



# Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 December 2023

David Hurley  
Governor-General

By His Excellency's Command

Clare O'Neil  
Minister for Home Affairs

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## 1 Name

This instrument is the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023*.

## 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. The whole of this instrument	The day after this instrument is registered.	13 December 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### Part 1—Amendments

#### *Customs (Prohibited Exports) Regulations 1958*

##### **1 Part 1 of Schedule 8 (after table item 22A)**

Insert:

22B            Brorphine

##### **2 Part 1 of Schedule 8 (after table item 56)**

Insert:

56A            Isotonitazene

##### **3 Part 1 of Schedule 8 (after table item 69)**

Insert:

69A            Metonitazene

##### **4 Part 2 of Schedule 8 (after table item 6A)**

Insert:

6B            CUMYL-PEGACLONE

##### **5 Part 2 of Schedule 8 (after table item 10)**

Insert:

10A            Diphenidine

##### **6 Part 2 of Schedule 8 (after table item 12A)**

Insert:

12B            Eutylone

##### **7 Part 2 of Schedule 8 (after table item 18B)**

Insert:

18C            MDMB-4en-PINACA

##### **8 Part 2 of Schedule 8 (after table item 23AB)**

Insert:

23AC            3-methoxyphencyclidine

**9 Part 3 of Schedule 8 (after table item 2A)**

Insert:

2B 4-AP (N-Phenyl-4-piperidinamine)

**10 Part 3 of Schedule 8 (after table item 3)**

Insert:

3AA 1-boc-4-AP (tert-Butyl 4-(phenylamino)piperidine-1-carboxylate)

**11 Part 3 of Schedule 8 (after table item 19)**

Insert:

19A Norfentanyl

**12 Part 4 of Schedule 8 (after table item 7)**

Insert:

7A Clonazolam

**13 Part 4 of Schedule 8 (after table item 12)**

Insert:

12A Diclazepam

**14 Part 4 of Schedule 8 (after table item 16A)**

Insert:

16B Flubromazolam

***Customs (Prohibited Imports) Regulations 1956***

**15 Subregulation 5(14)**

Repeal the subregulation.

**16 Subregulation 5F(8) (definition of *authorised person*)**

Repeal the definition, substitute:

*authorised person* means a person who is authorised by the Secretary under subregulation (9) to be an authorised person.

**17 Subregulation 5F(8) (definition of *kava food product*)**

Omit “this regulation”, substitute “the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023*”.

**18 At the end of regulation 5F**

Add:

*Authorised persons*

- (9) For the purposes of the definition of **authorised person** in subregulation (8), the Secretary may, in writing, authorise the following to be an authorised person for the purposes of this regulation:
- (a) an officer of the Department;
  - (b) the Administrator of Norfolk Island.

**19 Paragraph 5G(1)(a)**

Omit “officer”, substitute “person”.

**20 Subregulation 5G(6) (definition of *authorised officer*)**

Repeal the definition.

**21 Subregulation 5G(6)**

Insert:

**authorised person** means a person who is authorised by the Secretary under subregulation (7) to be an authorised person.

**Department** means the Department administered by the Minister administering the *Therapeutic Goods Act 1989*.

**22 Subregulation 5G(6) (definition of *Secretary*)**

Omit “administered by the Minister administering the *Therapeutic Goods Act 1989*”.

**23 At the end of regulation 5G**

Add:

- (7) For the purposes of the definition of **authorised person** in subregulation (6), the Secretary may, in writing, authorise the following to be an authorised person for the purposes of this regulation:
- (a) an officer of the Department;
  - (b) the Administrator of Norfolk Island.

**24 Subregulation 5H(1) (definition of *authorised officer*)**

Repeal the definition.

**25 Subregulation 5H(1)**

Insert:

**authorised person** means a person who is authorised by the Secretary under subregulation (1A) to be an authorised person.

**Department** means the Department administered by the Minister administering the *Therapeutic Goods Act 1989*.

**26 Subregulation 5H(1) (definition of *Secretary*)**

Omit “administered by the Minister administering the *Therapeutic Goods Act 1989*”.

**27 After subregulation 5H(1)**

Insert:



(1A) For the purposes of the definition of *authorised person* in subregulation (1), the Secretary may, in writing, authorise the following to be an authorised person for the purposes of this regulation:

- (a) an officer of the Department;
- (b) the Administrator of Norfolk Island.

**28 Subregulation 5H(2)**

Omit “officer”, substitute “person”.

**29 Subregulation 5H(3)**

Omit “officer”, substitute “person”.

**30 Subregulation 5HA(1) (paragraphs (ab) and (b) of the definition of *Initial decision*)**

Omit “officer”, substitute “person”.

**31 Schedule 4 (after table item 17A)**

Insert:

17B            4-AP (N-Phenyl-4-piperidinamine)

**32 Schedule 4 (after table item 28)**

Insert:

28A            1-boc-4-AP (tert-Butyl 4-(phenylamino)piperidine-1-carboxylate)

**33 Schedule 4 (after table item 30A)**

Insert:

30AA          Brorphine

**34 Schedule 4 (after table item 49FA)**

Insert:

49FB          CUMYL-PEGACLONE

**35 Schedule 4 (after table item 71)**

Insert:

71A            Diphenidine

**36 Schedule 4 (after table item 90A)**

Insert:

90B            Eutylone

**37 Schedule 4 (after table item 112A)**

Insert:

**Schedule 1** Amendments  
**Part 1** Amendments

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112AA Isotonitazene

**38 Schedule 4 (after table item 127AB)**

Insert:

127AC MDMB-4en-PINACA

**39 Schedule 4 (after table item 140)**

Insert:

140AA 3-methoxyphencyclidine

**40 Schedule 4 (after table item 151)**

Insert:

151A Metonitazene

**41 Schedule 4 (after table item 168)**

Insert:

168A Norfentanyl

## **Part 2—Application and transitional provisions**

### ***Customs (Prohibited Exports) Regulations 1958***

#### **42 In the appropriate position in Part 5**

Insert:

#### **24 Transitional matters—amendments made by the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023***

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023* apply in relation to drugs exported from Australia on or after the commencement of that Part.

### ***Customs (Prohibited Imports) Regulations 1956***

#### **43 In the appropriate position before Schedule 1**

Insert:

#### **17 Transitional matters—amendments made by the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023***

(1) In this regulation:

***amending regulations*** means the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023*.

- (2) The amendments of Schedule 4 to these Regulations made by Part 1 of Schedule 1 to the amending regulations apply in relation to drugs imported into Australia on or after the commencement of that Part.
- (3) A person who was an authorised person for the purposes of regulation 5F of these Regulations immediately before the commencement of Part 1 of Schedule 1 to the amending regulations is, on and after that commencement, taken to be an authorised person for the purposes of that regulation as in force immediately after the commencement of that Part.
- (4) A person who was an authorised officer for the purposes of regulation 5G or 5H of these Regulations immediately before the commencement of Part 1 of Schedule 1 to the amending regulations is, on and after that commencement, taken to be an authorised person for the purposes of that regulation as in force immediately after the commencement of that Part.
- (5) A permission in force under regulation 5F, 5G or 5H of these Regulations immediately before the commencement of Part 1 of Schedule 1 to the amending regulations continues in force on and after that commencement (and may be dealt with) as if it had been granted under that regulation as in force immediately after the commencement of that Part.