Manufacture Amphetamines / Methylamphetamines

Large Commercial Quantity

s.24(2) (NSW) *Drug Misuse and Trafficking Act*

s.24(2) Manufacture or produces, or knowingly take part in manufacture or production of prohibited drug which is not less than commercial quantity

Large commercial quantity: **1 kg – Amphetamines**
500g – Methylamphetamines (after 1.9.2015)

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	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	**Larsson** (55) NSWCCA 11.9.1997	Knowingly take part in manufacture lge comm qty amphetamine	1kg per week for nearly 2 months	PG	MT 7y AT 5y	AD	committed offences while on bail for similar offences - no other record	Assisted in setting up laboratory, trained another person in procedures and provided some equipment. Prior good character.
2.	**S** (2000) 111 A Crim R 225 [2000] NSWCCA 13	Manufacture lge comm qty amphetamine		PG	MT 18m AT 18m 50% discount assistance	Crown AA MT 3y AT 1y	minor drug offences; on bail for similar offences	Involved in organising and transporting equipment and chemicals, commencement of manufacturing process and recruitment at two laboratory sites - not principal
3.	**Pedavoli** (2002) 128 A Crim R 137 [2002] NSWCCA 87	Knowingly take part in manufacture lge comm qty amphetamine		PG	4y NPP 15m	Crown AA 8y NPP 3y 9m	Supply – on bail for drug matters	Involved in manufacture for principal

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	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	**Little** (2006) 168 A Crim R 237 [2006] NSWCCA 406	Manuf lge comm qty methylamphet Supply lge comm qty methylamphet 3 x Firearm and weapon offences Sched: 26 firearms off	19kg	PG (15%)	22y NPP 16y 6m 22y NPP 16y 6m 3y 6m / FT 15m (all concurrent)	AD		L manufactured methylamphetamine and supplied to co-offender over two years – co-offender led drug distribution for motorcycle club On appeal: no error in guilty plea discount for Little
5.	**El Azzi** [2004] NSWCCA 455	2 x Conspiracy to manufacture lge comm qty methylamphet	See facts	VG	7y NPP 5y 3m	Conviction AD	Police corruption offence	Involved in attempt to manufacture in two different locations – senior participant – intended to make 30kg from chemicals obtained – chemicals would have only produced 12 ½ kg Ex-police officer – protective custody
6.	**Lau** [2010] NSWCCA 43	Manufacture lge comm qty methylamphet	Potential to produce 8.869kg	PG	12y NPP 9y	AA 12y NPP 8y		**SNPP 15 years** Employed as "cook" – arrived in Australia from China only a few weeks before arrest. Appeal allowed on basis of parity – finding of special circumstances.
7.	**Reardon** [2012] NSWCCA 46	Knowingly take part in manufacture lge comm qty methylamphet	5.877kg	PG (25%)	15y NPP 10y 9m	AD	record	**SNPP 15 years** Few facts - Police found chemicals and clandestine laboratory - motivated by greed Total sentence with three other offences: 16y NPP 11y
8.	**DW** [2012] NSWCCA 66	Conspiracy to manufacture lge comm qty amphetamine Possess prohibited pistol Sell prohibited firearm	4kg	PG (50%)	4y NPP 2y 6m 18m NPP 9m FT 18m <u>Total</u> 4y 8m NPP 3y 2m	Crown AD	Breached parole – similar offences	**SNPP 15 years** Started planning with informer and undercover police officer to manufacture 4kg – possessed and sold shortened rifle Significant assistance

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9.	**Greenaway** (51) [2013] NSWCCA 270	Manufacture lge comm qty methylamphet Possess precursor	5.8kg	PG (20%)	15y 6m NPP 11y 7m 15d 4y (concurrent)	AD		**SNPP 15 years** Planned and organised operation - appellant a central part of the organisation – at least in mid-range – value between $500k - $2.7 million
10.	**Eckersley** [2013] NSWCCA 219	Knowingly take part in manufacture lge comm qty methylamphet Knowingly take part in manufacture lge comm qty MDMA Supply lge comm qty methylamphet Sched: 4 drug offences	See facts	PG	12y NPP 8y 18y NPP 11y 12y NPP 8y <u>Total</u>: 21y NPP 14y	AD		**SNPP 15 years** 'Very significant and managerial organisational' role in two distinct manufacturing ventures – one laboratory held records relating to sale of $617,000 drugs and 2.145kg methamphet – second laboratory held raw product for 250,000 tablets – offences extended over 12 months
11.	**LB** (31) [2013] NSWCCA 70	Knowingly take part in manufacture lge comm qty methylamphet Knowingly take part in manufacture lge comm qty ecstasy Sched: Possess precursor 2 x Supply		PG (40% plea and assist on appeal)	5y NPP 3y 9y NPP 5y <u>Total</u>: 12y NPP 8y	AA 2y 7m NPP 1y 8m 4y 3m NPP 3y 4m <u>Total</u>: 10y 2m NPP 6y 10m	Property offences	**SNPP 15 years** Offences committed over 14m at two different premises Became heavily addicted to drugs – prior to arrest moved overseas and became drug free – voluntarily returned to Australia

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12.	**IL (No 4)** (45) [2014] NSWSC 1801 Hamill J	Manufacture lge comm qty methylamphet 4 x Possess weapons offences	Over 6kg	VG	Indicative 10y 6m / 9m / 12m Agg Sentence: 11y 6m NPP 7y 6m		nil	**SNPP 15 years** Female permitted associate to use premises to refine methamphetamine – some further involvement in process – subordinate position – financial reward – associate killed when bathroom exploded – joint possession of guns belonging to associate found in house and car Good character
13.	**James** [2017] NSWCCA 287	Manufacture lge comm qty methylamphet Unauth possess pistol Unauth possess pistol Poss unath firearm Sched: 5 offences	See facts	PG (25%)	9y 6m NPP 5y 3m 3y NPP 1y 8m 1y 6m NPP 1y FT 1y Total: 10y NPP 5y 9m	Crown AA 10y 6m NPP 6y 10m 3y NPP 1y 8m 3y NPP 1y 6m FT 1y Total: 12y 3m NPP 8y	Priors for drug possession, larceny and assault	**SNPP 15 years (drug) / 4 years (firearm)** Manufacturing of methylamphetamine in garage at premises occupied by offender - 12.84kg drugs found of high level purity – 208.36g methylamphetamine found in house – 2.088kg of pseudoephedrine, 30kg of hypophosphorous acid and 20.23kg of iodine also found – sophisticated and large operation - Colt .45 calibre pistol with seven live ammunition rounds found in garage - .22 calibre pistol and 6 millimetre Airsoft calibre KHC repeating rifle found in safe – firearms offences below mid-range Remorse – good prospects of rehabilitation – drug user - involved in drug offences to satisfy drug debt On appeal: calculation error and manifestly inadequate – erred in imposing different sentences for essentially same firearms offences
14.	**Wan** (43) [2017] NSWCCA 261 Co-offender: KWOK	Manufacture lge comm qty methylamphet Supply lge comm qty methamphet	144.6kg 15.9kg	PG (25%)	18y NPP 12y 12y NPP 9y Total: 21y NPP 15y	AD	Priors in Hong King – not as serious	**SNPP 15 years** Methamphetamine imported in wax blocks – flew out from Hong Kong to assist in extraction of drugs from blocks and arranging supply to buyers – significant and trusted role – sole liaison in Hong Kong – offence upper range of seriousness – not isolated – sophisticated system of drug trafficking Isolation in custody

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15.	**Kwok** (56) [2018] NSWCCA 200 Co-offender WAN	Manufacture lge comm qty methylamphet Supply lge comm qty methamphet	144.6kg 15.9kg	PG (25%)	22y NPP 14y 15y NPP 11y 3m <u>Total</u>: 25y NPP 17y	AD	Priors in Hong King – theft, fraud, blackmail, administer stupefying drug	**SNPP 15 years** Involved with co-offenders - Methamphetamine imported in wax blocks – role of offender was sourcing items required for manufacture, overseeing and supervising cooking process, purchasing sundry items and liaising with others to inform when drug ready for supply – found in taxi cab with co-offender and drugs for supply
16.	**Greentree** [2018] NSWCCA 227	Manufacture lge comm qty methylamphet Accessory after fact manufacture lge comm qty methylamphet Possess proh firearm Sched: 3 offences	5kg	PG 15%	7y NPP 5y 2y 6m 3y NPP 1y 2m <u>Total</u> 10y NPP 7y	AA 6y 3m NPP 4y 5m 2y 1m 2y 5m NPP 1y 8m <u>Total</u> 8y NPP 5y 6m		**SNPP 15 years** Involved with co-offender (brother) - large amounts of ingredient chemicals for production ("precursors") and equipment found on property - sufficient to manufacture quantity of methylamphetamine greater than 5kg - manufacturing process not underway but manufacture of at least commercial quantity had taken place - arrangements being put in place for manufacture of further large commercial quantity - operation to be embarked upon of substantial size and sophistication - within mid-range objective seriousness Special circumstances – first time custody – drug rehabilitation On appeal: judge wrongly assumed commercial quantity was 500g when it was 1kg.
17.	**Grogan** [2019] NSWCCA 51	Manufacture lge comm qty methylamphet Supply lge comm qty methamphet s.193B	see facts	PG	10y NPP 6y 6m 8y NPP 5y 6m 2y 6m <u>Aggregate</u>: 14y NPP 10y	AD		**SNPP 15 years** Involved in sophisticated drug syndicate – active member – live in caretaker at laboratory site – involved in manufacture – purchased equipment – collected pseudoephedrine – delivered drugs – 27.241kg oil and 4.059kg blocks found on site – liquid waste indicated at least 2.359kg manufactured – police seized $1,197,980 cash in connection with offences – just below mid-range

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18.	**Nguyen** (34) [2019] NSWCCA 213	Manufacture lge comm qty methylamphet	706.8g	PG (25%)	7y 6m NPP 5y 7m 15d	AD	record for drug offences	**SNPP 15 years** Drug found in clandestine laboratory in backyard of family home - 415.8g pure methylamphetamines – additional drug found in admixture - offence committed over a couple of days - minimal planning and sophistication - acting alone - no evidence of profit but would have been pressured to share or supply – well below mid-range Drug addiction – immediate admissions – remorse – prospects for rehabilitation guarded
19.	**Bell** (28) [2019] NSWCCA 271	Manufacture lge comm qty methylamphet Sched: 4 x possess precursors	30.4kg (pure)	PG (25%)	13y 4m NPP 10y	AA 13y 4m NPP 9m	nil	**SNPP 15 years** Drugs manufactured on rural property – well planned, large scale and sophisticated operation – drugs found on property – offender leased property, erected fence and had some involvement in operation at direction of others – offences committed for financial gain – mid-range Some remorse – good prospects of rehabilitation – psychological condition – young family – prior good character On appeal: parity – special circumstances
20.	**El Kheir** [2019] NSWCCA 288	Manufacture lge comm qty methylamphet 3 x possess precursors	2.6 kg (pure)	Not indicated	10y 6m NPP 7y FT 2y (concurrent)	AD		**SNPP 15 years** Manufacture with co-offenders – purchased items for manufacture process - sophisticated and large manufacturing operation, considerable planning and organisation.

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21.	**Oncu** [2020] NSWCCA 260	Manufacture lge comm qty methylamphet Unauthorised possess of firearm Sched: Possess ammunition	30.5kg	PG (20%)	8y NPP 5y 6m 4y NPP 2y Agg: 9y 6m NPP 6y 6m	AA 8y NPP 5y 3y NPP 1y 6m Total: 9y NPP 6y	Minor including driving offence and common assault	**SNPP 15 years** Involved in manufacture of drugs in large shed built in outer suburb of Sydney – drugs manufactured over 6 weeks – substantial operation stopped by arrest – not principal but important role – mid-bottom half of objective seriousness - .357 Magnum calibre Ruger SPIOIO revolver with obliterated serial number found at property with ammunition Gambling and depressive disorder – sought to repay financial debts – out of character - hardship to family relevant but not exceptional – good prospects of rehabilitation – remorse On appeal: error made in relation to SNPP for firearm offence – took into account good conduct in custody and on bail for two years
22.	**Cutajar** [2020] NSWCCA 273	Manufacture lge comm qty methamphet Possess prohibited firearm Sched: 2 firearm offences	15.98kg	PG (25%)	11y NPP 7y 12m (concurrent)	AD	Nil	**SNPP 15 years** Manufacture at premises with co-offender - more than mere "unskilled storeman" - involved in negotiating prices - committed offence to clear debt. Good rehabilitation prospects – supportive family.
23.	**Mori** (29) [2021] NSWCCA 32	Manufacture lge comm qty methamphet Supply cocaine Possess precursor	33.43kg 20.58g 4.577kg	PG 20% 11% 25%	12y NPP 8y 2y 8m NPP 18m 4y 6m NPP 27 9m Total: 12y 6m NPP 8y 6m	AD	Nil	**SNPP 15y** Canadian national came to Australia – hired holiday cabin and set up clandestine drug lab – lab being used to recrystalise methamphetamine - methamphetamine and cocaine found at cabin – phenylpropanolamine found in storage unit – not principal nor cook – not sophisticated operation Paying off drug debts – mental health issues – isolation due to being foreign national

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24.	**Lewis** (39 at offence, 42 at sentence) [2021] NSWCCA 108 Co-offender: TSIMINGOS	Manufacture lge comm qty methylamphet	13.059kg	VG	12y NPP 9y	AD		**SNPP 15y** Joint criminal enterprise – operation resulted in explosion – took no part in actual manufacturing when overcome by fumes – role of 'worker' took part in preparatory acts and acts centred on manufacturing process - persuaded property owner to lend property, knew of cooking kit, took items to property for use in manufacture, crushed material for manufacture, assisted in taking injured co-offender from explosion site, covered tracks by having vehicle detailed to remove evidence of explosion. Not a drug user - promise of reward to support material lifestyle / financial pressures.
25.	**Tsimingos** [2021] NSWCCA 107 Co-offender: LEWIS	Manufacture lge comm qty methylamphet	13.059kg	PG (25%)	9y NPP 6y 9m	AA 8y 3m NPP 6y 2m	Nil	**SNPP 15y** Joint criminal enterprise – operation resulted in explosion in which offender seriously injured, suffering burns and shrapnel punctures resulting in extra-curial punishment – not involved in planning or organisation of offence – purchased some items and continuing role in manufacture until explosion – slightly less involved than co-offenders. Prior good character - offending "inexplicable and an aberration" – remorse. CCA: allowed on parity ground - prospects of rehabilitation and most unlikely to reoffend.
26.	**Mitchell** [2021] NSWCCA 306	Manufacture lge comm qty methylamphet Supply lge comm qty methylamphet s.193B(2) Proceeds crime Sched: 1 offence	27kg (23kg oil - 4kg in block form)		<u>Indicative</u> 17y NPP 13y 15y NPP 12y 5y <u>Aggregate</u> 20y NPP 15y	AD	Supply drugs	**SNPP 15y** Syndicate – at apex of organisation - sophisticated clandestine laboratory at syndicate's premises - "wholesale" in nature - manufacturing then supplying large quantities of methylamphetamine oil to others to convert to crystal form for distribution - supply offence involved extensive supply of methylamphetamine over several months, generating substantial sums of money. Objective seriousness above mid-range.

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
	P. Martin (52 at offence – 57 at sentence)	Manufacture lge comm qty methylamphet Sched: 2 x Possess precursor	44kg 10kg pseudo 2kg ephedrine	PG (15%)	29y 9m NPP 22y 3m	AA 23y 9m NPP 17y 9m	Nil significant	**SNPP 15y** Father and son - two large, sophisticated and clandestine laboratories found in public bushland adjoining PM's property – both laboratories destroyed by fire – subsequent search in nearby area located drugs – both offenders principals – sourced material to make laboratories – constructed and stocked laboratories and involved in several stages of drug manufacture
27.	**J. Martin** (26 at offence – 31 at sentence) [2021] NSWCCA 316	Manufacture lge comm qty methylamphet Arson Sched: 2 x Possess precursor	44kg 10kg pseudo 2kg ephedrine	PG (total 20%)	28y NPP 21y 4y 6m Total: 30y NPP 23y	22y 4m NPP 16y 9m 4y 6m Total: 24y 4m NPP 18y 9m	nil	PM – difficult childhood – psychologically vulnerable – lengthy delay on remand – remorse – positive prospects of rehabilitation – unlikely to re-offend JM – seriously injured in accident and at risk of losing sight - lengthy delay on remand – remorse – positive prospects of rehabilitation – unlikely to re-offend On appeal: manifestly excessive
28.	**Smith (a pseudonym)** (33) [2022] NSWCCA 123	Manufacture lge comm qty methylamphet Manufacture lge comm qty pseudoephedrine Import comm qty precursor Supply lge comm qty methylamphet Sched: Supply methamphet Proceeds of crime offence	9.6kg 5.6kg 1,310kg ephedrine 734g 29.4g	PG (25%) Combined (45%)	6y 7m NPP 4y 5m 4y 4m NPP 2y 10m 6y 7m NPP 4y 4m 3y 10m NPP 2y 6m Aggregate: 12y 4m NPP 8y 2m	AD	Nil	**SNPP 15y** Involvement in criminal group which imported prohibited precursors and manufactured methylamphetamine – drugs and equipment located in applicant's bedroom at family home - applicant recruited and paid co-offender to assist in manufacture - responsible for "crystallising" and "packaging" - significant role involving use of premises in manufacturing process, obtaining ingredients, recruitment of co-offender and engaging directly in manufacturing process - significant level of planning. Drug abuse to cope with mental health issues. CCA: sole ground of appeal was parity on manufacture methylamph offence - no disparity established

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29.	**Qin** [2022] NSWCCA 137	Manufacture lge comm qty methylamphet Supply comm qty methylamphet Sched: Participate criminal group	11.58kg 497g	PG (10%)	Indicative 14y 4m NPP 9y 7m 9y NPP 6y Aggregate 16y NPP 10y 8m	AA To backdate sentence 3 years	Manufacture drugs, import drugs. In custody serving sentence for drug offences.	**SNPP 15y** Drugs and manufacturing materials found in residential apartment where applicant lived with co-offender – role was not principal but more than mere labourer – had key to unit but did not have possession of key to internally locked door in laboratory unit – participated in manufacture - conducted significant and sophisticated research concerning manufacturing process. CCA: Sentence backdated to commence 3 years earlier - sentencing judge's finding of special circumstances not reflected in sentence – resulted in manifestly excessive sentence – where already serving custodial sentence for other drug matters.
30.	**Sadiq** (27) [2023] NSWCCA 25	Knowingly take part in manufacture lge comm qty methylamphet Knowingly take part in manufacture lge comm qty MDMA Sched: Proceeds of crime	9.870kg 5.759kg $2,005	PG (10%)	Indicative: 9y 7y 2m Aggregate: 11y NPP 6y	AD	Nil significant	**SNPP 15y** Precursor, equipment and drugs found in residential property after explosion – offender purchased equipment and at least present at manufacture ready to assist – important role – mid-range Born in Afghanistan – experienced family trauma resulting in PTSD and substance disorder – sexual abuse and head trauma – reduction in moral culpability
31.	**Aljubouri** [2023] NSWCCA 29	Manufacture lge comm qty methylamphet Sched: Proceeds of crime: s.193B(2)	5,820g	PG	7y 6m NPP 4y	AD		**SNPP 15y** Involved in manufacture with four co-offenders - responsible for leasing storage units for waste products and transporting substantial sum of cash related to manufacture - occasionally attended unit where drug manufactured and knew quantity considerably over 500g On appeal: rejected disparity ground

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32.	**Pannao** [2025] NSWCCA 201	Knowingly take part in manufacture lge comm qty methylamphet Supply methylamphet Sched: Proceeds of crime	2,689.41g 119.2g $120,000	PG (25%)	Indicative: 8y NPP 4y 6m 18m Aggregate: 9y NPP 5y	AA Indicative: 7y NPP 4y 18m Aggregate: 8y NPP 4y 6m	Very modest – one offence	**SNPP 15y** Involved in renting residential property including changing locks and arranging mowing over five months – property used by co-offender to produce drugs – offence mid-range Difficult childhood in Thailand and Australia – *Bugmy* considerations – significant drug addiction – remorse – good prospects of rehabilitation – two young children – special circumstances On appeal: disparity found with sentence imposed on co-offender
33.	**Cardaklija** [2026] NSWCCA 9	Manufacture lge comm qty methylamphet Possess unlawful firearm Proceeds of crime Sched: Poss ammunition 2 x Poss proh weapons Supply methyl	13,276g 246.35g		Indicative: 7y 6m NPP 5y 3y NPP 2y 5y NPP 1y 10m Aggregate: 8y 11m NPP 5y 6m	AD		**SNPP 15y** Search of premises found 13,276g methylamphetamine in laundry with associated chemicals – also found in possession of 246.35g methylamphetamine, .22 short calibre Beretta self-loading pistol, 2 tasers and cartridges, knuckledusters and $229,000 cash - $123,000 transferred by associate over three months – trusted member of successful syndicate – manufacturing in own home – mid-range On appeal: no error in assessment of objective seriousness of drug offence

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