



HUMAN TRAFFICKING WORKING GROUP
Dr Andreas Schloenhardt (Coordinator)

The University of Queensland
TC Beirne School of Law

The University of British Columbia
Centre of International Relations

www.law.uq.edu.au/humantrafficking

CASE REPORT

Current as on: February 10, 2009

Table with 2 columns: Case Name, Reported in, Date(s), Court/Jurisdiction, Charges, Other accused. Row 1: R v Armstrong. Row 2: R v Armstrong [1996] 1 Qd R 316. Row 3: Offences: 1993, Appeal: April 7, 1995. Row 4: Court of Appeal, Queensland. Row 5: s 229K Criminal Code (Qld): Having an interest in premises used for prostitution. s 229H Criminal Code (Qld): Knowingly participating in the provision of prostitution. s 87 Criminal Code (Qld): Official corruption. Row 6: Warren Armstrong and Elaine Armstrong.

Contents

Case Facts 2
Appeal 2

Case Facts

Mr Warren and Ms Elaine Armstrong held an interest in a house in Spring Hill, Brisbane, known as 'The Players Inn' that was used for prostitution. They were convicted under s 229K *Criminal Code* (Qld) of four counts of having an interest in premises used for prostitution. They were also convicted of three counts of knowingly participating in the provision of prostitution s 229H *Criminal Code* (Qld). Both Mr and Mrs Armstrong had prior convictions under previous legislations for prostitution-related offences.¹ Warren Armstrong had also been convicted of four counts of official corruption under s 87 *Criminal Code* (Qld).

In relation to the s 229K offences. Elaine Armstrong received a fine of \$2,500 in respect of count one and \$500 in respect of counts two, three, and four. Warren Armstrong received a fine of \$5,000 in respect to count one and \$500 in respect of counts two, three and four.

Appeal

When initially presented, their indictments referred to a period during which the offending occurred, from January 31, 1993 to July 15, 1993. They contended that as the definition of prostitution in s 229E² referred to 'a sexual act', the prosecution needed to particularise a single incident that fulfilled the definition. The argument was rejected on a number of grounds.

The most definitive ground was based on s 32 *Acts Interpretation Act 1954* (Qld). Section 32C provides that the plural of a word is included with the singular.³

Also, it was contended that the respondent's construction sat better with the practicalities of the offence — the owner of a brothel may not know the particulars of every sex act that occurs on their premises, however the legislation is still aimed at criminalising their conduct, and thus the offence should not require the particulars to be known.⁴

In summary, 'prostitution' in Chapter 22A *Criminal Code* (Qld) can refer to a course of conduct. The prosecution does not need to particularise a single act.

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

¹ *R v Armstrong* [1996] 1 Qd R 316 at 319.

² This case — was heard before s 229E *Criminal Code* (Qld) was amended by the *Prostitution Act 1999* (Qld). Section 229E provided at the time that 'A person engages in "prostitution" if a person engages in a sexual act with another person under an arrangement of a commercial character'.

³ *R v Armstrong* [1996] 1 Qd R 316 at 318.

⁴ *R v Armstrong* [1996] 1 Qd R 316 at 318.