

Import Gammabutyrolactone (GBL)

All Quantities

s.307 (Cth) Criminal Code

Commenced 6.12.2005

307.1 Importing and exporting commercial quantities border controlled drug

307.5 Possessing commercial quantities border controlled drug

307.8 Possessing commercial quantities border controlled drug reasonably suspected of having been unlawfully imported

Commercial Quantity: 1kg

Maximum Penalty: Life

307.2 Importing and exporting marketable quantities border controlled drug

307.6 Possessing marketable quantities border controlled drug

307.9 Possessing marketable quantities border controlled drug reasonably suspected of having been unlawfully imported

Maximum Penalty: 25 years

CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
Corbett (2008) 181 A Crim R 522 NSWCCA	Attempt import comm qty GBL	1.120kg	PG	150h CSO	Crown appeal dismissed in exercise of discretion		Ordered GBL from overseas – drugs mailed to post box - aware drug illegal – kept half for personal use – gave remainder to friends 1120g - value approximately \$11,200 - \$16,800 2788g - value approximately \$27,880 - \$41,820 On appeal found error to treat GBL as 'lesser drug'
	Attempt import comm qty GBL	2.788kg		360h CSO			
Davidson (24) (2009) 195 A Crim R 406 NSWCCA	3 x import comm qty GBL	30.5kg	VG	6y (each)	AD	nil	Arranged for drugs to be mailed from China Sentence includes pre-sentence custody On appeal - at [31] GBL is a drug that can, by the use of a substance such as caustic soda, be converted to another drug, 4 - hydroxybutanoic acid, commonly known as GHB
	Attempt import comm qty GBL	19kg		6y <u>Total:</u> 8y NPP 4y 9m			

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CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
Colledge [2010] NSWCCA 302	Import commercial qty GBL	2.060kg	PG	\$500 fine	Crown AA \$3000 fine	Minor record	Authorities intercepted mail parcel containing drugs – ordered and used drug for personal use believing it to be legal – very bottom of scale of seriousness Suffered from cancer as a child – genuine remorse
Hill (32)	Import comm qty GBL	4.6kg	VG	6y NPP3y 3m	Crown AD AD		All involved in importation of GBL with intent to manufacture and supply GBH - Bakir and Hill assaulted and threatened third person to recommence importation of GBL – Gray girlfriend of third person - Broad involved in manufacture – all involved for financial gain - maximum expected return of \$180,000-\$200,000
	Att possess comm qty GBL			4y (concurrent)			
Bakir (36)	Import comm qty GBL		VG	6y NPP 3y 7m			
	Att possess comm qty GBL			4y (concurrent)			
Gray (22)	Import comm qty GBL		VG	5y NPP 2y 6m			
Broad	Import comm qty GBL		PG	5y NPP 2y			
[2011] QCA 306	Possess comm qty GBL			2y (concurrent)			
Cth DPP v Maxwell (2013) 228 A Crim R 218 VSCA	Import comm qty GBL	2 litres	PG	3y	Crown AD		Ordered and received by post from Singapore drugs on two separate occasions - wholesale value was between \$6,600 and \$9,000 - street value between \$10,440 and \$17,400 – acted for financial gain – knew GBL would be used to make GBH On appeal: table of cases attached including District Court and Supreme cases at first instance – found current range appropriate
	Import comm qty GBL	1.155 litres		2y 6m			
				<u>Total:</u> 4y NPP 2y			
Sopronick [2014] NSWDC 12 Berman SC DCJ	Att possess comm qty GBL	7.3 litres	PG (15%)	5y NPP 2y		Drug possession	Agreed to take delivery of package for close friend suspecting drugs – controlled delivery – no financial reward – not isolated event – taken advantage of - street value only \$32,850 - \$43,800 Mixed in circles where drug use common

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CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
Galea (44) [2015] VCC 1560 Judge Patrick	2 x Import mkt qty GBL Import mkt qty GBL 2 x Import mkt qty GBL	Each just under 1 litre	PG (25%)	13m (each) 11m 12m (each) <u>Total:</u> 18m Released immed to recog for 18m		Nil	Imported drugs for personal use – all but first importation seized by Customs – shared drug socially but did not sell for financial reward Mental health problems including major depression and anxiety increased difficulty of imprisonment – genuine remorse – good prospects of rehabilitation
Thorn (38) [2015] ACTSC 218 Murrell CJ	Import comm qty GBL Sched: Att possess GBL Possess Meth	25.26kg	PG (25%)	2y 1m Released to recog after 12m		Minor	Received drugs from China in three packages – ordered for personal use – used drug daily over 12 years – paid \$1–2,000 – worth \$15,000 in Australia Difficult childhood and long history of drug abuse – evidence of good rehabilitation in residential centre – sentence backdated to take into account pre-sentence custody and time in residence
Cua (27) Zoch (29) [2016] VCC 872 Judge Harbison	Import comm qty GBL	3 litres	PG	3y Suspended for 4y 3y Suspended for 4y		Nil Nil	Married couple in country Victoria ordered drug over internet to assist with sexual problems in marriage resulting from serious motorcycle accident – one litre for \$250 was minimum amount that could be ordered – ordered three times because drugs intercepted by Customs – personal and private use only – naïve and open approach to offence Excellent character

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CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
Ragauskas (25) [2016] VCC 1232 Judge Pilgrim	Import mkt qty GBL	985ml	PG (discount but not quantified)	12m Released to recog for 12m		Nil relevant	Ordered GBL over black market website – other drug dealings revealed through text messages and subsequent admissions – small amounts of GBL and cannabis found in bedroom during search – bottom of scale of offending Long term drug use – support of family – some remorse and receiving professional support
	Import mkt qty cocaine	4.8g		4m Released to recog for 12m			
	Import mkt qty meth	3g		4m Released to recog for 12m			
	Traffick testosterone	At least 50g		12m comm correction order			
	Possess GBL	10ml		12m comm correction order			
	Possess Cannabis			12m comm correction order			
	Possess prohibited weapon			12m comm correction order			

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CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
DPP v Rettino (20) [2016] VCC 1412 Judge Dean	Import comm qty GBL	1.33kg	PG	21m			Used dark net to order drugs – GBL intercepted by Customs – subsequent search of house revealed remaining drugs and money – engaged in commercial activity of selling drugs – lower end of scale of seriousness Early drug use – received professional counselling leading to good rehabilitation
	Possess mkt qty Meth reason suspected of being imported	3.4g		12m			
	Possess cocaine reason suspected of being imported	0.5g		1m			
	Possess amphet reason suspected of being imported	0.1g		1m			
	Possess 2CP 2CE 2CD reason suspected of being imported	6.1g		1m			
	Possess proceeds of crime	\$7,840		1m			
	Possess Psilcybin	14g		1m			
				<u>Total:</u> 2y 3m Released to recog after 6m			

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