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**CASE REPORT**

Current as on October 16, 2009

<b>Case Name</b>	<b><i>R v Donoporn Srimonthon (DS)</i></b>
<b>Reported in</b>	<i>R v DS</i> (2005) 191 FLR 337; 153 A Crim R 194; [2005] VSCA 99
<b>Date(s) of hearing</b>	Arrest: May 31, 2003 Conviction: December 22, 2004 Appeal: April 12, 2005
<b>Location</b>	Melbourne, Victoria
<b>Charges</b>	s 270.3(1)(a) <i>Criminal Code</i> (Cth): Possessing a slave. s 270.3(1)(b) <i>Criminal Code</i> (Cth): Engaging in slave trading.
<b>Appeal</b>	Victoria Supreme Court of Appeal
<b>Other accused</b>	John Davies Paul Pick Wei Tang: <i>R v Tang</i> (2008) 238 CLR 1
<b>Other</b>	<i>VXAJ v MIMIA</i> [2006] FMCA 234: immigration case involving one of the victims of Wei Tang and Donoporn Srimonthon

**Table of Contents**

Case summary.....2  
 Appeal .....2  
 Co-Accused .....2

## Case summary

Ms Donoporn Srimonthon was an employee of brothel owner Ms Wei Tang who has been convicted for offences relating to sexual slavery.<sup>1</sup> The initials DS are used to identify the accused due to a suppression order placed on her name, after she gave evidence against her employer. She was herself a previous victim of Ms Wei Tang and had chosen to stay with her trafficker after she had repaid her contract debt. She had previously worked under similar circumstances in the sex industry in Hong Kong. Ms Srimonthon, a Thai national, was responsible for supervision of the contract workers at 'Club 417', the brothel owned by Ms Wei Tang. She also moved money between Wei Tang and an organiser in Sydney, known as Sam.<sup>2</sup>

Ms Srimonthon pleaded guilty to two counts of slave trading (s270.3(1)(b) *Criminal Code* (Cth)) and three counts of possessing a slave (s270.3(1)(a)). The conviction for possession of a slave was in respect of Srimonthon's work in escorting and supervising three contract workers, whereas the conviction for slave trading was based on her taking possession of the women once they arrived in Australia.<sup>3</sup>

## Appeal

Ms Srimonthon appealed her sentence in January 2005. In respect of the five counts above, she was originally sentenced to between five and seven years imprisonment. However, each sentence was made cumulative upon the first by six months, resulting in an effective sentence of nine years, with a non-parole period of three years. It was noted that Ms Srimonthon was the first person to be sentenced under the slavery provisions introduced with the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (Cth).

The Victorian Supreme Court of Appeal found that there had been a number of errors in sentencing,<sup>4</sup> and re-sentenced the appellant to six years imprisonment, with a non-parole period of two and a half years,<sup>5</sup> on the grounds that although she was an important contributor to the criminal conduct, she had been of great assistance to the police in investigating and prosecuting human trafficking.

## Co-Accused

Wei Tang was subsequently convicted after her second trial of five counts of possessing a slave. Her conviction was successfully upheld in the High Court.<sup>6</sup>

The brothel manager and driver of the victims, Mr Paul Pick, was originally tried with Wei Tang, but was acquitted on eight charges, while the jury could not decide on a further two. He successfully applied for a notice of discontinuance (*nolle prosequi*).<sup>7</sup>

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<sup>1</sup> *R v Wei Tang* (2008) 238 CLR 1. See separate case report at [www.law.uq.edu.au/humantrafficking](http://www.law.uq.edu.au/humantrafficking).

<sup>2</sup> *R v DS* (2005) 191 FLR 337 at 341.

<sup>3</sup> *R v DS* (2005) 191 FLR 337 at 341.

<sup>4</sup> *R v DS* (2005) 191 FLR 337 at 342–343.

<sup>5</sup> *R v DS* (2005) 191 FLR 337 at 346.

<sup>6</sup> *R v Wei Tang* (2008) 238 CLR 1.

<sup>7</sup> *R v Wei Tang* (2007) 16 VR 454 at 458. A *nolle prosequi* is an entry made on the record, by which the prosecution declares that it will not proceed against the defendant. Cf Natasha Robinson, 'Second sex slave jury fails to deliver verdict' (28 May 2005) *The Australian*, 8.

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