

Supply Gammabutyrolactone (GBL)

All Quantities

s.25 (NSW) Drug Misuse and Trafficking Act

s.25(1) Supply or knowingly take part in supply of prohibited drug

Commercial Quantity: 1kg

Maximum Penalty: 15 years – s.32(1)

s.25(2) Supply or knowingly take part in supply of commercial quantity of prohibited drug

Commercial Quantity: 1kg

Maximum Penalty: 20 years – s.33(2)

Standard Non-Parole Period 10 years (offence committed on or after 1.2.2003)

Large commercial quantity: 4kg

Maximum Penalty: Life – s.33(3)

Standard Non-Parole Period 15 years (offence committed on or after 1.2.2003)

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Bassos [2011] NSWCCA 218	Supply comm quantity GBL Sched: drug offences	2.118kg	PG (25%)	4y NPP 2y 3m	AD	Minor record	SNPP 10 years Found in possession of drug and drug paraphernalia – appreciably below mid-range Long history of drug abuse – HIV – prospects of rehabilitation

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2.	Doumit (48) [2011] NSWCCA 134	s.25A supply cocaine and methamphet Supply ecstasy Supply GBL Sched: 3 offences	5g 72.34g 298.4g	PG (37% plea and assist))	3y 10m NPP 2y FT 12m FT 12m <u>Total:</u> 5y 4m NPP 3y 6m	AA To change degree of accumulation <u>Total:</u> 4y 6m NPP 2y 9m	minor	Supplied less than one gram of cocaine and meth to undercover officer on five occasions – ecstasy and GBL found in possession Drug abuse commenced later in life – prospects of rehabilitation
3.	Kokla (43) [2013] NSWDC 209 Cogswell SC DCJ	Supply commercial qty bromo / nexus Possess MDA Supply GBL Sched: Drug offences	42.54g 9 tablets 42g	PG (25%) PG (5%)	4y NPP 2y FT 18m (concurrent)		Recent drug convictions – breached bail	Found in possession of number of drugs – trading in drugs – towards lower end of commercial supply cases – user / dealer Life spiralling out of control with drug abuse
4.	Cullen (30) [2014] NSWCCA 162	Supply lge comm qty GBL Supply lge comm qty ecstasy Supply meth Supply cocaine Supply ketamine	11.4kg 991.35g 30.52g 9.29g 181.84g	PG (25%)	<u>Indicative:</u> 9y NPP 6y 9y NPP 6y 2y 2y 2y 6m <u>Aggregate:</u> 12y NPP 8y	AD	Nil	SNPP 15 years Large scale drug dealer – end supplier – drugs found in apartment

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5.	Cahill (33) [2015] NSWCCA 53	Supply comm qty GBL Supply comm qty GBL Knowingly take part in supply comm qty GBL 4 x supply GBL 8 x supply Meth Supply Butanediol Sched: 4 offences	1.144kg 1.327kg 1.132kg 4.5g 4.7g 115.9g 6.69g 0.17 – 3.5g 9.56g	PG (25%)	<u>Indicative:</u> 2y 2y 6m 2y 6m (each) 6m (each) 6m <u>Aggregate:</u> 2y ICO	Crown AD (exercise of discretion)	Nil	SNPP 10 years Male involved in supplying drugs to undercover police officers over several months – supplied to fund own drug use – controlled operation – relatively low level seriousness – willing to facilitate supply of larger amounts but no further involvement Drug use masked PTSD resulting from violent rape as young adult – 4m 17d pre-sentence custody – assaulted in custody – 9m residential rehabilitation centre – remarkable rehabilitation On appeal: errors made and sentence inadequate but appeal dismissed in view of progress in rehabilitation and effect return to custody would have
6.	Parente (33) [2017] NSWCCA 284	Supply comm qty GBL Supply MDA Supply 1,4 Butanediol Sched: GIC Supply MDMA Supply Meth	1.3728kg 16.8g 338.8g	PG (25%)	<u>Indicative:</u> 3y 6m 2y 1y 6m <u>Aggregate</u> 4y NPP 2y	AD	nil	SNPP 10 years Search of car and house found variety of drugs – operating as user / dealer to small circle of drug users – at lower end of scale Criminal lawyer – became drug user to deal with depression – excellent character – remorse – rehabilitation – loss of career On appeal: reconsidered <i>Clark</i> and principle of exceptional circumstances for supply offences

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7.	Wilson (53) [2018] NSWDC 162 Berman SC DCJ	Supply comm qty GBL	just over 1kg	VG	5y NPP 2y 6m			SNPP 10 years Found in possession of two wine bottles containing GBL – role of offender in supply unclear – below mid-range – not part of ongoing enterprise Difficult personal background – mental health issues – co-operated in conduct of trial
8.	Petkos (49) [2020] NSWCCA 55	Supply lge comm qty GBL Att supply GBL Sched: Possess proh weapon Possess precursor	5.624kg 584.3g	PG (25%)	6y 4m NPP 4y 1m 4y 6m <u>Aggregate:</u> 8y NPP 5y	AD	nil relevant	SNPP 15 years Imported drug from China in two consignments – purity of both consignments above 98% - principal but not part of organised supply syndicate – slightly below mid-range and upper end of low range of seriousness – anticipated modest financial reward Reasonable prospects of rehabilitation – suffering long-term depression affecting custodial conditions On appeal considered relevance of modest financial reward for GBL compared to other drugs
9.	Kadwell (a pseudonym) (28) [2021] NSWCCA 42	s.25A s.25A Supply comm qty GBL	Heroin: .49g 3.38g 2.74g 6.85g Methampet: 3.3g 39.54g .76g 27.2g 26.9g 21.8g 1679g Agreement to supply 2000g	PG (25%) (5% assistance	<u>Indicative:</u> 2y 6m 3y 3y 6m NPP 1y 9m <u>Aggregate:</u> 4y 3m NPP 2y 3m	AD	Limited. Previous drug supply. Possess drugs. On bail. On CCO.	SNPP 10 years Female - with co-offender engaged in joint criminal enterprise supplying drugs for cash to undercover operative. Substance abuse - money obtained from supplying had gone to “upline supplier” to pay off co-offender’s drug debt and to purchase further drugs for their own use.

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10.	Bayssari (50) [2021] NSWCCA 235	Supply methamphet Supply GBL Sched: 2 x possess Proceeds off	11.59g 74.1g	PG (5%)	<u>Indicative:</u> 2y 6m 1y 11m <u>Aggregate:</u> 2y 9m NPP 1y 7m	AD	Significant record	Drugs and \$2,175 cash found in search of premises – drugs used by offender and shared with others – towards lower end of range Some disadvantage in background – lengthy history of drug abuse – low intelligence On appeal: sentence not outside range
11.	Ibrahim [2022] NSWCCA 134	Agree to supply comm qty GBL Supply meth Supply GBL s.166 5 offences	3.7kg 49g 313.3g	PG (25%)	5y NPP 3y 18m 2y (conviction but no penalty) <u>Aggregate:</u> 6y NPP 3y 7m	AD	record	SNPP 10 years Agreed to supply 3.7kg GBL over multiple and separate occasions – supplied methamphetamine and had in possession for supply additional GBL – middleman – supplying to support drug addiction Anxiety and depression linked to drug use – traumatic childhood in refugee camp and subsequently in Australia – poor health making custodial conditions more difficult On appeal: no error in taking into account difficult childhood
12.	Col [2022] NSWCCA 279	Supply large comm qty GBL Deal proceeds crime Supply meth Supply drug ongoing Obtain property by deception Sched: Supply drug	5,437.4g \$10,000 140.5g 77.5g meth 1.5l GBL	PG	<u>Indicative:</u> 5y 6m 2y 3y 3m 4y 6m 3y 7m <u>Aggregate:</u> 8y 4m NPP 6y 3m	AD	record	SNPP 15 years Drugs located in applicant's home. Offending related to drug abuse - recidivist offender who had done nothing to deal with drug issues until coming to be sentenced in present matter - rehabilitation prospects low.

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13.	Chu (33) [2023] NSWCCA 13	Supply lge comm qty Supply lge comm qty meth Supply ecstasy Supply comm qty GBL s.166 Cert: 8 offences Sched: 6 offences	3,322.50g 7,418.36g 19.16g 2,047g	PG (25%)	<u>Indicative</u> 6y NPP 4y 6y NPP 4y 2y 4y NPP 2y 8m 1m-6m <u>Aggregate:</u> 9y NPP 6y	AA <u>Indicative:</u> 5y 3m NPP 3y 6m 5y 3m NPP 3y 6m 9m 3y NPP 2y s.10A <u>Aggregate:</u> 7y 6m NPP 5y	nil	SNPP 15 years Drugs and related material found in bedroom – storing drugs for suppliers – limited role but large quantities and multiple types of drugs – well below mid-range Good character – good prospects of rehabilitation – link between mental health issues, drug use and offending On appeal: manifestly excessive in view of mental health issues
14.	Nunez (32) [2023] NSWCCA 136	Supply comm qty Supply on ongoing basis 2 x Supply heroin on ongoing basis Sched: 3 drug offences Proceeds of crime offence	1093g 3034.3g 195.97g / 140.02g	PG (25%)	<u>Indicative</u> 2y 9m NPP 1y 8m 3y 9m 3y 9m <u>Aggregate:</u> 7y 9m NPP 4y 8m	AA <u>Indicative</u> 2y 9m NPP 1y 8m 3y 9m 3y 9m <u>Aggregate:</u> 7y 9m NPP 4y	Drive while suspended	SNPP 10 years Over 3 months supplied drugs to undercover operative on nine occasions – offences linked to personal substance abuse Difficult childhood due to father's mental illness On appeal: SJ failed to take into account custodial conditions due to Covid – appeal allowed to reduce aggregate NPP

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15.	Can (58) [2023] NSWCCA 179	Supply comm qty GBL Supply methylamphet Sched: One offence	3.356kg 59.74g	PG	<u>Aggregate:</u> 4y NPP 3y	AD	Lengthy – including drug offences – breached parole for supply comm qty offence	SNPP 10 years Observed on CCTV footage leaving unit of known drug dealer carrying bags – placed bags in back of taxi and driven to home – on arrest at home drugs found in bags in taxi – below mid-range On appeal: conviction appeal dismissed – no real question of guilt – no error in approach to subjective mitigating factors - sentence not manifestly excessive
16.	Burton [2023] NSWCCA 299	Supply lge comm qty methylamphet Supply large comm qty GBL Supply large comm qty butanediol Supply commercial amphet Sched: Proceeds of crime	5.95kg 712.6l 1,675l 61.8g	PG (10%) (25%) (25%) (25%)	<u>Indicative:</u> 3y 7m 3y 3y 1m 12m <u>Aggregate</u> 5y NPP 3y	Crown AA <u>Indicative:</u> 6y NPP 3y 6m 6y NPP 3y 6m 6y 6m NPP 3y 10m 2y 6m <u>Aggregate</u> 8y NPP 4y 8m	Long record - persistent offending - numerous counts of poss prohibited drugs	SNPP 15 years Collected drugs from post office – drugs located during search of garage / warehousing Offences committed to reduce pre-existing drug debts and to continue to fund drug addiction – <i>Bugmy</i> - dysfunctional upbringing and mental condition. CCA: significance of sentences previously imposed for separate supplies of large commercial quantities and for separate Cth offences.

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17.	Pauls [2024] NSWCCA 123	Supply large comm qty GBL Supply large comm qty GBL Supply comm qty Participate in criminal group: s.93T s.166 certificate: 2 driving offences Sched: 3 offences	7.652kg	PG (25%)	<u>Indicative:</u> 4y 6m NPP 3y 2m 6y NPP 4y 3y NPP 2y 3y <u>Aggregate:</u> 7y NPP 4y		Minor - on probation.	SNPP 15 years and 10 years Acted as principal in drug supply, over four month period between November 2020 and February 2021 - two plastic drums on property adjacent to offender's property containing GBL - police substituted inert substance - subsequently observed offender approach and inspect drums - intercepted conversations with associates on separate occasions negotiating supply of 2kg GBL, 5ml GBL and purchase and sale of 40ltr GBL. Difficult upbringing - mental health issues – special circumstances - unlikely to reoffend - good prospects of rehabilitation CCA: SJ failed to make findings regarding remorse, risk of reoffending and prospects of rehabilitation – no lesser sentence warranted.
18.	Donnelly [2024] NSWCCA 151	Supply large comm qty GBL Supply comm qty GBL Supply comm qty MDMA Sched: Supply MDMA	24.721kg 2.7462kg 189.2g 7.11g	PG (20%) (35%) (35%)	<u>Indicative:</u> 6y 4m NPP 3y 10m 2y 7m NPP 18m 1y 11m NPP 15m <u>Aggregate:</u> 8y 6m NPP 5y 3m	AD	Breached bail for drug supply offences	SNPP 15 years and 10 years Stored 24.721kg GBL in storage cage aware owner would later distribute drug – below mid-range seriousness - lesser, although vital role of storeman – user dealer in relation to other drugs Difficult childhood – funding addiction – reasonable prospects of rehabilitation if drug free – remorse and willingness to facilitate justice On appeal: no error in assessment of seriousness of offences

Last updated – Aug 2024

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