



Criminal Code Amendment (Border Controlled Drugs and Precursors) Regulations 2024

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 29 February 2024

David Hurley
Governor-General

By His Excellency's Command

Mark Dreyfus KC
Attorney-General

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1 Name

This instrument is the *Criminal Code Amendment (Border Controlled Drugs and Precursors) Regulations 2024*.

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.	1 March 2024

Note: This table relates only to the provisions of this instrument as originally made.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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 14

Omit “Each item of the table in clause 1”, substitute “(1) Each item of the table in subclause 1(1)”.

2 Paragraph 14(a)

Omit “301.4(a)”, substitute “301.4(1)(a)”.

3 At the end of section 14

Add:

Restricted listing

- (2) Each item of the table in subclause 1(2) of Schedule 2 lists:
- (a) for the purposes of paragraph 301.4(1)(a) and subsection 301.4(2) of the Code, a substance that is taken to be a border controlled drug only in relation to the following:
 - (i) an offence against subsection 307.1(1), 307.2(1), 307.3(1) or 307.4(1) of the Code, if the offence relates to importing a substance;
 - (ii) an offence against subsection 307.5(1), 307.6(1), 307.7(1), 307.8(1), 307.9(1) or 307.10(1) of the Code;
 - (iii) an offence against subsection 309.12(1) or 309.13(1) of the Code, if the offence relates to procuring an individual to import a substance;and
 - (b) for the purposes of paragraph (a) of item 1 of the table in section 301.10 of the Code, the quantity that is the commercial quantity of the border controlled drug; and
 - (c) for the purposes of paragraph (a) of item 1 of the table in section 301.11 of the Code, the quantity that is the marketable quantity of the border controlled drug.

4 Paragraph 15(a)

Omit “301.5(a)”, substitute “301.5(1)(a)”.

5 Section 16

Before “Each item”, insert “(1)”.

6 At the end of section 16

Add:

Restricted listing

- (2) Each item of the following table lists:
- (a) for the purposes of paragraph 301.6(1)(a) and subsection 301.6(1A) of the Code, a substance that is taken to be a border controlled precursor only in relation to the following:

- (i) an offence against subsection 307.11(1), 307.12(1) or 307.13(1) of the Code, if the offence relates to importing a substance;
- (ii) an offence against subsection 309.14(1) or 309.15(1) of the Code, if the offence relates to procuring an individual to import a substance; and
- (b) for the purposes of paragraph (a) of item 1 of the table in section 301.10 of the Code, the quantity that is the commercial quantity of the border controlled precursor; and
- (c) for the purposes of paragraph (a) of item 1 of the table in section 301.11 of the Code, the quantity that is the marketable quantity of the border controlled precursor.

Note: For a salt, ester or immediate precursor of a substance listed in the table, see paragraphs 301.6(1)(b) and (c) and subsection 301.6(1B) of the Code.

Border controlled precursors and quantities—restricted listing			
Item	Border controlled precursor	Commercial quantity (kilograms)	Marketable quantity (grams)
1	Alpha-Methyl-1,3-benzodioxole-5-propanal (Helional)	1.0	1.0
2	Benzaldehyde	1.85	4.8
3	Hypophosphorous acid (Phosphinic acid)	1.2	3.2
4	Iodine	1.2	3.2

7 Clause 1 of Schedule 2

Before “The following table”, insert “(1)”.

8 Clause 1 of Schedule 2 (note)

Omit “301.4(b)”, substitute “301.4(1)(b)”.

9 At the end of clause 1 of Schedule 2

Add:

Restricted listing

- (2) The following table lists:
 - (a) substances that are taken to be border controlled drugs only in relation to the following:
 - (i) an offence against subsection 307.1(1), 307.2(1), 307.3(1) or 307.4(1) of the Code, if the offence relates to importing a substance;
 - (ii) an offence against subsection 307.5(1), 307.6(1), 307.7(1), 307.8(1), 307.9(1) or 307.10(1) of the Code;
 - (iii) an offence against subsection 309.12(1) or 309.13(1) of the Code, if the offence relates to procuring an individual to import a substance; and
 - (b) the quantities of those drugs that are commercial quantities and marketable quantities.

Note: For a drug analogue of a substance listed in the table, see paragraph 301.4(1)(b) and subsection 301.4(3) of the Code.

Schedule 1 Amendments

Border controlled drugs and quantities—restricted listing			
Item	Border controlled drug	Commercial quantity (kilograms)	Marketable quantity (grams)
1	1,4-Butanediol (1,4-BD)	1.0	2.0

10 Application provision

The amendments made by this Schedule apply in relation to conduct engaged in on or after the commencement of this Schedule.