

Import Pseudoephedrine / Ephedrine

s.233BAA(4) (Cth) Customs Act

s.233BAA(4) Intentionally import goods reckless to the fact that they were tier 1 goods

Maximum penalty – 5 years

Customs Regulations (2015) – Sched 7, Part 1 – Tier 1 Goods

Item 4 – Ephedrine (25g)

Item 18 – Pseudoephedrine (25g)

Replaced Customs Regulations (1926) – Sched 1AA, Part 1 – Tier 1 Goods

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Record	Facts
1.	Garcia (26) [2013] NSWCCA 241	Import pseudoephedrine	14.371 kg (pure)	PG (45% plea and assist)	2y 6m Released to recog after 1y 6m	AD	Nil	Agreed to import drug from Vietnam to pay off debt and receive \$20,000 – arranged travel and packed drugs into suitcase – entered Australia with co-offender
2.	Nguyen (41) [2016] NSWCCA 5	Import pseudoephedrine	2.341kg (pure)	VG	2y 6m Released to recog after 1y 6m		Nil	Female – flew in from Vietnam with two bags of palm sugar containing pseudoephedrine SJ erred in failing to sentence on basis of recklessness as to that she was importing Tier 1 goods – no lesser sentence warranted

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
3.	He (31) [2016] NSWCCA 220	Import ephedrine Possess ephedrine (s.10 DMTA)	4.122kg 340.32g	PG	3y Released after 2y FT 15m <u>Total:</u> 3y (no release)	AA 2y 6m Released after 1y 6m FT 2y <u>Total:</u> 3y NPP 2y	Nil	Controlled delivery of consignment of electric rodent repellent devices containing ephedrine to offender – during search warrant further ephedrine found in house – purpose was to sell drug – not principal but higher than courier – involved in receipt of drugs with control of operation until delivery – degree of sophistication in importation Chinese citizen

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