

**Import Heroin**  
**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  - (cb) conspire to import (*repealed 15.12.2001*)
  - (d) knowingly concerned in import (*repealed 15.12.2001*)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: 1.5kg

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s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005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: Pure</u>	<u>Plea</u>	<u>Record</u>	<u>Result</u>	<u>Appeal</u>	<u>Facts</u>
<b>Ng</b> (34) NSWCCA 25.7.1991  Co-accused: CHAN & Ors (1995) CHEUNG (1999)	Knowingly concerned in import	38kg	PG	Hong Kong record - rape, kidnapping, burglary, drugs	12y No NPP fixed.	AA 12y NPP 9y	Assistance to authorities - "link man" between Hong Kong based sellers and Australian buyers - involved in handling of heroin in Hong Kong & arrangements for transport of heroin into Australia. Substantial assistance to authorities.

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<b>Postiglione</b> (1991) 24 NSWLR 584 NSWCCA	Knowingly involved in import	5.56kg (56% pure)	PG	Overseas record trafficking	Life	AA 12y NPP 9y	With three co-offenders imported heroin from Pakistan - entrepreneurial and integral to importation.
<b>Chai</b> (1992) 60 A Crim R 305 NSWCCA	Conspiracy import	27kg	VG	minor involvement in illegal gambling	24y NPP 16y	AD	"High level principal in international heroin dealing on a vast commercial scale".
<b>Lentze</b> NSWCCA 17.7.1992	Import	4,289g	PG	poor previous record - associate of criminal element in Holland	MT 6y AT 2y	AA 7y NPP 5y (Parity issue with offender who picked up heroin).	Total heroin carried in two bags by offender and female companion - pressured into offence to pay off gambling debt. High order assistance to police.
<b>Kolalich</b> (32)  <b>Begovic</b> (53)  NSWCCA 16.10.1992	Conspiracy import	2.18kg	VG	significant records	13y NPP 10y	AD	Principals - financed venture, obtained heroin from Thailand and recruited - motivated by greed. Mitigating factors not significant.
<b>Dellapatrona</b> (48)  <b>Duffield</b> (50)  (1993) 31 NSWLR 123 NSWCCA	Conspiracy to import	3kg	VG	nil	13y 6m NPP 10y <b>(assistance)</b>	AA 9y NPP 6y 8m	No heroin imported - principals and heavily involved in offence - considerable amount of planning, administration and activity over three months.
<b>Banthithadawit</b> (22) NSWCCA 8.4.1994	Import	2.128kg	PG	nil	12y NPP 8y	AD	Flew to Australia with heroin in suitcase - courier. Small discount for questionable assistance - influenced by financial considerations.
<b>Tan</b> (1995) 78 A Crim R 300 <a href="#">VSC</a>	Knowingly concern import	12.57kg	PG		Life NPP 12y	25y NPP 12y	Drugs imported concealed in heat strapping machines – not principal but actively involved Discount for assistance

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<b>Krasnov</b> (1995) 82 A Crim R 92 <a href="#">VCA</a>	Import  Import trafficable cannabis resin	4.1978kg  165.4g	PG		16y NPP 14y  5y (concurrent)	AA 16y NPP 11y	Police intercepted Russian sailor carrying heroin and resin – controlled delivery of small portion of heroin and resin to co-offender who subsequently met up with offender - offender arranged for drugs to be imported from Russia Co-offender SHLAKHT dealt with for possess trafficable qty heroin and resin
<b>Che Yook</b> (36) (1995) 84 A Crim R 432 NSWCCA	Import	51.4kg	PG		26y NPP 20y	AA 24y NPP 18y	High level involvement - used company premises in Australia and Malaysia to facilitate importation - handled heroin in Malaysia & supervised unloading in Australia.

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<b>Chan</b> (34)	Knowingly concerned in import Supply	38kg	VG	one conviction	24y NPP 18y (concurrent sentence)	AA 20y NPP 16y	Shipment from Hong Kong. Cheung - financed enterprise, active in Hong Kong, monitored importation into Australia. Tsui - link in Sydney, liaised to facilitate delivery. Law Yat - active in Hong Kong, facilitated delivery in Sydney Chan and Chi - took delivery in Sydney  Chi - suffering cancer with unknown life expectancy
<b>Cheung</b> (31)	Knowingly concerned in import				28y NPP 20y	24y NPP 18y	
<b>Tsui</b> (43)	Knowingly concerned in import Supply				28y NPP 20y (concurrent sentence)	24y NPP 18y	
<b>Law</b> (41)	Knowingly concerned in import Supply			minor drug	28y NPP 20y (concurrent sentence)	24y NPP 18y	
<b>Chi</b> (34)	Knowingly concerned in import Supply			one conviction	24y NPP 18y (concurrent sentence)	19y NPP 15y	
NSWCCA 13.4.1995  Co-accused: CHEUNG (1999) NG (1991)							

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<b>Wangsaimas</b>	Import	89.1kg	PG	nil	Life	AA Life NPP 22y (assistance)	Drug brought in by boat captained by W and crewed by V and T - not simply couriers but aware of importation and had connections high up in drug chain.
<b>Vanit</b>	Import				Life	Life NPP 25y	
<b>Tansakun</b>	Import				Life	Life NPP 25y	
(1995) 82 A Crim R 530 NTSC  (1996) 87 A Crim R 149 NTCCA  (1997) 190 CLR 378 <a href="#">HCA</a>						High Court AD	
<b>Hollins</b> (49) NSWCCA 31.5.1996	Import	3.4kg	PG	nil	7y 2m NPP 4y 9m	AA (parity) 6y 6m NPP 4y	Courier arrested at airport - co-operated with police and gave evidence against co-offender. Creditable military record.
<b>Kelleher</b> (1996) 89 A Crim R 215 NSWCCA	Conspiracy to import	22 pounds / 10 kg	VG	Record.	Life NPP 16y	AD	Recruited courier to bring heroin from Hong Kong to Australia - 7.3kg entered community - criminality at highest level - motivated by financial gain Lack of contrition.
<b>Ong</b>	Attempt possess	1.597kg	PG		12y NPP 8y	AD	More than couriers - seriously involved in attempted distribution - drugs imported in crates.
<b>Chau</b>  NSWCCA 20.12.1996	Attempt possess		PG		12y NPP 8y		

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<b>Dang</b> (24) 4.6.1996 VSCA  Co-offender: TANG (1997) DANG (1997) QUACH (1997)	Import	5.281kg	PG	Breached parole for importation offence	14y NPP 12y	AA 14y NPP 10y	Drugs imported from Thailand secreted in lamp bases – controlled delivery to home of appellant and brother – removed 'drugs' from base and discussed \$20,000 fee expected for minding drugs – delivered sample of drugs to Q
<b>Postiglione</b> (1997) 98 A Crim R 134 NSWCCA	Conspiracy import heroin  Conspiracy import cocaine	20kg  unknown	PG	Importation – offence committed while in custody	18y NPP 14y (partially concurrent with existing sentence)	AA 14y NPP 10y 6m (partially concurrent with existing sentence)	Conspired with cell mate Savaas to import heroin from Thailand and cocaine from South America – sought assistance of friend to purchase cocaine and collect it in Australia – no drugs obtained Appeal allowed only on question of parity
<b>Tang</b>   <b>Dang</b>   <b>Quach</b> (37)  (1997) 96 A Crim R 550 VSCA  Co-offender: DANG (1996)	Knowingly concerned import  Attempt poss  Possess trafficable  2 x Assault police  Attempt poss  Possess trafficable	5.281kg	VG  PG  PG	Record  Nil relevant  Nil	15y NPP 12y  8y NPP 6y  12y NPP 9y	No sentence appeal  AA 6y NPP 3y 6m  AD	Drugs imported from Thailand secreted in lamp bases – controlled delivery - packages delivered to co-offender (brother of D) who retrieved heroin with assistance of Dang – part of the 'heroin' delivered to Q & T involved in arranging importation of drugs D – limited role - involved for a few days only as labourer – unfortunate background – limited intelligence – remorse - addiction Q – involved for several months as liaison officer

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<b>Cheung</b> (31) (1997) 97 A Crim R 283 WASCA  Co-offender: LAU (2009)	Knowingly concerned import  Possess	32.41kg	VG  PG	nil	22y 6m NPP 13y	AD	Drugs brought out to Australia on board ship – appellant helped deliver drugs to seamen in China - Drugs unloaded from ship in Australia and appellant took them to motel room – over several days delivered heroin to two people – worked with co-offender L
<b>Duong</b> (31) (1997) 99 A Crim R 218 VSCA	Att possess	12.7kg	PG	nil	14y 6m NPP 10y 6m	AA 14y NPP 10y	Drugs imported into Australia via ship hidden in terracotta pots – assisted in picking up the pots from customs and retrieving heroin – paid to bring drugs to Sydney – recruited co-accused to assist
<b>Su</b> (37)  <b>Katsumo</b> (44)  <b>Katsumo</b> (39)  <b>Asami</b> (59)  <b>Honda</b> (39)  [1997] 1 VR 1	Import  Import  Import  Import	8.5kg	VG	Nil  Nil  Old dishonesty offences  Nil	20y NPP 14y  15y NPP 10y 6m  15y NPP 10y 6m  15y NPP 10y 6m  15y NPP 10y 6m	AD  AD  AD  AD	Drugs imported from Malaysia concealed in suitcases carried by couriers S – Chinese Malaysian - overseer of importation – more culpable than couriers K, K, A and H – Japanese nationals – couriers – isolation in custody H – female
<b>McCauley</b> NSWCCA 17.12.1997	Possess	9.7kg	PG (SI)		14y NPP 9y	AD	Intermediary on behalf of another person - played important role in distribution Without assistance would have received 17y NPP 11y.
<b>Kingwell</b> NSWCCA 2.9.1998	Attempt possess	2.0958kg	VG		Life NPP 15y 4m	Conviction AD	Some involvement in arranging heroin to be sent to private mailbox - controlled delivery to offender by co-offender.

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<b>Nguyen</b> NSWCCA 23.9.1998	Knowingly concerned in import	10kg	VG	nil	9y NPP 5y	AA 7y 6m NPP 3y 9m	Drugs imported through large vases - drove co-accused to airport, collected crates, paid charges and drove crates and co-accused to his house – courier - not aware of amount or details. Hardships in Vietnam.
<b>Sugahara</b>	Import	1511.2g	PG		10y NPP 7y	AA 9y 6m NPP 5y	W imported drugs through packs around waist - met someone who had offered money and plane tickets - did not know what was in packets, but knew important - unsuccessful controlled delivery - courier S introduced to supplier by W - same modus operandi - separate importation - thought drugs were cannabis. Co-offender: TAMATSU (import less trafficable)
<b>Watanabe</b> NSWCCA 16.10.1998	Import	1511.46g	PG		11y 6m NPP 7y 6m	10y NPP 6y (assistance)	
<b>Lau</b> (61) NSWCCA 4.12.1998  Co-offender: CHUNG (2000)	Knowingly concerned import  2 x firearm offences	4.55kg	PG	Nil	12y NPP 8y  (Concurrent sentences)	AD	Drugs imported hidden in speakers – controlled delivery to appellant's house – defaced gun also found in house – not a principal – willingly and knowingly allowed packages to be delivered to his house and assisted with unwrapping – willing participant / intermediary
<b>Trinh</b> (44) <a href="#">[1998] VSCA 137</a>	Knowingly concerned import	3kg	VG	Nil	12y NPP 10y	AA 10y NPP 8y	Drugs imported from Thailand in package – involved in importation with family members – managed person being paid to receive packages of heroin and sent money Female – acted out of misplaced loyalty to younger brother
<b>Li</b> (46) [1998] 1 VR 637 VSCA	Attempt possess  Possess trafficable	2kg	VG	nil	10y NPP 7y	AA 7y NPP 5y	Drugs sent from Thailand concealed in false bottoms of boxes – controlled delivery made to appellant
<b>Ku</b> (30) (1998) 103 A Crim R 41 <a href="#">ACTSC</a>	Attempt possess  Possess traff	1.6259kg  15g	PG	Minor offences	14y NPP 10y		Attempt made to import drugs hidden in books - controlled delivery collected by appellant in Australia – received instructions by telephone from Thailand

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<b>Pang</b> (1999) 105 A Crim R 474 <a href="#">NSWCCA</a>	Knowingly concerned in import	2.495kg	PG	nil	6y NPP 5y	AA 5y NPP 3y	Courier - took delivery of drugs from importers. Gave full statements and provided considerable assistance to police. Question of allowing for absence of remissions when setting non-parole period
<b>Kuan</b> (19) <a href="#">[1999] NSWSC 286</a> Ireland J  Co-offender: LAW (2002)	Knowingly concerned in importation		PG	Nil	12y NPP 7y		Involved as foot soldier – supervised at all times – broke open consignment, removed weighed and repackaged heroin – followed instructions and took heroin to hotel for redistribution No financial gain – Canadian (Co-offender LAW successful on appeal and granted retrial)
<b>Ho</b> <a href="#">[1999] NSWCCA 67</a>	Possess	17kg (pure)	PG	priors	14y NPP 9y	AD	Hong Kong national entered Australia as visitor at same time furniture imported into Australia with heroin concealed in it - Police documented applicant removing and breaking up furniture - more than courier.
<b>Cheng</b> (19)  <b>Chan</b> (30)  <b>Cheng</b> (31)  (1999) 107 A Crim R 460 <a href="#">SACCA</a>  (2000) 203 CLR 248 <a href="#">HCA</a>  Co offenders: WONG (1999) LEUNG (1999) (NSW)	Knowingly concern import  Knowingly concern import  Knowingly concern import	9.350kg	PG  PG  PG	Nil  Nil	14y NPP 7y 6m  16y NPP 11y  13y 6m NPP 7y 6m	AA 9y NPP 5y  AA 13y NPP 9y  AA 10y NPP 6y  Sentences affirmed in High Court	Drugs sent from Bangkok secreted in marble pedestals Cheng (1) – provided address for parcels and arranged for delivery – excellent prospects of rehabilitation Cheng (2) – drove drugs to Sydney – greater culpability than Cheng (1) Chan – more involved in operation – organised Adelaide end of operation – flew to Sydney and supervised delivery

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<b>Hashmi</b> <a href="#">[1999] NSWCCA 439</a>  Co-offender: KOVACS (2000)	Import	1.881kg	PG	nil	5y NPP 3y (50% discount assistance)	AD	Courier - Pakistani national strapped drugs to body - needed money for daughter's dowry - controlled delivery made and evidence obtained conviction.
<b>Nguyen</b> <a href="#">[1999] NSWCCA 441</a>	Knowingly concerned in importation	4.775kg	VG		8y NPP 3y 9m (+3m PSC)	AD	Female - courier - supplied address and collected consignment of stereo speakers - took them to co-offender. Impact on 6 children
<b>Wong</b> (mid 20s)  <b>Leung</b> (mid 20s)  (1999) 108 A Crim R 531 <a href="#">NSWCCA</a>  (2001) 207 CLR 584 <a href="#">HCA</a>  (2002) 127 A Crim R 243 <a href="#">NSWCCA</a>  Co offenders: CHENG (1999) CHAN (1999) CHENG (1999) (SA)	Knowingly concerned in import  Knowingly concerned in import	9.356kg	VG  VG	no drugs  nil	12y NPP 7y  12y NPP 7y	Crown AA 14y NPP 9y  14y NPP 9y  Appeal to HCA successful (both)  On rehearing to CCA 14y NPP 8y (both)	Heroin imported to Adelaide in pedestals and controlled delivery to accused and third offender in Sydney - very top of significant commercial range - more than couriers - mid-range participants.  Guideline Judgment

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<b>Cheung</b> (44) <a href="#">[1999] NSWCCA 421</a>  (2001) 209 CLR 1 <a href="#">HCA</a>  Co-accused: CHAN & Ors (1995) NG (1991)	Knowingly concerned in importation	38kg	VG	nil	Life NPP 21y 11m	AD  High Court AD	Senior inspector with Hong Kong Customs Service - involved with others in importation of heroin from Hong Kong - regarded as a, if not the, principal. Good character - serving sentence in foreign gaol, unlikely to see wife again because of her health.
<b>Kovacs</b> (44) (2000) 111 A Crim R 374 <a href="#">NSWCCA</a>  Co-offender: HASHMI (1999)	Attempt possess	1.881	VG	prior conviction for importation heroin	13y NPP 9y	Crown AA 15y NPP 10y	Co-offender brought heroin in from Pakistan - controlled delivery to respondent at hotel - to take possession of drug to disseminate in community - more than courier On work release program
<b>Nicholas</b> (59) (2000) 111 A Crim R 490 <a href="#">VSCA</a>	Attempt possess  Possess trafficable	6.5kg  51.6g	VG	Finance offences	15y NPP 10y  10y (concurrent)	AA 12y NPP 8y  8y (concurrent)	Controlled delivery – first offence related to full amount of drugs imported – second offence related to sample amount retained in controlled delivery – not principal but more than courier – provided significant assistance to co-offender
<b>Chung</b> (43) <a href="#">[2000] NSWCCA 153</a>  Co-offender: LAU (1998)	Knowingly concerned in import	4.755kg	PG		14y NPP 9y	AD	Involved in unpacking heroin imported in stereo speakers - regarded as less than principal but higher than co-offender.
<b>Ung</b> (29) (2000) 112 A Crim R 344 <a href="#">NSWCCA</a>  Co-Accused: VO (2000)	Knowingly concerned with import	54.504kg	VG	minor - no drug offences	16y 6m NPP 11y	AD	Involved in unloading boxes of canned pineapple filled with heroin at wharf - significant role although not principal - knew large amount of heroin involved.

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<b>Ghale</b> (37) <a href="#">[2000] NSWCCA 249</a>  Co-Accused: KARKI (2001) CHAN (2002)	Knowingly concerned with importation	2.4kg	PG	nil	7y NPP 4y 3m	Crown AD	Courier - arrived with false Nepalese government passport - imported drugs from Bangkok - to deliver drugs to another person Prior good character - low intelligence - remorse - good prospects of rehabilitation - isolation
<b>Voong</b> (33) <a href="#">[2000] WASCA 220</a>  Co-offender FOO (2001)	Possess	1.5625kg	PG	nil	16y NPP 10y	AA 13y NPP 7y 6m	Packed heroin in backpack - arranged for two persons to carry backpack to Perth – picked up backpack from couriers and passed it on to co-offender – high level courier Some assistance
<b>Vo</b> (2000) 118 A Crim R 320 <a href="#">NSWCCA</a>  Co-Accused UNG (2000)	Knowingly concerned with import	54.504kg	VG		22y NPP 14y	AD	Female involved in importation of heroin in cans of pineapple - leased premises and supervised and arranged for storage of goods - key participant in importation.
<b>Bala</b> (31) <a href="#">[2000] QCA 436</a>	Import	2.112kg	PG		15y NPP 7y	AD	Malaysian national – drugs secreted in suitcase Wife and son and disabled brother at home
<b>Wong</b> (37) <a href="#">[2001] WASCA 32</a>	Consp import	11.548kg	VG	minor	24y NPP 14y	AD	Canadian citizen – conspired with co-offender to import heroin from Bangkok – arranged to have parcels containing heroin hidden in pottery sent from Bangkok to Mauritius – appellant flew to Perth leaving co-offender to send on package
<b>Chua</b> (28) <a href="#">[2001] NSWCCA 50</a>	Knowingly concerned in importation	1.9264kg	PG	nil in Australia	6y NPP 3y 3m	Crown AD	Apprehended at airport with skin abrasions - search of terminal found bag with drugs in toilet - admitted bringing drugs in from Bangkok and handing them to another person during flight From Singapore - genuine remorse - volunteered involvement

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<b>Majerik</b> (48) (2001) 121 A Crim R 451 <a href="#">VSCA</a>	Knowingly concerned import	23.9kg	PG	Burglary and theft	21y NPP 15y	AD	Heroin imported by ship concealed in tins of chestnuts – controlled delivery - took delivery of packages at warehouse and tested concealed powder – close to the top of organisation - highly involved in operation over considerable time – procured importation Discount for assistance
<b>Kook</b> <a href="#">[2001] NSWCCA 122</a>	Knowingly concerned with importation	2.5kg	PG		12y NPP 8y	AD	Heroin concealed in hollowed out computer books - books delivered by another person to applicant after importation - low in hierarchy but still heavily involved.
<b>Ng</b> <a href="#">[2001] NSWCCA 305</a>	Knowingly concerned with importation	69.052kg	PG	drug importation	Life NPP 18y 6m	AD	Heroin concealed in commercial baking ovens from China - high level role in operation - value \$80-\$95 million.
<b>Karki</b> (31) <a href="#">[2001] NSWCCA 378</a>  Co-Accused: GHale (2000) CHAN (2002)	Knowingly concerned with importation	2.426kg	PG	nil known	10y NPP 6y	AD	Came out from Nepal to take delivery of drugs imported by co-offender - higher than courier. Discount for assistance - dependant wife and child in Nepal
<b>Foo</b> (50s) (2001) 126 A Crim R 486 <a href="#">WASCA</a>  Co-offender: VOONG (2000)	Possess	1.5625kg	VG	Drugs offences	21y NPP 11y 6m	AA 17y NPP 9y 6m	Took delivery of drugs from co-offender – under orders from superior but nature of role in operation not discernible – involved for financial gain

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<b><i>Mandagi</i></b> (42) <a href="#">[2002] NSWCCA 57</a>  Co-accused: CHAN (2002) CHEN (2002) SIREGAR (2002) ISMUNANDER (2002) LAU (2002) LI (2005) CHAN (2005) FAN (2005) CHUNG (2005)	Knowingly concerned in importation	252.3kg	VG		Life NPP 25y	AA 27y NPP 19y	Captain of boat bringing drugs from Thailand - aware drugs on boat and falsified log Parity with co-offender - motivated by desire to provide for family - Indonesian.
<b><i>Chan</i></b> (38) (2002) 128 A Crim R 119 <a href="#">NSWCCA</a>  Co-accused: MANDAGI (2002) CHEN (2002) SIREGAR (2002) ISMUNANDER (2002) LAU (2002) LI (2005) CHAN (2005) FAN (2005) CHUNG (2005)	Knowingly concerned in importation	252.3kg	PG (50% plea and assist)	nil	13y NPP 10y	AD	Speedboat containing heroin from Thailand lowered from ship off NSW coast - applicant drove speedboat to Port Macquarie where authorities intervened - applicant recruited for navigational skills - chose site and date for landing. Hong Kong fisherman. Without assistance sentence would be 23y 6m (NPP 18y 6m)
<b><i>Sik Lam</i></b> <a href="#">[2002] NSWCCA 190</a>  Co-Offender: LAM (2003)	Possess	1.723kg	PG	Prior conviction for similar offence	10y NPP 7y 6m	Crown AD	Proceeds of crimes offences also taken into account - principal Offence committed 6 months after release to parole for similar offence - assistance to authorities

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<b>Chan</b> (51) (2002) 131 A Crim R 66 <a href="#">[2002] NSWCCA            217</a> Co-offenders: KARKI (2001) GHALE (2000)	Knowingly concerned in importation	3.4kg	VG	nil	20y NPP 15y	AD	Principal - arranged for importation of heroin
<b>Chen</b>  <b>Lau</b>  <b>Siregar</b>  <b>Ismunandar</b> (2002) 130 A Crim R 300 <a href="#">NSWCCA</a> (2002) 136 A Crim R 206 <a href="#">NSWCCA</a> Co-accused: CHAN (2002) MANDAGI (2002) LI (2005) CHAN (2005) CHUNG (2005) FAN (2005)	Knowingly concerned in importation  Knowingly concerned in importation  Knowingly concerned in importation  Knowingly concerned in importation	252.3kg	VG  VG  VG	nil  nil	Life  Life  Life NPP 20y  Life NPP 20y	AD  AD  AD  AD	Largest drug operation ever detected in Australia - attempt to import heroin from Thailand in boat. Chen - principal Lau - principal Ismunander - Chief officer Siregar - Chief engineer

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<b>Ra</b> (2002) 131 A Crim R 133 <a href="#">NSWCCA</a>	Knowingly concerned in importation	5.689kg	PG (10%)		15y NPP 10y	AD	Accepted delivery of drugs concealed in stone columns from Hong Kong - drugs sent to premises controlled by offender -role was between courier and mastermind. Street value excess \$A11million.
<b>He</b> <a href="#">[2002] NSWCCA 370</a>	Knowingly concerned in importation  Knowingly take part in supply comm qty heroin	9.8kg  4.25kg	PG		20y NPP 13y  FT 3y  <u>Total:</u> 23y NPP 16y	AD	Significant and senior role – link between importer and distributor – recruited courier and monitored transfer of drug through several stages – separate transactions involving separate importations
<b>Leung</b> (36) (2002) 134 A Crim R 187 <a href="#">NSWSC</a>	Knowingly concerned import  Knowingly concerned import ecstasy	10.7kg  51.47kg	VG	Nil	18y  14y  <u>Total:</u> 20y NPP 14y		Drugs imported from China hidden in cans of pineapple – took delivery of drugs and stored them in storage unit – controlled delivery – significant role as middleman
<b>Bourchas</b> (2002) 133 A Crim R 413 <a href="#">NSWCCA</a>	Attempt possess	9.811kg	PG (65% plea and assist on appeal)	nil relevant	8y 6m NPP 5y 1m	AA 4y 11m NPP 3y	Posed as employee of courier company in order to collect goods in which heroin concealed upon arrival into Australia - part of highly organised syndicate - goods intercepted by police. Assistance to authorities.

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<b>Law</b> (44) <a href="#">[1999] NSWSC 286</a> Ireland J  <a href="#">[2002] NSWSC 952</a> Sully J  <a href="#">[2006] NSWCCA 100</a>  Co-Accused: KUAN (1999)	Conspiracy to import	at least 40kg actually imported	VG	Nil	Life NPP 30y	AD	Sentence on retrial - with co-offenders, involved in importation of heroin in vases from Thailand - ongoing operation involving five consignments over 2 years - key organiser, although not principal - worst case” category. (Summary of NSW and interstate cases where life sentence imposed)
<b>Leung</b> (2003) 144 A Crim R 441 <a href="#">NSWCCA</a>	Attempt possess	54kg	VG	not stated	20y NPP 12y	AD	Took possession of heroin located in cans of pineapple - co-offender opened cans in unity - considerable organisation involvement
<b>Lam</b> (28) (2003) 140 A Crim R 435 <a href="#">NSWCCA</a>  Co-offender: Sik LAM (2002)	Possess  Possess traff qty	1.723kg  1.110kg	PG	History of serious fraud offence	13y 4m NPP 10y  FT 10y (concurrent)	AA 9y NPP 5y 2m  FT 7y (concurrent)	Involved with father and co-offender in transaction involving heroin – further amount of heroin found at house – lesser participant to father Significantly influenced by father
<b>Wong</b> <a href="#">[2003] NSWCCA 261</a>	Knowingly concerned in import	64kg	VG		20y NPP 13y	AD	Few facts given – mid-management in smuggling ring – well organised Protection due to threats
<b>Li</b> (51) (2003) 139 A Crim R 281 <a href="#">NSWCCA</a>	Knowingly concerned in importation	2.4956kg	VG	Supply heroin	12y NPP 9y	Crown AA 15y NPP 11y 3m	Drugs imported in computer books – principal in Australia with overall responsibility for Importation Some assistance

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<b>Chen</b> (44) (2003) 138 A Crim R 433 <a href="#">NSWCCA</a>  Co-accused: STANBOULI (2003)	Conspiracy to import	12.6kg actually imported	PG (late in trial)		40y NPP 26y	AA 31y NPP 23y	Lynch pin in highly organised and on-going conspiracy to import heroin – several importation detected
<b>Stanbouli</b> (30) (2003) 141 A Crim R 531 <a href="#">NSWCCA</a>  Co-accused: CHEN (2003)	Conspiracy to import	At least 64kg	PG (30% plea and assist on appeal)	Nil	13y 6m NPP 10y	Crown AA 19y NPP 12y	Employee of Customs Broker and Freight Agency – provided advice and monitoring assistance of shipments containing heroin – 46 shipments – 23 contained heroin – total amount uncertain – Received \$200,000 Some discount for assistance – excellent prior character
<b>Gao</b> <a href="#">[2003] NSWCCA 390</a>	Knowingly concerned in importation	3.487kg	VG	Prior convictions – no full time custody	12y NPP 8y	AD	Heroin imported as documents - trusted and respected agent for parties
<b>Jain</b> (28) <a href="#">[2004] VSCA 30</a>	Import  Possess false passport	1.5599kg	PG	nil	10y NPP 8y  3m (concurrent)	AA 10y NPP 7y	Indian student brought in drugs concealed in suitcase – courier Remorse – good prospects of rehabilitation
<b>Speer</b> <a href="#">[2004] NSWCCA 118</a>	Import	2.5411kg	PG (10%)	Nil	16y NPP 10y	AA 9y NPP 6y	Heroin found in suitcase at Sydney airport. Error in finding s16G <i>Crimes Act</i> Cth had no application where section repealed between plea and sentence – sentence outside permissible range

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Case (age if known)	Offence	Amount: Pure	Plea	Record	Result	Appeal	Facts
<b>Li</b> (40)  <b>Chan</b>  <b>Fan</b>  <b>Chung</b> <a href="#">[2005] NSWCCA 154</a>  Co-offenders: MANDAGI (2002) CHAN (2002) CHEN (2002) SIREGAR (2002) ISMUNANDER (2002) LAU (2002)	Knowingly concerned in importation  Knowingly concerned in importation  Knowingly concerned in importation  Knowingly concerned in importation	252.3kg	PG  PG  PG  VG	Nil  Nil  Not stated  Nil	24y NPP 18y  Life NPP 30y  Life NPP 28y  Life NPP 28y	Crown AD AD  AA Life NPP 28y  AD  AD	Involved in largest ever importation of heroin into Australia – drugs brought to coastal area on adapted fishing trawler – brought to beach by speedboat - each offender present in Australia prior to importation, preparing for delivery Li – driver and general hand – no influence in offence Chan – co-ordinator and supervisor in Australia – remorse – early guilty plea – erroneous finding that he was to be responsible for storage and distribution of heroin Fan – trusted sub-ordinate to Chan – took orders and supervised carrying out in preparation of arrival of heroin – limited assistance Chung – trusted member of organisation – below Fan and Chan – assisted in preparation for pickup of heroin
<b>Phong</b> (2005) 153 A Crim R 477 <a href="#">VSCA</a>	Knowingly concerned import	2.996kg	VG	Nil relevant	15y 3m NPP 11y 3m	AD	Drugs sent from Thailand – originator and architect of importation, arranging purchase and importation
<b>Liu</b> (26) <a href="#">[2005] NSWCCA 378</a>	Import	1,582g	PG	Nil	8y NPP 4y	AD	<b>POST 16G REPEAL</b> Female – imported drugs in body bags – further 1,222.8g (pure) carried by male partner – threats – debts of co-offender Gave birth to co-offender's son in custody - delay
<b>MO</b> (27) (2007) 169 A Crim R 60 <a href="#">NSWCCA</a>	Att possess	75kg	PG (40%)	Nil	9y NPP 6y	Crown AA 13y 2m NPP 8y 8m	<b>POST 16G REPEAL</b> Recruited to collect drugs shipped into Australia in containers – proceeded to try to collect drugs but drugs had already been removed by police. Good character – raised by foster family – money needed to help ill mother.

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<b>Lee</b> (31) <a href="#">[2007] NSWCCA 234</a>	Import	76.3kg	VG	Minor	18y NPP 11y	Crown AA 28y NPP 19y 6m	<b>POST 16G REPEAL</b> Drugs imported in framework of two containers – set up company to arrange landing of containers, clearing through customs and delivery to warehouses Good character
<b>Ong</b> (48)  <b>Nguyen</b> (41)  (2007) 176 A Crim R 366 <a href="#">VSCA</a>	Consp import  Att possess	1.8769kg	VG	Prior drug offence – breached parole  Irrelevant prior conviction	15y NPP 11y  5y NPP 3y 6m	Crown AD  Crown AD	Arrangement made over several months to bring in heroin from Thailand N – limited role and limited intelligence
<b>Lau</b> <a href="#">[2009] WASCA 99</a>  Co-offender: CHEUNG (1997)	Possess  Knowingly concerned import	32.4kg	PG		25y NPP 16y	AD  Crown AA (to reduce backdate by approx 5y)	Canadian citizen – collected drugs in China and delivered them to three seamen packaged in cardboard boxes – picked up boxes from seamen in Geraldton and drove to Perth – sold some of the heroin to purchaser – working on behalf of organiser and high in hierarchy Escaped from custody – arrested in Canada and spent ten years awaiting extradition - assistance

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<b>Teng</b> (47)	Aid and abet import	150kg – 125kg reached shore	PG	Nil	22y NPP 15y	AA 20y NPP 13y	Sophisticated plan to import heroin via Korean ship – Wong on board ship and assisted in bringing drugs ashore – other offenders made arrangements on shore and picked up drugs Teng – middleman with significant responsibility All of comparable culpability
<b>Tan</b> (35)	Aid and abet import			Prior drug offence in Denmark	24y NPP 16y	AD	
<b>Lam</b> (34)	Aid and abet import			Nil	23y NPP 16y	AA 22y NPP 15y	
<b>Wong</b> (40)  (2009) 22 VR 706 <a href="#">VSCA</a>	Import				23y NPP 16y	AA 22y NPP 15y	
<b>Cao</b>	Conspiracy to import	7kg	PG (25%)	Nil	24y NPP 14y 6m	AD	<b>POST 16G REPEAL</b> C & P principals of syndicate – organised couriers to import drugs from Vietnam – involved in six importations - N's role to meet couriers at airport and to assist couriers – described as second in charge to the principals – involved in four importations. C involved P due to P's financial needs – C also involved his sisters and his brother-in-law and caused them to face lengthy prison terms - C had additional responsibilities to P P had very little contact with persons in Vietnam and no contact with supplier - P had stronger subjective case because of her age and the needs of her children and grandchildren.
<b>Phan</b>	Conspiracy to import	7kg	PG (25%)	Nil	18y NPP 11y		
<b>Nguyen</b>  <a href="#">[2009] NSWCCA 273</a>	Conspiracy to import	5kg	PG (15%)	Nil	15y NPP 8y 6m		

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