



Trade and Customs Legislation Amendment (Miscellaneous Measures) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 29 March 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Angus Taylor
Minister for Law Enforcement and Cybersecurity

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1 Name

This instrument is the *Trade and Customs Legislation Amendment (Miscellaneous Measures) Regulations 2018*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	4 April 2018
2. Schedule 1	The day after the end of the period of 3 months beginning on the day this instrument is registered.	3 July 2018
3. Schedules 2 to 5	The day after this instrument is registered.	4 April 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- the *Commerce (Trade Descriptions) Act 1905*;
- the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Trade descriptions

Commerce (Trade Descriptions) Regulation 2016

1 Section 8

Repeal the section, substitute:

8 Prohibition of certain imports unless trade description applied

- (1) A person must not import goods if:
 - (a) the goods are covered by Subdivision B; and
 - (b) the goods are not covered by Subdivision C.
- (2) Subsection (1) does not apply if a trade description is applied to the goods in accordance with Division 2.

Note: Section 7 of the Act:

- (a) provides the basis for this section; and
- (b) provides for the forfeiture of goods imported in contravention of this section.

8A Strict liability offence

A person commits an offence of strict liability if the person contravenes section 8.

Note: A defendant bears an evidential burden in relation to the matter in subsection 8(2) (see subsection 13.3(3) of the *Criminal Code*).

Penalty: 50 penalty units.

Schedule 2—Drugs and drug precursors

Customs (Prohibited Exports) Regulations 1958

1 Part 1 of Schedule 8 (after table item 2)

Insert:

2A Acetylfentanyl

2 Part 1 of Schedule 8 (after table item 22)

Insert:

22A 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25B-NBOMe)

3 Part 1 of Schedule 8 (after table item 23)

Insert:

23A Butyrfentanyl

23B 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25C-NBOMe)

4 Part 1 of Schedule 8 (after table item 27A)

Insert:

27B 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (otherwise known as MT-45)

5 Part 1 of Schedule 8 (after table item 31)

Insert:

31A 3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (otherwise known as AH-7921)

31B 3,4-dichloro-N-(2-dimethylamino-cyclohexyl)-N-methyl-benzamide (otherwise known as U-47700)

6 Part 1 of Schedule 8 (after table item 55)

Insert:

55A 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25I-NBOMe)

7 Part 1 of Schedule 8 (after table item 91)

Insert:

91A Para-methoxymethylamphetamine (otherwise known as PMMA)

8 Part 2 of Schedule 8 (before table item 1A)

Insert:

1AA N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (otherwise known as 5F-APINACA)

9 Part 2 of Schedule 8 (after table item 1)

Insert:

1B Benzylpiperazine

10 Part 2 of Schedule 8 (after table item 12)

Insert:

12AA Ethylone

12AB Ethylphenidate

11 Part 2 of Schedule 8 (after table item 13)

Insert:

13AA [1-(5-fluoropentyl)-1H-indol-3-yl](naphthalen-1-yl)methanone (otherwise known as AM-2201 or JHW-2201)

13AB [1-(5-fluoropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (otherwise known as XLR-11)

12 Part 2 of Schedule 8 (after table item 23A)

Insert:

23AA Methiopropamine (otherwise known as MPA)

23AB Methoxetamine

13 Part 2 of Schedule 8 (after table item 25)

Insert:

25A Methyl N-{[1-(cyclohexylmethyl)-1H-indol-3-yl]carbonyl}-3-methyl-L-valinate (otherwise known as MDMB-CHMICA)

14 Part 2 of Schedule 8 (after table item 27)

Insert:

27A 3,4-methylenedioxypyrovalerone (otherwise known as MDPV)

27B 4-methylcathinone (otherwise known as 4-MEC)

27C 4-methylmethcathinone (otherwise known as mephedrone 4-MMC)

27D Methyhone (otherwise known as beta-keto-MDMA)

15 Part 2 of Schedule 8 (after table item 29)

Insert:

29A Para-methyl-4-methylaminorex (otherwise known as 4,4'-DMAR)

16 Part 2 of Schedule 8 (after table item 30)

Insert:

30A Pentedrone

30B 1-pentyl-3-(1-naphthoyl)indole (otherwise known as JWH-018 or AM-678)

17 Part 2 of Schedule 8 (after table item 35)

Insert:

35A α -pyrrolidinovalerophenone (otherwise known as α -PVP)

18 Part 3 of Schedule 8 (after table item 2)

Insert:

2AA 4-anilino-N phenethylpiperidine (otherwise known as ANPP)

19 Part 3 of Schedule 8 (after table item 20)

Insert:

20A N-phenethyl-4-piperidone (otherwise known as NPP)

20 Part 4 of Schedule 8 (after table item 36)

Insert:

36A Phenazepam

Customs (Prohibited Imports) Regulations 1956

21 Schedule 4 (after table item 3)

Insert:

3A Acetylfentanyl

22 Schedule 4 (after table item 4A)

Insert:

4B N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (otherwise known as 5F-APINACA)

4C N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (otherwise known as APINACA or AKB-48) and fluorinated derivatives of this substance

23 Schedule 4 (table item 5A)

After “Alkoxyamines”, insert “, including but not limited to 2,3,4-trimethoxyamphetamine, 2,3,5-trimethoxyamphetamine, 2,3,6-trimethoxyamphetamine, 2,4,5-trimethoxyamphetamine and 2,4,6-trimethoxyamphetamine”.

24 Schedule 4 (table item 5B)

After “Alkoxyphenylethylamines”, insert “, including but not limited to 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25B-NBOMe), 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25C-NBOMe), 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (otherwise known as 25I-NBOMe), 2,5-dimethoxy-4-isopropoxypyethylamine (otherwise known as 2C-O-4) and 2,4,5-trimethoxyphenethylamine (otherwise known as 2C-O)”.

25 Schedule 4 (after table item 14)

Insert:

14AA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)
(otherwise known as AB-FUBINACA)

14AB (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (otherwise known as AB-PINACA)

14AC 4-anilino-N-phenethylpiperidine (otherwise known as ANPP)

26 Schedule 4 (after table item 19)

Insert:

19A 1-(benzofuran-6-yl)propan-2-amine (otherwise known as 6-APB)

27 Schedule 4 (after table item 32B)

Insert:

32C Butyrfentanyl

28 Schedule 4 (table item 35)

After “Cannabis”, insert “, including extracts and tinctures of cannabis”.

29 Schedule 4 (after table item 49F)

Insert:

49G 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (otherwise known as MT-45)

30 Schedule 4 (after table item 56A)

Insert:

56B 3,4-dichloro-N-(2-dimethylamino-cyclohexyl)-N-methyl-benzamide (otherwise known as

U-47700)

31 Schedule 4 (after table item 66B)

Insert:

66C 2,5-dimethoxy-4-isopropthiophenethylamine (otherwise known as 2C-T-4)

66D 2,5-dimethoxy-4-((β -methoxyethylthio)phenethylamine (otherwise known as 2C-T-13)

32 Schedule 4 (after table item 67)

Insert:

67AAA 2,5-dimethoxy-4-methylphenethylamine (otherwise known as 2C-D)

67AAB 2,5-dimethoxy-4-(n)-butylthiophenethylamine (otherwise known as 2C-T-9)

67AAC 2,5-dimethoxy-4-nitrophenethylamine (otherwise known as 2C-N)

33 Schedule 4 (after table item 68A)

Insert:

68AAB 1,3-dimethylbutylamine (otherwise known as DMBA)

34 Schedule 4 (after table item 68AB)

Insert:

68AC 1,3-dimethylamylamine (otherwise known as DMAA)

35 Schedule 4 (after table item 80)

Insert:

80A Ethcathinone

36 Schedule 4 (after table item 87)

Insert:

87A Ethylone

87B Ethylphenidate

37 Schedule 4 (after table item 97)

Insert:

97AA 4-fluoro-2,5-dimethoxyphenethylamine (otherwise known as 2C-F)

97AB 4-(2-fluoroethylthio)-2,5-dimethoxyphenethylamine (otherwise known as 2C-T-21)

38 Schedule 4 (after table item 97B)

Insert:

97C [1-(5-fluoropentyl)-1H-indol-3-yl]-(naphthalene-1-yl)methanone (otherwise known as

AM-2201 or JHW-2201)

97D [1-(5-fluoropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (otherwise known as XLR-11)

39 Schedule 4 (after table item 138A)

Insert:

138B Methiopropamine (otherwise known as MPA)

40 Schedule 4 (after table item 139A)

Insert:

139AB 4-methoxymethamphetamine

41 Schedule 4 (after table item 139B)

Insert:

139C 5-methoxy-N,N-dimethyltryptamine (otherwise known as 5-MEO-DMT)

42 Schedule 4 (after table item 142)

Insert:

142A Methyl N-{[1-(cyclohexylmethyl)-1H-indol-3-yl]carbonyl}-3-methyl-L-valinate (otherwise known as MDMB-CHMICA)

43 Schedule 4 (after table item 146B)

Insert:

146C 4-methylethcathinone (otherwise known as 4-MEC)

44 Schedule 4 (after table item 147)

Insert:

147AA 3-methylmethcathinone (otherwise known as 3-MMC)

45 Schedule 4 (after table item 149A)

Insert:

149B 4-methylthiobutylamphetamine (otherwise known as 4-MTBA)

149C 4-methylthiodimethamphetamine (otherwise known as 4-MTDMA)

149D 4-methylthio-2,5-dimethoxyphenethylamine (otherwise known as 2C-T)

149E 4-methylthioethylamphetamine (otherwise known as 4-MTEA)

46 Schedule 4 (after table item 150)

Insert:

150A 4-methylthiomethamphetamine (otherwise known as 4-MTMA)

150B	4-methylthiopropylamphetamine (otherwise known as 4-MTPA)
150C	4-methymethamphetamine

47 Schedule 4 (after table item 179)

Insert:

179A	Para-methoxymethylamphetamine (otherwise known as PMMA)
179B	Para-methoxyphenylpiperazine (otherwise known as MeOPP)
179C	Para-methyl-4-methylaminorex (otherwise known as 4,4'-DMAR)

48 Schedule 4 (after table item 182)

Insert:

182A	Pentedrone
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49 Schedule 4 (after table item 188)

Insert:

188A	Phenazepam
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50 Schedule 4 (after table item 215)

Insert:

215A	α -pyrrolidinovalerophenone (otherwise known as α -PVP)
215B	Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (otherwise known as 5F-PB-22)
215C	Quinolin-8-yl 1-pentyl-1H-indol-3-carboxylate (otherwise known as PB-22 or QUPIC)

51 Schedule 7A (before table item 1)

Insert:

1A	Anabolic or androgenic substances
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52 Schedule 8 (table item 3C)

Repeal the item.

Schedule 3—Temporary importation of goods

Customs Regulation 2015

1 Paragraph 99(3)(b)

Omit “for entertainment”, substitute “public entertainment”.

Schedule 4—Unmanufactured tobacco and tobacco refuse

Customs (Prohibited Imports) Regulations 1956

1 Regulation 4D (heading)

Repeal the heading, substitute:

4D Importation of unmanufactured tobacco and tobacco refuse

2 Subregulation 4D(1)

Omit “leaf mentioned in subheading 2401.10.00”, substitute “or tobacco refuse mentioned in heading 2401”.

3 Paragraphs 4D(1)(a) and (b) and (5)(b)

Omit “leaf”, substitute “tobacco or refuse”.

Schedule 5—Repeal of refund reason

Customs Regulation 2015

1 Subsection 109(2) (table item 4)

Repeal the item.

2 Subsection 109(2) (table item 5, column headed “Circumstance”, paragraph (b))

Omit “items 1 to 4”, substitute “items 1 to 3”.

3 Subsection 112(7)

Repeal the subsection.

4 Clause 1 of Schedule 6 (table item 20)

Repeal the item.