Import Heroin

Marketable Quantity

s.307 (Cth) *Criminal Code*

Commenced 6.12.2005

307.2 Importing and exporting marketable quantities border controlled drug

307.6 Possessing marketable quantities border controlled drug

307.9 Possessing marketable quantities border controlled drug reasonably suspected of having been unlawfully imported

Marketable Quantity: 2gm

Commercial Quantity: 1.5kg

Maximum Penalty: 25 years

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	**Springer** (2007) 177 A Crim R 13 [2007] NSWCCA 289 [2009] NSWCCA 144 [2014] NSWCCA 52	Import mkt qty: s.307.2	71.8g heroin	PG (50% plea and assist on appeal)	6y NPP not stated	AA 4y 6m NPP 2y 9m Crown AA 4y 6m NPP 3y 9m		Importation from Vietnam – drugs swallowed – SJ erred in assessment of applicant's assistance to authorities. Sentenced increased when failed to give promised assistance 2014 proceedings to set commencement date for custodial sentence
2.	**Seng** [2007] NSWCCA 335	Import mkt qty: s.307.2	71.7g heroin	PG	5y 6m NPP 3y	AA 5y NPP 2y 6m		Importation for principal from Cambodia – courier - drugs concealed internally – parity with co-offender who had greater role.

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.	**Tran** (41) (2007) 172 A Crim R 436 [2007] QCA 221	Import mkt qty: s.307.2	1.473kg heroin	PG	15y NPP 7y	AA 10y NPP 5y	Nil	Courier – drugs secreted in condoms sewn into skin of fish contained in jars in suitcase – flew to Vietnam then Cambodia – to be paid $10,000
4.	**Danial** (59) [2008] NSWCCA 15	Import mkt qty: s.307.2	94.4g heroin	PG (15%)	6y NPP 4y	AD	Nil	Female - importation from Vietnam – drugs concealed in underwear – courier Suffering from cancer.
5.	**Huynh** (2008) 180 A Crim R 517 [2008] NSWCCA 16	Import mkt qty: s.307.2	108g heroin	PG	4y NPP 2y	Crown AA 6y NPP 4y		Importation from Vietnam – drugs swallowed – courier – conduct undertaken to reduce gambling debt.
6.	**Chea** (30) **Choun** (38) **Loeung** (25) **Oum** (35) **BS** (37) **Srey** (35) **Yin** (37) [2008] NSWCCA 78	Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2	146.8g heroin 149.9g heroin 169.7g heroin 228.8g heroin 239.2g heroin 27.1g heroin 222.8g heroin	PG PG PG PG PG PG PG	4y 5m NPP 2y 11m 5y 6m NPP 3y 6m 4y 5m NPP 2y 9m 5y 6m NPP 3y 5y 3m NPP 2y 9m 3y 2m NPP 2y 2m 5y 6m NPP 3y	Crown AD Crown AD Crown AD AA 5y 3m NPP 3y Crown AD Crown AD AA 5y 3m NPP 3y		Cambodian nationals travelled to Australia as a group – swallowed pellets of heroin – couriers – impoverished backgrounds Chea – male - lost consciousness and required emergency surgery – assistance Choun - male Loeung – female – young child fostered in Australia – assistance Oum – female – assistance BS – female – young child in foster care – HIV positive – assistance Srey – male - less deprived background – assistance Yin – female - assistance

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7.	**Mokoena** (29) (2009) 193 A Crim R 351 [2009] QCA 36	Import mkt qty: s.307.2	497.5g heroin	PG	9y NPP 4y 9m	AD	Nil	South African swallowed pellets – to be paid $10,000 on delivery Remorse – married with two children – financial difficulties – HIV positive
8.	**El-Ghourani** (2009)195 A Crim R 208 [2009] NSWCCA 140	Att possess mkt qty: s.307.6	181.5g heroin	PG (15%)	9y NPP 6y	AD	Priors – possess drug	Was to receive drugs sent in timber frames in packages – controlled delivery – more than mere courier Married with children
9.	**TYN** (42) (2009) 195 A Crim R 345 [2009] NSWCCA 146	Import mkt qty: s.307.2	242.3g heroin	PG (58% plea and assist)	6y NPP 3y 9m	AD	Minor	Courier – travelled to Vietnam and swallowed heroin before returning to Sydney Drug user – provided assistance – remorse – reasonable prospects of rehabilitation
10.	**Todoroski** [2010] NSWCCA 75	Att possess mkt qty: s.307.6	825.7g heroin	PG	6y 6m NPP 3y 9m	Crown AD		Package sent from Bangkok to fictitious person containing drug hidden in glue sticks – arranged for sister to accept delivery – controlled delivery unsuccessful because late – admitted paid to arrange and take delivery of package – culpability in upper end of mid-range
11.	**Brink** [2010] NSWCCA 217	Import mkt qty: s.307.2	210.5g cocaine 281.9g heroin	PG	8y 6m NPP 5y	AD		Brought in drugs concealed in picture frames from South Africa – suspicious that frames contained drugs Amputated leg
12.	**Tsen** (38) [2010] WASCA 21	Import mkt qty: s.307.2	667.2g heroin	VG	11y NPP 6y 6m	AD	nil	Female Taiwanese national – brought in drugs from Malaysia secreted in suitcase – working on behalf of person met through the internet – to receive $10,000 – reckless as to possibility of drugs – no knowledge of quantity of drugs

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13.	**Jailani** (40) [2010] VSCA 276	Import mkt qty: s.307.2 Import mkt qty: s.307.2 Import mkt qty: s.307.2	189g heroin 143.1g morphine 194.9g Monoacetylmorphin	VG	6y 6y 6y <u>Total</u> 6y NPP 4y	AA 4y 4y 4y <u>Total</u> 5y NPP 3y	nil	Malaysian female - arrived in Melbourne with drugs secreted in suitcase – courier Isolation in custody
14.	**Okeke** (44) [2010] NSWCCA 266	Possess mkt qty: s.307.9 Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6 Proceeds of crime: s.400.5	473g heroin 545.4g cocaine 71g heroin 80.4g cocaine 371.9g cocaine $61,150	PG	6y 6m 3y 18m 3y 14m <u>Total</u> 10y 6m NPP 8y	AA 6y 6m 7y 2y 4y 6m 18m <u>Total</u> 10y 6m NPP 6y 10m		Arranged to receive drugs secreted in 6 packages sent from overseas over 7 months – found in possession of heroin after collecting package from interstate – also found in possession of $61,150 – above mid-range
15.	**Adenopo** [2011] VSCA 269	Import mkt qty: s.307.2	127g heroin	PG	3y 6m	AA 3y 6m NPP 2y 4m		Nigerian – importing drugs from China having swallowed pellets Erroneously failed to set NPP because of likelihood of deportation
16.	**Youssef** (41) [2011] NSWCCA 104	Import mkt qty: s.307.2	573.6g heroin	PG (30% plea and assist)	7y 8m NPP 4y 8m	AD	nil	Agreed to import heroin from Thailand to repay money borrowed to bring daughter to Australia from Iran Born in Iraq – assistance to authorities

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17.	**Govindaraju** (30) [2011] NSWCCA 255	Import mkt qty: s.307.2	372.4g heroin	PG	9y NPP 5y 4m 24d	AA 8y NPP 4y 3m	Limited record in Malaysia and Singapore	Malaysian national – swallowed drugs in India – unsophisticated - courier
18.	**Harper** (25) [2011] VSCA 314	Import mkt qty: s.307.2	126.5g heroin	PG (20% on appeal)	5y NPP 3y	AA 4y NPP 2y 6m		Female – imported drugs concealed in vagina and rectum Deprived and difficult background – isolation in custody
19.	**Seah** (37) [2011] NSWCCA 269	Import mkt qty: s.307.2	423.6g heroin	PG (sign discount)	8y NPP 5y	AD	Record in Singapore	Arrived from Malaysia with drugs in shoes – courier History of drug abuse – financial difficulties
20.	**Bui** (2011) 32 VR 146 [2011] VSCA 61 (2012) 244 CLR 638 [2012] HCA 1	Import mkt qty: s.307.2	197.3g heroin	PG (33.3% on appeal)	3y – released to recog	Crown AA 4y NPP 2y Appeal to High Court dismissed		Female – brought drugs into country concealed internally – financial reward to pay off debts Hardship to newborn twins - assistance
21.	**O P Q** (45) (2012) 221 A Crim R 424 [2012] VSCA 115	Att possess mkt qty: s.307.6	491.3g heroin 69.7g cocaine	PG	6y NPP 3y 6m	AD	Assault – bond Dishonesty off – suspended sentence	Nigerian – travelled from Sydney to Melbourne to collect five packages sent from Bangladesh, Nepal, Argentina, Thailand, Philippines – organised and planned – possession of false identity documents and cash showed more than just collecting packages – trusted intermediary Good character HIV – PTSD from childhood in Nigeria – mental condition moderated culpability - drug user
22.	**Kuti** (70) [2012] NSWCCA 43	Import mkt qty: s.307.2	452.6g (56.8%) heroin	PG (25%)	7y 6m NPP 4y 6m	AD	nil	Nigerian – drugs concealed internally. From village – poor financial circumstances.

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23.	**Younan** (47) [2012] NSWCCA 155	Import mkt qty: s.307.2 Import mkt qty: s.307.2	537g heroin 642g heroin	VG	5y 9m 6y 2m Total 7y 5m NPP 4y 6m	AD		At request of co-offender travelled to Thailand and returned to Australia with heroin hidden in shoes (role of courier) – on second occasion, assisted to import drugs and received $10k – disclosures to police regarding himself and co-offenders – insisted he thought he was importing diamonds – no scope for finding remorse. Offences committed for gambling addiction - discount for assistance Sentence at very bottom of range
24.	**Nguyen** (49) [2012] NSWCCA 184	Import mkt qty	274.7g heroin	PG (40% plea and assist)	7y NPP 4y	AD	Lengthy including drugs	Courier - arrived from Cambodia – had swallowed pellets – paid about $40k – street value between $310k-$530k Mental illness – drug abuse – traumatic background.
25.	**Isaac** [2012] NSWCCA 195	Aid and abet import mkt qty: s.307.2 Aid and abet import mkt qty: s.307.2 Aid and abet import mkt qty: s.307.2	537.3g heroin 642.1g heroin Similar amount heroin	PG (30%) PG (40%) (combined on appeal)	Aggregate 11y 8m NPP 8y 6m	AA 8y 4m 8y 4m 7y 6m Aggregate 9y 10m NPP 7y 5m		Principal organiser – all drugs imported in shoes of couriers – arranged couriers – travelled to Vietnam to have shoes filled with drugs Gave evidence against couriers
26.	**Nguyen** (2012) 226 A Crim R 405 [2012] VSCA 297	Consp to import mkt qty: s.307.2 Att possess mkt qty: s.307.6 4 summary offences	474.3g heroin	PG	5y 3y Total: 7y 6m NPP 5y (pre discount for guilty plea: 10y NPP 8y)	AD	nil	Principal beneficiary – no further facts Good prospects of rehabilitation – stress of deportation On appeal - four additional offences incorrectly dealt with as summary offences on sentence – offences transferred to Magistrates Court

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
27.	**DPP v Johie** [2013] VSCA 308	Import mkt qty: s.307.2	567.9g heroin	PG	4y NPP 2y	Crown AA 5y NPP 3y (pre discount for guilty plea: 6y NPP 4y)		Female – brought in drugs concealed in bed sheets and support of backpack Failure to give promised assistance
28.	**Trinh** (57) [2013] WASCA 258	Import mkt qty: s.307.2	233.7g heroin	VG	5y NPP 3y 4m	AD	favourable	Used as a 'post box' by co-offenders to receive drugs – drugs concealed in gold Buddha sent from Vietnam – controlled delivery – willing participant – less culpable than co-offenders Female – health issues including vision – favourable antecedents
29.	**Thai** (2014) 242 A Crim R 173 [2014] VSCA 122	Consp import mkt qty: s.307.2 Traffic mkt qty: s.302.3	1251.97g heroin 343g heroin	PG (25%)	7y 4y <u>Total</u>: 9y NPP 5y (pre discount for guilty plea: 12y NPP 8y)	Crown AD	Nil	Female – assisted de facto partner when she became aware of his involvement in importing – nine importations involving nine couriers concealing drugs in bodies – assisted with some organisation especially with finances and storage of drugs – on some occasions acted independently Genuine remorse – delay – sentence inadequate but parity issue
30.	**Vu** (57) [2014] VSCA 291	Import mkt qty: s.307.2	116.8g heroin	PG (33%)	5y 8m NPP 3y 8m (pre discount for guilty plea: 8y 6m NPP 6y 6m)	AD	Drug offences	Vietnamese - female – carried drugs in from overseas – courier - difficult background leading to drug use (five judge bench to consider consequences of crown providing sentencing range)

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
31.	**Chime** (36) [2014] NSWCCA 304	Aid and abet import mkt qty: s.307.2	158.6g methamphet	VG	3y	AA	Nil	Nigerian took delivery of drugs in eight packages – intermediary involving quite a degree of planning – false identification documents – more than a courier – unwrapped drugs and passed them on Suffering some PTSD
		Aid and abet import mkt qty: s.307.2	42.3g heroin		2y			
		Aid and abet import mkt qty: s.307.2	64.7g cocaine		2y			
		Aid and abet import mkt qty: s.307.2	174g heroin		3y			
		Aid and abet import mkt qty: s.307.2	106g morphine derivative		3y	2y		
		Aid and abet import mkt qty: s.307.2	116.7g cocaine		3y			
		Aid and abet import mkt qty: s.307.2	At least 2g heroin		3y			
		Aid and abet import mkt qty: s.307.2	332.1g heroin		4y			
		Aid and abet import mkt qty: s.307.2	159g cocaine		3y			
		Proceeds of crime: s.400.4(1)	Over $500,000		6y <u>Total</u>: 12y NPP 7y	<u>Total</u>: 12y NPP 7y		

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32.	**Chan** (29) **Tan** (54) [2014] VSCA 301	Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6	245.5g heroin 241.1g heroin 245.5g heroin	PG PG	7y 7y <u>Total</u>: 8y 6m NPP 6y 3m 6y NPP 4y	AA 6y 6y <u>Total</u>: 8y 6m NPP 6y 5y NPP 3y	nil nil	245.5g heroin arrived concealed in parcel from Malaysia – T arrived from Malaysia to take possession of parcel but arrested – next day second parcel arrived and C arrived to take possession of both parcels T – courier - remorse – assistance – Malaysian national – good prospects of rehabilitation – isolation in custody – anxiety and depression C – more trusted intermediary – Malaysian national – remorse – anxiety and depression – isolation from family
33.	**Lam** (59) **Le** (55) [2014] WASCA 114	Import mkt qty: s.307.2 Import mkt qty: s.307.2	233.7g heroin	VG VG	7y NPP 6y 6y 6m NPP 5y	AD AD	Nil Nil	Husband and wife arranged for importation of drugs in package – used co-offender T as 'post box' - husband (Lam) posted parcel containing drugs concealed in Buddha statute – controlled delivery – main instigators
34.	**Eriyo** (35) [2015] NSWCCA 16	Att possess mkt qty: s.307.6 Possess mkt qty: s.307.6	130.1g heroin 118.7g heroin	PG (25%)	6y NPP 4y 6y NPP 4y <u>Total</u> 6y 10m NPP 4y 10m	AA To adjust start date	Nil	Consignment from overseas delivered to offender's address – drugs hidden in sandals – police officers attended offender's residence whilst being delivered – search of offender's premises found shoe containing further drugs - role of trusted middleman in an organised distribution chain. Nigerian background – represented Nigeria in Cth Games in Australia and acquired refugee status – financial motivation
35.	**Dang** (35) **Tran** [2015] NSWCCA 163	Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6	822.3g heroin	VG VG	7y 10m NPP 5y 2m 10y NPP 6y 6m	AD AD	Nil relevant	Acted in concert with others to import heroin in tennis bats from Hong Kong – controlled delivery – present to take possession of drugs after delivered to co-offender T – more than courier – essential link in sophisticated international enterprise D – sub-ordinate role – Vietnamese – care of elderly mother

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36.	**Huynh** [2015] NSWCCA 167	Import mkt qty: s.307.2 Sched: Import precursor	197g heroin 423.9g pseudoeph	PG	7y NPP 4y	AD	Prior conviction for drug importation – released from custody 12 months prior to offence	Female courier – agreed to bring in drugs from Vietnam for money – not aware of precise nature of quantity of drugs – pseudoephedrine found in bags – heroin concealed in pellets inserted in groin area Mother to three children – mother ill in Vietnam – husband unable to obtain visa – 5% discount for minor assistance
37.	**Maeda** (66) [2015] VSCA 367	Import mkt qty: s.307.2	320g heroin	VG	9y 6m NPP6y 4m	AD	prior drug importation offences	Accompanied co-offender who carried drugs internally on flight from Thailand – minder and higher in organisation than co-offender Japanese citizen
38.	**E.Samuels-Orumnwense** (47) **J.Osifo** [2015] VSCA 152	Att possess mkt qty: s.307.6 Att possess mkt qty: s.307.6	221.9g heroin	VG VG	5y 9m NPP 3y 5y 9m (cumulative to existing sentence – global NPP 6y 6m set)	AD AA to adjust accumulation dates – same effective sentence	nil breached bail for earlier drug offence	Drugs sent in parcel from India concealed in cricket pads – controlled delivery – collected by ESO – JO following in car ESO – actively involved in planning and obtaining possession of drugs – motivated by financial reward – greater role than courier – good character – mental health impacting on custody – good prospects of rehabilitation – isolation from family in Nigeria – delay JO – error made in accumulation – serious mental health issues from childhood exposure to war and abuse
39.	**Pham** (41) [2016] VSCA 259 Co-offender: NGUYEN	Import mkt qty: s.307.2	577.1g heroin	PG	8y 6m NPP 6y	AD	Priors including trafficking and possessing drugs	Courier – ingested to import heroin from Vietnam – to receive $10,000 minus expenses Very poor health Sentence originally reduced on appeal then Crown appealed successfully to HCA: *Pham* [2015] HCA 39

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40.	**Nguyen** (48) [2016] VSCA 276 Co-offender: PHAM	Consp import mkt qty: s.307.2	577.1g heroin	PG	10y NPP 7y	AD	nil	Involved in conspiracy over several months to import heroin on regular basis – several importations using couriers planned and carried out – offender used contacts in Vietnam to source heroin – also assisted in planning and monitoring importations - offender supplied 577.1g of total heroin (1.497kg) imported pursuant to conspiracy Female – Vietnamese – married with three children – prior good character – isolation in custody due to language Offending occurred while husband serving sentence for drug importation: [2012] VSCA 297
41.	**Hong** (32) [2026] NSWCCA 64	Att possess mkt qty: s.307.6	672.52g heroin	PG (25%)	4y NPP 2y 6m	AD	nil	Consignment containing drugs intercepted by border force and drugs removed by police – offender collected consignment package from post office – no evidence offender had actual knowledge of what he was picking up – sentenced on basis of recklessness – role of "collector and courier" or "mule" to receive payment - street value $350k. Low risk reoffending – "one-off" offending – remorse - good prospects rehabilitation.
42.	**Periasamy** (28) [2026] NSWCCA 89	Att possess mkt qty: s.307.6	1,087.16g heroin	PG (25%)	5y 9m NPP 3y	AA 5y 3m NPP 3y	Nil	Controlled delivery of drugs imported in fishing spools to house – offender picked up package from front porch – more than mere functionary picking up parcel but also expendable intermediary – aware package contained drugs and involved in some preparation – low in hierarchy – below mid-range Malaysian citizen – remorse – generally good prospects of rehabilitation – unlikely to re-offend - acted out of financial need – isolation in custody – hardship on family On appeal: erred in application of plea discount – not manifestly excessive

Last updated: June 2026