

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(cb) conspire to import (*repealed 15.12.2001*)  
(d) knowingly concerned in import (*repealed 15.12.2001*)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s.16G (CTH) *Crimes Act* was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
1.	<b>Ng</b> (34) NSWCCA 25.7.1991  Co-accused: CHAN & Ors CHEUNG	Knowingly concerned in import	38kg	PG	12y No NPP fixed.	AA 12y NPP 9y	Hong Kong record - rape, kidnapping, burglary, drugs	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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2.	<b>Postiglione</b> (1991) 24 NSWLR 584 NSWCCA	Knowingly involved in import	5.56kg (56% pure)	PG	Life	AA 12y NPP 9y	Overseas record trafficking	With three co-offenders imported heroin from Pakistan - entrepreneurial and integral to importation.
3.	<b>Chai</b> (1992) 60 A Crim R 305 NSWCCA	Consp import	27kg	VG	24y NPP 16y	AD	minor involvement in illegal gambling	"High level principal in international heroin dealing on a vast commercial scale".
4.	<b>Lentze</b> NSWCCA 17.7.1992	Import	4,289g	PG	MT 6y AT 2y	AA 7y NPP 5y (Parity issue with offender who picked up heroin).	poor previous record - associate of criminal element in Holland	Total heroin carried in two bags by offender and female companion - pressured into offence to pay off gambling debt. High order assistance to police.
5.	<b>Kolalich</b> (32)  <b>Begovic</b> (53)  NSWCCA 16.10.1992	Consp import	2.18kg	VG	13y NPP 10y	AD	significant records	Principals - financed venture, obtained heroin from Thailand and recruited - motivated by greed. Mitigating factors not significant.
6.	<b>Dellapatrona</b> (48)  <b>Duffield</b> (50)  (1993) 31 NSWLR 123 NSWCCA	Consp import	3kg	VG	13y 6m NPP 10y <b>(assistance)</b>	AA 9y NPP 6y 8m	nil	No heroin imported - principals and heavily involved in offence - considerable amount of planning, administration and activity over three months.
7.	<b>Banthithadawit</b> (22) NSWCCA 8.4.1994	Import	2.128kg	PG	12y NPP 8y	AD	nil	Flew to Australia with heroin in suitcase - courier. Small discount for questionable assistance - influenced by financial considerations.

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8.	<b>Tan</b> (1995) 78 A Crim R 300 <a href="#">[1995] VSC 70</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
9.	<b>Krasnov</b> (1995) 82 A Crim R 92 <a href="#">[1995] VSC 198</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
10.	<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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	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
11.	<b>Chan</b> (34)	Knowingly concerned in import  Supply	38kg	VG	24y NPP 18y (concurrent sentence)	AA 20y NPP 16y	one conviction	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			28y NPP 20y (concurrent sentence)	24y NPP 18y		
	<b>Chi</b> (34)  NSWCCA 13.4.1995  Co-accused: CHEUNG NG	Knowingly concerned in import  Supply			24y NPP 18y (concurrent sentence)	19y NPP 15y	one conviction	

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12.	<b>Wangsaimas</b>  <b>Vanit</b>  <b>Tansakun</b> (1995) 82 A Crim R 530 NTSC  (1996) 87 A Crim R 149 NTCCA  (1997) 190 CLR 378 <a href="#">[1997] HCA 51</a>	Import  Import  Import	89.1kg	PG	Life  Life  Life	AA Life NPP 22y (assistance)  Life NPP 25y  Life NPP 25y  High Court AD	nil	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.
13.	<b>Hollins</b> (49) NSWCCA 31.5.1996	Import	3.4kg	PG	7y 2m NPP 4y 9m	AA (parity) 6y 6m NPP 4y	nil	Courier arrested at airport - co-operated with police and gave evidence against co-offender. Creditable military record.
14.	<b>Kelleher</b> (1996) 89 A Crim R 215 NSWCCA	Consp import	22 pounds / 10 kg	VG	Life NPP 16y	AD	Record.	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.
15.	<b>Ong</b>  <b>Chau</b>  NSWCCA 20.12.1996	Attempt possess  Attempt possess	1.597kg	PG  PG	12y NPP 8y  12y NPP 8y	AD		More than couriers - seriously involved in attempted distribution - drugs imported in crates.

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16.	<b>Dang</b> (24) 4.6.1996 VSCA  Co-offender: TANG DANG QUACH	Import	5.281kg	PG	14y NPP 12y	AA 14y NPP 10y	Breached parole for importation offence	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
17.	<b>Postiglione</b> (1997) 98 A Crim R 134 NSWCCA	Consp import heroin  Consp import cocaine	20kg  unknown	PG	18y NPP 14y (partially concurrent with existing sentence)	AA 14y NPP 10y 6m (partially concurrent with existing sentence)	Importation – offence committed while in custody	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
18.	<b>Tang</b>  <b>Dang</b>  <b>Quach</b> (37)  (1997) 96 A Crim R 550 VSCA  Co-offender: DANG	Knowingly concerned import  Attempt poss  Possess trafficable  2 x Assault police  Attempt poss  Possess trafficable	5.281kg	VG  PG  PG	15y NPP 12y  8y NPP 6y  12y NPP 9y	No sentence appeal  AA 6y NPP 3y 6m  AD	Record  Nil relevant  Nil	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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19.	<b>Cheung</b> (31) (1997) 97 A Crim R 283 WASCA  Co-offender: LAU	Knowingly concerned import  Possess	32.41kg	VG  PG	22y 6m NPP 13y	AD	nil	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
20.	<b>Duong</b> (31) (1997) 99 A Crim R 218 VSCA	Att possess	12.7kg	PG	14y 6m NPP 10y 6m	AA 14y NPP 10y	nil	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
21.	<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	20y NPP 14y  15y NPP 10y 6m  15y NPP 10y 6m  15y NPP 10y 6m  15y NPP 10y 6m	AD  AD  AD  AD	Nil  Nil  Old dishonesty offences  Nil	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
22.	<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.
23.	<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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24.	<b>Nguyen</b> NSWCCA 23.9.1998	Knowingly concerned in import	10kg	VG	9y NPP 5y	AA 7y 6m NPP 3y 9m	nil	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.
25.	<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)		
26.	<b>Lau</b> (61) NSWCCA 4.12.1998  Co-offender: CHUNG	Knowingly concerned import  2 x firearm offences	4.55kg	PG	12y NPP 8y  (Concurrent sentences)	AD	Nil	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
27.	<b>Trinh</b> (44) <a href="#">[1998] VSCA 137</a>	Knowingly concerned import	3kg	VG	12y NPP 10y	AA 10y NPP 8y	Nil	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
28.	<b>Li</b> (46) [1998] 1 VR 637 VSCA	Attempt possess  Possess trafficable	2kg	VG	10y NPP 7y	AA 7y NPP 5y	nil	Drugs sent from Thailand concealed in false bottoms of boxes – controlled delivery made to appellant
29.	<b>Ku</b> (30) (1998) 103 A Crim R 41 <a href="#">[1998] ACTSC 36</a> Higgins J	Attempt possess  Possess traff	1.6259kg  15g	PG	14y NPP 10y		Minor offences	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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30.	<b>Pang</b> (1999) 105 A Crim R 474 <a href="#">[1999] NSWCCA 4</a>	Knowingly concerned in import	2.495kg	PG	6y NPP 5y	AA 5y NPP 3y	nil	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
31.	<b>Kuan</b> (19) <a href="#">[1999] NSWSC 286</a> Ireland J  Co-offender: LAW (2002)	Knowingly concerned in importation		PG	12y NPP 7y		Nil	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)
32.	<b>Ho</b> <a href="#">[1999] NSWCCA 67</a>	Possess	17kg (pure)	PG	14y NPP 9y	AD	priors	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.
33.	<b>Cheng</b> (19)  <b>Chan</b> (30)  <b>Cheng</b> (31)  (1999) 107 A Crim R 460 <a href="#">[1999] SASC 175</a>  (2000) 203 CLR 248 <a href="#">[2000] HCA 53</a>  Co offenders (NSW) WONG LEUNG	Knowingly concern import  Knowingly concern import  Knowingly concern import	9.350kg	PG  PG  PG	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	Nil  Nil	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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34.	<b>Hashmi</b> <a href="#">[1999] NSWCCA 439</a>  Co-offender: KOVACS	Import	1.881kg	PG	5y NPP 3y (50% discount assistance)	AD	nil	Courier - Pakistani national strapped drugs to body - needed money for daughter's dowry - controlled delivery made and evidence obtained conviction.
35.	<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
36.	<b>Wong</b> (mid 20s)  <b>Leung</b> (mid 20s)  (1999) 108 A Crim R 531 <a href="#">[1999] NSWCCA 420</a>  (2001) 207 CLR 584 <a href="#">[2001] HCA 64</a>  (2002) 127 A Crim R 243 <a href="#">[2002] NSWCCA 169</a>  Co offenders (SA) CHENG CHAN CHENG	Knowingly concerned in import  Knowingly concerned in import	9.356kg	VG  VG	12y NPP 7y  12y NPP 7y	Crown AA 14y NPP 9y  14y NPP 9y  Appeal to HCA successful  On rehearing to CCA 14y NPP 8y	no drugs  nil	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

	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
37.	<b>Cheung</b> (44) <a href="#">[1999] NSWCCA 421</a>  (2001) 209 CLR 1 <a href="#">[2001] HCA 67</a>  Co-accused: CHAN & Ors NG	Knowingly concerned in importation	38kg	VG	Life NPP 21y 11m	AD  High Court AD	nil	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.
38.	<b>Kovacs</b> (44) (2000) 111 A Crim R 374 <a href="#">[2000] NSWCCA 74</a>  Co-offender: HASHMI	Attempt possess	1.881	VG	13y NPP 9y	Crown AA 15y NPP 10y	prior conviction for importation heroin	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
39.	<b>Nicholas</b> (59) (2000) 111 A Crim R 490 <a href="#">[2000] VSCA 49</a>	Attempt possess  Possess trafficable	6.5kg  51.6g	VG	15y NPP 10y  10y (concurrent)	AA 12y NPP 8y  8y (concurrent)	Finance offences	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
40.	<b>Chung</b> (43) <a href="#">[2000] NSWCCA 153</a>  Co-offender: LAU	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.

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41.	<b>Ung</b> (29) (2000) 112 A Crim R 344 <a href="#">[2000] NSWCCA 195</a>  Co-Accused: VO	Knowingly concerned with import	54.504kg	VG	16y 6m NPP 11y	AD	minor - no drug offences	Involved in unloading boxes of canned pineapple filled with heroin at wharf - significant role although not principal - knew large amount of heroin involved.
42.	<b>Ghale</b> (37) <a href="#">[2000] NSWCCA 249</a>  Co-Accused: KARKI CHAN	Knowingly concerned with importation	2.4kg	PG	7y NPP 4y 3m	Crown AD	nil	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
43.	<b>Voong</b> (33) <a href="#">[2000] WASCA 220</a>  Co-offender FOO	Possess	1.5625kg	PG	16y NPP 10y	AA 13y NPP 7y 6m	nil	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
44.	<b>Vo</b> (2000) 118 A Crim R 320 <a href="#">[2000] NSWCCA 195</a>  Co-Accused UNG	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.
45.	<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
46.	<b>Wong</b> (37) <a href="#">[2001] WASCA 32</a>	Consp import	11.548kg	VG	24y NPP 14y	AD	minor	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

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47.	<b>Chua</b> (28) <a href="#">[2001] NSWCCA 50</a>	Knowingly concerned in importation	1.9264kg	PG	6y NPP 3y 3m	Crown AD	nil in Australia	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
48.	<b>Majeric</b> (48) (2001) 121 A Crim R 451 <a href="#">[2001] VSCA 15</a>	Knowingly concerned import	23.9kg	PG	21y NPP 15y	AD	Burglary and theft	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
49.	<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.
50.	<b>Ng</b> <a href="#">[2001] NSWCCA 305</a>	Knowingly concerned with importation	69.052kg	PG	Life NPP 18y 6m	AD	drug importation	Heroin concealed in commercial baking ovens from China - high level role in operation - value \$80-\$95 million.
51.	<b>Karki</b> (31) <a href="#">[2001] NSWCCA 378</a>  Co-Accused: GHALE CHAN	Knowingly concerned with importation	2.426kg	PG	10y NPP 6y	AD	nil known	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
52.	<b>Foo</b> (50s) (2001) 126 A Crim R 486 <a href="#">[2001] WASCA 406</a>  Co-offender: VOONG	Possess	1.5625kg	VG	21y NPP 11y 6m	AA 17y NPP 9y 6m	Drugs offences	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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53.	<b>Mandagi</b> (42) <a href="#">[2002] NSWCCA 57</a>  Co-accused: CHAN CHEN SIREGAR ISMUNANDER LAU LI CHAN FAN CHUNG	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.
54.	<b>Chan</b> (38) (2002) 128 A Crim R 119 <a href="#">[2002] NSWCCA 71</a>  Co-accused: MANDAGI CHEN SIREGAR ISMUNANDER LAU LI CHAN FAN CHUNG	Knowingly concerned in importation	252.3kg	PG (50% plea and assist)	13y NPP 10y	AD	nil	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)
55.	<b>Sik Lam</b> <a href="#">[2002] NSWCCA 190</a>  Co-Offender: LAM	Possess	1.723kg	PG	10y NPP 7y 6m	Crown AD	Prior conviction for similar offence	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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56.	<b>Chan</b> (51) (2002) 131 A Crim R 66 <a href="#">[2002] NSWCCA            217</a>  Co-offenders: KARKI GHALE	Knowingly concerned in importation	3.4kg	VG	20y NPP 15y	AD	nil	Principal - arranged for importation of heroin

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57.	<p><b>Chen</b></p> <p><b>Lau</b></p> <p><b>Siregar</b></p> <p><b>Ismunandar</b></p> <p>(2002) 130 A Crim R 300 <a href="#">[2002] NSWCCA 174</a></p> <p>(2002) 136 A Crim R 206 <a href="#">[2002] NSWCCA 477</a></p> <p>Co-accused: CHAN MANDAGI LI CHAN CHUNG FAN</p>	<p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p>	252.3kg	VG	Life	AD	nil	Largest drug operation ever detected in Australia - attempt to import heroin from Thailand in boat. Chen - principal Lau - principal Ismunandar - Chief officer Siregar - Chief engineer
				VG	Life	AD	nil	
				VG	Life NPP 20y	AD		
				VG	Life NPP 20y	AD		
58.	<p><b>Ra</b></p> <p>(2002) 131 A Crim R 133 <a href="#">[2002] NSWCCA 251</a></p>	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.

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59.	<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  Total: 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
60.	<b>Leung</b> (36) (2002) 134 A Crim R 187 <a href="#">[2002] NSWSC 858</a> Wood CJ at CL	Knowingly concerned import  Knowingly concerned import ecstasy	10.7kg  51.47kg	VG	18y  14y  Total: 20y NPP 14y		Nil	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
61.	<b>Bourchas</b> (2002) 133 A Crim R 413 <a href="#">[2002] NSWCCA 373</a>	Attempt possess	9.811kg	PG (65% plea and assist on appeal)	8y 6m NPP 5y 1m	AA 4y 11m NPP 3y	nil relevant	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.
62.	<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	Conspiracy to import	at least 40kg actually imported	VG	Life NPP 30y	AD	Nil	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)

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	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
63.	<b>Leung</b> (2003) 144 A Crim R 441 <a href="#">[2003] NSWCCA 51</a>	Attempt possess	54kg	VG	20y NPP 12y	AD	not stated	Took possession of heroin located in cans of pineapple - co-offender opened cans in unity - considerable organisation involvement
64.	<b>Lam</b> (28) (2003) 140 A Crim R 435 <a href="#">[2003] NSWCCA 162</a>  Co-offender: Sik LAM	Possess  Possess traff qty	1.723kg  1.110kg	PG	13y 4m NPP 10y  FT 10y (concurrent)	AA 9y NPP 5y 2m  FT 7y (concurrent)	History of serious fraud offence	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
65.	<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
66.	<b>Li</b> (51) (2003) 139 A Crim R 281 <a href="#">[2003] NSWCCA 290</a>	Knowingly concerned in importation	2.4956kg	VG	12y NPP 9y	Crown AA 15y NPP 11y 3m	Supply heroin	Drugs imported in computer books – principal in Australia with overall responsibility for Importation Some assistance
67.	<b>Chen</b> (44) (2003) 138 A Crim R 433 <a href="#">[2003] NSWCCA 326</a>  <a href="#">[2021] NSWCCA 277</a>  Co-accused: STANBOULI	Conspiracy to import	12.6kg actually imported	PG (late in trial)	40y NPP 26y	AA 31y NPP 23y  AD		Lynch pin in highly organised and on-going conspiracy to import heroin – several importation detected 2021 appeal questioned discount for guilty plea – no error

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	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
68.	<b>Stanbouli</b> (30) (2003) 141 A Crim R 531 <a href="#">[2003] NSWCCA 355</a>  Co-accused: CHEN	Conspiracy to import	At least 64kg	PG (30% plea and assist on appeal)	13y 6m NPP 10y	Crown AA 19y NPP 12y	Nil	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
69.	<b>Gao</b> <a href="#">[2003] NSWCCA 390</a>	Knowingly concerned in importation	3.487kg	VG	12y NPP 8y	AD	Prior convictions – no full time custody	Heroin imported as documents - trusted and respected agent for parties
70.	<b>Jain</b> (28) <a href="#">[2004] VSCA 30</a>	Import  Possess false passport	1.5599kg	PG	10y NPP 8y  3m (concurrent)	AA 10y NPP 7y	nil	Indian student brought in drugs concealed in suitcase – courier Remorse – good prospects of rehabilitation
71.	<b>Speer</b> <a href="#">[2004] NSWCCA 118</a>	Import	2.5411kg	PG (10%)	16y NPP 10y	AA 9y NPP 6y	Nil	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	Result	Appeal	Record	Facts
72.	<p><b>Li</b> (40)</p> <p><b>Chan</b></p> <p><b>Fan</b></p> <p><b>Chung</b></p> <p><a href="#">[2005] NSWCCA 154</a></p> <p>Co-offenders: MANDAGI CHAN CHEN SIREGAR ISMUNANDER LAU</p>	<p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p> <p>Knowingly concerned in importation</p>	252.3kg	<p>PG</p> <p>PG</p> <p>PG</p> <p>VG</p>	<p>24y NPP 18y</p> <p>Life NPP 30y</p> <p>Life NPP 28y</p> <p>Life NPP 28y</p>	<p>Crown AD AD</p> <p>AA Life NPP 28y</p> <p>AD</p> <p>AD</p>	<p>Nil</p> <p>Nil</p> <p>Not stated</p> <p>Nil</p>	<p>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</p> <p>Li – driver and general hand – no influence in offence</p> <p>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</p> <p>Fan – trusted sub-ordinate to Chan – took orders and supervised carrying out in preparation of arrival of heroin – limited assistance</p> <p>Chung – trusted member of organisation – below Fan and Chan – assisted in preparation for pickup of heroin</p>
73.	<p><b>Phong</b> (2005) 153 A Crim R 477 <a href="#">[2005] VSCA 149</a></p>	Knowingly concerned import	2.996kg	VG	15y 3m NPP 11y 3m	AD	Nil relevant	Drugs sent from Thailand – originator and architect of importation, arranging purchase and importation
74.	<p><b>Liu</b> (26) <a href="#">[2005] NSWCCA 378</a></p>	Import	1,582g	PG	8y NPP 4y	AD	Nil	<p><b>POST 16G REPEAL</b></p> <p>Female – imported drugs in body bags – further 1,222.8g (pure) carried by male partner – threats – debts of co-offender</p> <p>Gave birth to co-offender's son in custody - delay</p>
75.	<p><b>MO</b> (27) (2007) 169 A Crim R 60 <a href="#">[2007] NSWCCA 61</a></p>	Att possess	75kg	PG (40%)	9y NPP 6y	Crown AA 13y 2m NPP 8y 8m	Nil	<p><b>POST 16G REPEAL</b></p> <p>Recruited to collect drugs shipped into Australia in containers – proceeded to try to collect drugs but drugs had already been removed by police.</p> <p>Good character – raised by foster family – money needed to help ill mother.</p>

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	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
76.	Lee (31) <a href="#">[2007] NSWCCA 234</a>	Import	76.3kg	VG	18y NPP 11y	Crown AA 28y NPP 19y 6m	Minor	<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
77.	Ong (48)  Nguyen (41)  (2007) 176 A Crim R 366 <a href="#">[2007] VSCA 206</a>	Consp import  Attempt possess	1.8769kg	VG	15y NPP 11y  5y NPP 3y 6m	Crown AD  Crown AD	Prior drug offence – breached parole  Irrelevant prior conviction	Arrangement made over several months to bring in heroin from Thailand N – limited role and limited intelligence
78.	Lau <a href="#">[2009] WASCA 99</a>  Co-offender: CHEUNG	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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	Case (age if known)	Offence	Amount: Pure	Plea	Result	Appeal	Record	Facts
79.	<p><b>Teng</b> (47)</p> <p><b>Tan</b> (35)</p> <p><b>Lam</b> (34)</p> <p><b>Wong</b> (40)</p> <p>(2009) 22 VR 706 <a href="#">[2009] VSCA 148</a></p>	<p>Aid and abet import</p> <p>Aid and abet import</p> <p>Aid and abet import</p> <p>Import</p>	150kg – 125kg reached shore	PG	<p>22y NPP 15y</p> <p>24y NPP 16y</p> <p>23y NPP 16y</p> <p>23y NPP 16y</p>	<p>AA 20y NPP 13y</p> <p>AD</p> <p>AA 22y NPP 15y</p> <p>AA 22y NPP 15y</p>	<p>Nil</p> <p>Prior drug offence in Denmark</p> <p>Nil</p>	<p>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</p> <p>Teng – middleman with significant responsibility</p> <p>All of comparable culpability</p>
80.	<p><b>Cao</b></p> <p><b>Phan</b></p> <p><b>Nguyen</b></p> <p><a href="#">[2009] NSWCCA 273</a></p>	<p>Consp import</p> <p>Consp import</p> <p>Consp import</p>	<p>7kg</p> <p>7kg</p> <p>5kg</p>	<p>PG (25%)</p> <p>PG (25%)</p> <p>PG (15%)</p>	<p>24y NPP 14y 6m</p> <p>18y NPP 11y</p> <p>15y NPP 8y 6m</p>	<p>AD</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p>	<p><b>POST 16G REPEAL</b></p> <p>C &amp; 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.</p> <p>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> <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.</p>

Last updated: Sept 2017

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