

# **Possess methylamphetamine with intent to sell or supply (trafficable quantity)**

ss 6(1)(a); 6(1)(c) and 34(1)(a) *Misuse of Drugs Act*

**From 14 January 2016**

## Glossary:

att	attempt
conc	concurrent
cum	cumulative
ct	count
CBO	community based order
CSIO	conditionally suspended imp order
EFP	eligible for parole
imp	imprisonment
MDMA	3,4-Methylenedioxy-n, Alpha Dimethylphenylethylamine (Ecstasy)
methyl	methylamphetamine
PG	plead guilty
susp	suspended
TES	total effective sentence
UCO	undercover officer
wiss	with intent to sell or supply

No	Case	Antecedents	Summary/Facts	Sentence	Appeal
7.	<p><i>YLT v The State of Western Australia</i></p> <p>[2020] WASCA 217</p> <p>Delivered 24/12/2020</p>	<p>22 yrs at time offending. 23 yrs at time sentencing.</p> <p>Convicted after early PG (25% discount).</p> <p>Limited prior criminal history.</p> <p>Difficult childhood; absent mother; parents separated when young; migrated to Australia with his father.</p> <p>Supportive parents and girlfriend.</p> <p>Complement equivalent of yr 10 high school.</p> <p>Employed number of trades since leaving school; resigned from his employment shortly before his arrest.</p> <p>Prior relationship with illicit drug user; break-up serious impact on his emotional well-being; resulting in homelessness and depression; medicated after his arrest.</p> <p>History of illicit drug abuse; commenced using cannabis, progressed to methyl; escalated use of methyl after his relationship breakdown.</p>	<p>1 x Poss methyl wiss 82.2 g at 73-76% purity.</p> <p>YLT was driving a motor vehicle when he was stopped for speeding. A roadside drug test returned a positive result for methyl.</p> <p>A search of YLT's vehicle located a bag containing a package wrapped tightly in tape. The package contained three clip seal bags of methyl weighing 27.4 g, 27.5 g and 27.3 g.</p> <p>Also located in the vehicle was a smoking implement, a tick list, digital scales and empty clip seal bags.</p> <p>YLT provided police with the code to unlock his mobile telephone. Text messages indicated he was selling methyl at \$300 for a half weight (0.5 g), \$500 for a gram, \$700 for a half-ball (1.75 g) and \$1,300 for a ball (3.5 g).</p>	<p>4 yrs 8 mths imp.</p> <p>EFP.</p> <p>The sentencing judge found the appellant's mobile telephone clearly showed he was carrying on a commercial drug dealing business, selling drugs.</p> <p>The sentencing judge found the appellant would have used at least part of the drugs in question himself; he was selling the drug to fund his own habit, but he had well in excess of what he required for personal use; the tick list indicated he was dealing in large quantities of the drug; the text messages showed he was a very busy dealer, dealing in amounts of more than just points or street level dealing and the fact he was dealing commercially in methyl was an aggravating factor.</p> <p>Demonstrated genuine remorse; willingness to facilitate the course of justice; significant steps taken to address his illicit drug use.</p>	<p>Dismissed.</p> <p>Appeal concerned length of sentence and errors in finding appellant not of good character and commercial dealing agg factor.</p> <p>At [45] None of the facts and circumstances ... either individually or in combination, required her Honour to find that the appellant was 'of otherwise good character'. Her Honour did not err in failing to treat the appellant ... as a person of prior good character.</p> <p>At [59] ... It was open to the sentencing judge, ... to characterise the appellant's 'commercial dealing' in methyl as a factor which increased the appellant's culpability; that is, as a factor which aggravated his offending.</p> <p>At [76] The appellant's offending was very serious. It involved 82.2 g of methyl with a high degree of purity. The offending was not isolated or an aberration. [He] had been carrying on a thriving business of selling methyl. .... The quantity of 82.8 g was almost three times</p>

					<p>the trafficable quantity of methyl. This quantity was well in excess of what [he] required for his personal use. [He] was not merely operating at the level of street dealing.</p> <p>At [81] In our opinion, the sentence ... was broadly consistent with the sentences which have been imposed in reasonably comparable cases, having regard, in particular, to the increase in the max penalty on 18 September 2017 and the appellant's mitigating factors.</p>
6.	<p><i>Moodley v The State of Western Australia</i></p> <p>[2020] WASCA 158</p> <p>Delivered 24/09/2020</p>	<p>21 yrs at time offending.</p> <p>Convicted after very late PG (5% discount).</p> <p>Significant prior criminal history.</p>	<p>1 x Offer to sell methyl 28g.</p> <p>Over a two-day period Moodley and his co-offender offered to sell 28g of methyl to an UCO for \$14,000.</p> <p>The conversations between Moodley and the UCO were covertly recorded, along with incriminating text messages exchanged between Moodley and the UCO.</p>	<p>4 yrs 3 mths imp.</p> <p>EFP.</p> <p>Co-offender: Convicted very early PG (25% discount).</p> <p>Cts 1 &amp; 3: Selling methyl. Ct 2: Offering to sell methyl.</p> <p>Ct 2 same offence as that committed by the appellant (the common offence).</p> <p>Sentenced in respect of the common offence to 2 yrs imp.</p> <p>The sentencing judge found the appellant had the</p>	<p>Allowed.</p> <p>Appeal concerned parity principle (error in finding sentence of the co-offender reduced for totality).</p> <p>Resentenced to 2 yrs 8 mths imp. EFP.</p> <p>At [12] ... it is apparent from the sentencing remarks of Petrusa DCJ that her Honour did not reduce the sentence that she imposed on [the co-offender] for the common offence for reasons of totality. ...</p> <p>At [13] As the respondent conceded, [the sentencing judge] erred in finding that</p>

				<p>capacity to contact and deal with the person who would supply the methyl, thus was more culpable than his co-offender and his offending was purely for commercial gain, unlike the co-offender, a user/dealer.</p> <p>The sentencing judge found the co-offender's sentence was reduced for the common offence 'for totality purposes'.</p> <p>No evidence of remorse; engaged in, or att to engage in, rehabilitative courses while in prison.</p>	<p>Petrusa DCJ reduced the sentence that she imposed on [the co-offender] for the common offence for reasons of totality. ....</p> <p>At [21] The appellant had the contacts within the local community to provide him with the 28 g of methyl which was offered to the UCO. The offence was committed over two days, demonstrating a degree of persistence. It was committed for commercial gain.</p> <p>At [23] ... having regard to the recent decision of ... Baker v The State of Western Australia, the appellant is to be resentenced on the basis that he intended to sell or supply the methyl in accordance with the terms of the offer, but was denied the opportunity of doing so before his arrest.</p>
5.	<p><b>Baker v The State of Western Australia</b></p> <p><b>[2020] WASCA 117</b></p> <p>Delivered 27/07/2020</p>	<p>31-32 yrs at time offending. 34 yrs at time sentencing.</p> <p>Convicted after PG (10% discount).</p> <p>Substantial prior criminal history; including a conviction for possession of MDMA.</p> <p>Past efforts towards</p>	<p>8 x Offer to sell methyl 789.5 g.</p> <p>A search warrant was executed at the residence of a Mr F. Mr F's mobile telephone was located and seized and was found to contain records of Baker offering to sell or supply methyl to him.</p> <p>Over a period of eight and a half months, on eight separate occasions, Baker offered to sell 10.5g (ct 1); 28g (ct 2); 112g (ct 3); 28g (ct 4); 56g (ct 5); 84g (ct 6); 23g (ct 7) and 448g</p>	<p>Ct 1: 1 yr 3 mths imp (conc).</p> <p>Ct 2: 3 yrs imp (conc).</p> <p>Ct 3: 2 yrs 2 mths imp (cum).</p> <p>Ct 4: 3 yrs imp (conc).</p> <p>Ct 5: 4 yrs 6 mths imp (conc).</p> <p>Ct 6: 5 yrs imp (conc).</p> <p>Ct 7: 2 yrs 9 mths imp (conc).</p> <p>Ct 8: 6 yrs 6 mths imp</p>	<p>Allowed.</p> <p>Appeal concerned error of fact (appellant's capacity to supply the quantity of methyl the subject of ct 8).</p> <p>Resentenced:</p> <p>Ct 1: 1 yr 3 mths imp (conc).</p> <p>Ct 2: 3 yrs imp (conc).</p> <p>Ct 3: 2 yrs imp (cum).</p>

	<p>education and personal development; constructive community work.</p> <p>History of self-harm; episodes of drug induced psychosis.</p> <p>Entrenched drug use.</p>	<p>(ct 8) of methyl.</p> <p><u>Breach of CSIO</u> Baker was given a 12 mths susp sentence of imp for wilfully destroying evidence. The commission of the offences the subject of cts 4-8 were a breach of this order.</p> <p>Baker was also on bail for the offence of wilfully destroying evidence when he committed the offences the subject of cts 1-3.</p>	<p>(conc).</p> <p>TES 8 yrs 8 mths imp.</p> <p><u>Breach of CSIO</u> 12 mths imp (cum).</p> <p>TES 9 yrs 8 mths imp. EFP.</p> <p>The sentencing judge found the fact the appellant was on bail at the time of committing cts 1-3; ct 3 two days before being sentenced for the offence of wilfully destroying evidence and three days later he made a further offer to sell methyl seriously aggravated his offending and demonstrated a breathtaking audacity and disregard for the law.</p> <p>The sentencing judge found the appellant's capacity to fulfil the offer was an aggravating factor and he was satisfied beyond reasonable doubt that the appellant had the capacity to fulfil the terms of the offers that he made; including the capacity to source the amount of the drug the subject of ct 8.</p>	<p>Ct 4: 3 yrs imp (conc). Ct 5: 4 yrs imp (conc). Ct 6: 4 yrs 6 mths imp (conc). Ct 7: 2 yrs 9 mths imp (conc). Ct 8: 6 yrs imp (conc).</p> <p>TES 8 yrs imp.</p> <p><u>Breach of CSIO</u> 12 mths imp (cum).</p> <p>TES 9 yrs imp. EFP.</p> <p>At [39] ... It is clear that his Honour gave the appellant some credit for the 'more arduous circumstances' of his detention. ...</p> <p>At [65]-[66] ... His Honour was entitled to be satisfied beyond reasonable doubt that when the appellant made the offer the subject of ct 8, he believed that he had the capacity to fulfil it. ... However, the appellant's belief that he had capacity is not to be equated with capacity in fact.</p> <p>At [68] ... The appellant's belief carries some weight, since he was aware of his history and his discussions with his supplier(s). However, his belief may</p>
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					<p>have been unduly optimistic or ill-founded. There is a significant difference between the scale of the previous offers and that of ct 8. Consequently, the fulfilment of those previous offers is of limited assistance in providing the appellant's capacity to fulfil the offer the subject of ct 8. ...</p> <p>At [69] ... it was not open to his Honour to be satisfied beyond reasonable doubt that the appellant had the capacity to supply the 448g or 16 ounces the subject of ct 8. ...</p> <p>At [89] ... We would ... reduce the sentences we would otherwise have imposed to recognise the special conditions in which the appellant has been held and will likely be held while in custody.</p>
4.	<p><i>The State of Western Australia v Delaney</i></p> <p>[2020] WASCA 93</p> <p>Delivered 15/06/2020</p>	<p>34 yrs at time sentencing.</p> <p>Convicted after early PG (25% discount).</p> <p>Significant criminal history; persistent offending particularly from 2014 – 2018.</p> <p>Raised by his mother; lived with his father from aged 14; traumatised by death of his</p>	<p>Ct 1: Poss methyl wiss 111.51 g at 70-78% purity.</p> <p>Ct 2: Poss unlawfully obtained property (\$1,750 cash).</p> <p>Delaney was driving his motor vehicle when stopped by police. He was found in possession of \$1,750 in cash.</p> <p>A search of Delaney's home located 38.24 g of methyl in a box, contained in two clipseal bags and some gladwrap. The first clipseal bag contained 1.44 g of methyl; a second</p>	<p>Ct 1: 3 yrs 2 mths imp (conc).</p> <p>Ct 2: 10 mths imp (conc).</p> <p>TES 3 yrs 2 mths imp. EFP.</p> <p>The sentencing judge characterised the respondent's role as that of a user-dealer engaged in selling drugs for profit; his primary motivation was</p>	<p>Allowed.</p> <p>Appeal concerned length of sentence ct 1.</p> <p>Resentenced:</p> <p>Ct 1: 4 yrs 9 mths imp (conc).</p> <p>Ct 2: 10 mths imp (conc).</p> <p>TES: 4 yrs 9 mths imp. EFP.</p>

		<p>father, a heroin dealer, unlawfully killed when he was aged 18.</p> <p>No contact with his mother; limited contact with his siblings.</p> <p>Average student at school; employed various positions.</p> <p>De facto relationship; shared custody of 10 yr-old daughter from former partner.</p> <p>History of illicit substance abuse; long struggle with methyl addiction.</p>	<p>smaller bag 25.2 g and the gladwrap 11.6 g.</p> <p>In a fake rum can 5.77 g of methyl was also found.</p> <p>A food storage container was also located buried in the back yard. It contained 67.5 g of methyl in three clipseal bags, two containing 27.18 g and the third 11.8 g.</p> <p>A tick list, several sets of electronic scales, smoking implements and numerous clipseal bags were also found. A number of weapons, including a flick-knife, were also found throughout the house.</p> <p>A surveillance system was established at the home, consisting of CCTV cameras with a large TV screen to show the CCTV footage.</p> <p>Text messages on Delaney's mobile phone also indicated he was buying methyl.</p>	<p>selling methyl for financial independence to provide for his 10-yr-old daughter.</p> <p>Remorseful and insight into his offending; positive steps taken towards rehabilitation; to commence studies whilst in custody at time sentencing.</p>	<p>At [34] The respondent was the principal offender conducting a drug dealing business for profit. He was in possession of ..., approx four times the trafficable quantity. The offending was not fleeting or unplanned, but involved steps to secrete the drugs and establish surveillance of the premises from which business was conducted. The offence was a relatively serious example of its type.</p> <p>At [36] ... at the point of sentence, no demonstrated steps towards rehabilitation (whether by undertaking treatment programs, education programs or otherwise) had been shown. The prospects of rehabilitation were based on the respondent's aspirational statements as to his future conduct. ... Those aspirational statements do not make this an exceptional case. ...</p> <p>At [37] The respondent committed a serious drug offence. The sentence he received was significantly below the range of sentences customarily imposed for this kind of offending, ...</p>
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					<p>At [39]-[40] ... in this case there was little more than a statement of the steps which the respondent intended to take in the future. ... and a plan to turn his life around. ... there is nothing exceptional about the respondent's personal circumstances which, while not wholly irrelevant, remain a subsidiary consideration in the sentencing process for a serious drug offence. ... Having regard to all of the circumstances of this case, and all relevant sentencing considerations, in our view the sentence ... imposed for the drug offence was unreasonable and plainly unjust. ... the sentence was manifestly inadequate.</p>
3.	<p><b><i>McConnell v The State of Western Australia</i></b></p> <p><b>[2020] WASCA 59</b></p> <p>Delivered 24/04/2020</p>	<p>29 yrs at time offending.</p> <p>Convicted after late PG (15% discount).</p> <p>Prior criminal history; subject of a Pre-Sentence Order at time offending.</p> <p>Troubled childhood.</p> <p>Very supportive mother; partner and friends.</p> <p>Young child previous relationship.</p>	<p>Ct 1: Poss methyl wiss 60.94g at 81% and 77% purity.</p> <p>Ct 2: Poss MDMA 2.5g at 15% purity.</p> <p>McConnell and his two co-offenders were travelling in a car. McConnell was a passenger.</p> <p>The vehicle was stopped by police and searched.</p> <p>In the driver's footwell 3.41g of methyl (81% purity) was located, along with a set of electronic scales.</p> <p>In a container in the compartment of the</p>	<p>Ct 1: 5 yrs 9 mths imp (conc).</p> <p>Ct 2: 2 yrs imp (conc).</p> <p>TES 5 yrs 9 mths imp.</p> <p>EFP.</p> <p>Co-offenders convicted after trial ct 1; acquitted ct2; each sentenced to 2 yrs 8 mths imp.</p> <p>The sentencing judge found the offending very serious and the appellant a user-</p>	<p>Allowed (parity only).</p> <p>Appeal concerned length of sentence (cnt 1) and parity principle.</p> <p>Resentenced:</p> <p>Ct 1: 4 yrs 8 mths imp (conc).</p> <p>Ct 2: 2 yrs imp (conc).</p> <p>EFP.</p> <p>At [61] There was a marked disparity between the</p>

		<p>Good work history; employed number of jobs; good worker; not working time offending.</p> <p>History of illicit substance use.</p> <p>Mental health issues; diagnosed with depression aged 17 yrs.</p>	<p>driver's door was a glass pipe and 0.27g of methyl.</p> <p>In the glove box in two separate clipseal bags were 55.7g (77% purity) and 1.56g of methyl. In a third clipseal bag were nine MDMA tablets weighing 2.5g.</p> <p>Also found was a quantity of powder (0.19g), containing benzocaine, cocaine and lidocaine.</p> <p>In addition a 'tick list' containing a list of names and money owed was found.</p>	<p>dealer and the MDMA was for his personal use.</p> <p>Remorseful; insight into his offending; positive steps towards rehabilitation and engaged in programs and counselling to address his illicit substance abuse while in custody.</p>	<p>sentence of immediate imp imposed on the appellant ... and that imposed on his co-offenders ... The disparity is marked in both absolute terms ... and proportional terms ...</p> <p>At [62] This is a case where the part the appellant played in the criminal enterprise justified a difference in his sentence as against the sentences imposed on his co-offenders.</p> <p>At [63]-[64] ... the appellant was the organiser and principal offender. The appellant made the arrangements to purchase the methyl. He was participating in the criminal conduct for commercial gain with the intent of profiting financially. By contrast, [the co-offenders] were sentenced on the basis that they were aiding and assisting the appellant to commit the offence. The appellant recruited Mr Lauder to drive the car and invited Mr Brennan, his brother, to come for the drive to provide support.... In those circumstances the culpability of the appellant's offending was materially greater than that of both Mr Lauder and</p>
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					<p>Mr Brennan. ... it was to be expected that a greater sentence would be imposed on the appellant based on the seriousness of his offending ...</p> <p>At [67] ... we are satisfied that, even allowing for the discount of his PG, the appellant should have received a greater term of immediate imp than either of his co-offenders.</p> <p>At [72] The appellant's higher degree of culpability justified a higher sentence being imposed on him relative to Mr Lauder. However, the differences in the circumstances of the offending, and the two offenders' personal circumstances, were not such as could justify a disparity of the magnitude as evinced by the sentencing outcomes that have occurred. ... There has been an infringement of the parity principle.</p>
2.	<p><b><i>Musulin v The State of Western Australia</i></b></p> <p>[2020] WASCA 18</p> <p>Delivered 17/02/2020</p>	<p>36 yrs at time offending and sentencing.</p> <p>Convicted after PG (25% discount).</p> <p>Lengthy criminal history; prior convictions for poss drugs; numerous convictions</p>	<p>Ct 1: Poss methyl wiss 178.2 g at 68%-82% purity.</p> <p>Ct 2: Poss unlawfully obtained property (\$125,305).</p> <p>A search warrant was executed at Musulin's home. He was located in his bedroom throwing items out of the window into the rear yard. On the floor of the bedroom a</p>	<p>Ct 1: 7 yrs imp.</p> <p>Ct 2: 1 yr imp (cum).</p> <p>TES 8 yrs imp.</p> <p>EFP.</p> <p>Sentence conc with term of imp already serving.</p>	<p>Dismissed.</p> <p>Appeal concerned length of sentence (ct 1) and totality principle.</p> <p>At [54]-[57] ... the appellant's offending constituted a very serious</p>

		<p>for breaching bail; CBOs; on parole for serious drug offences at time offending; offences committed four months 22 days after release to parole.</p> <p>Parents involved with drug use; nevertheless stable upbringing; provided with love and support; positive peer groups.</p> <p>Completed yr 10; boilermaker apprenticeship.</p> <p>Not in a relationship at time of sentencing; no children.</p> <p>Fairly consistent employment history; primarily in construction industry.</p> <p>Ongoing health condition; managed by medication; no mental health issues.</p> <p>History of illicit substance use; cannabis from aged 20 yrs; daily user of methyl; drug free after release to parole.</p>	<p>clipseal bag containing a quantity of methyl was located; along with a tin containing two further clipseal bags of methyl.</p> <p>The total amount of methyl seized was 178.2 g; 27.5 g (68% pure); 111 g (82% pure) and 39.7 g (80% pure).</p> <p>A large quantity of cash was located on the bedroom floor and three bundles of \$50 notes were found in the yard. The total amount of cash seized amounted to \$125,305.</p> <p>Musulini claimed the drugs and money located did not belong to him; he was storing them for others as a means of repaying a drug debt.</p>	<p>The sentencing judge found the appellant's criminality was high; he was an important and trusted member of a distribution network; his participation was for commercial purposes, even if limited to extinguishing a pre-existing debt.</p> <p>The sentencing judge found the appellant was aware he was storing a considerable amount of drugs and money and he would have appreciated he was part of a large-scale drug distribution network; he was an indispensable link in the distribution of drugs into the community and his actions allowed those higher up in the chain of distribution to avoid detection.</p> <p>Appellant remorseful.</p>	<p>example of an offence of the kind in ct 1, for three reasons. ... the appellant was in poss of over six times the trafficable quantity of methyl, and most of it was of 80% purity or more. While the quantity of the drugs involved is not determinative, it is nevertheless a highly relevant factor in assessing the seriousness of the offending. While ... sentenced on the basis that he was storing the drug for others, that role, in respect of such a large quantity of drugs and at a very high level of purity, sustained the finding made by the learned sentencing judge that he was clearly a trust member of a distribution network. ... the appellant engaged in the offending for commercial reasons. His culpability is not reduced by the fact that those reasons were limited to extinguishing a pre-existing drug debt. ... the appellant engaged in the offending shortly after commencing parole for earlier drug offences, including poss of methyl wiss. ... The fact that [he] committed the present offences whilst on parole for earlier offences, including an offence for poss of methyl</p>
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					<p>wiss, added significantly to the overall criminality of the offending ...</p> <p>At [84] The offending the subject of ct 2 added to the overall criminality of the appellant's conduct. A large sum of money was involved, which, by his plea, the appellant accepted was reasonably suspected of being unlawfully obtained. That offence was committed whilst he was on parole. ...</p> <p>At [85] ... it was well open to the learning sentencing judge to order that the sentence for ct 2 be served cum with that for ct 1, so that the TES properly reflected the additional criminality involved in ct 2.</p>
1.	<p><b><i>HSV v The State of Western Australia</i></b></p> <p><b>[2020] WASCA 5</b></p> <p>Delivered 15/01/2020</p>	<p>30 yrs at time offending. 31 yrs at time sentencing.</p> <p>Convicted after PG (20% discount).</p> <p>No significant criminal history.</p> <p>Supportive family; very close siblings.</p> <p>Educated to yr 11.</p> <p>Single; no children; acrimonious breakdown of 6</p>	<p>Ct 1: Sold methyl 27.8 g at 72% purity. Ct 2: Poss cocaine wiss 630.07 g. Ct 3: Poss MDA wiss 183.3 g (527 tablets). Ct 4: Poss methyl wiss 977.82 g Ct 5: Poss unlawfully obtained property.</p> <p>HSV drove to a car park. A woman approached his vehicle and got into the front passenger seat. HSV handed her a quantity of methyl.</p> <p>Later that day HSV was stopped driving his motor vehicle. He was conveyed to his home address where a search warrant was executed. Police located a 5.57 g package of cocaine (85% purity); three packages each containing</p>	<p>Ct 1: 3 yrs 6 mths imp (cum). Ct 2: 5 yrs 6 mths imp (conc). Ct 3: 3 yrs imp (conc). T 4: 9 yrs 6 mths imp (cum). Ct 5: 18 mths imp (conc).</p> <p>TES 13 yrs imp.</p> <p>EFP.</p> <p>The sentencing judge found the appellant's offending very serious; it involved a</p>	<p>Dismissed.</p> <p>Appeal concerned totality. Individual sentences were not challenged.</p> <p>At [46] The overall criminality involved in all of the appellant's offending was high. He was operating a commercial drug dealing business involving significant quantities of drugs. He was in possession of about a kg of methyl with intent to sell at least most of</p>

		<p>yr relationship.</p> <p>Good employment history; violently assaulted in 2017; unable to work 6 mths due to injury.</p> <p>No ongoing substance abuse issues; ecstasy use from aged 19 yrs; progressed to methyl and cocaine use; \$20,000 drug debt.</p>	<p>100 MDA tablets weighing 26.3 g (12% purity), 26 g (15% purity) and 26.4 g (13% purity). A further package containing 227 MDA tablets weighing 59.6 g (14% purity) was also found.</p> <p>Three bundles of cash totalling \$33,075 were also located, along with a further 3.72 g of methyl (80% purity).</p> <p>Clip seal bags, elastic bands, digital scales, paper towels with printed logos and a vacuum sealing machine were also found.</p> <p>A search of the vehicle parked at the premises located a sophisticated secret compartment, activated by hydraulic rams, containing 499 g of cocaine (88% purity) and four individually wrapped packages of cocaine, weighing 27.8 g, 28.1 g, 27.8 g and 27.9 g each (83–86% purity). The vehicle was registered in his brother’s name to avoid drawing attention to himself.</p> <p>Two further vacuum-sealed bags containing 395 g of methyl (69% purity) and 496 g of methyl (80% purity) were also located.</p> <p>The vehicle was seized for further examination. Another hidden compartment in the front dashboard, operated by remote control, was located and found to contain four packages of methyl, two weighing 13.8 g (77% and 78% purity) and the other two weighing 27.8 g (76% purity) and 27.7 g (74% purity).</p> <p>A further search of the first secret compartment revealed an additional package containing 13.9 g (67% purity) of cocaine.</p>	<p>large quantity of drugs and he was dealing for substantial profit in a large-scale commercial drug dealing operation and he had engaged a sophisticated system to avoid detection in the form of the secret compartment.</p> <p>The sentencing judge noted the variety of drugs involved was an agg factor.</p> <p>Appellant remorseful.</p>	<p>it to others as part of his regular business. He was dealing with a range of other different kinds of prohibited drugs. There was a significant element of planning and sophistication involved in the appellant’s steps to conceal the drugs. He was engaged in a commercial operation for profit. While the appellant was acting as agent for another person, his payment of \$5,000 per week plus drugs for his own use was a significant personal benefit for the appellant. It indicates the importance of his role in the particular drug dealing enterprise. The offending was not fleeting, isolated or out of character. The quantity, purity and variety of the drugs, and the value of the cash, found in the appellant’s possession, together with the sophistication of the steps taken to conceal the drugs and the payment the appellant was receiving, indicate that the appellant was more than the mere ‘foot soldier’ suggested by his counsel’s submission.</p> <p>At [47] ... Some degree of accumulation was clearly required in respect of the ...</p>
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					offending, particularly having regard to the additional criminality involved in ct 2 ... and ct 5 ...
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*Amendment to s 34(1)(a) Misuse of Drugs Act (18/09/2017)*

**Offence amended to include trafficable quantity of methylamphetamine (28 grams or more as specified in Schedule VII Item 8 of the Misuse of Drugs Act).  
Maximum penalty life imprisonment.**