

Import Ecstasy
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 (cb) conspire to import (*repealed 15.12.2001*)
 (d) knowingly concerned in import (*repealed 15.12.2001*)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s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

<u>Case</u> (age if known)	<u>Offence</u>	<u>Amount</u> <u>Pure</u>	<u>Plea</u>	<u>Record</u>	<u>Result</u>	<u>Appeal</u>	<u>Facts</u>
Dizel (38) NSWCCA 23.8.1996	Import	40.9g	PG	import 1kg cocaine to Japan.	10y NPP 7y 6m	AD	Imported drug internally - to be paid \$5,000 for importation French.
Lim WACCA 26.9.1997	Import Visa offence	164g	PG	nil	6y NPP 3y	AD	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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Case (age if known)	Offence	Amount Pure	Plea	Record	Result	Appeal	Facts
Dinic (1997) 149 ALR R 488	Possess prohibited import	159.4g	PG	Not stated	5y NPP 3y	AD	Drugs imported in photo album – received in Victoria and taken to appellant in NSW – middleman Some assistance of little value
Heryadi (41) (1998) 98 A Crim R 578 WASCA	Import Import Import cocaine Sched: Possess cannabis resin	62g 48.4g 25.5g 0.4g	PG	nil	4y 4y 4y <u>Total</u> 8y NPP 4y	AD	Indonesian – brought in drugs strapped to body – financial difficulties due to gambling Attempted controlled delivery – good character
Bushell (37) NSWCCA 7.8.1998	Import Import MDEA	166.77g 165.09g	VG	minor - treated as irrelevant	7y NPP 4y	AD	Tablets concealed in suitcase - some assistance but of limited value. Long-standing depressive illness.
Zehavi (23) [1998] VSCA 81	Import	45.24g	PG	nil	4y NPP 2y	AD	Israeli national – 648 tablets carried internally – courier Isolation as foreign national in custody – remorse and rehabilitation prospects
Bourel NSWCCA 11.12.1998	Knowingly concerned in importation Knowingly concerned in importation MDP-2-MB	16.3g 315.1g	VG	nil relevant	7y NPP 4y 6m	AD	Involved as financier. Vulnerable period of life.
Benais (27) [1999] NSWCCA 236	Import	61g	PG	nil	6y NPP 3y	AD	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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Mandala (23) [1999] VSCA 159	Import	93.6g	PG	nil	4y NPP 2y 9m	AA 3y NPP 2y	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
	Import methylamphet	54.7g			18m	15m	
	Import amphet	.2g			6m (concurrent)	1m (concurrent)	
Blakeman (41) [1999] NSWCCA 415	Conspiracy to import	25.4g	VG	possession and self-administer ignored	3y 6m NPP 2y 3m	AD	Posted drug from Germany while travelling there for other purposes. Impressive work record - supports six children.
Spillane (44) [1999] NSWCCA 280	Import	447.3g	PG	prior record - no drugs	7y NPP 4y 8m	AA 6y NPP 3y 6m	Irish national brought into Australia tablets in suitcase - intoxicated at time - courier. Chronic alcoholic - some co-operation with police.
Roberts Roberts [1999] WASCA 273	Consp import	See facts – at least maximum trafficable amount	PG		15y NPP 8y	AD	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
	Consp import				11y NPP 5y 6m	AA 8y NPP 4y	
Van den Akker [1999] NSWCCA 426	Attempt export	324.8g	PG	Nil	7y 6m NPP 4y 6m	AD	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.
	Attempt export	18.8g					
Capper [2000] NSWCCA 63	Knowingly concerned in importation	167.1g	PG	Priors for possession and cultivation	5y NPP 3y	AD	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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Solomons (2000) 114 A Crim R 89 NSWCCA	2 x Knowingly concerned in importation Supply cannabis Sched: Possess flick knife and knuckleduster	146.5g 3209g 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
Robertson (22) [2000] NSWCCA 266	Knowingly concerned in import	167g	PG	nil	3y PD suspended after 12m	Crown AD	Picked up drugs from post box and delivered to supplier for \$1,000. Assistance to police - exceptional circumstances.
Cunningham [2000] VSCA 144	Import Import cannabis resin	364g 4.6g			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
Barany (35) (2000) 114 A Crim R 426 WASCA	Import	312.7g	PG	nil	6y NPP 3y	AD	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
Marshall (36) [2000] VSCA 167	Import Import less than traff cannabis resin Import less traff qty cannabis	402.4g 1.82g 1.21g	PG	Not significant	4y 6m NPP 3y 6m 6m	AD	Entered Australia from America with drugs concealed in clothing in suitcase and in jeans Suffering bi-polar disorder

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Shashua (27) [2001] VSCA 24	Consp import Trafficking Trafficking Trafficking		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
Pejovski [2001] NSWCCA 182	Attempt obtain possession	214.4g	VG	insignificant record	6y NPP 4y	AA 6y NPP 3y 6m	Package delivered to appellant's address - passed on to co-offenders. Good character evidence.
Ibrahim [2001] VSCA 77	Knowingly concerned Import Knowingly concerned import Knowingly concerned Import amphet Import methamphet	50g+ 13.2g 8.4g 8g	VG PG	nil	3y 3y 3y 3y <u>Total</u> 4y NPP 3y	AA 3y 3y 3y 3y <u>Total</u> 4y NPP 3y	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
Meloh (35) [2001] NSWCCA 211	Knowingly concerned in importation	471.5g	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.

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Schmakowski (43) [2001] NSWCCA 395	Import	410g	PG	nil	8y NPP 4y 9m	AD	Imported drugs on body - treated as importer not mere courier. Attempted to assist police in controlled delivery - German - contrition
Durant (53) [2002] NSWCCA 295	Import Import cannabis resin	166g 10.9g	PG (10%)		7y NPP 4y 3m 18m (concurrent)	AD	Imported drugs hidden in sandals in luggage and on body – more than mere courier
Muradian [2002] NSWCCA 371	Import	452.9g	VG		5y 3m NPP 3y 6m	AD	Imported drugs in suitcase - Female
De Bonde [2002] WASCA 251	Import	30.7g	PG	nil	5y NPP 2y 6m	AD	Imported drugs internally – personal use and to share
Mantese (35) [2002] VSCA 152 Co-offender: MITCHELL (2002)	Att possess	478.4g	PG	Nil	3y 6m NPP 2y	AD	Female - agreed to accept package with concealed tablets in return for waiver of debt – courier Prior good character
DPP v Mitchell [2002] VSCA 151 Co-offender: MANTESE (2002)	Att possess Att possess	471.3g 478.4g	PG	Breached bail	3y 6m 2y <u>Total:</u> 4y 6m NPP 2y 6m	Crown AD	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
Nai Poon (2003) 138 A Crim R 204 NSWCCA	Import	339.2g	PG		7y NPP 4y	AD	Imported drugs on person - male
Salcedo [2004] NSWCCA 430 Co-offender: PHA (2004)	Import Use false passport	169.9g	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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PHA [2004] NSWCCA 445 Co-offender: SALCEDO (2004)	Import Import anabolic steroids	169.8g	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
Tsiaousis (33) [2005] NSWCCA 240	Aid and abet import	290g	PG	Insignificant	8y NPP 5y	AA 6y NPP 3y 9m	POST 16G REPEAL Agreed to be post box for tablets imported in hair products Addict in debt
F [2005] WASCA 135	Att possess	65.1g	PG	nil	8y NPP 4y	AA 5y NPP 2y 6m	Drugs sent in parcel from England – controlled delivery to offender – instructed to receive parcel and deliver according to subsequent instructions Assistance
Donnelly [2006] NSWCCA 212	Possess Possess cocaine	278.69g 3.9g	PG	Dangerous driving causing death of girlfriend	6y 9m NPP 4y 11m 7d (concurrent)	AD	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
White (62) [2006] NSWCCA 340	Import	101.4g	PG (20%)	Import cannabis resin	10y NPP 6y	AD	POST 16G REPEAL Concealed drugs in snow skis – organiser of scheme.
Calderwood (2007) 172 A Crim R 208 NSWCCA	Import	99.1g	VG		6y 5m NPP 4y	AD	POST 16G REPEAL Ecstasy concealed in package – principal involved in organising consignment and attempting to collect goods
Boyd (30) [2008] QCA 3	Import	117.6g	PG	Nil	7y NPP 2y 10m	AD	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

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