



# Australian Customs Notice No. 2023/49

## Prohibited Exports and Imports Regulations amendments

On 13 December 2023, the *Customs Legislation Amendment (Prohibited Exports and Imports) Regulations 2023* (the Regulations) come into effect.

The Regulations amend the *Customs (Prohibited Exports) Regulations 1958* (the Prohibited Exports Regulations) and the *Customs (Prohibited Imports) Regulations 1956* (the Prohibited Imports Regulations) to:

- impose controls on the importation and exportation of drugs, and
- other amendments of a technical nature (outlined below).

### Amendments in relation to drugs

Australia is a signatory to the *Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol*, the *Convention on Psychotropic Substances of 1971* and the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988* (the Conventions).

The United Nations Commission on Narcotic Drugs has included several new substances for control under the Conventions and, as a signatory to these Conventions, Australia is obliged to impose the export and import controls on the new substances.

The update ensures Australia's continuing compliance with these Conventions by adding the newly scheduled substances to Schedule 8 of the Prohibited Export Regulations and Schedule 4 of the Prohibited Import Regulations.

### Other technical amendments

The Regulations also amend the Prohibited Imports Regulations to:

- repeal subsection 5(14) to remove the redundant inscription process that required the Collector to inscribe in writing the quantity of drugs imported and the date of importation on the permission granted to import drugs. Customs processes have since become electronic and sophisticated, making the information provided under the inscription requirement redundant;
- amend reference to 'kava food product' in subsection 5F(8) following an amendment to the Australia New Zealand Food Standards Code – Standard 2.6.3 – Kava;

- amend the definitions of 'authorised officer' in regulations 5G and 5H to 'authorised person' to clarify that for the purposes of the prohibited drug import control regime, the definition refers to an officer of the Department of Health and Aged Care rather than an officer of Customs; and
- enable the Secretary of the Department of Health and Aged Care to authorise the Administrator of Norfolk Island as an 'authorised person'. This empowers the Administrator to perform the functions of an authorised person required by the operation of the *Norfolk Island Customs Ordinance 2016*.

### Further information

For detailed information on these changes, please consult the legislation directly, including the explanatory statement see: [Customs Legislation Amendment \(Prohibited Exports and Imports\) Regulations 2023](#).

For more information on exporting or importing prohibited substances and drugs from or to Australia, please see: [Prohibited goods \(abf.gov.au\)](http://abf.gov.au)

[signed]

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