

South Australia

## **Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999**

under the *Mutual Recognition (South Australia) Act 1993*

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### **Legislative history**

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#### **1—Short title**

These regulations may be cited as the *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999*.

#### **3—Interpretation**

In these regulations, unless the contrary intention appears—

*the Act* means the *Mutual Recognition (South Australia) Act 1993*.

#### **4—Temporary exemptions—goods (banned electrical products or gas appliances)**

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act—
  - (a) an electrical product the sale of which is prohibited by public notice given at any time under the *Electrical Products Act 1988* (or any Act enacted in substitution for that Act) on the ground that the product is or is likely to become unsafe in use is declared to be goods to which section 15 of the Commonwealth Act applies;
  - (b) a gas appliance the sale of which is prohibited by public notice given at any time under the *Gas Act 1997* (or any Act enacted in substitution for that Act) on the ground that the appliance is or is likely to become unsafe in use is declared to be goods to which section 15 of the Commonwealth Act applies.

- (2) The exemption from the Commonwealth Act of an electrical product or a gas appliance pursuant to subregulation (1) has effect for a period beginning on the day on which the notice imposing the prohibition is published and ending—
  - (a) 12 months later; or
  - (b) on the revocation of the prohibition,whichever occurs first.

### **5—Temporary exemptions—tobacco products**

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, tobacco products (within the meaning of the *Tobacco Products Regulation Act 1997*) are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, the *Tobacco Products Regulation Act 1997* and the *Tobacco Products Regulations 2004* are declared to be laws to which section 15 of the Commonwealth Act applies.
- (3) The exemptions from the Commonwealth Act under this section have effect until 10 November 2007.

### **6—Temporary exemptions—drug paraphernalia**

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, prohibited items (within the meaning of section 9B of the *Summary Offences Act 1953*) are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, section 9B of the *Summary Offences Act 1953* is declared to be a law to which section 15 of the Commonwealth Act applies.
- (3) The exemptions from the Commonwealth Act under this regulation have effect for a period of 12 months following the commencement of this regulation.

### **7—Temporary exemptions—*Plastic Shopping Bags (Waste Avoidance) Act 2008***

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, the *Plastic Shopping Bags (Waste Avoidance) Act 2008* is declared to be a law to which section 15 of the Commonwealth Act applies.
- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months following the commencement of this regulation.

### **8—Temporary exemptions—energy inefficient air conditioners**

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, energy inefficient air conditioners are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months commencing on 1 July 2010.
- (3) In this regulation—

*air conditioner* means an electrical product of the class defined by proclamation under section 5 of the *Electrical Products Act 2000* as air conditioner—packaged or air conditioner—refrigerative;

*energy inefficient air conditioner* means an air conditioner that does not comply with the applicable energy performance standard under the *Electrical Products Act 2000* (namely, AS/NZS 3823.2:2009 as in force as at 1 January 2010 with the modifications specified in clause 5(3) of the *Electrical Products (Part 2 Declarations) Proclamation 2004*).

## 9—Temporary exemptions—synthetic cannabis products

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, synthetic cannabis products are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, Part 5 of the *Controlled Substances Act 1984* is declared to be a law to which section 15 of the Commonwealth Act applies.
- (3) The exemptions from the Commonwealth Act under this regulation have effect for a period of 12 months following the commencement of this regulation.
- (4) In this regulation—

*synthetic cannabis products* means the following substances and any preparations containing 1 or more of the following substances:

- (a) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- (b) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8);
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
- (d) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol);
- (e) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- (f) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201);
- (g) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
- (h) 9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- (i) 4-methoxyphenyl(1butyl-1H-indol-3-yl)-methanone (RCS-4 (C4));
- (j) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- (k) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);
- (l) 1-pentyl-3-[1-(4-methoxynaphthoyl)indole (JWH-081);
- (m) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- (n) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- (o) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- (p) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4);
- (q) Pravadoline (WIN 48098).

## 10—Temporary exemptions—further synthetic cannabis products

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, the synthetic cannabis products specified in subregulation (4) are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, the provisions of the *Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2000* as inserted by the *Controlled Substances (Controlled Drugs, Precursors and Plants) (Synthetic Cannabis) Variation Regulations 2012* are declared to be a law to which section 15 of the Commonwealth Act applies.
- (3) The exemptions from the Commonwealth Act under this regulation have effect for a period of 12 months following the commencement of this regulation.
- (4) The following substances and any preparation containing one or more of the following substances are specified for the purposes of subregulation (1):
  - (a) Benzoylindoles (not being a benzoylindole that is a synthetic cannabis product within the meaning of regulation 9);
  - (b) Cyclohexylphenols (not being a cyclohexylphenol that is a synthetic cannabis product within the meaning of regulation 9);
  - (c) Dibenzopyrans (not being a dibenzopyran that is a synthetic cannabis product within the meaning of regulation 9);
  - (d) 4-Ethyl-naphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210);
  - (e) 2-(4-Methoxyphenyl)-1-(1-pentyl-1H-indol-3-yl)-ethanone (JWH-201);
  - (f) 2-(3-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-302);
  - (g) 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (AM-2233);
  - (h) (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone (JWH-015);
  - (i) Naphthoylindoles (not being a naphthoylindole that is a synthetic cannabis product within the meaning of regulation 9);
  - (j) Naphthoylpyrroles (not being a naphthoylpyrrole that is a synthetic cannabis product within the meaning of regulation 9);
  - (k) Naphthylmethylindenes (not being a naphthylmethylindene that is a synthetic cannabis product within the meaning of regulation 9);
  - (l) Naphthylmethylindoles (not being a naphthylmethylindole that is a synthetic cannabis product within the meaning of regulation 9);
  - (m) (1-Pentylindol-3-yl)naphthalen-1-ylmethane (JWH-175);
  - (n) 1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);
  - (o) Phenylacetylindoles (not being a phenylacetylindole that is a synthetic cannabis product within the meaning of regulation 9);
  - (p) Synthetic cannabinomimetics (not being a synthetic cannabinomimetic that is a synthetic cannabis product within the meaning of regulation 9).

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999* were revoked by Sch 1 cl 1 of the *Mutual Recognition (South Australia) Regulations 2013* on 19.9.2013.

### Principal regulations and variations

Year	No	Reference	Commencement
1999	187	<i>Gazette 23.9.1999 p1236</i>	23.9.1999: r 2
2006	250	<i>Gazette 9.11.2006 p3972</i>	10.11.2006: r 2
2008	158	<i>Gazette 5.6.2008 p2230</i>	8.6.2008: r 2
2009	45	<i>Gazette 30.4.2009 p1553</i>	4.5.2009: r 2
2009	298	<i>Gazette 16.12.2009 p6300</i>	16.12.2009: r 2
2011	165	<i>Gazette 23.6.2011 p2724</i>	23.6.2011: r 2
2012	178	<i>Gazette 19.7.2012 p3165</i>	19.7.2012: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>10.11.2006</i>
r 5	inserted by 250/2006 r 4	10.11.2006
r 6	inserted by 158/2008 r 4	8.6.2008
r 7	inserted by 45/2009 r 4	4.5.2009
r 8	inserted by 298/2009 r 4	16.12.2009
r 9	inserted by 165/2011 r 4	23.6.2011
r 10	inserted by 178/2012 r 4	19.7.2012

### Historical versions

10.11.2006  
8.6.2008

**Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999—19.7.2012 to  
18.9.2013—revoked**  
Legislative history

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4.5.2009

16.12.2009

23.6.2011