

# TIMBER MARKETING ACT.

Act No. 7, 1946.

George VI.  
No. 7, 1946.

An Act to provide for the control of the sale and use of certain timbers. [Assented to, 7th January, 1946.]

**B**E it enacted by the King'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:—

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Timber Marketing Act, 1945."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Interpre-  
tation.

**2.** In this Act, unless the context or subject-matter otherwise indicates or requires—

"Approved preservative treatment" means any method of preservative treatment approved by the Commission or prescribed by regulations under this Act.

"Building"

- “Building” includes any structure or any part thereof but does not include any building intended to have a life of less than two years nor any structure wherein the complete destruction of any sapwood on any component part thereof does not detrimentally affect the use or service for which the structure is intended. No. 7, 1946.
- “Commission” means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916, as amended by subsequent Acts.
- “Equilibrium moisture content” means the moisture content at which the timber does not tend to absorb moisture from, or lose moisture to, the surrounding atmosphere.
- “Forest officer” means a forest officer as defined by Regulation number ninety-three under the Forestry Act, 1916, as amended by subsequent Acts.
- “Lyctus” means a beetle of the Lyctus genus.
- “Lyctus susceptible sapwood” means sapwood containing sufficient starch to render it liable to attack by lyctus.
- “Preservative treated” means treated by chemical substance with the object of protecting the timber from attack by wood destroying insects, animals or fungi or of increasing its resistance to fire, and “preservative treatment” has a corresponding meaning.
- “Sapwood” means the outer layers of the wood of a tree in which its food materials are conveyed and stored during the life of the tree.
- “Timber” includes plywood.

**3. No person shall—**

- (a) sell or offer for sale any timber of any species specified in the Schedule to this Act except under the trade name ascribed to it in the said Schedule. Notwithstanding anything contained in this paragraph, timbers specified in the said Schedule may be sold as mixed or unclassified if sold and accepted as such;

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on sale of  
timber.

(b)

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- (b) sell or offer for sale any timber described as being preservative treated or in such manner as to convey or be likely to convey to any person the impression that such timber has been preservative treated unless the timber has been treated with an approved preservative treatment and is branded with a registered brand approved by the Commission;
- (c) sell or offer for sale timber described as being free from lyctus susceptible sapwood or in such manner as to convey or be likely to convey to any person the impression that such timber is free from lyctus susceptible sapwood unless the lyctus susceptible sapwood has been previously removed therefrom;
- (d) sell or offer for sale timber described as being "kilm dried," "dry" or "seasoned" unless—
  - (i) such timber complies fully with the specifications as to moisture content issued from time to time by the Standards Association of Australia in respect of such timber; or where no standard specification has been issued by the Standards Association of Australia in respect of such timber, the maximum moisture content of any piece thereof does not exceed fifteen per centum; or
  - (ii) the specification of moisture content to which the timber has been dried as at the date of sale or offering for sale is clearly shown on the invoice or docket of sale, or is clearly stated in the offer of sale.

Restrictions  
on use of  
timber.

**4. No person shall—**

- (a) use in the manufacture of any article for sale or in the erection of any building for sale any timber of any species specified in the Schedule to this Act in which attack by lyctus will be detrimental to the use or service reasonably expected from the product of such manufacture  
or

or for which such building is intended, as the case may be, unless the timber so used has previously thereto had all sapwood removed therefrom or been treated with an approved preservative treatment; No. 7, 1946.

- (b) use in the erection of any building for sale any piece of timber which has at any part of it, more than one-quarter of its perimeter showing in lyctus susceptible sapwood, unless the timber containing the sapwood has been treated with an approved preservative treatment: Provided that in the case of milled flooring any such sapwood shall not appear on the face thereof;
- (c) use any timber not complying fully with the specifications as to moisture content issued from time to time by the Standards Association of Australia in respect of such timber—
  - (i) in the manufacture of furniture for sale;
  - (ii) in the form of joinery, flooring or mouldings in the erection of buildings for sale unless the condition of equilibrium moisture content under which the timber is to be used requires some other moisture content.

**5.** No person shall sell or offer for sale any manufactured article or building in which untreated lyctus susceptible sapwood has been used in any part of it, and in which attack by lyctus in the sapwood so used will be detrimental to the use or service reasonably expected from the product of such manufacture or for which such building is intended, as the case may be, unless the purchaser or prospective purchaser is supplied with a written statement to the effect that untreated lyctus susceptible sapwood has been used in the manufacture of such article or the erection of such building, and is liable to attack by lyctus:

Statement as to untreated lyctus susceptible sapwood to be supplied in certain cases.

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

- (a) before the commencement of this Act, or
- (b)

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- (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 of the first known person having or having had the custody of such article.

Entry and  
inspection.

**6.** (1) Any forest officer authorised in writing in that behalf by the Commission may at any reasonable hour enter any premises where timber is sold or offered for sale or used for any purpose specified in section four of this Act or any article manufactured from timber is sold or offered for sale or where he has reasonable grounds for believing timber is being sold or offered for sale or used for any such purpose or any article manufactured from timber is being sold or offered for sale or any building in the erection of which he has reasonable grounds for believing timber has been used in contravention of section four of this Act and may inspect and test any timber therein.

Any such forest officer may in the exercise of his powers under this section remove or cause to be removed for testing portions or samples of timber from any such premises or from any manufactured article or building in the manufacture or erection of which he may have reasonable grounds for believing the use of such timber to be prohibited under section four of this Act.

In the event of the test proving that such timber was not used in contravention of section four of this Act or that such timber did not contain lyctus susceptible sapwood or if containing lyctus susceptible sapwood such sapwood had been treated with an approved preservative treatment the Commission shall restore the manufactured article or building to the state in which it existed immediately prior to the removal of the timber as aforesaid, or the Commission may compensate the owner of the timber so removed for any loss or damage sustained or occasioned by such removal.

(2) Any person who in any way obstructs, hinders, prevents or interferes with any forest officer authorised as aforesaid in the exercise of any of the powers conferred on him by this Act shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds. No. 7, 1946.

7. Any person owning or controlling a plant for the preservative treatment of timber which is to be sold or offered for sale as preservative treated or to be used in the manufacture of an article to be sold or offered for sale as preservative treated shall register with the Commission a brand of form and design to be approved by the Commission; and with such brand shall brand or cause to be branded all timber treated by such plant, prior to the removal of such timber from the plant. Registration of brands to be affixed to preservative treated timber.

8. (1) Any person using a brand registered under this Act for any purpose other than branding timber which has been treated with approved preservative treatment shall be liable to a penalty not exceeding fifty pounds. Penalties.

(2) Any person who fails to comply with any provision of sections three, four and five of this Act shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.

9. (1) Penalties imposed by this Act or the regulations thereunder may be recovered summarily before a court of petty sessions holden before a stipendiary magistrate or police magistrate. Recovery of penalties, etc.

(2) Any such proceedings may be instituted—

- (a) in the case of a sale of timber in contravention of paragraph (d) of section three of this Act only after a complaint has been lodged by the purchaser with the vendor within seven days after the date of delivery of such timber. In any proceedings under this paragraph the purchaser shall establish to the satisfaction of the court that the timber was adequately protected against moisture reabsorption;
- (b) in the case of offences against section four of this Act within eighteen months after the date of manufacture of the article or erection of the building.

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Regulations.

**10.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and without prejudice to the generality of the foregoing provisions regulations may be made for or with respect to—

- (a) requiring particulars to be furnished in respect of any preservative treatment, and the ingredients and methods thereof, the approval of any preservative treatment and the registration of brands to be used for the purposes of this Act and the form of brands so used;
- (b) prescribing the ingredients to be used and the methods of preservative treatment to be adopted for the purposes of this Act;
- (c) prescribing fees which are to be charged for the registration of a brand or for the approval of a preservative treatment.
- (d) imposing a penalty not exceeding fifty pounds for any breach thereof.

(2) The regulations may amend the Schedule to this Act by adding thereto any species of timber not indigenous to Australia which in the opinion of the Commission is susceptible to attack by lyctus. The Schedule as so amended shall be the Schedule to this Act.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such

such House, disallowing any regulation or part thereof, No. 7, 1943.  
such regulation or part shall thereupon cease to have  
effect.

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SCHEDULE.

## PART I.

NATIVE TIMBER CARRYING SAPWOOD SUSCEPTIBLE TO LYCTUS ATTACK  
IN THE SAPWOOD ONLY.

Species.	Common or Trade Name.
<i>Acacia bakeri</i> .. .. .	White Marblewood.
<i>dealbata</i> .. .. .	Silver Wattle.
<i>maideni</i> .. .. .	Maiden's Wattle.
<i>Ailanthus imberbiflora</i> .. .. .	White Siris.
<i>malabarica</i> .. .. .	White Siris.
<i>Albizia toona</i> .. .. .	Red Siris.
<i>xanthoxylon</i> .. .. .	Yellow Siris.
<i>Aleurites moluccana</i> .. .. .	Candlenut.
<i>Alstonia scholaris</i> .. .. .	White Cheesewood.
<i>Amoora nilidula</i> .. .. .	Rose Kamala.
<i>Angophora cordifolia</i> .. .. .	Dwarf Apple.
<i>intermedia</i> .. .. .	Rough-barked Apple.
<i>lanceolata</i> .. .. .	Smooth-barked Apple.
<i>Aphananthe philippinensis</i> .. .. .	Grey Handlewood.
<i>Atalaya hemiglauca</i> .. .. .	Whitewood.
<i>multiflora</i> .. .. .	White Teak.
<i>Baloghia lucida</i> .. .. .	Ivory Birch.
<i>Beilschmiedia bancroftii</i> .. .. .	Yellow Walnut.
<i>obtusifolia</i> .. .. .	Blush Walnut.
<i>Blepharocarya involucrigeria</i> .. .. .	Rose Butternut.
<i>Bosistoa euodiformis</i> .. .. .	Ribbon Wood.
<i>Brachychiton acerifolium</i> .. .. .	See "Sterculia."
<i>Bursera australasica</i> .. .. .	Brown Cudgerie.
<i>Cadellia pentastylis</i> .. .. .	Red Plum.
<i>Cassia brewsteri</i> .. .. .	Brewster's cassia.
<i>Castanospermum australe</i> .. .. .	Black Bean.
<i>Celtis paniculata</i> .. .. .	Tripe Wood.
<i>Cinnamomum laubatii</i> .. .. .	Pepperwood.
<i>oliveri</i> .. .. .	Camphorwood.
<i>virens</i> .. .. .	Camphorwood.
<i>Cryptocarya erythroxylon</i> .. .. .	Rose Maple.
<i>oblata</i> .. .. .	Bolly Silkwood.
<i>obovata</i> .. .. .	White Walnut.
<i>patulinervis</i> .. .. .	Rose Maple.
<i>Cupania pseudorhus</i> .. .. .	Pink Tamarind.
<i>Diospyros pentamera</i> .. .. .	Grey Persimmon.
<i>Diploglottis cunninghamii</i> .. .. .	Tamarind.

PART



Species.	Common or Trade Name.
<i>Dysoxylum fraserianum</i> .. ..	Rose Mahogany.
<i>muelleri</i> .. ..	Miva Mahogany.
<i>pelligrewianum</i> .. ..	Spur Mahogany.
<i>rufum</i> .. ..	Pencil Mahogany.
<i>Ehretia acuminata</i> .. ..	Silky Ash.
<i>Elacocarpus cyaneus</i> .. ..	Blueberry Ash.
<i>kirtonii</i> .. ..	Silver Quandong.
<i>longifolius</i> .. ..	Scrub Ash.
<i>Embothrium wickhami</i> .. ..	Satin Oak.
<i>Endiandra discolor</i> .. ..	Rose Walnut.
<i>Eugenia gustavioides</i> .. ..	Grey Satinash.
<i>hemilampra</i> .. ..	White eungella gum.
<i>Euroschinus falcatus</i> .. ..	Pink Poplar.
<i>Ficus macrophylla</i> .. ..	Moreton Bay Fig.
<i>rubiginosa</i> .. ..	Port Jackson Fig.
<i>Flindersia acuminata</i> .. ..	Silver Silkwood.
<i>australis</i> .. ..	Crow's Ash.
<i>bennettiana</i> .. ..	Bennett's Ash.
<i>hourjotiana</i> .. ..	Queensland Silver Ash.
<i>collina</i> .. ..	Leopard Ash.
<i>iffaiana</i> .. ..	Hickory Ash.
<i>oxleyana</i> .. ..	Yellowwood.
<i>pubescens</i> .. ..	Northern Silver Ash.
<i>schottiana</i> .. ..	Southern Silver Ash.
<i>Grevillea robusta</i> .. ..	Southern Silky Oak.
<i>Hakea vittata</i> .. ..	Striped hakea.
<i>Helicia ferruginea</i> .. ..	A Silky Oak.
<i>Heterodendrum oleaefolium</i> .. ..	Cattlebush.
<i>Litsea reticulata</i> .. ..	Bollywood.
<i>Lucuma galactoxylon</i> .. ..	Red Silkwood.
<i>Macadamia ternifolia</i> .. ..	Australian nut.
<i>Nothofagus cunninghamii</i> .. ..	Myrtle Beech.
<i>Panax elegans</i> ... ..	Silver Basswood.
<i>Pithecolobium hendersoni</i> .. ..	Tortoiseshell tulip.
<i>pruinatum</i> .. ..	Marblewood.
<i>Pleiogynium solandri</i> .. ..	Tulip Plum.
<i>Pometia pinnata</i> .. ..	Mulugay, Tauna, Tun.
<i>Pseudomorus brunoniana</i> .. ..	White Handlewood.
<i>Ratonia distylis</i> .. ..	Silver Cornelwood.
<i>stipitata</i> .. ..	A Corduroy.
<i>Rhodosphaera rhodanthema</i> .. ..	Tulip Satinwood.
<i>Sarcocephalus cordatus</i> .. ..	Cheesewood.
<i>Schizomeria ovata</i> .. ..	White Birch.
<i>Sideroxylon australe</i> .. ..	Black Apple.
<i>pohlmanianum</i> .. ..	Yellow Boxwood.
<i>richardi</i> .. ..	Blush Coondoo.
<i>Siphonodon australe</i> .. ..	Ivorywood.
<i>Sloanea australis</i> .. ..	Blush Alder.
<i>woollsi</i> .. ..	Yellow Carabean.

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Species.	Common or Trade Name.
<i>Stenocarpus salignus</i> .. ..	Red Silky Oak.
<i>sinuatus</i> .. ..	White Oak.
<i>Sterculia acerifolia</i> .. ..	Flame Kurrajong.
<i>discolor</i> .. ..	White Kurrajong.
<i>diversifolia</i> .. ..	Kurrajong.
<i>Synoum glandulosum</i> .. ..	Red Sycamore.
<i>Tarriclia actinophylla</i> .. ..	Blush Tulip Oak.
<i>argyrodendron</i> .. ..	Brown Tulip Oak.
<i>arg. var. peralata</i> .. ..	Red Tulip Oak.
<i>Terminalia sericocarpa</i> .. ..	Danson.
<i>Nanthophyllum macintyrii</i> .. ..	False saffron heart.
<i>Xylomelum pyriforme</i> .. ..	Native Pear.

PART II.

IMPORTED TIMBERS CARRYING SAPWOOD SUSCEPTIBLE TO LYCTUS  
ATTACK IN THE SAPWOOD ONLY.

Species.	Common or Trade Name.
<i>Ochroma</i> spp. .. ..	Balsa Wood.
<i>Azadirachta integrifolia</i> .. ..	Calantas.
<i>Cinnamomum camphora</i> .. ..	Camphor laurel.
<i>Sarcocephalus cordatus</i> .. ..	Cheesewood or Canarywood.
<i>Shorea</i> spp. .. ..	Cedar, Borneo.
<i>Catophyllum</i> spp. .. ..	Cedar, Island.
<i>Shorea</i> spp. .. ..	Maple, Red Pacific.
<i>Pentacme</i> spp. .. ..	Maple, White Pacific.