



HUMAN TRAFFICKING WORKING GROUP

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CASE REPORT

Current as on: October 17, 2009

Case Name	<i>R v Dobie</i>
Reported in	Not reported
Date(s)	Trial: 20 October 2008, Southport (Qld) Sentencing: 20 November 2008, 23 December 2008, Brisbane (Qld) Appeal: 2009
Court/Jurisdiction	Queensland
Charges	s 271.2(2B) <i>Criminal Code</i> (Cth): trafficking in persons (deceptive recruitment), s 234(1)(a) <i>Migration Act 1958</i> (Cth): presenting false information to an immigration officer, s 400.6(1) <i>Criminal Code</i> (Cth): dealing in the proceeds of crime
Appeal	Written application for leave to appeal the sentence lodged on January 7, 2009. Queensland Court of Appeal heard grounds of appeal on September 23, 2009. Appeal heard on September 30, 2009. Court of Appeal has reserved its decision.

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Case Summary

Keith William Dobie is a Gold Coast man who became the first person to be convicted for trafficking charges under the *Criminal Code* (Cth). Mr Dobie is a hairdresser from Broadbeach, Qld, who allegedly started a prostitution racket after his hair salon, KD Concepts in Currumbin, was destroyed by flooding and fire. The necessary repairs left Mr Dobie in serious debt, including money he owed to pay off loan sharks that had lent him money.¹ The prosecution argued that to pay off this debt, between November 28, 2005 and April 17, 2006 he was directly involved in the deceptive recruitment of at least two Thai women, Ms K A and Ms S H, and was possibly preparing to bring more women from Thailand to Australia. Emails sent between the women and Dobie suggested that the women had previously worked in the sex industry in Thailand and were aware of the fact that they would be working as sex workers in Australia, but were deceived about the conditions of their stay and employment.² Mr Dobie promised the women that they would be earning up to AUD 14,000 over three months, but the women only ever received a small fraction of that money.³

It has been reported that Dobie, assisted by friend in Thailand, provided false information to DIAC and the Australian Embassy in Bangkok to organise visas for the women.⁴ After arriving in Australia, his victims were kept locked in the rooms in Surfers Paradise and Broadbeach where they had to work nine hours a day, serving up to eight men per day. It is not certain whether these allegations can be substantiated. What is known is that the women stayed in Mr Dobie's apartment when not with clients and that he advertised their services as sole operators in local papers.

In a victim statement, Ms H testified that Dobie promised her that she would be able to earn up to AUD 600 per day when in fact she only ever received AUD 20. She spent a total of 36 days in Australia of which she worked between 10 and 18 days as a sex worker, seeing five or more clients a day. She testified that Dobie pressured her to work and threatened that she would be arrested if she was to leave. Ms A also confirmed that she had received deceptive emails from Mr Dobie in which he suggested she would be able to earn up to AUD 250 per day by working for him. He convinced her to come to Australia for 90 days on the basis that she would only be working 4–5 days a week. Once in the country, however, she had to work almost every day. All the money that she earned had to be given to Mr Dobie who pressed her about her debt to him and also used minor physical violence against her. Ms A estimated that during her time in Australia she earned about AUD 11,000 from serving about 70-75 clients and that Dobie only sent AUD 650 to her relatives in Thailand. One of the women also stated that she was made to engage in group sex against her will.⁵

¹ Christine Flatley, "Qld: Human trafficker to appeal sentence" (7 Jan 2009) *Australian Associated Press* (Sydney).

² "Deception" lured sex worker to Australia', *The Courier Mail* (Brisbane), 9 May 2007, 7.

³ "I was paid \$20 a day": Thai prostitute tells court of work conditions with Gold Coast man', *Gold Coast Bulletin* (Gold Coast), 11 May 2007, 11; "Deception" lured sex worker to Australia' *The Courier Mail* (Brisbane), 9 May 2007, 7; 'Hairdresser exploited Thai sex workers, say police', *Gold Coast Bulletin* (Gold Coast), 2 Aug 2006, 7.

⁴ Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 72, 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 Australia, Anti-People Trafficking Interdepartmental Committee, *Trafficking in Persons: The Australian Government's Response January 2004–April 2009* (2009) 72, 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).

Keith Dobie was charged on July 19, 2006 with two counts of trafficking in persons (deceptive recruitment),⁶ four counts of presenting false information to an immigration officer,⁷ and one count of dealing in the proceeds of crime.⁸ He pleaded guilty to all charges at the Southport District Court on October 20, 2008.⁹ During his sentencing hearing in November 2008 he unsuccessfully attempted to withdraw his guilty plea and was sentenced on December 23, 2008 to five years imprisonment with a non-parole period of 22 months. In handing down the sentence, Judge Leanne Clare remarked that Mr Dobie showed no signs of remorse and that 'his crime and treatment of the women was calculated, protracted, and callous'.¹⁰

Appeal

On January 7, 2009, Keith Dobie sought leave to appeal his sentence. In a hand-written application to the Queensland Court of Appeal, he argues that the sentence was excessive and that the judge used insufficiently related cases to determine the sentence. Mr Dobie also complained about comments made by Judge Leanne Clare that the way he had treated the women was "particularly demeaning and callous".¹¹

On September 23, 2009, the Queensland Court of Appeal was told Dobie sought leave to appeal against his conviction and sentence on the basis that his lawyers wrongly instructed him to plead guilty and that he had a lack of understanding regarding the consequences of a guilty plea.¹²

When the matter was heard in the Queensland Court of Appeal on September 30, 2009, Mr Dobie's barrister reportedly argued that the conviction was 'unsound' because the prosecution had failed to correctly interpret the human trafficking provisions in the *Criminal Code*.¹³ It was also submitted that the sentence was 'manifestly excessive given the short period of offending, and the lack of sophistication involved in Dobie's scheme'.¹⁴ The Court heard that Dobie had allowed the women to stay in fine hotels, keep possession of their own passports and that they were able to leave within a few weeks.¹⁵ The Court of Appeal has reserved its decision.

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⁶ Section 271.2(2B) *Criminal Code* (Cth).

⁷ Section 234(1)(a) *Migration Act 1958* (Cth).

⁸ Section 400.6(1) *Criminal Code* (Cth).

⁹ Greg Stolz, 'Thais prostituted to pay off debt', *Courier Mail* (Brisbane), 21 October 2008, 5.

¹⁰ 'A 48-year-old Gold Coast hairdresser has been handed a five-year sentence in the District Court in Brisbane for people trafficking', ABC Brisbane (23 Dec 2008, available at www.abc.net.au/news/stories/2008/12/23/2453912.htm?site=brisbane (accessed 27 Dec 2008).

¹¹ Mark Oberhardt, "Sex slave pimp appeals jail term" (8 Jan 2009) *Courier Mail* (Brisbane).

¹² David Barbeler, "Qld: Sex slave hairdresser wants to appeal conviction", *Australian Associated Press Pty Ltd*, 23 September 2009.

¹³ Christine Flatley, "Qld: Human trafficker appeals conviction", *Australian Associated Press Pty Ltd*, 30 September 2009.

¹⁴ Christine Flatley, "Qld: Human trafficker appeals conviction", *Australian Associated Press Pty Ltd*, 30 September 2009.

¹⁵ Christine Flatley, "Qld: Human trafficker appeals conviction", *Australian Associated Press Pty Ltd*, 30 September 2009.