

Import Amphetamines / Methamphetamines

Trafficable Quantity

s.233B(1) (Cth) Customs Act

- s 233B(1)
- (b) import
 - (c) possess prohibited import
 - (ca) possess reasonably suspected prohibited import
 - (d) knowingly concerned in import (*repealed 15.12.2001*)

Subsection substituted 28.9.2004

- s 233B(1)
- (a)(iii) import
 - (a)(iv) possess prohibited import
 - (a)(vi) possess reasonably suspected prohibited import

Trafficable Quantity: 2gm

Commercial Quantity: 750gm (There was no commercial amount for amphetamines / methamphetamines or MDA until 9.12.2004)

Maximum Penalty: 25 years / Life if prior specified drug offence

s.235(2)(d) / s.235(2)(c)(ii)

s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

| <u>Case</u> (age if known) | <u>Offence</u> | <u>Amount</u> (pure) | <u>Plea</u> | <u>Record</u> | <u>Result</u> | <u>Appeal</u> | <u>Facts</u> |
|--|---------------------------------------|-------------------------|-------------|---------------|---------------|---------------|--|
| Bimahendali (1999) 109 A Crim R 355 NSWCCA | Knowingly concerned importation | 80.1g | PG | | 6y NPP 4y | AD | Drugs imported concealed in package of men's clothing – sent from Indonesia by female friend - appellant took delivery of package – a prime mover in offence |

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| Roeton [1999] WASCA 1023 | Knowingly concerned import Possess LSD with intent to sell Sched Proceeds of crime offence | 208.6g (pure) | PG (12.5%) VG | | 14y NPP 7y 3y (cumulative) <i>Total:</i> 17y Eligible for parole | AD | Received packets of amphetamines from courier – found in possession of .294g LSD (147 times trafficable quantity) sent from England – also found in possession of \$73,942.36 – significant organisation component of importation |
| Bigic [2000] NSWCCA 9 Co-offender: MARCHANDO (2003) | Knowingly concerned import | 1.96kg (methorphan) 293.8g (methylamph) | PG | | 9y NPP 6y | AD | Drugs imported by two female couriers accompanied by male co-offender for security – flew from America to Australia to take delivery of drugs – mid-level participant, below principal – mid-level drugs |
| Harvey (2000) 113 A Crim R 434 NSWCCA | Attempt possess | 51.3g | VG | Drug offences | 5y NPP 2y 33w | AD | Received drugs mailed in package – to hold drugs for person who organised importation – no part in organisation or planning of offence – lowest level |
| DPP v Haunga (2001) 127 A Crim R 358 VSCA Co-offender: O'NEILL | Knowingly concerned import | 412.9g | PG | | 3y Released to recog for 12m after 2y | Crown AA 3y 9m Released to recog for 2y after 2y 9m | Drugs concealed in parcel sent from overseas – agreed to have parcel addressed to him and pick up parcel for friend Failure to give promised assistance |
| Schluez (41) [2001] NSWCCA 314 | Attempt possess | 83.2g | VG | nil | 7y NPP 4y | AD | Female - Drugs sent to Australia secreted in computer hard drive – delivered to appellant who was to pass it on – ‘more than a courier but something less than being the person ultimately responsible for the dissemination of the drug to the community’ Mother to 15y son with no other family |

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| O'Neill [2001] VSCA 227 Co-offender: HAUNGA | Att possess | 412.9g | VG | | 4y 6m NPP 3y 6m | | Mailed drugs in package from England – parcel picked up by H and controlled delivery made to appellant – important cog in operation – similar criminality to H |
| Iskandar (35) (2001) 126 A Crim R 546 WASCA Co-offender: MARLAN (2003) SOEWANDI (2002) | Import | 982.2g | PG (50% plea and assist) | | 9y 6m NPP 5y | AA 7y NPP 3y 7m | Female Indonesian national – brought drugs secreted in suitcase – had recruited fellow courier – agreed to controlled delivery – to receive financial reward Assistance – subsequent health issues in custody |
| W (42) (2002) 129 A Crim R 400 NSWCCA | Knowingly concerned import | 66.332kg | PG (50% plea and assist) | nil | 7y NPP 5y 3m | AA 7y NPP 4y 7m | Drugs imported in shipping containers – appellant to remove drugs from containers, cutting through metal struts then repairing metalwork to hide cutting – also to deliver drugs to various places – controlled delivery High level of assistance to authorities – citizen of Hong Kong with no English |
| Casey (32) [2002] VSCA 117 | Knowingly concerned import Attempt possess | 679g (estimate) | VG | Included trafficking cannabis | <u>Total:</u> 8y 6m NPP 6y | AD | Drugs mailed from Netherlands and concealed in sports drinks in package – controlled delivery - paid friend to pick up parcel – attempted to extract drugs from liquid in bottle |
| Soewandi [2002] WASCA 315 Co-offender: MARLAN (2003) ISKANDER (2001) | Import | 1.2kg (83.8% purity) | PG (50% plea and assist) | | 11y NPP 5y 6m | AA 6y 3m NPP 3y 1m | Brought drugs into Australia strapped to body – agreed to controlled delivery Assistance |
| Wright (32) (2003) 138 A Crim R 390 WASCA | Possess | 8.332kg | PG | Nil relevant | 7y NPP 3y 6m | Crown AA 9y NPP 4y 6m | Paid to guard drugs for five weeks Some assistance |

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| Marchando [2003] NSWCCA 71 Co-offender: BIGIC (2000) | Knowingly concerned import | 1.96kg (methorphan) 293.8g (methylamph) | PG | nil | 10y NPP 7y | AD | US citizen – arranged and travelled with two female couriers who had drugs strapped to body |
| MacCormack (46) [2003] QCA 280 | Import | 52.9g 4.2g | VG | Dishonesty offences | 4y NPP 2y | AD | Drugs secreted in toy car mailed from London Sentence imposed cumulatively to existing State sentence |
| Marlan [2003] WASCA 184 Co-offenders: ISKANDER (2001) SOEWANDI (2002) | Attempt posses Possess | 1.9245kg 79.3g | PG | | 14y NPP 8y 3y (concurrent) | AD | Drugs imported by two couriers – controlled delivery – more seriously involved than couriers |
| Tan (50) [2003] WASCA 324 | 8 x knowingly concerned import | 5.46587kg 47.26g 14.7g 1.504g | VG | | 20y NPP 10y | AD | Recruited husband and wife to bring in drugs from Indonesia – drugs taped to body and hidden in luggage - immediate organiser of importation – professional operation Impact of imprisonment on family |
| Dujeu (22) (2004) 146 A Crim R 121 NSWCCA | Import | 242.5g | PG (20%) | nil | 7y NPP 4y 6m | AD | POST 16G REPEAL Ingested drugs to bring in from Indonesia – probably a courier |
| Zhang (46) (2005) 158 A Crim R 504 NSWCCA Co-offender: TU (2011) | Attempt importation Possess prohibited import | 163kg 6.13kg | VG | Nil | 20y NPP 13y 4m | AD | POST 16G REPEAL Female – attempt to import methylamphetamine (ice) intercepted by Customs – drugs imported through appellant's food business – controlled delivery - possession count related to drugs found at appellant's premises imported on earlier occasion |
| Nguyen (2006) 166 A Crim R 124 NSWCCA | Import | 537.2g | VG | | 4y NPP 2y | Crown AA 6y NPP 3y | POST 16G REPEAL Female - Returned from Vietnam with towels laced with drugs Mother to three young children |
| Situ [2008] NSWCCA 161 | Attempt possess | 6.128kg | VG | | 7y NPP 4y | Conviction AD | POST 16G REPEAL Drugs mailed in package from China |

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| Tu [2011] NSWCCA 31 Co-offender: ZHANG (2005) | Attempt possess (Ice) Possess (Ice) | 163.149kg 81.689kg | VG | Dishonesty offence | 25y NPP 16y 7.5m | AA 20y NPP 13y 4m | POST 16G REPEAL (2003) - Drugs imported in shipping container from China – intercepted and controlled delivery – further drugs found in apartment probably imported at earlier date |

Last Updated: June 2017