

**Import Cocaine**  
**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: 2kg

Maximum Penalty: 25 years

Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
<b>Onuorah</b> (2009) 197 A Crim R 430 <a href="#">[2009] NSWCCA 238</a>	Att possess	107.2g	VG	9y NPP 6y	AD	Nil	Leased post office box in false name – jewellery box sent from Venezuela with cocaine secreted inside – drugs removed in Venezuela and controlled delivery undertaken – offender eventually took delivery of box
<b>NN</b> (31)	Possess	1.753kg	PG (40% plea and assist)	8y 4m NPP 5y 3m	AA 6y 6m NPP 4y	Minor	Cocaine imported in brake drum – N to take delivery of imported package – low in hierarchy – P involved in facilitating delivery of package Married with children – Armenian – reasonable prospects of rehabilitation
<b>AP</b> (28) <a href="#">[2009] NSWCCA 108</a>	Aid and abet importation		PG (40% plea and assist)	7y 9m NPP 4y 10m	6y NPP 3y 8m	Minor	

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<b>Oprea</b> (45) <a href="#">[2009] QCA 184</a>  Co-offender: HARRIS	Attempt possess	1.4897kg	VG	10y NPP 6y 6m	AD	Old and less serious drug offences	Drugs sent from Costa Rica in chocolate package – controlled delivery – picked up package sent to co-offender and delivered it to another person - courier Romanian refugee
<b>Harris</b> <a href="#">[2009] QCA 370</a>  Co-offender: OPREA	Attempt possess	1.4897kg	PG (12.5%)	7y NPP 4y	AD		Female - drugs sent from Costa Rica in chocolate package – agreed to receive package to pay off drug debt – controlled delivery - no involvement in planning Long term drug addiction – absconded at time of trial
<b>Jimson</b> <a href="#">[2009] QCA 183</a>	Import	1.6868kg	PG	8y NPP 4y 6m	AD		Female - Cocaine found concealed in suitcase – paid to collect suitcase and deliver it to another person Malaysian national with husband and son in Malaysia – remorse and assistance
<b>Di Tommaso</b> (26) <a href="#">[2010] VSCA 178</a>	Import	34.5g	PG	2y 6m NPP 1y 6m	AD	Nil	Italian national - Imported cocaine in pellets from Thailand Immature and impulsive
<b>De La Rosa</b> (2010) 205 A Crim R 1 <a href="#">[2010] NSWCCA 194</a>	Import	1870g	PG (25%)	8y NPP 5y	AD	Significant	Role of courier – delivered drugs. [CCA reviews number of sentence cases].
<b>Brink</b> <a href="#">[2010] NSWCCA 217</a>	Import	210.5g cocaine  281.9g heroin.	PG	8y 6m NPP 5y	AD		Brought in drugs concealed in picture frames from South Africa – suspicious that frames contained drugs Amputated leg
<b>Nikolovska</b> (48) <a href="#">[2010] NSWCCA 169</a>  Co-Offender: NAKHLA	Import	1.431kg	PG (20%)	6y NPP 3y 9m	Crown AA 7y 6m NPP 4y 9m	minor	Female - Cocaine imported in oil filters – employee of Qantas Distribution Centre – assisted in arranging flights overseas for co-offender, monitoring arrival of packages and passing on information – ‘strategically placed facilitator intended to be receiver and deliverer of importation to co-offender’ – breach of trust Loss of career

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<b>Okeke</b> (44) <a href="#">[2010] NSWCCA 266</a>	Att possess cocaine  Att possess cocaine and heroin  Att possess cocaine  Possess heroin  Recklessly deal with proceeds of crime	80.4g  545.4g cocaine 71g heroin  371.9  473g	PG	18m  3y  3y  6y 6m 14m  <u>Total</u> 10y 6m NPP 8y	AA 2y  7y  4y 6m  6y 6m 18m  <u>Total</u> 10y 6m NPP 6y 10m		Arranged to receive drugs secreted in 6 packages sent from overseas over 7 months – found in possession of heroin after collecting package from interstate – also found in possession of \$61,150 – above mid-range
<b>Nakhla</b> <a href="#">[2011] NSWCCA 143</a>  Co-offender: NIKOLOVSKA	Import	1.431kg	PG (20%)	9y 6m NPP 5y 9m	AD		Travelled overseas to make arrangements for the dispatch of drugs – cocaine imported in oil filters - given \$10k cash to pay co-offender – although other persons were higher in organisation offender was “trusted lieutenant” and extremely active participant. Assistance
<b>Chong</b> (25) <a href="#">[2011] NSWCCA 182</a>	Import	151.1g	PG	6y NPP 3y 6m	AA 5y 3m NPP 2y 9m	US drug and dishonesty offences	Female - flew in from USA with drugs concealed in underwear US citizen – heavy drug addiction
<b>Okandeji</b> (28) <a href="#">[2012] NSWCCA 30</a>	Att possess	774.3g	VG	12y NPP 8y	AD	Nil	Took delivery of drugs imported in wall painting from Brazil - principal
<b>Lindsay</b> (44) <a href="#">[2012] NSWCCA 124</a>	Import	352.1g	PG (25%)	8y 6m NPP 5y 6m	AD	Lengthy. drugs, stealing, dishonesty	Full facts not provided. Not a mere courier - involvement included booking his travel and his hotel accommodation

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<b>Maya</b> (27)  <b>Kennedy</b> (50)  <a href="#">[2012] QCA 123</a>	Att possess	1.865kg	VG	11y NPP 7y	AD	Nil – both	M (female) and K (male) – elaborate arrangements made to take delivery of drugs secreted in hydraulic rams imported from Colombia without detection – different but equal involvement – found commercial motive but no evidence as to benefit
<b>Beqiri</b> (40) (2013) 37 VR 219 <a href="#">[2013] VSCA 39</a>  Co-offenders: HISENI MEHMETI	Possess	Just under 1.7kg	PG (15%)	6y NPP 3y 9m	AA 5y 6m NPP 3y 4m	nil	Drugs brought in from Fiji impregnated in towels and clothing in suitcase of female acquaintance – collected drugs – made arrangements to extract drugs – significant involvement – expected financial reward Culpability reduced by psychological condition On appeal - conviction for offence of manufacture quashed reopening sentence
<b>Adegoke</b> <a href="#">[2013] NSWCCA 193</a>	Att possess  Proceeds of crime  False instrument	86.2g	PG (20%)	7y  5y  12m  <u>Total:</u> 10y NPP 6y	AD 7y  5y  3m  <u>Total:</u> 10y NPP 6y	Dishonesty offences from NSW and USA	Found in possession of postal slip for package containing drugs concealed in thermos sent from Brazil – intended to collect drugs to sell Traumatic background
<b>Hay</b> <a href="#">[2013] NSWCCA 22</a>	Conspiracy to import  Possess	250.7g	VG	7y NPP 4y  7y NPP 4y (concurrent)	AD		Driver for airline catering company became involved in conspiracy to import – co-offender retrieved cocaine hidden in rubbish receptacle in toilet by passenger
<b>Omorogbe</b> (56) <a href="#">[2013] NSWCCA 201</a>	Att possess	106.4g	PG (25%)	5y NPP 3y	AD	Nil	Attempted to collect package of drugs from post box – drugs sent from China – collecting on behalf of another – low end of scale – not isolated offending Nigerian – family still in Nigeria
<b>AB</b> <a href="#">[2013] NSWCCA 333</a>	Import	400g	PG (50% plea and assist)	5y NPP 2y 6m	AD	Nil	Female - travelled from Malaysia having swallowed 66 pellets containing drugs – pregnant at the time. Assistance.

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<b>Sutton</b> (52) <a href="#">[2013] QCA 151</a>	Import	127.2g	PG	5y NPP 2y 6m	AD	Record includes supply prohibited drug	Arrived at airport from Philippines – admitted drugs secreted in anus – intended to share drugs with friends – less serious than courier
<b>Hiseni</b> <a href="#">[2013] VSCA 301</a>  Co-offenders: BEQIRI MEHMETI	Possess	1692.92g	PG	5y 6m NPP 3y 4m	AD		Drugs imported into Australia impregnated in clothes and towels in suitcase – offender travelled from USA to extract drugs - similar culpability to M Isolated from family
<b>Mehmeti</b> <a href="#">[2014] VSCA 131</a>  Co-offenders: HISENI BEQIRI	Possess	1692.92g	PG	5y 6m NPP 3y 4m	AD	GIC offences	Drugs imported into Australia impregnated in clothes and towels in suitcase – involved in plans to extract drugs – similar culpability to H Delay in prosecution – refugee with history of deprivation and persecution
<b>Harrington</b> (62) <a href="#">[2014] ACTSC 321</a> Burns J  <a href="#">[2016] ACTCA 10</a>	Att possess  Traffick cocaine	258.5g  24.91g	PG (10%)	4y 6m  10m  <u>Total</u> 4y 6m NPP 2y 3m	Crown AA 7y  1y 6m  <u>Total</u> : 8y NPP 4y 6m	Not significant	Parcel containing cocaine secreted in car wax intercepted by police – took delivery of parcel and arrested in process of removing wax – intended to sell some of the drugs for profit – further cocaine and drug paraphernalia found in residence Prior good character – suffering from cancer
<b>Ojelumhen</b> (36) <a href="#">[2014] ACTCA 28</a>  Co-offender: MANYATHELA	Att possess	196.3g	PG (25% plea and assist)	6y NPP 4y	AA 5y NPP 2y 6m	nil	Drugs concealed in DVD player imported from Thailand – accompanied co-offender to collect package – found in premises with opened package – role was to collect package and pass them on Prior good character

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<b>Chime</b> (36) <a href="#">[2014] NSWCCA 304</a>	Aid and abet import	64.7g	VG	2y	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	116.7g		3y			
	Aid and abet import	159g		3y			
	Aid and abet import heroin	42.3g		2y			
	Aid and abet import heroin	174g		3y			
	Aid and abet import morphine derivative	106g		3y			
	Aid and abet import heroin	At least 2g		3y	2y		
	Aid and abet import methamphet	158.6g		3y			
	Aid and abet import heroin	332.1g		4y			
	Proceeds of crime			6y			
				<u>Total:</u> 12y NPP 7y	<u>Total:</u> 12y NPP 7y		
<b>Siddiqi</b> (19) <a href="#">[2015] NSWCCA 169</a>	Import	1.48kg	VG	7y 6m NPP 3y 9m	AD	AR, enter enclosed lands - not relevant as bonds had been granted	With 2 co-offenders, actively involved in recruitment of innocent agents to receive drugs sent from overseas. Suffering major depressive order.

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<b>Manyathela</b> (26) <a href="#">[2015] ACTCA 13</a>  Co-offender: OJIELUMHEN	Att possess	196.3g	PG (10%)	7y 2m NPP 4y 8m	AA 2y 6m Recog (see facts)	nil	Drugs concealed in DVD player imported from Thailand – accompanied co-offender to collect package equal culpability Prior good character – some assistance On appeal – would have imposed new sentence of 6y NPP 3y – but NPP would have expired year earlier
<b>Zandi</b> (34) <a href="#">[2015] VSCA 24</a>	Att possess	2 kg	PG	7y NPP 4y	AD		Controlled operation – met on several occasions to make arrangements for purchase of imported drug with undercover police officer – discussions suggested supply of up to ten kilos – paid \$65,000 and received 2 kilograms of substituted drug – seeking to finance own drug addiction
<b>Atanackovic</b> <a href="#">[2015] VSCA 136</a>	Possess  Trafficking cocaine [s.302.4(1) Cth Code]	1,194.3g	PG	3y 6m  1y 6m  <u>Total:</u> 4y NPP 2y 6m	AD	Nil relevant	Drugs imported from USA brought to offender's apartment by co-offender and found by police in search – trusted minder of drugs aware they would be trafficked – observed by police preparing and supplying drugs and 12.4g (pure) and 68.5g (pure) cocaine found in apartment and storage unit by later police search – motivated by financial gain Became addicted to cocaine after cancer and inability to have children – genuine remorse - good prospects of rehabilitation – suffering depression (consideration of a State guideline judgment in relation to Community Corrections Order to federal offences – concluded does not apply to federal offences)
<b>Alpha</b> (33) <a href="#">[2015] NSWCCA 225</a>	Import  Sched: 2 offences	684g	PG (50% plea and assist on appeal)	7y 2m NPP 4y 3m	AA 6y NPP 3y 8m	Supply drugs	Communicated with father and other co-offenders regarding import - utilised coded terminology in conversations via telephone services subscribed with false identification – drugs intercepted by police - high level seriousness. Drug abuse
<b>Harris</b> (24) <a href="#">[2016] VSCA 30</a>	Import	120g	PG	5y NPP 3y	AA 3y 1d NPP 2y	Nil	Imported drugs in underpants and rectum – pressured by drug debt Early guilty plea
<b>Neto</b> (25) <a href="#">[2016] QCA 217</a>	Import	712.3g	PG	7y 6m NPP 4y 3m	AD	nil	Brazilian national – carried cocaine in suitcase from Dubai – sought to raise money to support family in Brazil – must have at least suspected carrying drugs Remorse – efforts at self-improvement in custody – pregnant partner in Brazil

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<b>Johnstone</b> (26)	Import	29.7g	VG	3y 6m ICO		Minor	J met man in Thailand and arranged for 50g of drug to be mailed to Australia – offenders impressed with price and quality and arranged second mailing to M's grandmother – controlled delivery – personal use although intended to sell for cost – would have imported more – low range seriousness – J more culpable J – good rehabilitation from long term substance abuse M – some rehabilitation
<b>McCauley</b> (24) <a href="#">[2017] ACTSC 84</a> Penfold J	Import	29.7g	VG	3y 4m ICO		Minor	
<b>Cunha</b> (26) <a href="#">[2017] QCA 6</a>	Import	1.338kg	PG	8y NPP 5y	AD	Nil	
<b>Stemler</b> <a href="#">[2017] NSWCCA 320</a>	Att possess  Supply  Sched: Possess cannabis and cocaine	1413.9g	PG (29.5%)	7y 9m NPP 5y 3m  12m  <u>Total:</u> 7y 11m NPP 5y 5m	AA 7y 9m NPP 5y  12m  <u>Total:</u> 7y 11m NPP 5y 2m	Breached bond for assault	Drugs imported in ink cartridges - arranged for delivery of package containing drugs – financial rewards – controlled delivery Remorse – prospects of rehabilitation
<b>Sintat</b> (29) <a href="#">[2018] NSWCCA 165</a>  Co-offender: DUFLAUT	Import	63.5g	PG (25% on appeal)	3y Released after 2y for 2y recog	AD	nil	Female – agreed to carry drugs in vagina for co-offender – flew from France – courier – well below mid-range Despite errors no lesser sentence warranted
<b>Duflaut</b> (35) <a href="#">[2019] NSWCCA 21</a>  Co-offender: SINTAT	Import	63.5g	PG (25% on appeal)	5y 6m NPP 3y 8m	AA 5y 3m NPP 3y 6m	nil	French national – arranged for co-offender to courier drugs secreted in vagina on behalf of acquaintance – made extensive arrangements – travelled with co-offender by plane

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<b>Gwardys</b> (36) <a href="#">[2019] NSWCCA 62</a>	Import	391.7g	PG (25% on appeal)	6y NPP 4y	AD	nil	Flew to Australia from Canada with drugs concealed in abdomen – integral role – low in hierarchy – agreed to carry drugs – approached after booking holiday – financial gain Drug user – genuine remorse – prior good character
<b>Cuthbertson</b> <a href="#">[2019] VSCA 104</a>	Import  Possess imitation firearm  Possess unreg firearm	837.9g	PG	8y 3m  12m  9m  <u>Total:</u> 8y 3m NPP 5y 9m	AD	older record	Drugs imported concealed in shock absorbers from Thailand – opened parcel locker using false name and identification – arranged for and collected consignment using false name – acted on behalf of acquaintance in Thailand to pay off considerable gambling debt – some level of duress created by offender's association with acquaintance known to be violent criminal Difficult childhood – coerced by father to commit murder at 16y – protective custody – mental health issues - remorse
<b>Duque</b> (31) <a href="#">[2019] VSCA 212</a>	Att possess	403g	PG	6y NPP 4y	AD	nil	With co-offender arrested in possession of package containing drugs sent from Chile – used old residential address of co-offender – controlled delivery – Australian organiser and more culpable than co-offender – extensive planning over several weeks Colombian national – genuine remorse – good prospects of rehabilitation - deportation
<b>ZZ</b> (middle age) <a href="#">[2019] NSWCCA 286</a>	Import	824.4g	PG (35% combined on appeal)	5y NPP 3y 2m	AA 4y 4m NPP 2y 9m	nil	Middle aged German female flew in with partner from Germany carrying drugs in suitcase – recruited in Germany – reckless as to presence of drugs – below mid-range but not at bottom Remorse – good prospects of rehabilitation – no English On appeal – took into account greater appreciation of value of assistance
<b>Oliveira</b> (36) <a href="#">[2020] WASCA 32</a>	Import	1.331kg	PG (25%)	8y NPP 5y 4m	AA 8y NPP 5y	nil	Arrived from Dubai with cocaine in shampoo bottles in luggage – attempted to escape from airport – agreed to bring in drugs in return for holiday to Australia – not aware of quantity or purity of drugs Brazilian national who had moved to US – isolation while in custody – limited assistance – remorse - some steps to rehabilitation – good character On appeal: SJ erred in referring to hierarchy of drugs

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<b>Buttigieg</b> <a href="#">[2020] SASCFC 38</a>	Import	134.5g	PG (20%)	2y 11m 3w Realised to recog for 2y 6m	Crown AD	Nil relevant	Flew to USA and arranged for consignment containing drugs to be sent to Australia – on return attempted to collect delivery – resisted arrest Drug user seeking to repay drug debt – delay – remorse – significant rehabilitation On appeal: sentence inadequate and discount for plea too great – dismissed in view of nature of rehabilitation
<b>Walsh</b> (23-24) <a href="#">[2020] NSWCCA 182</a>	Consp to import	1,154.3gm	PG	9y NPP 5y	AA 9y NPP 4y 9m	Nil	Cocaine imported concealed in goods sent on consignment through Australia Post over 18 months – integral role and link between overseas participants and Australian participants – 19 consignments intercepted – further 30 consignments not intercepted Acted under duress after threats made to family – gambling and drug debts – prior good character – remorse – excellent prospects of rehabilitation On appeal: Xiao error made on guilty plea discount
<b>Melville</b> (44) <a href="#">[2020] NSWCCA 210</a>	Import	274.9g pure	PG (25%)	5y NPP 3y	AD	Nil	Swallowed drugs contained in pellets – detected at airport - committed offence to pay a debt.

Last updated: Aug 2020