



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Note: This table relates only to the provisions of this instrument as originally made.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:

- (a) the *Commerce (Trade Descriptions) Act 1905*;
- (b) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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-methylethcathinone (otherwise known as 4-MEC)

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

27D Methylone (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 “Alkoxyamphetamines”, 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-isopropoxyphenethylamine (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)
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14AB	(N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (otherwise known as AB-PINACA)
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14AC	4-anilino-N-phenethylpiperidine (otherwise known as ANPP)
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26 Schedule 4 (after table item 19)

Insert:

19A	1-(benzofuran-6-yl)propan-2-amine (otherwise known as 6-APB)
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27 Schedule 4 (after table item 32B)

Insert:

32C	Butyrfentanyl
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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)
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30 Schedule 4 (after table item 56A)

Insert:

56B	3,4-dichloro-N-(2-dimethylamino-cyclohexyl)-N-methyl-benzamide (otherwise known as
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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)
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34 Schedule 4 (after table item 68AB)

Insert:

68AC	1,3-dimethylamylamine (otherwise known as DMAA)
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35 Schedule 4 (after table item 80)

Insert:

80A	Ethcathinone
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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
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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

49 Schedule 4 (after table item 188)

Insert:

188A Phenazepam

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

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.