

Spiny Emex - Statutory Weed Management Plan

Emex australis Steinh.

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 spiny emex 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 spiny emex by municipality](#) (Section 12) for details.

- “Spiny emex” means *Emex australis* Steinh. 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 *Emex australis* 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 spiny emex is to:

- Provide direction upon the implementation of the *Act* with respect to spiny emex.
- Encourage and facilitate an increase in the effectiveness with which spiny emex 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 spiny emex 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:

Spiny emex is an annual herb that produces extremely spiny fruit.

It can invade pastures and crops and is toxic to stock. It is a significant weed in almost all agricultural areas of mainland Australia, with most infestations occurring in Western Australia, South Australia, Victoria and New South Wales. Queensland infestations are confined to the south-east of that State. Less significant infestations also occur in the Northern Territory.

The distribution of spiny emex in Tasmania is very limited. Arriving as a contaminant of fruit and grain, it is recorded as naturalised on Flinders Island. A population has also been found near South Arm in the State’s south. Preferring drier, sandy soils, spiny emex occurs as an occasional weed of pastures, roadsides and neglected areas. Refer to [Management of spiny emex by municipality](#) (Section 12) for information on the distribution of spiny emex in Tasmania by municipality.

See the DPIPW [Spiny Emex 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 spiny emex.

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 spiny emex, such as Western Australia, New South Wales, South Australia, Queensland and Victoria, should conduct thorough searches for the presence of the plant and apply appropriate hygiene measures. These include 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 items to Tasmania that may contain spiny emex (e.g. bird seed, poultry feed) should have these checked for the presence of the plant. This can be arranged through Quarantine Tasmania.

(2) Feed grain may be imported according to specifications in the Plant Quarantine Manual (Tasmania), Import Requirement 30 – Declared Weeds, Pests and Diseases in Feed Grain. This document establishes requirements for importing feed grain in order to minimise the risk of declared weed seed entry and establishment. Import Requirement 30 should be consulted by all existing and prospective feed grain importers.

(3) A person must not import any livestock that may be carrying spiny emex 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;E;
- 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 spiny emex contamination of stock.
- Persons purchasing livestock imported from areas infested with spiny emex 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 spiny emex.
- 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 spiny emex occurrences in municipalities or parts of municipalities where the weed is not yet recorded. Refer to [Management of spiny emex by municipality](#) (Section 12) for distribution of spiny emex in Tasmania by municipality.

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

(1) A person must not:

(a) sell spiny emex or any material or thing containing or carrying spiny emex; or

(b) purchase or offer to purchase spiny emex or any material or thing containing or carrying spiny emex; or

(c) grow, propagate or scatter spiny emex; or

(d) store spiny emex or any material or thing containing or carrying spiny emex; or

(e) hire or offer for hire any material or thing containing or carrying spiny emex; or

(f) use spiny emex or any material or thing containing or carrying spiny emex; or

(g) deal with spiny emex or any material or thing containing or carrying spiny emex 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:

- Persons giving away, bartering or selling, purchasing, growing, propagating or scattering, storing, using, or otherwise dealing with agricultural produce (e.g. hay, grain) likely to be contaminated with spiny emex should ensure that these items are free of this plant by undertaking appropriate production hygiene and inspection measures. These include practicing integrated spiny emex control in pastures or crops likely to be harvested for sale or distribution, careful inspection of the product prior to sale or distribution and forgoing the sale and distribution of produce grown in areas where spiny emex control has not been undertaken successfully.
- 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 spiny emex should ensure that this equipment is free of spiny emex 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 spiny emex should ensure appropriate hygiene measures are undertaken to prevent spread

of this plant. These include cleaning stock externally and penning them for a suitable period to ensure they have emptied their bowels 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 spiny emex 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, growing, propagating or scattering, storing, hiring, using, or otherwise dealing with agricultural produce, agricultural or roading machinery, stock, soil, gravel or other such materials likely to be contaminated with spiny emex 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. agricultural produce, machinery, livestock, soil, gravel or other such materials) likely to be contaminated with spiny emex should liaise with suppliers for guarantees of spiny emex free goods and materials and keep accurate records of their purchase transactions. Buyers discovering spiny emex 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) Section 56(1) of the Act does not apply in respect of feed grain for animals that is:

(a) carrying a declared weed; and

(b) imported into Tasmania in accordance with any measures prescribed for the purpose of section 57(2) of the Act and as detailed in part 4(2) of this Management Plan.

(3) 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 spiny emex plants, eradicate spiny emex from an area or restrict spiny emex 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 spiny emex occurs should undertake the following:

- Planning and implementation of an integrated control plan, the aim of which is eradication of spiny emex. Such a plan should include an inventory of spiny emex 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 spiny emex management in their municipality.
- Seek cooperation with neighbouring property owners when spiny emex control measures are being planned or implemented.

Other general measures:

- Persons or organisations responsible for managing land that is currently free of spiny emex should undertake prevention measures, especially when that land is suited to spiny emex 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, agricultural produce, vehicles, machinery, soil, gravel, lime or other such material that may be contaminated with spiny emex.

A [Regional Weed Management Officer](#) may be contacted for advice on keeping areas free of spiny emex.

- 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 spiny emex 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 spiny emex should not be moved from spiny emex infested areas or to spiny emex free areas until any contamination risks have been minimised.

- Persons wishing to dispose of spiny emex or any thing contaminated with spiny emex 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 spiny emex or any thing contaminated with spiny emex, 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 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 spiny emex 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. hay, grain, livestock, machinery, soil, gravel) contaminated with spiny emex 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 spiny emex 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 spiny emex in Tasmania at this time.

10. Exemptions:

A person may apply for an exemption from any of provisions of the *Act* that relate to spiny emex. 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 spiny emex 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 spiny emex.

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

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 spiny emex, 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 spiny emex 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 spiny emex. Note that all municipalities are currently classed as Zone A for spiny emex.

Table 1. Distribution and management measures for spiny emex in municipalities classified as Zone A at 01/2011.

Distribution based on Tasmanian Herbarium and DPIPWE records.

Municipality	Spiny emex distribution	Management measures*
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	Previously recorded, none now known	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	Isolated occurrences	Implement integrated control program for eradication and prevent future occurrences
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](#).