## 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:0.5gmCommercial Quantity:500gmMaximum 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 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	15m  Total: 4y 3m NPP 2y 6m  (pre discount for	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)
					guilty plea: 5y 8m NPP 3y 9m)			

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

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4.	Woods (20) [2020] NSWCCA 219	Import mkt qty: s.307.2  Import mkt qty: s.307.2  Ongoing supply (NSW)  Supply (NSW)  Supply (NSW)  Sched: s.25A	24.78g MDMA  14.05g cocaine  257.25g MDMA  45.44g MDMA  34.67g cocaine  25.3g psilocin	PG (25%)	3y  5y 3m  Total: 6y NPP 4y  Indicative: 3y 6m  2y 6m  2y 8m  Aggregate: 4y 6m NPP 2y 6m	AA 3y  5y  Aggregate: 6y NPP 4y  Indicative 3y 6m 2y 6m  2y 8m  Aggregate: 4y 6m NPP 2y 6m	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 midrange 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
					<u>Total</u> : 7y 6m NPP 5y 6m	Total: 6y 3m NPP 4y 3m		
5.	Sagnelli (18) [2020] ACTSC 348 Mossop J	Import mkt qty: s.307.2 Import mkt qty: s.307.2 Sched: Traffic MDMA	36.2908g MDMA 0.114g LSD	PG (15-20%)	20m ICO with 200h community service  18m ICO  Total: 2y ICO		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

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	Allami (21) [2021] VSCA 42 Niall JA	Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import: s.307.4	159g MDMA 10g methamphet 1.4g	PG	3y 18m 9m	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
6.		3 x commit offence on bail	cocaine		1m  Total: 3y 10m NPP 22m  (pre discount for guilty plea: 5y NPP 3y 6m)			
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%)	Aggregate: 4y 6m NPP 2y 8m	AA Indicative 3y 6m  15m  Aggregate: 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) [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