Possess Imported Amphetamines / Methamphetamines

Commercial Quantity

s.307.5 / s.307.8 (Cth) *Criminal Code*

Commenced 6.12.2005

307.5 Possessing commercial quantities unlawfully imported border controlled drug

307.8 Possessing commercial quantities border controlled drug reasonably suspected of having been unlawfully imported

Commercial Quantity: 750gm

Maximum Penalty: Life

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	**Zhang** [2010] NSWCCA 105	Attempt possess comm qty: s.307.5	8.2187kg methamphet	PG	11y NPP 7y	AD		Attempted to take delivery of drugs secreted in boxes from co-offender – more than mere courier – in contact with people overseas – actual knowledge not recklessness
2.	**Chan** (35) **Lo** (27) **Nguyen** (35) [2010] NSWCCA 153	Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 Aid and abet import comm qty: s.307.1	10.1kg methamphet	PG (30%) PG (25%) PG (10%)	12y 6m NPP 7y 6m 7y 6m NPP 4y 6m 10y NPP 6y	AD AD AD	Nil Nil No convictions	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

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: s.307.1 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
4.	**Dao** [2011] NSWCCA 183	Attempt possess comm qty: s.307.5	22.3kg methamphet 'ice'	PG	10y NPP 6y	AD	2 offences of supply prohibited drug	Drugs hidden in candles shipped in from Vietnam – low level participant – drove co-offender to rendezvous and unpacked drugs Longstanding drug addiction

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5.	**Pham** **Tang** [2012] VSCA 101	Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 Attempt possess comm qty: s.307.5 Import comm qty: s.307.1 Import comm qty: s.307.1 Import comm qty: s.307.1	29.285kg methamphet 71.564kg cocaine 9.757kg MDMA	VG PG	15y 15y 15y <u>Total</u>: 19y NPP 14y 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
6.	**Nguyen** (39) [2012] VSCA 119 Co-offenders: PHUONG PHOMMALYSACK LUONG NGUYEN	Import comm qty: s.307.1 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

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
7.	**Franze** (32) [2013] VSC 421 Kaye J Co-offender: RAMAZANOGLU	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	133.3kg methamphet 14.1kg cocaine	VG	16y 10y Total: 17y NPP 13y		Minor	Drugs imported in bottles of beer from Mexico – controlled delivery – significant role - involved in receiving consignment, unloading and moving then directing disposal when alerted to police surveillance – no knowledge of actual amount – lured by profits Hardship to wife caused by imprisonment
8.	**Ramazanoglu** [2013] VSC 724 Kaye J Co-offender: FRANZE	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Obstruct Cth officer Traffick comm qty: s.302.2 Possess unreg longarm Store firearm in insecure manner	133.3kg methamphet 14.1kg cocaine 3.4-5.6kg methamphet	PG	8y 4y 2m 4y 2m 2m Total: 8y 6m NPP 4y 6m		minor	Drugs imported from Mexico concealed in beer bottles – not involved in importation but took possession of bottles for purpose of disposal when controlled delivery discovered – no knowledge of precise amount or purity – less significant role than co-offenders – resisted police officer at time of arrest – smaller amount of methamphetamines found in refrigerator – sentenced on basis stored drugs for deemed purpose of supply – Naughton .22 calibre semi-automatic rifle found stored with ammunition in premises – limited role – moral culpability reduced by psychological condition Significant mitigating features - remorse – difficult childhood including sexual assault by teacher resulting in severe psychological issues and substance abuse – impact on custody - good character references – good prospects of rehabilitation

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
9.	**Luong (Hung)** (53) **Nguyen (Minh)** (2013) 46 VR 780 [2013] VSCA 296 Co-offenders: PHUONG PHOMMALYSACK NGUYEN	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	21.8kg methamphet 6.3kg MDMA 29.1kg cocaine	VG	10y 10y 10y <u>Total</u>: 15y NPP 11y 3y 3y 3y <u>Total</u>: 3y NPP 514d	Sentence AD Conviction Appeal only - dismissed	nil	Drugs concealed in foot spas to be imported to Australia from USA – controlled delivery H – involved in organisation but not major role and not aware of amount of drugs – low intellectual functioning – hardship to family N – asked to come and work for a few days – only became aware of drugs when first package opened
10.	**Nerbas** (27) [2014] QCA 259 Co-offender: HANDLEN	Possess comm qty: s.307.5 Attempt possess comm qty: s.307.5	Not stated: cocaine / MDMA / methamphet	PG	15y NPP 10y 15y NPP 10y (concurrent)	AD	Nil	Drugs imported from Canada in cathode ray tubes over several months – maintained infrastructure used for importing – provided additional labour when required Lesser offender – long history of legal proceedings – prior good character

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
11.	**Handlen** (39 at offence – 47 at sentence) [2015] QCA 292 Co-offender: NERBAS	Possess comm qty: s.307.5 Attempt possess comm qty: s.307.5	103kg cocaine 7.6kg MDMA 1.085kg methamphet	VG	27y NPP 18y	AD	Nil relevant	Drugs imported from Canada in cathode ray tubes – management role – controlled delivery after drugs detected by authorities
12.	**Lin** (early 30s) [2015] VSCA 314	Possess comm qty: s.307.8 Traff mkt qty:s.302.3	1.76kg methamphet 'at least mkt qty' methamphet	PG	5y 6m 4y 3m Total: 6y 9m NPP 5y (pre discount for guilty plea: 7y 6m NPP 6y 6m)	AD	nil	At least marketable quantity of drug imported by co-offender – offender took delivery of package and conveyed it to co-offender – commercial quantity of drug found at home of offender – motivated by financial reward – lesser in hierarchy - trusted warehouseman Isolation in custody On appeal: no error in categorisation of role of offender
13.	**Tsai Yu** (24) [2016] NSWCCA 73	Attempt possess comm qty: s.307.5	10.67kg methamphet	PG (25%)	9y NPP 5y 6m	AD		With co-offender, arrived in Australia from China - planned to take delivery of consignment which had arrived from China in Sydney – found to contain drugs - estimated street value $11.95M and wholesale value $3.43M - subordinate to co-accused and played lesser role - travelled to Australia solely to take delivery of drugs by signing for them - job to ensure drugs secured in the premises and returning key to co-offender. Gambling problem.

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14.	**PC** (20) [2016] NSWCCA 137	Import comm qty: s.307.1 Attempt possess comm qty: s.307.5 Sched: 3 x Import comm qty Proceeds of crime Possess comm qty	At least 21kg methamphet 17.314kg cocaine 20.548kg methamphet	PG (30% plea and assist) PG (25% plea and assist)	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
15.	**DPP v Thomas** **DPP v Wu** [2016] VSCA 237	Attempt possess comm qty: s.307.5 Import comm qty: s.307.1	3.6kg methamphet 3.965kg methamphet	PG (late) PG	5y NPP 3y 6y 6m NPP 3y 6m	Crown AA 9y NPP 6y 3m Crown AA 10y 6m NPP 7y 6m		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
16.	**Boimah** (29) [2017] QCA 50 Co-offender: ONYEBUCHI	Att possess comm qty: s.307.5 Possess false passport	0.7919kg methamphet	PG (10%)	8y NPP 4y 3y (concurrent)	AD	Nil	Controlled delivery to offender's house of package mailed from Hong Kong – took delivery – found in possession of false passport in name of addressee – intermediary – lesser role than co-offender – believed package contained drugs without knowing type or weight – motivated by profit Originally refugee from Liberia – out of character - wife and young child

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
17.	**DPP (Cth) v Kachunga** (29) **DPP (Cth) v Masange** (25) [2017] VSCA 204	Possess comm qty: s.307.8 Att possess mkt qty: s.307.6 Proceeds of crime: s.400.9(1A) Possess mkt qty: s.307.9 Import comm qty: s.307.1 Proceeds of crime: s.400.9(1A) Passport offence Contravene bail	2.799kg methamphet 504g methamphet $88,637 12.2g cocaine 2.4kg methamphet 20.1g cocaine $99,880.83	PG PG	4y 6m 2y 8m 12m <u>Total</u>: 5y NPP 2y 6m 7y 10m 2y 2m <u>Total</u>: 7y 6m NPP 4y	Crown AD (exercise of discretion) Crown AA 9y 10m 2y 2m <u>Total</u>: 9y 6m NPP 4y	Nil	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

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18.	**Beqiri** (43) **Hajko** (22) [2017] VSCA 112	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	23.0404kg methamphet	VG VG	15y NPP 11y 11y NPP 7y	AD AD	nil nil	Drugs concealed in body of car imported from America – controlled delivery – sophisticated, highly organised and well-planned scheme – very serious offence B – critical role although not principal – likelihood of deportation H – lesser culpability – conduit for limited time – difficult early life as refugee – prior good character – probably deportation – isolated and on protection
19.	**Schanker** (32) [2018] VSCA 94	Att possess comm qty: s.307.5 Traffic comm qty: s.302.2	5.896kg methylamphet over 2kg methylamphet	VG PG	15y 9y <u>Total</u>: 18y NPP 14y	AD	fraud and dishonesty – breached conditional liberty	Drugs imported in two packages containing bicycle parts – in controlled delivery packages delivered to storage unit – offender took possession of packages with owner of unit – several weeks later involved in possessing drugs with intent to sell – offences interrelated – a principal Refugee from Sierra Leone – suffered extreme violence and trauma – substantial mental health issues
20.	**Stipkovich** (47) [2018] WASCA 63	Att possess comm qty: s.307.5	7.4561kg methamphet	VG	14y NPP 11y	AD	Record including cannabis offence – long periods without offending	Drugs imported concealed in phone chargers – consignment addressed to home of offender – controlled delivery – offender and co-offender concealed 'drugs' in bushes after taking delivery – equal culpability – more than courier Substance abuse – carer for elderly father
21.	**Rosales (a pseudonym)** (36) [2018] VSCA 130	Att possess comm qty: s.307.5	just under 4.8kg methamphet	PG (early)	7y NPP 4y	AD	nil	Took possession of consignment of electrical goods from South East Asian country containing concealed drugs – instructed co-offender to take package and check contents – greater role than co-offender Born in West Africa and witnessed murder of father – drug use a form of self–medication – in financial difficulty – good prospects of rehabilitation – probable deportation – provided some assistance to authorities in unrelated matter

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22.	**Blango** (30-31) [2018] VSCA 210	Att possess comm qty: s.307.5 Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6	55.9578kg methylamphet 725.3g heroin 28.89 cocaine	PG	15y 5y 3y <u>Total</u>: 16y 6m NPP 12y 6m (pre discount for guilty plea 21y NPP 17y)	AD	Extensive record although less serious offences	Member of criminal syndicate importing and distributing drugs – role of offender to organise delivery of consignments arriving every couple of days - over 4 months attempted to take possession of 33 consignments of ice, 4 consignments of heroin and 1 consignment of cocaine - senior and trusted managerial capacity – multiple drugs over period of time – moral culpability high – motivated by greed Born in Sierra Leone – traumatic childhood exposed to violence – limited remorse – prospects of rehabilitation reasonable On appeal: sentences not manifestly excessive
23.	**Kao** (22) [2019] VSCA 84 Co-offender: IP	Att possess comm qty: s.307.5 Proceeds of crime: s.400.9(1) Proceeds of crime: s.400.9(1)	2.3498kg methamphet $567,138 $357,000	PG	9y 8m 2y 14m <u>Total</u>: 11y NPP 6y 10m	AA 9y 8m 15m 9m <u>Total</u>: 10y 5m NPP 6y 6m (pre discount for guilty plea: 14y 9m NPP 10y 9m)	nil	Took delivery of 2 consignments of drugs concealed in vials of liquid and noodles – controlled delivery - over 18 days dealt with $567,138 in multiple transactions – found in possession of total of $357,000 with co-offender – in charge at this end of international syndicate – recruited co-offenders – highly placed and critical role with significant control and autonomy – financial gain Prior good character – Chinese national Undiscounted sentence: 14y 9m NPP 10y 9m On appeal: sentences for proceeds offences manifestly excessive
24.	**Yin** (37) [2019] NSWCCA 217	Att possess comm qty: s.307.5	33kg methamphet	VG	16y NPP 10y	AD	Nil	With 2 co-offenders imported drugs from Taiwan - senior position in Australia regarding obtaining possession – role included managing finances, bringing co-offenders to Australia, directing co-offenders, being in contact with people involved in Taiwan. Low risk of reoffending – prior good character.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
25.	**Shakhanov** [2019] VSCA 38	Att possess comm qty: s.307.8	107.87kg methylamphet	PG	9y NPP 6y	AA 8y NPP 5y (pre discount for guilty plea: 11y NPP 8y)	nil	Involved in taking possession of drugs imported in shipping containers – controlled delivery – supervised co-offender taking half – other half already taken by second co-offender (total of 209.79kg imported) – more involved than first co-offender but less culpable than second Difficult background – remorse – good prospects of rehabilitation – acted from financial pressure
26.	**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: s.307.1	125.682kg methamphet 3.767kg heroin 4kg methamphet	VG	19y 14y 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
27.	**Ip** (25) [2020] VSCA 211 Co-offender: KAO	Att possess comm qty: s.307.5 Proceeds of crime: s.400.9(1) Proceeds of crime: s.400.9(1)	2.3498kg methamphet $200,000 $357,000	PG	8y 14m 12m <u>Total</u>: 9y NPP 5y 4m	AA 8y 9m 7m <u>Total</u>: 8y 5m NPP 5y (pre discount for guilty plea: 12y NPP 8y)	nil	Importation involved drugs concealed in vials of liquid and noodles – controlled delivery – made two deposits of $100,000 each – found in possession of total of $357,000 with co-offender – offender recruited by co-offender Low risk of re-offending On appeal: sentence reduced in view of reduction of co-offender's sentence on appeal

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28.	**Chu** (21-22) **Peng** (21) [2020] QCA 012	Possess comm qty: s.307.8 Proceeds of crime: s.400.4(1) Import comm qty: s.307.1 Possess comm qty: s.307.8 7 x Import mkt qty: s.307.2 Proceeds of crime: s.400.4(1)	1.7126kg methamphet $174,856 0.8043kg methamphet 1.7126kg methamphet 134g-409.5g methamphet $189,774	PG	9y 5y <u>Total</u>: 9y NPP 4y 6m 11y 11y 9y 5y <u>Total</u>: 11y NPP 5y 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
29.	**Nipoe** [2020] VSCA 137	Att possess comm qty: s.307.5 Att possess mkt qty: s.307.6	8.634kg methamphet 544.5g methamphet	PG VG	9y (pre discount for guilty plea - 10y) 8y <u>Total</u>: 15y NPP 11y	AD		Involved in two discrete attempts to import drugs – smaller amount imported from Hong Kong concealed in purses – second amount imported in horse statues from China – significant but not principal role Second offence committed while on bail for first – traumatic and disadvantaged childhood in Liberia – importance of general deterrence
30.	**Udunna** [2020] NSWCCA 304	Aid and abet att possess comm qty: s.307.5	114kg methamphet	VG	10y NPP 6y 6m	AD	minor	Drugs secreted into electrical generators – controlled delivery – arranged lease of property – in telephone contact with other offenders – important but lesser role – offence took place over 6 weeks

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31.	**Wong** [2020] NSWCCA 311	Possess comm qty: s.307.8 Sched: Proceeds of crime	61.68kg methamphet	PG (25% combined)	18y NPP 12y	AA 17y 6m NPP 11y 8m	nil	Malaysian national on visa – drugs and $99k located at offender's premises - occupier or warehouseman of warehouse for distribution – planned to distribute drugs and had already done so - responsible for maintaining means of communication with phones - entrusted with cash – important role - integral member of enterprise dealing in drugs Low/moderate risk of reoffending. On appeal: *Xiao* error
32.	**Kwan** (36 at sentence) **Kwok** (45 at sentence) [2020] NSWCCA 313	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	33.1565kg methamphet	PG (25% on appeal) PG (25% on appeal)	20y NPP 15y 20y NPP 15y	AA 16y NPP 10y 16y NPP 10y	Nil in Australia – non-aggravating record in Hong King Nil in Australia – non-aggravating record in Hong King	Drugs imported concealed in hair salon equipment – controlled delivery – offenders flew in from Hong Kong to take possession – similar culpability – both aware of nature of drugs – motivated by financial gain On appeal: *Xiao* error
33.	**Chan** (40) **Kwan** (44) [2020] NSWCCA 335	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	81.4kg methamphet	VG VG	23y NPP 15y 23y NPP 15y	AD AD	nil nil	Attempt made to import drugs with steel frame from China – drugs found in China and controlled delivery made – container delivered and unpacked at storage unit by offenders and co-offender – both trusted and significant participants expecting financial gain C – high level of responsibility – arranged storage unit, cars and equipment to remove drugs – assisted in removing 'drugs' K – trusted intermediary – travelled from Hong Kong – assisted in removal of 'drugs' Importance of general deterrence – each had low risk of re-offending On appeal: rejected argument of disparity with third offender – not manifestly excessive

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34.	**Lu** **Huang** [2021] NSWCCA 68	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	33.572kg methamphet	PG (25%) PG (25%)	10y NPP 6y 10y NPP 6y	AD		Both offenders travelled from Taiwan to Brisbane with co-offender intending to possess drugs – drugs intercepted by authorities – offenders attended storage removing drugs, packaging into bags and transporting to accommodation – street value $25 million – committed for financial gain – lower end drug hierarchy but involved planning and sophistication – almost at mid-range. Each offender: good prospects rehabilitation - onerous imprisonment due to distance form family. CCA: *Xiao* error found – however no lesser sentence warranted at law.
35.	**Afful** (32) [2021] NSWCCA 111	Att possess comm qty: s.307.5	7.45kg methamphet	VG	8y NPP 4y 6m	AD	minor	Drugs imported from Mexico secreted in metal packing machine – travelled to Sydney and made arrangements to take delivery of package with co-offender – lower mid-range of objective seriousness Excellent prospects of rehabilitation – difficult childhood including physical, psychological and sexual abuse – Canadian national On appeal considered effect of subsequent cancellation of visa – no error
36.	**El Jamal** [2021] NSWCCA 105	Att possess comm qty: s.307.5 Sched: Att possess mkt qty	3.7715kg methamphet 643g cocaine	PG (30% on appeal)	14y NPP 9y 8m	AA 11y 2m NPP 7y 3m	record	Drugs imported concealed in showerheads – controlled delivery – offender contacted company to arrange delivery – lesser amount of drugs imported in clocks one month earlier – running a drug collection business – aggravated by use of others, steps taken to conceal involvement and financial reward PTSD would affect custodial conditions – guardedly reasonable prospects of rehabilitation On appeal: erroneously took into account involvement in importation as aggravating factor
37.	**Lau** [2021] VSCA 162	Att possess comm qty: s.307.8	4.41kg methamphet	PG	8y NPP 5y 6m	AA 5y NPP 3y	Nil	Provided addresses for delivery of two consignments of drugs from overseas – aware packages contained drugs although not aware of amount – limited role for small financial gain – no part in arranging importation or subsequent distribution Language and cultural isolation in custody On appeal: parity with co-offender

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
38.	**Lai** (33) [2021] NSWCCA 217	Att possess comm qty: s.307.5	160.7kg methamphet	PG (25%)	12y NPP 8y	AD		Drugs imported in metal lathes – controlled delivery to warehouse – applicant came from Taiwan to assist two co-offenders to remove drugs – lesser role than co-offenders Remorse – prior good character – isolation in custody On appeal: rejected parity issue
39.	**Lam** (31) **Lay** (60s) [2021] NSWCCA 242	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Att possess comm qty: s.307.5 Traffick comm qty methamphet: s.302.2	233.070kg methamphet 174.484kg heroin 48kg heroin 38.844kg methamphet	PG (25%) PG (25%)	Total: 18y NPP 12y Total: 17y 6m NPP 11y 6m	AD AD	Nil	Lam: Part of sophisticated syndicate - performed essential role; trusted member - travelled into Australia for sole purpose of committing offences - unloaded drug from container - facilitating collection of significant portion of drugs by co-offender - role critical to success of the enterprise. Motivated by commercial gain - good character - strong family support in Hong Kong - good prospects rehabilitation. Lay: collection and storage - travelled to warehouse to collect discrete amounts - conduct was a step in process of intended distribution. Low risk of further criminal conduct – family support.
40.	**Lee** [2021] NSWCCA 318	Att possess comm qty: s.307.5 Traffic comm qty: s.302.2	41.7067kg methamphet 19.0563kg methamphet	PG (15%)	11y 9m 7y Aggregate 13y 3m NPP 7y 1m	AD		Arrived in Australia on tourist visa - drug concealed in 118 metal rollers in consignment from China – replaced with inert substances by law enforcement – role of making practical arrangements: initial delivery of drugs to address for storage, liaising with person to facilitate delivery, movement of goods. arranging and booking storage unit, hiring vehicles for facilitation of offences, opening and operating bank accounts in own name used to deal with funds from offending.

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41.	**Tran** (25) [2021] VSCA 278	Att possess comm qty: s.307.5	229.6kg methamphet	PG	23y 6m NPP 15y 6m (pre discount for guilty plea 28y NPP 21y)	AA 18y NPP 12y	nil	Drugs imported from China concealed in steel gates – controlled delivery – hired fork lift prior to arrival of containers – arranged and took delivery of containers at factory - involved in removing 'drugs' from gates and transporting to house – gave directions – aware of expected amount – trusted organiser – motivated by greed – high end of objective gravity Born in Vietnam – 3 year delay – onerous custodial conditions – good prospects of rehabilitation - remorse On appeal: disparity established – in absence of sentence on co-accused sentence would have been significantly higher
42.	**Narayan** (41) [2022] NSWCCA 163 Co-offender: GOVENDER	Att possess comm qty: s.307.8	80.1728kg methamphet 198.3078kg cocaine	PG (30%)	11y 6m NPP 7y	AD	nil	Offender part of syndicate - drugs imported by ship from South Africa hidden in iron ore extractor – controlled delivery – machinery transported to Sydney, picked up by offender and stored in premises – used forklift to remove from packaging for co-offenders – trusted to transport and store drugs unsupervised – paid $20,000 – aware of presence of drugs but not quantity – below mid-level On appeal: dismissed parity ground
43.	**Jaafar** [2022] NSWCCA 254	Att possess comm qty: s.307.5	12.275kg methamphet	PG (25%)	4y NPP 2y 6m	AD	Limited	No actual knowledge consignment contained drug at time he received it – only became aware later of drugs - involvement in offence limited to events on day of arrest - with co-offender, approached by acquaintance offering $1,000 each to collect parcel - accepted delivery of consignment, moved consignment to other premises, used tools to force entry into consignment – financial gain. Substance use and gambling disorder – remorse - risk of reoffending low.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
44.	**Adam** [2023] NSWCCA 62	Att possess comm qty: s.307.5 Sched: Att possess comm qty: s.307.5	3.04801kg methamphet 2.31879kg methamphet	PG (25%)	6y NPP 4y 3m	AD	Drug offences.	Police intercepted two consignments from UK with plastic inflatable swimming pools containing drugs - consignments directed to offender at addresses associated with him – police replaced drugs with harmless substance – offender collected and took consignments - drug user "talked into" providing his name and delivery address – low level role akin to courier. Depression following divorce – supportive family, hardworking - good prospects rehabilitation.
45.	**Ong** (27) [2023] VSCA 116 Kyrou J	Att possess comm qty: s.307.5	6.1679kg methamphet	PG	7y NPP 4y (pre discount for guilty plea 9y NPP 6y)	Leave to appeal dismissed	Nil	Controlled delivery of drugs in package labelled 'water filtration' – offender arranged and took delivery of consignment – high degree of recklessness – trusted member – motivated by financial need Malaysian citizen – reasonable prospects of rehabilitation – isolation in custody On appeal: sentence within range
46.	**Su** (21) [2023] NSWCCA 207	Att possess comm qty: s.305.5	394.9kg methamphet	PG (10%)	9y 10m NPP 6y	AD	Nil	Involved in importation of drugs in car bonnets in shipping container from Malaysia – observed providing one co-offender with cash and sim card to facilitate delivery of consignment and giving second co-offender money to buy tools – low level assistant – similar culpability to at least one co-offender – aware dealing with substantial importation – working for financial reward On appeal: no failure to assess objective seriousness – sentence not manifestly excessive

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
47.	**ZZ** (21) [2024] NSWCCA 25	Att possess comm qty: s.307.5 Supply lge comm qty THC (NSW) Sched: Possess proh weapon Possess proh drug	1.55979kg methamphet 3.14296kg THC 18.6g testosterone	PG (40% combined)	4y 6m NPP 2y 8m 2y 4m NPP 17m Total: 5y NPP 3y 2m	AA 4y 6m NPP2y 8m 14m NPP 8m (concurrent)	Minor – breached conditional liberty	Methamphetamine imported from Malaysia concealed in picture frames – controlled delivery – offender collected drugs from delivery address – involved for limited time to pay off drug debt – reckless as to contents – below mid-range – upon arrest drugs and baton found at house – possession of low purity tetrahydrocannabinol for personal use and to give away – no financial gain – towards lower end of range Strong subjective case – Aboriginal male - difficult childhood including sexual abuse, impact of ADHD on education and early substance abuse – remorse and good prospects of rehabilitation On appeal: sentence for supply offence manifestly excessive
48.	**Chin** (33) [2024] WASCA 17	Possess comm qty: s.307.8	40.12kg methamphet	PG	15y NPP 9y 8m	AD	Nil	Recruited in Malaysia – flown to Australia and followed instructions including opening bank account, renting house and purchasing suitcases – two suitcases of drugs found in second bedroom – had previously inspected drugs so aware of presence and amount – storeman – not involved in importation or distribution plans – involvement over 5 months – significant degree of trust Nil drug use – in financial need after bicycle accident in Malaysia On appeal: rejected parity argument
49.	**Govender** (75) [2024] NSWCCA 179 Co-offender: NARAYAN	Att possess comm qty: s.307.5	198.kg cocaine 80.1kg methamphet	VG	20y NPP 11y	AD	Nil	Drugs imported from South Africa concealed in machinery – offender travelled from South Africa on multiple occasions over 6 months – mid-range role (not principal) – aware illicit drugs and significant quantity South African national – age and poor health – prior good character

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
50.	**Hadid** (22) **Singh** (21) [2025] NSWCCA 207	Att possess comm qty: s.307.5 Att possess comm qty: s.307.5	179.12kg methamphet 972g cocaine	PG (25%) PG (25%)	9y NPP 5y 3m 9y 6m NPP 5y 8m	AD AD	Nil Driving offences.	Involved in attempted importation for approximately 24 hours - role included using tools to dismantle machine in which drugs hidden - not aware of exact amounts but aware of very large and valuable quantity - "low down" in criminal hierarchy - knowledge of operation relatively limited - S additional role of purchasing tools and organising use of garage in which machine to be dismantled - S slightly more prominent role. H: Committed offence due to drug debt – drug use - prior good character – youth. S: Prior good character – youth - supportive family – mental health. On appeal: Sentence not manifestly excessive.
51.	**Fuentes** (56) [2025] NSWCCA 230	Possess comm qty:s.307.8 Manufacture large comm qty methylamph (NSW)	4.91kg methamphet 10.2kg methylamphet	PG (25%)	9y NPP 5y 6m 4y 6m NPP 3y Total 11y NPP 7y 6m	AD	Nil	Female - travelled to Australia for purpose of engaging in drug enterprise and aware of what was required - directly participated in manufacture by process of extraction from cowhide printed rugs that contained a black rubber layer impregnated with methamphetamine - recorded videos showing steps in extraction process – not a senior figure – reported on progress and took instructions. Background of deprivation - strong prospects rehabilitation.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
52.	**Chen** [2026] NSWCCA 11	Att poss comm qty: s.307.5 Dispose proceeds of crime: s.400.9(1) Identity fraud: s.372.1(1) Traff mkt qty s.302.3(1) Traff mkt qty s.302.3(1) Take part in manufacture (NSW) Sched: Take part in manufacture	3,576.27g Methylamph 2,352.02g heroin $137,436.65 688.04g methylamph 8.8g Ketamine 175g methylamph 125g methylamph	PG (25%)	Indicative: 10y 1y 2y 6y 4y Aggregate: 13y NPP 8y 8y NPP 5y Total: 15y NPP 10y	AA 6y NPP 9y Total: 14y NPP 9y	Nil	Clandestine laboratory found in home of offender – manufacturing took place over 6 weeks – involved to 'high degree' for financial gain - not isolated offence – committed in context of commonwealth offending over period of years – 4 separate importations of drugs concealed in commercial products – additional drugs found in storage locker – used drivers licence lost by owner to open and enter accounts Born in China – no genuine insight or remorse – prospects of rehabilitation guarded On appeal: appeal against state sentence only – discussion of assessment of manifest excessive by considering comparative cases – 'markedly inconsistent'

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
53.	**Yeoh** (28) [2026] VSCA 2	Att possess comm qty: s.307.5 Trafficking: s.302.4 Deal with proceeds: s.400.4(1) Bring proh weapon into Vict (Vic)	1,527.3g heroin 4,784.9g methamphet 143.6g methamphet $153,285	PG	6y 18m 3y 9m <u>Total</u>: 8y 6m NPP 5y 6m (pre discount for guilty plea 11y NPP 8y)	AD	Nil	Drugs and imitation firearm found in search of residences and business premises of offender and co-offender – over three months dealt with proceeds of crime by depositing or transferring amounts and possessing cash – higher role than co-offender – mid range offence - attempted to take possession of drugs hidden in two consignments sent from Thailand and Laos to mailbox – high level role – found in possession of gel blaster imitation firearm Born in Malaysia – prospect of deportation – paranoid schizophrenia making custodial conditions more onerous – good prospects of rehabilitation – delay

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