

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

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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	Manufacture lge comm qty methylamphet 4 x Possess weapons offences	Over 6kg	VG	<u>Indicative</u> 10y 6m / 9m / 12m <u>Agg Sentence:</u> 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 unauth firearm Sched: 5 offences	See facts	PG (25%)	9y 6m NPP 5y 3m 3y NPP 1y 8m 1y 6m NPP 1y FT 1y <u>Total:</u> 10y NPP 5y 9m	Crown AA 10y 6m NPP 6y 10m 3y NPP 1y 8m 3y NPP 1y 6m FT 1y <u>Total:</u> 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 <u>Total:</u> 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 methy lamphet 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 methy lamphet Accessory after fact manufacture lge comm qty methy lamphet 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 methy lamphetamine 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 methy lamphet 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 methy lamphet	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 methy lamphet 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 methy lamphet 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 <u>Agg:</u> 9y 6m NPP 6y 6m	AA 8y NPP 5y 3y NPP 1y 6m <u>Total:</u> 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 <u>Total:</u> 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 recrystallise 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 methy lamphet	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 methy lamphet	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 methy lamphet Supply lge comm qty methy lamphet 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.

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27.	P. Martin (52 at offence – 57 at sentence)	Manufacture lge comm qty methy lamphet	44kg	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 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
	J. Martin (26 at offence – 31 at sentence)	Manufacture lge comm qty methy lamphet	44kg	PG (total 20%)	28y NPP 21y 4y 6m <u>Total:</u> 30y NPP 23y	22y 4m NPP 16y 9m 4y 6m <u>Total:</u> 24y 4m NPP 18y 9m	nil	
	[2021] NSWCCA 316	s.203E <i>Crimes Act</i> – arson	10kg pseudo 2kg ephedrine					
28.	Smith (a pseudonym) (33) [2022] NSWCCA 123	Manufacture lge comm qty methy lamphet	9.6kg	PG (25%)	6y 7m NPP 4y 5m	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
		Manufacture lge comm qty pseudoephedrine	5.6kg	Combined (45%)	4y 4m NPP 2y 10m			
		Import comm qty precursor	1,310kg ephedrine		6y 7m NPP 4y 4m			
		Supply lge comm qty methy lamphet	734g		3y 10m NPP 2y 6m			
		Sched: Supply methamphet Proceeds of crime offence	29.4g		<u>Aggregate:</u> 12y 4m NPP 8y 2m			

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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%)	<u>Indicative</u> 14y 4m NPP 9y 7m 9y NPP 6y <u>Aggregate</u> 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.	SF [2022] NSWCCA 216	Manufacture lge comm qty methylamphet Participate criminal group [s.93T(1)]	24kg	PG	7y NPP 4y 6m 2y (concurrent)	AA 7y NPP 4y 2m 2y (concurrent)		SNPP 15y One of eight persons in joint criminal enterprise - directly involved in manufacture on multiple occasions at storage-type units - played, not an indispensable role, but important and significant role – would have received not insubstantial financial reward. Background from war-torn country - employed, strong work ethic - unlikely to reoffend - good prospects rehabilitation. CCA: failed to give effect to stated intention to take into account Covid-19 pandemic Special circumstances: need for treatment of depression, PTSD and gambling disorder, and continuing impact of Covid-19 pandemic on applicant's conditions of incarceration

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31.	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%)	<u>Indicative:</u> 9y 7y 2m <u>Aggregate:</u> 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
32.	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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