



New South Wales

Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2011

under the

Mutual Recognition (New South Wales) Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mutual Recognition (New South Wales) Act 1992*.

BARRY O'FARRELL, MP
Premier

Explanatory note

The object of this Regulation is to declare certain substances prescribed as prohibited drugs under the *Drug Misuse and Trafficking Act 1985* to be exempt from the operation of the mutual recognition scheme for goods and to declare that Act, in its application to those prohibited drugs, to be exempt from that scheme.

The mutual recognition scheme provides generally that goods produced in or imported into another jurisdiction of Australia, that may lawfully be sold in that jurisdiction, may be sold in New South Wales without the necessity for compliance with further requirements. The mutual recognition scheme includes the *Mutual Recognition Act 1992* of the Commonwealth and the *Mutual Recognition (New South Wales) Act 1992* of New South Wales.

The exemption provided by this Regulation is temporary (that is, it will operate for no longer than 12 months) and its effect is conditional upon the exemption being substantially for the purpose of protecting the health and safety of persons in New South Wales.

This Regulation is made under section 6 of the *Mutual Recognition (New South Wales) Act 1992*.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth and other States.

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under the

Mutual Recognition (New South Wales) Act 1992

1 Name of Regulation

This Regulation is the *Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definitions

In this Regulation:

the Act means the *Mutual Recognition (New South Wales) Act 1992*.

4 Temporary exemption relating to certain synthetic cannabinoid substances

- (1) In accordance with section 6 of the Act and for the purposes of section 15 of the Commonwealth Act, the following are declared to be goods to which section 15 of the Commonwealth Act applies:

1-Butyl-3-(1-naphthoyl)indole (JWH-073)

5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497)

5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47, 497 C8 Homologue)

2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250)

1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)

1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)

1-Pentyl-3-(1-naphthoyl)indole (JWH-018)

- (2) In accordance with section 6 of the Act and for the purposes of section 15 of the Commonwealth Act, the *Drug Misuse and Trafficking Act 1985*, in its application to the goods declared under subclause (1), is declared to be a law to which section 15 of the Commonwealth Act applies.

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Clause 4

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- (3) This clause operates only for the period of 12 months commencing at the beginning of the day on which this clause commences.