

**Import MDMA / Ecstasy**  
**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:** 0.5gm

**Commercial Quantity:** 500gm

**Maximum Penalty:** 25 years

Criminal Code Regulations 2019 Schedule 2 Border Controlled Drugs: 3,4-methylenedioxymethamphetamine (MDMA)

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Record	Facts
1.	<b>Matthews</b> (32) <a href="#">[2014] VSCA 291</a>	Import mkt qty: s.307.2  Trafficking: s.302.4	135.4g MDMA  6.4g amphetamine  3.9g cocaine  20g MDMA  5.2g cocaine  1.1g methamphet  1.5g amphet	PG	4y    15m  <u>Total:</u> 4y 3m NPP 2y 6m  (pre discount for guilty plea: 5y 8m NPP 3y 9m)	AD	Nil	Imported 21 packages of drugs from European countries – purchased via Silk Road internet site – on-sold much of the drugs imported – drug addiction and depression but excellent work history – married with children – remorse (five judge bench to consider consequences of crown providing sentencing range)

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	Plea	Sentence	Appeal	Record	Facts
2.	<b>Yavuz</b> (23-24) <a href="#">[2015] ACTSC 329</a> Burns J	Import mkt qty: s.307.2  7 x Import mkt qty: s.307.2  6 x Import mkt qty: s.307.2  3 x Import mkt qty: s.307.2  2 x Import mkt qty: s.307.2  Import mkt qty: s.307.2  Import mkt qty: s.307.2  2 x Import: s.307.3  Sched: 5 x dishonesty offences	37.9g MDMA  37.4g – 38.3g MDMA  22.1g – 15.1g MDMA  3.7g – 8.4g MDMA  64.4g / 64g cocaine  18.8g cocaine  3.47g amphetamine  unspecified MDMA	PG (5%)	2y 10m  2y 4m  1y 10m  1y 4m  1y 10m  1y 10m  11m  <u>Total:</u> 5y 11m NPP 3y 6m		robbery	Used false licences to lease post boxes and ordered drugs over internet – sole trader acting alone – predominant motive was monetary gain Good prospects of rehabilitation
3.	<b>Faber</b> (22) <a href="#">[2020] SASCFC 49</a>	Import mkt qty: s.307.2  Possess: s.308.1	390.8g MDMA  44.8g ketamine	VG  PG (10%)	3y 9m NPP 16m  6m  <u>Total:</u> 4y 2m 3d NPP 16m	Crown AD	Nil drugs – driving offence only	Parcel containing ecstasy posted from France – controlled delivery to offender – found in possession of ketamine in house – a principal role in importation – intended to sell some in minor drug dealing Drug user – some difficulties in childhood – some assistance in trial – good rehabilitation On appeal: NPP inadequate but appeal refused in view of delay and rehabilitation

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4.	<b>Woods</b> (20) <a href="#">[2020] NSWCCA 219</a>	Import mkt qty: s.307.2	24.78g MDMA	PG (25%)	3y	AA 3y	Nil	Imported drugs by mail ordering over dark web – first offence involved multiple importations over two years – well below mid-range – second offence little less than mid-range - used post boxes opened with own address – state offences involved supply of MDMA to undercover officer and possession of other drugs – well below mid-range Youth – general good character – remorse – good prospects of rehabilitation – unlikely to re-offend On appeal: failure to give effect to special circumstances – improved subjective circumstances on re-sentence
			14.05g cocaine					
		Import mkt qty: s.307.2	257.25g MDMA		5y 3m	5y		
					<u>Total:</u> 6y NPP 4y	<u>Aggregate:</u> 6y NPP 4y		
		Ongoing supply (NSW)	45.44g MDMA		<u>Indicative:</u> 3y 6m	<u>Indicative</u> 3y 6m		
		Supply (NSW)	34.67g cocaine		2y 6m	2y 6m		
		Supply (NSW)	25.3g psilocin		2y 8m	2y 8m		
		Sched: s.25A			<u>Aggregate:</u> 4y 6m NPP 2y 6m	<u>Aggregate:</u> 4y 6m NPP 2y 6m		
					<u>Total:</u> 7y 6m NPP 5y 6m	<u>Total:</u> 6y 3m NPP 4y 3m		
5.	<b>Sagnelli</b> (18) <a href="#">[2020] ACTSC 348</a> Mossop J	Import mkt qty: s.307.2	36.2908g MDMA	PG (15-20%)	20m ICO with 200h community service		Nil	Envelope containing MDMA addressed to offender's home address intercepted – second envelope with LSD intercepted two months later – unsophisticated importation – sole operator – few protective measures – lower end of range – sold drugs to three people over three weeks Financial stress – prospects of rehabilitation – youth – prospects of re-offending low
		Import mkt qty: s.307.2	0.114g LSD		18m ICO			
		Sched: Traffic MDMA			<u>Total:</u> 2y ICO			

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6.	Allami (21) <a href="#">[2021] VSCA 42</a> Niall JA	Import mkt qty: s.307.2  Import mkt qty: s.307.2  Import: s.307.4  3 x commit offence on bail	159g MDMA  10g methamphet  1.4g cocaine	PG	3y  18m  9m  1m  <u>Total:</u> 3y 10m NPP 22m  (pre discount for guilty plea: 5y NPP 3y 6m)	Leave to appeal refused	Assault offences – breached bail and community order	Drugs imported in four consignments addressed to offender and parents address – use of dark web and cryptocurrency Drug user at time
7.	Spinks (20) <a href="#">[2021] NSWCCA 308</a>	Import mkt qty: s.307.2	90.74g MDMA	PG (25%)	3y  Pre-release period 18m	AA 2y 3m  Pre-release period 15m  GBB 12m	Nil	Obtained software to access dark web - in pursuance of agreement with friends to purchas \$5,200 worth of MDMA – knew parcel sourced in UK - parcel sent to address nominated by applicant - intercepted by police. Youth - immaturity - addiction to drug - excellent chances of rehabilitation. CCA: error in not giving effect to youth with no prior convictions.
8.	Patel (26) <a href="#">[2022] NSWCCA 93</a>	Import mkt qty: s.307.2  Traffic: s.302.4  Sched: 2 offences	75.45g MDMA  9.31g MDMA	PG (25%)	<u>Aggregate:</u> 4y 6m NPP 2y 8m	AA <u>Indicative</u> 3y 6m  15m  <u>Aggregate:</u> 3y 9m NPP 2y		Received overseas consignment / envelope containing drugs – interecepted by police – further consignments from overseas addressed to applicant. Drug addiction – sole organiser - involved in criminal activity was economic decision to access cheaper drugs. Good character – remorse. CCA: Sentencing judge failed to take into account remorse. [Case refers to a number of comparative cases].

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9.	MT (17) <a href="#">[2022] ACTSC 136</a> Norrish AJ	Import mkt qty: s.307.2  Possess proh weapon (ACT)	56 tablets MDMA 17.228g gross  30 tablets MDMA 13.01g gross	PG (15%)	1y 8m Released to recog after 4m  4m (concurrent)  To commence at conclusion of NPP for existing sentence for murder		Nil prior to offences - committed murder and other serious offences day before arrest for these offences	Drugs sent in two parcels addressed to offender – intercepted – involved in prior importations – drugs ordered through dark web – lower end of range of offending - found in possession of knuckledusters Demonstrated behavioural change

Last updated: April 2023