasing, storing, using, or otherwise dealing with soil, gravel, lime or other such materials from areas infested with white-edged nightshade should seek alternative stock sources unless they can guarantee these materials are free of this plant.
- Persons involved in the giving away, bartering or selling, purchasing, storing, hiring, using, or otherwise dealing with vehicles, machinery, stock, soil, gravel or other such materials likely to be contaminated with white-edged nightshade should take direction from any local, regional or State agricultural

- hygiene programs being implemented in the municipality.
- Persons purchasing or hiring any items (e.g. vehicles, machinery, livestock, soil, gravel or other such materials) likely to be contaminated with white-edged nightshade should liaise with suppliers for guarantees of white-edged nightshade free goods and materials and keep accurate records of their purchase transactions. Buyers discovering white-edged nightshade contamination post-purchase should implement practices that reduce the potential for the establishment and spread of this plant. These include, creating dedicated areas for the wash down of purchased machinery and vehicles, feeding out purchased fodder and grain in specified, small areas, penning suspect stock for external inspection, and carefully monitoring any suspect soil, gravel or other such materials for the emergence of this weed.

(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 white-edged nightshade plants, eradicate white-edged nightshade from an area or restrict white-edged 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 who fails to comply with that notice may be issued with 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.

Persons or organisations upon whose properties white-edged nightshade occurs (including ornamental plantings) should undertake the following:

- Planning and implementation of an integrated control plan, the aim of which is eradication of white-edged nightshade. Such a plan should include an inventory of white-edged nightshade infestations in the area to which the plan relates, well-defined objectives, practicable control actions, follow-up actions, a realistic timeline and a budget, as a minimum. [Regional Weed Management Officers](#) or Inspectors may be contacted for advice on developing integrated control plans.

- Seek information about supporting any council endorsed plans relating to white-edged nightshade management in their municipality.
- Seek cooperation with neighbouring property owners when white-edged nightshade control measures are being planned or implemented.

Other general measures:

- Persons or organisations responsible for managing land that is currently free of white-edged nightshade should undertake prevention measures, especially when that land is suited to white-edged nightshade establishment. Such prevention measures include:
 - Developing an ability to identify the plant;
 - Noting its occurrence and progress on nearby properties or transport corridors;
 - Undertaking control of small outbreaks without delay;
 - Arranging on-site quarantine for, or not bringing or allowing onto the property livestock, vehicles, machinery, soil, gravel, lime or other such material that may be contaminated with white-edged nightshade.

A [Regional Weed Management Officer](#) may be contacted for advice on keeping areas free of white-edged nightshade.

- Persons performing contract work of an agricultural, utility maintenance, roading or earthmoving nature, on-site consultations or assessments, deliveries or other visits in areas or properties infested with white-edged nightshade should undertake appropriate hygiene measures. These include thorough visual checks upon clothing, footwear, vehicles and machinery and, cleaning of the same, prior to leaving the infested property. Developing a check-list will help ensure such routines are rigorous and consistent. Materials or items likely to be contaminated with white-edged nightshade should not be moved from infested areas or to white-edged nightshade free areas until any contamination risks have been minimised.
- Persons wishing to dispose of white-edged nightshade or any thing contaminated with white-edged nightshade should contact an Inspector or a [Regional Weed Management Officer](#) first, in order to receive direction upon how best to do this. Note that municipal waste disposal facilities vary in their acceptance and handling of declared weeds. Municipal waste disposal managers should be contacted for details.
- Persons wishing to transport white-edged nightshade or any thing contaminated with white-edged nightshade, for the purpose of disposal, should ensure this is undertaken in a manner that does not permit the release of seeds or other material. Measures include planning routes that avoid white-edged nightshade free areas, securing material in bags or under tarpaulins prior to transport, checking material at regular

intervals during long journeys or during windy conditions, and adequately cleaning vehicles after the materials have been unloaded.

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

Any thing found to be contaminated with white-edged 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.

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 any thing, (e.g. vehicles, machinery, soil, gravel) contaminated with white-edged nightshade should contact an Inspector or a [Regional Weed Management Officer](#). The contaminated thing should not be moved, disturbed, treated or disposed of prior to making this contact. If white-edged nightshade is confirmed, the person will be directed and advised in the proper management, including storage or disposal options, 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 white-edged nightshade in Tasmania at this time.

10. Exemptions:

A person may apply for an exemption from any of provisions of the Act that relate to white-edged nightshade. He/she 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, DPIPW.

12. Management of white-edged 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 white-edged nightshade.

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

The decision regarding which category is most appropriate for a particular municipality at a particular time is made jointly by DPIPW 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 white-edged 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 white-edged 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 white-edged nightshade. Note that all municipalities are currently classed as Zone A for white-edged nightshade.

Table 1. Distribution and management measures for white-edged nightshade in municipalities classified as Zone A at 01/2011.

Distribution based on Tasmanian Herbarium and DPIPW records.

Municipality	White-edged nightshade distribution	Management measures*
Break O'Day	None recorded	Prevention and early detection
Brighton	None recorded	Prevention and early detection
Burnie	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Central Coast	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Central Highlands	Previously recorded, none known now	Prevention and early detection
Circular Head	Previously recorded, none known now	Prevention and early detection
Clarence	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Derwent Valley	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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	Localised populations	Implement integrated control program for eradication and prevent future occurrences
Glenorchy	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Hobart	Localised populations	Implement integrated control program for eradication and prevent future occurrences
Huon Valley	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Kentish	None recorded	Prevention and early detection
King Island	None recorded	Prevention and early detection
Kingborough	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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	Isolated occurrences	Implement integrated control program for eradication and

		prevent future occurrences
Southern Midlands	None recorded	Prevention and early detection
Tasman	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
Waratah/Wynyard	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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](#).