Intentionally Dealing with Property or Money Worth $100,000 or More

s.400.4(1) (Cth) *Criminal Code*

s 400.4(1) Dealing with property or money worth $100,000 or more believing it is proceeds of crime or intending it to became an instrument of crime

Maximum Penalty: **20 years**

Commenced: **1.1.2003**

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	**Siu** (64) (2007) 174 A Crim R 370 [2007] NSWCCA 259	s.400.4(1)	PG (35% combined)	2y 11m NPP 12m	Crown AA 5y NPP 2y 6m		With co-offender engaged to send money to China for purpose of avoiding tax in Australia - conducted 59 transactions sending $556,400 overseas – paid approximately $3000 – trusted couriers Co-offender Huang dealt with under s.400.3
2.	**Foster** (44-45) [2008] QCA 90	s.400.4(1)	PG (35%)	4y 6m NPP 2y 3m ($214,138.47 reparation order)	AD	relevant and significant record	Negotiated loan for land development in Fiji from bank – received $306,722.58 over three months in 9 transactions –used deceit and forged documents to assure bank money being used for development – money used for personal expenses – $92,634.11 returned – high level of sophistication, planning and organisation Protective custody
3.	**Thorn** (19) (2009) 198 A Crim R 135 [2009] NSWCCA 294	s.400.4(1) 12 x s.134.2(1) (Cth) *Code*	PG (25%)	3y 4m 2y 6m Total: 5y 4m NPP 3y	AA 2y 8m 6-18m Total: 4y 2m NPP 2y 4m	Committed and dealt with for other dishonesty offences during period of offending	Made false claims for tax refunds totalling $114,586.92 – money laundering offence related to use of $103,512.50 of refunds claimed – unusual use of s.400.4 offence – very low form of offending Gambling and drug use – lengthy delay Reparation order - $114,586.92

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

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
4.	**Maldonado** [2009] NSWCCA 189 Co-Offenders: TRUJILLO-MESA GARCIA-GODOS)	s.400.4(1) s.400.4(1) Aid and abet manufacture comm qty cocaine Traffick comm qty cocaine Sched: Possess 21.6g cocaine Deal in $50,000	PG (25%)	10y 8y 22y 15y <u>Total</u>: 36y NPP 22y	AA 10y 8y 22y 15y <u>Total</u>: 28y NPP 17y	Drug importation	Involved in extracting 34kg cocaine from imported powder – organised rent of premises – transported chemicals – trusted deputy – trafficked 6kg cocaine – laundered money overseas
5.	**Pham** (19) [2009] VSCA 321	s.400.4(1) Traffic mkt qty heroin	PG	3y 2y	AA 2y 3y <u>Total</u>: 3y Released after 22m		Involved as a runner in heroin trafficking for several months – came to occupy position of trust – involved in laundering $465,380 over 3 months Co-offenders involved in more senior roles and for longer period – dealt with for s.400.3 offences
6.	**Jimmy** (46) (2010) 77 NSWLR 540 [2010] NSWCCA 60	s.400.4(1)	PG (50% combined)	3y 3m NPP 2y 2m	AD	Nil	On 27 occasions over 3 month period took cash to bank and arranged for transfer to bank account in Hong Kong - amount transferred deliberately less than $10,000 - total amount remitted $243,952 - used false identities - part of larger money laundering operation - no evidence had knowledge money was proceeds of illegal activity - knew his own conduct illegal – received reduction in debt owed Same scheme as HUANG and SIU
7.	**Trujillo-Mesa** [2010] NSWCCA 201 Co-Offenders: MALDONADO GARCIA-GODOS	Consp s.400.4(1)	PG (25% on appeal)	7y 6m NPP 4y 6m	AA 7y NPP 4y 2m		Female – received and stored quantities of cash in rented apartment – gave cash lots to students who remitted monies to overseas bank accounts in Peru – kept records – around $799,000 – aware money proceeds of sale of cocaine - upper range of offences – large number of individual transactions – sophisticated enterprise Prior good character – worked as cleaner SJ unfairly reduced discount to 20% without warning

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8.	**Kumar** (42) [2010] NSWCCA 138	s.400.4(1) 19 dishonesty offences	PG (35% plea and assist)	4y 6m NPP 2y 9m FT 6m – 1y 9m Total: 5y 6m NPP 3y 9m	AD		Involved in extensive identity fraud scheme that manufactured and used false identities to open bank accounts – undertook several tasks on behalf of syndicate over several years – arrested at airport attempting to take $126,500 out of country for co-offender– became involved with wife because of financial difficulty – received small re-imbursement – low range offending
9.	**Ugureanu** [2012] WASCA 11	s.400.4(1) s.53(1) *Anti-Money Laundering and Counter Terrorism Financing Act*	PG	7y 4m	AD	prior custodial sentences – different offences	Found at airport in possession of $11,200 undeclared cash – further search at premises found evidence involved in transmitted over $500,000 overseas in 65 separate transactions over four days – used false identities – deeply involved although not the principal – high degree of criminality
10.	**Adegoke** (2013) 234 A Crim R 280 [2013] NSWCCA 193	s.400.4(1) Att possess mkt qty cocaine Possess false driver's licence	PG (20%)	5y 7y 1y Total: 10y NPP 6y	AD	Dishonesty offences	$387,271 transferred overseas in 90 separate transactions over 8mths – funds transferred in false names – in possession of postal collection slip for 86.2g cocaine sent from Brazil
11.	**Mac** [2014] NSWCCA 24	s.400.4(1) Att import mkt qty heroin Supply lge comm qty heroin Supply lge comm qty meth	VG	8y NPP 5y 9y NPP 5y 8y NPP 5y 9y NPP 5y Total: 13y NPP 9y	AD	nil	In business of drug supply – arrested while picking up package containing heroin sent while visiting Vietnam – controlled delivery – subsequent search of house found $554,250 cash in safe, heroin and methamphetamine and equipment for drug supply Mature man with family – businessman respected in community

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12.	**Ly** [2014] NSWCCA 78	s.400.4(1)	VG	3y 6m NPP 2y 4m	Crown AA 8y NPP 4y 6m		Female - falsely caused ATO to pay refunds of 21 taxpayers totaling $357,568 into offender's accounts - used funds to support extravagant lifestyle Virtually no mitigating circumstances Consideration of operation of federal money laundering offences - comparison with comparable cases
13.	**Lin** (43) [2014] NSWCCA 254	s.400.4(1) Possess equip to make false doc Dealing with identification information facilitating forgery	PG (25%)	FT 9m 12m NPP 6m 12m NPP 6m <u>Total</u> 16m NPP 10m	Crown AA 1y 3m 12m NPP 6m 12m NPP 6m <u>Total</u> 16m NPP 15m	nil	Female – involved in activities of criminal syndicate – on four occasions arranged for cash to be transferred overseas – total $324,508 – tax evasion – acted at direction of co-offender – used false identification - financial gain – also involved in manufacture, distribution and use of false identification documents
14.	**Chime** (36) [2014] NSWCCA 304	s.400.4(1) 9 x Aid and abet import mkt qty drugs	VG	6y 2y-4y <u>Total</u>: 12y NPP 7y	AD (sentence for one drug offence reduced from 3y to 2y)		Drugs concealed in packages sent by mail – offender unpacked and delivered drugs – more than courier - transferred $524,000 drug money overseas by numerous transactions over 10 months – all offences involved using false identification documents – intermediary involving quite a deal of planning Prior good character – suffering PTSD from experiences in Nigeria

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15.	**Kamay** [2015] VSCA 296	s.400.4(1) 2 x Dealing in identification information using carriage service 4 x Insider trading offences	PG	1y 3m 2-5y <u>Total</u>: 7y 3m NPP 4y 4m (pre discount for guilty plea: 10y NPP 6y 6m)	AD	nil	Associate director of bank obtained confidential information from associate at Australian Bureau of Statistics – made over $7-8m profit from insider trading
16.	**Younan** (21-22 at offence - 31 at sentence) [2016] NSWCCA 248	s.400.4(1)	VG	6y NPP 4y Reparation $322,600	AD		2007 offence – arranged for accountant with whom offender had intimate relationship to fraudulently submit business activity statements to Taxation Office (ATO) - caused $322,600 refund to be paid to self
17.	**Truong** [2016] VSCA 228	s.400.4(1) s.400.4(1) s.400.4(1) s.400.5(1)	VG	6y 5y 6m 5y 4y <u>Total</u>: 8y 6m NPP 6y	AA 4y 6m 3y 3y 2y 6m <u>Total</u>: 6y NPP 4y		Assisted cousin to remit drug trafficking money overseas over two months - $696,500 transmitted to Hong Kong – money sent through account of company director – aware cousin was a drug dealer – recruited third person to assist – financial reward Vietnamese with difficult background – lengthy period on bail – prior good character

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18.	**Tran (Cth)** (28) [2020] NSWCCA 310	s.400.4(1)	PG (not stated)	4y NPP 2y	AD	Not indicated.	Integral role in transferring money in and out of Australia – in excess of $750,000 – lesser seniority than another participant - but in charge and giving directions to a number of locally based participants who physically attended banks and carried out transactions on behalf of applicant – motivated by financial gain – received payment for each transaction - organised criminal enterprise - level of planning and premeditation. Anxiety-depressive disorder.
19.	**Chu** (21-22) **Peng** (21) [2020] QCA 12	Possess comm qty methamph Proceeds of crime: s.400.4(1) Import comm qty methamphet Possess com qty methamphet 7 x Import mkt qty methamphet Proceeds of crime: s.400.4(1)	PG	9y 5y Total: 9y NPP 4y 6m 11y 11y 9y 5y Total: 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 – 11 transactions from P's account totalling $189,774 – 7 transfers from C's account with $10,000 cash found in possession totalled $174,856 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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20.	**Ghazaoui** (29) **Hawchar** (30) [2020] NSWCCA 191	s.400.4(1) s.400.4(1) (note – offence incorrectly referred to as s.404.1)	PG (25% on appeal) PG (35% combined on appeal)	3y 2m NPP 1y 11m 3y 4m NPP 1y 10m	AA 2y 3m Recog order 1y 1m 2y 4m Recog order 1y 2m	Nil Extortion and proceeds of crime offence – breached parole	Part of syndicate depositing amounts of cash less than $10,000 over several months – G deposited $289,602 in 38 transactions – H made 19 deposits involving $121,830 and found in possession of $116,500 – origin and subsequent use of money unknown – H more deeply involved - total money deposited by syndicate over $18milion –mid-level involvement H – hardship of imprisonment on family – assistance – fair prospects of rehabilitation G – anxiety disorder contributed to gambling and substance abuse debts - sound prospects of rehabilitation – good character On appeal – discount for plea increased – considered parity and effects of pandemic on re-sentence
21.	**Abreu** (34 at offences; 41 at sentence) [2020] NSWCCA 286	Possess comm qty cocaine s.400.4(1)	PG (10%)	11y 3m NPP 6y 6m 1y 8m Total 11y 9m NPP 7y	AA 10y 2m 1y 6m Total 10y 7m NPP 6y 2m	US record - theft, receiving stolen property, forgery, conspiracy to commit access device fraud.	Flew in from US – with co-offender purchased bags for storage of drugs – left drugs for collection - drugs and large amount of cash found in hotel room – 7.283kg Traumatic background - history of heavy substance abuse and gambling - post-traumatic stress disorder, depressive disorder, pathological gambling disorder-rehabilitation. CCA: *Xiao* error established.
22.	**Garcia-Godos** (38 at offence; 48 at sentence) [2021] NSWCCA 229 Co-Offenders: MALDONDADO TRUJILLO-MESA	Import comm qty cocaine Consp s.400.4(1) Sched: Consp s.400.4(1)	PG (10%) PG (25%)	24y 10y Total: 27y NPP 17y	AD	1990 offence for possess prohibited import.	(2005-2006) Involved at high level sophisticated criminal syndicate importing 37kg cocaine - travelled to Australia - recruited consignee - established business front - monitored importation - arranged collection by consignee and transport to warehouse - oversaw in a general way sale of drugs, not involving much actual instruction or control - controlled remittance of cash proceeds from sale of drugs to Colombia and Peru through network of co-offenders an students - $702,000 and $426,076.30 Work ethic – previously successful businessman - good behaviour in prison, reflective of pro-social upbringing and education. CCA: re-sentence due to *Xiao* error, however, no lesser sentence warranted.

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23.	**Lam** (34-36) [2025] WASCA 9	Traffic comm qty Traffic mkt qty s.400.4(1) Fail to comply with data access order: s.3LA (Cth) *Crimes Act* Sched: 3 trafficking offences Unlic possession firearm: s.19 (WA) Unlic possession ammunition: s.19 (WA)	PG (20%) PG (10%)	6y 7y 3y 6m 1y <u>Total</u>: 14y NPP 8y 6m <u>State Offences</u>: 10m 3m (concurrent)	AA 7y 6y 3y 6m 1y <u>Total</u>: 14y NPP 8y 6m <u>State Offences</u>: 10m 3m (concurrent)	Record for drug offending – prisons terms	2020 search of girlfriend's house found beretta handgun and .22 calibre bullets – also found 178g pure methamphetamine, 15.1g pure cocaine and 5g pure MDMA, items indicative of drug dealing and $6,500 cash – 2022 while on bail found in possession of 945g pure methamphetamine, 570.5g pure cocaine and $407,780 cash – refused to comply with access order – mid-upper level Born in Vietnam – drug addiction – remorse – some progress and motivation in rehabilitation On appeal: error in basing sentence on gross weights – re-sentence resulted only in change to sentences for drug offences – overall sentence unchanged

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24.	**Yeoh** (28) [2026] VSCA 2	Deal with proceeds: s.400.4(1) Att possess comm qty: s.307.5 Trafficking: s.302.4 Bring proh weapon into Vict: (VIC)	PG	3y 6y 18m 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 $153,285 by depositing or transferring amounts and possessing cash – higher role than co-offender – mid range offence - attempted to take possession of 1,527.3g heroin (pure) and 4,784.9g methamphetamines (pure) 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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