

Traffic MDMA / Ecstasy
Commercial Quantity
s.302.2 (Cth) Criminal Code

Commenced 6.12.2005

302.2 Traffic commercial quantities of controlled drug

Commercial Quantity: MDMA – 500g

Maximum Penalty: Life

Criminal Code Regulations 2019 Schedule 1 Controlled Drugs: 3,4-methylenedioxymethamphetamine (MDMA)

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
1.	Shen (64) [2009] NSWCCA 251	Traffic comm qty Knowingly take part in supply lge comm qty (NSW)	7.5kg MDMA 666g MDMA	PG (combined 35%)	11y NPP 7y 9y 9m NPP 7y 3m <u>Total:</u> 13y NPP 9y	AA 11y NPP 7y 9y 9m NPP 7y 3m <u>Total:</u> 11y 6m NPP 7y 6m	Nil	(SNPP 15y – State offence) Large quantity of drugs imported from Canada into Queensland – not involved in importation but took possession of small amount of drugs for distribution – maintained relationship with importers and agreed to purchase further drugs from second importation four months later – controlled delivery – second offence less serious and below mid-range – acted for financial gain – principal role in distribution Good character On appeal: overall sentence reduced for parity
2.	Tsang [2011] VSCA 336	Att traffic comm qty MDMA Import comm qty	74.1kg MDMA	VG	Life NPP 27y Life NPP 27y	AA 28y 24y <u>Total</u> 29y NPP 19y	Nil	Involved in importing drugs hidden in ink containers – arranged customs clearance and transport of drugs to Sydney for storage – controlled delivery - very serious offence – principal player towards top of hierarchy – significant role in offences over 6 weeks in Australia Hardship as foreigner in custody - parity

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 (pure)	Plea	Sentence	Appeal	Priors	Facts
3.	Ljuboja (60) [2011] WASCA 143 Co-offender: PAPADIMITRIOU	Consp traffic comm qty Import comm qty	35.2kgs MDMA 60kg MDMA	PG	25y NPP 16y 25y NPP 16 (concurrent)	AD	Dishonesty offences and appalling driving record	Role was to oversee importation, arrange for manufacture of drug into tablets, sell tablets and remit money to principals in Europe - existing associate of European drug traffickers - drugs did not belong to him - Australian agent and senior man in Australia - powder could have made at least 350,000 ecstasy tablets
4.	Papadimitriou (41) [2011] WASCA 140 Co-offender: LJUBOJA	Consp traffic comm qty	35.2kg MDMA	VG	17y NPP 10y 6m	AD	Nil	Became involved in conspiracy through friend to provide practical support to convert imported powder into tablets – involved in setting up premises and sourcing equipment Conviction and sentence appeal unsuccessful

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 (pure)	Plea	Sentence	Appeal	Priors	Facts
5.	Barbaro (50)	Consp traffic comm qty	Over 1.4t MDMA	PG	Life	AD	Drug offences	Consp offence – over several months in 2007 planned to take delivery of drugs imported from Italy for purpose of trafficking – controlled delivery meant no drugs received – highest level of offending – sophisticated and bespoke business Traffic offence – for seven months during 2008 sourced drugs from – significant trafficking to repay debt for missing drugs – offence not of highest gravity Cocaine offence – June 2008 drugs arrived from Colombia concealed in bags with coffee beans – controlled delivery Schedule offences – pseudoephedrine imported from India – over \$11.3 million drug money laundered Barbaro – at apex of offending – lived in rural NSW – motivated by greed Zirilli – lesser offender but right-hand man – lived in rural NSW – cousin to B – motivated by greed
		Traffic comm qty	Over 100kg MDMA		23y			
		Att possess comm qty	99.9kg Cocaine		20y			
		Sched: Consp import comm qty pseudoephedrine 2 x Proceeds of crime			<u>Total:</u> Life NPP 30y (pre discount for guilty plea: Life with no minimum term)			
	Zirilli (55)	Consp traffic comm qty		PG	20y		Nil	
	[2012] VSC 47 King J	Traffic comm qty			15y			
	[2012] VSCA 288	Att possess comm qty			13y	AD		
	[2014] HCA 2				<u>Total:</u> 26y NPP 18y (pre discount for guilty plea: 30y NPP 24y)			

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 (pure)	Plea	Sentence	Appeal	Priors	Facts
6.	Sergi (34 at first offence – 40 at sentence) [2015] VSCA 181	Traffic comm qty Traffic lge comm qty MDMA (Vic) Possess (Vic) Possess ammunition Drive unauthorised	Est 4.2kg MDMA 0.1g MDMA	PG	9y NPP 7y 7y NPP 5y 3m \$100 fine 1m <u>Total:</u> 12y NPP 10y	AD	Minor until convicted of drug offences shortly after first offence	2008 – Cth offence committed over 4 months – took possession of drugs, transported them, prepared MDMA powder, sold drugs and handled drug money – personally took delivery of large number of tablets 2013 – State offences committed while on bail – took possession of large commercial quantity of drugs for purpose of trafficking On appeal: no error despite high non parole period

Last Updated: October 2020

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