

Import Ecstasy / MDMA
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(cb) conspire to import (*repealed 15.12.2001*)
(d) knowingly concerned in import (*repealed 15.12.2001*)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: 0.5g

Commercial Quantity: 500g

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s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

	Case (age if known)	Offence	Amount Pure	Plea	Sentence	Appeal	Record	Facts
1.	Dizel (38) NSWCCA 23.8.1996	Import	40.9g	PG	10y NPP 7y 6m	AD	import 1kg cocaine to Japan.	Imported drug internally - to be paid \$5,000 for importation French.
2.	Lim WACCA 26.9.1997	Import Visa offence	164g	PG	6y NPP 3y	AD	nil	Carried drugs into Australia from Singapore strapped to body on behalf of third party– no financial reward – used brother's visa

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3.	Dinic (1997) 149 ALR 488	Possess prohibited import	159.4g	PG	5y NPP 3y	AD	Not stated	Drugs imported in photo album – received in Victoria and taken to appellant in NSW – middleman Some assistance of little value
4.	Heryadi (41) (1998) 98 A Crim R 578 [1998] WASCA 54	Import Import Import cocaine Sched: Possess cannabis resin	62g MDMA 48.4g MDA 25.5g cocaine 0.4g	PG	4y 4y 4y <u>Total</u> 8y NPP 4y	AD	nil	Indonesian – brought in drugs strapped to body – financial difficulties due to gambling Attempted controlled delivery – good character
5.	Bushell (37) NSWCCA 7.8.1998	Import Import	166.77g 165.09	VG	7y NPP 4y	AD	minor - treated as irrelevant	Tablets concealed in suitcase - some assistance but of limited value. Long-standing depressive illness.
6.	Zehavi (23) [1998] VSCA 81	Import	45.24g MDMA	PG	4y NPP 2y	AD	nil	Israeli national – 648 tablets carried internally – courier Isolation as foreign national in custody – remorse and rehabilitation prospects
7.	Bourel NSWCCA 11.12.1998	Knowingly concerned in import Knowingly concerned in import MDP-2-MB	16.3g 315.1g	VG	7y NPP 4y 6m	AD	nil relevant	Involved as financier. Vulnerable period of life.
8.	Benais (27) [1999] NSWCCA 236	Import	61g MDMA	PG	6y NPP 3y	AD	nil	Israeli national brought in drugs in suitcase and ingested - courier to be paid \$7,000. Prior good character - supporting ill mother.

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9.	Mandala (23) [1999] VSCA 159	Import Import methylamphet Import amphet	93.6g ecstasy 54.7g methylamphet .2g amphetamine	PG	4y NPP 2y 9m 18m 6m (concurrent)	AA 3y NPP 2y 15m 1m (concurrent)	nil	Indonesian student – drugs contained as tablets hidden in bottles in luggage of appellant and friend – sentenced as a principal who sourced drugs himself Fresh evidence of assistance
10.	Blakeman (41) [1999] NSWCCA 415	Consp import	25.4g ecstasy	VG	3y 6m NPP 2y 3m	AD	possession and self-administer ignored	Posted drug from Germany while travelling there for other purposes. Impressive work record - supports six children.
11.	Spillane (44) [1999] NSWCCA 280	Import	447.3g MDMA	PG	7y NPP 4y 8m	AA 6y NPP 3y 6m	prior record - no drugs	Irish national brought into Australia tablets in suitcase - intoxicated at time - courier. Chronic alcoholic - some co-operation with police.
12.	Roberts Roberts [1999] WASCA 273	Consp import Consp import	at least maximum trafficable amount MDMA	PG	15y NPP 8y 11y NPP 5y 6m	AD AA 8y NPP 4y		Brothers – involved two importations and one planned importation – two importations involved thousands of tablets concealed in suitcase from Amsterdam – attempts made to arrange third importation through R(2) living overseas – sophisticated and carefully planned operation R(1) involved for total period of two years – principal – some assistance R(2) involved for third importation, 6 months only – co-principal in relation to third importation
13.	Van den Akker [1999] NSWCCA 426	Attempt export Attempt export	324.8g MDMA 18.8g MDMA	PG	7y 6m NPP 4y 6m	AD	Nil	Female searched while boarding flight to Indonesia - taking tablets to Holland for \$5,000. On appeal decided makes no difference that appellant exporting not importing - more culpable than courier.
14.	Capper [2000] NSWCCA 63	Knowingly concerned in import	167.1g ecstasy	PG	5y NPP 3y	AD	Priors for possession and cultivation	Took delivery of postal item to hold for someone else - to be paid \$2,500. Sole parent of 2 children as mother hospitalised for mental illness - children made ward of state.

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15.	Solomons (2000) 114 A Crim R 89 [2000] NSWCCA 215	2 x Knowingly concerned in import Supply Sched: Possess flick knife and knuckleduster	146.5g ecstasy 3209g cannabis leaf	PG	8y NPP 5y 6m FT 9m	AD		Ecstasy sent in two packages – controlled delivery – received delivery and took drugs to storage facility – also found in possession of \$115,000 and weapons – middleman – significant responsibility in drug importation and supply organisation
16.	Robertson (22) [2000] NSWCCA 266	Knowingly concerned in import	167g ecstasy	PG	3y PD suspended after 12m	Crown AD	nil	Picked up drugs from post box and delivered to supplier for \$1,000. Assistance to police - exceptional circumstances.
17.	Cunningham [2000] VSCA 144	Import Import	364g MDMA 4.6g cannabis resin		5y NPP 3y 6m 2m	AD		Drugs packaged in small amounts and swallowed by appellant – purchased drugs in India – hoped to sell them in Australia and make profit – acting only for himself
18.	Barany (35) (2000) 114 A Crim R 426 [2000] WASCA 240	Import	312.7g MDMA	PG	6y NPP 3y	AD	nil	Female – imported tablets concealed in false bottom of bag – agreed to bring in bag and deliver on behalf of man met in London – to receive \$10,000 Attempted controlled delivery – in financial difficulties
19.	Marshall (36) [2000] VSCA 167	Import Import Import	402.4g ecstasy 1.82g cannabis resin 1.21 cannabis	PG	4y 6m NPP 3y 6m 6m	AD	Not significant	Entered Australia from America with drugs concealed in clothing in suitcase and in jeans Suffering bi-polar disorder

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20.	Shashua (27) [2001] VSCA 24	Consp import 3 x Trafficking ecstasy	Not stated	VG	2y 6m NPP 20m 2y / 1y / 2y <u>Total:</u> 3y 6m NPP 32m	AA Only to take into account PSC		Made plans to have drugs imported from overseas – no drugs ever mailed because of events overseas – more dominant than co-offender
21.	Pejovski [2001] NSWCCA 182	Attempt possess	214.4g ecstasy	VG	6y NPP 4y	AA 6y NPP 3y 6m	insignificant record	Package delivered to appellant's address - passed on to co-offenders. Good character evidence.
22.	Ibrahim [2001] VSCA 77	Knowingly concerned in import Knowingly concerned in import Knowingly concerned in import amphet Import	132.5g ecstasy 13.2g ecstasy 8.4g amphetamine 8.4g methyldamphet	VG PG	3y 3y 3y <u>Total</u> 4y NPP 3y	AA 3y 3y 3y <u>Total</u> 4y NPP 3y	nil	Drugs concealed in international couriers satchels addressed to appellant – not principal After finding appellant imported ice for personal use SJ erred in referring to max penalty of 25y – sentence for count four reduced but same total sentence imposed
23.	Meloh (35) [2001] NSWCCA 211	Knowingly concerned in import	471.5g MDMA	PG	6y NPP 4y 6m	AA 6y NPP 3y 7m		Controlled delivery of drugs to applicant - low level operative Refugee from Sierra Leone - remorse - raising money to bring sister to Australia.
24.	Schmakowski (43) [2001] NSWCCA 395	Import	410g MDMA	PG	8y NPP 4y 9m	AD	nil	Imported drugs on body - treated as importer not mere courier. Attempted to assist police in controlled delivery - German - contrition

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25.	Durant (53) [2002] NSWCCA 295	Import Import	166g MDMA 10.9g cannabis resin	PG (10%)	7y NPP 4y 3m 18m (concurrent)	AD		Imported drugs hidden in sandals in luggage and on body – more than mere courier
26.	Muradian [2002] NSWCCA 371	Import	452.9g ecstasy	VG	5y 3m NPP 3y 6m	AD		Imported drugs in suitcase - Female
27.	De Bonde [2002] WASCA 251	Import	30.7g ecstasy	PG	5y NPP 2y 6m	AD	nil	Imported drugs internally – personal use and to share
28.	Mantese (35) [2002] VSCA 152 Co-offender: MITCHELL	Attempt possess	478.4g ecstasy	PG	3y 6m NPP 2y	AD	Nil	Female - agreed to accept package with concealed tablets in return for waiver of debt – courier Prior good character
29.	DPP v Mitchell [2002] VSCA 151 Co-offender: MANTESE	Attempt possess Attempt possess	471.3g ecstasy 478.4g ecstasy	PG	3y 6m 2y <u>Total:</u> 4y 6m NPP 2y 6m	Crown AD	Breached bail	Drugs concealed in parcels mailed from Great Britain – second offence committed while on bail for first offence – courier permitting use of address in first offence – active encouragement but minimal participation in relation to second offence
30.	Nai Poon (2003) 138 A Crim R 204 [2003] NSWCCA 4	Import	339.2g MDMA	PG	7y NPP 4y	AD		Imported drugs on person - male
31.	Salcedo [2004] NSWCCA 430 Co-offender: PHA	Import Use false passport	169.9g MDMA	PG	5y 9m NPP 3y 9m	AD		POST 16G REPEAL Purchased drugs cheaply in Amsterdam while on holiday with co-offender – carried drugs into Australia strapped to body – principals – imported for joint use - would have sold some drugs to finance purchase

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32.	PHA [2004] NSWCCA 445 Co-offender: SALCEDO	Import Import anabolic steroids	169.8g MDMA	PG	5y 3m NPP 3y 6m 3m (concurrent)	AD		POST 16G REPEAL Carried drugs from Amsterdam strapped to body – co-offender also carried drugs strapped to body – principal with co-offender - decided to purchase drugs once overseas on holiday
33.	Tsiaouis (33) [2005] NSWCCA 240	Aid and abet import	290g ecstasy	PG	8y NPP 5y	AA 6y NPP 3y 9m	Insignificant	POST 16G REPEAL Agreed to be post box for tablets imported in hair products Addict in debt
34.	F [2005] WASCA 135	Attempt possess	65.1g ecstasy	PG	8y NPP 4y	AA 5y NPP 2y 6m	nil	Drugs sent in parcel from England – controlled delivery to offender – instructed to receive parcel and deliver according to subsequent instructions Assistance
35.	Donnelly [2006] NSWCCA 212	Possess Possess	278.69g MDMA 3.9g cocaine	PG	6y 9m NPP 4y 11m 7d (concurrent)	AD	Dangerous driving causing death of girlfriend	POST 16G REPEAL Imported drugs from London internally – forced to have them removed by surgery – accepted cocaine imported for personal use Long term drug user
36.	White (62) [2006] NSWCCA 340	Import	101.4g MDMA	PG (20%)	10y NPP 6y	AD	Import cannabis resin	POST 16G REPEAL Concealed drugs in snow skis – organiser of scheme.
37.	Calderwood (2007) 172 A Crim R 208 [2007] NSWCCA 180	Import	99.1g MDMA	VG	6y 5m NPP 4y	AD		POST 16G REPEAL Ecstasy concealed in package – principal involved in organising consignment and attempting to collect goods
38.	Boyd (30) [2008] QCA 3	Import	117.6g ecstasy	PG	7y NPP 2y 10m	AD	Nil	2,024 ecstasy tablets mailed in package from Canada – more than courier – significant role in offence Prior good character including community and charity work – involved to repay steroid debt

Last updated: Sept 2017

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