

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

Ecstasy / MDMA: 3,4-methylenedioxymethamphetamine

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Record	Facts
1.	Matthews (32) [2014] VSCA 291	Import mkt qty: s.307.2	135.4g MDMA	PG	4y	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)
			6.4g amphetamine					
		Trafficking: s.302.4	3.9g cocaine		15m			
			20g MDMA		<u>Total:</u> 4y 3m NPP 2y 6m			
			5.2g cocaine		(pre discount for guilty plea: 5y 8m NPP 3y 9m)			
			1.1g methamphet					
			1.5g amphet					

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.	Yavuz (23-24) [2015] ACTSC 329 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.	Faber (22) [2020] SASCFC 49	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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6.	Allami (21) [2021] VSCA 42 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) [2021] NSWCCA 308	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) [2022] NSWCCA 93	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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	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Record	Facts
9.	MT (17) [2022] ACTSC 136 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