

Import Amphetamines / Methylamphetamines

Commercial Quantity

s.307 (Cth) Criminal Code

Commenced 6.12.2005

307.1 Importing and exporting commercial quantities border controlled drug

307.5 Possessing commercial quantities border controlled drug

307.8 Possessing commercial quantities border controlled drug reasonably suspected of having been unlawfully imported

Commercial Quantity: 750gm

Maximum Penalty: Life

Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Zhang [2010] NSWCCA 105	Attempt possess	8218.7g	PG	11y NPP 7y	AD		Attempted to take delivery of drugs secreted in boxes from co-offender – more than mere couriers – in contact with people overseas – actual knowledge not recklessness
Chan (35)	Attempt possess	10.1kg	PG (30%)	12y 6m NPP 7y 6m	AD	Nil	Drugs shipped to Australia from Canada in lining of suitcases – professional and carefully planned operation
Lo (27)	Attempt possess		PG (25%)	7y 6m NPP 4y 6m	AD	Nil	Chan – middleman - came to Australia prior to importation and made preparations – position of trust – was to arrange distribution Lo – lower than a courier – involved only on day of arrest
Nguyen (35) [2010] NSWCCA 153	Aid and abet import		PG (10%)	10y NPP 6y	AD	No convictions	Nguyen – culpability between Chan and Lo – driver for co-offender – cockatoo on day of delivery

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Nguyen (42) (2010) 205 A Crim R 106 NSWCCA	Import comm qty cocaine Import Sched: 2 x Att possess comm qty (cocaine and methamphet)	27.1535kg 13.04kg Meth	PG (15%)	14y NPP 9y FT 7y 6m <u>Total:</u> 14y 6m NPP 9y 6m	Crown AA 16y 16y <u>Total:</u> 18y NPP 12y		Drugs imported from Canada concealed in foot spa units – controlled delivery - involved in setting up business and subsequently arranging to pick and store spa units, removed drugs from units and helped deliver to third person – not a principal but significant role in organisation – financial reward
Nguyen (34) Phommalsack (25) [2011] VSCA 32 Co-offenders: NGUYEN (2012) LUONG (2013) NGUYEN (2013)	Att import Att possess Att possess	29.1kg Cocaine 21.8kg Meth 6.3kg Ecstasy	PG PG	10y 7y <u>Total:</u> 12y NPP 8y (14% assistance) 12y NPP 9y	AD	Nil AR as a youth	Drugs concealed in foot spas – controlled delivery N arranged for lease of factory - liaised with customs brokers to arrange clearance and delivery - liaised with purchasers – signed for delivery of container – present when unpacking commenced – female – promised assistance – became involved to repay debt to co-offender – to receive at least \$25,000 towards debts P – recruited and sent from Sydney to pick up drugs – arranged to have drugs concealed in car – drug user – to receive \$10,000 up front then \$40,000
Dao [2011] NSWCCA 183	Attempt possess	22.3kg	PG	10y NPP 6y	AD	2 offences of supply prohibited drug	Drugs hidden in candles shipped in from Vietn am – low level participant – drove co-offender to rendezvous and unpacked drugs Longstanding drug addiction

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Tiknius (28) [2011] NSWCCA 215	Aid and abet import Possess mkt qty ecstasy	2.0338kg 55.1g Ecstasy	PG (25%)	10y 6y <u>Total:</u> 11y NPP 6y 6m	AA 8y 5y <u>Total:</u> 9y NPP 5y	nil	Drugs imported in sculptures – made several trips to Australia at request of man in Lithuania to deal with drugs – element of duress – to pay off cocaine debt of \$42,000 Lithuanian
Pham Tang [2012] VSCA 101	Attempt possess Attempt possess comm cocaine Attempt possess comm ecstasy Import Import comm cocaine Import comm ecstasy	29.285kg 71.564kg 9.757kg 29.285kg 71.564kg 9.757kg	VG PG	15y 15y 15y <u>Total:</u> 19y NPP 14y 15y 15y <u>Total:</u> 19y NPP 14y	AD		Drugs imported from Canada concealed in spa and pedicure chairs – controlled delivery – role of each offender difficult to ascertain – highly organised and sophisticated business T greater culpability – more intimately involved and gave instructions – came out from Canada to confirm quantity of drugs and deal with discrepancies P – facilitated delivery to warehouse and unpacking of drugs
Nguyen (39) [2012] VSCA 119 Co-offenders: PHUONG (2011) PHOMMALYSACK LUONG (2013) NGUYEN (2013)	Import Attempt possess	55kg mixture of cocaine, ecstasy and methamphet	PG (21% plea and assist)	12y 8y <u>Total:</u> 15y NPP 11y 6m	AD	nil	Female - drugs imported from USA in foot spas – controlled delivery - promised money, car and a house – recruited and gave directions to several co-offenders Voluntarily returned from Vietnam

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Thathiah [2012] QCA 195	Import	1454g	VG	10y NPP 5y	AD	Nil	Brought drugs into Australia concealed in suitcase – courier not principal Good prospects of rehabilitation – isolation in custody
Formosa [2012] VSCA 298	Consp import 2 x trafficking drug of dependence (methamphet and ecstasy)	Amount at lower end	PG (14.3% on head sentence – 18.75% on NPP)	9y NPP 6y 6m (3y concurrent)	Ad	Unrelated suspended sentence	Drugs sent by co-offender to various people by mail from Canada – no specified amount – involved over 14mths
Calis (45) [2013] QCA 165	Import	1,294.2kg	VG	10y NPP 6y	AD	Nil	Dutch national living with wife in Gambia – imported drugs in suitcase – bare courier Separated from wife and child – medical condition – co-operated in trial
Franze (32) [2013] VSC 421 Kaye J	Att possess Att possess comm qty cocaine	133.3kg 14.1kg	VG	16y 10y <u>Total:</u> 17y NPP 13y		Minor	Drugs imported in bottles of beer from Mexico – controlled delivery – significant role - involved in receiving consignment, unloading and moving then directing disposal when alerted to police surveillance – no knowledge of actual amount – lured by profits Hardship to wife caused by imprisonment

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Luong (Hung) (53)	Att possess	21.8kg	VG	10y	Sentence AD	nil	Drugs concealed in foot spas to be imported to Australia from USA – controlled delivery H – involved in organisation but not major role and not aware of amount of drugs – low intellectual functioning – hardship to family N – asked to come and work for a few days – only became aware of drugs when first package opened
	Att possess comm ecstasy	6.3kg		10y			
	Att possess comm cocaine	29.1kg		10y			
				<u>Total:</u> 15y NPP 11y			
Nguyen (Minh) [2013] VSCA 296 Co-offenders: PHUONG (2011) PHOMMALYSACK NGUYEN (2012)	Att possess	21.8kg		3y	Conviction Appeal only - dismissed		
	Att possess comm ecstasy	6.3kg		3y			
	Att possess comm cocaine	29.1kg		3y <u>Total:</u> 3y NPP 514d			
DPP v Peng [2014] VSCA 128	Import	23.1542kg	PG	11y NPP 7y 6m	Crown AA 13y NPP 10y		Taiwanese national came to Australia to take delivery of drugs – drugs imported in three crates – controlled delivery – took possession of drugs and delivered them on
RCW (No.2) (54) [2014] NSWCCA 190	Aid and abet import	3.96kg Cocaine	PG (50%)	5y 6m NPP 3y	AA 2y NPP 1y	Nil	Unusual case – pressured into assisting with delivery of drugs concealed in oven imported from Canada – spoke to police halfway through offence and commenced co-operation – duress – no evidence of financial gain Medical condition – assistance
		2.25kg Ecstasy					
		1.34kg Meth					
		3.79kg Other					
Legault (29) [2014] NSWCCA 271	Import	2.0339 kg	PG (25%)	9y 4m NPP 6y	AD	Record	Imported drugs in false bottom of suitcase – not involved in packing drugs – financial reward Suffered PTSD from violent assault when 15y – good prospects of rehabilitation

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Nerbas (27) [2014] QCA 259 Co-offender: HANDLEN	Possess Attempt possess	No amount stated	PG	15y NPP 10y 15y NPP 10y (concurrent)	AD	Nil	Drugs imported from Canada in cathode ray tubes over several months – maintained infrastructure used for importing – provided additional labour when required Lesser offender – long history of legal proceedings – prior good character
Agboti (23) [2014] QCA 280	Import	2,326.5g	PG (early)	11y NPP 5y 6m	AA 9y 6m NPP 4y 6m	Nil	Female carried 'medicine' to Australia in suitcase in return for payment of flight – not aware of amount of drugs Good character - desperate to leave Nigeria in difficult personal circumstances – genuine remorse
Bae (34) [2015] NSWCCA 133 [2020] NSWCCA 35	Aid and abet import Aid and abet import Aid and abet import comm qty cocaine Aid and abet import comm qty cocaine Aid and abet import market heroin	2.266kg 2.243kg 3.713kg 4.021kg 0.65kg	PG (15% - increased on appeal)	10y 10y 10y 10y 5y <u>Total:</u> 20y NPP 12y	AD / AA 9y 9y 9y 9y 4y 9m <u>Total:</u> 18y 6m NPP 11y	Nil	Korean – drugs found in 18 boxes sent from Canada over five months – came to Australia to co-ordinate receipt and collection of boxes, storage and subsequent transfer – part of well-organised scheme – not isolated – considerable financial gain Second appeal after s.79(1)(b) <i>Crimes (Appeal and Review) Act</i> 2001 referral – application of <i>Xiao</i> – discount increased for utilitarian value of plea – additional evidence of rehabilitation taken into account
Yuan (31) (2015) 252 A Crim R 422 NSWCCA	Import	54.961 kg	VG	10y NPP 6y	Crown AA 15y NPP 10y	Nil	With co-offender imported drugs into Australia – arranged for consignment to be stored - considerable planning – occupied important position – role of supervisor or executor - offence committed for financial gain. Supportive partner – good stepfather to her child

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Handlen (39 at offence – 47 at sentence) [2015] QCA 292 Co-offender: NERBAS	Possess Attempt possess	103kg Cocaine 7.6kg Ecstasy 1.085kg Meth	VG	27y NPP 18y	AD	Nil relevant	Drugs imported from Canada in cathode ray tubes – management role – controlled delivery after drugs detected by authorities
Thomson [2016] NSWCCA 56	Consp import Supply lge comm qty meth Possess prohibited weapon Sched: Supply cocaine	3.96kg Cocaine 1.3kg Meth 2.25kg Ecstasy 3.79kg PMMA 1.97kg	PG (10%) PG (25%)	14y NPP 7y 6m <u>Agg</u> 9y NPP 6y (concurrent)	Crown AA 14y NPP 7y 6m <u>Agg</u> 9y NPP 6y <u>Total:</u> 17y NPP 10y 6m	Minor	Drugs to be imported from Canada in industrial oven frame – controlled delivery – a principal – involved in making arrangements in Australia and supervising others – Taser and 95.4g cocaine found in house – in unrelated transaction supplied Methamphetamine to co-offender who took it to Melbourne on bus Difficult childhood – drug addiction from very early age – family history of mental illness
Tsai Yu (24) [2016] NSWCCA 73	Attempt possess	10.67kg	PG (25%)	9y NPP 5y 6m	AD		With co-offender, arrived in Australia from China - planned to take delivery of consignment which had arrived from China in Sydney – found to contain drugs - estimated street value \$11.95M and wholesale value \$3.43M - subordinate to co-accused and played lesser role - travelled to Australia solely to take delivery of drugs by signing for them - job to ensure drugs secured in the premises and returning key to co-offender. Gambling problem.

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
PC (20) [2016] NSWCCA 137	Import Attempt possess methamphet and cocaine Sched: 3 x Import comm Proceeds of crime Possess comm	At least 21kg 17.314kg Cocaine 20.548kg Meth	PG (30% plea and assist) PG (25% plea and assist)	19y 6m 16y 6m Total: 26y 6m NPP 18y	AA 17y 6m 15y Total: 20y 6m NPP 14y 6m	Lengthy record – breached conditional liberty	Played managerial role in receipt and distribution of drugs imported over 6 month period from Canada – drugs concealed in equipment – trusted and key member in syndicate – found in possession of \$135,700 proceeds of crime Difficult childhood – drug user – gambling addition On appeal – degree of accumulation too high
Lin (52) Ng (24) [2016] NSWCCA 200	Import	21.9146kg (79.4%)	Not stated	12y NPP 8y	AD	Minor record in Hong Kong	Drugs hidden in shipping containers – offenders came from Hong Kong to facilitate importation and sell drugs – more than couriers Assistance given through father of Ng as information about unrelated drug importation
Onyebuchi (29) [2016] QCA 143 Co-offender: BOIMAH	Import	791.9g (pure)	PG	7y NPP 3y 6m	Crown AA 9y NPP 4y 6m	Nil	Involved in importation of drugs concealed in foot massager in package sent from China – controlled delivery made to co-offender – drugs would have been delivered next to offender – higher than courier

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DPP v Thomas	Attempt possess	3.6kg (pure)	PG (late)	5y NPP 3y	Crown AA 9y NPP 6y 3m		Attempted to take delivery of package containing drugs imported from Malaysia – above courier – lower end of distribution chain
DPP v Wu [2016] VSCA 237	Import	3.965kg (pure)	PG	6y 6m NPP 3y 6m	Crown AA 10y 6m NPP 7y 6m		Two shipments of drugs concealed in packages – task was to facilitate arrival and delivery - above courier – financial reward NB Not co-offenders – appeals heard together to consider discount for guilty plea for Commonwealth offences
Banker (71) [2016] QCA 74	Import	4,177.1g	VG	12y NPP 8y	AD	Nil	American citizen imported drugs in suitcase from Fiji – courier
Shahbazi (27) [2016] VSCA 270	2 x Import	3.3kg	PG (early)	8y 6m NPP 5y 6m	AD	Minor subsequent offence	Involved in two importations of drugs concealed in suitcases – intermediary - liaised with co-offender over addresses and arranged importations with contacts in Iran Iranian refugee – concern over deportation making custodial conditions harder - remorse
Wang (29) [2016] VSCA 292	Import	3.653kg	PG	10y NPP 7y	Leave to appeal refused	Nil	Involved in five importations over one month - drugs mailed in five packages – controlled delivery – key intermediary – financial gain Valuable admissions
Zwam [2017] NSWCCA 127	Import	3.97kg (79%)	PG (25%)	9y NPP 5y 6m	Conviction AD Sentence AA 8y 6m NPP 4y 6m	Nil	Drugs found by Customs in suitcase upon arrival at Sydney airport – role was as a courier or trusted importer - wholesale value of around \$900,000 - street value \$2.5 million - financial gain. Below mid-range – “recklessness” as to contents of suitcase. Remorse – good rehabilitation prospects – good character

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Boimah (29) [2017] QCA 50 Co-offender: ONYEBUCHI	Attempt possess Possess false passport	791.9g (pure)	PG (10%)	8y NPP 4y 3y (concurrent)	AD	Nil	Controlled delivery to offender's house of package mailed from Hong Kong – took delivery – found in possession of false passport in name of addressee – intermediary – lesser role than co-offender – believed package contained drugs without knowing type or weight – motivated by profit Originally refugee from Liberia – out of character - wife and young child
Igwebuike (34) [2017] ACTSC 323 Penfold J	Import	8.5kg	VG	10y 6m NPP 6y 6m		Nil known	Nigerian student arranged for consignment of drugs sent from China in goldfish statute to move through Customs – took delivery of drugs and prepared to deliver them on when arrested – used fictitious identity – expected financial gain – more than mere courier – important and essential role Isolation in custody – credit given for concessions made at trial

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Scott (45) [2017] SASCFC 96	Import Import mkt qty precursor Traffic lge comm qty cannabis Possess prescribed equip	59.47kg – 80.3% pure 101.7g (pure)	PG (20%) (30%) (20%)	14y 5m 2y 10m <u>Total:</u> 16y NPP 9y (both offences) 3y 3m NPP 1y 8m (cumulative)	AD		Drug addict advised limited life expectancy so sought to make money for family – caught bringing in pseudoephedrine from Indonesia – on same trip arranged for importation of methamphetamine – drugs arrived one month later secreted in pavers – controlled delivery – offender also found in possession of 9kg cannabis plants and hydroponic equipment By legislation sentences for state offences cumulative to total sentence for Commonwealth offences
Begiri (43) Hajko (22) [2017] VSCA 112	Att possess Att possess	23.0404kg	VG VG	15y NPP 11y 11y NPP 7y	AD AD	nil nil	Drugs concealed in body of car imported from America – controlled delivery – sophisticated, highly organised and well-planned scheme – very serious offence B – critical role although not principal – likelihood of deportation H – lesser culpability – conduit for limited time – difficult early life as refugee – prior good character – probably deportation – isolated and on protection
Yip (23) [2017] VSCA 231	Import	1.346kg	PG	7y 6m NPP 5y 6m	AD	limited	Flew to Perth from Hong Kong with drugs concealed in two bottles of cognac – one bottle broke and discarded before customs – travelled to Melbourne to deliver remaining bottle to co-offender Provided some assistance against co-offender – isolation and protective custody – remorse – reasonable prospects of rehabilitation
DPP v Brown (31) [2017] VSCA 162	Import Import	3.4kg 44.7kg	VG	7y 10y <u>Total:</u> 12y NPP 7y	Crown AA 11y 16y <u>Total:</u> 20y NPP 15y	nil relevant	Involved in importation of drugs from America – smaller amount concealed in engine of cars – offender helped unpack, store and delivered drugs – four months later larger amount also imported in car engines – controlled delivery – unpacked and stored drugs until arrest – not principal but important and autonomous role – motivated by greed

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Obiekwe (31) [2018] NSWCCA 55	Import	17.4kg	PG (10%)	12y NPP 7y	AD	Nil	Acted as central person in importation hierarchy at Australian end of illegal importation – drugs found in cardboard cartons consignment arrived by sea - significant degree of planning. Well-educated - very good prospects rehabilitation - unlikely to reoffend. [Reference to Schedule of cases]
Chen (28) [2018] NSWCCA 157	Aid and abet import	14.14kg	VG	12y NPP 7y 2m	AD	supply offence	Involved in preparation for receipt of drugs concealed in boxes of hoses and fittings – rented house in false name – picked up co-offender from airport and installed in house – supplied money – arranged for delivery of boxes – picked up second co-offender from airport to accept delivery of boxes – middle management – aware of drugs – intended to aid and abet – took steps to avoid detection – mid-range seriousness
Kuo (21)	Attempt import	142kg	PG	22y NPP 14y 6m	AA 19y NPP 12y	Nil	Sports outdoor shop operated by co-offender L used as front for importing drugs hidden in kayaks – each offender expected to find methamphetamine packages concealed in kayaks and travelled to Australia to retrieve drug packages - S at middle of drug hierarchy - K and H labourers or couriers at a similar position in hierarchy On appeal - Judge erred in not taking into account guilty plea
Huang	Attempt import		PG	22y NPP 14y 6m	19y NPP 12y	Nil	
Shih (33) [2018] NSWCCA 270	Attempt import		PG	27y NPP 18y	22y NPP 14y	History in Taiwan, not serious.	
Ostrowski (24) [2018] QCA 62	Import	3.1481kg	Early PG	8y NPP 2y 6m	Crown AA 8y NPP 4y	Minor record	Drugs imported in package from America containing 34 bottles labelled vitamin tablets – controlled delivered to address of offender's grandfather – agreed to delivery on behalf of another person – expected small payment – unaware of specific drug Drug addiction – positive steps in rehabilitation

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Schanker (32) [2018] VSCA 94	Att possess Traffick comm qty	5.896kg over 2kg	VG PG (18%)	15y 9y <u>Total:</u> 18y NPP 14y	AD	fraud and dishonesty – breached conditional liberty	Drugs imported in two packages containing bicycle parts – in controlled delivery packages delivered to storage unit – offender took possession of packages with owner of unit – several weeks later involved in possessing drugs with intent to sell – offences interrelated – a principal Refugee from Sierra Leone – suffered extreme violence and trauma – substantial mental health issues
Rosales (a pseudonym) (36) [2018] VSCA 130	Att possess	just under 4.8kg	PG (early)	7y NPP 4y	AD	nil	Took possession of consignment of electrical goods from South East Asian country containing concealed drugs – instructed co-offender to take package and check contents – greater role than co-offender Born in West Africa and witnessed murder of father – drug use a form of self-medication – in financial difficulty – good prospects of rehabilitation – probable deportation – provided some assistance to authorities in unrelated matter
Wong (24) [2018] NSWCCA 263	Import Sched: Traffick meth	787g 111.9g	PG (25%)	6y 9m NPP 3y 9m	AD	dishonesty offence in South Australia	Female – involved in importing drugs with partner – drugs arrived in package marked 'household goods' Expression of remorse – naïve but sought financial benefit
Kao (22) [2019] VSCA 84	Att possess s.400.9(1) Proceeds of crime s.400.9(1) Proceeds of crime	2.3498kg	PG	9y 8m 2y 14m <u>Total:</u> 11y NPP 6y 10m	AA 9y 8m 15m 9m <u>Total:</u> 10y 5m NPP 6y 6m	nil	Took delivery of 2 consignments of drugs concealed in vials of liquid and noddles – controlled delivery - over 18 days dealt with \$567,138 in multiple transactions – found in possession of total of \$357,000 with co-offender – in charge at this end of international syndicate – recruited co-offenders – highly placed and critical role with significant control and autonomy – financial gain Prior good character – Chinese national Undiscounted sentence: 14y 9m NPP 10y 9m
Yin (37) [2019] NSWCCA 217	Attempt possess	41kg (33kg pure)	VG	16y NPP 10y	AD	Nil	With 2 co-offenders imported drugs from Taiwan - senior position in Australia regarding obtaining possession – role included managing finances, bringing co-offenders to Australia, directing co-offenders, being in contact with people involved in Taiwan. Low risk of reoffending – prior good character.

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Kyuldzhev (39) [2019] WASCA162	Import	30.2kg (23.7kg pure)	PG	13y NPP 9y 6m	AD	Nil	Merchant sailor from Bulgaria to receive substantial sum of money to bring in drugs from China – delivered drugs to co-offenders in car park on arriving at Dampier – courier role and not involved in arranging importation or subsequent distribution Married with one son – remorse – prior good character – isolation in custody
Blango (30-31) [2019] VSCA 210	Att possess Att possess marketable qty heroin Attempt possess marketable qty cocaine	55.9578 725.3g (pure) 28.89g (pure)	PG (22% - NPP 26%)	15y 5y 3y <u>Total:</u> 16y 6m NPP 12y 6m	AD	violence, dishonesty and motor vehicle – no drugs	Over four months attempted to take possession of 33 consignments from China, India, Malaysia, Mexico and Malawi containing varying amounts of ice, four consignments containing heroin and one consignment containing cocaine – involved in drug syndicate – senior and trusted managerial level participant Born in Sierra Leone and exposed as child to war violence and refugee camps – married with three children and three step children – limited remorse – motivated by greed
Shakhanov [2019] VSCA 38	Att possess	107.87kg	PG	9y NPP 6y	AA 8y NPP 5y	nil	Involved in taking possession of drugs imported in shipping containers – controlled delivery – supervised co-offender taking half – other half already taken by second co-offender (total of 209.79kg imported) – more involved than first co-offender but less culpable than second Difficult background – remorse – good prospects of rehabilitation – acted from financial pressure
Bembo (40 at appeal) [2019] VSCA 308	Att possess Att poss comm qty heroin Consp to import comm qty meth	125.682kg 3.767kg 4kg	VG	19y 11y 13y <u>Total:</u> 35y NPP 25y	AD	Dishonesty offences	Over three years sought to organise three different importations from different countries involving different people – heroin imported from Pakistan concealed in furniture – largest shipment of methamphetamine concealed in logs imported from Nigeria – this offence committed last while on bail – enthusiastic but not successful drug dealer – culpability very high Traumatic childhood in Congo – PTSD On appeal – accepted individual sentences appropriate – rejected submission total sentence crushing

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Heng [2019] NSWCCA 317	Import Sched: Aid and abet manufacture	73.8kg	PG (about 10%)	23y 9m NPP 15y 9m	AD	breached parole for serious drug supply offence	Drugs imported in boxes of furniture from China – suspended in wax blocks – took significant and leading role in directing offences – part of sophisticated system of trafficking – financial reward – upper range of seriousness
Zaugg (51) [2020] NSWCCA 53	Import	3.5098kg	PG (10% on appeal)	11y NPP 6y 6m	AA 10y 9m NPP 6y 4m	nil	(2015) Female Swiss citizen brought drugs into Australia concealed in liner of ten clutch bags – aware of presence of drugs although may not have been aware of exact nature – acted for financial reward – role in offence was to import drugs On appeal – error made in guilty plea discount in light of <i>Xiao</i> – new discount applied – took into account improved prospects of rehabilitation
Chuang (34) Chen (30) [2020] NSWCCA 60	Import	41.19kg	Each: PG (25%)	10y NPP 6y	Each: AA 9y NPP 5y 6m		Drugs concealed in industrial equipment sea cargo – not at top of syndicate/not at intermediate level - with 3 co-offenders - Applicants' role instructing offenders as to dismantling consignment, installing anti-surveillance CCTV camera and rental of property and storage spaces. Chen: role not confined to role of direction, also physically involved in dismantling process – committed offence financial gain to help father – supportive family CCA: <i>Xiao</i> error guilty plea discount
Kassir (late 20s) [2020] NSWCCA 88	Aid, abet, counsel and procure import	166kg	PG (15%)	8y NPP 5y 6m	Crown AA 10y NPP 6y 6m	nil	Employee of customs broker used position to set up account and structure for false company to import drugs – 6 importations made prior to police finding drugs in importation of 'ladies jeans' – facilitator using inside knowledge – not sophisticated – lesser role – aware of illegality from beginning – aware generally amount much larger than mere commercial limit – financial gain – mid-range Remorse Crown appeal – sentence manifestly inadequate – not significant that charged as accessory

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Chu (21-22)	Possess s.400.4 - proceeds of crime	1.7126kg \$174,856	PG	9y 5y <u>Total:</u> 9y NPP 4y 6m	AD		Over four months drugs imported in eight international express packages from Taiwan – intercepted by police – all delivered to addresses provided by P – drugs for possession offence found in P's residence – bank account showed money transferred overseas although not connected to drugs – C also found in possession of \$10,000
Peng (21) [2020] QCA 012	Import Possess 7 x import mkt s.400.4 – proceeds of crime	Total imported 2.746kg Possession: 1.7126kg \$189,774		11y 11y 9y 5y <u>Total:</u> 11y NPP 5y 6m	AD	Nil	P – Taiwanese - not a principal but more than courier – facilitated importation through false identities – reckless as to drugs – remorse – paid only small amount C – Taiwanese - encouraged into offending by P and subservient
Nipoe [2020] VSCA 137	Att possess Att possess mkt qty meth	8.634kg 544.5g	PG VG	9y 8y <u>Total:</u> 15y NPP 11y	AD		Involved in two discrete attempts to import drugs – smaller amount imported from Hong Kong concealed in purses – second amount imported in horse statues from China – significant but not principal role Second offence committed while on bail for first – traumatic and disadvantaged childhood in Liberia – importance of general deterrence

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Cheng [2020] NSWCCA 252	Import Supply comm qty methylamphet Supply comm qty methylamphet Supply comm qty methylamphet s.400.4 – proceeds of crime	72,517.1g	VG	15y NPP 9y 9y NPP 6y 6y NPP 4y 8y 6m NPP 5y 8m FT 18m <u>Total:</u> 20y NPP 14y	AD	Nil in Australia. Overseas record: AOABH, criminal damage, assault police and resist police officer, robbery, burglary.	Member of syndicate - role upon arrival to Australia to assist with importation, to conduct extraction drugs from earlier shipments and pending shipment and sell product and/or extracted methylamphetamine - potential street value of about \$8,855,000.00 – drugs also located at offender's premises
Udunna [2020] NSWCCA 304	Aid and abet attempted possess	114kg	VG	10y NPP 6y 6m	AD	minor	Drugs secreted into electrical generators – controlled delivery – arranged lease of property – in telephone contact with other offenders – important but lesser role – offence took place over 6 weeks
Wong [2020] NSWCCA 311	s.307.8 - possess Sched: Proceeds of crime	61.68kg	PG (25% combined)	18y NPP 12y	AA 17y 6m NPP 11y 8m	nil	Malaysian national on visa – drugs and \$99k located at offender's premises - occupier or warehouseman of warehouse for distribution – planned to distribute drugs and had already done so - responsible for maintaining means of communication with phones - entrusted with cash – important role - integral member of enterprise dealing in drugs Low/moderate risk of reoffending. On appeal: <i>Xiao</i> error
Kwan (36 at sentence) Kwok (45 at sentence) [2020] NSWCCA 313	s.307.5 – attempt possess	33.1565kg	PG (25% on appeal)	20y NPP 15y	AA 16y NPP 10y	Nil in Australia – non-aggravating records in Hong Kong	Drugs imported concealed in hair salon equipment – controlled delivery – offenders flew in from Hong Kong to take possession – similar culpability – both aware of nature of drugs – motivated by financial gain On appeal: <i>Xiao</i> error

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Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
Chan (40) Kwan (44) [2020] NSWCCA 335	s.307.5 - att possess	81.4kg	VG VG	23y NPP 15y 23y NPP 15y	AD AD	Nil nil	Attempt made to import drugs with steel frame from China – drugs found in China and controlled delivery made – container delivered and unpacked at storage unit by offenders and co-offender – both trusted and significant participants expecting financial gain C – high level of responsibility – arranged storage unit, cars and equipment to remove drugs – assisted in removing 'drugs' K – trusted intermediary – travelled from Hong Kong – assisted in removal of 'drugs' Importance of general deterrence – each had low risk of re-offending On appeal: rejected argument of disparity with third offender – not manifestly excessive
Green (a pseudonym) (41) [2020] NSWCCA 358	Import Proceeds of crime Sched: Proceeds of crime	12.0116kg	PG (25%) (50% combined)	9y 15m <u>Total:</u> 10y NPP 6y	AD	Nil. On bail.	Nominated recipient of 10 consignments – trusted intermediary - full responsibility over consignments and distributing contents - pivotal and integral role - a "lieutenant". Assistance. Depression and traumatic stress impacted decision-making - low risk of reoffending; good prospects of rehabilitation; prior good character.

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