

Import Cannabis
Commercial Quantity
s.233B(1) (Cth) Customs Act

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(cb) conspire to import (*repealed 15.12.2001*)
(d) knowingly concerned in import (*repealed 15.12.2001*)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

Commercial Quantity: Cannabis – 100kg
Cannabis Resin – 50kg

Maximum Penalty: Life

s.235(2)(c)(i)

s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005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>	<u>Plea</u>	<u>Result</u>	<u>Appeal</u>	<u>Record</u>	<u>Facts</u>
1.	Zeccola (42) (1983) 11 A Crim R 192 VSCA	2 x Knowingly concerned import resin Possess prohibited import	150kg 210kg 12.9kg	PG	16y NPP 14y	AA 13y NPP 11y	Nil	Drugs imported by ship from Italy - active role Good rehabilitation prospects - good character - unlikely to re-offend

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2.	Lambert Paunovic (1990) 51 A Crim R 160 WACCA	Conspiracy to import resin Conspiracy to import resin	997kg (value \$8m)	PG PG	7y 9m NPP 4y 6m 10y 9m	AD Crown AA 16y NPP 12y	Nil possess cannabis, narcotics	Drugs brought from Thailand to WA. P manager and director of enterprise - travelled from Australia to Asia to arrange contacts L played lesser role; involved to rid himself of debt owed to P
3.	Salisbury (1994) 76 A Crim R 565 WACCA	Import resin	3 tonnes	PG	16y 2m NPP 8y 9m	AA 13y 2m NPP 7y 3m	Drug offences - dishonesty.	With others imported drugs into Australia. Co-offender Pinkstone received 7y 4m NPP 4y (PG - assistance to authorities).
4.	Scouller (47) Thompson (39) Wiseman (52) (1995) 76 A Crim 476 QCA	Knowingly concerned import sativa	1.23 tonnes	VG PG PG	15y NPP 8y 7y NPP 1y 6m 13y NPP 6y	AD AD AD	Nil Nil	Drugs brought from Thailand to reef off coast where vessel sank – drugs recovered from sunk vessel – S and W heavily involved in managing operation – W slightly less significant role than S - T involvement for two days in diving for drugs W – health problems and two dependent children T – Dutch citizen
5.	Gudgeon (55) (1995) 83 A Crim R 228 QCA	Conspire to import cannabis	192kg	VG	15y NPP 7y 6m	AD	Prior drug offence – offence committed on parole	Cannabis imported from Thailand – began conspiracy while still in gaol

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6.	Saxon (1996) 86 A Crim R 353 NSWSC NSWCCA 31.10.1997	Import resin 3 x Supply lge comm. qty resin Money laundering 2 x Possess traff qty resin 3 x Proceeds of crime	10 tonnes	PG	14y 8y 4y 4y 4y <u>Total:</u> 24y NPP 16y	AD		Purchased and arranged for importation of resin by ship – picked up by smaller boat and transferred to land by offender – sold 25kg, 20kg and 60kg to co-offender over several months – sole 9964kg to wholesale distributors over 10mths – millions of dollars transferred overseas – on arrest found in possession of 2kg and 4 kg cannabis, money, gold and diamonds
7.	Dumbrell NSWCCA 9.5.1997	Conspiracy to import resin	5 tonnes	PG	13y NPP 9y	AD		Principal of organising syndicate - made arrangements with overseas syndicate for supply Co-offender Spink received 9y / NPP 6y 5m (PG - assistance to authorities)
8.	May (44) Fowles Eaton (36) Brown (50) 24.7.1998 QCA Co-offender: ASHTON STAGOLL JACKSON	Knowingly concerned import resin	8 tonnes	PG	10y NPP 5y 9y NPP 4y 8y NPP 3y 6m 10y NPP 5y	AD AD AD AA 8y 6m NPP 4y	Record Minor record Nil	Drugs brought in by boat M – second rank involvement – arranged for pickup of drugs and storage F – assisted in equipping and repairing boat – monitoring rendezvous with boat E – crewman on boat B – management position similar to May but for much less time

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9.	Jackson (40) 9.2.1999 QCA Co-offenders: MAY FOWLES EATON BROWN ASHTON STAGOLL	Knowingly concerned import cannabis	8 tonnes	VG	10y NPP 5y	AD	Nil	Drugs brought in by boat – involved in variety of tasks over two months
10.	Ashton (40) (1999) 108 A Crim R 200 (QCA) Co-offenders: MAY FOWLES EATON BROWN STAGOLL JACKSON	Knowingly concerned in import resin	8 tonnes	VG	9y NPP 4y 6m	AD	nil	Involved in importation of drugs by boat
11.	Stagoll 28.4.1999 QCA Co-offenders: MAY FOWLES EATON BROWN ASHTON JACKSON	Knowingly concerned import resin	8 tonnes	PG	8y NPP 4y	AD	Nil	Drugs brought in by boat - part of group dealing with drugs after unloaded from boat
12.	Pimental (1999) 110 A Crim R 30 NSWCCA	Knowingly concerned import resin	10 tonnes	VG	6y NPP 3y 9m	Crown AD	Three prior drug convictions in Germany	Part of crew on boat that attempted to import drugs from Amsterdam into Australia – willing participant once became aware of drugs during journey

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13.	YZ [1999] NSWCCA 263	Conspiracy import cannabis		PG	9y NPP 6y 6m	Crown AA 10y NPP 7y 6m	not stated	Facts not outlined in case. Failure to give promised assistance.
14.	Causevic (50) [2000] QCA 432	Conspire import cannabis	2-5 tonnes	VG	9y NPP 4y 6m	AD	Nil relevant	Lieutenant to principal – planning to import drugs through South Australian coast – plan abandoned when aware of surveillance – financial gain only
15.	Laloum (40) [2000] NSWCCA 248	Knowingly concerned import cannabis	624kg	VG	9y NPP 4y 6m	AD		Drugs imported in furniture – sophisticated operation – direct and detailed involvement
16.	Franco Crnac Pratico Cetrangolo Ciampoli (2006) 168 A Crim R 322 [2006] VSCA 302	Possess resin	Almost 3 tonnes	VG	9y NPP 6y 7y 6m NPP 5y 7y 6m NPP 5y 7y 6m NPP 5y 7y 6m NPP 5y	AA 7y NPP 4y 5y 6m NPP 3y 5y 6m NPP 3y 5y 6m NPP 3y 5y 6m NPP 3y	Weapon offence Minor offences	Drugs imported from Middle East – concealed in false bottoms in containers carrying marble tiles – all five appellants involved in unloading drugs – involvement at lowest level – Franco slightly more culpable

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