

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 30 of 1987

**An Act to control the sale and use of certain timbers, to
repeal the Timber Users' Protection Act 1949-1972
and for other purposes**

[ASSENTED TO 23RD APRIL, 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Timber Utilization and Marketing Act 1987*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1) this Act shall commence on a date appointed by Proclamation.

The date so appointed is in this Act referred to as the commencement of this Act.

3. Arrangement. This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-8);

PART II—LYCTID SUSCEPTIBLE TIMBER (ss. 9-14);

PART III—APPROVED PRESERVATIVE TREATMENT
(ss. 15-18);

PART IV—PRESERVATIVE TREATMENT OF TIMBER
(ss. 19-32);

PART V—MOISTURE CONTENT OF TIMBER (ss. 33-35);

PART VI—MISCELLANEOUS (ss. 36-53).

4. Repeal. The Acts referred to in Schedule 1 are repealed.

5. Transitional provisions. (1) Where, immediately before the commencement of this Act, a person may, pursuant to the repealed Acts, use a brand registered under those Acts to brand timber treated by means of an approved preservative treatment within the meaning of those Acts, that person may, pursuant to those Acts, continue to brand timber so treated and treat timber by means of that preservative treatment—

(a) where the person has, within 1 month from that commencement, made application to the Conservator of Forests under section 19 for the Conservator's authorization to use an approved preservative treatment and for the registration of a brand with which to brand timber treated pursuant to that authorization—

(i) until he has been given notice in writing that his application has been refused;

or

(ii) where his application is granted, until the expiration of 60 days after he has been given notice in writing of that fact;

or

(b) in a case to which paragraph (a) does not apply, for the period of 1 month from the commencement of this Act, and for that purpose the repealed Acts shall continue to have force and effect.

(2) Notwithstanding anything contained in any other section, timber which, pursuant to the repealed Acts, has been treated by means of an approved preservative treatment within the meaning of those Acts and branded with a brand registered under those Acts may for the period of 12 months from the commencement of this Act be used and dealt with in any manner in which it could have been used and dealt with under those Acts if this Act had not commenced and for that purpose the repealed Acts shall continue to have force and effect.

(3) A person does not, during the period of 6 months from the commencement of this Act, commit an offence against section 29 in respect of the sale, or the offering or exposing for sale, of any timber, or article containing timber, which timber is described or held out as being preservative treated if—

(a) the timber has been imported into the State;

and

(b) prior to being so imported, has been treated at a place outside of the State by means of a preservative treatment that is an approved preservative treatment under this Act or the repealed Acts.

(4) A person does not, during the period of 3 months from the commencement of this Act, commit an offence against section 31 in respect of the removal from a resawmill of timber described or held out as being preservative treated if, prior to being removed, the timber has been treated by means of a preservative treatment that is an approved preservative treatment under this Act or the repealed Acts.

(5) The proof of any matter referred to in the preceding subsections of this section shall be upon the person who relies thereon.

6. Interpretation. (1) In this Act, save where a contrary intention appears—

“approved preservative treatment” in relation to timber, means a preservative treatment in respect of which an approval by the Conservator of Forests is in force;

“article” means a manufactured article the whole or any part of which is comprised of timber and includes furniture, fittings and fixtures and a vehicle or vessel;

“building” includes any structure or part of a structure and any—

- (a) fence;
- (b) gate;
- (c) retaining wall;

or

- (d) playground equipment,

consisting of any timber components but does not include any building intended to have a life of less than 2 years;

“building operation” includes altering, adding to, erecting, constructing, reconstructing, building, rebuilding, renovating or repairing, any building;

“Conservator of Forests” means the Conservator of Forests within the meaning of the *Forestry Act 1959-1984*;

“duty” includes function;

“forest officer” means a forest officer within the meaning of the *Forestry Act 1959-1984*;

“framing timber” means timber that has been sawn, hewn or otherwise processed and which is commonly used to—

- (a) form the basic structure of a building;

or

- (b) support flooring, or ceiling or roofing materials, or wall cladding,

but does not include timber of a prescribed class or description;

“H level” means a H level listed in the regulations pursuant to section 53 (3);

“lyctid” means any egg, larva, pupa or adult of the family Lyctidae;

“lyctid susceptible timber” means all timber, other than timber of a species of timber specified in Schedule 2, which—

- (a) contains starch and has not been treated against lyctids with an approved preservative treatment;

or

- (b) is being attacked by lyctids;

“milled timber” means timber that has been machined on more than 2 surfaces or to a required shape or finish;

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act: the term includes a Minister of the Crown who is temporarily performing the duties of the Minister;

“moisture content” in relation to timber, means the amount of water in the timber expressed as a percentage of the oven-dry weight of the timber;

“place” includes any structure, building, vehicle, vessel or land (whether built upon or not) and any part of such structure, building, vehicle, vessel or land;

“power” includes authority;

“preservative treatment” means treatment by a chemical substance with the object of protecting timber from attack by wood destroying animals, bacteria or fungi or of increasing its resistance to fire, moisture change, decomposition or degradation or of increasing its dimensional stability;

“preservative treatment plant” means a plant for the preservative treatment of timber and includes the land used in connexion therewith;

“recognized brand” means a brand recognized by the Conservator of Forests pursuant to section 27;

“remill” means to dress, plane, mould or resaw timber;

“resawmill” means any place at which timber is remilled for sale or reward;

“sell” includes barter;

“the repealed Acts” means the Acts repealed by section 4;

“timber” means the wood of any tree, shrub, palm, grass or vine and includes hardboard, chipboard, particle board, fibre board, insulation board and similar materials and plywood;

“trade name” in relation to timber of any particular species specified in Schedule 2, means the trade name assigned thereto by that Schedule.

(2) For the purposes of this Act a person shall be deemed to have held out timber as being—

(a) free from lyctid susceptible timber;

(b) preservative treated;

or

(c) kiln dried, air dried, dried or seasoned,

where he makes any verbal or written statement or representation implying or that may be construed to imply that such timber is free from lyctid susceptible timber or has been preservative treated or, as the case may be, is kiln dried, air dried, dried or seasoned.

(3) A reference in this Act to a person—

(a) to whom an authorization is granted under paragraph (a) of section 22 (1);

or

(b) in respect of whom a brand is registered under paragraph (b) or (c) of section 22 (1),

shall be construed as a reference to—

(c) in a case to which paragraph (a) applies—the person to whom that authorization is transferred pursuant to section 26 (1);

and

- (d) in a case to which paragraph (b) applies—the person to whom the registration is transferred pursuant to section 26 (2).

7. Administration. This Act shall be administered by the Minister and subject to the Minister by the Conservator of Forests.

8. Power to amend Schedule 2. The Governor in Council may from time to time by Order in Council amend Schedule 2 by altering the description of or deleting any of the species of timber therein specified or by adding thereto any other species of timber (whether indigenous to Australia or not) and, in that case, assigning to any species of timber so added a trade name or by altering the trade name of any of the species of timber therein specified and the amended Schedule shall for the time being be Schedule 2 to this Act.

PART II—LYCTID SUSCEPTIBLE TIMBER

9. Sale of lyctid susceptible timber prohibited. A person shall not sell or agree to sell lyctid susceptible timber to another person unless he has received a written request for the supply by him of lyctid susceptible timber from that other person.

10. Sale of timber described as being free from lyctid susceptible timber. A person shall not have in possession for sale any timber or article described or held out by him, his servants or agents as being free from lyctid susceptible timber unless the timber or, as the case may be, article is free from lyctid susceptible timber.

11. Restriction on use of lyctid susceptible timber. (1) A person shall not, in carrying out any building operation, use or permit or allow to be used any lyctid susceptible timber unless—

- (a) attack by lyctids will not be detrimental to the use or service reasonably expected of the building;
 - (b) the use of the timber was agreed to in writing by the person for whom the building was or was being erected;
- or
- (c) the building is for his occupation or use.

(2) A person shall not use or permit or allow to be used in the manufacture of an article any lyctid susceptible timber unless—

- (a) attack by lyctids will not be detrimental to the use or service reasonably expected of the article;
- or
- (b) the article is for his own use.

(3) Subsection (2) does not apply in respect of a prescribed article or in respect of an article of a prescribed class or description.

12. Sale of buildings. A person shall not sell a building any part of which is comprised of lyctid susceptible timber unless—

- (a) attack by lyctids will not be detrimental to the use or service reasonably expected of the building;
- (b) a period of 2 years has elapsed since the carrying out in respect of the building of any building operation in which lyctid susceptible timber has been used;
or
- (c) before entering into the contract for the sale of the building he gives to the purchaser personally or by registered post a notice in writing in accordance with section 14 (1).

13. Sale of articles. (1) A person shall not sell an article any part of which is comprised of lyctid susceptible timber unless—

- (a) attack by lyctids will not be detrimental to the use or service reasonably expected of the article;
- (b) a period of 2 years has elapsed since the manufacture of the article;
or
- (c) before entering into the contract for the sale of the article he gives to the purchaser personally or by registered post a notice in writing in accordance with section 14 (1).

(2) For the purposes of this section, where the date of manufacture of an article is not known such date shall be the date on which that article came into the possession of the first known person having, or having had, the custody of the article.

(3) Subsection (1) does not apply in respect of a prescribed article or in respect of an article of a prescribed class or description.

14. Requirements of notice. (1) A notice referred to in sections 12 and 13 shall—

- (a) state clearly the fact that lyctid susceptible timber has been used in the building or, as the case may be, in the article;
- (b) state clearly that the lyctid susceptible timber has been attacked by lyctids or, where such timber has not been so attacked, is liable to attack by lyctids;
- (c) clearly identify the building or article to which the notice relates;
- (d) show the names of the parties to the sale nominally or by description or reference sufficient to clearly identify them;
- (e) state the date on which the notice is given;
and
- (f) be signed by the person giving the notice,
and shall not contain any other written matter whatsoever.

(2) A document which fails to fully comply with the requirements of subsection (1) is not a notice under and within the meaning of that subsection.

PART III—APPROVED PRESERVATIVE TREATMENT

15. Approval of Conservator. (1) The Conservator of Forests may from time to time, of his own volition or consequent upon an application under section 16, approve preservative treatments for the purposes of this Act.

(2) Upon approving a preservative treatment pursuant to subsection (1) the Conservator of Forests—

- (a) shall assign to timber treated by means of that approved preservative treatment a H level;
- and
- (b) shall cause to be published in the Gazette a notification containing details of the approved preservative treatment and the H level assigned to timber treated by means of that approved preservative treatment.

16. Application for approval of Conservator. (1) A person may make application to the Conservator of Forests for his approval of a preservative treatment.

(2) An application referred to in subsection (1) shall—

- (a) be in the prescribed form;
- (b) be accompanied by the prescribed fee;
- (c) specify—
 - (i) the object of the treatment;
 - (ii) the substances comprising the preservative;
 - (iii) the desirable retention and penetration pattern having regard to the use for which timber undergoing the treatment is intended;
 - (iv) the method of treatment;
 - and
 - (v) evidence of the effectiveness of the treatment.

(3) In addition to the information mentioned in paragraph (c) of subsection (2) an applicant shall provide the Conservator of Forests with such other information in relation to the preservative treatment as the Conservator may require.

(4) The Conservator of Forests shall consider each application, cause notice in writing of his decision with respect to the application to be given to the applicant and, where he has refused the application, specify in the notice his reasons for so refusing.

17. Cancellation of approval. (1) The Conservator of Forests may by notification published in the Gazette cancel his approval of a preservative treatment.

(2) Where the Conservator of Forests cancels his approval of a preservative treatment he shall cause to be published in the Gazette a notification containing details of each remaining approved preservative treatment and the H level assigned to timber treated by means of that approved preservative treatment.

18. Notice of cancellation to be given. Where the Conservator of Forests cancels the approval of a preservative treatment he shall cause written notice thereof containing his reasons for cancelling the approval to be given—

- (a) where the preservative treatment was approved consequent upon an application under section 16—to the applicant;
- (b) to each person authorized under paragraph (a) of section 22 (1) to use that preservative treatment;
- (c) to each person in respect of whom a brand that relates to that preservative treatment is registered under paragraph (b) or (c) of section 22 (1);
and
- (d) to each person in respect of whom a brand that relates to that preservative treatment is recognized under section 27.

PART IV—PRESERVATIVE TREATMENT OF TIMBER

19. Authorization to use preservative treatment and registration of brand. (1) A person may apply to the Conservator of Forests—

- (a) for authorization to use an approved preservative treatment;
and
 - (b) for the registration of a brand to be used by the person to brand timber treated pursuant to that authorization.
- (2) An application under this section shall—
- (a) be in the prescribed form;
 - (b) be accompanied by the prescribed fee;
 - (c) specify the approved preservative treatment to be used;
and
 - (d) in respect of that approved preservative treatment—
 - (i) specify the object of the treatment;
 - (ii) specify the method of treatment;
 - (iii) specify the nature of the timber to be treated;
and
 - (iv) contain details sufficient to identify the preservative treatment plant which it is intended to use.

(3) In addition to the information referred to in subsection (2), an applicant shall provide the Conservator of Forests with such other information and such material as the Conservator may require, including certificates of analysis and samples of timber treated by means of the approved preservative treatment to which the application relates using the preservative treatment plant identified in the application.

20. Application for registration of brand to be used to brand imported timber. (1) A person may apply to the Conservator of Forests for the registration of a brand with which to brand timber imported by the person into the State where that timber has, prior to being so imported, been treated by means of an approved preservative treatment.

- (2) An application under this section shall—
- (a) be in the prescribed form;
 - (b) be accompanied by the prescribed fee;
 - (c) specify the approved preservative treatment in respect of which it is intended to use the brand;
and
 - (d) in respect of that approved preservative treatment—
 - (i) specify the object of the treatment;
 - (ii) specify the method of treatment;
 - (iii) specify the nature of the timber treated or to be treated;
and
 - (iv) contain details sufficient to identify the preservative treatment plant used or which it is intended to use.

(3) In addition to the information referred to in subsection (2), an applicant shall provide the Conservator of Forests with such other information and such material as the Conservator may require, including certificates of analysis and samples of timber treated by means of the approved preservative treatment to which the application relates using the preservative treatment plant identified in the application.

21. Application for registration of brand to be used to brand remilled timber. (1) A person may apply to the Conservator of Forests for the registration of a brand with which to brand timber that has been remilled and that prior to being remilled has been treated by means of an approved preservative treatment.

- (2) An application under this section shall—
- (a) be in the prescribed form;
 - (b) be accompanied by the prescribed fee;
and
 - (c) specify the approved preservative treatment in respect of which it is intended to use the brand.

(3) In addition to the information referred to in subsection (2), an applicant shall provide the Conservator of Forests with such other

information and such material as the Conservator may require, including certificates of analysis and samples of timber treated by means of the approved preservative treatment to which the application relates.

22. Determination of application. (1) After consideration of an application made—

- (a) under section 19, the Conservator of Forests may—
 - (i) authorize the use of the approved preservative treatment unconditionally or subject to such conditions as to him seem proper or refuse to authorize the use of the approved preservative treatment;
and
 - (ii) register a brand unconditionally or subject to such conditions as to him seem proper or refuse to register the brand;
- (b) under section 20, the Conservator of Forests may register a brand unconditionally or subject to such conditions as to him seem proper or refuse to register the brand;
- (c) under section 21, the Conservator of Forests may register a brand unconditionally or subject to such conditions as to him seem proper or refuse to register the brand.

(2) Where, in respect of an application made under section 19, the Conservator of Forests refuses to authorize the use of an approved preservative treatment, he shall not register the brand referred to in that application.

(3) The form and design of a brand registered under subsection (1) shall be such as is determined by the Conservator of Forests.

(4) The Conservator of Forests shall cause notice in writing of his decision with respect to an application referred to in subsection (1) to be given to the applicant and, where he has refused the application, shall specify therein his reasons for so refusing.

23. Duration of authorization, etc. Unless sooner cancelled under section 24—

- (a) an authorization and a registration under paragraph (a) of section 22 (1);
or
- (b) a registration under paragraph (b) or (c) of section 22 (1), granted or effected—
 - (c) prior to 1 August, 1990, shall remain in force until midnight on 31 July, 1990;
 - (d) subsequent to 31 July, 1990 and prior to 1 August, 1993, shall remain in force until midnight on 31 July, 1993;
 - (e) subsequent to 31 July, 1993 and prior to 1 August, 1996, shall remain in force until midnight on 31 July, 1996,

and so on from one triennial period to another and in the case of an authorization and registration or, as the case may be, a registration which has been renewed, until midnight on 31 July thirdly occurring next after 31 July to which they or it remained in force.

24. Cancellation of authorization and cancellation or suspension of registration. (1) The Conservator of Forests may by notice in writing—

- (a) given to a person to whom an authorization is granted under paragraph (a) of section 22 (1), cancel that authorization and the registration of the brand registered in respect of that authorization or suspend the registration of that brand;
- (b) given to a person in respect of whom a brand is registered under paragraph (b) or (c) of section 22 (1), cancel or suspend the registration of the brand,

where he is satisfied that the person has committed a breach of this Act or where he cancels the approval of the preservative treatment to which the authorization or, as the case may be, the brand relates.

(2) During any period for which the registration of a brand is suspended under subsection (1) that brand shall be taken not to be registered under this Act.

(3) The Conservator of Forests may lift, extend or further extend a period of suspension imposed under subsection (1).

25. Renewal of authorization and registration. (1) A person to whom an authorization is granted under paragraph (a) of section 22 (1) may, within 60 days prior to the date of expiration of that authorization, apply to the Conservator of Forests for the renewal of that authorization and of the registration of the brand registered in respect of that authorization.

(2) A person in respect of whom a brand is registered under paragraph (b) or (c) of section 22 (1) may, within 60 days prior to the date of expiration of that registration, apply to the Conservator of Forests for the renewal of the registration of the brand.

(3) An application under subsection (1) or (2) shall be in the prescribed form and be accompanied by the prescribed fee.

(4) The Conservator of Forests may renew or refuse to renew the authorization and registration of the brand or, as the case may be, the registration of the brand.

(5) The Conservator of Forests shall cause notice in writing of his decision with respect to the application to be given to the applicant and, where he has refused the application, shall specify therein his reasons for so refusing.

26. Transfer of authorization, etc. (1) Upon the receipt of an application in the prescribed form accompanied by the prescribed fee made by the person to whom an authorization is granted under paragraph (a) of section 22 (1) the Conservator of Forests may transfer that

authorization and the registration of the brand registered in respect of that authorization to another person identified in the application or refuse the application.

(2) Upon the receipt of an application in the prescribed form accompanied by the prescribed fee made by the person in respect of whom a brand is registered under paragraph (b) or (c) of section 22 (1) the Conservator of Forests may transfer the registration of that brand to another person identified in the application or refuse the application.

(3) As a condition precedent to his exercising his power under subsection (1) or (2) the Conservator of Forests may require an applicant to return to him any notice issued by him in respect of the authorization and registration or, as the case may be, registration to which the application relates or furnish to him evidence to his satisfaction of the loss or destruction of the same.

(4) The Conservator of Forests shall cause notice in writing of his decision with respect to the application to be given to the applicant and, where he has refused the application, shall specify therein his reasons for so refusing.

27. Recognized brands. (1) Where, at a place outside the State, timber—

- (a) is treated by means of an approved preservative treatment;
and
- (b) is branded with a brand that, pursuant to the law of that place—
 - (i) is registered by a person or authority having powers and duties relating to the preservation of timber;
and
 - (ii) is authorized to be placed on timber that is treated as referred to in paragraph (a),

a person may apply to the Conservator of Forests to have the brand recognized by him.

(2) An application under this section shall—

- (a) be in the prescribed form;
- (b) be accompanied by the prescribed fee;
- (c) specify the approved preservative treatment in respect of which the brand is used;
- (d) specify the form and design of the brand;
- (e) identify the person or other authority by whom the brand is presently registered;
- (f) specify the object of the treatment;
- (g) specify the nature of the timber treated or to be treated;
and
- (h) contain details sufficient to identify the preservative treatment plant used.

(3) In addition to the information referred to in subsection (2), an applicant shall provide the Conservator of Forests with such other information and such material as the Conservator may require, including certificates of analysis and samples of timber treated by means of the approved preservative treatment specified in the application using the preservative treatment plant identified therein.

(4) After consideration of an application under this section the Conservator of Forests may agree to recognize the brand unconditionally or subject to such conditions as to him seem proper or refuse to recognize the brand.

(5) The Conservator of Forests shall cause notice in writing of his decision with respect to the application to be given to the applicant and, where he has refused the application, shall specify therein his reasons for so refusing.

(6) Where the Conservator of Forests recognizes a brand pursuant to this section such recognition shall remain in force until it is cancelled.

(7) The Conservator of Forests may by notice in writing given to the applicant cancel his recognition of a brand.

(8) A notice given pursuant to subsection (7) shall specify the reasons for the cancellation.

28. Use of registered brands. A person shall not use a brand—

- (a) registered under paragraph (a) of section 22 (1) to brand timber unless the timber is treated pursuant to an authorization in respect of which that brand is registered;
 - (b) registered under paragraph (b) of section 22 (1) to brand timber unless the timber has been imported into the State and, prior to being so imported, been treated by means of the approved preservative treatment in respect of which that brand is registered;
 - (c) registered under paragraph (c) of section 22 (1) to brand timber unless the timber has been remilled and, prior to being remilled, been treated by means of the approved preservative treatment in respect of which that brand is registered;
- or
- (d) registered under paragraph (a), (b) or (c) of section 22 (1) to brand timber during any period for which the registration of that brand is suspended pursuant to this Part.

29. Sale of preservative treated timber. (1) A person shall not—

- (a) sell any timber or article containing timber;
 - (b) offer or expose for sale any article containing timber;
- or
- (c) offer or expose for sale any timber other than timber to which subsection (2) applies,

which timber is described or held out by him, his servants or agents as being preservative treated unless—

- (d) the timber is treated by means of an approved preservative treatment by a person authorized to use that approved preservative treatment under paragraph (a) of section 22 (1) and is branded with the brand that, at the time at which it was applied, was registered in respect of that authorization;
- (e) in the case of timber that has been remilled—the timber is treated by means of an approved preservative treatment and is branded with a brand that, at the time at which it was applied, was registered under paragraph (c) of section 22 (1) in respect of that approved preservative treatment;
or
- (f) in the case of timber imported into the State—the timber is treated by means of an approved preservative treatment and is branded with a brand that, at the time at which it was applied, was registered under paragraph (b) of section 22 (1), or was a recognized brand, in respect of that approved preservative treatment,

and is branded with a brand showing the H level assigned by the Conservator of Forests under this Act to timber that has been treated by means of that approved preservative treatment.

(2) In the case of a sale of—

- (a) pieces of veneer of any width;
- (b) pieces of timber each of a width of not more than 50 millimetres;
or
- (c) pieces of timber each of a thickness of not more than 16 millimetres, other than hardboard, chipboard, particle board, fibre board, insulation board and similar materials and plywood,

described or held out as being preservative treated, a person shall be taken to have complied with the provisions of subsection (1) that relate to the branding of the timber if the brands that, but for the provisions of this subsection, would be required to be branded on the timber, are clearly shown—

- (d) on an invoice or docket of sale and such invoice or docket is delivered by the seller to the purchaser at or before the delivery on sale of the timber;
or
- (e) on a label attached to each piece of the timber;
or
- (f) in a case where the timber is bound in a bundle—
 - (i) in at least 2 places on the outer wrapping of the bundle;
or
 - (ii) on a label attached to the bundle.

(3) In the case of a sale or the offering or exposing for sale of an article containing timber which timber is described or held out as being preservative treated, a person shall be taken to have complied with the provisions of subsection (1) that relate to the branding of the timber if the brands that, but for the provisions of this subsection, would be required to be branded on the timber, are clearly shown on a label attached to the article.

30. Certain timber not to be removed from preservative treatment plant. Subject to section 32, a person who owns or controls a preservative treatment plant shall not allow any timber described or held out as being preservative treated to be removed from that preservative treatment plant unless the timber—

- (a) has been treated by means of an approved preservative treatment by a person authorized to use that approved preservative treatment under paragraph (a) of section 22 (1);
- (b) is branded with the brand that, at the time at which it was applied, was registered in respect of that authorization;
and
- (c) is branded with a brand showing the H-level assigned by the Conservator of Forests under this Act to timber that has been treated by means of that approved preservative treatment.

31. Certain remilled timber not to be removed from resawmill. Subject to section 32, a person who owns or controls a resawmill shall not allow any timber that has been remilled at that resawmill and that is described or held out as being preservative treated to be removed from that resawmill unless the timber—

- (a) has been treated by means of an approved preservative treatment;
- (b) is branded with a brand that, at the time at which it was applied, was registered under paragraph (c) of section 22 (1) in respect of that approved preservative treatment;
and
- (c) is branded with a brand showing the H level assigned by the Conservator of Forests under this Act to timber that has been treated by means of that approved preservative treatment.

32. Exceptions to the provisions of ss. 30 and 31. In the case of a removal of—

- (a) pieces of veneer of any width;
- (b) pieces of timber each of a width of not more than 50 millimetres;
or
- (c) pieces of timber each of a thickness of not more than 16 millimetres, other than hardboard, chipboard, particle board,

fibre board, insulation board and similar materials and plywood,

a person who owns or controls a preservative treatment plant or, as the case may be, a resawmill shall be taken to have complied with the provisions of section 30 or, as the case may be, section 31 that relate to the branding of the timber if the brands that, but for the provisions of this section, would be required to be branded on the timber, are clearly shown—

- (d) in the case of timber that is being removed on sale—on an invoice or docket of sale that is delivered by the person who owns or controls the preservative treatment plant or, as the case may be, the resawmill to the purchaser at or before the delivery on sale of the timber;
 - or
- (e) on a label attached to each piece of the timber;
 - or
- (f) in a case where the timber is bound in a bundle—
 - (i) in at least 2 places on the outer wrapping of the bundle;
 - or
 - (ii) on a label attached to the bundle.

PART V—MOISTURE CONTENT OF TIMBER

33. Sale of dried or seasoned timber. (1) A person shall not sell any timber or article if the timber or, as the case may be, the timber contained in the article is described or held out by him, his servants or agents as being kiln dried, air dried, dried or seasoned unless—

- (a) where a standard has been prescribed that specifies the moisture content for the timber or for a class or description of timber to which class or description the timber belongs—the moisture content of the timber when determined in the prescribed manner complies, as at the time at which the property therein passes under the sale, with that standard;
 - or
- (b) where no such standard has been prescribed—the moisture content of the timber when determined in the prescribed manner is not, as at the time at which the property therein passes under the sale, more than 15 per centum or less than 10 per centum.

(2) It is a defence to a prosecution brought in respect of an offence under subsection (1) if the defendant proves that before entering into the contract for the sale of the timber or article or at the time of entering into that contract the purchaser agreed in writing to accept timber or, as the case may be, timber contained in an article, having a specified moisture content and that the moisture content of the timber, when determined in the prescribed manner, complied, as at the time at which

the property therein passed under the sale, with the moisture content so specified.

34. Sale of milled timber. (1) A person shall not sell milled timber that—

(a) where a standard has been prescribed that specifies the moisture content for the milled timber or for a class or description of milled timber to which class or description the milled timber belongs—has a moisture content, when determined in the prescribed manner, that does not comply with that standard as at the time at which the property therein passes under the sale;

or

(b) where no such standard has been prescribed—has a moisture content, when determined in the prescribed manner, that is more than 15 per centum or less than 10 per centum as at the time at which the property therein passes under the sale.

(2) It is a defence to a prosecution brought in respect of an offence under subsection (1) if the defendant proves—

(a) that before entering into the contract for the sale of the milled timber or at the time of entering into that contract the purchaser agreed in writing to accept milled timber having a specified moisture content and that the moisture content of the milled timber, when determined in the prescribed manner, complied, as at the time at which the property therein passed under the sale, with the moisture content so specified;

or

(b) where the milled timber is unseasoned—that before entering into the contract for the sale of the milled timber or at the time of entering into that contract the purchaser agreed in writing to accept milled timber that is unseasoned.

(3) Subsection (1) does not apply to milled timber of a prescribed class or description.

35. Use of timber in building operation and in manufacture of articles. (1) A person shall not use in a building operation any milled timber (other than framing timber) that—

(a) where a standard has been prescribed that specifies the moisture content for the milled timber or for a class or description of milled timber to which class or description the milled timber belongs—has a moisture content, when determined in the prescribed manner, that does not comply with that standard;

or

(b) where no such standard has been prescribed—has a moisture content, when determined in the prescribed manner, that is more than 15 per centum or less than 10 per centum.

(2) It is a defence to a prosecution brought in respect of an offence under subsection (1) if the defendant proves that—

- (a) the use of the timber will not be detrimental to the use or service reasonably expected of the building in respect of which the building operation was or was being carried out;
- (b) the building in respect of which the building operation was or was being carried out is for his occupation or use;
- or
- (c) prior to the use of the milled timber in the building operation, its use at a specified moisture content was requested in writing by the person for whom the building operation was or was being carried out and that the milled timber had that moisture content, when determined in the prescribed manner, at the time at which it was so used.

(3) A person shall not use or permit or allow to be used in the manufacture of an article any timber that—

- (a) where a standard has been prescribed that specifies the moisture content for the timber or for a class or description of timber to which class or description the timber belongs—has a moisture content, when determined in the prescribed manner, that does not comply with that standard;
- or
- (b) where no such standard has been prescribed—has a moisture content, when determined in the prescribed manner, that is more than 15 per centum or less than 10 per centum.

(4) It is a defence to a prosecution brought in respect of an offence under subsection (3) if the defendant proves that—

- (a) the use of the timber will not be detrimental to the use or service reasonably expected of the article;
- (b) the article is for his use;
- or
- (c) prior to the use of the timber in the manufacture of the article, its use at a specified moisture content was requested in writing by the person for whom the article was or was being manufactured and that the timber had that moisture content, when determined in the prescribed manner, at the time at which it was so used.

PART VI—MISCELLANEOUS

36. Implied conditions. (1) If any timber, article or building is supplied, manufactured, constructed or erected under a contract or sold or agreed to be sold, or if any building operation is carried out under a contract, there is (unless the contract expressly states in writing that lyctid susceptible timber is contained or has been used therein or unless, in the case of any such sale to which section 12 or 13 applies, notice has been given as required by the said section 12 or 13, as the case

may be,) an implied condition that such timber is free from lyctid susceptible timber or, in the case of such article or building, that the timber contained therein or, in the case of the building operation, that the timber used therein is free from lyctid susceptible timber.

(2) Where upon a sale timber, or timber contained in an article, the subject of such sale is described or held out as being preservative treated, there is an implied condition that such timber has been treated by means of an approved preservative treatment.

(3) Where upon a sale timber, or timber contained in an article, the subject of such sale is described or held out as being kiln dried, air dried, dried or seasoned, there is an implied condition that, at the time the property passes under the sale—

(a) where a standard has been prescribed that specifies the moisture content for the timber or for a class or description of timber to which class or description the timber belongs—the moisture content of the timber when determined in the prescribed manner complies with that standard;

or

(b) where no such standard has been prescribed—the moisture content of the timber when determined in the prescribed manner is not more than 15 per centum or less than 10 per centum:

Provided that nothing aforementioned in this subsection shall apply to the sale of any timber or article where, before entering into the contract for the sale of the timber or article or at the time of entering into that contract, the purchaser agreed in writing to accept timber or, as the case may be, timber contained in an article, having a specified moisture content and the moisture content of the timber, when determined in the prescribed manner, complies, as at the time at which the property passes under the sale, with the moisture content so specified.

(4) Upon a sale of milled timber (other than milled timber to which section 34 (1) does not apply) there is an implied condition that, at the time the property passes under the sale—

(a) where a standard has been prescribed that specifies the moisture content for the milled timber or for a class or description of milled timber to which class or description the milled timber belongs—the moisture content of the milled timber when determined in the prescribed manner complies with that standard;

or

(b) where no such standard has been prescribed—the moisture content of the milled timber when determined in the prescribed manner is not more than 15 per centum or less than 10 per centum:

Provided that nothing aforementioned in this subsection shall apply to the sale of any milled timber—

(c) where, before entering into the contract for the sale of the milled timber or at the time of entering into that contract,

the purchaser agreed in writing to accept milled timber having a specified moisture content and the moisture content of the milled timber, when determined in the prescribed manner, complies, as at the time at which the property passes under the sale, with the moisture content so specified;
or

- (d) where the milled timber is unseasoned and before entering into the contract for the sale of the milled timber or at the time of entering into that contract the purchaser agreed in writing to accept milled timber that is unseasoned.

(5) Subject to subsection (6), any covenant, agreement or condition expressed or implied in a contract or in a separate document whereby it is agreed between the parties to that contract that a condition implied by this section shall not be legally binding as against the seller or contractor shall be void.

(6) A condition by this section implied in any sale or contract may be waived by a party (other than the seller or contractor) to such sale or contract, or such party may elect to treat the breach of such condition as a breach of warranty and not as a ground for treating the sale or contract as repudiated.

In this subsection and subsection (5)—

“contractor” in relation to a contract, means a person who, under the contract, supplies any goods or performs any service.

(7) A party shall not be bound by waiver or election under subsection (6) unless made by him after the date upon which he first has knowledge that such condition has in fact been breached by the party bound thereby.

(8) A party to a sale or contract who has breached any condition implied by virtue of this section shall, if thereunto required by another party to that sale or contract who is entitled to the benefit of that condition, remove from any place owned or occupied by that other party, without cost to that other party, all or any timber or articles the subject of that sale or contract.

(9) The provisions of this section shall be read and construed so as not to limit or affect any other provision of this Act constituting any act or omission an offence or the liability to punishment under this Act of any person committing that offence.

(10) The provisions of this section with regard to lyctid susceptible timber shall have no application to any sale or contract made or entered into after a period of 2 years from when the timber was sawn, or the article was manufactured or the building or the building operation was completed, as the case may be.

(11) For the purposes of subsection (10), where the date of manufacture of any article is not known such date shall be the date on which the article came into the possession of the first known person having, or having had, the custody of such article.

(12) Any condition implied by virtue of this section shall be in addition to any condition or warranty otherwise expressed or implied by law.

37. Appeal. (1) A person aggrieved by—

- (a) the refusal by the Conservator of Forests of an application made to him under this Act;
 - (b) the cancellation or suspension by the Conservator of Forests of any approval, authorization, registration or recognition under this Act;
- or
- (c) the imposition by the Conservator of Forests of any conditions in respect of any authorization, registration or recognition granted or effected under this Act,

may, in the time and manner prescribed, appeal to the Minister.

(2) The Minister may—

- (a) dismiss the appeal;
- or
- (b) allow the appeal wholly or in part and give such directions in the matter as to him seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Conservator of Forests and the appellant and shall be carried into effect accordingly.

(4) Where the Conservator of Forests fails to grant an application made to him under this Act the application shall, for the purposes of this section, be deemed to be refused by him upon the expiration of 2 months after the application was received by him.

38. Powers of forest officers. (1) A forest officer may make such investigations and inquiries as are necessary to ascertain whether the provisions of this Act are being complied with and may, at any reasonable time—

- (a) enter any place where, in his opinion formed on reasonable grounds—
 - (i) timber is sawn, hewn, remilled or otherwise processed;
 - (ii) timber is or articles are sold, offered or exposed for sale, or stored;
 - (iii) a preservative treatment is used;
 - (iv) timber is seasoned;
 - (v) timber is branded;
- or
- (vi) articles are manufactured,
and inspect and test any timber, preservative or article and inspect any brand;

- (b) enter and inspect any preservative treatment plant;
 - (c) enter any building site and inspect and test any timber or article on that building site;
 - (d) subject to section 39, enter any building in the erection of which timber is being or has been used and inspect and test any timber so used;
 - (e) require any person to produce any accounts, records, books or other documents which relate to, or which in the opinion of the forest officer formed on reasonable grounds relate to, the use or sale of timber, the manufacture or sale of articles or the use or supply of preservative;
- and
- (f) take copies of, or extracts or notes from, any accounts, records, books or other documents referred to in paragraph (e).

(2) A forest officer in exercising any power or authority or performing any duty or function under this section may remove, or cause to be removed for testing, portions or samples of timber, timber contained in an article, or preservative.

(3) A forest officer may seize any timber or article in respect of which he suspects on reasonable grounds that an offence has been committed against this Act.

(4) A forest officer may remove any timber or article seized by him under subsection (3) from the place of seizure or allow such timber or article to remain at the place of seizure and, in the latter case, fasten, secure or seal the same or any door or aperture affording access to the same.

(5) The marking with a broad arrow by a forest officer of any timber or article seized shall be sufficient notification to all persons of such seizure.

(6) Where in the opinion of a forest officer who has seized any timber or article it is impractical to mark that timber or article in the manner mentioned in subsection (5), the forest officer may place in a conspicuous position upon any such timber or article a notice in the prescribed form signed by him and specifying the timber or article and the placing of that notice in that manner shall be sufficient notification to all persons of such seizure.

(7) For the purpose of removing any timber or article pursuant to subsection (4) a forest officer may be accompanied by such persons and take into the place where the timber or article is situated such vehicles and equipment as he thinks fit.

39. Entry into dwelling-house. (1) Before, pursuant to paragraph (d) of section 38 (1), a forest officer enters a part of any building which part is used exclusively as a dwelling-house he shall, save where he has

the permission of the occupier of the part to his entry, obtain from a justice a warrant to enter.

(2) A justice who is satisfied upon the complaint of a forest officer that there is reasonable cause to suspect that there is in any building any timber or article in respect of which an offence against this Act has been committed may issue his warrant directed to the officer to enter the building during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time.

(3) A warrant shall, for the period of one month from the date of its issue, be sufficient authority for the forest officer to enter the building specified in the warrant and to exercise therein his powers under this Act.

(4) Subsection (1) does not apply in respect of the curtilage of any building.

40. Forest officer may require name and address. Any forest officer who—

- (a) finds any person committing or who reasonably suspects any person of having committed an offence against this Act;
- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person;
- or
- (c) is of the opinion, formed on reasonable grounds, that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling him to exercise his powers or perform his duties under this Act,

may require such person to state his name and address and, if he has reasonable ground to suppose that the name and address, or name or address, given is false, may require evidence of the correctness thereof.

41. Obstruction of forest officer, etc. (1) A person shall not—

- (a) obstruct, assault, hinder, threaten or insult a forest officer in the exercise or performance of his powers or duties under this Act;
- (b) give, agree to give, or offer to, any forest officer any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by such forest officer in or in respect of the exercise of his powers or the performance of his duties under this Act;
- or
- (c) furnish information to a forest officer, being information, whether in documentary or any other form, that is in respect of a matter dealt with by this Act and that to the person's knowledge is false or misleading in a material particular.

(2) For the purpose of paragraph (b) of subsection (1), a gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation thereof would be in any way likely to influence the forest officer to do or leave undone something contrary to his duty.

(3) A person shall not move or otherwise deal with any timber, article or other thing seized, removed or detained under this Act unless he is a forest officer or a person authorized in that behalf by a forest officer.

42. Timber or article may be detained. (1) Any timber or article seized may, unless it is sooner established to the satisfaction of the Conservator of Forests that at the time of such seizure no offence in relation thereto had been committed against this Act, be detained for a period of 12 months, or, if within that period proceedings for an offence against this Act in relation thereto or proceedings for any offence in which such timber or article is or can properly be adduced in evidence have been instituted, until the final determination of those proceedings, including any appeal in the matter of those proceedings.

(2) Upon any conviction for an offence against this Act in respect of any timber or article seized and detained under this Act or if (in any case where proceedings for an offence against this Act in respect of any such timber or article are not instituted) the owner thereof cannot be ascertained, an application may be made to a Magistrates Court exercising jurisdiction in the Magistrates Court District in which the timber or article is situated for its order that such timber or article be forfeited to Her Majesty and the court may make such an order.

(3) Any person convicted of an offence against this Act in respect of any timber or article which has been removed under this Act shall be liable for all costs, charges and expenses incurred in handling, storing or otherwise dealing with that timber or article consequent upon the removal, and any sum for which any person is liable under this subsection is recoverable by the Conservator of Forests from the person by action as for a debt in any court of competent jurisdiction.

(4) The production of a certificate purporting to be signed by a forest officer that any such costs, charges or expenses of an amount stated have been incurred by such forest officer shall be prima facie evidence that the costs, charges and expenses were duly incurred and that the amount thereof so stated is the correct amount.

(5) Any timber or article forfeited under this Act may be dealt with as the Conservator of Forests directs.

43. Damage upon seizure or removal. (1) Subject to subsection (2), the Conservator of Forests or any forest officer shall not be responsible for any loss or damage caused by—

- (a) the removal of any portion or sample of timber under section 38 (2);
- (b) the seizure of any timber or article under section 38 (3) or its detention under section 42;
- or
- (c) the removal of any timber or article under section 38 (4).

(2) If upon tests or further investigations made in respect of—

- (a) any timber removed from a building or article under section 38 (2), the Conservator of Forests is satisfied that an offence against this Act with respect thereto has not been committed, or if any proceedings for an alleged offence against this Act in respect thereof are finally dismissed, the Conservator of Forests shall—
 - (i) restore as nearly as may be any building or article from which the timber was removed to the state in which that building or article existed immediately before the removal of that timber;
 - or
 - (ii) compensate the owner of the building or article for any loss of damage caused by the removal of that timber;
 - or
- (b) any timber or article seized under section 38 (3) or detained under section 42, the Conservator of Forests is satisfied that an offence against this Act with respect thereto has not been committed the Conservator of Forests shall return the timber or article to the person from whom it was seized, and in that event or if any proceedings for an alleged offence against this Act in respect thereof are finally dismissed, shall compensate the owner of the timber or article for any loss or damage caused by the seizure or seizure and detention of that timber or article.

(3) Notwithstanding the provisions of subsection (2), if any timber is removed from a building or article under section 38 (2) or any timber or article is seized under section 38 (3) or detained under section 42 consequent upon the complaint of a person that an offence against this Act has been committed in respect of the timber or article, that person, and not the Conservator of Forests, shall be liable—

- (a) in a case to which paragraph (a) of subsection (2) applies—to effect the restoration or pay the compensation;
- and
- (b) in a case to which paragraph (b) of subsection (2) applies—to pay the compensation.

44. Offences. (1) A person who contravenes or fails to comply with any provision of this Act or any condition of an authorization, registration

or recognition under this Act or fails to comply with the lawful requirement of a forest officer made under this Act is guilty of an offence against this Act.

(2) An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886-1985* on the complaint of—

- (a) the Conservator of Forests or any forest officer;
- (b) a person authorized in writing by the Conservator of Forests;
- or
- (c) a person aggrieved by the commission of the offence.

(3) The authority of a person to make a complaint referred to in subsection (2) shall be presumed until the contrary is proved.

(4) A person guilty of an offence against this Act is liable, if no other penalty is expressly provided in respect of the offence, to a penalty of—

- (a) where the person is a natural person—20 penalty units;
- or
- (b) where the person is a body corporate—100 penalty units.

(5) Proceedings for an offence against this Act may be instituted within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

45. Appropriation of penalties. All penalties recovered in relation to proceedings under this Act shall be paid to the Consolidated Revenue Fund.

46. Limitations with respect to certain proceedings. (1) A proceeding may only be instituted for an offence against section 33 or 34 if the purchaser has lodged a complaint with the vendor within 14 days after the date of delivery of the timber or article to the purchaser.

(2) In any action, suit, or proceeding under this Act, with respect to the sale of timber held out as being kiln dried, air dried, dried or seasoned, where it is open and relevant to show that the timber was adequately protected against moisture reabsorption at all material times after property in the timber passed under the sale, the onus of proof of that matter shall be on the plaintiff or complainant.

47. Service of notices, etc. Subject to sections 12 and 13, a notice or other document to be given to a person for the purposes of this Act may be duly given—

- (a) by serving the same personally on that person;
- (b) by leaving the same for him at his place of residence or business last known to the person by whom it is left;
- (c) by sending the same by pre-paid post letter addressed to that person at his place of residence or business last known to the person by whom the same is sent;

or

- (d) in the case of a body corporate, by sending the same by pre-paid post letter addressed to the body corporate at its principal place of business or any other place where it carries on business.

48. Judicial notice. Upon its publication in the Gazette, judicial notice shall be taken of a notification under Part III.

49. Sale of untreated timber branded with H level. (1) A person shall not sell or offer or expose for sale timber branded with a brand showing a H level where the timber has not been treated by means of an approved preservative treatment.

(2) It is a defence to a prosecution brought in respect of an offence under subsection (1) if the defendant proves that—

- (a) the timber was not described or held out by him, his servants or agents as being preservative treated;
and
- (b) the timber is suitable for use in the conditions specified in the regulations in respect of the H level with which it is branded.

50. Evidentiary provisions. In any proceedings for an offence against this Act—

- (a) a certificate purporting to be under the hand of the person for the time being occupying the position of Director, Division of Technical Services (Research and Utilization), Department of Forestry or a person for the time being performing the duties of that person stating that—
 - (i) on a specified date or during a specified period a preservative treatment was or was not an approved preservative treatment;
 - (ii) on a specified date or during a specified period a brand was or was not registered under a specified provision of this Act or was or was not a recognized brand;
 - (iii) on a specified date or during a specified period a brand was or was not a brand registered under this Act in respect of an authorization of the Conservator of Forests granted under paragraph (a) of section 22 (1) or a specified approved preservative treatment or was or was not a recognized brand in respect of a specified approved preservative treatment;or
- (iv) that any authorization, registration or recognition under this Act was unconditional or subject to the conditions specified therein,

shall, upon its production in the proceedings, be prima facie evidence of those matters and, in the absence of evidence to the contrary, conclusive evidence of those matters;

- (b) a certificate purporting to be under the hand of a person authorized by the Conservator of Forests to issue the same stating that any timber, or timber contained in an article, specified in the certificate—
 - (i) has lyctid susceptible timber;
 - (ii) has not been treated by means of an approved preservative treatment;
 - (iii) shows lyctid susceptible timber on more than one quarter of its perimeter;

or

 - (iv) has the moisture content specified in that certificate,

shall, upon its production in the proceedings, be prima facie evidence of those matters and, in the absence of evidence to the contrary, conclusive evidence of those matters;
- (c) it shall not be necessary to prove the appointment of the Conservator of Forests or any forest officer.

51. Proof. (1) Where in any proceedings under this Act an offence is proved in regard to any portion or sample of timber such offence shall prima facie be deemed to have been proved with regard to the whole lot of timber from which that portion or sample was taken.

(2) In any action, suit, or proceeding under this Act, proof of the use, in any building intended or used for residential, educational, religious, community or business purposes, of any piece of timber which shows lyctid susceptible timber on more than one quarter of its perimeter shall be conclusive evidence that an attack by lyctids will detrimentally affect the use or service for which the building is intended.

52. Orders in Council. Section 28A of the *Acts Interpretation Act 1954-1985* shall apply with respect to Orders in Council made for the purpose of section 8 and, for the purposes of such application, section 28A of that Act shall be read and construed as if references to regulations were references to Orders in Council made for the purpose of section 8.

53. Regulations. (1) The Governor in Council may make regulations not inconsistent with this Act providing with respect to—

- (a) the fees to be charged and the matters in relation to which such fees shall be charged;
- (b) forms to be used for the purposes of this Act and the purposes for which the forms shall respectively be used;
- (c) registers to be kept for the purposes of this Act;
- (d) all matters required or permitted by this Act to be prescribed;
- (e) the proof of any standard prescribed under this Act and

- proving as to whether or not on a particular date or during a particular period there was or was not a standard in force;
- (f) the renewal of authorizations and registrations under this Act;
 - (g) penalties not exceeding 20 penalty units for any breach of the regulations;
 - (h) all matters, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.
- (2) The regulations may—
- (a) adopt wholly or in part and either by way of reference or by way of express specification therein any of the standard rules, codes or specifications of the body known as the Standards Association of Australia or other bodies identified in the regulations;
 - (b) provide for the approval of the Conservator of Forests to be the standard to be applicable in respect of a particular matter.
- (3) The regulations shall—
- (a) list the H levels that may be assigned by the Conservator of Forests under this Act to timber treated by means of an approved preservative treatment;
and
 - (b) in respect of each H level, specify the conditions in which it is appropriate to use timber to which that H level has been assigned.

SCHEDULE 1

[s. 4]

Year and Number of Act	Short Title
13 Geo. 6 No. 37 . . .	<i>The Timber Users' Protection Act of 1949</i>
4 Eliz. 2 No. 26	<i>The Timber Users' Protection Act Amendment Act of 1955</i>
No. 43 of 1964	<i>The Timber Users' Protection Acts Amendment Act of 1964</i>
No. 66 of 1965	<i>The Timber Users' Protection Acts Amendment Act of 1965</i>

SCHEDULE 2

[s. 6 (1)]

All species of the Order Taxales.

All species of the Order Coniferales.

The following species of the Division Angiospermae:—

A. AUSTRALIAN

Trade Name	Species
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> (<i>Syn. Eucalyptus sieberiana</i>)
backhousia, stony	<i>Backhousia hughesii</i>
belah	<i>Casuarina cristata</i> (<i>Syn. Casuarina lepidophloia</i>)
blackbutt	<i>Eucalyptus pilularis</i>
box, brush	<i>Lophostemon confertus</i> (<i>Syn. Tristania conferta</i>)
box, ironwood	<i>Choricarpia subargentea</i>
box, ironwood	<i>Choricarpia leptopetala</i>
box, kanuka	<i>Tristaniopsis laurina</i> (<i>Syn. Tristania laurina</i>)
box, kanuka	<i>Tristaniopsis exiliflora</i> (<i>Syn. Tristania exiliflora</i>)

Trade Name	Species
box, swamp	<i>Lophostemon suaveolens</i> (Syn. <i>Tristania 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>
gum, grey	<i>Eucalyptus major</i>
gum, grey	<i>Eucalyptus propinqua</i>
gum, grey	<i>Eucalyptus punctata</i>
gum, red, forest	<i>Eucalyptus tereticornis</i>
gum, rose	<i>Eucalyptus grandis</i>
gum, scribbly	<i>Eucalyptus haemastoma</i>
gum, scribbly	<i>Eucalyptus micrantha</i>
gum, scribbly	<i>Eucalyptus racemosa</i>
gum, scribbly	<i>Eucalyptus rossii</i>
gum, scribbly	<i>Eucalyptus signata</i>
hardwood, Johnstone River	<i>Backhousia bancroftii</i>
hollywood, yellow	<i>Premna lignum-vitae</i> (Syn. <i>Vitex lignum-vitae</i>)
ironbark, grey	<i>Eucalyptus drepanophylla</i>
ironbark, grey	<i>Eucalyptus paniculata</i>
ironbark, grey	<i>Eucalyptus siderophloia</i> (Syn. <i>Eucalyptus decepta</i>)
ironbark, gum-topped	<i>Eucalyptus decorticans</i>
ironbark, red, broad- leaved	<i>Eucalyptus fibrosa subsp. 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>
mahogany, white	<i>Eucalyptus umbra subsp. umbra</i>
mahogany, white	<i>Eucalyptus umbra subsp. carnea</i>
malletwood	<i>Rhodamnia argentea</i>
malletwood, brown	<i>Rhodamnia rubescens</i>
malletwood, silver	<i>Rhodamnia acuminata</i>
mangrove, grey	<i>Avicennia marina var. australasica</i>
maple, Queensland	<i>Flindersia brayleyana</i>
maple, Queensland	<i>Flindersia pimenteliana</i>
maple, scented	<i>Flindersia laeviscarpa var. laeviscarpa</i>
messmate, Gympie	<i>Eucalyptus cloeziana</i>

Trade Name	Species
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>Ristania pachysperma</i> (Syn. <i>Tristania pachysperma</i>)
saffronheart	<i>Halfordia kendack</i>
saffronheart	<i>Halfordia scleroxyla</i>
sandalbox	<i>Eremophila mitchellii</i>
sassafras	<i>Daphnandra dielsii</i>
sassafras	<i>Daphnandra micrantha</i>
sassafras	<i>Daphnandra repandula</i>
sassafras	<i>Doryphora aromatica</i>
sassafras	<i>Doryphora sassafras</i>
sassafras, grey	<i>Dryadodaphne novoguineensis</i>
satinay	<i>Syncarpia hillii</i>
sheoak, beach	<i>Casuarina equisetifolia</i>
sheoak, beach	<i>Casuarina equisetifolia var. incana</i>
sheoak, black	<i>Casuarina littoralis</i>
sheoak, river	<i>Casuarina cunninghamiana</i>
sheoak, rose	<i>Casuarina torulosa</i>
sheoak, swamp	<i>Casuarina glauca</i>
stringybark, blackdown	<i>Eucalyptus sphaerocarpa</i>
stringybark, white	<i>Eucalyptus eugenoides</i>
stringybark, white	<i>Eucalyptus phaeotricha</i>
stringybark, yellow	<i>Eucalyptus muellerana</i>
sycamore, silver	<i>Cryptocarya glaucescens</i>
tea-tree, broad-leaved	<i>Melaleuca leucadendron</i>
tea-tree, broad-leaved	<i>Melaleuca quinquinervia</i>
tea-tree, broad-leaved	<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>

B. IMPORTED

Trade Name	Species
beech, silver	<i>Nothofagus menziesii</i>
chengal	<i>Balanocarpus spp.</i>

Trade Name	Species
dabarima	<i>Planchonia spp.</i>
gaboon	<i>Aucoumea klaineana</i>
giam	<i>Hopea spp.</i>
geronggang	<i>Ceratoxylon arborescens</i>
kamarere	<i>Eucalyptus deglupta</i>
kapur	<i>Dryobalanops spp.</i>
malas	<i>Homalium spp.</i>
vitex	<i>Vitex spp.</i>