Import *Gammabutyrolactone (GBL)*

All Quantities

s.307 (Cth) *Criminal Code*

Commenced 6.12.2005

307.1 Importing and exporting commercial quantities border controlled drug

307.5 Possessing commercial quantities border controlled drug

307.8 Possessing commercial quantities border controlled drug reasonably suspected of having been unlawfully imported

Commercial Quantity: 1kg

Maximum Penalty: Life

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

Maximum Penalty: 25 years

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	**Corbett** (2008) 181 A Crim R 522 [2008] NSWCCA 42	Attempt import comm qty GBL Attempt import comm qty GBL	1.120kg 2.788kg	PG	150h CSO 360h CSO	Crown appeal dismissed in exercise of discretion		Ordered GBL from overseas – drugs mailed to post box - aware drug illegal – kept half for personal use – gave remainder to friends 1120g - value approximately $11,200 - $16,800 2788g - value approximately $27,880 - $41,820 On appeal found error to treat GBL as 'lesser drug'
2.	**Davidson** (24) (2009) 195 A Crim R 406 [2009] NSWCCA 150	3 x import comm qty GBL Attempt import comm qty GBL	30.5kg 19kg	VG	6y (each) 6y Total: 8y NPP 4y 9m	AD	nil	Arranged for drugs to be mailed from China Sentence includes pre-sentence custody On appeal - at [31] GBL is a drug that can, by the use of a substance such as caustic soda, be converted to another drug, 4 - hydroxybutanoic acid, commonly known as GHB

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.	**Colledge** [2010] NSWCCA 302	Import comm qty GBL	2.060kg	PG	$500 fine	Crown AA $3000 fine	Minor record	Authorities intercepted mail parcel containing drugs – ordered and used drug for personal use believing it to be legal – very bottom of scale of seriousness Suffered from cancer as a child – genuine remorse
4.	**Hill** (32) **Bakir** (36) **Gray** (22) **Broad** (2011) 212 A Crim R 359 [2011] QCA 306	Import comm qty GBL Att possess comm qty GBL Import comm qty GBL Att possess comm qty GBL Import comm qty GBL Import comm qty GBL Possess comm qty GBL	4.6kg	VG VG VG PG	6y NPP 3y 3m 4y (concurrent) 6y NPP 3y 7m 4y (concurrent) 5y NPP 2y 6m 5y NPP 2y 2y (concurrent)	Crown AD AD		All involved in importation of GBL with intent to manufacture and supply GBH - Bakir and Hill assaulted and threatened third person to recommence importation of GBL – Gray girlfriend of third person - Broad involved in manufacture – all involved for financial gain - maximum expected return of $180,000-$200,000
5.	**Cth DPP v Maxwell** (2013) 228 A Crim R 218 [2013] VSCA 50	Import comm qty GBL Import comm qty GBL	2 litres 1.155 litres	PG	3y 2y 6m <u>Total</u>: 4y NPP 2y	Crown AD		Ordered and received by post from Singapore drugs on two separate occasions - wholesale value was between $6,600 and $9,000 - street value between $10,440 and $17,400 – acted for financial gain – knew GBL would be used to make GBH On appeal: table of cases attached including District Court and Supreme cases at first instance – found current range appropriate
6.	**Sopronick** [2014] NSWDC 12 Berman SC DCJ	Att possess comm qty GBL	7.3 litres	PG (15%)	5y NPP 2y		Drug possession	Agreed to take delivery of package for close friend suspecting drugs – controlled delivery – no financial reward – not isolated event – taken advantage of - street value only $32,850 - $43,800 Mixed in circles where drug use common

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
7.	**Galea** (44) [2015] VCC 1560 Judge Patrick	2 x Import mkt qty GBL Import mkt qty GBL 2 x Import mkt qty GBL	Each just under 1 litre	PG (25%)	13m (each) 11m 12m (each) <u>Total</u>: 18m Released immed to recog for 18m		Nil	Imported drugs for personal use – all but first importation seized by Customs – shared drug socially but did not sell for financial reward Mental health problems including major depression and anxiety increased difficulty of imprisonment – genuine remorse – good prospects of rehabilitation
8.	**Thorn** (38) [2015] ACTSC 218 Murrell CJ	Import comm qty GBL Sched: Att possess GBL Possess Meth	25.26kg	PG (25%)	2y 1m Released to recog after 12m		Minor	Received drugs from China in three packages – ordered for personal use – used drug daily over 12 years – paid $1–2,000 – worth $15,000 in Australia Difficult childhood and long history of drug abuse – evidence of good rehabilitation in residential centre – sentence backdated to take into account pre-sentence custody and time in residence
9.	**Cua** (27) **Zoch** (29) [2016] VCC 872 Judge Harbison	Import comm qty GBL	3 litres	PG	3y Suspended for 4y 3y Suspended for 4y (pre discount for guilty plea: 4y 6m NPP 2y 6m)		Nil Nil	Married couple in country Victoria ordered drug over internet to assist with sexual problems in marriage resulting from serious motorcycle accident – one litre for $250 was minimum amount that could be ordered – ordered three times because drugs intercepted by Customs – personal and private use only – naïve and open approach to offence Excellent character

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
10.	**Ragauskas** (25) [2016] VCC 1232 Judge Pilgrim	Import mkt qty GBL Import mkt qty cocaine Import mkt qty meth Traffic testosterone Possess GBL Possess Cannabis Possess prohibited weapon	985ml 4.8g 3g At least 50g 10ml	PG	12m Released to recog for 12m 4m Released to recog for 12m 4m Released to recog for 12m 12m comm correction order 12m comm correction order 12m comm correction order 12m comm correction order (pre discount for guilty plea: 24m NPP 18m)		Nil relevant	Ordered GBL over black market website – other drug dealings revealed through text messages and subsequent admissions – small amounts of GBL and cannabis found in bedroom during search – bottom of scale of offending Long term drug use – support of family – some remorse and receiving professional support

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
11.	**DPP v Rettino** (20) [2016] VCC 1412 Judge Dean	Import comm qty GBL Possess mkt qty Meth reason suspected of being imported Possess cocaine reason suspected of being imported Possess amphet reason suspected of being imported Possess 2CP 2CE 2CD reason suspected of being imported Possess proceeds of crime Possess Psilcybin	1.33kg 3.4g 0.5g 0.1g 6.1g $7,840 14g	PG	21m 12m 1m 1m 1m 1m 1m <u>Total</u>: 2y 3m Released to recog after 6m			Used dark net to order drugs – GBL intercepted by Customs – subsequent search of house revealed remaining drugs and money – engaged in commercial activity of selling drugs – lower end of scale of seriousness Early drug use – received professional counselling leading to good rehabilitation

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12.	**Meoli** (30) [2021] NSWCCA 213	3 x Import mkt qty (s.307.2) s.25(1) DMTA s.25(2) DMTA Possess proh weapon s.7(1) PWA Breach of bond Breach of CCO	Not stated	PG (25%)	Cth offences Aggregate 4y 9m NPP 3y State offences Aggregate 5y NPP 2y 6m Overall sentence: 7y NPP 4y 9m	AD	Possess drugs, agg BE whilst armed, stalking and intimidation, driving offences, drive while disqualified. On bond and CCO.	Purchased GBL on internet from China on three occasions; intercepted by border officers – offered to supply to co-offender and another person – flick knife located at home. Towards low but not lowest end of objective seriousness. Drug use - suffering Crohns disease – anxiety, depression – strong support from family and partner.
13.	**White** (49) [2022] ACTSC 178 Mossop J	Import comm qty Fail to comply with search order	1040.6g (pure)	PG (20%) PG (25%)	27m 12m Total: 2y 9m released to recog after 9m 14d (time served as PSC)		limited	Ordered drugs through dark web – controlled delivery to offender's home – during subsequent search refused to provide passwords and assistance to access electronic devices – low level of sophistication – intended to sell for profit – low end of range of seriousness – refusal to provide passwords low-mid-range Female – long history of drug abuse – two dependent children – good prospects of rehabilitation

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
14.	**Bott** [2023] NSWCCA 255	Att possess comm qty Knowingly take part in supply comm qty methamphet Sched: Possess methamphet	755kg 2.9kg 14g	PG (25%)	11y 3m NPP 7y 3y 9m NPP 2y 6m <u>Total</u>: 12y 8m NPP 8y 5m	AA 7y 6m NPP 4y 6m 3y 9m NPP 2y 6m <u>Total</u>: 8y 11m NPP 5y 11m	minor	GBL imported in steel drums – offender not involved in importation – organised lease of shipping container using false identification – purchased items to transfer drugs – controlled delivery – not aware of precise amount – took directions – trusted and significant role – to receive modest reward funding drug addiction – role more important than amount - methamphetamine found in search of house – holding drugs for others Remorse – reasonable prospects of rehabilitation – mental health issues and drug addiction On appeal: consideration of sentences for GBL – sentence here manifestly excessive
15.	**McMurray** (42) [2024] VSCA 276	Import comm qty	21.6743kg	PG	18m Released after 6m to 2y GBB	AD	Possess and use prohibited drugs	Arranged for importation of GBL under label of detergent – admitted involvement – aware illegal but imported for use as cleaning product and to make GHB for personal use – no intent to traffick – lower level of inherently serious offence Largely pro social and law abiding life – delay - prospects of rehabilitation positive

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