

**Import Cannabis
Trafficable 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- (cb) conspire to import (*repealed 15.12.2001*)
- (d) knowingly concerned in import (*repealed 15.12.2001*)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

Trafficable Quantity: Cannabis – 100g / Cannabis Resin – 20g

Commercial Quantity: Cannabis – 100kg / Cannabis resin – 50kg

Maximum Penalty: 10 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s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005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>	<u>Plea</u>	<u>Sentence</u>	<u>Appeal</u>	<u>Record</u>	<u>Facts</u>
1.	Byast (47) (1997) 96 A Crim R 61 [1997] QCA 276	Conspiracy to import cannabis	Not stated	VG	2y NPP 9m		Nil	Agreed with husband to import cannabis from PNG - husband arrested imported 'token' of 300g

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

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2.	Howlett (53) Myall (55) Holland (39) (1997) 97 A Crim R 153 [1997] SASC 6385	Attempt import cannabis Attempt import cannabis Attempt import cannabis	29.29kg	PG PG PG	2y 6m immediate release to recog for 3 years \$2,000 fine	Crown AD	Nil Minor Nil	Pilots made arrangements with nationals from PNG to access and fly in cannabis from PNG – great expense in making arrangements – arrested en-route although had decided to abort plan – good quality cannabis seized in PNG Remorse
3.	Harris (2004) 150 A Crim R 509 [2004] WASCA 292	Import resin Possess ecstasy Attempt poss ecstasy Import resin	707g 20g 159.4g (pure) 5g	PG	4y 7y 7y 3m <u>Total</u> 7y 3m NPP 3y 8m	AA Same effective sentence	nil	Brought into Australia 5g cannabis in wallet – cannabis resin and ecstasy concealed in books sent from India – possess offence related to controlled delivery of drugs to appellant – attempt possess offence related to attempt to possess intercepted drug

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