

Manufacture Amphetamines / Methylamphetamines

Commercial Quantity

s.24(2) (NSW) Drug Misuse and Trafficking Act

s.24(2) Manufacture or produces, or knowingly take part in manufacture or production of prohibited drug which is not less than commercial quantity

Commercial Quantity: 250gm

Large commercial quantity: Amphetamines - 1kg / Methylamphetamines – 500g after 1.9.2015

Maximum Penalty: 20 years – s.33(2)

Standard Non-Parole Period 10 years (offence committed on or after 1.2.2003)

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	Arikan (41) [1999] NSWCCA 331	Knowingly take part in manufacture comm qty methylamphet		PG	18m PD	Crown AD	nil	Involved in Kalache organisation - assisted in manufacture of two quantities of drugs - motivated by friendship for co-offender and small amount of cannabis - minor role Suffering from depression - strong subjective case
2.	Campbell (39) [1999] NSWCCA 332	Manufacture comm qty methylamphet		PG	MT 18m AT 6m	AD	prior convictions	Involved with Kalache - obtained 13,740 boxes of Sudafed tablets to be used in manufacture of drugs - assisted in opening packets aware Sudafed would be used for manufacture of amphetamines - involvement at lower end of scale.
3.	Elfar (2000) 115 A Crim R 64 [2000] NSWCCA 255	Knowingly take part in manufacture comm qty amphetamine	No established amount	VG	MT 2y 4m AT 2y 6m	AD		Involved in ordering equipment for manufacture - commercial quantity based on quantity of ingredients seized by police.

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

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	Jaouhar (17) [2003] NSWCCA 266	Knowingly concerned in manufacture comm qty methylamphet Sched: Supply 3.5g Agree to supply	Street value \$1m	PG (25%)	6y NPP 3y	AD	Breached bond for aggravated robbery	Active participant in production process
5.	Hansel (60) [2004] NSWCCA 436	2 x Knowingly take part in manufacture comm qty methylamphet	No established amount	PG (25%)	12m NPP 9m Wholly suspended	Crown AD	Priors for drug offences, inc supply	Large scale production of amphetamines in house – 3 co-offenders Court dismissed appeal in exercise of discretion - Very poor health – ongoing treatment required.
6.	Diesing (38) Ackland (38) [2007] NSWCCA 326	Conspiracy to manufacture comm qty methylamphet Conspiracy to manufacture comm qty methylamphet	Not stated	PG (20%) PG (20%)	10y 6m NPP 7y 6m 10y NPP 7y	AA 8y 9m NPP 6y 6m AA 8y 5m NPP 6y	Drug offences – breached parole Nil relevant	Involved in large scale operation to manufacture methylamphetamines – interstate operation over 5 months – financial gain D – cook – involved in obtaining ingredients and establishing manufacturing process A – primary link between interstate conspirators
7.	Lin [2007] NSWCCA 368	Knowingly take part in manufacture comm qty methylamphet Sched: Possess cocaine		PG (25%)	8y NPP 6y	AA 6y NPP 4y	Nil	Role of labourer / aider and abetter – co offenders manufactured drugs from residential premises - assisted with general tasks. Appeal allowed on parity ground.

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
8.	Mammone [2013] NSWCCA 325 Co-offender: MAMMONE	Manufacture comm qty methylamphet Knowingly take part in supply comm qty methylamphet s.166 Certificate: Poss pill press Poss unreg firearm Fail to keep firearm safe	Est 995g	PG 25% 20%	9y 8m NPP 5y 9m FT 4y 6m FT 1m FT 1m No penalty <u>Total</u> 9y 8m NPP 6y 5m	AA 9y 1m NPP 5y 5m 6y NPP 4y 6m <u>Aggregate:</u> 9y 1m NPP 6y 1m		SNPP 10 years Involved in manufacturing at rural property – no drugs seized – discussion as to intention to supply recorded On appeal: increased the discount for manufacture offence – NPP should have been applied to supply offence
9.	Mammone [2013] NSWCCA 95 Co-offender: MAMMONE	Manufacture comm qty methylamphet Supply comm qty methylamphet Sched: 8 offences	Est 995g	PG (20%)	10y NPP 6y 2m FT 4y 6m <u>Total</u> 10y NPP 6y 8m	AD	Drug and firearm convictions – on bail for firearm and drug convictions	SNPP 10 years Involved in manufacturing at rural property – large and sophisticated clandestine laboratory in isolated area – relatively large workforce – essentially a principal in manufacturing operation playing organisational role which included recruiting others and overseeing manufacture with view to selling end product - mid range seriousness - discussion as to intention to supply recorded
10.	King (51-55) [2018] NSWCCA 273	Knowingly take part in manufacture comm qty methylamphet Possess precursor Supply methylamphet Supply methylamphet 2 x Supply methylamphet Sched 4 offences	20l 56.9g Unspec 2.2g / .75g	PG (15%) PG (10%)	5y 2y 2y 6m 1y 3m 9m <u>Aggregate</u> 7y 6m NPP 4y	AA (to adjust start date by two days)	includes serious drug offence – later offences committed while on bail for former	SNPP 10 years 2010 – supplied small amounts of methamphetamine – middleman dealing in drugs 2013 – purchased various products for clandestine laboratory for rented premises in suburban area – found in possession of 20l drum of Nitromethane – supplied 56.9g to undercover operant – sophisticated and well planned operation

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
11.	Cashel (34) [2018] NSWCCA 292	Knowingly take part in manufacture comm qty methylamphet Manufacture pseudoephedrine Supply comm qty buprenorphine Breach suspended sentence Sched: Additional offences	320g 89.99g 35.08g	PG (12.5%)	7y 10m NPP 5y 1m 4y 9m NPP 3y 6m FT 3y FT 1y 6m <u>Total:</u> 9y 5m NPP 6y 8m	AA Same sentence imposed (see facts)	lengthy for similar offences – breached bail	SNPP 10 years A primary offender in well organised manufacture of methamphetamine – found in possession of 35.08g buprenorphine – 89.99g extracted pseudoephedrine found at one premises – further extracted pseudoephedrine found at second premises – preparing to use pseudoephedrine to manufacture methamphetamine On appeal substituted conviction for knowingly take part in manufacture of methamphetamine for original conviction of manufacture – where no drug yet produced former offence applies – no lesser sentence imposed Drug user – prospects of rehabilitation

Last Updated: December 2018