

# Darwin's Barberry - Statutory Weed Management Plan

## ***Berberis darwinii* Hook.**

### **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.
- "WONS" means Weeds of National Significance. The WONS program is a federally funded initiative for the development and implementation of State and national strategies for the management of twenty of Australia's worst weeds.
- "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 Darwin's barberry 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 Darwin's barberry by municipality](#) (Section 12) for details.
- "Darwin's barberry" means *Berberis darwinii* Hook. 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 this plant or other dead, non-reproductive *Berberis darwinii* materials. People who are uncertain about whether products (e.g. dried materials) contain plant parts capable of producing a living plant should contact a [Regional Weed Management Officer](#).

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

The purpose of this Weed Management Plan for Darwin's barberry is to:

- Provide direction upon the implementation of the *Act* with respect to Darwin's barberry.
- Encourage and facilitate an increase in the effectiveness with which Darwin's barberry is managed throughout Tasmania, with a view to eradicating all populations and preventing future infestations.
- Provide legislative support to regional and local efforts to manage Darwin's barberry 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:**

Darwin's barberry is a spiny, evergreen shrub from South America. It invades native vegetation and poorly managed grazing areas. It is an environmental weed in Victoria, New South Wales and the Australian Capital Territory.

Darwin's barberry is recorded from Scottsdale in the north, Fern Tree and Cockle Creek in the south and Williamsford in the west. All populations are relatively small. Refer to [Management of Darwin's barberry by municipality](#) (Section 12) for information on the distribution of Darwin's barberry in Tasmania by municipality.

See the DPIPWE [Darwin's Barberry 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 Darwin's barberry.**

*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 Darwin's barberry, such as Victoria and South Australia, 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. Mud and soil, in particular, are to be removed prior to entry to Tasmania. Questions or concerns about weed hygiene issues should be directed to Quarantine Tasmania personnel before or directly upon disembarkation in Tasmania.
- Persons importing fresh or dried ornamental plants to Tasmania should ensure their stock does not include Darwin's barberry.
- Persons importing items to Tasmania that may contain Darwin's barberry 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 Darwin's barberry occurrences in municipalities or parts of municipalities where the weed is not yet recorded. Refer to [Management of Darwin's barberry by municipality](#) (Section 12) for distribution of Darwin's barberry in Tasmania by municipality.

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

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

**(a) sell Darwin's barberry or any material or thing containing or carrying Darwin's barberry; or**

**(b) purchase or offer to purchase Darwin's barberry or any material or thing containing or carrying Darwin's barberry; or**

**(c) grow, propagate or scatter Darwin's barberry; or**

**(d) store Darwin's barberry or any material or thing containing or carrying Darwin's barberry; or**

**(e) hire or offer for hire any material or thing containing or carrying Darwin's barberry; or**

**(f) use Darwin's barberry or any material or thing containing or carrying Darwin's barberry; or**

**(g) deal with Darwin's barberry or any material or thing containing or carrying Darwin's barberry 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, using, or otherwise dealing with ornamental plants should ensure their stock does not include Darwin's barberry. This includes roadside stalls, market stalls, fundraising events, garden club swaps, nursery sales, supermarket plant sales and ANY OTHER activities that involve the distribution of ornamental plants.
- Persons involved in the giving away, bartering or selling, purchasing, storing, hiring, using, or otherwise dealing with agricultural or roading machinery likely to be contaminated with

mud or soil containing Darwin's barberry should ensure appropriate inspection and hygiene measures are undertaken. 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, using, or otherwise dealing with soil, gravel, lime or other such materials from areas infested with Darwin's barberry should ensure appropriate hygiene and inspection measures are undertaken. These include practicing integrated control of the weed in quarries, stockpile areas, wholesale or retail outlets and other places from which these materials are sold or distributed.
- Persons involved in the giving away, bartering or selling, purchasing, storing, hiring, using, or otherwise dealing with agricultural or roading machinery, stock, soil, gravel or other such materials likely to be contaminated with Darwin's barberry should take direction from any relevant local, regional or State hygiene programs being implemented in the municipality.
- Persons purchasing or hiring any items (e.g. machinery, soil, gravel or other such materials) likely to be contaminated with Darwin's barberry should liaise with suppliers on the subject of Darwin's barberry contamination and keep accurate records of their purchase transactions. Buyers discovering Darwin's barberry contamination post-purchase should implement practices that reduce the potential for Darwin's barberry establishment and spread. These include, creating dedicated areas for the wash down of purchased machinery and vehicles 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 Darwin's barberry plants, eradicate Darwin's barberry from an area or restrict Darwin's barberry 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.*

Actions to assist compliance in this matter by persons or organisations upon whose properties Darwin's barberry occurs could include but are not limited to the following:

- Planning and implementation of a property management plan, the aim of which is eradication of Darwin's barberry. Such a plan should be based on integrated weed management principles and include an inventory of Darwin's barberry 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 a property management plan for this plant.
- Seek information about supporting any council endorsed plans relating to Darwin's barberry management in their municipality.
- Seek cooperation with neighbouring property owners when Darwin's barberry control measures are being planned or implemented.

Other general measures:

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

A [Regional Weed Management Officer](#) may be contacted for advice on keeping areas free of Darwin's barberry.

- 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 Darwin's barberry should undertake appropriate hygiene measures. These include thorough visual checks upon clothing, footwear, vehicles and machinery and, cleaning of the same of mud and soil in particular, 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 Darwin's barberry should not be moved from Darwin's barberry infested areas or to Darwin's barberry free areas until any contamination risks have been minimised.
- Persons wishing to conduct on-site disposal of Darwin's barberry

or any thing contaminated with Darwin's barberry should contact an Inspector or a [Regional Weed Management Officer](#) first, in order to receive direction upon how best to do this.

- Persons considering transporting Darwin's barberry or any thing contaminated with Darwin's barberry for the purpose of disposal, should first seek advice from an Inspector or a [Regional Weed Management Officer](#) as to whether removal of the material from the site is the preferred option. If on-site disposal is not appropriate and transport to a suitable disposal facility is recommended, this should be undertaken in a manner that does not permit the release of seeds or other material. Note that municipal waste disposal facilities vary in their acceptance and handling of declared weeds. Municipal waste disposal managers should be contacted for details.

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

**Any thing found to be contaminated with Darwin's barberry 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, (e.g. machinery, soil, gravel) contaminated with Darwin's barberry 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 Darwin's barberry 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 Darwin's barberry in Tasmania at this time.

## **10. Exemptions:**

A person may apply for an exemption from any of provisions of the *Act* that relate to Darwin's barberry. 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, DPIPWE.

## **12. Management of Darwin's barberry 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 Darwin's barberry.

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

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 Darwin's barberry, 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 Darwin's barberry eradication, in which case it would be re-classed as Zone B.

Table 1 lists the distribution and management measures of all Tasmanian municipalities currently classified as Zone A for Darwin's barberry. Note that all municipalities are currently classed as Zone A for Darwin's barberry.

**Table 1. Distribution and management measures for Darwin's barberry in municipalities classified as Zone A at 01/2011.**

Distribution based on Tasmanian Herbarium and DPIPWE records.

<b>Municipality</b>	<b>Darwin's barberry distribution</b>	<b>Management measures *</b>
Break O'Day	None recorded	Prevention and early detection
Brighton	None recorded	Prevention and early detection
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	None recorded	Prevention and early detection
Derwent Valley	None recorded	Prevention and early detection
Devonport	None recorded	Prevention and early detection
Dorset	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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	Previously recorded, none now known	Prevention and early detection
Huon Valley	Previously recorded, none now known	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	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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 DPIPW 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.