EDITED EXTRACT OF PROCEEDINGS

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

THE HONOURABLE JUSTICE REFSHAUGE

SCC No 149 of 2010

THE QUEEN

and

WATCHARAPORN NANTAHKHUM

CANBERRA

9.30 AM, THURSDAY, 24 MAY 2012

HIS HONOUR: Prostitution is, per se, a legal activity in the Australian Capital Territory. As recent events in our federal parliament show, however, it remains generally a socially unacceptable activity. It cannot be compared with having a meal or getting a haircut so far as fulfilling a human need is concerned. This case, too, shows that it brings risks for those who are engaged as sex workers that they are vulnerable and liable to be exploited.

Watcharaporn Nantahkhum was, on 11 April 2012, found guilty by a jury of the following six offences:

1. That, between 16 June 2007 and 2 October 2007, she intentionally possessed a slave, namely, the first victim, an offence contrary to s 270.3(1)(a) of the *Criminal Code Act 1995* (Cth) attracting a maximum penalty of 25 years imprisonment;

2. That, between 19 August 2007 and 15 September 2007, she allowed the first victim to work in breach of her visa condition knowing that the first victim was a non-citizen who held a visa that was subject to a condition restricting the work that she could do in Australia and, further, knowing that the first victim was being exploited, an offence against s 245AC of the *Migration Act 1958* (Cth) rendering her liable to a maximum penalty of five years imprisonment;

3. That, between 28 August 2007 and 26 November 2007, she allowed the second victim to work in breach of a visa condition, knowing that the second victim was a non-citizen who held a visa that was subject to a condition restricting the work that she could do in Australia, an offence also against s 245AC of the *Migration Act* but without the circumstance of aggravation, attracting a maximum penalty of two years imprisonment;

4. That, between 15 September 2007 and 1 March 2008, she allowed the first victim, who was an unlawful non-citizen, to work knowing that the first victim was an unlawful non-citizen and further knowing that the first victim was being exploited, an offence under s 245AB of the *Migration Act* carrying a maximum penalty of five years imprisonment;

5. That, between 26 November 2007 and 1 March 2008, she allowed the second victim, who was an unlawful non-citizen, to work knowing that the second victim was an unlawful non-citizen, also an offence under section 245AB of the Migration Act but without the circumstance of aggravation, rendering her liable to a maximum penalty of two years imprisonment; and

6. That between 16 June 2008 and 17 July 2008, she attempted to pervert the course of justice in relation to the judicial power of the Commonwealth, an offence against s 43 of the *Crimes Act 1914* (Cth) with a maximum penalty of 10 years imprisonment.

The maximum penalties, as the High Court has said *Markarian v The Queen* (2005) 228 CLR 357 at 372; [31], are important to be taken into account by a sentencing court, for they provide a yardstick for assessing the seriousness of the offence. Thus, the first of these offences is one of the most serious in the criminal calendar, only exceeded by those offences which carry a sentence of life imprisonment.

Nevertheless, to deprive a person of their liberty for months or years is also a serious matter and all the offences must be viewed as serious, though clearly with a range within that.

Ms Nantahkhum came to Australia in 2004 to work in the sex industry, which she did in Sydney. Conditions there, as she described them, were severe [redacted for legal reasons]. Later, Ms Nantahkhum managed to leave that situation and came to Canberra where these offences occurred. Ms Nantahkhum then went about establishing a prostitution business in units in Braddon.

The first victim of these offences was, in February 2007, searching for work as she needed to support her family which was in financial difficulty. She was introduced to a woman in Bangkok who said she could arrange for her to travel to Australia to work as a sex worker. She had, however, to incur a debt to do so. It seemed a lot of money to her. The first victim spoke by phone to Ms Nantahkhum about the debt and was told by her that it would not take her long to repay the debt and that she would not need to see many clients a day in order to repay it; five was said to be a heavy day. She agreed to proceed with the proposal to come to Australia for that work.

As a result, arrangements were made for the first victim to come to Australia. This involved a number of deceptive representations to the Australian authorities made by the victim and those who arranged for her visa and travel, including a relative of Ms Nantahkhum. The first victim was issued with a visa which prohibited her from working while in Australia.

She arrived in Melbourne and was met by a man with whom she formed a friendship. She then travelled alone to Canberra where she was met by Ms Nantahkhum and another man. After purchasing some furniture and a meal they went to units in Braddon where the first victim was to live and from where she was to work.

When she arrived, however, conditions of her employment were very severe. Her passport and return ticket were taken from her. She was not given a key

to the unit, and she was not permitted to leave the unit except in company with Ms Nantahkhum or her friend whom the victim thought, though wrongly, was Ms Nantahkhum's boyfriend.

Of course, the first victim's circumstances meant that she was, in reality, not free to leave for she knew little English apart from what was necessary to provide sexual services to her customers. She knew no one in Canberra and she did not have her passport or return ticket. She was given minimal instructions about how to provide sexual services, without instructions on safe sex practices. She engaged in some unsafe sex practices until another worker later counselled her against them.

The first victim was required to work for six days every week and could work on the seventh if she wished to do so. She had to pay a proportion of the fee for each sexual service to Ms Nantahkhum as rent and other expenses, but the rest went to reduce her debt. Until the debt was repaid she retained no money, except that on her "free" day she could keep that part of the fee which would otherwise reduce her debt.

The first victim negotiated the debt from $45 000 to $43 000. She kept a careful record of the number of clients to whom she provided sexual services and the amounts paid. That showed that, to repay the debt, she had to provide such services to some 700 clients. Contrary to the information given during the telephone conversation she had with Ms Nantahkhum, she had to see up to 14 clients a day and, save on 12 occasions between 19 June and 1 October 2007, never less than five clients each day.

Her passport and return ticket were taken from her, as I have said, and retained by Ms Nantahkhum who, nevertheless, did return her passport to her on one occasion when she was permitted to visit a medical practitioner. She was required to work when menstruating, though she was given a sponge to insert into her vagina at these times. She found that quite difficult to use at first, until a fellow worker later helped her to show how it could more easily be used. This caused her pain at first but she was not initially permitted to seek medical help or take time off. She suffered from fever because of the cold climate and was only provided with a small heater in her room in the apartment, though the common area was air conditioned. She was required to work when she was ill and when she did take time off that was regarded as her "free day"; she then had, on that day, to pay all her receipts to Ms Nantahkhum on what otherwise would have been her free day.

She did occasionally leave the apartment but always in company. She was permitted to send the money she retained from her "free day" to her family, which she did. Later she was permitted to leave the apartment and buy her own food twice a week.

Later, the first victim moved out of the apartment with another sex worker to a house elsewhere in Braddon, which was arranged by Ms Nantahkhum. When the debt had been repaid, the first victim was then charged a daily rent of $200 whether she worked on each day or not.

The first victim's visa expired on 15 September 2007, from which date she was, under the *Migration Act*, an unlawful non-citizen. As such, she had no right to work in Australia though she continued to work for Ms Nantahkhum until she left in April 2008. She remained in Canberra, however, engaged in sex work until she was taken into migration custody on 13 June 2008.

The second victim was another Thai national. She was also looking for work from Bangkok and initially intended to go to France. Ultimately, she agreed to go to Australia. She thought that she was going to perform massage only, and was not initially told that she would be undertaking sex work.

A visa was obtained and travel arrangements completed for her in a similar way to those made for the first victim, though she paid for the airfare herself from money that she borrowed. She then travelled to Sydney by air and on to Canberra by bus. She was then accommodated in the same apartment block as the first victim, with whom she shared a meal and some company. She agreed to share half of the receipts for her sex work with Ms Nantahkhum. She was aware, as was Ms Nantahkhum, that her visa did not permit her to work while in Australia.

Later, when she and the first victim moved out of the apartment block to a house in Braddon, she was also charged $200 per day for rent and other services provided by Ms Nantahkhum, such as advertising and reception services. When her visa expired on 28 November 2007, she had a discussion with Ms Nantahkhum, who told her "[i]t's up to you but for most people, it's so hard to come here. They would run – just have a run", by which she understood that she would stay on which, in fact, she did until April 2008. She then left with the first victim and they established their own sex work business until she, also, was taken into migration custody on 13 June 2008.

While in migration detention, the first victim spoke to police about her experiences. It was as a result of that that these charges were laid.

On 18 June 2008, the first victim received a phone call from the man who had met her in Melbourne when she had first arrived. He said to her that if she was willing to return to Thailand she would receive 500 000 Baht in Thailand. The man involved said in evidence that he spoke to Ms Nantahkhum who told him that if the first victim was the one who told the police what had happened, there would be a problem and it would be "a big problem." He said that Ms Nantahkhum told him to give the first victim 500 000 Baht and "the matter finish". Those were the facts that

justified the sixth offence of which Ms Nantahkhum has been found guilty.

Subjective circumstances
A very helpful Pre-Sentence Report was tendered. The author was not asked any questions. It was, apart from a letter written by Ms Nantahkhum's partner which was also tendered, the only material I had on the personal circumstances of Ms Nantahkhum.

Ms Nantahkhum was born 45 years ago and raised in northern Thailand, the middle of three sisters who, with one brother, were born to her parents. Her father, whose business was importing timber, made a bad investment when she was young and, as the debt would die with him, committed suicide to shield his family from the financial burden.

She was educated at a high school, about the equivalent of Year 10, but has had little formal education in English. She has, prior to the trial, undertaken a Canberra Institute of Technology course in English. When she was 17, Ms Nantahkhum gave birth to a son, to a man to whom she was not married and who later moved to Japan and married someone else. When her son was four or five she left him with her family and went to Japan, working in the Nissan factory for four years to earn money. When she returned to Thailand she managed to find work and live with her family.

Unfortunately, her mother also ran into debt and arrangements were made for her to travel to Australia with a hope of earning money to help her family. She knew that she would be working in the sex industry here. She came to Australia in 2004 and worked in similar conditions to those of the first victim. She was sold. She could not demand that clients use a condom and, particularly as she was older than the other women in the brothel, could not refuse to see a client. She and the other workers were not allowed to leave the brothel unsupervised, though later they were allowed to go and buy groceries. She eventually sought help of a client and left the brothel staying with the client until she moved to Canberra.

She began working here as a sex worker. [Redacted for legal reasons]

Ms Nantahkhum met her current partner in 2006 and on the last day of that year commenced a relationship with him. It appears that he is likely to have known what she did for a living, as the Pre-Sentence Report records that "over the ensuing months of early 2007 Ms Nantahkhum began spending increasing time at his home and less at her apartment, eventually moving in with him full time." It goes on to say, however, that it was only some months into the relationship that she told him "of the circumstances under which she came to Australia, including working as a sex worker." So the position is not entirely clear. He was shocked by the revelation, it is reported, but his emotional attachment overcame his shock and they have continued in the relationship.

Ms Nantahkhum's partner described her as "the nicest person I ever met in my entire life." She is, he said, a devout Buddhist involved with the local Lao temple which she regularly attends and where she helps with fundraising events. Her partner is committed to the relationship with her even if this means moving to Thailand. He says she has a large group of friend who were initially his friends but are now friends of them both.

Ms Nantahkhum supported her family financially but particularly her sister who was suffering from terminal cancer. She paid for her medical treatment and returned to Thailand to care for her in the final stages of the illness and after her death to arrange for the funeral. Ms Nantahkhum's partner also gave an instance of her generosity when he told of her taking him to an orphanage in Thailand where she distributed a large amount of food, sweets and toys to the children there and helped the carer with them during the day.

There are no remarkable matters about her financial situation. She certainly has not amassed a fortune from her sex work, though I did not have a clear picture of the family situation in this regard. She has clearly supported them and, of course, paid for medical care and the funeral for her sister. Prior to her trial Ms Nantahkhum was working in a supermarket in southern Canberra.

She is a social drinker but has not used, indeed, is opposed to the use of illicit drugs. She is in good physical health and has been in good mental though she became increasingly depressed as the trial approached and is still taking antidepressant medication. She, perhaps unsurprisingly, sought help in the Alexander Maconochie Centre after her admission for anxiety.

Ms Nantahkhum has no criminal record. While she was entitled to some benefit from that, these offences are likely to be committed by such people who may not be permitted to conduct brothels if they have a criminal record.

Ms Nantahkhum is, it appears, likely to be deported once her sentence has been served.

Ms Nantahkhum has rejected some of the claims made by the victims at the trial and denies holding the first victim as a slave in the terms of the legislation. She says that she would never do this as she experienced such conditions herself in Sydney. I cannot, of course, accept this as it is inconsistent with the jury's verdict which was not based solely on the evidence of the first victim, though largely on that but with corroboration from other witnesses.

She still considers that the complainants made false accusations against her. This denies her the leniency that would be available were she to show remorse and accept responsibility and accountability for her actions. Of

course, these absences do not mean that her sentence should be more severe than it otherwise would be. I can, perhaps, take into account that what Ms Nantahkhum described of her working conditions in Sydney were not dissimilar to those she imposed on the first victim [redacted for legal reasons].

The offences

As I have said, the offences are serious. Certainly, the first one is extremely serious as shown by the maximum penalty. The rationale was expressed by the Minister introducing the Bill which created the offence when he pointed out that the new offence of slavery in this context was updating the provisions on slavery which has long been abolished, and rightly so, and which had employed "archaic language ... relate[d] to outdated circumstances and institutions that [had] either changed or fallen into disuse." He went on to say that "[b]y enacting the legislation [the legislature] will be sending a firm message to the organisers and recruiters that Australia will not be a destination for their trade. We will also encourage the rest of the world to the do the same. Australia can be justly proud if it shows leadership to other countries affected by this inhumane trade": Commonwealth, *Parliamentary Debates*, Senate, 24 March 1999, 3075, 3079 (Ian MacDonald).

In the Senate, the object of the offences was described as "[t]he atrocious acts of slavery and sexual servitude." Thus, as well as modernising the law, it has addressed "the growing and lucrative international trade in people for the purpose of sexual exploitation ... a disgusting and abusive trade that dramatically undermines basis [sic] human rights": Commonwealth, *Parliamentary Debates*, Senate, 29 June 1999, 6813, 6814 (Dee Margetts). In the House of Representatives both offences of slavery and sexual servitude were described as, "equally appalling" and differing, "only in a small degree": Commonwealth, *Parliamentary Debates*, House of Representatives, 11 August 1999, 8511 (Teresa Gambaro).

Williams DCJ summed it up in *R v McIvor* (2010) 12 DCLR (NSW) 77 when he said (at 91; [63]):

> These are undoubtedly serious offences deserving of both condemnation in the strongest possible terms as well as substantial punishment. Anyone else inclined to think that [they] can profit from the industry that trades in misery and the economic duress of underprivileged persons needs to know that such offending will involve serious punishment. This is not a moral argument in the sense of expressing outrage against the sex trade or harsh working conditions, but it does reflect the moral reprehensibility to be placed on the exploitation of some human beings by others who ought to know better. It is one thing for an entrepreneur to arrange for Thai women to get proper visas to work in the sex industry in Australia and pay them a reasonable wage; that is morally neutral. But to exploit women at every opportunity, to imprison them without recourse in a strange country, whose language they do not speak, to require them to work unceasingly in an industry where there are no checks on the clientele, without regard to ...

> their freedom of choice and without regard to their wellbeing, and then to refuse them the daily individual and unsupervised activities that offer relief from stress and exhaustion, is morally reprehensible to a substantial degree and absolutely demeaning of the human condition.

While the circumstances here are not on all fours with the situation of the victims in that case, in general terms I agree with what his Honour said and the description he had of the offence.

In this case, Ms Nantahkhum was only charged with possessing the first victim as a slave. It is common to charge such persons also with using the victim as a slave. The difference between the two is not easy to identify because, as the Victorian Court of Appeal said in *R v Tang* (2009) 23 VR 332 at 338; [28]:

> [a]pproaching the question 'as a matter of common sense, not as a matter of semantics', we have no doubt that the offences of 'possessing a slave' and 'using a slave' overlap when committed in relation to the same person. Put simply there can be no 'use' unless there is 'possession', and 'use' is itself an illustration of 'possession'. As Brennan J pointed out in *He Kaw Teh v R*, having something in possession is more easily seen as 'a state of affairs that exists because of what the person [who has possession] does in relation to the thing possessed'. The conduct which here constituted 'possession' encompassed, though it was not limited to, the conduct which constituted 'use'.

There has, in some of the cases, been an apparent approach that the possession offence is not as serious as the use offence – in which the victim is put to work in conditions of slavery whereby the most personal and intimate of decisions, as to with whom she is prepared to have sexual intercourse and under what circumstances is denied her. There have, further, been some differences in the sentencing outcomes between the two offences.

Here, however, there was no use charge preferred, so that the culpability that is represented by the use aspects of possession can, and in my view should, be included in the assessment of the culpability of the possession charge and, of course, there is no double punishment which would otherwise apply where there are both possession and use charges.

As to this particular offence, it seems to me to be at the lower end of the mid-range of seriousness. Ms Nantahkhum is only alleged to have had one slave, the first victim. It is not a significant or large scale operation. She was, however, the principal and obtained for herself all of the financial benefits that accrued. I have no direct evidence of the financial arrangements with those who obtained the documents for the first victim's visa and set up her travel. Other cases suggest that for a debt of $45 000, those international connections receive about $20 000. Ms Nantahkhum had to provide some food, but $23 000 is much more than this would cost even for the period of the first victim's slavery. Of course, in addition, she took a share of the fees charged to cover rent and other outgoings.

There was clearly an element of greed in the offence. I accept that the first victim was not coerced or deceived into coming to Australia but, of course, as pointed out in *Sieders v The Queen* (2008) 186 A Crim R 540 at 590; [217], that is a separate offence and to punish that in this offence would breach the principle established in *R v De Simoni* (1981) 147 CLR 383 at 389. Consistently, this is not mitigatory of the offence.

I accept that, unlike the business in *R v Tang*, this is not a sophisticated operation where, indeed, two of the offences of which Ms Nantahkhum has been found guilty would not have occurred because the promoters in that case managed, through their sophistication, to manipulate the visa system.

While I accept that the first victim knew that she was coming to Australia to provide sexual services and knew the amount of the debt, I consider, for the reasons set out in *R v Tang* at 342; [42]–[43], that such consent does not much diminish the culpability of Ms Nantahkhum. I note, however, that Ms Nantahkhum was, herself, and through her family, directly involved in bringing the first victim to Australia. There were, however, no physical restraints or threats made to the first victim. So far as it is relevant, I note that the first victim continued, after she left Ms Nantahkhum's employ, to work in the industry, but, as noted in *Sieders v R* at 592; [226], this is of limited relevance. Perhaps it merely avoids aggravating features were the work to have been work that the victim did not wish to do.

It seems to me that the offence was primarily committed for greed. Having said that, the conditions imposed seem to me to be somewhat less severe than those set out in *R v McIvor* and, so far as I can tell, similar to those in *R v Tang, R v DS* (2005) 153 A Crim R 194 and *Ho v The Queen* [2011] VSCA 344.

I also take into account that Ms Nantahkhum herself experienced difficult conditions when she was working in the sex industry. This has both positive and negative elements to it so far as sentencing is concerned. She knew what it was like to be constrained in this way. [Redacted for legal reasons] She should have known that this was not the way to conduct such a business. Nevertheless the offences merit just punishment and general deterrence and denunciation loom large.

As to the *Migration Act* offences, they are, in general terms, included in that Act to support and protect the migration system. They do, however, go somewhat further and are intended also to protect people who may, because of breaching that system, be vulnerable to exploitation. If a work environment is exploitative, then those exploited are unlikely to be able to complain when the result will be their deportation. In introducing the Bill which included these offences, the Minister said in the Senate in the second reading speech:

> The government is particularly concerned about circumstances in which women may be trafficked into Australia to work illegally in conditions of sexual servitude, forced labour or slavery. Despite the recent success of our immigration compliance activities, the Government believes that the further statutory reforms contained in this bill are required. The Government believes that there needs to be provision for imposing sanctions on the small number of employers and labour suppliers who deliberately engage or refer non-citizens without the right to work in Australia. ... A feature of the bill is the much higher penalties for offences where aggravating circumstances are present, such as where the illegal worker is in a condition of sexual servitude, forced labour or slavery. The trafficking of people, particularly women and children, to work under these conditions is a despicable crime. The Government is determined to deal with anyone who knowingly participates in this kind of criminal activity. This includes employers who may be willing to take advantage of the victims of sexual servitude, forced labour or slavery.

See: Commonwealth, *Parliamentary Debates*, Senate, 29 March 2006, 2 (Nick Minchin).

In this case, Ms Nantahkhum was well aware of the restrictions on both the conditions and the terms of the visas held by the first and second victims. This was clearly an element in the way in which she could conduct her business and the evils that the offences were designed to eradicate were all too apparent.

In respect of the offences concerning the first victim, there seems to me to be a substantial commonality in the elements and culpability of the slavery offence and the migration offences, such that significant concurrency is required, though the second of the migration offences extends beyond the period of slavery.

Finally, the offence of perverting the course of justice is always a serious offence because, as is often said, such offences "strike at the very heart of the justice system": *Pangallo* (1991) 56 A Crim R 441 at 443. Because of the harm to the judicial system, the community generally is harmed and, so, general deterrence plays an important part in the sentencing of such offences: *Finnie v The Queen* [2007] NSWCCA 38 at [62], [64].

Ordinarily a sentence of imprisonment will be appropriate.

In this case, the offence was of limited circumstances; it consisted of one telephone call with an offer of a substantial bribe. In my view it was not a high level of seriousness.

As to the matters which, under s 16A(2) of the *Crimes Act*, I am required to have regard I note as follows:

(a) The nature and circumstance of the offence
I have set out much of this already. The offences were premeditated and committed over many months. The level of control over the first victim was high. In relation to the *Migration Act* offences, they were premeditated, blatant and did result in a power imbalance between Ms Nantahkhum and the victims.

(d) Personal circumstances of the victims
Both victims were economically disadvantaged. Although the second victim was able to pay for her fare to Australia, it was a result of a loan. They wished to help their families, who were in quite straightened circumstances. This led them to be vulnerable to exploitation.

(e) Any injury, loss or damage resulting from the offence
While there is no evidence of particular physical or mental injury suffered by the victims, they have clearly had their integrity as human beings damaged and the first victim, in particular, had her rights abused.

(f) The degree of contrition shown by the offender
Ms Nantahkhum has shown no contrition.

(h) The degree of cooperation with law enforcement agencies
Ms Nantahkhum has not cooperated with law enforcement agencies at all.

(j) The deterrent offence of any sentence
It is clear that the sentence I impose is very likely to deter Ms Nantahkhum from committing such offences again, so long as the sentence is one of just punishment.

(k) The need for adequate punishment
As noted above, the authorities all hold that the slavery offence demands sufficient punishment, especially as here it was motivated by greed.

(m) The character, antecedents, age, means and physical or mental condition of the offender
These matters have been set out above. I note that in *R v DS*, Chernov JA of the Victorian Court of Appeal said (at 201; [18]), in words applicable here, that "[t]he appellant well knew that the scheme involved robbing the victims of their basic rights ... yet she participated in the illegal and highly immoral scheme."

(n) The prospects of rehabilitation
I am satisfied that Ms Nantahkhum is unlikely to reoffend, though that opinion may need to be slightly moderated when it is noted that she still has

not accepted that she did not keep the first victim in exploited conditions of slavery.

(p) The probable effect that the sentence will have on the offender's family
Ms Nantahkhum's partner has said that her mother has been hospitalised for problematic blood pressure and is convinced that she will not see her daughter again. Her son and three nephews have entered a monastery in her support. Clearly her family will be very distressed, but that is an inevitable and unavoidable consequence of the need for adequate punishment.

Having considered all available sentences, I have come to the view, which both counsel agreed was inevitable, that only a sentence of imprisonment was appropriate.

I must, of course, impose a proper sentence on each offence.

I have carefully considered the length of each of the sentences to ensure that where there are overlapping common elements between any of the offences Ms Nantahkhum is not punished twice. I have also considered whether the sentences should be partly or wholly concurrent because, for example, they are part of the same enterprise or otherwise.

I have then reviewed the length of the term of imprisonment arrived at and ensured that the principle of totality is respected and that the total sentence is adequate to reflect the criminality of the offences committed but not more than that and that the total sentence is not crushing and will leave open the realistic prospect of reform and hope for the achievement of Ms Nantahkhum's goals when she returns to the community. Where necessary to achieve that, I have adjusted the cumulation or concurrency of the individual sentences.

I accept that because of her language and cultural difficulties Ms Nantahkhum will find imprisonment harder for than others might. That will be reflected in the non-parole period.

Ms Nantahkhum, please stand.

1. I convict you of intentionally possessing a slave, namely, the first victim (CC2009/10033).

2. I sentence you to five years imprisonment to commence on 11 April 2012.

3. I convict you of knowingly allowing the first victim to work in breach of a visa condition and knowing that she was being exploited (CC2009/10995).

4. I sentence you to two years imprisonment to commence on 11 October 2015. That is to be cumulative as to six months on the first sentence.

5. I convict you of knowingly allowing the second victim to work in breach of a visa condition (CC2009/10996).

6. I sentence you to 10 months imprisonment to commence on 11 September 2017. That is to be cumulative as to nine months on the second sentence.

7. I convict you of knowingly allowing an unlawful non-citizen, namely, the first victim, to work knowing that she was being exploited (CC2009/10997).

8. I sentence you to two years and three months imprisonment to commence on 11 January 2017. That is to be cumulative as to nine months on the third sentence.

9. I convict you of knowingly allowing an unlawful non-citizen, namely the second victim, to work (CC2009/10998).

10. I sentence you to 11 months imprisonment to commence on 11 March 2019. That is to be cumulative as to 10 months on the fourth sentence.

11. I convict you of attempting to pervert the course of justice (CC2009/10036).

12. I sentence you to 12 months imprisonment to commence on 11 February 2020. That is to be wholly cumulative on the fifth sentence.

13. That is a total sentence of eight years and 10 months, to commence on 11 April 2012 and to end on 10 February 2021.

14. I set a non-parole period of four years and nine months to commence on 11 April 2012 and to end on 10 January 2017.

You may be seated.

ADJOURNED **[10.19 am]**