



## **Trade and Customs Legislation Amendment (Miscellaneous Measures) Regulations 2018**

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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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

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## 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

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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)

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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)

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**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-methylenedioxypropylvalerone (otherwise known as MDPV)

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

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

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

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

Insert:



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

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

Insert:

30A Pentedrone

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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  $\alpha$ -pyrrolidinovalerophenone (otherwise known as  $\alpha$ -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)

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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)

**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

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U-47700)

**31 Schedule 4 (after table item 66B)**

Insert:

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

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

**32 Schedule 4 (after table item 67)**

Insert:

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

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

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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:

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87A Ethylone

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87B Ethylphenidate

**37 Schedule 4 (after table item 97)**

Insert:

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

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

**38 Schedule 4 (after table item 97B)**

Insert:

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

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**Schedule 2** Drugs and drug precursors

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AM-2201 or JHW-2201)

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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)

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

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150C 4-methymethamphetamine

**47 Schedule 4 (after table item 179)**

Insert:

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179A Para-methoxymethylamphetamine (otherwise known as PMMA)

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179B Para-methoxyphenylpiperazine (otherwise known as MeOPP)

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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:

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215A  $\alpha$ -pyrrolidinovalerophenone (otherwise known as  $\alpha$ -PVP)

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215B Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (otherwise known as 5F-PB-22)

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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.