



Australian Capital Territory

# **Criminal Code Amendment Regulation 2010 (No 1)**

**Subordinate Law SL2010-41**

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The Australian Capital Territory Executive makes the following regulation under the *Criminal Code 2002*.

Dated 19 October 2010.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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made under the

**Criminal Code 2002**

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**1 Name of regulation**

This regulation is the *Criminal Code Amendment Regulation 2010 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This regulation amends the *Criminal Code Regulation 2005*.

**4 Section 5**

*substitute*

**5 Controlled drugs—Code, s 600, def *controlled drug***

- (1) A substance mentioned in schedule 1 is prescribed.
- (2) The following substances (each of which is a *related drug*) are also prescribed:
  - (a) a form of a drug mentioned in schedule 1, whether natural or synthetic, and the salts, derivatives and isomers of that drug and any salt of those derivatives and isomers;
  - (b) a drug that is in a class of drugs mentioned in schedule 1, whether natural or synthetic, and the salts, derivatives and isomers of that drug and any salt of those derivatives and isomers;

- (c) an analogue in relation to a drug mentioned in schedule 1, which includes any substance having a substantially similar chemical structure to the drug, but differing in elemental composition due to the addition, deletion or replacement of any substituent element or group;
- (d) a homologue in relation to a drug mentioned in schedule 1, which includes any substance which differs from that drug by one or more carbon containing groups (including methylene groups) in that chemical structure;
- (e) a substance containing or mixed with a substance mentioned in schedule 1.

## **5 Section 7**

*substitute*

### **7 Controlled precursors—Code, s 600, def *controlled precursor***

- (1) A substance mentioned in schedule 3 is prescribed.
- (2) The following substances (each of which is a *related precursor*) are also prescribed:
  - (a) a preparation, admixture, extract or other substance containing any proportion of a substance mentioned in schedule 3;
  - (b) a substance that is 1 of the following in relation to a substance mentioned in schedule 3:
    - (i) acetal;
    - (ii) acetate;
    - (iii) acid chloride;
    - (iv) amide;
    - (v) anhydride;

- (vi) diol;
  - (vii) epoxide;
  - (viii) ester;
  - (ix) ether;
  - (x) halogen substituent;
  - (xi) hydroxide;
  - (xii) imine;
  - (xiii) isomer;
  - (xiv) ketal;
  - (xv) nitrile;
  - (xvi) oxime;
  - (xvii) salt;
- (c) any other analogue or derivative of a substance mentioned in schedule 3.

## 6 Section 8 (2)

*substitute*

- (2) For a related drug—
- (a) a ***trafficable quantity*** is the quantity mentioned in schedule 1, column 3 for—
    - (i) the drug to which it is related; or
    - (ii) if it is related to more than 1 drug—the drug to which it is related that has the smallest quantity mentioned in schedule 1, column 3; and

- (b) a **commercial quantity** is the quantity mentioned in schedule 1, column 4 for—
- (i) the drug to which it is related; or
  - (ii) if it is related to more than 1 drug—the drug to which it is related that has the smallest quantity mentioned in schedule 1, column 3; and
- (c) a **large commercial quantity** is the quantity mentioned in schedule 1, column 5 for—
- (i) the drug to which it is related; or
  - (ii) if it is related to more than 1 drug—the drug to which it is related that has the smallest quantity mentioned in schedule 1, column 3.

**Example—par (a) (ii), par (b) (ii) and par (c) (ii)**

Drug X is a related drug that is related to—

- Morphine (sch 1, pt 1.1, item 49); and
- Pethidine (sch 1, pt 1.1, item 60).

In sch 1, col 3, the quantity for Morphine is 2.00g and the quantity for Pethidine is 10.00g. Because the Morphine quantity is smaller than the Pethidine quantity, Morphine is the relevant drug for working out the quantities for drug X. Therefore, a trafficable quantity of drug X is 2.00g, a commercial quantity of drug X is 0.75kg and a large commercial quantity of drug X is 1.50kg.

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).



**7 New section 8 (5) and (6)**

*insert*

- (5) For a related precursor—
- (a) a **commercial quantity** is the quantity mentioned in schedule 3, column 3 for—
- (i) the precursor to which it is related; or
- (ii) if it is related to more than 1 precursor—the precursor to which it is related that has the smallest quantity mentioned in schedule 3, column 3; and
- (b) a **large commercial quantity** is the quantity mentioned in schedule 3, column 4 for—
- (i) the precursor to which it is related; or
- (ii) if it is related to more than 1 precursor—the precursor to which it is related that has the smallest quantity mentioned in schedule 3, column 3.

**Example—par (a) (ii) and par (b) (ii)**

Precursor X is a related precursor that is related to—

- Ammonia (sch 3, item 8); and
- Calcium (sch 3, item 20).

In sch 3, col 3, the quantity for Ammonia is 1.50kg and the quantity for Calcium is 0.25kg. Because the Calcium quantity is smaller than the Ammonia quantity, Calcium is the relevant precursor for working out the quantities for precursor X. Therefore, a commercial quantity of precursor X is 0.25kg and a large commercial quantity of precursor X is 0.50kg.

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (6) In this section:
- related drug**—see section 5 (2).
- related precursor**—see section 7 (2).

**8 Schedule 1, part 1.2, new item 14A***insert*

14A	Benzylpiperazine (BZP)	2.00	1.00	2.00
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**9 Schedule 1, part 1.2, new item 98A***insert*

98A	N,N-dimethylamphetamine	2.00	1.00	2.00
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**10 Schedule 1, part 1.2, new item 132A***insert*

132A	Trifluoromethylphenylpiperazine (TFMPP)	2.00	1.00	2.00
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**11 Schedule 3***substitute***Schedule 3 Controlled precursors**

(see s 7, s 8 (4), (5) and (6))

column 1 item	column 2 controlled precursor	column 3 commercial quantity	column 4 large commercial quantity
1	Acetaldehyde	0.50kg	1.00kg
2	Acetic anhydride	0.70kg	1.50kg
3	N-Acetylanthranilic acid	5.00kg	10.00kg
4	Allylbenzene	0.25L	0.50L
5	Allylpyrocatechol	0.10L	0.20L
6	Alpha-phenylacetoacetonitrile	0.50kg	1.00kg
7	4-Amino-butanoic acid	1.50kg	3.00kg
8	Ammonia	1.50kg	3.00kg

<b>column 1 item</b>	<b>column 2 controlled precursor</b>	<b>column 3 commercial quantity</b>	<b>column 4 large commercial quantity</b>
9	Ammonium formate	0.50kg	1.00kg
10	Anthranilic acid	5.00kg	10.00kg
11	Benzaldehyde	0.50L	1.00L
12	1,3-Benzodioxole	0.25L	0.50L
13	Benzyl bromide	0.50L	1.00L
14	Benzyl chloride	0.50L	1.00L
15	Boron tribromide	0.25L	0.50L
16	Bromobenzene	1.05kg	2.10kg
17	5-Bromo-1,3-benzodioxole	0.25L	0.50L
18	Bromo safrole	0.30kg	0.60kg
19	1,4-Butanediol	1.50L	3.00L
20	Calcium	0.25kg	0.50kg
21	1-Chlorophenyl-2-aminopropane	1.25kg	2.50kg
22	Chromic acid	0.10L	0.20L
23	Chromium trioxide	0.10kg	0.20kg
24	Ephedrine	0.25kg	0.50kg
25	Ergometrine	0.0001kg	0.0002kg
26	Ergotamine	0.0002kg	0.0004kg
27	Ethanamine	0.50L	1.00L
28	Ethyl phenyl acetate	0.50kg	1.00kg
29	N-Ethylephedrine	0.25kg	0.50kg
30	N-Ethylpseudoephedrine	0.25kg	0.50kg
31	Eugenol	0.10L	0.20L
32	Formaldehyde	1.50kg	3.00kg
33	Formamide	0.50L	1.00L

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<b>column 1 item</b>	<b>column 2 controlled precursor</b>	<b>column 3 commercial quantity</b>	<b>column 4 large commercial quantity</b>
34	Gamma butyrolactone	1.50L	3.00L
35	Gamma hydroxybutanoic acid	1.50L	3.00L
36	Hydriodic acid	0.65L	1.70L
37	Hydrobromic acid	0.25L	0.50L
38	Hydrogen	1.50kg	3.00kg
39	Hydrogen chloride	1.50kg	3.00kg
40	Hydrogen sulfide	1.50kg	3.00kg
41	4-Hydroxybutanal	1.50L	3.00L
42	4-Hydroxy-butanoic acid lactone	1.50L	3.00L
43	4-Hydroxy-butanoic acid nitrile	1.50L	3.00L
44	4-Hydroxy pentanoic acid	1.50L	3.00L
45	2-Hydroxytetrahydrofuran	1.50L	3.00L
46	Hypophosphite salts	0.25 kg	0.50kg
47	Hypophosphorous acid	0.45L	0.90L
48	Iodine	0.25kg	0.50kg
49	Isosafrole	0.30L	0.60L
50	Lithium	0.25kg	0.50kg
51	Lithium aluminium hydride	0.05kg	0.10kg
52	Lysergic acid	0.00005kg	0.0001kg
53	Magnesium	0.25kg	0.50kg
54	Mandellic acid	0.50kg	1.00kg
55	Mercuric chloride	0.001kg	0.002kg
56	Mercury	0.001kg	0.002kg
57	Methcathinone	0.25kg	0.50kg
58	Methylamine	0.50L	1.00L

<b>column 1 item</b>	<b>column 2 controlled precursor</b>	<b>column 3 commercial quantity</b>	<b>column 4 large commercial quantity</b>
59	Methylammonium salts	0.25kg	0.50kg
60	3,4-Methylenedioxyphenylacetic acid	0.10kg	0.20kg
61	3,4-Methylenedioxyphenylpropan-2-one (PMK)	0.05kg	0.10kg
62	N-Methylformamide	0.50L	1.00L
63	N-Methyl ephedrine	1.20kg	2.40kg
64	Methyl phenylacetate	1.00kg	2.00kg
65	N-Methylpseudoephedrine	1.20kg	2.40kg
66	Methylstyrene	0.50L	1.00L
67	Nitroethane	0.50L	1.00L
68	Nitromethane	0.50L	1.00L
69	Norpseudoephedrine	2.15kg	4.30kg
70	Palladium	0.005kg	0.01kg
71	Phenylacetamide	0.50kg	1.00kg
72	Phenylacetic acid	0.50kg	1.00kg
73	Phenylacetonitrile	1.45L	2.90L
74	Phenylacetyl chloride	1.05L	2.10L
75	Phenylalanine	0.50kg	1.00kg
76	1-Phenyl-2-bromopropane	0.50kg	1.00kg
77	1-Phenyl-2-chloropropane	1.15kg	2.30kg
78	1-Phenyl-2-iodopropane	0.50kg	1.00kg
79	1-Phenyl-2-nitropropene	1.20kg	2.40kg
80	Phenylpropanolamine	2.15kg	4.30kg
81	1-Phenyl-2-propanol	0.90L	1.80L
82	1-Phenyl-1-propanone	0.25L	0.50L

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<b>column 1 item</b>	<b>column 2 controlled precursor</b>	<b>column 3 commercial quantity</b>	<b>column 4 large commercial quantity</b>
83	1-Phenyl-2-propanone (BMK)	1.00L	2.00L
84	1-Phenyl-2-propanone oxime	1.00kg	2.00kg
85	Phosphorus	0.10kg	0.20kg
86	Phosphorous acid	1.10L	2.20L
87	Piperidine	0.35kg	0.70kg
88	Piperonal	0.30kg	0.60kg
89	Platinum	0.005kg	0.010kg
90	Potassium	0.25kg	0.50kg
91	Propionic anhydride	0.05L	0.10L
92	Pseudoephedrine	1.10kg	2.20kg
93	Pyridine	1.00L	2.00L
94	2-Pyrrolidone	1.50L	3.00L
95	Raney nickel	0.05kg	0.10kg
96	Safrole	0.30L	0.60L
97	Sassafras oil	0.10L	0.20L
98	Sodium	0.25kg	0.50kg
99	Sodium bis (2-methoxyethoxy) aluminium hydride	0.05kg	0.10kg
100	Sodium borohydride	0.05kg	0.10kg
101	Sodium cyanoborohydride	0.05kg	0.10kg
102	Thionyl chloride	0.25kg	0.50kg
103	Thorium	1.00kg	2.00kg

**12 Dictionary, definition of *associated drug***

*omit*

**13 Dictionary, new definition of *derivative***

*insert*

***derivative*** means a substance or compound made from another substance or compound.

**14 Dictionary, definition of *related drug***

*omit*

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 25 October 2010.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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