

Queensland



Timber Utilisation and Marketing Act 1987

TIMBER UTILISATION AND MARKETING REGULATION 1998

**Reprinted as in force on 10 August 1999
(includes amendments up to SL No. 177 of 1999)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 10 August 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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TIMBER UTILISATION AND MARKETING REGULATION 1998

[as amended by all amendments that commenced on or before 10 August 1999]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Timber Utilisation and Marketing Regulation 1998*.

Definitions

2. In this regulation—

“AS” means a Standards Australia standard.

“AS/NZS” means a joint Standards Australia and Standards New Zealand standard.

PART 2—EXCLUSIONS

Exclusions from “framing timber”

3. For the definition of “framing timber” in section 6(1) of the Act, the timber of a prescribed class or description is—

- (a) glued-laminated structural timber; and
- (b) milled timber used for framing or structural purposes that is from plantation-grown conifers.

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Exclusions from “lyctid susceptible timber”

4. For the definition of “lyctid susceptible timber” in section 6(1) of the Act, the prescribed species of timber are the species from the—

- (a) order Coniferales or Taxales; and
- (b) division Angiospermae stated in schedule 1.

**PART 3—PRESCRIBED ARTICLES AND CLASSES
OF TIMBER**

Articles—Act, ss 11(3) and 13(3)

5. For sections 11(3) and section 13(3) of the Act, the articles of a prescribed class or description are articles intended or designed to be—

- (a) used to prepare food; or
- (b) in direct contact with prepared food; or
- (c) destroyed through use; or
- (d) discarded or abandoned after use.¹

Classes of milled timber—Act, s 34(3)

6. For section 34(3)² of the Act, the milled timber of a prescribed class or description is—

- (a) milled framing timber, other than—
 - (i) glued-laminated structural timber; or
 - (ii) timber from plantation-grown conifers; and
- (b) the following milled timbers if they are for exterior use and are

¹ Section 11 (Restriction on use of lyctid-susceptible timber) of the Act
Section 13 (Sale of articles) of the Act

² Section 34 (Sale of milled timber) of the Act

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not from plantation-grown conifers—

- (i) balustrades;
- (ii) door sills;
- (iii) newel posts;
- (iv) rails;
- (v) step treads;
- (vi) stringers and risers;
- (vii) window sills.

PART 4—MOISTURE CONTENT OF TIMBER

Prescribed manners for determining moisture content—Act pt 5

7. For part 5³ of the Act, the prescribed manner for determining the moisture content of a type timber stated in schedule 2 is the manner stated in schedule 2 opposite the type.

Standards for moisture content—Act, pt 5 and s 36

8. For part 5 and section 36(3)(a) and (4)(a) of the Act, the prescribed standard for the moisture content of a type timber stated in schedule 3 is the standard stated in schedule 3 opposite the type.⁴

³ Part 5 (Moisture content of timber) of the Act

⁴ Section 36 (Implied conditions) of the Act. For a type of timber not stated in schedule 3, see section 36(3)(b) and (4)(b) of the Act.

PART 5—MISCELLANEOUS

Prescribed time and manner for appeals—Act, s 37

9. For section 37(1)⁵ of the Act, an appeal must—

- (a) be written; and
- (b) state the grounds for the appeal; and
- (c) be given to the chief executive within 30 days after—
 - (i) the person aggrieved was given notice of the refusal, cancellation, suspension or condition that is the subject of the appeal; or
 - (ii) if section 37(4) of the Act applies to an application that is the subject of the appeal—the day the application is taken to have been refused under that section.

Assignable H levels and conditions—Act, s 53(3)

10.(1) For section 53(3)(a)⁶ of the Act, the chief executive may assign a H level stated in schedule 4 to timber treated with an approved preservative treatment.

(2) For section 53(3)(b) of the Act, the conditions in which it is appropriate to use timber assigned a H level are the conditions stated in schedule 4 opposite the H level or opposite a H level of a lower number.

Example of subsection (2)—

Timber assigned a H4 level is appropriate for use in the conditions stated for H4, H3, H2 or H1 level timber.

Proof of standard

11. A certificate purporting to be signed by the chief executive stating that

⁵ Section 37 (Appeal) of the Act

⁶ Section 53 (Regulation making power) of the Act

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on a stated day or during a stated period a stated AS, AS/NZS or other standard under schedule 3 was in force is evidence of the matter stated.

Fees

12. The fees payable under the Act are in schedule 5.

SCHEDULE 1

EXCLUDED TIMBER—ANGIOSPERMAE

section 4

PART 1—AUSTRALIAN TIMBER

Trade Name	Scientific name
alder, rose	<i>Caldcluvia australiensis</i>
almond, rose	<i>Owenia venosa</i>
ash, pink	<i>Alphitonia petriei</i>
ash, red	<i>Alphitonia excelsa</i>
ash, red	<i>Alphitonia whitei</i>
ash, silvertop	<i>Eucalyptus sieberi</i>
backhousia, stony	<i>Backhousia hughesii</i>
belah	<i>Casuarina cristata</i>
blackbutt	<i>Eucalyptus pilularis</i>
box, brush	<i>Lophostemon confertus</i>
box, ironwood	<i>Choricarpia subargentea</i>
box, ironwood	<i>Choricarpia leptopetala</i>
box, kanuka	<i>Tristaniopsis laurina</i> or <i>Tristaniopsis exiliflora</i>
box, swamp	<i>Lophostemon suaveolens</i>
box, white	<i>Eucalyptus albens</i>
box, white-topped	<i>Eucalyptus quadrangulata</i>
box, yellow	<i>Eucalyptus melliodora</i>
gum, grey	<i>Eucalyptus canaliculata</i> , <i>Eucalyptus major</i> , <i>Eucalyptus propinqua</i> or <i>Eucalyptus punctata</i>
gum, red, forest	<i>Eucalyptus tereticornis</i>

SCHEDULE 1 (continued)

gum, rose	<i>Eucalyptus grandis</i>
gum, scribbly	<i>Eucalyptus haemastoma</i>
	<i>Eucalyptus micrantha,</i>
	<i>Eucalyptus racemosa,</i>
	<i>Eucalyptus rossii</i> or
	<i>Eucalyptus signata</i>
hardwood, Johnstone River	<i>Backhousia bancroftii</i>
hollywood, yellow	<i>Premna lignum-vitae</i>
ironbark, grey	<i>Eucalyptus drepanophylla</i> or
	<i>Eucalyptus paniculata</i>
ironbark, gum-topped	<i>Eucalyptus decorticans</i>
ironbark, red, broad-leaved	<i>Eucalyptus fibrosa</i> subsp. <i>Fibrosa</i>
ironbark, red, narrow-leaved	<i>Eucalyptus crebra</i>
ironbark, silver-leaved	<i>Eucalyptus melanophloia</i>
karri	<i>Eucalyptus diversicolor</i>
mahogany, white	<i>Eucalyptus acmenoides,</i>
	<i>Eucalyptus umbra</i> subsp. <i>Umbra</i>
	or <i>Eucalyptus umbra</i> subsp.
	<i>Carnea</i>
malletwood	<i>Rhodamnia costata</i>
malletwood, brown	<i>Rhodamnia rubescens</i>
malletwood, silver	<i>Rhodamnia acuminata</i>
mangrove, grey	<i>Avicennia marina</i> var. <i>Australasica</i>
maple, Queensland	<i>Flindersia brayleyana</i>
maple, scented	<i>Flindersia laevis</i> var.
	<i>Laevicarpa</i>
messmate, Gympie	<i>Eucalyptus cloeziana</i>
myall	<i>Acacia pendula</i>
oak, bull	<i>Casuarina leuhmannii</i>
penda, brown	<i>Xanthostemon chrysanthus</i>
penda, red	<i>Xanthostemon whitei</i>
penda, southern	<i>Xanthostemon oppositifolius</i>
penda, yellow	<i>Ristantia pachysperma</i>

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SCHEDULE 1 (continued)

saffronheart	<i>Halfordia kendack</i> or <i>Halfordia scleroxyla</i>
sandalbox	<i>Eremophila mitchellii</i>
sassafras	<i>Daphnandra micrantha</i> , <i>Doryphora aromatica</i> , <i>Daphnandra repandula</i> or <i>Doryphora sassafras</i>
sassafras, grey	<i>Dryadodaphne novoguineensis</i>
satinay	<i>Syncarpia hillii</i>
sheoak, beach	<i>Casuarina equisetifolia</i> var <i>incana</i>
sheoak, black	<i>Allocasuarina littoralis</i>
sheoak, river	<i>Casuarina cunninghamiana</i>
sheoak, rose	<i>Allocasuarina torulosa</i>
sheoak, swamp	<i>Casuarina glauca</i>
silkwood, maple	<i>Flindersia pimenteliana</i>
stingybark, blackdown	<i>Eucalyptus sphaerocarpa</i>
stringybark, white	<i>Eucalyptus eugenoides</i>
stringybark, yellow	<i>Eucalyptus muellerana</i>
sycamore, silver	<i>Cryptocarya glaucescens</i>
tea-tree, broad-leaved	<i>Melaleuca leucadendra</i> , <i>Melaleuca quinquinervia</i> or <i>Melaleuca viridiflora</i>
tea-tree, river	<i>Melaleuca bracteata</i>
turpentine	<i>Syncarpia glomulifera</i>
wattle, ironwood	<i>Acacia excelsa</i>
yapunyah, mountain	<i>Eucalyptus thozetiana</i>
yarran	<i>Acacia homalophylla</i>

SCHEDULE 1 (continued)

PART 2—IMPORTED TIMBER

Common name	Scientific name
beech, silver	<i>Nothofagus menziesii</i>
chengal	<i>Balanocarpus</i> spp.
dabarima	<i>Planchonia</i> spp.
gaboon	<i>Aucoumea klaineana</i>
giam	<i>Hopea</i> spp.
geronggang	<i>Ceratoxylon arborescens</i>
kamarere	<i>Eucalyptus deglupta</i>
kapur	<i>Dryobalanops</i> spp.
malas	<i>Homalium</i> spp.
vitex	<i>Vitex</i> spp

SCHEDULE 2

MANNERS FOR DETERMINING MOISTURE CONTENT

section 7

Type of timber	Manner
1. Veneer, plywood or blockboard	The oven-drying method for determining moisture content under AS/NZS 2098.1–1996 (Methods of Test for Veneer and Plywood)—method 1 (Moisture content of veneer and plywood)
2. Particleboard	Method 3 (Determination of moisture content) under AS/NZS 4266.3–1995 (Reconstituted wood-based panels—Methods of Test)
3. Timber containing volatile preserves or residual non-aqueous preservative solvent	The distillation method stated in the American Society for Testing Materials, standard method D4442–92, (Standard Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials)
4. Timber not mentioned in items 1, 2, or 3	Method 1 (Moisture content) under AS/NZS 1080.1–1997 (Timber—Methods of Test)

SCHEDULE 3

MOISTURE CONTENT STANDARDS

section 8

Class or description of timber	Standard
Glue laminated structural timber	AS 1328–1987 (Glue–Laminated Structural Timber)
Portable timber ladders	AS1892.2–1992 (Portable Timber Ladders)
Flat pressed particleboard	AS/NZS 1859.1-5 1997 (Reconstituted wood-based panels)
Structural plywood	AS/NZS 2269–1994 (Plywood–Structural)
Plywood and blockwood for interior use	AS 2270–1979 (Plywood and blockwood for interior use)
Plywood and blockwood for exterior use	AS 2271–1979 (Plywood and blockwood for exterior use)
Marine plywood	AS 2272–1996 (Plywood–Marine)

SCHEDULE 4

H LEVELS AND CONDITIONS

section 10

H level	Conditions in which use is appropriate
H1	<ol style="list-style-type: none">1. In a well ventilated place where the timber is kept off the ground and completely protected from weather and wetting.2. The treatment is designed to reduce the likelihood of attack of insects other than termites.
H2	<ol style="list-style-type: none">1. In a well ventilated place where the timber is kept off the ground and completely protected from weather and wetting.2. The treatment is designed to reduce the likelihood of attack by insects, including termites.
H3	<ol style="list-style-type: none">1. In a place where the timber is kept off the ground but is exposed to weather or periodic wetting.2. The treatment is designed to reduce the likelihood of attack by insects, including termites, and decay.
H4	<ol style="list-style-type: none">1. In a place where the timber is in contact with the ground or is continually damp.2. The treatment is designed to reduce the likelihood of attack by insects, including termites, and severe decay.
H5	<ol style="list-style-type: none">1. In a place where the timber is in contact with the ground or fresh water.2. The treatment is designed to reduce the likelihood of attack by insects, including termites, and very severe decay.
H6	<ol style="list-style-type: none">1. In a place where the timber is in prolonged contact with sea water.2. The treatment is designed to reduce the likelihood of attack by marine borer and very severe decay.

SCHEDULE 5

FEES

	section 12
	\$
1. Application for approval of preservative treatment (section 16 of the Act)	110.00
2. Application for authorisation to use approved preservative treatment and registration of brand (section 19 of the Act)	165.00
3. Application for registration of brand for imported timber previously treated with an approved preservative treatment (section 20 of the Act)	80.00
4. Application for registration of brand for remilled timber previously treated with an approved preservative treatment (section 21 of the Act)	80.00
5. Application for recognition of brand (section 27 of the Act)	110.00
6. Application for renewal of authorisation to use an approved preservative treatment and of registration of brand registered for the authorisation (section 25(1) of the Act)	80.00
7. Application for renewal of registration of brand (section 25(2) of the Act), for each brand	80.00
8. Application to transfer authorisation and registration of brand registered for the authorisation (section 26(1) of the Act)	55.00
9. Application to transfer registration of brand for imported or remilled timber (section 26(2) of the Act), for each brand	27.50
10. Search of the register of brands—	
(a) for each brand searched, up to 20 brands	5.50
(b) for more than 20 brands searched	110.00

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 10 August 1999. Future amendments of the Timber Utilisation and Marketing Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

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4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	23 June 1998

5 List of legislation

Timber Utilisation and Marketing Regulation 1998 SL No. 140

made by the Governor in Council on 14 May 1998

notfd gaz 15 May 1998 pp 311–16

commenced on date of notification

exp 1 September 2008 (see SIA s 54)

as amended by—

Timber Utilisation and Marketing Amendment Regulation (No. 1) 1999 SL No. 177

notfd gaz 30 July 1999 pp 1905–6

commenced on date of notification

6 List of annotations

PART 6—REPEAL AND TRANSITIONAL

pt hdg exp 16 May 1998 (see s 15)

Repeal

s 13 exp 16 May 1998 (see s 15)

Prescribed moisture content under repealed regulation

s 14 exp 16 May 1998 (see s 15)

Expiry of pt 6

s 15 exp 16 May 1998 (see s 15)

SCHEDULE 5—FEES

sub 1999 SL No. 177 s 3