



Queensland

Timber Utilisation and Marketing Act 1987

Timber Utilisation and Marketing Regulation 1998

Reprinted as in force on 1 December 2009

Reprint No. 2B

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Information about this reprint

This regulation is reprinted as at 1 December 2009. 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. Also see list of legislation for any uncommenced amendments.

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

Also see endnotes for information about—

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

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

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Queensland

Timber Utilisation and Marketing Regulation 1998

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Timber Utilisation and Marketing Regulation 1998

[as amended by all amendments that commenced on or before 1 December 2009]

Part 1 Preliminary

1 Short title

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

2 Definition

In this regulation—

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

Part 2 Exclusions

3 Exclusions from *framing timber*

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.

[s 4]

4 Exclusions from *lyctid-susceptible timber*

For the definition of *lyctid-susceptible timber* in section 6 of the Act, the prescribed species of timber are—

- (a) mountain ash (*Eucalyptus regnans*) if grown in Victoria; and
- (b) the species from the division Angiospermae stated in schedule 1; and
- (c) the species from the order Coniferales; and
- (d) the species from the order Taxales.

Part 3 Prescribed articles and classes of timber

5 Articles—Act, ss 11(3) and 13(3)

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.

6 Classes of milled timber—Act, s 34(3)

For section 34(3) 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 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

7 Prescribed manners for determining moisture content—Act, pt 5

For part 5 of the Act, the prescribed manner for determining the moisture content of a type of timber stated in schedule 2 is the manner stated in schedule 2 opposite the type.

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

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

Editor's note—

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

Part 5 Miscellaneous

9 **Applications for internal review—Act, s 37**

For section 37(1) of the Act, an application for internal review must—

- (a) be written; and
- (b) state the grounds for the internal review; 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 internal review; or
 - (ii) if section 37(4) of the Act applies to an application that is the subject of the internal review—the day the application is taken to have been refused under that section.

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

- (1) For section 53(3)(a) 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.

11 **Proof of standard**

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

12 Fees

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>

Trade name	Scientific name
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>
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, 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 laevicarpa</i> var. <i>Laevicarpa</i>
messmate, Gympie	<i>Eucalyptus cloeziana</i>
myall	<i>Acacia pendula</i>
oak, bull	<i>Casuarina leuhmannii</i>

Schedule 1

Trade name	Scientific name
penda, brown	<i>Xanthostemon chrysanthus</i>
penda, red	<i>Xanthostemon whitei</i>
penda, southern	<i>Xanthostemon oppositifolius</i>
penda, yellow	<i>Ristantia pachysperma</i>
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, darwin	<i>Eucalyptus tetradonta</i>
stringybark, white	<i>Eucalyptus eugenioides</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>

Trade name	Scientific name
wattle, ironwood	<i>Acacia excelsa</i>
yapunyah, mountain	<i>Eucalyptus thozetiana</i>
yarran	<i>Acacia homalophylla</i>

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>
geronggang	<i>Ceratoxylon arborescens</i>
giam	<i>Hopea</i> spp.
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 preservatives 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 (Act, s 16(2)(b))	126.19
2 Application for authorisation to use approved preservative treatment and registration of brand for the authorisation (Act, s 19(2)(b))	189.34
3 Application for registration of brand for imported timber previously treated with an approved preservative treatment (Act, s 20(2)(b))	91.71
4 Application for registration of brand for remilled timber previously treated with an approved preservative treatment (Act, s 21(2)(b))	91.71
5 Application for renewal of authorisation to use an approved preservative treatment and of registration of brand registered for the authorisation (Act, s 25(3))	91.71
6 Application for renewal of registration of brand for imported or remilled timber, for each brand (Act, s 25(3))	91.71
7 Application to transfer authorisation and registration of brand registered for the authorisation (Act, s 26(1))	63.05
8 Application to transfer registration of brand for imported or remilled timber, for each brand (Act, s 26(2))	31.45
9 Application for recognition of brand (Act, s 27(2)(b))	126.19
10 Search of the register of brands—	
(a) for up to 20 brands searched, for each brand	6.24
(b) for more than 20 brands searched	126.19

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 1 December 2009. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	15 May 1998	23 June 1998
1A	1999 SL No. 177	30 July 1999	10 August 1999
1B	2001 SL No. 177	28 September 2001	10 October 2001
1C	2001 SL No. 288	21 December 2001	4 January 2002

Reprint No.	Amendments included	Effective	Notes
1D	2007 SL No. 232	29 October 2007	
1E	2008 SL No. 135	23 May 2008	
2	2008 SL No. 314	19 September 2008	
2A	2009 SL No. 176	28 August 2009	
2B	2009 Act No. 24	1 December 2009	

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 31 August 2010 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

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

Primary Industries Legislation Amendment Regulation (No. 1) 2001 SL No. 177 pts 1, 7

notfd gaz 28 September 2001 pp 328–30

commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 2001 SL No. 288 s 1, pt 3

notfd gaz 21 December 2001 pp 1482–8

commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 ss 1–2(1), pt 11

notfd gaz 21 September 2007 pp 447–9
ss 1–2 commenced on date of notification
remaining provisions commenced 29 October 2007 (see s 2(1))

Timber Utilisation and Marketing Amendment Regulation (No. 1) 2008 SL No. 135

notfd gaz 23 May 2008 pp 543–5
commenced on date of notification

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 s 1, pt 12

notfd gaz 19 September 2008 pp 407–9
commenced on date of notification

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 5 pt 69

date of assent 26 June 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

Primary Industries and Fisheries Legislation Amendment Regulation (No. 2) 2009 SL No. 176 pts 1, 11

notfd gaz 28 August 2009 pp 1491–6
commenced on date of notification

6 List of annotations

Definition

prov hdg amd 2001 SL No. 177 s 13(1)
s 2 amd 2001 SL No. 177 s 13(2)

Exclusions from “lyctid-susceptible timber”

prov hdg amd 2009 SL No. 176 s 35
s 4 sub 2008 SL No. 135 s 3
amd 2009 SL No. 176 s 35

Prescribed manners for determining moisture content—Act, pt 5

prov hdg amd 2009 SL No. 176 s 36(1)
s 7 amd 2009 SL No. 176 s 36(2)

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

s 8 amd 2009 SL No. 176 s 37

Applications for internal review—Act, s 37

prov hdg sub 2009 Act No. 24 s 796(1)
s 9 amd 2009 Act No. 24 s 796(2)–(3)

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 1—EXCLUDED TIMBER—ANGIOSPERMAE

amd 2008 SL No. 135 s 4

SCHEDULE 5—FEES

sub 1999 SL No. 177 s 3; 2001 SL No. 288 s 6; 2007 SL No. 232 s 22; 2008
SL No. 314 s 35; 2009 SL No. 176 s 38

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