

## Possess Precursor for Manufacture Prohibited Drug

s.24A(1)(a) (NSW) Drug Misuse and Trafficking Act

s.24A(1)(a) possess precursor intended by offender for use in manufacture or production by offender or another person, of a prohibited drug

**Maximum Penalty: 10 years - s.33AB(1)**

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	<b>J Cousins</b> (58)  <b>P Cousins</b> (51)  (2002) 132 A Crim R 444 <a href="#">[2002] NSWCCA 340</a>	s.24A(1)(a)	39 packets – 71.28g	PG (20%)	3y 2m NPP 1y 8m	AD	Nil relevant	Married couple undertook trip south from Queensland to purchase pseudoephedrine on behalf of third person – aware drugs would be used to manufacture methylamphetamines – not isolated incident – criminality not small Poor health – good prospects of rehabilitation
2.	<b>Palin</b> (28) <a href="#">[2007] NSWCCA 326</a>	s.24A(1)(a)	500 cartons cold tablets  15 cartons Sudafed	PG (20%)	4y 6m NPP 3y	AA 3y NPP 2y	Minor drug offences	Offered to supply medication containing pseudoephedrine – no evidence as to amount of methylamphetamine that could have been produced – financial gain Drug and alcohol addiction

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
3.	<b>N.Takiari</b> (31)	s.24A(1)(a)	106,656 pseudoeph tablets	PG (25%)	5y NPP 3y	AD	Traffic only	DT stole 5,456 packets of cold and flu tablets and 1,968 cosmetic products from warehouse employer – NT arranged sale of 30 cartons of tablets to undercover operative, discussing use of tablets for manufacture of drugs – additional tablets found at home of DT – expert evidence that tablets contained 3.2kg pseudoephedrine and could manufacture 19.2kg methamphetamine Brothers born in New Zealand – difficult childhoods – sought to pay off financial debts – genuine remorse – special circumstances
		Att dispose of stolen property			12m (concurrent)			
		Sched: GIC						
	<b>D.Takiari</b> (37)	Steal property as clerk		PG (25%)	18m		Nil	
	<a href="#">[2009] NSWCCA 84</a>	s.24A(1)(a)	106,656 pseudoeph tablets		4y 6m NPP 2y 6m			
		Att dispose of stolen property			12m			
		s.24A(1)(a)	24,288 pseudoeph tablets		12m			
					<u>Total:</u> 6y NPP 4y			

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	Smith (46) <a href="#">[2019] NSWCCA 1</a>	Manufacture comm qty meth	641g	PG (25%)	<u>Indicative:</u> 6y NPP 4y	Crown AA <u>Indicative:</u> 7y NPP 4y 6m	previous convictions for firearms offences	With co-offender involved in manufacture of prohibited drugs in remote property owned by offender – large scale and well organised operation - related materials found in other locations – role higher than that of co-offender - had possession of firearms in storage unit as member of bikie gang - also in possession of stolen but licenced firearm – precursor offences above mid-range due to quantity Mental and physical health issues – special circumstances – member of motorcycle gang
		s.24A(1)(a)	18.5kg hypophosorus acid		2y 3m	4y		
		Supply comm qty meth	993g		4y 6m NPP 3y	6y NPP 3y 10m		
		s.24A(1)(a)	936.27g pseudoeph		18m	3y 4m		
		Possess firearm in contravention of order: s.74(1)			3y	6y		
		Agg possess firearms: s.51D(2) <i>Firearms Act</i>			6y NPP 4y	7y 6m NPP 4y 10m		
	Co-offender: CAMPBELL	Sched: 34 offences (including 5 precursor offences)			<u>Aggregate:</u> 11y NPP 7y 4m	<u>Aggregate:</u> 16y NPP 10y 6m		

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
5.	<b>Campbell</b> (416) <a href="#">[2019] NSWCCA 1</a>  Co-offender: SMITH	Manufacture comm qty meth  s.24A(1)(a)  Supply meth  s.24A(1)(a)  s.24A(1)(a)  Sched: 14 offences (including 6 precursor offences)	641g  18.5kg hypophosorus acid  19.2g  20kg iodine  6.467kg red phosphorus	PG (25%)	<u>Indicative:</u> 5y 7m NPP 3y 9m  2y 3m  12m  2y 3m  1y 10m  <u>Aggregate:</u> 8y 6m NPP 5y 7m	Crown AA <u>Indicative:</u> 6y 9m NPP 4y 4m  4y  12m  4y 6m  4y  <u>Aggregate:</u> 11y NPP 7y	previous convictions for drug offences	With co-offender involved in manufacture of prohibited drugs in remote property owned by co-offender – large scale and well organised operation - related materials found in other locations – role lower than that of co-offender – precursor offences above mid-range due to quantity Positive steps taken towards rehabilitation – special circumstances – member of motorcycle gang
6.	<b>El Kheir</b> <a href="#">[2019] NSWCCA 288</a>	Manufacture lge comm qty methamphet  3 x s.24A(1)(a)	2.6 kg (pure)  Weight not stated	Not indicat ed	10y 6m NPP 7y  FT 2y (concurrent)	AD		Manufacture with co-offenders – purchased items for manufacture process - sophisticated and large manufacturing operation, considerable planning and organisation – precursors were pseudoephedrine, hypophosphorous acid and iodine
7.	<b>Mori</b> (29) <a href="#">[2021] NSWCCA 32</a>	Manufacture lge comm qty methamphet  Supply cocaine  s.24A(1)(a)	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	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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8.	<b>Salama</b> <a href="#">[2023] NSWCCA 141</a>	s.24A(1)(a)  s.24A(1)(a)  Sched: 5 offences	See facts	PG (10%)	<u>Indicative:</u> 3y 10m  3y 6m  <u>Aggregate:</u> 4y NPP 2y 4m	AD	Extensive including drugs, violence and robbery offences	Shared home with two co-offenders where drugs manufactured – enough ephedrine and hypophosphorous acid found to make large comm quantity methamphetamine – small amount of iodine also found – each offender had knowledge of manufacturing – co-offender gave offender task of overseeing second co-offender – towards mid-range Drug addiction – little insight On appeal: by pursuing each offender for different offences Crown created problems for sentencing judge – took into account material not tendered against offender – no lesser sentence warranted
9.	<b>Walker</b> (61) <a href="#">[2023] NSWCCA 219</a>	Manufacture lge comm qty MDMA  Supply lge comm qty methylamphet  Possess unauth pistol  s.24A(1)(a)  Sched: 3 offences	6.433kg  4310.6g  2,736g	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	Manufacture operation with two co-accused - role as cook, not principal - essential role in providing his property as venue for manufacture – precursor was 3,4 methylenedioxy-phenyl-2-propanone (MDP2P) 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.
10.	<b>Snounou</b> (37-42 at offences) <a href="#">[2025] NSWCCA 231</a>	s.24A(1)(a)  s.24A(1)(a)	800kg iodine  1000kg iodine	PG (10%)	<u>Indicative</u> 7y  7y 8m  <u>Aggregate:</u> 10y NPP 7y 6m	AA <u>Indicative</u> 3y 9m  4y  <u>Aggregate:</u> 6y 9m NPP 4y 8m	Mostly minor offences	Director of company provided portion of iodine purchased for legitimate use of company to persons to produce methylamphetamine – not involved in manufacturing process and unaware of expected amounts of drug – turned blind eye – two separate offences three years apart – some element of planning – financial motivation – above mid-range Suffering depression and financial difficulties – delay – remorse – prospects of rehabilitation guarded – facilitated justice – mental health issues On appeal: failed to consider significant subjective matters – erred in providing quantified discount for some subjective matters

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