Import Heroin

Commercial Quantity

s.307 (Cth) *Criminal Code*

Commenced 6.12.2005

307.1 Importing and exporting commercial quantities border controlled drug

Commercial Quantity: 1.5kg

Maximum Penalty: Life

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	**Basri** (39) **Madubuko** (44) **Okonkwo** (45) [2009] NSWDC 398 Nicholson SC DCJ (Madubuko) [2011] NSWCCA 135	Import comm qty Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	1.88kg heroin	VG VG VG	5y 3m NPP 3y 3m 6y 6m NPP 4y 2m 6y 6m NPP 4y 2m	Conviction AD	Nil Nil Nil	B (female) recruited in Malaysia to import drugs from India in suitcase – controlled delivery made to co-offenders M and O B – courier shepherding drugs from India – to report progress and any problems M and O – first point of distribution in Sydney – charged with taking drugs to distributors in Bankstown – lesser criminality than B B – difficult childhood and marriage marked by violence – assistance – good prospects of rehabilitation M – Nigerian – positive prospects of rehabilitation O – Nigerian – good prospects of rehabilitation
2.	**Ng** (49) [2010] NSWCCA 232	Import comm qty	2.445kg heroin	PG (25%)	11y 3m NPP 7y 3m	AD	Lengthy record in Singapore	Citizen of Hong King – heroin concealed in toiletries and food items – courier – clearing gambling debt Disadvantaged background – isolation in custody

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.	**Zhang** [2011] NSWCCA 233	Import comm qty	1.5276kg heroin 108.6g methamphet	PG (30% plea and assist)	14y NPP 9y	AD	Offence committed 18m after release to parole for imp 3.3kg heroin	Arranged for drugs to be imported from China to post box in Australia – voluntarily disclosed import of M after caught with heroin
4.	**A.Tran** (20) **P.Tran** (20) **Nguyen** (20) (2013) 233 A Crim R 167 [2013] NSWCCA 136	Att possess comm qty: s.307.5 Import comm qty Import comm qty	6.25kg heroin	PG (25%)	4y 6m NPP 2y 9m 7y 6m NPP 4y 6m 9y NPP 5y 6m	Crown AD	Nil	Drugs imported into Australia concealed in boxes marked statues, vase and bathroom accessories – N paid to arrange delivery – drugs delivered to P.Tran's house – all involved in unpacking – all motivated by financial gain Nguyen – major role – remorse – drug addiction – good prospects of rehabilitation P.Tran – lesser but still significant role – cocaine user – lacked knowledge about nature and amount of drug – good prospects of rehabilitation A.Tran – remorse – good character – cocaine dependent – good prospects of rehabilitation
5.	**Lam** (23) [2015] NSWCCA 143	Import comm qty	2.8959kg heroin	PG	11y NPP 7y	AD	Possess drug	Key intermediary in international drug syndicate - 3 consignments linked to offender - trained other people in Australia to carry out the same role - surveillance recorded offender discussing weight of drugs imported or to be imported - ongoing course of planning and activity extending over at least three months - came to Australia for purpose of offence – premeditated planned offence From Hong Kong – illicit drug use - reasonable rehabilitation prospects.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
6.	**Kev** (40) **Sok** (35) [2015] VSCA 232	Import comm qty Possess comm qty: s.307.5 Import comm qty Possess comm qty: s.307.5	12.36kg heroin 2.4kg Heroin 12.36kg heroin 2.4kg heroin	VG VG	14y 9m 6y <u>Total</u>: 14y 9m NPP 11y 14y 9m 6y <u>Total</u>: 14y 9m NPP 11y	AD	Nil Priors for violence	S travelled to Cambodia with knowledge of K to arrange importation of drugs – heroin suspended in liquid and sent in five packages to rental properties arranged by offenders – three controlled deliveries and one not delivered – seriousness of roles indistinguishable K – suffered persecution in Cambodia before coming to Australia S – Cambodian – drug addictions – depression and anxiety
7.	**Lieu** [2016] VSCA 277	Consp import comm qty Traffic comm qty: s.302.2	1.1497kg heroin 10.758kg methamphet 3.55kg PMMA	PG	16y 20y <u>Total</u>: 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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
8.	**Vo** (49) [2016] VSCA 278	Consp import comm qty Proceeds of crime: s.400.9(1)	1.4977kg see facts heroin $100,518	PG (25%)	18y 18m Total: 18y 6m NPP 13y (pre discount for guilty plea: 25y NPP 20y)	AD	Minor	Female – one of two Australian principals – conspired over 7 months to import drug from Vietnam - ongoing basis – supplied money to purchase drugs – arranged and organised couriers (often coercively) – liaised with contacts in Vietnam to prepare couriers – warehoused, prepared, supplied and distributed drugs – four successful importations – larger amounts sought and ordered Difficult and abusive background as refugee from Vietnam – suffering post-traumatic stress disorder
9.	**Hudson** (49) [2016] SASCFC 60	Import comm qty	1.729kg heroin	VG	9y NPP 4y 2m	AA 8y NPP 3y 6m (take into account PSC and home bail)	Limited – no drugs	Female from New Zealand – carried drugs in back pack from Singapore – motivation unclear – courier Grandmother with excellent work record
10.	**Afford** [2017] VSCA 201	Import comm qty	2.415kg heroin	VG	3y 2m NPP 2y	Crown AA 10y NPP 7y	Nil	Builder agreed to travel to Philippines to pick up goods in order to secure large building contract – suspicious as to nature of goods – aware of substantial risk – courier Motivated by greed – naïve and unsophisticated – prior good character – released to parole prior to appeal
11.	**Lee** [2018] NSWCCA 75	Import comm qty Sched: 6 drug offences	13.9265kg heroin	PG	12y NPP 6y 6m	AD		With 4 co-offenders imported drugs from Thailand during 2012 – offender made arrangements for importation in shipping container – co-offender employed by stevedoring company unloaded drugs and delivered to another co-offender – offender not at apex of operation Duress - threats from associate to whom offender owed gambling debt

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
12.	**Wilson** [2019] NSWCCA 38	Consp import comm qty Deal with proceeds of crime: s.404.4(1)	9.098kg heroin	VG PG	20y 5y <u>Total</u>: 23y NPP 15y	AD		Involved in importation of drugs concealed in furniture from Indonesia – controlled delivery - one of three principals – monitored and directed conspiracy throughout – recruited brother to use furniture business for delivery – organised payments – changed money into foreign currency to facilitate transportation out of country – expected substantial profits
13.	**Qui** (39) **Ng** (33) [2019] VSCA 147	Import comm qty Import comm qty	16.3kg heroin 13.4kg heroin	PG VG	11y NPP 7y 13y NPP 9y	AA 9y NPP 6y 10y 6m NPP 7y	nil nil	Brought in drugs concealed in suitcases from Malaysia – reckless as to contents – left suitcases on carousel to be collected by co-offender - couriers Both Malaysian citizens facing isolation in custody On appeal – breached parity with sentence imposed on third offender and failed to take into account intellectual disability of Ng
14.	**Le** (33) [2019] VSCA 80	Import comm qty	3.689kg heroin	PG	10y NPP 6y 6m	AD		Heroin imported in machinery parts from Thailand – controlled delivery – at least a principal and directly involved in arranging importation – gravity of offending high Female – Vietnamese – some isolation in custody due to language
15.	**DPP v Omar** [2019] VSCA 188	Import comm qty	1.77kg heroin	PG	5y 6m NPP 3y	Crown AA 8y NPP 5y		Flight attendant – agreed to import heroin in packages concealed under clothes for $500 – role of courier aggravated by offender's position Malaysian national - isolation in custody
16.	**Bembo** (40 at appeal) [2019] VSCA 308	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Consp to import comm qty	3.767kg heroin 125.682kg methamphet 4kg methamphet	VG	14y 19y 13y <u>Total</u>: 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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
17.	**Kao** (26 at offence; 31 at sentence) [2020] NSWCCA 38	Import comm qty	10kg heroin	PG (25%)	8y NPP 5y	AA 7y 6m NPP 4y 8m	nil	Female – committed offence out of fear of person from criminal organisation to whom she owed money - Leased premises and arranged for delivery of consignment from overseas; removed drugs; packaged drugs. Mitigatory duress - powerful subjective features - lesser sentence warranted. CCA: error in not providing discount for utilitarian value plea of guilty (Xiao error)
18.	**Sara** (34) [2020] NSWCCA 119	Consp import comm qty	18kg heroin	PG (25%)	7y 6m NPP 5y	Crown AD	Drug offences	Participated in conspiracy to import drugs from Fiji – intermediary in Australia for overseas participant – relatively low role – participated for two months then voluntary withdrew after drugs seized – knew amount and type of drug – involvement of undercover operant from early in conspiracy reduced gravity Powerful subjective case – remorse – mental health issues – good prospects of rehabilitation On appeal: no error in findings of SJ - sentence not manifestly inadequate Note: co-offenders sentenced for additional and more serious conspiracy to import cocaine offences
19.	**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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
20.	**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
21.	**Manella** [2025] VSCA 195	Att traffick 1,4 Butanediol: s.71(1) (Vic) *Drugs, Poisons and Controlled Substances Act* 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

Last Updated: Dec 2025