

TIMBER MARKETING (AMENDMENT) ACT.

Act No. 58, 1952.

An Act to make further provision for the control of the sale and use of certain timbers; for this purpose to amend the Timber Marketing Act, 1945; and for purposes connected therewith. [Assented to, 4th December, 1952.]

Elizabeth II,
No. 58, 1952.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Timber Marketing (Amendment) Act, 1952."

Short title
and
citation.

(2) The Timber Marketing Act, 1945, as amended by this Act, may be cited as the Timber Marketing Act, 1945-1952.

2. The Timber Marketing Act, 1945, is amended—

Amendment
of Act No.
7, 1946.

- (a) (i) by omitting from section four the words "for sale" wherever occurring;
- (ii) by omitting from paragraph (a) of the same section the word "will" and by inserting in lieu thereof the word "would";
- (iii) by inserting in the same paragraph before the word "sapwood" the words "lyctus susceptible";
- (iv) by inserting in paragraph (b) of the same section before the word "sapwood" where secondly occurring the words "lyctus susceptible";

Sec. 4.
(Restrictions on
use of
timber.)

(v)

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(v) by inserting at the end of the same section the following new subsection:—

(2) This section shall not apply to the use of any timber, the use of which but for the provisions of this subsection would constitute an offence against subsection one of this section, where—

(a) such use has been agreed to in writing by the person, to whom the article manufactured from such timber is to be sold or supplied, or for whom such building is being erected; or

(b) the article manufactured from such timber is for the use of the person manufacturing the same; or

(c) the building in which such timber has been used is to be occupied by the person erecting the same.

Sec. 5.
(Statement
as to
untreated
lyctus
susceptible
sapwood.)

(b) (i) by omitting from section five the word “will” and by inserting in lieu thereof the word “would”;

(ii) by omitting from the same section the words—

“Provided that this section shall not apply to any article manufactured or building erected—

(a) before the commencement of this Act, or

(b) after the commencement of this Act if a period of eighteen months has elapsed since the manufacture of such article or the erection of such building, as the case may be.

Where the date of manufacture of any such article is not known, such date shall be the date on which such article came into the possession

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possession of the first known person having ^{No. 58 1952.}
or having had the custody of such article”
and by inserting in lieu thereof the words—

“In this section ‘untreated’ means not
treated with an approved preserva-
tive treatment”.

(c) by inserting next after section eight the follow- ^{New}
ing new section:— ^{sec. 8A.}

8A. In any proceedings against any person for ^{Facilitation}
an offence against this Act or the regulations ^{of proof.}
thereunder a document purporting to be a certi-
ficate under the hand of—

(a) the Secretary to the Forestry Commis-
sion of New South Wales, or the person
for the time being acting as such, that—

(i) a brand used for branding
timber was or was not on any
date or during any period
specified in the certificate reg-
istered under this Act; or

(ii) a preservative treatment of
timber was or was not on any
date or during any period
specified in the certificate an
approved preservative treat-
ment; or

(b) the Director of the Standards Associa-
tion of Australia, or the person for the
time being acting as such, that in
respect of a certain species of timber a
certain specification as to moisture
content was, or no such specification
had been, issued by the Standards
Association of Australia and was or
was not, as the case may be, in force
at a certain time,

shall be prima facie evidence of the facts stated
in such certificate.

(d)

Government Railways (Amendment) Act.**No. 58, 1952.****Sec. 9.****(Recovery
of penal-
ties, etc.)**

(d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection:—

(2) Any such proceedings for an offence against section three, four, five or eight of this Act or any regulations under such sections may be instituted within eighteen months from the time when the offence has been committed.

Sec. 10.**(Regula-
tions.)**

(e) (i) by omitting from subsection two of section ten the words “not indigenous to Australia”;

(ii) by inserting in the same subsection after the word “lyctus” the words “or by deleting therefrom any species of timber.”
