

Criminal Code and Customs Legislation Amendment (Precursors and Drugs) Regulations 2020

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 06 August 2020

David Hurley

Governor‑General

By His Excellency’s Command

Jason Wood

Assistant Minister for Customs, Community Safety and Multicultural Affairs
Parliamentary Secretary to the Minister for Home Affairs

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Criminal Code Regulations 2019 2

Customs (Prohibited Exports) Regulations 1958 3

Customs (Prohibited Imports) Regulations 1956 5

Customs Regulation 2015 7

1 Name

 This instrument is the *Criminal Code and Customs Legislation Amendment (Precursors and Drugs) Regulations 2020*.

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 | 12 August 2020. | 12 August 2020 |

Note: This table relates only to the provisions of this instrument as originally made.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 *Criminal Code Act 1995*;

 (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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Criminal Code Regulations 2019

1 Section 13 (before table item 1)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 1A | Alpha‑Phenylacetoacetamide (APAA) | 2.75 | 915.0 |
| 1B | Alpha‑Phenylacetoacetonitrile (APAAN) | 1.76 | 587.0 |
| 1C | 4‑Anilino‑N‑phenethylpiperidine (ANPP) | 0.006 | 2.77 |

2 Section 13 (after table item 5)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 5A | Methyl alpha‑phenylacetoacetate (MAPA) | 3.06 | 1,020.0 |

3 Section 13 (after table item 6)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 6A | 3‑(3’, 4’‑Methylenedioxyphenyl)‑2‑methyl glycidic acid, sodium salt (NaMDMG) | 1.46 | 292.0 |

4 Section 13 (after table item 7)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 7A | Methyl 3‑(3’, 4’‑methylenedioxyphenyl)‑2‑methyl glycidate (MMDMG) | 1.23 | 246.0 |
| 7B | Methyl 3‑phenyl‑2‑methyl glycidate | 2.96 | 980.0 |
| 7C | N‑Phenethyl‑4‑piperidone (NPP) | 0.008 | 4.0 |

5 Section 13 (after table item 8)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 8A | 3‑Phenyl‑2‑methyl glycidic acid, sodium salt | 5.17 | 1,720.0 |

6 Section 13 (table item 10)

Repeal the item, substitute:

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | Phenyl‑2‑propanone | 1.04 | 340.0 |
| 10A | Phenyl‑2‑propanone bisulphite | 2.64 | 880.0 |

7 Section 16 (after table item 1)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 1A | Alpha‑Phenylacetoacetamide (APAA) | 2.74 | 7.3 |
| 1B | Alpha‑Phenylacetoacetonitrile (APAAN) | 1.76 | 4.7 |
| 1C | 4‑Anilino‑N‑phenethylpiperidine (ANPP) | 0.006 | 0.006 |

8 Section 16 (after table item 2)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 2A | Chloroephedrine | 1.153 | 3.07 |
| 2B | Chloropseudoephedrine | 1.153 | 3.07 |

9 Section 16 (after table item 7)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 7A | Methyl alpha‑phenylacetoacetate (MAPA) | 3.06 | 8.2 |
| 7B | 3‑(3’, 4’‑Methylenedioxyphenyl)‑2‑methyl glycidic acid, sodium salt (NaMDMG) | 1.46 | 14.6 |

10 Section 16 (after table item 8)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 8A | Methyl 3‑(3’, 4’‑methylenedioxyphenyl)‑2‑methyl glycidate (MMDMG) | 1.23 | 12.3 |
| 8B | Methyl 3‑phenyl‑2‑methyl glycidate | 2.96 | 7.9 |
| 8C | N‑Phenethyl‑4‑piperidone (NPP) | 0.008 | 0.008 |

11 Section 16 (after table item 9)

Insert:

|  |  |  |  |
| --- | --- | --- | --- |
| 9A | 3‑Phenyl‑2‑methyl glycidic acid, sodium salt | 5.17 | 13.7 |

12 Section 16 (table item 11)

Repeal the item, substitute:

|  |  |  |  |
| --- | --- | --- | --- |
| 11 | Phenyl‑2‑propanone | 1.04 | 2.7 |
| 11A | Phenyl‑2‑propanone bisulphite | 2.64 | 7.04 |

Customs (Prohibited Exports) Regulations 1958

13 Part 1 of Schedule 8 (after table item 27A)

Insert:

|  |  |
| --- | --- |
| 27AA | Crotonylfentanyl |

14 Part 1 of Schedule 8 (after table item 118)

Insert:

|  |  |
| --- | --- |
| 118A | Valerylfentanyl |

15 Part 2 of Schedule 8 (before table item 1AA)

Insert:

|  |  |
| --- | --- |
| 1AAA | AB‑FUBINACA |

16 Part 2 of Schedule 8 (after table item 1AC)

Insert:

|  |  |
| --- | --- |
| 1AD | Alpha‑pyrrolidinohexanophenone (otherwise known as alpha‑PHP) |
| 1AE | 5F‑AMB‑PINACA (otherwise known as 5F‑AMB or 5F‑MMB‑PINACA) |

17 Part 2 of Schedule 8 (after table item 6)

Insert:

|  |  |
| --- | --- |
| 6AA | 4‑CMC (otherwise known as 4‑chloromethcathinone or clephedrone) |

18 Part 2 of Schedule 8 (after table item 11)

Insert:

|  |  |
| --- | --- |
| 11A | DOC (otherwise known as 1‑(4‑chloro‑2,5‑dimethoxyphenyl) propan‑2‑amine) |
| 11B | N‑ethylhexedrone |

19 Part 2 of Schedule 8 ( after table item 18)

Insert:

|  |  |
| --- | --- |
| 18A | 4F‑MDMB‑BINACA |
| 18B | 5F‑MDMB‑PICA (otherwise known as 5F‑MDMB‑2201) |

20 Part 3 of Schedule 8 (after table item 18A)

Insert:

|  |  |
| --- | --- |
| 18AA | Methyl alpha‑phenylacetoacetate (otherwise known as MAPA) |

21 Part 4 of Schedule 8 (after table item 15)

Insert:

|  |  |
| --- | --- |
| 15A | Etizolam |

22 Part 4 of Schedule 8 (after table item 16)

Insert:

|  |  |
| --- | --- |
| 16A | Flualprazolam |

Customs (Prohibited Imports) Regulations 1956

23 Schedule 4 (after table item 4E)

Insert:

|  |  |
| --- | --- |
| 4F | Alpha‑pyrrolidinohexanophenone (otherwise known as alpha‑PHP) |

24 Schedule 4 (table item 5A)

Repeal the item, substitute:

|  |  |
| --- | --- |
| 5A | Alkoxyamphetamines, including but not limited to, the following:(a) 4‑chloro‑2,5‑dimethoxyamfetamine (otherwise known as 1‑(4‑chloro‑2,5‑dimethoxyphenyl) propan‑2‑amine or DOC);(b) 2,3,4‑trimethoxyamphetamine;(c) 2,3,5‑trimethoxyamphetamine;(d) 2,3,6‑trimethoxyamphetamine;(e) 2,4,5‑trimethoxyamphetamine;(f) 2,4,6‑trimethoxyamphetamine. |

25 Schedule 4 (after table item 13)

Insert:

|  |  |
| --- | --- |
| 13A | 5F‑AMB‑PINACA (otherwise known as 5F‑AMB or 5F‑MMB‑PINACA) |

26 Schedule 4 (after table item 39)

Insert:

|  |  |
| --- | --- |
| 39A | Chloroephedrine |
| 39B | Chloropseudoephedrine |

27 Schedule 4 (after table item 42)

Insert:

|  |  |
| --- | --- |
| 42A | Clonazolam |

28 Schedule 4 (after table item 46)

Insert:

|  |  |
| --- | --- |
| 46A | 4‑CMC (otherwise known as 4‑chloromethcathinone or clephedrone) |

29 Schedule 4 (after table item 49F)

Insert:

|  |  |
| --- | --- |
| 49FAA | Crotonylfentanyl |

30 Schedule 4 (after table item 50)

Insert:

|  |  |
| --- | --- |
| 50A | Deschloroetizolam |

31 Schedule 4 (after table item 56B)

Insert:

|  |  |
| --- | --- |
| 56C | Diclazepam |

32 Schedule 4 (after table item 83)

Insert:

|  |  |
| --- | --- |
| 83A | N‑ethylhexedrone |

33 Schedule 4 (after table item 87B)

Insert:

|  |  |
| --- | --- |
| 87C | Etizolam |

34 Schedule 4 (after table item 94)

Insert:

|  |  |
| --- | --- |
| 94A | Flualprazolam |
| 94B | Flubromazepam |
| 94C | Flubromazolam |

35 Schedule 4 (after table item 127)

Insert:

|  |  |
| --- | --- |
| 127AA | 4F‑MDMB‑BINACA |
| 127AB | 5F‑MDMB‑PICA (otherwise known as 5F‑MDMB‑2201) |

36 Schedule 4 (after table item 127B)

Insert:

|  |  |
| --- | --- |
| 127C | Meclonazepam |

37 Schedule 4 (after table item 140)

Insert:

|  |  |
| --- | --- |
| 140A | Methyl alpha‑phenylacetoacetate (otherwise known as MAPA) |

38 Schedule 4 (after table item 146)

Insert:

|  |  |
| --- | --- |
| 146AA | Methyl 3‑(3’, 4’‑methylenedioxyphenyl)‑2‑methyl glycidate (otherwise known as MMDMG) |
| 146AB | 3‑(3’, 4’‑Methylenedioxyphenyl)‑2‑methyl glycidic acid, sodium salt (otherwise known as NaMDMG) |

39 Schedule 4 (after table item 148)

Insert:

|  |  |
| --- | --- |
| 148A | Methyl 3‑phenyl‑2‑methyl glycidate |

40 Schedule 4 (after table item 163)

Insert:

|  |  |
| --- | --- |
| 163A | Nifoxipam |

41 Schedule 4 (after table item 196)

Insert:

|  |  |
| --- | --- |
| 196AA | 3‑Phenyl‑2‑methyl glycidic acid, sodium salt |

42 Schedule 4 (after table item 197)

Insert:

|  |  |
| --- | --- |
| 197A | Phenyl‑2‑propanone bisulphite |

43 Schedule 4 (after table item 214)

Insert:

|  |  |
| --- | --- |
| 214A | Pyrazolam |

44 Schedule 4 (after table item 231)

Insert:

|  |  |
| --- | --- |
| 231A | Valerylfentanyl |

Customs Regulation 2015

45 Subclause 1(1) of Schedule 7 (before table item 1)

Insert:

|  |  |
| --- | --- |
| 1A | 3-(3’, 4’-methylenedioxyphenyl)-2-methyl glycidic acid, sodium salt (otherwise known as NaMDMG) |

46 Subclause 1(1) of Schedule 7 (after table item 1)

Insert:

|  |  |
| --- | --- |
| 1AA | 3-phenyl-2-methyl glycidic acid, sodium salt |
| 1AB | 4-anilino-N-phenethylpiperidine (otherwise known as ANPP) |
| 1AC | Alpha-phenylacetoacetamide (otherwise known as APAA) |
| 1AD | Alpha-phenylacetoacetonitrile (otherwise known as APAAN) |

47 Subclause 1(1) of Schedule 7 (after table item 2)

Insert:

|  |  |
| --- | --- |
| 2A | Chloroephedrine |
| 2B | Chloropseudoephedrine |

48 Subclause 1(1) of Schedule 7 (after table item 10)

Insert:

|  |  |
| --- | --- |
| 10A | Methyl 3-(3’, 4’-methylenedioxyphenyl)-2-methyl glycidate (otherwise known as MMDMG) |
| 10B | Methyl 3-phenyl-2-methyl glycidate |
| 10C | Methyl alpha-phenylacetoacetate (otherwise known as MAPA) |

49 Subclause 1(1) of Schedule 7 (after table item 13)

Insert:

|  |  |
| --- | --- |
| 13A | N-phenethyl-4-piperidone (otherwise known as NPP) |

50 Subclause 1(1) of Schedule 7 (after table item 16)

Insert:

|  |  |
| --- | --- |
| 16A | Phenyl-2-propanone bisulphite |