Import Amphetamines / Methamphetamines

Trafficable Quantity

s.233B(1) (Cth) *Customs Act*

s 233B(1) **(b) import**

(c) possess prohibited import

(ca) possess reasonably suspected prohibited import

(d) knowingly concerned in import (*repealed 15.12.2001*)

Subsection substituted 28.9.2004

s 233B(1) **(a)(iii) import**

(a)(iv) possess prohibited import

(a)(vi) possess reasonably suspected prohibited import

Trafficable Quantity: 2gm

Commercial Quantity: 750gm (There was no commercial amount for amphetamines / methamphetamines or MDA until 9.12.2004)

Maximum Penalty: 25 years / Life if prior specified drug offence

s.235(2)(d) / s.235(2)(c)(ii)

s.16G (CTH) *Crimes Act* was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	**Bimahendali** (1999) 109 A Crim R 355 [1999] NSWCCA 409	Knowingly concerned importation	80.1g methylamphet	PG	6y NPP 4y	AD		Drugs imported concealed in package of men's clothing – sent from Indonesia by female friend - appellant took delivery of package – a prime mover in offence

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 (pure)	Plea	Sentence	Appeal	Record	Facts
2.	**Roeton** [1999] WASCA 1023	Knowingly concerned import Possess with intent to sell Sched Proceeds of crime offence	208.6g Amphetamine 0.294g LSD	PG (12.5%) VG	14y NPP 7y 3y Total: 17y Eligible for parole	AD		Received packets of amphetamines from courier – found in possession of .294g LSD (147 times trafficable quantity) sent from England – also found in possession of $73,942.36 – significant organisation component of importation
3.	**Bigic** [2000] NSWCCA 9 Co-offender: MARCHANDO (2003)	Knowingly concerned import	1.96kg methorphan 293.8g methylamphet	PG	9y NPP 6y	AD		Drugs imported by two female couriers accompanied by male co-offender for security – flew from America to Australia to take delivery of drugs – mid-level participant, below principal – mid-level drugs
4.	**Harvey** (2000) 113 A Crim R 434 [2000] NSWCCA 253	Attempt possess	51.3g amphetamine	VG	5y NPP 2y 33w	AD	Drug offences	Received drugs mailed in package – to hold drugs for person who organised importation – no part in organisation or planning of offence – lowest level
5.	**DPP v Haunga** (2001) 127 A Crim R 358 [2001] VSCA 73 Co-offender: O'NEILL	Knowingly concerned import	412.9g amphetamine	PG	3y Released to recog for 12m after 2y	Crown AA 3y 9m Released to recog for 2y after 2y 9m		Drugs concealed in parcel sent from overseas – agreed to have parcel addressed to him and pick up parcel for friend Failure to give promised assistance
6.	**Schluenz** (41) [2001] NSWCCA 314	Attempt possess	83.2g methylamphet	VG	7y NPP 4y	AD	nil	Female - Drugs sent to Australia secreted in computer hard drive – delivered to appellant who was to pass it on – 'more than a courier but something less than being the person ultimately responsible for the dissemination of the drug to the community' Mother to 15y son with no other family
7.	**O'Neill** [2001] VSCA 227 Co-offender: HAUNGA	Att possess	412.9g amphetamine	VG	4y 6m NPP 3y 6m			Mailed drugs in package from England – parcel picked up by H and controlled delivery made to appellant – important cog in operation – similar criminality to H

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
8.	**Iskandar** (35) (2001) 126 A Crim R 546 [2001] WASCA 409 Co-offender: MARLAN (2003) SOEWANDI (2002)	Import	982.2g methylamphet	PG (50% plea and assist)	9y 6m NPP 5y	AA 7y NPP 3y 7m		Female Indonesian national – brought drugs secreted in suitcase – had recruited fellow courier – agreed to controlled delivery – to receive financial reward Assistance – subsequent health issues in custody
9.	**W** (42) (2002) 129 A Crim R 400 [2002] NSWCCA 192	Knowingly concerned import	66.332kg methylamphet	PG (50% plea and assist)	7y NPP 5y 3m	AA 7y NPP 4y 7m	nil	Drugs imported in shipping containers – appellant to remove drugs from containers, cutting through metal struts then repairing metalwork to hide cutting – also to deliver drugs to various places – controlled delivery High level of assistance to authorities – citizen of Hong Kong with no English
10.	**Casey** (32) [2002] VSCA 117	Knowingly concerned import Attempt possess	679g (estimate) methylamphet	VG	Total: 8y 6m NPP 6y	AD	Included trafficking cannabis	Drugs mailed from Netherlands and concealed in sports drinks in package – controlled delivery - paid friend to pick up parcel – attempted to extract drugs from liquid in bottle
11.	**Soewandi** [2002] WASCA 315 Co-offender: MARLAN (2003) ISKANDER (2001)	Import	1.2kg (83.8% purity) methylamphet	PG (50% plea and assist)	11y NPP 5y 6m	AA 6y 3m NPP 3y 1m		Brought drugs into Australia strapped to body – agreed to controlled delivery Assistance
12.	**Wright** (32) (2003) 138 A Crim R 390 [2003] WASCA 56	Possess	8.332kg amphetamine	PG	7y NPP 3y 6m	Crown AA 9y NPP 4y 6m	Nil relevant	Paid to guard drugs for five weeks Some assistance
13.	**Marchando** [2003] NSWCCA 71 Co-offender: BIGIC (2000)	Knowingly concerned import	1.96kg methorphan 293.8g methylamphet	PG	10y NPP 7y	AD	nil	US citizen – arranged and travelled with two female couriers who had drugs strapped to body

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
14.	**Marlan** [2003] WASCA 184 Co-offenders: ISKANDER (2001) SOEWANDI (2002)	Attempt posses Possess	1.9245kg methylamphet 79.3g methylamphet	PG	14y NPP 8y 3y (concurrent)	AD		Drugs imported by two couriers – controlled delivery – more seriously involved than couriers
15.	**Tan** (50) [2003] WASCA 324	8 x knowingly concerned import	5.46587kg Methylamphet 47.26g MDMA 14.7g Amphetamine 1.504g heroin	VG	20y NPP 10y	AD		Recruited husband and wife to bring in drugs from Indonesia – drugs taped to body and hidden in luggage - immediate organiser of importation – professional operation Impact of imprisonment on family
16.	**Dujeu** (22) (2004) 146 A Crim R 121 [2004] NSWCCA 237	Import	242.5g methylamphet	PG (20%)	7y NPP 4y 6m	AD	nil	**POST 16G REPEAL** Ingested drugs to bring in from Indonesia – probably a courier
17.	**Zhang** (46) (2005) 158 A Crim R 504 [2005] NSWCCA 437 Co-offender: TU (2011)	Attempt importation Possess prohibited import	163kg crystal methylamphet 6.13kg crystal methylamphet	VG	20y NPP 13y 4m	AD	Nil	**POST 16G REPEAL** Female – attempt to import methylamphetamine (ice) intercepted by Customs – drugs imported through appellant's food business – controlled delivery - possession count related to drugs found at appellant's premises imported on earlier occasion
18.	**Nguyen** (2006) 166 A Crim R 124 [2006] NSWCCA 369	Import	537.2g methylamphet	VG	4y NPP 2y	Crown AA 6y NPP 3y		**POST 16G REPEAL** Female - Returned from Vietnam with towels laced with drugs Mother to three young children
19.	**Situ** [2008] NSWCCA 161	Attempt possess	6.128kg methylamphet	VG	7y NPP 4y	Conviction AD		**POST 16G REPEAL** Drugs mailed in package from China

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
20.	**Tu** [2011] NSWCCA 31 Co-offender: ZHANG (2005)	Attempt possess Possess	163.149kg crystal methylamphet 81.689kg crystal methylamphet	VG	25y NPP 16y 7.5m	AA 20y NPP 13y 4m	Dishonesty offence	**POST 16G REPEAL** (2003) - Drugs imported in shipping container from China – intercepted and controlled delivery – further drugs found in apartment probably imported at earlier date
21.	**Okandeji** (28) [2012] NSWCCA 30	Att possess	774.3g cocaine	VG	12y NPP 8y	AD	Nil	(2003) took delivery of drugs imported in wall painting from Brazil - principal

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