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 Total: 14y 6m NPP 9y 6m	Crown AA 16y 16y Total: 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

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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
3.	**Nguyen** (34) **Phommalysack** (25) (2011) 31 VR 673 [2011] VSCA 32 Co-offenders: NGUYEN LUONG NGUYEN	Att import comm qty Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	29.1kg cocaine 21.8kg methamphet 6.3kg MDMA	PG PG	10y 7y <u>Total</u>: 12y NPP 8y (14% assistance) 12y NPP 9y	AD	Nil AR as a youth	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 Co-offenders Luong (Hung) and Nguyen (Minh) dealt with for s.307.5: att possess comm qty
4.	**Tiknius** (28) (2011) 221 A Crim R 365 [2011] NSWCCA 215	Aid and abet import comm qty Possess mkt qty: s.307.6	2.0338kg methamphet 55.1g MDMA	PG (25%)	10y 6y <u>Total</u>: 11y NPP 6y 6m	AA 8y 5y <u>Total</u>: 9y NPP 5y	nil	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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
	Tang	Import comm qty Import comm qty Import comm qty	29.285kg methamphet 71.564kg cocaine 9.757kg MDMA	VG	15y 15y 15y <u>Total</u>: 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
5.	**Pham** [2012] VSCA 101	Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5		PG	15y 15y 15y <u>Total</u>: 19y NPP 14y			
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 <u>Total</u>: 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 methylamphet Traffic methylamphet (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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
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 10y 5y Total: 20y NPP 12y	AD / AA 9y 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) *Crimes (Appeal and Review) Act* 2001 referral – application of *Xiao* – 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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15.	**Thomson** [2016] NSWCCA 56	Consp import comm qty Supply lge comm qty (NSW) Possess prohibited weapon Sched: Supply cocaine	3.96kg cocaine 1.3kg methamphet 2.25kg MDMA 3.79kg PMMA 1.97kg methamphet	PG (10%) PG (25%)	14y NPP 7y 6m Indicative 8y 2y 6m Aggregate 9y NPP 6y (concurrent)	Crown AA 14y NPP 7y 6m Indicative 8y 2y 6m Aggregate 9y NPP 6y Total: 17y NPP 10y 6m	Minor	Drugs to be imported from Canada in industrial oven frame – controlled delivery – a principal – involved in making arrangements in Australia and supervising others – Taser and 95.4g cocaine found in house – in unrelated transaction supplied Methamphetamine to co-offender who took it to Melbourne on bus Difficult childhood – drug addiction from very early age – family history of mental illness
16.	**PC** (20) [2016] NSWCCA 137	Import comm qty Attempt possess comm qty: s.307.5 Sched: 5 offences	At least 21kg methamphet 17.314kg cocaine 20.548kg methamphet	PG (30% combined) PG (25% combined)	19y 6m 16y 6m Total: 26y 6m NPP 18y	AA 17y 6m 15y Total: 20y 6m NPP 14y 6m	Lengthy record – breached conditional liberty	Played managerial role in receipt and distribution of drugs imported over 6 month period from Canada – drugs concealed in equipment – trusted and key member in syndicate – found in possession of $135,700 proceeds of crime Difficult childhood – drug user – gambling addition On appeal – degree of accumulation too high

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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 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 Proceeds of crime: s.400.9 Passport offence Contravene bail	2.4kg methamphet 20.1g cocaine $99,880.83	PG	7y 10m 2y 2m <u>Total</u>: 7y 6m NPP 4y	Crown AA 9y 10m 2y 2m <u>Total</u>: 9y 6m NPP 4y		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 On appeal discretion applied to K in view of release 6mth earlier to parole Lesser sentence imposed in M in view of parity question
	DPP (Cth) v Kachunga (29) [2017] VSCA 204	Possess comm qty: s.307.8 Att possess mkt qty: s.307.6 Proceeds of crime: s.400.9 Possess mkt qty: s.307.9	2.799kg methamphet 504g methamphet $88,637 12.2g cocaine	PG	4y 6m 2y 8m 12m <u>Total</u>: 5y NPP 2y 6m	Crown AD (exercise of discretion)	Nil	

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27.	**Scott** (45) [2017] SASCFC 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 <u>Total</u>: 16y NPP 9y 3y 3m NPP 1y 8m 3y 3m NPP 1y 8m <u>Total</u>: 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 <u>Total</u>: 12y NPP 7y	Crown AA 11y 16y <u>Total</u>: 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 Total: 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) **Huang** **Shih** (33) [2018] NSWCCA 270	Attempt import comm qty Attempt import comm qty Attempt import comm qty	142kg methamphet	PG PG PG	22y NPP 14y 6m 22y NPP 14y 6m 27y NPP 18y	AA 19y NPP 12y 19y NPP 12y 22y NPP 14y	Nil Nil History in Taiwan, not serious.	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
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 Import comm qty	3.9739kg methamphet 2.075kg methamphet	PG	11y 9y <u>Total</u>: 14y NPP 10y (pre discount for guilty plea 18y NPP 14y)	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

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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 <u>Total</u>: 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 – includedfranze 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 *Xiao* – 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: *Xiao* 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 form 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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
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 methylamphet	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: *Xiao* 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 Total: 18y 2m NPP 12y	AA 16y 2m 11y 11m Total: 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 Aggregate 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.	**Tartagalia** (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: *Xiao* error conceded – NPP of 14 years is sufficient to reflect criminality of offending.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
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	Indicative 7y 2y 6m Aggregate 8y 6m NPP 4y 6m	Indicative 5y 9m 2y Aggregate 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	Consp 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. On appeal: 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 position in hierarchy - clearly much higher than courier.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
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 Sched: 4 drug offences Supply lge comm qty (NSW) Sched: 1 drug offence	53.467kg methamphet 860g cocaine 99.111kg butanediol	PG (25%)	Indicative: 4y 2y 6m Aggregate 5y 3y Total 6y NPP 3y 4m	Crown AA Indicative: 5y 3m 3y Aggregate 7y 6m NPP 4y 4y 6m NPP 3y Total 8y 6m NPP 5y	Yes including serious drug offence.	Involved in criminal syndicate – imported drugs 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	Att import comm qty Att import comm qty Sched: Possess comm qty methamph	24.33kg 19.72kg 1.28kg	PG (25%)	Indicative: 8y 6m 7y Aggregate: 10y 6m NPP 6y 4m	AD	Nil	Senior member of group of co-offenders involved in three importations - crucial role of receiver and facilitator – mid-range seriousness. Difficult background – *Bugmy* - drug use – remorse.

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64.	**Chan** (37) [2025] NSWCCA 212	Import comm qty Knowingly take part in manufacture comm qty (NSW) Proceeds crime: s.400.5(1) *Cth Code*	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 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. On appeal: *Totaan* error conceded (family hardship) - 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 AN0M evidence Strong subjective cases – *Bugmy* 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 (Vic) Import comm qty	347kg 56kg methamphet (80.3% purity) 13kg Heroin (52.1-76.5% purity)	PG	11y NPP 4y 10m 11y NPP 4y 10m Total: 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
67.	**Ma** (50) [2026] NSWCCA 46	Consp import comm qty	5,621.5g methamphet	PG (25%)	6y NPP 3y 6m	AD	Nil	Drugs found in statues in luggage on arrival at Sydney airport – stated duped by "David" into agreeing to smuggle diamonds - lower end of scale of objective seriousness. Good character – good rehabilitation prospects
68.	**McLain** (30) [2026] NSWCCA 84	Import comm qty	796.3g	PG (25%)	6y 6m NPP 3y 6m	AD	Nil	Female – drugs located in bag in false-bottom on arrival at airport – also imported marketable qty ketamine and MD – overseas national – SJ not satisfied applicant knew importing drugs but was reckless - financial gain – said bag given to her in Mexico and thought it was a bag of her associate "C". Deprived childhood - PTSD, Major Depressive Disorder, Substance Use Disorder - good prospects of rehabilitation – remorse.

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69.	**Jameel** [2026] NSWCCA 91	Import comm qty Attempt possess comm qty	2,233.52g 936.1g	PG (25%)	6y 4y <u>Total</u> 7y NPP 4y	AD		Involved in a drug importation scheme using false consignee details and intercepted packages - Border Force detected consignments concealed in items such as supplement bottles - applicant communicated with unknown persons via encrypted apps, providing delivery addresses, tracking updates, and advice on packaging drugs - on separate occasion, police conducted controlled delivery; applicant attended post office with another person to collect packages – claimed being paid $2,000 to collect and deliver package and did not want to ask questions about contents. Background disadvantage – *Bugmy* - Major Depressive Disorder with Anxious Distress - financial pressures.

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