

Import Amphetamines / Methamphetamines
Marketable Quantity
s.307 (Cth) Criminal Code

Commenced 6.12.2005

307.2 Importing and exporting marketable quantities border controlled drug

307.6 Possessing marketable quantities border controlled drug

307.9 Possessing marketable quantities border controlled drug reasonably suspected of having been unlawfully imported

Marketable Quantity: 2gm

Commercial Quantity: 750gm

Maximum Penalty: 25 years

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	Taylor (19) (2007) 172 A Crim R 430 [2007] WASCA 146	Import mkt qty: s.307.2	136.3g amphetamine	PG (35%)	6y 6m NPP 3y	AD	Nil	United Kingdom citizen imported drugs from Amsterdam in lining of suitcase – participated to make easy money Female - Remorse - naive
2.	Bertilone (44) (2009) 197 A Crim R 78 [2009] WASCA 149	Import mkt qty: s.307.2	21.3567g methylnphet	PG	3y 9m NPP 2y 6m	AD	Nil relevant	Imported drugs from Indonesia hidden on body - Long term user offered cheap drug while on holidays
3.	Iyoho (40) [2011] WASCA 46	Import mkt qty: s.307.2	533.3g methylnphet	PG	11y	AD	Import heroin	Arranged for importation from South Africa - controlled delivery – took possession of drugs and intended to pass them on Born in Liberia – married with five children

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4.	Lau (54) [2011] VSCA 324	Import mkt qty: s.307.2	709.8g methamphet	PG	9y NPP 6y	AD	nil	Arrived from China with drugs in food packages in baggage – reckless as to presence of drugs – courier but culpability not low Isolation
5.	Ng (34) [2012] WASCA 180	Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6 (2010 offences) Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6	227.1g methylamphet 383.3g methylamphet 119g methylamphet 114g methylamphet	VG VG	3y 3y 6m (concurrent) 4y 3y 6m <u>Total:</u> 7y 6m <u>Total all offences:</u> 11y NPP 6y 6m	Crown AA 10y 11y (concurrent) 4y 3y 6m <u>Total:</u> 7y 6m <u>Total all offences:</u> 14y NPP 8y 6m		Drugs imported concealed in hand cream and gold figurine parcels sent from Hong Kong – intercepted – important role in very significant drug enterprise – well organised low-mid level dealer – involvement and offending shown to be more serious than earlier offences – monetary reward – offences committed in breach of bail No insight (2010) similar offences committed one year earlier – drugs concealed in silica packets with dried food – sentenced on basis of being ‘post office’ not dealer – not aware of amount On appeal: sentences for subsequent offences manifestly inadequate – total sentence did not reflect totality of offending
6.	Alavy [2014] VSCA 25	Import mkt qty: s.307.2	397.8g methamphet	PG	7y NPP 5y (pre discount for guilty plea: 9y NPP 7y)		nil	Drugs concealed in package sent from Iran – took delivery of parcel, spoke to persons in Iran about delivery and sent money to Iran
7.	So (29) [2014] WASCA 169	Att possess mkt qty: s.307.6	383.5g methylamphet	PG	7y 6m NPP 4y 8m	AD	Hong Kong – drug possession / obstruction police officer	Drugs sent from Hong Kong impregnated in wax candles – controlled delivery – resident of Hong Kong who had flown to Perth and rented unit – two other intercepted parcels contained laboratory equipment – low level drug user – persuaded to participate for substantial fee - trusted confidant of organisers and close to source of drugs

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8.	Chime (36) [2014] NSWCCA 304	Aid and abet import mkt qty: s.307.2	158.6g methamphet	VG	3y	AA	Nil	Nigerian took delivery of drugs in eight packages – intermediary involving quite a degree of planning – false identification documents – more than a courier – unwrapped drugs and passed them on Suffering some PTSD	
		Aid and abet import mkt qty: s.307.2	42.3g heroin		2y				
		Aid and abet import mkt qty: s.307.2	64.7g cocaine		2y				
		Aid and abet import mkt qty: s.307.2	174g heroin		3y				
		Aid and abet import mkt qty: s.307.2	106g morphine derivative		3y				2y
		Aid and abet import mkt qty: s.307.2	116.7g cocaine		3y				
		Aid and abet import mkt qty: s.307.2	At least 2g heroin		3y				
		Aid and abet import mkt qty: s.307.2	332.1g heroin		4y				
		Aid and abet import mkt qty: s.307.2	159g cocaine		3y				
		Proceeds of crime: s.400.4(1)	Over \$500,000		6y				
				<u>Total:</u> 12y NPP 7y	<u>Total:</u> 12y NPP 7y				

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9.	Mousavi (38) [2014] WASCA 174	Import mkt qty: s.307.2	92.9g methamphetamine	VG	6y 8m NPP 4y	AD	Nil	Imported drugs from Iran by swallowing them – jury rejected defence of duress – some financial stress accepted as motivation on sentence Iranian born - wife and young child – prior good character
10.	Nell (36) [2014] WASCA 193	Import mkt qty: s.307.2 Possess with intent to sell: (WA) Traffic: s.302.4	169g methamphetamine 242.367g methamphetamine 57g methamphetamine	PG (5%)	8y NPP 6y 6y NPP 4y 4y NPP 2y 6m <u>Total</u> 12y NPP 10y	AD	Drug offences	Methylamphetamine (possess with intent) found packaged in clipseal bags in home of offender while overseas – found bringing in from Thailand drugs in bottles of shampoo and skin lotion at airport – found at premises crystalizing methylamphetamine from liquid form - 57g pure – principal offender – mid level drug dealer – in business of importing, extracting and selling drugs Drug user since 17y
11.	Ajelara (38) [2015] WASCA 56	Attempt possess mkt qty: s.307.6	108.5g methamphetamine	PG	5y NPP 2y 6m	AD	Drug offence in England	Package containing drugs concealed in metal cog delivered to offender – role was to collect and deliver drug – low in hierarchy Nigerian born – concerned about wife and children
12.	Cappis (34) [2015] NSWCCA 138	Attempt possess mkt qty: s.307.6	679.7g methamphetamine	PG (15%)	6y 9m NPP 4y	AD	Nil	Canadian national – arranged for drugs to be mailed from Canada in bottles – arranged for friends to collect from prior residence – passed on drugs to another person – more than courier – level of some significance Drug addiction
13.	Hui (early 30s) [2015] VSCA 314	Traffic comm qty: s.302.2 Import mkt qty: s.307.2	1.62kg methamphetamine Above 250g methamphetamine	PG	6y 5y <u>Total:</u> 7y 6m NPP 6y	AA 6y 5y <u>Total:</u> 7y 6m NPP 5y 6m	Admitted prior for possession of small amount of cocaine in Hong Kong	Arranged importation of drugs by express mail package from Hong Kong – gross weight of package 7.625kg – co-offender took possession of package and delivered to offender – drugs in crystalline form – offender processed drugs and arrested in possession of 1.62kg pure methamphetamine – significant role in offending – higher than co-offender Reasonably good prospects of rehabilitation

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14.	Dong (22) [2016] VSCA 51	Import mkt qty: s.307.2 Proceeds of crime: s.400.9(1A) Traffic: s.302.4	263.5g methamphet \$161,000 3.8g methamphet	VG	5y 9m 2y <u>Total:</u> 5y 9m NPP 3y 6m	AA 4y 6m 6m 6m <u>Total:</u> 5y NPP 3y	nil	Female – package containing drugs arrived at home of offender and boyfriend – 3.8g of drugs found in unit with items for trafficking and \$25,000 cash – involved with boyfriend in drug trafficking – package contained supplies from China – involved at least in financial management – financial motive Chinese national – good prospects of rehabilitation – isolation from family – deportation On appeal: fresh evidence as to pregnancy and birth of child – anxiety about returning to China
15.	Bae [2016] NSWCCA 11	Import mkt qty: s.307.2	309g methamphet	VG	9y NPP 6y	AA 8y NPP 5y 4m		Persuaded to participate in importation by S who imported an identical suitcase at same time also containing drugs – lesser participation than S Parity - using time in custody to good advantage.
16.	UE (29) [2016] QCA 58	Import mkt qty: s.307.2	629.7g methamphet	PG	6y NPP 3y 4m	AD	Nil	Travelled to Malaysia to deliver package containing drugs to courier office – returned and helped another person pick up package – more than courier – planning and important role in facilitating importation – financial gain – reckless as to type of drug Extensive co-operation
17.	Climo [2016] WASCA 233	Import mkt qty: s.307.2	143.2g methamphet	VG	7y NPP 4y 7m	AD	Nil	Imported drugs in welding machine in luggage from Thailand – moderately serious example – purely commercial motivation Medical issues – prior good character
18.	Rajabizadeh (38) [2017] WASCA 133	Att possess mkt qty: s.307.9 Att possess mkt qty: s.307.9 Possess controlled drug: s.308.1	27.9g heroin 151.7g methamphet 1.68g methamphet	VG	3y 6y 6m <u>Total:</u> 9y 6m NPP 7y	AA 3y 6y 6m <u>Total:</u> 7y 6m NPP 5y	Nil in Australia	Received parcel from brother in Iraq while in detention centre containing concealed drugs – small amount of methamphetamine found in room – fact that offender received drugs in detention centre aggravating factor Iranian national – no remorse or insight On appeal: erred in application of totality

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19.	Meg [2017] WASCA 161	Import mkt qty: s.307.2 Import mkt qty: s.307.2	335.3g methamphet 27.4g heroin	PG	7y 6m 2y <u>Total:</u> 9y 6m NPP 7y	AA 7y 3y <u>Total:</u> 7y NPP 4y 6m	nil	Courier - digested drugs – unaware two drugs involved - committed for financial gain Middle aged man – assistance On appeal: erred in application of totality
20.	YYS (mid 40s) [2017] WASCA 12	Import mkt qty: s.307.2	346.5g methamphet	VG	8y NPP 5y 3m	AD	Extensive – including drugs	Drugs imported by courier who ingested them – offender accompanied courier to and from Thailand and involved in arrangements for payment and sourcing drugs – different but equal role to second co-offender who remained in Australia – purely financial motivation – no concern for welfare of courier Some discount for assistance
21.	Lam (28) [2017] VSCA 206	Att possess mkt qty: s.307.9 Traffic mkt qty: s.302.3 (replaced on appeal by Trafficking: s.302.4)	662.7g methamphet	PG	4y 6y <u>Total:</u> 8y NPP 5y 9m	AA 4y 2y <u>Total:</u> 6y NPP 4y	nil	Drugs imported in package sent from China concealed in marker pens – offender unsuccessfully attempted to retrieve parcel – 4 images of white powder in bag on top of scales found on offender's phone On appeal: conceded error as to marketable quantity of trafficking offence – offence replaced with offence of trafficking controlled drug only Female - prior good character – Chinese national – isolation in custody
22.	Ching (43) [2018] NSWCCA 101	Import mkt qty: s.307.2	623.4g methamphet	VG	8y 9m NPP 4y 10m	AD	nil	Female citizen of Hong King entered Australia drugs in bottle marked Cognac – placed in bag to suggest bought duty free – courier - reckless as to drugs – not aware of amount Physical and mental health issues
23.	Musa (49) [2018] NSWCCA 192	Att possess mkt qty: s.307.6	709.4g methamphet	PG (increased to 25% on appeal)	5y 6m NPP 3y 6m	AA 5y 2m NPP 3y 3m		Methamphetamine imported in candles from USA – controlled delivery to offender – facilitator significantly below principal – sent funds and received drugs Significant drug problem – evidence of rehabilitation On appeal discount for guilty plea increased

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24.	Harvey (39) [2018] WASCA 188	Att possess mkt qty: s.307.6 Traffic: s.302.4 Possess: s.308.1 Proceeds of crime: s.400.4(2) Proceeds of crime: s.400.6(1)	100g reduced on appeal to 28g methamphet 7.71g methamphet 0.3g / 0.2g methamphet / ecstasy \$110,000 \$10,000	VG PG PG PG VG	7y 18m Fine 3y 18m <u>Total:</u> 8y 6m NPP 6y	AA 4y 18m Fine 3y 18m <u>Total:</u> 5y 6m NPP 3y 8m	traffic offences	Arranged to take delivery of drugs brought into country by male – found in possession of \$10,000 to pay for drugs – male found in possession of box of rice – on appeal found TJ erred in finding offender intended to purchase at least 100g – reduced to 28g – intended to sell drugs to support habit Trafficked total of 7.71g methamphetamines on nine occasions over three months – found in possession of smaller amounts of drug – involved in laundering \$110,000 Generally good character
25.	Dunning (21) [2018] TASCCA 21	3 x Att import mkt qty: s.307.2 Traffic: (Tas)	398g amphetamine 9g ecstasy 2.7g cocaine	PG (20%)	<u>Aggregate</u> 6y NPP 3y 6m 18m (concurrent)	AD	include minor drug matters	Sold small amounts of ecstasy and amphetamines over several months – low level commercial trafficking operation – ordered drugs from overseas hoping to increase business – controlled operation – rudimentary attempt to conceal drugs but package addressed to offender Grew up exposed to father's significant and long term drug use – developed early drug use

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26.	Law (28) [2019] WASCA 81	Agreed to import mkt qty: s.307.2 Offer to sell (WA) Sell (WA) Possess money reas suspected to be unlawfully obtained (WA)	383.28g methamphet about 1kg 'methy lamphet' 3.02kg 'methy lamphet' \$154,950	PG PG (20%)	9y NPP 6y 4y 4y 6m 3y <u>Total:</u> 10y 6m NPP 8y 6m	AD 6y 6m NPP 4y 5y 5y 6m 3y <u>Total:</u> 10y 6m NPP 8y 6m	Record in Hong Kong for drug trafficking	Drugs imported into Australia concealed in cardboard boxes – intercepted by Australian Border Force – mid-level participant in Hong Kong drug syndicate – significant premeditation and planning over one month - involved in drug rip off – rock sugar crushed and packaged to look like methylamphetamine – co-offender sold 'drug' to buyer for \$71,500 cash – 2 months later offender sold 'drugs' to second buyer for \$154,950 cash – did not intend to supply drugs but had capacity to do so – all offences committed for financial gain Born in Hong Kong On appeal: erred in finding offender's role more serious than co-offender for Cth offence – sentences for State offences increased
27.	Weber (59) [2020] NSWCCA 103	Import mkt qty: s.307.2	60.5g methy lamphet	PG (30% combined in appeal)	7y 11m NPP 5y 6m	AA 7y 5m NPP 5y 2m	drug offences in Germany	Arrived on flight from Hong Kong with drugs concealed in laptop – some preparation and planning – acted for financial reward On appeal: Crown conceded Xiao error in discount
28.	Teah [2020] VSCA 137	Att poss mkt qty: s.307.6	544.6kg methamphet	PG	6y 6m NPP 3y 10m (pre-discount for guilty plea: 8y 8m NPP 5y 6m)	AD	Not extensive and no drug offense	Involved in importation of drugs from Hong Kong concealed in purses – lesser role than co-offender Born in Liberia - disadvantaged childhood On appeal: no disparity (co-offender also sentenced for separate offence involving commercial quantity methamphetamines)
29.	Chuah (30-31) [2022] VSCA 51	Att poss mkt qty: s.307.6 Improper possess of passport	401g methamphet	PG	7y 2y <u>Total:</u> 8y NPP 4y 6m	AA 6y 2y <u>Total:</u> 6y 9m NPP 3y 9m (pre-discount for guilty plea: 8y 9m NPP 5y 9m)	Nil	Drugs found in package mailed from Malaysia to offender's residential address – not charged for three earlier packages containing 521.5g, 516.5g and 516g drugs but taken into account – receiving drugs for friend – obtained new passport in false name after failing to comply with student visa Born in Malaysia – some isolation in custody – very good prospects of rehabilitation On appeal: unfairly sentenced on basis aware of quantity and purity of drugs and committed passport offence for purpose of entering Australia to commit drug offence

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