

Import Amphetamines / Methamphetamines

Commercial Quantity

s.307.1 (Cth) Criminal Code

Commenced 6.12.2005

307.1 Importing and exporting commercial quantities border controlled drug

Commercial Quantity: 750gm

Maximum Penalty: Life

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|----|--|---|---|---|---|---|--------------------------------------|--|
| 1. | Nguyen (35) Chan (35) Lo (27) [2010] NSWCCA 153 | Aid and abet import comm qty Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 | 10.1kg methamphet | PG (10%) PG (30%) PG (25%) | 10y NPP 6y 12y 6m NPP 7y 6m 7y 6m NPP 4y 6m | AD AD AD | No convictions Nil Nil | Drugs shipped to Australia from Canada in lining of suitcases – professional and carefully planned operation Chan – middleman - came to Australia prior to importation and made preparations – position of trust – was to arrange distribution Lo – lower than a courier – involved only on day of arrest Nguyen – culpability between Chan and Lo – driver for co-offender – cockatoo on day of delivery |
| 2. | Nguyen (42) (2010) 205 A Crim R 106 [2010] NSWCCA 238 | Import comm qty Import comm qty Sched: 2 x Att possess comm qty | 27.1535kg cocaine 13.04kg methamphet | PG (15%) | 14y NPP 9y FT 7y 6m <u>Total:</u> 14y 6m NPP 9y 6m | Crown AA 16y 16y <u>Total:</u> 18y NPP 12y | | Drugs imported from Canada concealed in foot spa units – controlled delivery - involved in setting up business and subsequently arranging to pick up and store spa units, removed drugs from units and helped deliver to third person – not a principal but significant role in organisation – financial reward |

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| 3. | <p>Nguyen (34)</p> <p>Phommalsack (25)</p> <p>(2011) 31 VR 673 [2011] VSCA 32</p> <p>Co-offenders: NGUYEN LUONG NGUYEN</p> | <p>Att import comm qty</p> <p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p> | <p>29.1kg cocaine</p> <p>21.8kg methamphet</p> <p>6.3kg MDMA</p> | <p>PG</p> <p>PG</p> | <p>10y</p> <p>7y</p> <p>Total: 12y NPP 8y (14% assistance)</p> <p>12y NPP 9y</p> | <p>AD</p> | <p>Nil</p> <p>AR as a youth</p> | <p>Drugs concealed in foot spas – controlled delivery N arranged for lease of factory - liaised with customs brokers to arrange clearance and delivery - liaised with purchasers – signed for delivery of container – present when unpacking commenced – female – promised assistance – became involved to repay debt to co-offender – to receive at least \$25,000 towards debts P – recruited and sent from Sydney to pick up drugs – arranged to have drugs concealed in car – drug user – to receive \$10,000 up front then \$40,000</p> <p>Co-offenders Luong (Hung) and Nguyen (Minh) dealt with for s.307.5: att possess comm qty</p> |
| 4. | <p>Tiknius (28)</p> <p>(2011) 221 A Crim R 365 [2011] NSWCCA 215</p> | <p>Aid and abet import comm qty</p> <p>Possess mkt qty: s.307.6</p> | <p>2.0338kg methamphet</p> <p>55.1g MDMA</p> | <p>PG (25%)</p> | <p>10y</p> <p>6y</p> <p>Total: 11y NPP 6y 6m</p> | <p>AA 8y</p> <p>5y</p> <p>Total: 9y NPP 5y</p> | <p>nil</p> | <p>Drugs imported in sculptures – made several trips to Australia at request of man in Lithuania to deal with drugs – element of duress – to pay off cocaine debt of \$42,000 Lithuanian</p> |

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| 5. | Tang Pham [2012] VSCA 101 | Import comm qty Import comm qty Import comm qty Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 | 29.285kg methamphet 71.564kg cocaine 9.757kg MDMA | VG PG | 15y 15y 15y Total: 19y NPP 14y 15y 15y Total: 19y NPP 14y | AD | | Drugs imported from Canada concealed in spa and pedicure chairs – controlled delivery – role of each offender difficult to ascertain – highly organised and sophisticated business T greater culpability – more intimately involved and gave instructions – came out from Canada to confirm quantity of drugs and deal with discrepancies P – facilitated delivery to warehouse and unpacking of drugs |
| 6. | Nguyen (39) [2012] VSCA 119 Co-offenders: PHUONG PHOMMALYSACK LUONG NGUYEN | Import comm qty Attempt possess comm qty: s.307.5 | 55kg cocaine / MDMA / methamphet | PG (21% plea and assist) | 12y 8y Total: 15y NPP 11y 6m | AD | nil | Female - drugs imported from USA in foot spas – controlled delivery - promised money, car and a house – recruited and gave directions to several co-offenders Voluntarily returned from Vietnam Co-offenders Luong (Hung) and Nguyen (Minh) dealt with for s.307.5: att possess comm qty |
| 7. | Thathiah [2012] QCA 195 | Import comm qty | 1.454kg methamphet | VG | 10y NPP 5y | AD | Nil | Brought drugs into Australia concealed in suitcase – courier not principal Good prospects of rehabilitation – isolation in custody |

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| 8. | Formosa [2012] VSCA 298 | Consp import comm qty methy lamphet Traffic methy lamphet (Vic) Traffic MDMA (Vic) | Amount at lower end | PG | 9y 3y 3y Total: 9y NPP 6y 6m (pre discount for guilty plea: 10y 6m NPP 8y) | Ad | Unrelated suspended sentence | Drugs sent by co-offender to various people by mail from Canada – no specified amount – involved over 14mths |
| 9. | DPP v Peng [2014] VSCA 128 | Import comm qty | 23.1542kg methamphet | PG | 11y NPP 7y 6m | Crown AA 13y NPP 10y | | Taiwanese national came to Australia to take delivery of drugs – drugs imported in three crates – controlled delivery – took possession of drugs and delivered them on |
| 10. | RCW (No.2) (54) [2014] NSWCCA 190 | Aid and abet import comm qty | 3.96kg cocaine 2.25kg MDMA 1.34kg methamphet 3.79kg other | PG (50%) | 5y 6m NPP 3y | AA 2y NPP 1y | Nil | Unusual case – pressured into assisting with delivery of drugs concealed in oven imported from Canada – spoke to police halfway through offence and commenced co-operation – duress – no evidence of financial gain Medical condition – assistance |
| 11. | Legault (29) [2014] NSWCCA 271 | Import comm qty | 2.0339kg methamphet | PG (25%) | 9y 4m NPP 6y | AD | Record | Imported drugs in false bottom of suitcase – not involved in packing drugs – financial reward Suffered PTSD from violent assault when 15y – good prospects of rehabilitation |

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| 12. | Agboti (23) [2014] QCA 280 | Import comm qty | 2.3265kg methamphet | PG (early) | 11y NPP 5y 6m | AA 9y 6m NPP 4y 6m | Nil | Female carried 'medicine' to Australia in suitcase in return for payment of flight – not aware of amount of drugs Good character - desperate to leave Nigeria in difficult personal circumstances – genuine remorse |
| 13. | Bae (34) [2015] NSWCCA 133 [2020] NSWCCA 35 | Aid and abet import comm qty Aid and abet import comm qty Aid and abet import comm qty Aid and abet import comm qty Aid and abet import mkt qty: s.307.2 | 2.266kg methamphet 2.243kg methamphet 3.713kg cocaine 4.021kg cocaine 0.65kg heroin | PG (15% - increased on appeal) | 10y 10y 10y 5y Total: 20y NPP 12y | AD / AA 9y 9y 9y 4y 9m Total: 18y 6m NPP 11y | Nil | Korean – drugs found in 18 boxes sent from Canada over five months – came to Australia to co-ordinate receipt and collection of boxes, storage and subsequent transfer – part of well-organised scheme – not isolated – considerable financial gain Second appeal after s.79(1)(b) <i>Crimes (Appeal and Review) Act</i> 2001 referral – application of <i>Xiao</i> – discount increased for utilitarian value of plea – additional evidence of rehabilitation taken into account |
| 14. | Yuan (31) (2015) 252 A Crim R 422 [2015] NSWCCA 198 | Import comm qty | 54.961kg methamphet | VG | 10y NPP 6y | Crown AA 15y NPP 10y | Nil | With co-offender imported drugs into Australia – arranged for consignment to be stored - considerable planning – occupied important position – role of supervisor or executor - offence committed for financial gain. Supportive partner – good stepfather to her child |

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| 17. | Lin (52) Ng (24) [2016] NSWCCA 200 | Import comm qty | 21.9146kg (79.4%) methamphet | Not stated | 12y NPP 8y | AD | Minor record in Hong Kong | Drugs hidden in shipping containers – offenders came from Hong Kong to facilitate importation and sell drugs – more than couriers Assistance given through father of Ng as information about unrelated drug importation |
| 18. | Onyebuchi (29) [2016] QCA 143 Co-offender: BOIMAH | Import comm qty | 791.9g (0.7919kg) methamphet | PG | 7y NPP 3y 6m | Crown AA 9y NPP 4y 6m | Nil | Involved in importation of drugs concealed in foot massager in package sent from China – controlled delivery made to co-offender – drugs would have been delivered next to offender – higher than courier |
| 19. | DPP v Wu DPP v Thomas [2016] VSCA 237 | Import comm qty Attempt possess comm qty: s.307.5 | 3.965kg methamphet 3.6kg methamphet | PG PG (late) | 6y 6m NPP 3y 6m 5y NPP 3y | Crown AA 10y 6m NPP 7y 6m Crown AA 9y NPP 6y 3m | | Attempted to take delivery of package containing drugs imported from Malaysia – above courier – lower end of distribution chain Two shipments of drugs concealed in packages – task was to facilitate arrival and delivery - above courier – financial reward NB Not co-offenders – appeals heard together to consider discount for guilty plea for Commonwealth offences |
| 20. | Banker (71) [2016] QCA 74 | Import comm qty | 4.1771kg methylamphet | VG | 12y NPP 8y | AD | Nil | American citizen imported drugs in suitcase from Fiji – courier |
| 21. | Shahbazi (27) [2016] VSCA 270 | 2 x Import comm qty | Total - 3.3kg methamphet | PG (early) | 8y 6m NPP 5y 6m | AD | Minor subsequent offence | Involved in two importations of drugs concealed in suitcases – intermediary - liaised with co-offender over addresses and arranged importations with contacts in Iran Iranian refugee – concern over deportation making custodial conditions harder - remorse |
| 22. | Wang (29) [2016] VSCA 292 | Import comm qty | 3.653kg methamphet | PG | 10y NPP 7y | Leave to appeal refused | Nil | Involved in five importations over one month - drugs mailed in five packages – controlled delivery – key intermediary – financial gain Valuable admissions |

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| 23. | Ngo (40) [2017] WASCA 3 | Att import comm qty | 2.82949kg (95% pure) methamphet | PG | 12y NPP 8y 4m | AD | Serious drug offending – declared drug trafficker | Entered agreement to import drugs and in course of carrying out agreement co-offenders attempted to import drugs: s.11.2A(1) and s.11.1 Arrangements made to import drugs from Taiwan – acted on behalf of key organiser in Australia who was incarcerated – met male who flew in from overseas and arranged money and accommodation – controlled delivery – recruited second male – arrived at premises to unpack drugs – significant role – planning and premeditation On appeal: no issue of disparity – sentence not manifestly excessive |
| 24. | Zwam [2017] NSWCCA 127 | Import comm qty | 3.97kg (79%) methamphet | PG (25%) | 9y NPP 5y 6m | AA 8y 6m NPP 4y 6m | Nil | Drugs found by Customs in suitcase upon arrival at Sydney airport – role was as a courier or trusted importer - wholesale value of around \$900,000 - street value \$2.5 million - financial gain. Below mid-range – “recklessness” as to contents of suitcase. Remorse – good rehabilitation prospects – good character |
| 25. | Igwebuike (34) [2017] ACTSC 323 Penfold J | Import comm qty | 8.5kg methamphet | VG | 10y 6m NPP 6y 6m | | Nil known | Nigerian student arranged for consignment of drugs sent from China in goldfish statute to move through Customs – took delivery of drugs and prepared to deliver them on when arrested – used fictitious identity – expected financial gain – more than mere courier – important and essential role Isolation in custody – credit given for concessions made at trial |

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| 26. | DPP (Cth) v Masange (25) | Import comm qty | 2.4kg methamphet 20.1g cocaine | PG | 7y | Crown AA 9y | | Involved in considered and organised criminal activity by Congolese drug syndicate M – rolled up charge – organised fictitious addresses to facilitate importation of drugs in ten postal packages – collected packages – conducted five money transactions in relation to \$77,850 – further \$22,0330 cash found in house – money related to drugs – applied for passport in false name – person of high responsibility and importance – acted for substantial financial reward – more culpable than K Remorse – Congolese – suffering PTSD from experiences in Congo – high prospects of rehabilitation K – conducted 6 money transactions over several months using false name - \$88,637 – asked female to collect parcel sent from China containing 504g methamphetamine – found in possession at home of 2.799kg methamphetamine and cocaine – trusted member involved in collecting and holding drugs Suffering extreme disadvantage and damage in early life in Congo – good prospects of rehabilitation |
| | | Proceeds of crime: s.400.9(1A) | \$99,880.83 | | 10m | 10m | | |
| | | Passport offence | | | 2y | 2y | | |
| | | Contravene bail | | | 2m | 2m | | |
| | | | | <u>Total:</u> 7y 6m NPP 4y | <u>Total:</u> 9y 6m NPP 4y | | | |
| | DPP (Cth) v Kachunga (29) [2017] VSCA 204 | Possess comm qty: s.307.8 | 2.799kg methamphet | PG | 4y 6m | Crown AD (exercise of discretion) | Nil | |
| | | Att possess mkt qty: s.307.6 | 504g methamphet | | 2y | | | |
| | | Proceeds of crime: s.400.9(1A) | \$88,637 | | 8m | | | |
| Possess mkt qty: s.307.9 | | 12.2g cocaine | 12m | | | | | |
| | | | <u>Total:</u> 5y NPP 2y 6m | | | On appeal discretion applied to K in view of release 6mth earlier to parole Lesser sentence imposed in M in view of parity question | | |

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| 27. | Scott (45) [2017] SASCF 96 | Import comm qty Import mkt qty precursor: s.307.12 Traffic lge comm qty cannabis: (SA) Possess prescribed equip: (SA) | 59.47kg (80.3%) methamphet 101.7g (pure) pseudoeph | PG (20%) (30%) (20%) | 14y 5m 2y 10m Total: 16y NPP 9y 3y 3m NPP 1y 8m 3y 3m NPP 1y 8m Total: 19y 3m NPP 10y 8m | AD | | Drug addict advised limited life expectancy so sought to make money for family – caught bringing in pseudoephedrine from Indonesia – on same trip arranged for importation of methamphetamine – drugs arrived one month later secreted in pavers – controlled delivery – offender also found in possession of 9kg cannabis plants and hydroponic equipment By legislation sentences for state offences cumulative to total sentence for Commonwealth offences |
| 28. | Yip (23) [2017] VSCA 231 | Import comm qty | 1.346kg methamphet | PG | 7y 6m NPP 5y 6m (pre-discount for guilty plea: 9y NPP 7y) | AD | limited | Flew to Perth from Hong Kong with drugs concealed in two bottles of cognac – one bottle broke and discarded before customs – travelled to Melbourne to deliver remaining bottle to co-offender Provided some assistance against co-offender – isolation and protective custody – remorse – reasonable prospects of rehabilitation |
| 29. | DPP v Brown (31) [2017] VSCA 162 | Import comm qty Import comm qty | 3.4kg methamphet 44.7kg methamphet | VG | 7y 10y Total: 12y NPP 7y | Crown AA 11y 16y Total: 20y NPP 15y | nil relevant | Involved in importation of drugs from America – smaller amount concealed in engine of cars – offender helped unpack, store and delivered drugs – four months later larger amount also imported in car engines – controlled delivery – unpacked and stored drugs until arrest – not principal but important and autonomous role – motivated by greed |

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| 30. | Lim (24) [2017] VSCA 246 | Import comm qty Poss mkt qty: s.307.6 | 1.298kg methamphet 233g heroin 79.6g methamphet | PG | 10y 5y <u>Total:</u> 12y NPP 9y (pre discount for guilty plea 15y NPP 12y) | AD | Nil | Member of drug syndicate importing drugs over several months – five importations – major player for financial reward – smaller amount of drugs found in house Malaysian national – wife and small child – good character – youth – isolation in custody |
| 31. | Obiekwe (31) [2018] NSWCCA 55 | Import comm qty | 17.4kg methamphet | PG (10%) | 12y NPP 7y | AD | Nil | Acted as central person in importation hierarchy at Australian end of illegal importation – drugs found in cardboard cartons consignment arrived by sea - significant degree of planning. Well-educated - very good prospects rehabilitation - unlikely to reoffend. [Reference to Schedule of cases] |
| 32. | Chen (28) [2018] NSWCCA 157 | Aid and abet import comm qty | 14.14kg methamphet | VG | 12y NPP 7y 2m | AD | supply offence | Involved in preparation for receipt of drugs concealed in boxes of hoses and fittings – rented house in false name – picked up co-offender from airport and installed in house – supplied money – arranged for delivery of boxes – picked up second co-offender from airport to accept delivery of boxes – middle management – aware of drugs – intended to aid and abet – took steps to avoid detection – mid-range seriousness |

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| 33. | Kuo (21) | Attempt import comm qty | 142kg methamphet | PG | 22y NPP 14y 6m | AA 19y NPP 12y | Nil | Sports outdoor shop operated by co-offender L used as front for importing drugs hidden in kayaks – each offender expected to find methamphetamine packages concealed in kayaks and travelled to Australia to retrieve drug packages - S at middle of drug hierarchy - K and H labourers or couriers at a similar position in hierarchy On appeal - Judge erred in not taking into account guilty plea |
| | Huang | Attempt import comm qty | | PG | 22y NPP 14y 6m | 19y NPP 12y | Nil | |
| | Shih (33) [2018] NSWCCA 270 | Attempt import comm qty | | PG | 27y NPP 18y | 22y NPP 14y | History in Taiwan, not serious. | |
| 34. | Ostrowski (24) [2018] QCA 62 | Import comm qty | 3.1481kg methamphet | Early PG | 8y NPP 2y 6m | Crown AA 8y NPP 4y | Minor record | Drugs imported in package from America containing 34 bottles labelled vitamin tablets – controlled delivered to address of offender's grandfather – agreed to delivery on behalf of another person – expected small payment – unaware of specific drug Drug addiction – positive steps in rehabilitation |
| 35. | Wong (24) [2018] NSWCCA 263 | Import comm qty Sched: Traffic | 0.787kg methamphet 111.9g methamphet | PG (25%) | 6y 9m NPP 3y 9m | AD | dishonesty offence in South Australia | Female – involved in importing drugs with partner – drugs arrived in package marked 'household goods' Expression of remorse – naïve but sought financial benefit |
| 36. | Chu (31) [2018] VSCA 65 | Att traffic comm qty: s.302.2 | 3.9739kg methamphet | PG | 11y | 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 |
| | | Import comm qty | 2.075kg methamphet | | 9y Total: 14y NPP 10y (pre discount for guilty plea 18y NPP 14y) | | | |

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| 37. | Kyuldzhiev (39) [2019] WASCA162 | Import comm qty | 23.7kg methamphet | PG | 13y NPP 9y 6m | AD | Nil | Merchant sailor from Bulgaria to receive substantial sum of money to bring in drugs from China – delivered drugs to co-offenders in car park on arriving at Dampier – courier role and not involved in arranging importation or subsequent distribution Married with one son – remorse – prior good character – isolation in custody |
| 38. | Bembo (40 at appeal) [2019] VSCA 308 Conviction Appeals [2018] VSCA 42 [2023] VSCA 68 | Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Consp to import comm qty | 125.682kg methamphet 3.767kg heroin 4kg methamphet | VG | 19y 14y 13y Total: 35y NPP 25y | AD | Dishonesty offences | Over three years sought to organise three different importations from different countries involving different people – heroin imported from Pakistan concealed in furniture – largest shipment of methamphetamine concealed in logs imported from Nigeria – this offence committed last while on bail – enthusiastic but not successful drug dealer – culpability very high Traumatic childhood in Congo – PTSD On appeal – accepted individual sentences appropriate – rejected submission total sentence crushing |
| 39. | Heng [2019] NSWCCA 317 | Import comm qty Sched: Aid and abet manufacture | 73.8kg methylamphet | PG (about 10%) | 23y 9m NPP 15y 9m | AD | breached parole for serious drug supply offence | Drugs imported in boxes of furniture from China – suspended in wax blocks – took significant and leading role in directing offences – part of sophisticated system of trafficking – financial reward – upper range of seriousness |

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| 40. | Le (43) [2019] QCA 200 | Consp import comm qty Consp to traffic comm qty: s.302.2 Dealing in proceeds of crime | See facts – significant amount \$219,700 | VG | 20y 10y 18y Total: 20y NPP 14y | AD | Minor | Conspired to import drugs concealed in second-hand machinery using offender's company – one consignment sent from USA and second from Vietnam – consignments contained up to total of 94.5kg although purity not established - on three occasions drugs from consignments sold to third parties – received and commenced to remit money back to Vietnam in less than \$10,000 amounts – active and important role – included franze receiving and processing shipments, warehousing machinery, checking, extracting and verifying drugs and arranging and facilitating transportation and delivery to buyers – sophisticated conspiracy continued for over a year Long delay to trial On appeal: sentence not excessive despite inability to establish exact weight |
| 41. | Zaugg (51) [2020] NSWCCA 53 | Import comm qty | 3.5098kg methamphet | PG (10% on appeal) | 11y NPP 6y 6m | AA 10y 9m NPP 6y 4m | nil | (2015) Female Swiss citizen brought drugs into Australia concealed in liner of ten clutch bags – aware of presence of drugs although may not have been aware of exact nature – acted for financial reward – role in offence was to import drugs On appeal – error made in guilty plea discount in light of <i>Xiao</i> – new discount applied – took into account improved prospects of rehabilitation |
| 42. | Chuang (34) Chen (30) [2020] NSWCCA 60 | Import comm qty Import comm qty | 41.19kg methamphet | PG (25%) PG (25%) | 10y NPP 6y 10y NPP 6y | AA 9y NPP 5y 6m 9y NPP 5y 6m | | Drugs concealed in industrial equipment sea cargo – not at top of syndicate / not at intermediate level - with 3 co-offenders - Applicants' role instructing offenders as to dismantling consignment, installing anti-surveillance CCTV camera and rental of property and storage spaces. Chen: role not confined to role of direction, also physically involved in dismantling process – committed offence financial gain to help father – supportive family CCA: <i>Xiao</i> error guilty plea discount |

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| 43. | Kassir (late 20s) [2020] NSWCCA 88 | Aid, abet, counsel and procure import comm qty | 166kg methamphet | PG (15%) | 8y NPP 5y 6m | Crown AA 10y NPP 6y 6m | nil | Employee of customs broker used position to set up account and structure for false company to import drugs – 6 importations made prior to police finding drugs in importation of 'ladies jeans' – facilitator using inside knowledge – not sophisticated – lesser role – aware of illegality from beginning – aware generally amount much larger than mere commercial limit – financial gain – mid-range Remorse Crown appeal – sentence manifestly inadequate – not significant that charged as accessory |
| 44. | Peng (21) Chu (21-22) [2020] QCA 012 | Import comm qty Possess comm qty: s.307.8 7 x Import mkt qty: s.307.2 Proceeds of crime: s.400.4(1) Possess comm qty: s.307.8 Proceeds of crime: s.400.4(1) | 0.8043kg methamphet 1.7126kg methamphet 134g-409.5g methamphet \$189,774 1.7126kg methamphet \$174,856 | PG | 11y 11y 9y 5y <u>Total:</u> 11y NPP 5y 6m 9y 5y <u>Total:</u> 9y NPP 4y 6m | AD AD | Nil | Over four months drugs imported in eight international express packages from Taiwan – intercepted by police – all delivered to addresses provided by P – drugs for possession offence found in P's residence – bank account showed money transferred overseas although not connected to drugs – C also found in possession of \$10,000 P – Taiwanese - not a principal but more than courier – facilitated importation through false identities – reckless as to drugs – remorse – paid only small amount C – Taiwanese - encouraged into offending by P and subservient |

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|-----|---|--|--|----------------------|--|--------|---|--|
| 45. | Cheng [2020] NSWCCA 252 | Import comm qty Manuf comm qty (NSW) Supply comm qty (NSW) Supply comm qty (NSW) Proceeds of crime: s.400.6(1) | 72.5171kg methylamphet 400g methylamphet 572.2g methylamphet 997.2g methylamphet \$33,215.00 | VG | 15y NPP 9y 9y NPP 6y 6y NPP 4y 8y 6m NPP 5y 8m FT 18m Total: 20y NPP 14y | AD | Nil in Australia. Overseas record: AOABH, criminal damage, assault police and resist police officer, robbery, burglary. | Member of syndicate - role upon arrival to Australia to assist with importation, to conduct extraction drugs from earlier shipments and pending shipment and sell product and/or extracted methylamphetamine - potential street value of about \$8,855,000.00 – drugs also located at offender's premises |
| 46. | Green (a pseudonym) (41) [2020] NSWCCA 358 | Import comm qty Proceeds of crime: s.400.9(1) Sched: Proceeds of crime: s.400.9(1) | 12.0116kg methylamphet \$3,248,679 \$299,850 | PG (50% combined) | 9y 15m Total: 10y NPP 6y | AD | Nil. On bail. | Nominated recipient of 10 consignments – trusted intermediary - full responsibility over consignments and distributing contents - pivotal and integral role – a “lieutenant”. Assistance - depression and traumatic stress impacted decision-making - low risk of reoffending; good prospects of rehabilitation; prior good character |
| 47. | Tang (41) [2020] WASCA 194 Co-offender: LAW WONG | Import comm qty | 145.6kg methamphet | VG | 23y NPP 15y | AD | nil | Well planned and sophisticated international operation to import drugs on fishing boat – drugs transported from boat offshore in remote location – offender a member of land based party who took delivery of drugs on beach and transported them to Perth – flew in from Malaysia to be involved - trusted member with potential for ongoing involvement Motivated by unemployment On appeal: no issue of disparity – sentence not manifestly excessive |

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|-----|---|---|--|-------------|---|--|---|---|
| 48. | Wong (56) [2020] WASCA 195 Co-offender: TANG LAW | Aid, abet, counsel or procure import comm qty | 145.6kg methamphet | VG | 26y NPP 17y | AD | nil | Part of operation to import drugs on fishing boat, land them in remote area – offender met landing crew transporting drugs from beach drop off and took drugs to Perth – flew in from Malaysia for offence – preparations included renting property – involved in repackaging drugs - prior knowledge of importation and amount - supervisory role - high level of trust and responsibility within enterprise - commercial reward On appeal: no error in assessment of offender's role - no issue of disparity |
| 49. | Law (57) [2020] WASCA 196 Co-offender: TANG WONG | Import comm qty | 145.6kg methamphet | VG | 26y NPP 16y | AD | | Part of operation to import drugs on fishing boat, land them in remote area and transport them to Perth - offender supervisor / overseer on fishing boat in position of trust and authority over crew – financial reward Poor health On appeal: sentence not manifestly excessive |
| 50. | Nicholas (49) [2021] NSWCCA 89 | Import comm qty | 20.2kg methyldamphet | PG (10%) | 15y NPP 10y | AA 14y 5m NPP 9y | Knowingly take part drug manufacture, import drugs, money laundering. | Three importations rolled into one count - drugs intercepted from Mexico in glass bottles as liquid – role as criminal group's Australian contact or “facilitator” – importations took place over five weeks. Bipolar disorder, impulse control disorder and pathological gambling disorder - mental disorders and physical vulnerability - modestly improved prospects of rehabilitation. CCA: <i>Xiao</i> error. |
| 51. | Li (57) [2021] NSWCCA 100 | Att import comm qty Att import comm qty precursor: s.307.12 | 118.3kg methamphet 264.37kg ephedrine | PG (15%) | 16y 2m 11y 11m <u>Total:</u> 18y 2m NPP 12y | AA 16y 2m 11y 11m <u>Total:</u> 18y 2m NPP 11y 3m | | Drugs imported in bar stools and packets labelled powdered soup – controlled delivery – Australian principal in importation – significant role receiving consignment and making further arrangements – direct contact with overseas principal – importation had some sophistication and organisation Genuine remorse – female Appeal: failure to give effect to stated intention to set 62% NPP |

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| 52. | Kemal [2022] NSWCCA 83 | Import comm qty | 2.2431kg methamphet | PG | 7y 6m NPP 4y | AD | | Flew in to Sydney from Cyprus – drugs found in lining of suitcase – received suitcase from friend – reckless with no actual knowledge of drugs – turned mind to possibility of drugs No detail of subjective case – question on appeal to do with test for recklessness |
| 53. | Solhi (28) [2022] NSWCCA 162 | Import comm qty Traffic controlled drug: s.302.4 | 8.9354kg methamphet | PG (10%) | 9y 2y 8m <u>Aggregate</u> 10y 6m NPP 7y 6m | AD | Nil | Two consignments from two overseas countries – role of real significance - receive, collect and manage storage of drugs into Australia - persistent enquiries, possessed phones used in enterprise, false identification particulars - directed others - financial gain – planned, premeditated – trafficking offence involved opium, cannabis and MDMA Remorse - willingness to facilitate course of justice – some prospects of rehabilitation - social and cultural isolation in custody - impact of incarceration upon family overseas. |
| 54. | Tartaglia (48) [2022] SASCA 41 | Import comm qty | Just over 14.5kg methamphet | VG | 12y 2m NPP 8y 8m (reduced for 4m home detention bail) | AD | Drugs and AR | Joint commission (s.11.2A) – drugs imported from Malaysia concealed in machinery – agreed with co-offender to take delivery of consignment – no evidence of actual participation – both aware amount of drugs substantial and valuable – both to receive financial reward – isolated offence – sophisticated and intricately planned importation Offence committed shortly after parole finished – poor prospects of rehabilitation |
| 55. | Choy [2023] NSWCCA 23 | Import comm qty | 73.80kg methamphet | PG (10%) | 21y NPP 15y | AA 21y NPP 14y | Maliciously inflict grievous bodily harm, armed robbery. | One of four offenders – drugs imported in furniture – collected consignment, obtained premises and items for manufacturing process - significant role – level below leader - anticipated very large financial reward - offences not isolated but part of sophisticated system of trafficking. CCA: <i>Xiao</i> error conceded – NPP of 14 years is sufficient to reflect criminality of offending. |

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| 56. | Mason (a pseudonym) (40) [2023] VSCA 75 | Import comm qty Breach bail conditions | 1.2 tonne methylamphet Just under 30kg heroin | PG | 11y NPP 6y (Sentence pre- combined discount: 29y) | AD | | Involved in importation of drugs concealed in household appliances – used work position in transport logistics field to communicate with shipper and commence process to clear consignment through Customs – not aware of exact amount – pivotal role although lower end of hierarchy – low level reward - breached bail conditions by communicating with co-offender Female – difficult childhood – significant health issues – degree of remorse – impact on teenage children – assistance – very good prospects of rehabilitation On appeal: sentence not manifestly excessive – no error in failing to state pre-discount NPP |
| 57. | Garaty (46) [2024] NSWCCA 53 | Import comm qty s.307.3(1) Import | 1.661kg methamphet unknown methamphet | VG | <u>Indicative</u> 7y 2y 6m <u>Aggregate</u> 8y 6m NPP 4y 6m | <u>Indicative</u> 5y 9m 2y <u>Aggregate</u> 7y NPP 3y 9m | Taking prohibited plant or drug into place of detention, low range PCA, drive with illicit drug | Female - applicant subordinate to co-accused who was her abusive partner – co-accused arranged import drugs inside vehicle dashboards - co-accused and/or applicant transferred \$62k to person in Sth Africa as prepayment – applicant arranged for person to assist in clearing consignment through customs with co-accused's knowledge or at his direction - perpetuated use of landlord's identity to facilitate clearance of consignment. Non-financial motive – motive was romantic attachment to co-accused. Mental health - severe depressive disorder - substance use disorder - difficult upbringing. CCA: SJ failed to take into account limited ability to think rationally and acting at direction of abusive partner. |

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| 58. | Boulette (47) [2024] NSWCCA 217 | Import comm qty | 3.915kg methamphet | PG (25%) | 6y NPP 3y 5m | AD | Nil | Female - arrested on arrival at Sydney Airport when drugs found in luggage - recruited as courier - involvement "a few weeks" prior to departure from overseas - stood to gain financially - unsophisticated offence - mental illness at time of offence - elevated state in weeks leading up to offence when ceased taking medication and in psychotic state on arrival in Australia. Drug addicted, mentally unwell, homeless - good prospects rehabilitation. CCA: Sentence not manifestly excessive. |
| 59. | Abbas (24) [2024] NSWCCA 228 | Import comm qty | 7.7474kg methamphet | PG (25%) | 8y 3m NPP 4y 6m | AA 7y 6m NPP 4y | High range PCA - breached CCO | Returning from Fiji - 17 bottles labelled 'exotic oil' found in suitcase - courier - no actual knowledge but high degree of recklessness - financial reward - lower end of mid-range Born in Saudi Arabia to Bangladeshi parents - difficult childhood - student - drug user - relative youth and dislocation from family considered On appeal: failure to take into account prospects of rehabilitation - found remorse and moderate prospects |
| 60. | McLaughlin [2025] NSWCCA 13 | Import comm qty Sched: s.400.4(1) | 394.04kg methamphet | PG (25%) | 15y NPP 8y 6m | AA 12y NPP 7y 6m | | Importation from South Korea as part of international criminal syndicate - offending over 13 months - approx. street value \$312.5m - set up sham company as sole director, and sham website - signed lease of warehouse premises for which made payments in own name - named as consignee for consignments containing drugs to sham company. Motive to pay off large drug debts- ADHD - substance abuse - good prospects rehabilitation. CCA: Denial of procedural fairness in rejecting expert evidence regarding causal connection between offending and ADHD - error as to role of applicant. Not possible to specify where in hierarchy applicant was - clearly much higher than a courier. |

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| 61. | Saab [2025] NSWCCA 58 | Import comm qty Sched: Att poss comm qty | 235.848kg methamphet | PG (25%) | 9y NPP 6y | AD | Limited record although breached conditional liberty (ICO) | Drugs imported concealed in excavator – offender took steps to arrange delivery of excavator including use of Customs broker, freight company and false documents – controlled delivery (schedule offence) – knew substantial amount of drugs but not exact amount – objective gravity at low end of mid-range Relative youth – onerous custody – remorse – probably unlikely to re-offend – good prospects of rehabilitation On appeal: dismissed parity ground – role greater and over longer period than co-offenders |
| 62. | Bui (35-36) [2025] NSWCCA 114 | Import comm qty Import mkt qty (cocaine) Supply lge comm qty butanediol Sched: 5 offences | 53.467kg methamphet 99.111kg | PG (25%) | <u>Aggregate</u> 5y 3y <u>Total</u> 6y NPP 3y 4m | Crown AA <u>Aggregate</u> 7y 6m NPP 4y 4y 6m NPP 3y <u>Total</u> 8y 6m NPP 5y | Yes including serious drug offence. | Involved in criminal syndicate – import from overseas on numerous occasions in 2022 to Sydney, then transported interstate by concealment in toolboxes tracked using Apple AirTags – offender's role to track importations and arrange to be transported out of NSW - conversations with co-offenders on encrypted messaging applications - financial gain for drugs and money. Difficult upbringing – refugee background – drug abuse. CCA: Sentence manifestly inadequate – re-sentenced on basis sat above co-offender in hierarchy - performed more physical acts and reported to individuals higher in hierarchy. |
| 63. | Yarmohammadi [2025] NSWCCA 161 | Import comm qty Import comm qty Sched: Possess comm qty methamph | 24.33kg 19.72kg | PG (25%) | <u>Indicative:</u> 8y 6m 7y <u>Aggregate:</u> 10y 6m NPP 6y 4m | AD | Nil | Senior member of group of co-offenders involved in three importations - crucial role of receiver and a facilitator – mid-range seriousness. Difficult background – <i>Bugmy</i> - drug use – remorse. |

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| 64. | Chan (37) [2025] NSWCCA 212 | Import comm qty Manufacture comm qty: s.24(2) <i>DMTA</i> (NSW) Proceeds crime: s.400.5(1) <i>Cth Code</i> | 72.517 kg | VG | 20y NPP 13y 12y NPP 8y 2y 8m <u>Total:</u> 23y NPP 16y | AD | Overseas record: drug trafficking, assault. | Criminal syndicate – drugs imported in shipping container purporting to contain aloe juice drink products from Hong Kong – senior, vital role in co-ordinating importation by remaining in contact with co-offenders overseas; organiser and person in charge in Australia by giving direction to other co-offender; rental of storage premises; arranged premises to be cleared for consignment - objective seriousness significant – sophisticated, well-organised enterprise- potential street value over \$8m - aware of drug and quantity. Employment and courses in custody – guarded prospects rehabilitation - no indication of insight or remorse. CCA: Appeal allowed on family hardship (<i>Totaan v R</i>) ground - error conceded - no lesser sentence warranted. |
| 65. | Robertson Westwood [2025] NSWCCA 235 | Consp import comm qty Sched: Dealing with proceeds of crime Consp import comm qty | 400kg (gross – purity unknown) amphetamine heroin 400kg (gross – purity unknown) amphetamine heroin | PG (over 25%) PG (over 25%) | 9y NPP 4y 6m 8y NPP 4y | Crown AD (exercise of discretion) | Minor and largely historical No significant record – drug offence 2000 | Made financial contribution to attempt to import drugs by air consignment from Malaysia – purity unknown – importation part of significant scheme – aware but not involved in other consignments – not principals or leading members – purity unknown but amount significantly above commercial quantity – proceeds offence involved approx. \$5m Significant additional weight given to pleas entered despite outstanding dispute on admissibility of ANOM evidence Strong subjective cases – <i>Bugmy</i> issues – mental health issues – dependents with significant needs – excellent prospects of rehabilitation – remorse – R with physical disability On appeal: sentences manifestly inadequate but declined to increase sentence in view of impact on dependents and rehabilitation |

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| 66. | Manella [2025] VSCA 195 | Att traffick 1,4 Butanediol: s.71(1) (Vic) <i>Drugs, Poisons and Controlled Substances Act</i> Import comm qty | 347kg Methamphet 56kg (80.3% purity) Heroin 13kg (52.1-76.5% purity) | PG | 11y NPP 4y 10m 11y NPP 4y 10m <u>Total:</u> 13y NPP 6y 10m (pre discount for guilty plea: 17y) | AD | Nil | Followed instructions from boyfriend who was in custody awaiting murder trial – co-ordinated transportation of drugs and relayed instructions – 1,4 Butanediol transported from South Australia to pay off drug debt – heroin and methamphetamine imported in 27 boxes containing ‘magnets’ – preplanned and sophisticated syndicate – clearly subordinate role Very good prospects of rehabilitation – harsh custodial conditions On appeal: rejected attempt at tendering fresh evidence relating to mental health |

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