



HUMAN TRAFFICKING WORKING GROUP
Dr Andreas Schloenhardt (Coordinator)

The University of Queensland
TC Beirne School of Law

www.law.uq.edu.au/humantrafficking

CASE REPORT

Current as on: October 30, 2009

Case Name	Trevor Mclvor & Kanakporn Tanuchit
Reported in	<i>R v Mclvor and Tanuchit</i> [2008] NSWDC 185
Date(s) of hearing	Arrested: June 2, 2006 Convicted: August 29, 2008 Retrial Ordered: October 28, 2009
Court/Jurisdiction	District Court of New South Wales
Charges	Possessing a slave: s 270.3(1)(a) <i>Criminal Code</i> (Cth) Exercising control over a slave: s 270.3(1)(a) <i>Criminal Code</i> (Cth)

Contents

Case Summary 2
Media Reports..... 3

Case Summary

The case of *R v Mclvor and Tanuchit* involves Mr Trevor Mclvor and his wife Kanakporn Tanuchit, who were both charged with possessing a slave and exercising control over a slave.¹ It was alleged that the couple, who owned and co-managed a legal brothel under the name of 'Marilyn's' in Fairfield, New South Wales (NSW), brought at least five women from Thailand to Australia between July 2004 and June 2006. The couple were assisted by another Thai woman, the 'mother' of the contracts, who was paid AUD 15,000 to arrange the transfer of the victims from Thailand, using false documents and return airline tickets to secure their entry into Australia.²

The victims in this case were aged between 27 and 44.³ Four of the five women involved had previously worked in the sex industry in their country of origin and were aware that they would be travelling to Australia to provide sexual services. The fifth victim, however, had been told that she would be working as a masseuse once in Australia. It was this woman who later covertly acquired a telephone number for the Thai Consulate General. Her call to the consulate and her request for assistance eventually led to the prosecution.⁴

Upon arrival in Australia, their passports were taken from the victims and they were accommodated in the basement of the Mr Mclvor and Ms Tanuchit's house. They were also forced to work seven days a week, on average 16 hours a day, in the couple's brothel to repay a 'debt' of between AUD 35,000–45,000.⁵ One article reports that the victims were forced to perform 1,100 sex acts over ten months (on average 3 to 4 sex acts per day).⁶ For each sexual service performed, the women were to be paid a portion of the amount paid by clients. However, the victims were only paid once a week in cash and the amount earned on the remainder of the week went to clearing their 'debt'.⁷

During the trial, it was revealed that the women were kept locked in the brothel and were only allowed outside when under supervision by the accused or a trusted associate.⁸ For a period of one to two months Ms Tanuchit and Mr Mclvor also restricted the women's access to telephones by confiscating their mobile telephones and locking brothel telephones with a PIN code.⁹

¹ *Criminal Code* (Cth) s 270.3(1)(a).

² Lisa Davies & Kim Arlington, 'Couple kept sex slaves', *The Courier Mail* (Brisbane), 16 Nov 2007; Fiona David, *Trafficking of Women for Sexual Purposes* (2008) 49.

³ Les Kennedy, 'Sex Slave Raid on Cell Under Brothel', *Sydney Morning Herald* (Sydney), 6 Sep 2006.

⁴ Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 70, available at [www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)-IDC+Annual+Report_WEB.pdf/\\$file/IDC+Annual+Report_WEB.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)-IDC+Annual+Report_WEB.pdf/$file/IDC+Annual+Report_WEB.pdf) (accessed 15 Oct 2009).

⁵ Lisa Davies & Kim Arlington, 'Couple kept sex slaves', *The Courier Mail* (Brisbane), 16 Nov 2007; Fiona David, *Trafficking of Women for Sexual Purposes* (2008) 49.

⁶ Steph Gardiner, 'Sex slavery in Australia uncovered by recent court cases', *Australian Associated Press*, 9 December 2008.

⁷ Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 70, available at [www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)-IDC+Annual+Report_WEB.pdf/\\$file/IDC+Annual+Report_WEB.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)-IDC+Annual+Report_WEB.pdf/$file/IDC+Annual+Report_WEB.pdf) (accessed 15 Oct 2009).

⁸ Kim Arlington, 'Husband and wife jailed over sex slaves', *The Daily Telegraph* (Sydney), 30 Aug 2008.

⁹ Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 70, available at [www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)-IDC+Annual+Report_WEB.pdf/\\$file/IDC+Annual+Report_WEB.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)-IDC+Annual+Report_WEB.pdf/$file/IDC+Annual+Report_WEB.pdf) (accessed 15 Oct 2009).

The accused also forced the victims to work during their menstruation and during severe illnesses and infections. A number of articles also noted that the women were forced to use crystallised methamphetamine (commonly known as 'ice') and perform unsafe sexual practices.¹⁰

On November 15, 2007 both accused were found guilty (each) of five counts of possessing a slave and five counts of exercising control over a slave¹¹ following a jury trial in New South Wales.¹² On August 29, 2008, Mr Mclvor was sentenced to 12 years' maximum imprisonment with a non-parole period of 7.5 years and Ms Tanuchit was sentenced to 11 years' maximum imprisonment with a non-parole period of seven years. The defendants appealed both their conviction and sentence. On October 28, 2009, the NSW Court of Criminal Appeal ordered a new trial stating that the trial judge gave 'incorrect and confusing' directions to the jury.¹³ Further information about the date of the retrial is currently unavailable.

Media Reports

Reporting generally focused on the development of the case, as well as any salacious elements. For example, the drug use, a quote that Ms Tanuchit told a victim that she was 'fat and ugly', and the figure of 1,100 sex acts, were repeated frequently. A more analytical article by Steph Gardiner appeared in December 2008 that engaged with police and NGOs such as Scarlet Alliance, Project Respect and the Anti-Slavery Project.¹⁴

An electronic copy of this document is available at www.law.uq.edu.au/humantrafficking
© 2009, A Schloenhardt, The University of Queensland, Brisbane, Australia

¹⁰ Kim Arlington, 'Husband and wife jailed over sex slaves', *The Daily Telegraph* (Sydney), 30 Aug 2008; 'Australian couple jailed for sex slavery', *UPI Top Stories*, 29 Aug 2008.

¹¹ *Criminal Code* (Cth) s 270.3(1)(a).

¹² *R v Mclvor and Tanuchit* [2008] NSWDC 185; Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 70, available at [www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)~IDC+Annual+Report_WEB.pdf/\\$file/IDC+Annual+Report_WEB.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)~IDC+Annual+Report_WEB.pdf/$file/IDC+Annual+Report_WEB.pdf) (accessed 15 Oct 2009).

¹³ 'Sex slavery retrial', *The Daily Telegraph* (Sydney), 29 Oct 2009.

¹⁴ Steph Gardiner, 'Sex slavery in Australia uncovered by recent court cases', *Australian Associated Press*, 9 Dec 2008.