

Biosecurity (Tropical Soda Apple) Control Order 2017

under the

Biosecurity Act 2015

I, Bruce M Christie, Deputy Director General Biosecurity & Food Safety NSW, in exercise of delegated authority under the *Biosecurity Act 2015*, in pursuance of section 62 of the *Biosecurity Act 2015*, reasonably believing it is necessary to eliminate the biosecurity risk associated with the weed *Solanum viarum* (Tropical Soda Apple), make the following Control Order.

Dated this 19th day of June 2017

**BRUCE M CHRISTIE
DEPUTY DIRECTOR GENERAL
BIOSECURITY & FOOD SAFETY NSW
DEPARTMENT OF INDUSTRY**

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to eliminate the weed *Solanum viarum* (Tropical Soda Apple) within New South Wales.

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1. Name of Order

This Control Order is the *Biosecurity (Tropical Soda Apple) Control Order 2017*.

2. Commencement

This Control Order commences on 1 July 2017.

3. Definitions

Tropical Soda Apple means the weed *Solanum viarum*.

Control Order has the same meaning as in Part 6 of the Act.

control measures has the same meaning as in Part 6 of the Act.

control zone has the same meaning as in Part 6 of the Act.

new infestation has the same meaning as in Part 5 of the Regulation.

the Act means the *Biosecurity Act 2015*.

the Regulation means the *Biosecurity Regulation 2017*.

Note: *biosecurity matter, biosecurity risk, carrier, deal, land, local control authority, occupier* and *weed* all have the same meaning as in the Act.

4. Biosecurity Matter and Biosecurity Risk

- 1) The biosecurity matter to which this Control Order relates is the weed Tropical Soda Apple.
- 2) The biosecurity risk to which this Control Order relates is the biosecurity risk posed or likely to be posed by the spread of the weed Tropical Soda Apple.

5. Control zone

- 1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control measures are required to be implemented under this Control Order is the whole of New South Wales.

- 2) The control zone is called the *Tropical Soda Apple Control Zone*.

6. Control measures for owners and occupiers of land

Pursuant to section 62(1)(b) of the Act, an owner or occupier of land in the Tropical Soda Apple Control Zone on which there is Tropical Soda Apple must:

- (a) notify the local control authority for the area if the Tropical Soda Apple is part of a new infestation of Tropical Soda Apple on the land:
 - i) as soon as practicable after becoming aware of the new infestation;
 - ii) verbally or in writing;
 - iii) giving the following:
 - (1) the person's full name and contact details including telephone number;
 - (2) the location of the Tropical Soda Apple, including the property identification code for the land (if this is known); and
 - (3) any other information reasonably requested by the local control authority; and
- (b) destroy all Tropical Soda Apple on the land, including fruit; and
- (c) ensure that subsequent generations of Tropical Soda Apple are destroyed; and
- (d) that the land is kept free of Tropical Soda Apple.
- (e) The owner or occupier does not need to comply with (a) above if they know that notification of the infestation on the land has already been given to the local control authority for the area.

7. Control measures for persons dealing with carriers

Pursuant to section 62(1)(b) of the Act, a person who deals with a carrier of Tropical Soda Apple in the Tropical Soda Apple Control Zone, in circumstances where the person knows or ought reasonably to know of the presence of Tropical Soda Apple on the land or in or on the carrier, must:

- (a) ensure that Tropical Soda Apple (including any seed and propagules) is not moved from the land; and
- (b) immediately notify the local control authority for the area:
 - i) as soon as practicable after becoming aware of the presence of Tropical Soda Apple;
 - ii) verbally or in writing;
 - iii) giving the following:
 - (1) the person's full name and contact details including telephone number;
 - (2) the location of the Tropical Soda Apple, including the property identification code for the land (if this is known); and
 - iv) any other information reasonably requested by the local control authority.
- (c) The person who deals with a carrier of Tropical Soda Apple does not need to comply with (b) above if they know that notification of the infestation on the land has already been given to the local control authority for the area.

8. The persons or class of persons to whom the control measures apply

This Control Order applies to:

- (a) An owner or occupier of land in the Tropical Soda Apple Control Zone.

(b) Any person dealing with a carrier of Tropical Soda Apple in the Tropical Soda Apple Control Zone.

9. Duration of Control Order

This Control Order has effect for a period of 5 years from its date of commencement.