



## Information Bulletin

### **F7 visually graded structural product and visual grades in general**

F7 stress graded treated structural product has been supplied to the market for some years, mainly in larger section sizes to suit outdoor applications such as joists for domestic decks. Most of these products have been visually graded to AS 2858 with appearance overrides typically applied to meet individual company marketing needs.

There has been recent discussion about the compliance of these products with respect to structural property requirements and this has raised some questions about the obligations and responsibilities of those involved in their sale.

The information in this bulletin is not limited to the F7 product described. It applies to all visually stress graded structural products purporting to comply with AS 2858.

There are differing views regarding this matter with some parties maintaining that producer obligations will be met if visual grading can be demonstrated to comply with the visual grade rules in AS 2858. In this case the structural properties of the timber supplied are assumed suitable for use in conjunction with the structural design values in AS 1720.1. This view relies on an assumed link between the visual grade rules and the designated design values for the grade concerned.

Other parties maintain that there is a broader responsibility, via the Trade Practices Act (TPA), to ensure the structural properties of the timber supplied can be demonstrated to at least meet the structural design values in AS1720.1 and that an appropriate sampling and testing regime should be in place to facilitate this requirement.

Also, AS 2858 does state, in Note 4 to Clause 1.12, that “Manufacturers branding graded timber with a mark indicating the designated stress grade are making a claim of compliance with the structural properties applicable to the designated stress grade and as such are advised to ensure that such compliance is capable of being verified”.

Whilst there is scope for review of the wording in both standards to clarify the intent in this area it is not likely that this will occur in the very short term. A review of AS1720.1 and associated structural properties standards is underway.

In the absence of further information A3P recommends all involved in the sale of visually stress graded structural products ensure that their products comply with the relevant standards. Legal advice should be sought if there is any doubt as to the interpretation of the standards and the specific responsibilities of a supplier.

With respect to a requirement for the production properties of a stress grade marked product to at least meet the structural design values in AS 1720.1 the following should be noted:

- Section 52 of the TPA prohibits a corporation from engaging in conduct that is misleading or deceptive, or that is likely to mislead or deceive. It is not necessary to prove that any person has actually been misled or suffered loss or damage for a breach to be established. In addition, intention to mislead or deceive is irrelevant.
- Section 53 of the TPA also prohibits specific false or misleading representations. Of potential relevance to this matter is sub-section 53(a) which prohibits false representations that goods are of a particular standard, quality, grade or composition; and section 53(c), which prohibits false representations that goods have performance characteristics, uses or benefits that they do not have.
- The prohibitions in section 53 are substantively mirrored in sub-sections 75AZC(a) and (e) in Part VC of the TPA. Part VC prescribes strict offences of criminal liability.
- There are unlikely to be any defences to sections 52 or 53 available to assist companies should it be found that design values compliance is a requirement of the standard/s and timbers are being described as being of a particular stress grade without meeting the design values in AS 1720.1 for that stress grade, or without being structurally suitable for use in designs that require that stress grade.

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**20 February 2007**