



# **Customs Legislation Amendment (Drugs) Regulation 2015**

## **Select Legislative Instrument No. 152, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 03 September 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Immigration and Border Protection

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*OPC60743 - A*



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## 1 Name

This is the *Customs Legislation Amendment (Drugs) Regulation 2015*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	5 September 2015

Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Customs (Prohibited Exports) Regulations 1958*

#### **1 Subregulation 2(1) (definition of *poppy straw*)**

Repeal the definition, substitute:

*poppy straw* means any part (other than the seeds) of either of the following:

- (a) a plant of the species *Papaver somniferum* (otherwise known as opium poppy);
- (b) a plant of the species *Papaver bracteatum*.

#### **2 After regulation 14**

Insert in its appropriate numerical position:

#### **15 Customs Legislation Amendment (Drugs) Regulation 2015— transitional**

- (1) This regulation applies if, immediately before the day (the *commencement day*) the *Customs Legislation Amendment (Drugs) Regulation 2015* commenced:
  - (a) an application had been lodged with the Secretary under subregulation 10(3) for a permission to export the Schedule 8 drug known as 4-hydroxybutanoic acid (otherwise known as Gamma-hydroxybutyric acid, or GHB); and
  - (b) a decision about whether to grant the application had not been made.

Note: Before the commencement day, 4-hydroxybutanoic acid was listed as item 15A of Part 3 of Schedule 8. One effect of the *Customs Legislation Amendment (Drugs) Regulation 2015* was to repeal that item and to insert a new item 13A in Part 2 of that Schedule, which describes the same drug as Gamma-hydroxybutyric acid (otherwise known as GHB).

- (2) If the application was not accompanied by an authorisation from the appropriate governmental authority of the country to which the drug is to be exported authorising the importation of the drug into that country, the Secretary or an authorised person may grant the permission only if the applicant lodges such an authorisation with the Secretary within 28 days after the commencement day.

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Note: Such an authorisation is generally required to be lodged together with an application for permission to export a drug listed in Part 1 or 2 of Schedule 8 (see paragraph 10(3)(d)).

- (3) This regulation is repealed 29 days after the commencement day, but that repeal does not affect the operation of subregulations (1) and (2).

### **3 Part 1 of Schedule 8 (after table item 3)**

Insert:

3A Acetylmorphine

### **4 Part 1 of Schedule 8 (after table item 26)**

Insert:

26A Codeine-N-oxide

### **5 Part 1 of Schedule 8 (after table item 27)**

Insert:

27A Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids)

### **6 Part 1 of Schedule 8 (after table item 34)**

Insert:

34A Dihydroetorphine

### **7 Part 1 of Schedule 8 (after table item 61)**

Insert:

61A Meprodine

### **8 Part 1 of Schedule 8 (table item 74)**

Repeal the item, substitute:

74 Morphine

### **9 Part 1 of Schedule 8 (after table item 88)**

Insert:

88A Oripavine

### **10 Part 1 of Schedule 8 (after table item 106)**

Insert:

106A Prodine

**11 Part 1 of Schedule 8 (table item 115)**

Repeal the item, substitute:

115 Thebaine

**12 Part 2 of Schedule 8 (before table item 1)**

Insert:

1A Amineptine

**13 Part 2 of Schedule 8 (after table item 13)**

Insert:

13A Gamma-hydroxybutyric acid (otherwise known as GHB)

**14 Part 2 of Schedule 8 (after table item 28)**

Insert:

28A Parahexyl (otherwise known as  
3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran-1-ol)

**15 Part 3 of Schedule 8 (before table item 1)**

Insert:

1A Alpha-phenylacetoacetonitrile (otherwise known as APAAN)

**16 Part 3 of Schedule 8 (table item 15A)**

Repeal the item, substitute:

15A Ketamine

**17 Part 3 of Schedule 8 (table item 23)**

Repeal the item, substitute:

23 Pipradrol

***Customs (Prohibited Imports) Regulations 1956***

**18 Subregulation 2(1) (definition of poppy straw)**

Repeal the definition, substitute:

*poppy straw* means any part (other than the seeds) of either of the following:

- (a) a plant of the species *Papaver somniferum* (otherwise known as opium poppy);
- (b) a plant of the species *Papaver bracteatum*.



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**19 Schedule 4 (after table item 11)**

Insert:

11A Alpha-phenylacetoacetonitrile (otherwise known as APAAN)

**20 Schedule 4 (table item 16)**

Omit “levoamphetamine”, substitute “levamfetamine”.

**21 Schedule 4 (after table item 49E)**

Insert:

49F Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids)

**22 Schedule 4 (after table item 56)**

Insert:

56A 3,4-dichloro-N-{{1-(dimethylamino)cyclohexyl}methyl}benzamide  
(otherwise known as AH-7921)**23 Schedule 4 (after table item 120)**

Insert:

120A Lisdexamfetamine

**24 Schedule 4 (after table item 137)**

Insert:

137A Methamphetamine

**25 Schedule 4 (table item 204, column headed “Description of drugs”, after paragraph (a))**

Insert:

(aa) *Catha edulis* (otherwise known as khat);