

**TIMBER MARKETING ACT 1977—REGULATION**

(Timber Marketing Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Timber Marketing Act 1977, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, M.P.,  
Minister for Land and Water Conservation.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Timber Marketing Regulation 1995.

**Commencement**

2. This Regulation takes effect on 1 September 1995.

**Definitions**

3. (1) In this Regulation:

“**approval**” means an approval given under section 20 (1) (a) of the Act;

“**Australian Standard**” means a standard issued by the Standards Association of Australia;

“**the Act**” means the Timber Marketing Act 1977.

(2) A reference in any provision of this Regulation to the abbreviation “AS” followed by a group of numerals or letters, or numerals and letters, is a reference to:

(a) the Australian Standard indicated by that group; and

(b) all additions and amendments (if any) to that Australian Standard issued before the date on which that provision takes effect.

(3) When a standard, or a clause of a standard, specified in clause 11 or Column 3 of Schedule 2 is applied by this Regulation, a reference in the standard or clause to a time or date at which compliance with the specification as to moisture content is recommended or required is to be disregarded.

**Notes.** References in this Regulation to the Commission are references to the Forestry Commission of New South Wales.

Section 20 of the Act deals with the determination of an application for approval of a preservative treatment and the registration of a brand to be used in branding timber that is treated by using that kind of treatment.

## **PART 2—LYCTID SUSCEPTIBLE SAPWOOD**

### **Prescribed test and result and prescribed list of species**

4. (1) For the purposes of paragraph (b) of the definition of “lyctid susceptible sapwood” in section 4 (1) of the Act, the following test is a prescribed test:

*Step 1 Preparation of reagent:*

Dissolve 14 grams of potassium iodide in 20 to 30 millilitres of distilled water. Into this solution dissolve 7 grams of iodine crystals. Make up to 1 litre with distilled water.

*Step 2 Application:*

Apply the freshly prepared solution evenly over the surface to be tested. Ensure that the solution does not come into contact with any metal before the test is started.

(2) For the purposes of paragraph (b) of the definition of “lyctid susceptible sapwood” in section 4 (1) of the Act, the following result is prescribed for the test referred to in subclause (1):

The appearance of blue or blue-black granules immediately after the application of the solution.

(3) For the purposes of paragraph (d) of the definition of “lyctid susceptible sapwood” in section 4 (1) of the Act, the species of trees listed in Schedule 1 are prescribed species.

### **Prescribed classes of articles that may be sold having lyctid susceptible sapwood**

5. For the purposes of the definition of “article” in section 4 (1) of the Act, the following are prescribed as classes of articles:

- (a) articles intended or designed to be used permanently in fixed contact with the ground or articles intended or designed to be permanently exposed to weathering, excluding:
  - (i) furniture; and
  - (ii) ladders; and
  - (iii) articles intended or designed to be used for the purpose of building construction, such as scaffold planks, scaffolding and similar articles;
- (b) articles intended or designed to be used in the preparation of food or in direct contact with prepared food, such as bread boards and butcher's blocks;
- (c) articles intended or designed to be destroyed through use or discarded or abandoned after use, such as matches, toothpicks and packing cases.

**Note.** Section 9 of the Act prohibits the sale of articles containing lyctid susceptible sapwood. Section 4 of the Act (Definitions) defines "article" as a manufactured article made wholly or partly of timber. Excluded from the definition are articles, or articles of a class or description, prescribed by regulations made under the Act. This clause prescribes classes of articles that are excluded from the definition.

#### **Form of warning to be given for purposes of section 6 (2) of Act**

**6. (1)** For the purposes of section 6 (2) of the Act, the prescribed warning is as follows:

#### **Warning as to lyctid susceptibility**

(Section 6 (2) of the Timber Marketing Act 1977)

This framing timber may have lyctid susceptible sapwood comprising more than 25 per cent of the perimeter of any cross section or more than 50 per cent of any face or edge at any cross section. If attacked by lyctids, it may become so weakened as no longer to possess the normal strength properties of the timber.

**(2)** For the purposes of section 6 (2) of the Act, the prescribed manner of giving the prescribed warning is:

- (a) in the case of the timber sold in the presence of the purchaser or the purchaser's agent—by handing to the purchaser or the agent, at or before the time of sale, an invoice, a sales docket or some other document on which is legibly written the prescribed warning, with the first 5 words being in letters not less than 5

millimetres high and the remaining words being in letters not less than 2 millimetres high; or

- (b) in the case of timber sold in the presence of the purchaser or the purchaser's agent and described in an advertisement, or a notice, that is attached to the timber or conspicuously displayed adjacent to the timber—by including the prescribed warning in a prominent place in the advertisement or notice; or
- (c) in the case of timber sold otherwise than in the presence of the purchaser or the purchaser's agent:
  - (i) by handing to the purchaser or the agent at the time of delivery of the timber; or
  - (ii) by forwarding to the purchaser before the time of delivery and in such a way as should, in the normal course of events, result in the purchaser receiving the instrument at or before the time of delivery,

a document on which the prescribed warning is legibly written.

**Note.** Section 6 of the Act prohibits the sale of framing timber containing more than a certain percentage of lyctid susceptible sapwood.

#### **Prescribed classes of treated timber that need not be individually branded**

7. For the purposes of section 8 (2) of the Act, the following are prescribed classes of timber:

- (a) fence palings, fence battens and fence droppers;
- (b) veneers;
- (c) timber less than 1,500 square millimetres in cross section area (except light decking);
- (d) timber less than 15 millimetres in thickness (except light decking);
- (e) timber less than 500 millimetres in length.

**Note.** Section 8 of the Act prohibits the sale of certain timber unless it is free of susceptible sapwood.

### **PART 3—MOISTURE CONTENT OF TIMBER**

#### **Prescribed standards for moisture content of timber and for determining that content**

8. If the timber referred to in a provision of the Act specified in Column 2 of Schedule 2 is of a class specified opposite that provision in Column 1 of that Schedule, then, for the purposes of that provision:

- (a) the prescribed standard for the moisture content of that timber is that set out in the clause of an Australian Standard specified in Column 3 of that Schedule opposite the reference to that class of timber; and
- (b) the prescribed manner for determining that moisture content is that set out in that clause.

**Notes.** The provisions of the Act to which this clause relates are section 12 (d) (i), 12A (b) (i) and 14 (1).

Section 12 of the Act prohibits the sale of timber described as kiln dried, air dried, dry or seasoned, unless the timber complies with specified standards relating to moisture content.

Section 12A of the Act prohibits the sale of a prescribed class or description of timber, unless the timber complies with specified standards relating to moisture content.

Section 14 of the Act prohibits the use of timber in the erection of a building if the timber does not comply with the prescribed standard as to moisture content.

#### **Prescribed classes of timber to be dried or seasoned or described as unseasoned**

**9.** For the purposes of section 12A of the Act, the following are prescribed classes of timber:

- (a) all timber of a class specified in Column 1 of Schedule 2;
- (b) lining boards;
- (c) cladding;
- (d) flooring timber;
- (e) moulding timbers;
- (f) joinery timbers;
- (g) timber used in the manufacture of indoor furniture;
- (h) fascia boards;
- (i) barge boards;
- (j) light decking.

**Note.** Section 12A of the Act prohibits the sale of a prescribed class or description of timber, unless the timber complies with specified standards relating to moisture content.

#### **Prescribed articles and classes of articles for the purposes of sections 13 (1) and 13A (1) of Act**

**10. (1)** For the purposes of sections 13 (1) and 13A (1) of the Act, the following articles are prescribed:

- (a) portable ladders, stepladders and trestles;
- (b) scaffold planks;

- (c) frames and sashes for windows;
- (d) timber doors and their hanging frames;
- (e) handles for tools;
- (f) base blocks for the mounting of electrical accessories.

(2) For the purposes of sections 13 (1) and 13A (1) of the Act, the following classes of articles are prescribed:

- (a) gymnasium equipment;
- (b) marine craft.

**Notes.** Section 13 of the Act prohibits the use of timber in the manufacture of furniture and articles of a prescribed class if the timber does not comply with the prescribed standard as to moisture content.

Section 13A of the Act prohibits the sale of furniture and certain other classes of articles if the moisture content of the timber used in the manufacture of the furniture or those articles does not comply with the required standard.

#### **Prescribed standard for timber used in manufacture and sale of prescribed articles**

11. For the purposes of sections 13 (1) (a) and 13A (1) (b) (i) of the Act, the prescribed standard for the moisture content of timber or a class of timber is as follows:

- (a) in the case of timber used in the manufacture of portable ladders, stepladders and trestles—the moisture content specified in AS 1688–1974;
- (b) in the case of timber used in the manufacture of scaffold planks—the moisture content specified in AS 1577–1974 or AS 1578–1974, as the case requires;
- (c) in the case of timber used in the manufacture of frames and sashes for windows—the moisture content specified in AS 1540–1974;
- (d) in the case of timber used in the manufacture of timber doors—the moisture content specified in AS 2688–1984;
- (e) in the case of timber used in the manufacture of timber doors and their hanging frames—the moisture content specified in AS 2689–1984;
- (f) in the case of timber used in the manufacture of handles for tools—the moisture content specified in AS 1729–1975;
- (g) in the case of timber used in the manufacture of gymnasium equipment—the moisture content specified in AS Z12–1962;

- (h) in the case of timber used in the manufacture of marine craft—the moisture content specified in AS 1738–1975 or AS 2272–1979, as the case requires.

**Notes.** Section 13 of the Act prohibits the use of timber in the manufacture of furniture and articles of a prescribed class if the timber does not comply with the prescribed standard as to moisture content.

Section 13A of the Act prohibits the sale of furniture and certain other classes of articles if the moisture content of the timber used in the manufacture of the furniture or those articles does not comply with the required standard.

#### **Prescribed manner for determining moisture content of certain timber**

**12.** For the purposes of sections 12 (c), 12 (d) (ii), 12A (a), 12A (b) (ii), 13 (1) (b), 13A (1) (a) and 13A (b) (ii) of the Act, the prescribed manner for determining the moisture content of timber referred to in those provisions is as follows:

- (a) in the case of veneer, plywood or blockboard—the oven-drying method for determining moisture content specified in AS 2098.1–1977;
- (b) in the case of particle board—the method for determining moisture content specified in AS 1859–1980;
- (c) in all other cases—the oven-drying method for determining moisture content specified in AS 1080 Part I–1972.

**Notes.** Section 12 of the Act prohibits the sale of timber described as kiln dried, air dried, dry or seasoned, unless the timber complies with specified standards relating to moisture content.

Section 12A of the Act prohibits the sale of a prescribed class or description of timber, unless the timber complies with specified standards relating to moisture content.

Section 13 of the Act prohibits the use of timber in the manufacture of furniture and other classes of articles if the timber does not comply with the prescribed standard as to moisture content.

Section 13A of the Act prohibits the sale of furniture and certain other classes of articles if the moisture content of the timber used in the manufacture of the furniture or those articles does not comply with the required standard.

### **PART 4—PRESERVATIVE TREATMENT OF TIMBER**

#### **Prescribed classes of treated timber that need not be individually branded**

**13.** For the purposes of sections 16 (2) and 17 (2) of the Act, the following are prescribed classes of timber:

- (a) fence palings, fence battens and fence droppers;

- (b) veneers;
- (c) timber less than 1,500 square millimetres in cross section area (except light decking);
- (d) timber less than 15 millimetres in thickness (except light decking);
- (e) timber less than 500 millimetres in length.

**Notes.** Section 16 of the Act prohibits the sale of timber described as being "preservative treated" unless the timber has been treated by a means of preservative treatment approved by the Commission and is branded with the appropriate registered brand.

Section 17 of the Act prohibits a person who owns or controls a preservative treatment plant from allowing certain timber to leave the plant unless the timber is treated by means of a preservative treatment approved by the Commission and is branded with the appropriate registered brand.

#### **Commission to keep records of approvals and registered brands**

**14. (1)** The Commission must keep records of all approvals of preservative treatments and all brands registered in respect of those approvals.

**(2)** Any person who wishes to do so may inspect the records of registered brands at the office of the Commission at Pennant Hills, New South Wales, whenever the office is open to the public.

#### **Application for approval of preservative treatment and registration of brand**

**15. (1)** For the purposes of section 18 (2) of the Act, the prescribed form is Form 1.

**(2)** An application under section 18 (1) of the Act must be accompanied by a fee of \$150 for each approval sought.

**Note.** Section 18 of the Act provides for applications for approval of preservative treatments and for the registration of brands.

#### **Application for renewal of approval of preservative treatment and registration of brand**

**16. (1)** For the purposes of section 23 (2) of the Act, the prescribed form is Form 2.

**(2)** An application under section 23 (1) of the Act must be accompanied by a fee of \$150 for each approval sought to be renewed.

**Note.** Section 23 of the Act provides for the renewal of approvals for preservative treatments and of the registration of brands.



**Application for variation of approval of preservative treatment and registration of brand**

17. (1) For the purposes of section 24 (2) of the Act, the prescribed form is Form 3.

(2) An application under section 24 (1) of the Act must be accompanied by a fee of \$75 for each approval sought to be varied.

**Note.** Section 24 of the Act provides for the variation of approvals for preservative treatments and the registration of brands.

**Application for transfer of approval of preservative treatment and registration of brand**

18. (1) For the purposes of section 25 (3) of the Act, the prescribed form is Form 4.

(2) An application under section 25 (2) of the Act must be accompanied by a fee of \$75 for each consent to the transfer of an approval.

**Note.** Section 25 of the Act provides for the transfer of approvals for preservative treatments and the registration of brands with the consent of the Commission.

**PART 5—MISCELLANEOUS****Forms for purposes of Act**

19. (1) In this Regulation, a reference to a Form is a reference to a form set out in Schedule 3.

(2) A form of application for approval or consent containing any directions for its completion must be completed in accordance with those directions.

(3) In addition to any particulars required by a form of application for approval or consent to be provided on the form, the Commission may require a person to provide it with such further particulars with respect to the application as it considers necessary to determine whether the approval or consent should be given.

(4) The Commission may reject an application for an approval or consent if the applicant fails:

(a) to complete the application form; or

(b) to comply with subclause (2) when completing that form; or

- (c) to provide the Commission with any particulars with respect to the application, within a reasonable period after being requested to do so in accordance with subclause (3); or
- (d) to pay to the Commission any fee required by this Regulation to accompany the application.

#### **Form of certificate of authority**

**20.** For the purposes of section 27 (1) of the Act, the prescribed form is Form 5.

**Note.** Section 27 of the Act enables the Commission to authorise persons to carry out inspections and tests for the purposes of the Act and empowers those persons to enter premises where timber is processed or sold or where a preservative treatment is used, timber is branded or used in the manufacture of articles, or timber or articles are held or stored.

#### **Form of prescribed “not for sale” notice**

**21. (1)** For the purposes of section 32A (2) (a) of the Act, the prescribed form of notice is one which complies with the following requirements:

- (a) the notice must consist of the words “NOT FOR SALE” and those words only;
- (b) the words “NOT FOR SALE” must be printed in bold faced capital letters not less than 50 millimetres in height and 30 millimetres in width;
- (c) the notice must not contain any alterations or erasures.

**(2)** For the purposes of section 32A (2) (a) of the Act, the prescribed manner is to attach the notice to, or exhibit it near, the timber or articles so that:

- (a) the notice is clearly visible to any person who is standing close to the timber or article; and
- (b) it is clear as to which timber or article the notice relates.

**Note.** Section 32A of the Act establishes a rebuttable presumption that, in proceedings for an offence against the Act brought against a person who carries on a business of selling timber or timber articles, timber or a timber article found at a place of business of the person are for sale unless a notice is attached to or exhibited near the timber or article stating that the timber or article is not for sale.

#### **Offence to fail to notify change of address**

**22.** A person to whom an approval has been given or transferred must notify the Commission of any change in the person’s address in New South Wales for the giving of notices under the Act. The notice must be given within 1 month after the change of address.

Maximum penalty: 5 penalty units.

### Offence to give false or misleading information

23. A person must not, in or in connection with an application made under this Regulation, give information to the Commission that the person knows, or has reasonable cause to suspect, is false or misleading in a material particular.

Maximum penalty: 5 penalty units.

### Notes in text

24. Notes in the text of this Regulation are explanatory notes only and do not form part of this Regulation.

### Repeal and saving

25. (1) The Timber Marketing Regulation 1987 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Timber Marketing Regulation 1987, had effect under that Regulation continues to have effect under this Regulation.

(3) Despite anything to the contrary in this Regulation, a form set out in Schedule 1 to the Timber Marketing Regulation 1987 can be used instead of the corresponding form in Schedule 3 to this Regulation.

## SCHEDULE 1—PRESCRIBED SPECIES OF TREES

(Cl. 4 (3))

### Part 1—Indigenous species

<i>Column 1</i>	<i>Column 2</i>
Common name	Scientific name
alder, rose .....	<i>Caldcluvia australiensis</i>
almond, rose .....	<i>Owenia venosa</i>
ash, mountain .....	<i>Eucalyptus regnans</i>
ash, pink .....	<i>Alphitonia petriei</i>
ash, red .....	{ <i>Alphitonia excelsa</i>
	<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> <i>Choricarpia leptopetala</i>
box, kanuka.....	{	<i>Tristania laurina</i> <i>Tristania exiliflora</i>
box, swamp.....		<i>Tristania suaveolens</i>
box, white.....		<i>Eucalyptus albens</i>
box, white-topped.....		<i>Eucalyptus quadrangulata</i>
box, yellow.....		<i>Eucalyptus melliodora</i>
coachwood.....		<i>Ceratopetalum apetalum</i>
gum, grey.....	{	<i>Eucalyptus propinqua</i> <i>Eucalyptus major</i> <i>Eucalyptus punctata</i>
gum, scribbly.....	{	<i>Eucalyptus racemosa</i> <i>Eucalyptus micrantha</i> <i>Eucalyptus signata</i>
hardwood, Johnstone River.....		<i>Backhousia bancroftii</i>
hollywood, yellow.....		<i>Premna lignum-vitae</i>
ironbark, grey.....	{	<i>Eucalyptus drepanophylla</i> <i>Eucalyptus paniculata</i> <i>Eucalyptus siderophloia</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>
mahogany, white.....	{	<i>Eucalyptus acmenoides</i> <i>Eucalyptus umbra</i> subsp. <i>umbra</i> <i>Eucalyptus umbra</i> subsp. <i>carnea</i>
malletwood.....		<i>Rhodamnia argentea</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, silkwood.....		<i>Flindersia pimenteliana</i>
maple, scented.....		<i>Flindersia laevis</i> var. <i>laevis</i>
messmate, Gympie.....		<i>Eucalyptus cloeziana</i>
myall.....		<i>Acacia pendula</i>
oak, bull.....		<i>Allocasuarina leuhmannii</i>
penda, brown.....		<i>Xanthostemon chrysanthus</i>
penda, red.....		<i>Xanthostemon whitei</i>
penda, southern.....		<i>Xanthostemon oppositifolius</i>
penda, yellow.....		<i>Tristania pachysperma</i>
saffronheart.....	{	<i>Halfordia kendack</i> <i>Halfordia scleroxyla</i>
sandalbox.....		<i>Eremophila mitchellii</i>

sassafras .....	{ Daphnandra dielsii Doryphora sassafras Daphnandra repandula Daphnandra micrantha Doryphora aromatica
sassafras grey .....	Dryadodaphne novoguineensis
satinay .....	Syncarpia hillii
she-oak, beach .....	{ Casuarina equisetifolia Casuarina equisetifolia var. incana
she-oak, black .....	Allocauarina littoralis
she-oak, river .....	Casuarina cunninghamiana
she-oak, rose .....	Allocauarina torulosa
stringybark, blackdown .....	Eucalyptus sphaerocarpa
stringybark, white .....	{ Eucalyptus eugenioides Eucalyptus phaeotricha
stringybark, yellow .....	Eucalyptus muellerana
sycamore, silver .....	Cryptocarya glaucescens
tea-tree, river .....	Melaleuca bracteata
turpentine .....	Syncarpia glomulifera
wattle, ironwood .....	Acacia excelsa
yapunyah, mountain .....	Eucalyptus thozetiana
yarran .....	Acacia homalophylla

*Part 2—Exotic species*

<i>Column 1</i>	<i>Column 2</i>
Common name	Scientific name
beech, silver .....	Nothofagus menziesii
chengal .....	Balanocarpus spp.
dabarima .....	Planchonia spp.
gaboon .....	Aucoumea klaineana
genonggang .....	Cratoxylon arborescens
giam .....	Hopea spp.
kamarere .....	Eucalyptus deglupta
kapur .....	Dryobalanops spp.
malas .....	Homalium spp.
medang .....	Cinnamomum spp.
vitex .....	Vitex spp.

**SCHEDULE 2—PRESCRIBED STANDARDS FOR MOISTURE CONTENT  
OF TIMBER**

(CII. 3 (3), 8, 9)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
<p>1. <i>Stress graded sawn, dressed or sized hardwood intended for structural purposes:</i></p> <p>Sawn, dressed or sized hardwood, which is intended for structural purposes, and which has been stress graded by visual or mechanical means, other than the studs, plates and pieces in respect of which clause 7 of AS 098-1966 is prescribed</p>	<p>Sections 12 (d) (i) and 12A (b) (i)</p> <p>Section 14 (1)</p>	<p>(i) Clause 1.7 of AS 2082-1979</p> <p>(ii) Clause 1.7 of AS 2082-1979, omitting the words "sold as 'seasoned'" and inserting the words "intended to be used as 'seasoned'"</p>
<p>2. <i>Glued laminated structural timber members other than radiata pine scantlings:</i></p> <p>Glued laminated structural timber members manufactured from timber laminations assembled with the grain directions in several laminations approximately parallel with each other and with the major axis of the member, and glued together to form a member which functions as a single structural unit, other than radiata pine scantlings in respect of which clause 1.8 of AS 1491-1973 is prescribed</p>	<p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p>	<p>Clause 2.1.4 of AS 1328-1987</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
<p>3. <i>Hardwood milled products:</i> Tongued and grooved flooring; light decking; lining; dressed boards; joinery stock and mouldings; cladding; barge boards; fascia boards</p>	<p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p>	<p>Clause 1.6 of AS 2796-1985</p>
<p>4. <i>South-eastern Australian hardwoods:</i> Size-matched framing studs, plates and nogging pieces, including finger-jointed pieces, produced from species of timber listed in clause 3 of AS 098-1966</p>	<p>Sections 12 (d) (i) and 12A (b) (i)</p>	<p>(i) Clause 7 of AS 098-1966 (ii) Clause 7 of AS 098-1966, but only in respect of timber intended to be used as "seasoned"</p>
<p>5. <i>Radiata pine (other than plywood):</i></p> <p>(a) Sawn boards, graded on face or edge appearance, or both, and intended for end-uses where appearance is the prime consideration</p>	<p>Sections 12 (d) (i) and 12A (b) (i) Section 14 (1)</p>	<p>(i) Clause 1.6 of AS 1489-1973 (ii) Clause 1.6 of AS 1489-1973, but only in respect of timber intended to be used as "seasoned"</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
(b) Scantlings, not exceeding 90 millimetres thick, fabricated from end finger-jointed pieces or not more than 5 face-glued laminations, or both, intended for use in timber-framed buildings and in structural engineering applications	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.8 of AS 1491-1973
(c) Flooring boards	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.7 of AS 1492-1973
(d) Tongued and grooved shelving and square dressed boards	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.7 of AS 1493-1973
(e) Lining boards and panelling boards	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.7 of AS 1494-1973
(f) Preservative-treated cladding	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.8 of AS 1495-1973
(g) Preservative-treated fascia boards and barge boards	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.7 of AS 1496-1973
(h) Joinery timber	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.6 of AS 1497-1973
(i) Mouldings	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.6 of AS 1498-1973



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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
<p>6. <i>Australian-grown conifers, other than radiata pine and cypress pine:</i></p> <p>(a) Sawn boards intended for use where appearance is of prime importance</p> <p>(b) Flooring boards</p> <p>(c) Lining boards</p> <p>(d) Preservative-treated cladding</p> <p>(e) Mouldings of cross-sectional area of less than 50 millimetres x 50 millimetres or equivalent</p> <p>(f) Joinery timber of cross-sectional area of 50 millimetres x 50 millimetres or equivalent and over</p> <p>(g) Preservative-treated fascia boards and barge boards</p>	<p>Sections 12 (d) (i) and 12A (b) (i)</p> <p>Section 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p> <p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p>	<p>(i) Clause 1.7 of AS 1781–1975</p> <p>(ii) Clause 1.7 of AS 1781–1975, but only in respect of timber intended to be used as “seasoned”</p> <p>Clause 1.6 of AS 1782–1975</p> <p>Clause 1.6 of AS 1783–1975</p> <p>Clause 1.7 of AS 1784–1975</p> <p>Clause 1.6 of AS 1785–1975</p> <p>Clause 1.6 of AS 1786–1975</p> <p>Clause 1.6 of AS 1787–1975</p>
<p>7. <i>Cypress pine:</i></p> <p>Flooring boards</p>	<p>Sections 12 (d) (i), 12A (b) (i) and 14 (1)</p>	<p>Clause 2.1 of AS 1810–1995</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
8. <i>Parquetry flooring:</i>		
(a) Wood blocks for parquetry flooring intended to be laid on concrete or rigid wooden sub-floors	Sections 12 (d) (i), 12A (b) (i)	Clause 5 of AS 071-1960
(b) Mosaic parquet made from fingers of wood intended to be banded to a sub-floor either directly or over an underlay	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 3 of AS 1261-1972
9. <i>Window frames and sashes:</i> Timber used in frames and sashes for windows	Section 14 (1)	Clause 2.1.3 of AS 1540-1974
10. <i>Doors and their hanging frames:</i>		
(a) Timber used in doors	Section 14 (1)	Clause 2.5 of AS 2688-1984
(b) Timber used in the hanging frames for doors	Section 14 (1)	Clause 2.2 of AS 2689-1984
11. <i>Plywood and blockboard:</i>		
(a) Structural plywood	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.6 of AS 2269-1979
(b) Plywood and blockboard intended for non-structural uses where the material is fully protected from the weather or damp conditions, other than blockboard for use in flush doors with blockboard infill	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.6 of AS 2270-1979

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Class of timber	Provision of the Act for which standard is prescribed	Standard
(c) Plywood and blockboard intended for uses where the material is exposed to the weather or damp conditions, other than blockboard for use in flush doors with blockboard infill	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 1.6 of AS 2271-1979
(d) Marine plywood	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 12 of AS 2272-1979
12. <i>Particle board:</i> Particle board produced by flat pressing or means other than the extrusion process	Sections 12 (d) (i), 12A (b) (i) and 14 (1)	Clause 2.1 of AS 1859-1980

## SCHEDULE 3—FORMS

(Cl. 15-20)

## Form 1

Timber Marketing Act 1977, section 18

APPLICATION FOR APPROVAL OF A PRESERVATIVE TREATMENT  
AND FOR REGISTRATION OF A BRAND

\* Delete whichever is inapplicable

The applicant's name is:	
The applicant's address is: (If the applicant is a company, insert the address of the company's registered office)	
	Post Code:

- \*I/We apply for approval by the Forestry Commission of New South Wales of a preservative treatment, and for registration by the Commission of a brand to be used to brand timber treated by means of the treatment. Particulars of the treatment are given below.
- Particulars of the proposed preservative treatment:

A. The objects of the proposed preservative treatment are as follows:

Protecting timber from attack by:

Wood destroying insects	YES/NO*
Animals	YES/NO*
Fungi	YES/NO*

B. The trade name of the preservative is:

C. The chemical components of the preservative are:

D. The amount of preservative to be used in respect of the quantity of timber to be treated is:

E. The method of treatment is:

F. The species, form and dimension of the timber to be treated is:

G. The timber is intended to be used for:

*(State the purposes for which the timber is to be used.)*

- H. The method for determining the concentration of preservative in the timber is:

- I. The method for determining the concentration of preservative in the treating solution is:

3. Particulars of the proposed brand:

A. Proposed form and design of brand are shown full size on the accompanying sheet of paper.

B. The proposed method for applying the brand to timber is as follows:

4. The relevant preservation treatment plant is located at:

*(State the address of the premises where the plant is located.*

Post Code:

5. The premises at which the brand is to be used are located at:

*(State the address of the relevant premises. If the address is the same as given in answer to question 3, state "as above".)*

Post Code:

6. If the applicant does not live in New South Wales or, in the case of a company, if the registered office of the company is not in New South Wales, the address in New South Wales for the giving of notices under the Timber Marketing Act 1977 is as follows:

Post Code:

7. The applicant's telephone number and facsimile numbers are:

..... (telephone number)

..... (facsimile number)

Signature(s) of applicant(s) .....

Date of application:.....

**Form 2**

Timber Marketing Act 1977, section 23

**APPLICATION FOR RENEWAL OF APPROVAL OF A PRESERVATIVE TREATMENT AND REGISTRATION OF BRAND**

*\* Delete if not applicable*

The name of the applicant for renewal is:	
The approval numbers given for the relevant preservative treatments are:	
The applicant's address is: <i>(If the applicant is a company, insert the address of the company's registered office)</i>	Post Code:

1. \*I/We apply for the renewal of the approvals, and for the registration of the brands in respect of the approvals, for a further period of 3 years from the date of expiry of the approvals and registration.

\*I/We declare that each preservative treatment will be used strictly in accordance with the existing approvals.

2. The form and design of the brand is as shown on the accompanying sheet.

3. The relevant preservative treatment plant is located at:

<p><i>(State the address of the premises where the plant is located.)</i></p> <p>Post Code:</p>
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4. The brands are to be used at the premises located at:

<p><i>(State the address of the relevant premises. If the address is the same as given in answer to question 3, state "as above".)</i></p> <p>Post Code:</p>
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5. The applicant's telephone number and facsimile numbers are:

..... (telephone number)

..... (facsimile number)

Signature(s) of applicant(s) .....

Date of application for renewal:.....

**Form 3**

Timber Marketing Act 1977, section 24

**APPLICATION FOR VARIATION OF APPROVAL OF A PRESERVATIVE TREATMENT OR VARIATION OF BRAND**

The name of the applicant for variation of approval is:	
The approval number given for the relevant preservative treatment is:	
The date on which the approval was given is:	
The applicant's address is: <i>(If the applicant is a company, insert the address of the company's registered office)</i>	Post Code:

1. \*I/We apply for:

A. the terms of the approval to be varied as follows:

<p><i>(Give an explanation of proposed change and the reasons for it.)</i></p>
--

B. the form and design of the brand registered in respect of that approval to be varied. The reasons for the proposed variation are as follows:

*(Insert the reasons here.)*

The form and design of the brand as proposed to be varied is as shown full size on the accompanying sheet of paper.

2. The applicant's telephone number and facsimile numbers are:

..... (telephone number)

..... (facsimile number)

Signature(s) of applicant(s) .....

Date of application:.....

**Form 4**

Timber Marketing Act 1977, section 25

**APPLICATION FOR TRANSFER OF APPROVAL OF PRESERVATIVE TREATMENT AND REGISTRATION OF BRAND**

\* Delete if inapplicable

**PART 1**

*This part is to be completed by the proposed transferor*

The name of the transferor of the approval proposed to be transferred is:	
The approval number given for the relevant preservative treatment is:	
The date on which the approval was given or last transferred is:	
The transferor's address is: <i>(If the proposed transferor is a company, insert the address of the company's registered office.)</i>	Post Code:



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1. \*I/We apply to the Forestry Commission of New South Wales for its consent to the transfer of the approval, and to the registration of the brand registered in respect of the approval, to:

The name of the proposed transferee is:	
The address of the proposed transferee is: <i>(If the proposed transferee is a company, insert the address of the company's registered office.)</i>	Post Code:

2. The approval accompanies this application.  
3. The reasons for the proposed transfer are as follows:

<i>(Insert the reasons here.)</i>
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Signature(s) of applicant(s) .....

Date of application for consent to the proposed transfer:.....

**PART 2**

*This part is to be completed by the proposed transferee*

The name of the proposed transferee is:	
The address of the proposed transferee is: <i>(If the proposed transferee is a company, insert the address of the company's registered office.)</i>	Post Code:

1. \*I/We agree to accept the proposed transfer.  
2. \*I/We have carefully considered the approval and the application dated ..... for which that approval was given (or copies of that approval and application), and declare that *\*except as stated below*, the particulars given in Part 1 are correct for the purposes of the intended use(s) of the preservative treatment and brand by \*me/us.

(State the exceptions here)

The proposed transferee is also required to complete the following:

- 3. The relevant preservative treatment is to be used at premises located at:

(State the address of the relevant premises.)
Post Code:

- 4. The premises where the relevant brand is to be used are located at:

(State the address of the relevant premises. If the address is the same as given in answer to question 3, state "as above".)
Post Code:

- 5. If the proposed transferee does not live in New South Wales or, in the case of a company, the company's registered office is not in New South Wales, the address in New South Wales for the service of notices is as follows:

Post Code:

- 6. The proposed transferee's telephone number and facsimile numbers are:

..... (telephone number)

..... (facsimile number)

Signature(s) of witness(es) .....

Signature(s) of proposed transferee(s): .....

Date of acceptance of the proposed transfer: .....

## Form 5

Timber Marketing Act 1977, section 27

**CERTIFICATE OF AUTHORITY**

No. ....

Sydney, ..... (date)

This certificate certifies that .....

(whose photograph is attached) is a person authorised under section 27 (1) of the Timber Marketing Act 1977 to exercise and perform the powers, authorities, duties and functions under that section and section 27A of that Act.

The seal of the Forestry Commission of New South Wales was affixed to this certificate on the date mentioned above in the presence of:

.....  
Secretary.

**NOTES****TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions

**PART 2—LYCTID SUSCEPTIBLE SAPWOOD**

4. Prescribed test and result and prescribed list of species
5. Prescribed classes of articles that may be sold having lyctid susceptible sapwood
6. Form of warning to be given for purposes of section 6 (2) of Act
7. Prescribed classes of treated timber that need not be individually branded

**PART 3—MOISTURE CONTENT OF TIMBER**

8. Prescribed standards for moisture content of timber and for determining that content
9. Prescribed classes of timber to be dried or seasoned or described as unseasoned
10. Prescribed articles and classes of articles for the purposes of sections 13 (1) and 13A (1) of Act
11. Prescribed standard for timber used in manufacture and sale of prescribed articles
12. Prescribed manner for determining moisture content of certain timber

**PART 4—PRESERVATIVE TREATMENT OF TIMBER**

13. Prescribed classes of treated timber that need not be individually branded
14. Commission to keep records of approvals and registered brands
15. Application for approval of preservative treatment and registration of brand
16. Application for renewal of approval of preservative treatment and registration of brand
17. Application for variation of approval of preservative treatment and registration of brand
18. Application for transfer of approval of preservative treatment and registration of brand

**PART 5—MISCELLANEOUS**

19. Forms for purposes of Act
20. Form of certificate of authority
21. Form of prescribed “not for sale” notice
22. Offence to fail to notify change of address
23. Offence to give false or misleading information
24. Notes in text
25. Repeal and saving

**SCHEDULE 1—PRESCRIBED SPECIES OF TREES****SCHEDULE 2—PRESCRIBED STANDARDS FOR MOISTURE CONTENT OF TIMBER****SCHEDULE 3—FORMS**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the Timber Marketing Regulation 1987. The new Regulation deals with the following matters:

- (a) prescribing tests relating to lyctid susceptible sapwood (clause 4 and Schedule 1);
- (b) prescribing classes of articles that may be sold despite containing lyctid susceptible sapwood (clause 5);
- (c) prescribing a form of warning for the purposes of section 6 of the Act, which prohibits the sale of framing timber containing more than a certain percentage of lyctid susceptible sapwood (clause 6);
- (d) prescribing classes of treated timber that need not be individually branded (clause 7);
- (e) prescribing standards as to the moisture content of certain timber (clause 8 and Schedule 2);
- (f) prescribing classes of timber for the purposes of section 12A of the Act, which prohibits certain timber from being sold unless it complies with prescribed moisture content standards or is described as “unseasoned” (clause 9 and Schedule 2);

- (g) prescribing articles and classes of articles for the purposes of section 13 and 13A of the Act, which prohibit the use of certain classes of timber from being used in the manufacture of furniture and prescribed articles and classes of articles (clause 10);
- (h) prescribing standards for the moisture content of timber that is permitted to be used in the manufacture of portable ladders, stepladders, trestles and other articles (clause 11);
- (i) prescribing the manner for determining the moisture content of certain timber (clause 12);
- (j) prescribing classes of treated timber that need not be individually branded (clause 13);
- (k) requiring the Forestry Commission to keep records of approvals of preservative treatment and brands registered in respect of those approvals (clause 14);
- (l) prescribing administrative requirements relating to approvals of preservative treatments and the registration of brands relating to those approvals (clauses 15–18);
- (m) providing for various forms and other matters of an administrative or machinery nature (Part 5 and Schedule 3).

This Regulation is made under the Timber Marketing Act 1977, including section 34 (the general regulation making power) and sections 4, 6, 12, 12A, 13, 13A and 14.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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