

Import Amphetamines / Methylamphetamines

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	Result	Appeal	Record	Facts
Taylor (19) (2007) 172 A Crim R 430 WASCA	Import	136.3g	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
Bertilone (44) (2009) 197 A Crim R 78 WASCA	Import	21.3567g	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
Iyoho (40) [2011] WASCA 46	Import	533.3g	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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Case (age if known)	Offence	Amount (pure)	Plea	Result	Appeal	Record	Facts
Lau (54) [2011] VSCA 324	Import	709.8g	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
Ng (34) [2012] WASCA 180	2 x Att possess	227.1g 383.8g	VG	3y 6m Cumulative to existing sentence of 7y 6m	Crown AA 11y <u>Total:</u> (after accumulation to existing sentence) 14y NPP 8y 6m	Breached bail for similar offences	Drugs imported in hand cream and figurine from Hong Kong – controlled delivery – systematic course of taking possession of imported drugs – low to mid-level dealer – monetary reward Existing sentence imposed for identical offences committed 12 months earlier – 119g and 114g methylamphetamines concealed in dried food No insight into criminality
Alavy [2014] VSCA 25	Import	397.8g	PG	7y NPP 5y		nil	Drugs concealed in package sent from Iran – took delivery of parcel, spoke to persons in Iran about delivery and sent money to Iran
So (29) [2014] WASCA 169	Att possess	383.5g	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
Mousavi (38) [2014] WASCA 174	Import	92.9g	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
Nell (36) [2014] WASCA 193	Import Possess meth with intent to sell Traffick	169g 242.367g	PG (5%)	8y NPP 6y <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

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Chime (36) [2014] NSWCCA 304	Aid and abet import methamphet	158.6g	VG	3y	AD	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 heroin	42.3g		2y			
	Aid and abet import cocaine	64.7g		2y			
	Aid and abet import heroin	174g		3y			
	Aid and abet import morphine derivative	106g		3y	2y		
	Aid and abet import cocaine	116.7g		3y			
	Aid and abet import heroin	At least 2g		3y			
	Aid and abet import heroin	332.1g		4y			
	Aid and abet import cocaine	159g		3y			
	Proceeds of crime			6y			
				<u>Total:</u> 12y NPP 7y	<u>Total:</u> 12y NPP 7y		
Ajelara (38) [2015] WASCA 56	Attempt possess	108.5g	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

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Cappis (34) [2015] NSWCCA 138	Attempt possess	679.7g	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
Dong (22) [2016] VSCA 51	Import Proceeds of crime - s.400.9(1A) (Cth) Code Trafficking - s.302.4 Cth Code	263.5g 3.8g	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
Bae [2016] NSWCCA 11	Import	309g	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.
UE (29) [2016] QCA 58	Import	629.7g	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
Climo [2016] WASCA 233	Import	143.2g	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

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YYS (mid 40s) [2017] WASCA 12	Import	346.5g	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
Rajabizadeh (38) [2017] WASCA 133	Att possess Att possess heroin Possess controlled drug meth	151.7g 27.9g 2.2g	VG	6y 3y 6m <u>Total:</u> 9y 6m NPP 7y	AA 6y 3y 6m <u>Total:</u> 7y 6m NPP 5y	nil	While in detention centre received parcel from Iraq containing concealed heroin and amphetamines – methamphetamine found concealed in room with drug equipment Iranian national
Ching (43) [2018] NSWCCA 101	Import	623.4g	VG	8y 9m NPP 4y 10m	AD	nil	Female citizen of Hong Kong 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
Musa (49) [2018] NSWCCA 192	Att possess	709.4g	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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Harvey (39) [2018] WASCA 188	Att possess Traffick meth: s.302.4(1) Cth Code Possess meth and ecstasy: s.308.1 Cth Code s.400.4(2) Cth Code s.400.6(1) Cth Code	100g reduced on appeal to 28g 7.71g 0.3g / 0.2g \$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
Dunning (21) [2018] TASCCA 21	3 x Att import Traffick	398g Amphet 9g Ecstasy 2.7g Cocaine	PG (20%)	<u>Aaa</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
Weber (59) [2020] NSWCCA 103	Import	60.5g	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
Teah [2020] VSCA 137	Att possess	544.6kg	PG	6y 6m NPP 3y 10m	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)

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