

**Manufacture Ecstasy / MDMA / MDA**  
**Large Commercial Quantity**  
**s.24(2) (NSW) Drug Misuse and Trafficking Act**

Ecstasy / MDMA - 3,4 methylenedioxyamphetamine

MDA – 3,4 methylenedioxyamphetamine

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:** 500g

**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.	AD (37) (2008) 191 A Crim R 409 <a href="#">[2008] NSWCCA 289</a>	Manufacture methamphetamine  Consp manufacture lge comm qty MDMA  Supply comm qty LSD	Just less than comm qty   1.8g	PG (55% combined)	FT 3y  11y 3m NPP 5y 2m  FT 18m  Total: 11y 6m NPP 5y 5m	Crown AA FT 4y 6m  9y 6m NPP 6y  FT 2y 6m  Total: 10y 6m NPP 7y 3m	Drug offences – committed offences while on day release and later on parole	Planned with fellow inmate to manufacture methamphetamine – offender sourced chemicals and co-offender manufactured drugs – subsequently involved in attempt to produce MDMA – involved in setting up operation, sourcing chemicals and would have sold end product – found in possession of LSD – offences at or above mid-range Genuine remorse – good prospects of rehabilitation – difficult custodial conditions

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2.	<b>Hosseini</b> (41) (2009) 193 A Crim R 444 <a href="#">[2009] NSWCCA 52</a>	Knowingly take part in manufacture lge comm qty MDMA  Proceeds of crime  Sched: 6 offences	1.0938kg  \$30,400	PG (25%)	7y 6m NPP 4y 6m  FT 6m  Total: 7y 6m NPP 4y 6m	AA / Crown AA 9y NPP 5y 6m  Conviction quashed	Supply / possess prohibited drug	<b>SNPP 15 years</b> Involved in manufacturing operation – permitted chemicals to be delivered and stored in factory premises – fixed broken pill press – drug in powder form found in home of co-offender – mid- range Long standing drugs user On appeal: proceeds of crime offence a summary offence erroneously dealt with on indictment Crown appeal allowed in relation to drug offence
3.	<b>Cvitan</b> (46) <a href="#">[2009] NSWCCA 156</a>  Co-offender: KALEMUSIC	Manufacture lge comm qty MDMA	27.5kg liquid containing 1.038kg MDMA  1.4774kg	PG	14y 3m NPP 9y 3m	AD Crown AD	Cultivate proh plant – supply proh drug	<b>SNPP 15 years</b> Involved in sophisticated manufacturing operation on property – 27.5kg liquid found on property – additional drug found in van being driven by co- offender - lived on property for some period of manufacture – made structural changes and purchased items – collected tech expert from airport and worked under his direction – willing, integral and significant player – more than labourer – within mid-range On Crown appeal: Court declined to intervene on basis of parity

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4.	<b>Kalemusic</b> (35) <a href="#">[2009] NSWCCA 178</a>  Co-offender: CVITAN	Manufacture lge comm qty MDMA  Supply lge comm qty MDMA  Supply comm qty methylamphet  Possess unauth firearm  s.166 Certificate Good in custody  Sched: Poss methylamphet Unauth poss ammunition	27.5kg  1,477.4g  764.6g  \$4,465  0.39g	PG (1/6 <sup>th</sup> )	15y NPP 11y 3m  10y NPP 7y 6m  10y NPP 7y 6m  5y NPP 15m  FT 3m  <u>Total:</u> 16y 3m NPP 12y 6m	AD	Manufacture drug	<b>SNPP 15 years</b> Involved in manufacture of drug in lab built on rural property – 27.5kg MDMA found in lab with other ingredients and equipment – other drugs and .22 calibre pistol found in truck being driven from property by offender and brother – role of real significance – manufacture in mid-range Strong employment history On appeal: no issue of parity
5.	<b>DAB</b> (26) <a href="#">[2010] NSWCCA 275</a>	Manufacture lge comm qty MDMA  Supply lge comm qty MDMA  Sched: Money laundering offence	2.97kg  8.18kg tablets - almost 1kg powder  \$62,520	PG (50% combined)	12y NPP 8y  12y NPP 8y (concurrent)	AA 8y NPP 4y 6m  9y NPP 6y  <u>Total:</u> 10y NPP 7y	Minor	<b>SNPP 15 years</b> Involved in bulk supply of MDMA on 11 occasions – tablets manufacture part of supply offences – instigator - brother sentenced for manufacture and supply of commercial quantity – part of planned and organised criminal activity – committed for financial gain Prior good character – commenced substance abuse after being stabbed – good prospects of rehabilitation – unlikely to re-offend – remorse On appeal: failure to differentiate between offences – accumulation and excessive sentence

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6.	<b>Caristo</b> (39) <a href="#">[2011] NSWCCA 7</a>	Knowingly take part in manufacture lge comm qty ecstasy  Knowingly take part in manufacture lge comm qty cocaine  Sched: Participate in criminal group	Not stated  6kg	PG (35% combined)	8y 6m NPP 6y  6y 6m NPP 4y 4m (concurrent)	AD	Lengthy record although only one drug supply	<b>SNPP 15 years</b> Involved in collecting ecstasy powder from apartment and transporting it to factory premises – mixed powder with bulking agent to make into tablets – intended also to mix cocaine found at apartment – mixer and employee – very much towards bottom – limited activity over 2 days Difficult and dysfunctional childhood – long standing drug addiction – psychological difficulties – reasonably good prospects of rehabilitation
7.	<b>Calcutt</b> (31) <a href="#">[2012] NSWCCA 40</a>	Manufacture lge comm qty MDMA  Sched: 3 x Possess tablet press Supply cocaine	59.471kg  102.7g	PG (25%)	13y NPP 9y 9m	AD	Nil	<b>SNPP 15 years</b> Manufacturing operation in offender's home – allowed premises to be used for two months while overseas – upon return provided some assistance for two months – low level involvement – mid-range Drug user – remorse – good prospects of rehabilitation – prior good character
8.	<b>LB</b> (31) <a href="#">[2013] NSWCCA 70</a>	Knowingly take part in manufacture lge comm qty ecstasy  Knowingly take part in manufacture lge comm qty methylamphet  Sched: Possess precursor 2 x Supply		PG (40% combined on appeal)	9y NPP 5y  5y NPP 3y  <u>Total:</u> 12y NPP 8y	AA 4y 3m NPP 3y 4m  2y 7m NPP 1y 8m  <u>Total:</u> 10y 2m NPP 6y 10m	Property offences	<b>SNPP 15 years</b> 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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9.	<b>Kennedy</b> (36) <a href="#">[2013] NSWCCA 104</a>	Knowingly take part in manufacture lge comm qty MDMA  Knowingly take part in manufacture comm qty methylamphet  Sched: Poss cannabis Poss tablet press	at least 500g  at least 250g	PG (10%)	10m NPP 3m  7m NPP 3y  <u>Total:</u> 12m NPP 5m	AA 10m suspended  FT 3m	Nil relevant	<b>SNPP 15 years</b> Female leased premises where her partner of some years engaged in manufacture of drugs – no active involvement in manufacturing – did not stand to gain financially – only discovered laboratory four weeks prior to arrest Anxiety and depression – unlikely to re-offend – sound prospects of rehabilitation On appeal: SJ erred in setting sentence that required offender to return to custody for 6 weeks
10.	<b>Eckersley</b> <a href="#">[2013] NSWCCA 219</a>	Knowingly take part in manufacture lge comm qty MDMA  Knowingly take part in manufacture lge comm qty methylamphet  Supply lge comm qty methylamphet  Sched: 4 drug offences	See facts	PG	18y NPP 11y  12y NPP 8y  12y NPP 8y  <u>Total:</u> 21y NPP 14y	AD		<b>SNPP 15 years</b> '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.	<b>Z</b> <a href="#">[2014] NSWCCA 323</a>	Manufacture lge comm qty MDMA  Manufacture comm qty methylamphet  Supply cannabis  Sched: Possess precursor	at least 500g  at least 250g  9.869kg  1.588kg	VG (50% assistance on appeal)  PG (50%)	<u>Indicative:</u> 6y 6m NPP 3y  6y 6m NPP 4y  2y 4m  <u>Aggregate:</u> 9y 6m NPP 6y	AA <u>Indicative:</u> 5y  4y  2y  <u>Aggregate:</u> 7y NPP 4y 6m	Lesser drug offences	<b>SNPP 15 years</b> Equipment, notes and traces of MDMA found in Sydney and rural premises – offender's fingerprint on measuring jug – traces of methylamphetamine found on items in rural premises – offender sentenced on basis he arranged for cook and had contact during manufacture process – one of the principals – travelled interstate to purchase cannabis Helpful assistance

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12.	<b>Siafakas</b> <a href="#">[2016] NSWCCA 100</a>	Knowingly take part in manufacture lge comm qty MDP2P  Knowingly take part in manufacture lge comm qty MDA  Possess precursor	3.694kg  268.958kg Isosafrole	VG	<u>Indicative:</u> 10y NPP 6y  9y NPP 5y 5m  FT 4y  <u>Aggregate:</u> 10y NPP 6y	AA Conviction quashed  9y NPP 5y 5m  FT 4y  <u>Total:</u> 9y NPP 5y 5m		<b>SNPP 15 years</b> Factory premises used for the manufacture of drugs – aware of and involved in manufacture – drugs and precursors found in premises No information on subjective circumstances On appeal: in view of quashing of conviction remaining sentence affirmed but made concurrent
13.	<b>Borg</b> (35) <a href="#">[2022] NSWCCA 70</a>	Manufacture comm qty MDA  Manufacture lge comm qty MDA  Manufacture lge comm qty MDA	1,500 pills - 450g  3-4000 pills	PG (15%)	<u>Indicative:</u> 3y 9m NPP 2y 6m  10y 6m NPP 6y 11m  8y NPP 5y 3m  <u>Aggregate:</u> 11y 10m NPP 7y 10m	AA <u>Indicative:</u> 3y 6m NPP 2y 3m  9y 6m NPP 6y  7y 6m NPP 5y  <u>Aggregate:</u> 10y 10m NPP 7y	Nil	<b>SNPP 15 years</b> Produced pills using pill press in factory on two nights – search of family home found equipment and chemicals callable of producing large commercial quantity of pills – principal figure – indispensable – seeking financial reward – below mid-range to lower end of mid-range Difficult childhood – mental health issues – financial stress – remorse – good character – very good prospects of rehabilitation – unlikely to re-offend – special circumstances On appeal: erroneously sentenced at first instance for 10,000 pills

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14.	<b>SF</b> <a href="#">[2022] NSWCCA 216</a>  Co-offenders: P C Z	Manufacture lge comm qty MDA  Participate criminal group: s.93T(1)	24kg	PG (25% - see facts)	7y NPP 4y 6m  2y (concurrent)	AA 7y NPP 4y 2m  2y (concurrent)		<b>SNPP 15 years</b> One of eight persons involved in manufacture on multiple occasions at storage-type units - played important and significant although not indispensable role – would have received not insubstantial financial reward. Background from war-torn country - employed, strong work ethic - unlikely to reoffend - good prospects rehabilitation. Significant combined discount – see P at [19] CCA: failed to give effect to stated intention to take into account Covid-19 pandemic – found special circumstances in need for treatment of depression, PTSD and gambling disorder, and continuing impact of Covid-19 pandemic on applicant's conditions of incarceration
15.	<b>C</b> (46) <a href="#">[2022] NSWCCA 285</a>  Co-offenders: SF P Z	Manufacture lge comm qty MDA	At least 24kg	PG (25% - see facts)	6y 10m NPP 4y 5m	AA 5y 6m NPP 3y 6m	limited	<b>SNPP 15 years</b> Involved in group manufacturing MDA at rural property over 6 months – not principal – important but not indispensable role - trusted and hands on member aware of scope of operation and expecting substantial financial reward – culpability towards lower part of mid-range – similar to co-offenders Some remorse – low risk of re-offending – pandemic conditions – motivated by serious financial losses caused by fraudulent actions of others – physical and mental health issues Significant combined discount – see P at [21] On appeal: upheld disparity

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16.	<b>Z</b> (46) <a href="#">[2022] NSWCCA 286</a>  Co-offenders: SF P C	Manufacture lge comm qty MDA  Participate criminal group: s.93T(1)	At least 24kg	PG (25% - see facts)	7y 4m NPP 3y 8m  Not stated	AA 6y NPP 3y	nil	<b>SNPP 15 years</b> Involved in group manufacturing MDA at rural property over 6 months – not principal – important but not indispensable role - trusted and understood role of chemist – culpability towards lower part of mid-range – similar to co-offenders Cystic fibrosis shortening life expectancy and making custodial conditions onerous – depressive disorder – hardship on family Significant combined discount – see P at [20] On appeal: upheld disparity
17.	<b>Sadiq</b> (27) <a href="#">[2023] NSWCCA 25</a>	Knowingly take part in manufacture lge comm qty MDMA  Knowingly take part in manufacture lge comm qty methyamphetamine  Sched: Proceeds of crime	5.759kg  9.870kg  \$2,005	PG (10%)	<u>Indicative:</u> 7y 2m  9y  <u>Aggregate:</u> 11y NPP 6y	AD	Nil significant	<b>SNPP 15 years</b> 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
18.	<b>Walker</b> (61) <a href="#">[2023] NSWCCA 219</a>	Manufacture lge comm qty MDMA  Supply lge comm qty methyamphetamine  Possess unauth pistol  Possess precursor  Sched: 3 offences	6.433kg pure	PG (25%)	<u>Indicative:</u> 7y 6m NPP 4y 6m  5y 6m NPP 3y 6m  3y NPP 1y 10m  2y 6m  <u>Aggregate:</u> 9y NPP 6y	Crown AD	Relatively minor	<b>SNPP 15 years</b> Manufacture operation with two co-accused - role as cook, not principal - essential role in providing his property as venue for manufacture. Financial motivation, lost employment due to covid pandemic - likely mild intellectual disability - opioid use disorder – remorse - respondent's wife significantly disabled – special circumstances. CCA: Sentence imposed by SJ lenient, but not unduly given applicant's subjective case - reasonable prospects rehabilitation - entitled to some leniency due to insignificant criminal history.

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19.	<b>P</b> (43) <a href="#">[2023] NSWCCA 297</a>  Co-offenders: SF C Z	Manufacture lge comm qty MDA  Participate criminal group: s.93T(1)		PG (25% - see facts)	<u>Aggregate:</u> 7y 6m NPP 5y	AD	Fraud, firearms and drug offences	<b>SNPP 15 years</b> Involved in manufacture of drug – directed to judgments for co-offenders for facts – in middle group of hierarchy although slightly less serious than co-offenders – all trusted members of team Background of trauma – PTSD and drug addiction – carer for wife – remorse and guarded prospects of rehabilitation 45% combined discount On appeal: dismissed parity appeal
20.	<b>Chiha</b> <a href="#">[2024] NSWCCA 222</a>	Manufacture lge comm qty MDA  Participate criminal group	24kg	VG	16y NPP 11y  6y  <u>Total</u> 16y NPP 11y	AA Sentence backdated to allow for pre- sentence custody.		<b>SNPP 15 years</b> Used position as managing director of perfume company to import sassafras oil for use in manufacture of MDA - responsible for obtaining quotes and placing orders for chemicals – police surveillance showing association between applicant and other members of criminal group.

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