Traffic Amphetamines / Methamphetamines

Commercial Quantity

s.302.2 (Cth) *Criminal Code*

Commenced 6.12.2005

302.2 Traffic commercial quantities of controlled drug

Commercial Quantity: 750gm

Maximum Penalty: Life

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
1.	**Ng** (33) **Siu** (25) [2009] VSCA 218	Traffic comm qty Traffic comm qty	799.5g dimethylamphet	PG PG	6y NPP 4y 5y NPP 3y	AD AA 4y NPP 2y 6m		(Dimethylamphetamine an analogue of methylamphetamine or ice) S transported drugs from Sydney to Melbourne at request of N – N had arranged collection and delivery of drugs and involved in discussions on marketing and distribution of drugs in Melbourne – both involved in 'top level' of supply and distribution chain – N more dominant offender Both had prior good character and good prospects of rehabilitation On appeal: sentence for S reduced in view of parity

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

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2.	**Le** (26) [2010] NSWCCA 285	Consp traffic comm qty meth and heroin Consp import traff qty heroin Consp to deal in proceeds: s.400.3(1) (Cth)	3.5kg (bulk) heroin 2.3kg (bulk) methamphet $4,700,000	PG (50% combined)	13y 6m NPP 9y 7y 7y (All concurrent)	AA 12y 6m NPP 8y 3m 7y 7y (All concurrent)	nil	Over 13 months involved in drug importing and distribution syndicate – drugs arrived in Sydney and taken to Melbourne – involved in nine incidents – actively involved in supply and transportation – arranged for couriers to take heroin and methamphetamine to Melbourne – total of 3.5kg of heroin and 2.3kg of methamphetamine dealt with by syndicate - arranged for drugs to be imported from Vietnam – involved in general oversight of money remittance business to transfer money for drug dealing – drug purity low – lieutenant to principal offender Drug user – genuine contrition – rehabilitation – unsuccessfully attempted to stop involvement On appeal: parity with co-offender
3.	**Halac** (42) [2015] NSWCCA 121	Traffic comm qty Sched: Aid and abet traffic comm qty	40.45kg methamphet / 4-methylamphet 10.94kg methamphet / 4-methylamphet	PG (25%)	18y NPP 11y 6m	AD	Record in Europe including drugs	Belgian national involved with Dutch syndicate – imported drugs by syndicate stored in van at residential units – offender removed portion of drugs from van and delivered to co-offender – assisted co-offender prepare camper to transport smaller amount of drugs to Perth – trusted and significant involvement
4.	**Hui** (early 30s) [2015] VSCA 314	Traffic comm qty Import mkt qty	1.62kg methamphet Above 250g methamphet	PG	6y 5y Total: 7y 6m NPP 6y	AA 6y 5y Total: 7y 6m NPP 5y 6m	Admitted prior for possession of small amount of cocaine in Hong Kong	Arranged importation of drugs by express mail package from Hong Kong – gross weight of package 7.625kg – co-offender took possession of package and delivered to offender – drugs in crystalline form – offender processed drugs and arrested in possession of 1.62kg pure methamphetamine – significant role in offending – higher than co-offender Reasonably good prospects of rehabilitation
5.	**Olivares** (48) [2016] NSWCCA 270 [2021] NSWCCA 126	Traffic comm qty Deal in proceeds of crime: s.400.9(1A) (Cth) *Code*	6.3356kg methamphet $60,000	PG (15% combined on second appeal)	15y FT 12m Total: 15y 6m NPP 9y 6m	AD AA (trafficking offence) 11y 6m NPP 6y 11m	nil	Resident of Mexico – drugs and money found concealed in hotel room – paid $10,000 to come to Australia, pick up drugs and deliver to third person – trusted participant Suffering financial strain at home – wife with young children On second appeal: *Xiao* error – considered fresh evidence of hardship to family in Spain, remorse and good prospects of rehabilitation

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6.	**Kleindyk** (42) [2016] WASCA 123	Att traffic comm qty Traffic comm qty Traffic mkt qty Traffic Deal in proceeds of crime: s.400.9(1) (Cth) Sched: Possess	9.734kg methamphet 2.7428kg MDMA 270.3g methamphet 208.4g cocaine $764,320 1.1g methamphet	PG	14y 9y 6y 5y 1y 3m Total: 18y NPP 11y 3m	AD	Record for drug offences	Commercial quantity of methamphetamine transported in padlocked box by freight from NSW to WA – controlled delivery after intercepted by police - offender flew to Perth to pick up drugs from storage unit – cash, drugs and drug paraphernalia found in home and storage unit associated with offender in Queensland - significantly involved in major drug distribution enterprise - not main or sole organiser but 'trusted underling' Married with young children – hardship to family due to youngest son's autism On appeal: rejected argument that sentencing judge failed to take into account exceptional hardship
7.	**Lieu** [2016] VSCA 277	Traffic comm qty Consp to import comm qty	10.758kg methamphet 3.55kg PMMA 1.1497kg heroin	PG	20y 16y Total: 25y NPP 18y (pre discount for guilty plea: Life NPP 25y)	AD	theft	(PMMA: 4-methoxymethylamphetamine - analogue of MDMA) Operated two substantial and illegal drug operations out of Melbourne – both operations extensive and offender at highest level In relation to first offence arranged with Hong Kong associate to source drugs in Sydney and arranged intermediaries to travel to Sydney to pick up drugs – 5 separate transactions identified totalling 10.758kg methamphetamines and 3.55kg PMMA – transmitted $1,207,500 overseas as payment Over seven months conspired with others to source and import heroin from Vietnam on ongoing basis – at least four couriers brought in total of 1.1497kg – greater amounts ordered as part of conspiracy Refugee from Vietnam – genuine remorse

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8.	**HL** [2017] NSWCCA 66	Consp to traffic comm qty Knowingly take part in supply lge comm qty (NSW)	37.75kg methylamphet 3.0021kg (68.9% purity) methylamphet	PG (40% combined)	12y NPP 6y 6y NPP 3y 6m Total: 15y NPP 9y	AA 12y NPP 6y 6y NPP 3y 6m Total: 14y NPP 8y	Nil	Involved in an international drug trafficking organisation – left drugs with co-offender in car park (state offences) - drugs concealed in shipping container from Hong Kong - container transported to warehouse rented by flatmate at direction and instruction of offender (Cth offence) – arranged for arrival and distribution of the drugs; arranged for leasing of warehouse Motivated by greed caused by gambling and business losses On appeal – parity with co-accused who had more senior role
9.	**Vi** (24) **Lach** (24) [2017] VSCA 254 Beach JA	Att traffic comm qty Att traffic comm qty	209.79kg pure	PG PG	13y NPP 9y 13y NPP 9y	Leave to appeal refused	Theft nil	Drugs imported concealed under floorboards in shipping containers – controlled delivery to factory premises – offenders unpacked 'drugs' and delivered them over two days – 'pivotal role' – to receive financial reward – foot soldiers Remorse – excellent prospects of rehabilitation
10.	**Schanker** (32) [2018] VSCA 94	Traffic comm qty Att possess comm qty unlawfully imported	over 2kg methylamphet 5.896kg methylamphet	PG (18%) VG	9y 15y Total: 18y NPP 14y	AD	fraud and dishonesty – breached conditional liberty	Drugs imported in two packages containing bicycle parts – in controlled delivery packages delivered to storage unit – offender took possession of packages with owner of unit – several weeks later involved in possessing drugs with intent to sell – offences interrelated – a principal Refugee from Sierra Leone – suffered extreme violence and trauma – substantial mental health issues

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11.	**Chu** (31) [2018] VSCA 65 Co-offender: LIM	Att traffic comm qty Import comm qty	3973.9g (net) methamphet 2.075kg methamphet	PG	11y 9y (pre discount for guilty plea: 11y) <u>Total</u>: 14y NPP 10y	AD	Nil – on bail at time of offending for subsequent drug conviction	Made arrangements to take possession of drugs imported from Hong Kong – drugs intercepted by police - subsequently made arrangements to be supplied with drugs by unknown male – arrested at time of delivery – part of organising chain – financial reward – organisational role Drug user – genuine remorse – good character – wife and young child
12.	**Lim** (38) [2018] VSCA 64 Co-offender: CHU	Traffic comm qty	3973.9g (net) methamphet	PG	9y NPP 6y (pre discount for guilty plea: 12y NPP 8y)	AD	nil	Co-offender made arrangements to be supplied with drugs by unknown male – drugs carried by Lim - arrested at time of delivery - element of exploitation and vulnerability to involvement in offence – limited role Prior good character – genuine remorse – hardship due to isolation – reasonably good prospects of rehabilitation
13.	**Duong** (34) [2021] VSCA 136 Niall JA	Traffic comm qty Traffic mkt qty Refuse to provide phone password	3,856.2g (gross) methamphet 495.6g (gross) heroin	PG	8y 6m 4y 12m <u>Total</u>: 10y 9m NPP 6y 9m (pre discount for guilty plea: 13y 6m NPP 9y)	Application for leave to appeal refused	Drug offences	Over six weeks trafficked in both drugs – controlled operations, sourced drugs, communicated with potential purchasers and arranged sales – gave directions to co-offender – total of 24 sales – quantity of drugs based on sales and drugs found in possession – sold to dealers and private purchasers – below mid-range Difficult childhood – remorse – onerous custodial conditions – threat of deportation On appeal: no error in treating methamphetamine and heroin as distinct offences and partially accumulating sentences

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
14.	**Ngo** (32) [2021] VSCA 21	Consp to traffic comm qty Consp to traffic comm qty Proceeds of crime: s.400.3(1) (Cth) *Code* Deal with money suspected to be proceeds of crime: s.400.9(1) (Cth) *Code*	6kg+ (gross) methamphet 2kg+ (gross) heroin 750g+ (gross) methamphet 700g+ (gross) heroin $1,178,610 $1,999,743	PG	15y 10m 15y 6m 5y 2y Total: 18y 8m NPP 12y 10m (pre discount for guilty plea: 23y NPP 18y)	Leave to appeal refused	Record includes drug offences, burglary and intentionally cause serious injury	Head of drug syndicate operating in western suburbs of Melbourne – first conspiracy 2.5 months – second conspiracy 1 month – sourced and purchased drugs – transactions for sale of drugs – collection and storage of drugs and cash – setting prices – maintaining records – second conspiracy linked to loaded firearms and 3.2kg pure methamphetamines and 1.37kg pure heroin found in search - prime financial beneficiary s.400.3 offence: proceeds from conspiracy offences - $1,178,610 proceeds with $588,612 actually amount deposited s.400.9: proceeds from unknown criminal activity in previous four years - $1,999,743.25 – 109 separate transactions – top end of spectrum Dysfunctional and difficult upbringing resulting in early drug addiction – prospects of rehabilitation poor – primary motivation was financial On appeal: no error in reducing benefit of plea for contested factual hearing – sentence not excessive
15.	**P.Tran** (55) [2022] VSCA 44	Traffic comm qty	798.2g methamphet	PG	10y 6m NPP 7y (pre discount for guilty plea: 13y NPP 9y)	Leave to appeal refused	Dishonesty offences	Female – asked by member of drug trafficking syndicate to supply drugs – facilitated and oversaw supply through son – pressured son to be involved – degree of sophistication and organisation – future supply of 5kg proposed – moral culpability high Remorse – difficult background – mental and physical health issues – gambling debts

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16.	**Da Silva** [2024] NSWCCA 216	Traffic comm qty s.400.4(1): deal with proceeds of crime s.302.3: traffic mkt qty cocaine Sched: Traffic controlled drug	2,791.1g 2,631.6g $233,910 282g cocaine 18.7g cocaine 236.2g cannabis 53.7g heroin	PG (25%)	Aggregate 12y 9m NPP 8y 3m	AA Indicative 10y 6m 4y 3m 4y 6m Aggregate 10y 9m NPP 6y 10m		Drugs, money and paraphernalia located in applicant's bag, car and premises during surveillance. Substance abuse disorder - depressive disorder - history of childhood sexual abuse. CCA: SJ erred denial procedural fairness by rejecting diagnoses of depressive disorder without notice.
17.	**Elchaar** [2025] NSWCCA 50	Consp traffic comm qty Sched: Proceeds of crime Possess radiocomm device		PG (25%)	10y 6m NPP 6y 6m	AD		Part of syndicate with three other persons – surveillance revealed conspiracy to traffic drugs from Sydney to Perth in a crate - involved at number of key steps - used encrypted communication platforms - instructing others on how much to tell others, identified premises where crates to be constructed - logistics – sent photos of package - wrapped and labelled crates - arranged transport. Offending to fund drug habit - impaired attention - minor intellectual disability - PTSD, Major Depressive Disorder, adverse developmental circumstances, exposure to trauma, childhood sexual abuse – drug abuse. On appeal: no error in SJ finding no reduction to moral culpability on basis of neurocognitive disorder.

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18.	**Lam** (34-36) [2025] WASCA 9	Traffic comm qty Traffic mkt qty Deal in proceeds: s.400.4(1) Fail to comply with data access order: s.3LA (Cth) *Crimes Act* Sched: 3 trafficking offences Unlic possession firearm (WA) Unlic possession ammunition (WA)	945.6g methamphet 570.5g cocaine $407,780	PG (20%) PG (10%)	6y 7y 3y 6m 1y <u>Total</u>: 14y NPP 8y 6m <u>State Offences</u>: 10m 3m (all concurrent)	AA 7y 6y 3y 6m 1y <u>Total</u>: 14y NPP 8y 6m <u>State Offences</u>: 10m 3m (all concurrent)	Record for drug offending – prisons terms	2020 search of girlfriend's house found beretta handgun and .22 calibre bullets – also found 178g pure methamphetamine, 15.1g pure cocaine and 5g pure MDMA, items indicative of drug dealing and $6,500 cash – 2022 while on bail found in possession of methamphetamine, cocaine and cash – refused to comply with access order – mid-upper level Born in Vietnam – drug addiction – remorse – some progress and motivation in rehabilitation On appeal: error in basing sentence on gross weights – re-sentence resulted only in change to sentences for drug offences – overall sentence unchanged

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