

Queensland



Subordinate Legislation 1998 No. 140

Timber Utilisation and Marketing Act 1987

**TIMBER UTILISATION AND MARKETING
REGULATION 1998**

TABLE OF PROVISIONS

Section		Page
PART I—PRELIMINARY		
1	Short title	3
2	Definitions	3
PART 2—EXCLUSIONS		
3	Exclusions from “framing timber”	3
4	Exclusions from “lyctid susceptible timber”	3
PART 3—PRESCRIBED ARTICLES AND CLASSES OF TIMBER		
5	Articles—Act, ss 11(3) and 13(3)	4
6	Classes of milled timber—Act, s 34(3)	4
PART 4—MOISTURE CONTENT OF TIMBER		
7	Prescribed manners for determining moisture content—Act pt 5	5
8	Standards for moisture content—Act, pt 5 and s 36	5
PART 5—MISCELLANEOUS		
9	Prescribed time and manner for appeals—Act, s 37	5
10	Assignable H levels and conditions—Act, s 53(3)	6
11	Proof of standard	6
12	Fees	6
PART 6—REPEAL AND TRANSITIONAL		
13	Repeal	7

14	Prescribed moisture content under repealed regulation	7
15	Expiry of pt 6	7
	SCHEDULE 1	8
	EXCLUDED TIMBER—ANGIOSPERMAE	
	SCHEDULE 2	12
	MANNERS FOR DETERMINING MOISTURE CONTENT	
	SCHEDULE 3	13
	MOISTURE CONTENT STANDARDS	
	SCHEDULE 4	14
	H LEVELS AND CONDITIONS	
	SCHEDULE 5	15
	FEEES	

PART I—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.

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 not from plantation-grown conifers—
 - (i) balustrades;
 - (ii) door sills;
 - (iii) newel posts;
 - (iv) rails;
 - (v) step treads;

¹ The Act, section 11 (Restriction on use of lyctid-susceptible timber)
The Act, section 13 (Sale of articles)

² The Act, section 34 (Sale of milled timber)

- (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

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,

³ The Act, part 5 (Moisture content of timber)

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

⁵ The Act, section 37 (Appeal)

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 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.

⁶ The Act, section 53 (Regulation making power)

PART 6—REPEAL AND TRANSITIONAL

Repeal

13. The *Timber Utilisation and Marketing Regulation 1987* is repealed.

Prescribed moisture content under repealed regulation

14.(1) This section applies if, before this regulation commenced, the moisture content of timber—

- (a) was determined under a method prescribed under the *Timber Utilisation and Marketing Regulation 1987*; and
- (b) complied with a standard prescribed under the regulation.

(2) On the commencement, the moisture content is taken to have—

- (a) been determined under a method prescribed under section 7; and
- (b) complied with a prescribed standard under section 8.

Expiry of pt 6

15. This part expires the day after this regulation commences.

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>
gum, rose	<i>Eucalyptus grandis</i>

SCHEDULE 1 (continued)

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 laevicarpa</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>
saffronheart	<i>Halfordia kendack</i> or <i>Halfordia scleroxyla</i>
sandalbox	<i>Eremophila mitchellii</i>

SCHEDULE 1 (continued)

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>
stringybark, blackdown	<i>Eucalyptus sphaerocarpa</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>
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>
giam	<i>Hopea</i> spp.

SCHEDULE 1 (continued)

geronggang
kamarere
kapur
malas
vitex

Ceratoxylon arborescens
Eucalyptus deglupta
Dryobalanops spp.
Homalium spp.
Vitex 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. (a) application for approval of a preservative treatment	100.00
(b) each further preservative treatment for which approval is sought	20.00
2. (a) application for authorisation to use an approved preservative treatment and registration of brand, for each year or part of a year	50.00
(b) each further preservative treatment for which approval is sought	5.00
3. (a) application for registration of brand for imported timber, for each year or part of a year	25.00
(b) each further preservative treatment for which approval is sought	5.00
4. (a) application for registration of brand for remilled timber, for each year or part of a year	25.00
(b) each further preservative treatment for which approval is sought	5.00
5. (a) application for recognition of brand	100.00
(b) each further preservative treatment for which approval is sought	20.00
6. Application for renewal of authorisation to use an approved preservative treatment and registration of brand, for each brand	75.00
7. Application for renewal of registration of brand for imported or remilled timber, for each brand	75.00
8. Application to transfer an authorisation to use an approved preservative treatment and registration of brand, for each brand	50.00

 SCHEDULE 5 (continued)

9.	Application to transfer registration of brand for imported or remilled timber, for each brand	25.00
10.	Search of the register of brands—	
	(a) for each brand searched, up to 20 brands	5.00
	(b) for more than 20 brands searched	100.00

ENDNOTES

1. Made by the Governor in Council on 14 May 1998.
2. Notified in the gazette on 15 May 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries, Fisheries and Forestry.