

# Biosecurity (Tropical Soda Apple) Control Order 2022

under the

## Biosecurity Act 2015

I, John Tracey, Deputy Director General, Biosecurity & Food Safety, with the authorisation of the Minister administering the *Biosecurity Act 2015* and under section 62 of that Act, make the following Control Order.

Dated 27 day of June 2022

**John Tracey**  
**Deputy Director General, Biosecurity & Food Safety**  
**Department of Primary Industries**  
**Department of Regional NSW**

## Part 1 Preliminary

### 1 Name of Control Order

This Control Order is the *Biosecurity (Tropical Soda Apple) Control Order 2022*.

### 2 Commencement and duration

- (1) This Control Order commences on 1 July 2022.
- (2) This Control Order has effect for a period of five years until 30 June 2027.

**Note.** Notice of this Control Order will be given by publishing it on the Department's website and in the Gazette.

### 3 Definitions

- (1) In this Control Order:

*propagules* means a part of a tropical soda apple plant that becomes detached from the plant that can grow into a new tropical soda apple plant.

*property* means an area of land (including an area comprising 1 or more parcels of land that are proximate) that is worked as a single property.

*the Act* means the *Biosecurity Act 2015*.

*the Regulation* means the Biosecurity Regulation 2017

*tropical soda apple* means the weed *Solanum viarum* and includes any seeds or propagules.

*tropical soda apple control zone* is the whole of New South Wales.

- (2) Words and expressions that occur in this Control Order have the same meaning as they have in the Regulation, unless otherwise defined in this Control Order.

#### **4 Grounds for order and biosecurity impact**

The basis for concluding that it is necessary to make this Control Order are as follows:

- (a) the presence, spread and increase of tropical soda apple (the **biosecurity matter**) in New South Wales has the potential to have an adverse effect on the environment and the economy (the **biosecurity impact**).
- (b) tropical soda apple can compete with pasture plants for light and moisture as well as reducing biodiversity by displacing native plants and disrupting ecological processes. Tropical soda apple is also a host plant for other diseases and pests.
- (c) control measures are required to assist in preventing the spread of tropical soda apple and to eradicate, minimise, and manage the biosecurity impact that tropical soda apple has in the tropical soda apple control zone.

#### **5 Control zone**

The principal area in which the control measures in Part 2 of this Control Order are required to be implemented under is the tropical soda apple control zone.

### **Part 2 Control measures**

#### **6 Control measure – owners and occupiers of land**

- (1) The owner or occupier of land in the tropical soda apple control zone on which there is a new infestation of tropical soda apple must notify the local control authority for that land as soon as practicable of the following information:
  - (a) the person's full name and contact details, including a telephone number,
  - (b) the address of the land, including the lot and deposited plan number and the property identification code for the land (if these are known), and
  - (c) any other information that is requested by the local control authority.
- (2) The owner or occupier of the land must ensure that the land is kept free of tropical soda apple by immediately destroying all tropical soda apple, including fruit on the land. This requirement applies to any infestation including any subsequent generations of tropical soda apple on that land.
- (3) The owner or occupier does not need to comply with subclause (1) if they know that notification of the new infestation on the land has already been given to the local control authority for that land.

#### **7 Control measure – persons dealing with carriers**

- (1) This clause applies to any land in the tropical soda apple control zone on which tropical soda apple is present or is likely to be present.
- (2) A person who deals with a carrier of tropical soda apple on land to which this clause applies, must ensure that before moving the carrier from the land, all steps are taken so that the carrier is not moved from the land with any tropical soda apple on it, attached to it or contained in it.

## **8 Control measure – persons moving of tropical soda apple and carriers (excluding a human)**

- (1) A person who moves tropical soda apple or a carrier of tropical soda apple (excluding a human) to another property for the must notify the local control authority for that property as soon as practicable before moving the tropical soda apple of the following:
  - (a) the person’s full name and contact details,
  - (b) the addresses of the land the tropical soda apple is coming from and going to, including the lot and deposited plan number and the property identification code for the land (if these are known).
- (2) A person who moves tropical soda apple or a carrier of tropical soda apple (excluding a human) does not need to comply with subclause (1) if they know that notification of the movement has already been given to the local control authority for that property.

**Note.** Examples of when tropical soda apple or a carrier of tropical soda apple (excluding a human) may need to be moved include, but are not limited to, the movement of vehicles, soil or livestock as well as movement of tropical soda apple for disposal.