NOTE: PUBLICATION OF NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF COMPLAINANT PROHIBITED BY S 204 OF THE CRIMINAL PROCEDURE ACT 2011.

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

CA244/2018
[2018] NZCA 615

BETWEEN	THE QUEEN Appellant
AND	KASMEER LATA Respondent

Hearing: 24 October 2018

Court: Brown, Courtney and Katz JJ

Counsel: B J Horsley for Appellant
K A N Trotter for Respondent

Judgment: 19 December 2018 at 12.30 pm

JUDGMENT OF THE COURT

A The appeal is allowed.

B The sentence on the lead charge of six years and 11 months' imprisonment is quashed and is substituted with a sentence of ten years and three months' imprisonment.

C The minimum period of imprisonment of three years and five months is quashed and substituted with a minimum period of imprisonment of five years.

D The concurrent sentences on the charges under s 98AA(1)(a)(i) of the Crimes Act 1961 of six years and 11 months' imprisonment are quashed and substituted with concurrent sentences of ten years and three months' imprisonment.

E The concurrent sentence on the fourth charge is unchanged.

REASONS OF THE COURT

(Given by Brown J)

Introduction

[1] For a period of 18 months from the date of her daughter's 15th birthday Ms Lata facilitated the prostitution of her daughter with the consequence that she engaged in sexual activity with paying clients on approximately 1,000 occasions. Ms Lata pleaded guilty to four charges:

(a) a representative charge of being a parent or guardian of a child under the age of 18 delivering that child to another person with intent that the child or the child's labour be exploited;[1]

(b) two representative charges of entering into a dealing involving a person under the age of 18 years for the purpose of the sexual exploitation of the person;[2] and

(c) receiving earnings from commercial sexual services provided by a person under 18 years.[3]

[2] After allowing both a discount for lack of prior convictions and to recognise the extent to which prostitution was "normalised" in Ms Lata's own upbringing, and applying a full discount of 25 per cent for her guilty pleas, Muir J imposed concurrent sentences of six years and 11 months' imprisonment on the first, second and third charges.[4] The Solicitor-General appeals against the sentence on the basis that it is manifestly inadequate and wrong in principle, contending that the starting point taken

---

1 Crimes Act 1961, s 98(1)(i): maximum penalty 14 years' imprisonment.
2 Section 98AA(1)(a)(i): maximum penalty 14 years' imprisonment.
3 Prostitution Reform Act 2003, ss 21 and 23: maximum penalty seven years' imprisonment.
4 *R v Lata* [2018] NZHC 707 [Sentencing notes] at [53]. A concurrent sentence of two years and 11 months' imprisonment was imposed in respect of the fourth charge.

for the lead offence of nine years and six months' imprisonment was too low to properly reflect the criminality and culpability inherent in Ms Lata's conduct. We address the circumstances of the offending in detail in our discussion of counsel's submissions.

Sentencing in the High Court

[3] It was common ground that the first charge was the lead charge and that the sentences for that and the second and third charges should be concurrent. The Judge commenced by identifying the following aggravating features of the offending:[5]

- the sexual nature of the exploitation;
- Ms Lata's breach of trust;
- the complainant's vulnerability;
- the gravity and scale of the offending;
- the level of planning and premeditation; and
- the harm to the complainant.

[4] Noting that neither counsel specifically identified any mitigating factors of the offending, the Judge considered that the most that could be said was that the delivering up of the complainant for exploitation was for purposes, at least in part, related to the provision of financial support for Ms Lata's family, a factor which the Judge took into account.[6]

[5] Drawing on observations made in *R v Decha-Iamsakun* that the offending of selling a woman as a slave was as bad as committing rape,[7] the Crown likened Ms Lata's offending to that in serious rape cases falling within band 4 of *R v AM*

---

5 At [19]–[29].
6 At [30].
7 *R v Decha-Iamsakun* [1993] 1 NZLR 141 (CA) at 148, the only case identified under s 98 of the Crimes Act.

(CA27/2009),[8] which attract sentences of between 16 to 20 years' imprisonment.[9] The Judge noted the Crown submission as follows:[10]

> Having regard to the lower maximum sentence for s 98(1) offending (14 years as opposed to 20 years for rape) the Crown says that a starting point of 10–14 years could be contemplated for the lead charge in this case, but then acknowledges that it is possible to envisage worse offending before suggesting a final starting point of 10–12 years by analogy with offending in rape band 4.

[6] While not agreeing entirely with the defence submission that the analogy with rape cases was dangerous and likely to generate confusion, the Judge viewed the Crown's comparison as not entirely helpful. He considered that the best way to proceed was to consider the range of offending that could fall under the section and to place the offending in that range, only considering the rape cases as something of a cross-check to the sentence ultimately arrived at.[11]

[7] In proposing a starting point of five years imprisonment,[12] the defence submitted that the offending should be in the lower-middle band of the sentencing range, reasoning that s 98 should be regarded as one offence with each way of dealing with the vulnerable person representing different levels of seriousness within an available spectrum.[13]

[8] While rejecting some type of internal hierarchy within the various s 98(1) subsections, the Judge viewed the application of s 98(1)(i) in this way:

> [37] Looking then at the range of potential offending under s 98(1)(i), it need not, as I have already identified, involve a sexual element. A parent who delivers up their child to undertake non-sexual services for no or exploitative rates of remuneration commits an offence under that section. Such offending would typically fall towards the bottom of the range. But where delivery up is of a young person for sexual services, that must always, in my view, be a seriously aggravating factor which takes the offending to at least the middle level of the range. When, in addition, the young person involved has not attained the legal age of consent, is required to engage in full penetrative sex, is presented with no practical option but to prostitute himself or herself, is severely socially isolated so as to limit his or her options to disengage and is as traumatically affected as the complainant in this case, the offending, in my

---

8 *R v AM (CA27/2009)* [2010] NZCA 114, [2010] 2 NZLR 750.
9 At [90(d)].
10 Sentencing notes, above n 4, at [33].
11 At [34].
12 Citing *Hastie v R* [2011] NZCA 498.
13 Sentencing notes, above n 4, at [35].

> view, comfortably falls within the upper middle band, even absent violence or threats of violence. …

[9] After discussing a number of New Zealand[14] and English[15] decisions, and noting the Sentencing Council for England and Wales' *Sexual Offences Definitive Guideline*,[16] the Judge concluded:[17]

> [41] Having considered all of these authorities, in my view a starting point of nine years and six months' imprisonment is appropriate for the lead offence in this case. This offending is undoubtedly among the more serious captured by s 98(1)(i) particularly having regard to the duration of the offending, the vulnerability of the complainant, the number of sexual contacts into which she was forced, and the level of harm she has suffered. However, I accept that one can envisage more serious offending as, for example, if there had been more than one victim, or the victim(s) were younger, or there was violence, or threats of violence involved. "Headroom" must be recognised, therefore, in the event that offending with these additional characteristics were to come before the Court.
>
> (Footnote omitted.)

[10] In respect of the fourth charge under the Prostitution Reform Act 2003 the Judge considered a starting point of four years was appropriate.[18] He rejected the Crown contention that because money is not necessarily inherent in the Crimes Act charges an uplift was warranted. He viewed the submission as artificial for the reason that the Crimes Act 1961 offending would almost inevitably involve the receipt of some compensation for the delivering up or inducement of the child.[19] Applying the same discounts as for the other three charges a sentence of two years and 11 months' imprisonment was imposed to be served concurrently.[20] A minimum period of imprisonment of three years and five months was imposed in respect of the Crimes Act charges.[21]

---

14 *Doling v Police* HC Tauranga CRI-2010-470-12, 18 March 2010; and *R v Wales* [2012] NZHC 138.

15 *R v Dunkova* [2010] EWCA Crim 1318, [2011] 1 Cr App R (S) 40; and *R v Demarku* [2006] EWCA Crim 2049, [2007] 1 Cr App R (S) 83.

16 Sentencing Council *Sexual Offences Definitive Guideline* (effective from 1 April 2014).

17 Sentencing notes, above n 4.

18 At [49].

19 At [50].

20 At [54].

21 At [52].

The Solicitor-General's case

[11] Mr Horsley launched his argument for the Solicitor-General by focusing on the recognition of the requirements of the Sentencing Act 2002 (the Act) in the Judge's initial observations:

> [12] In sentencing the defendant, I must have regard to the purposes and principles of sentencing as set out in the Sentencing Act 2002. Of particular relevance to this very serious offending is the need to denounce the defendant's conduct, to hold her accountable for the harm done to the victim and to deter her and others from committing the same or similar offences. I am, nevertheless, obliged to impose the least restrictive outcome appropriate in the circumstances.
>
> (Footnote omitted.)

[12] Mr Horsley made the point that the allusion in the final sentence to s 8(g) of the Act was inapt because the directive to impose the least restrictive outcome appropriate in the circumstances is in accordance with the hierarchy of sentences and orders in s 10A. In the present case there was no question that imprisonment, which is the most restrictive outcome in s 10A, was the only appropriate outcome. While referring unnecessarily to s 8(g), the Judge had omitted to refer to other directives in s 8 which were of particular moment in this case.

[13] Acknowledging that there had been error on the part of counsel for the Crown in proposing a starting point as low as ten years, Mr Horsley drew attention to s 8(c) and (d) which provide that in sentencing an offender the Court:

> (c) must impose the maximum penalty prescribed for the offence if the offending is within the most serious of cases for which that penalty is prescribed, unless circumstances relating to the offender make that inappropriate; and
>
> (d) must impose a penalty near to the maximum prescribed for the offence if the offending is near to the most serious of cases for which that penalty is prescribed, unless circumstances relating to the offender make that inappropriate; …

[14] Emphasising the preposition "within" in s 8(c), Mr Horsley submitted that the maximum penalty does not need to be "reserved for the most devilish instance of crime that judicial imagination can conceive",[22] but it can and should be used where the

---

[22] *R v Beri* [1987] 1 NZLR 46 (CA) at 48. See also *R v Xie* [2007] 2 NZLR 240 (CA) at [26].

offending is within a broad band or bracket comprising the "worst class of cases encountered in practice".[23] While recognising that there will almost inevitably be "worse cases" imaginable and variations of gravity within the broad band, it was his contention that any case that falls within such a band qualifies for the maximum penalty.

[15] Mr Horsley identified the following aggravating features of the totality of Ms Lata's offending:

(a) the offending involved sexual exploitation (and therefore a breach of trust of the worst kind under s 98(1)(i));

(b) the offending was on a grand scale — the complainant was forced to prostitute for 18 months, which involved over 1,000 clients;

(c) the sexual exploitation involved full penetrative activity;

(d) the complainant was under the legal age of consent for the majority of the offending, and did not consent to the sexual activity in any meaningful sense;

(e) the exploitation involved unprotected sex;

(f) the exploitation resulted in pregnancy and abortion;

(g) the complainant was required to participate in sexualised videos and photographs, which were then posted publicly;

(h) the complainant was isolated and particularly vulnerable due to her immigration status, inability to attend school and confinement within the house;

(i) the offending involved high-level commercial gain;

---

23 *Shailer v R* [2017] NZCA 38, [2017] 2 NZLR 629 at [64], citing *R v Beri*, above n 22, at 48.

(j) the earnings were mostly withheld from the complainant, and this was coupled with unreasonable demands for rent and bill payments, creating a debt-bondage situation; and

(k) the effect on the complainant was profoundly damaging.

[16] His conclusion was that the wealth of aggravating features made this offending extremely serious, undoubtedly putting it within the upper end of the sentencing range, such that a starting point at or close to the maximum was warranted. While accepting, as the Judge considered, that one could imagine offending with additional aggravating features — such as the use of violence, multiple victims or a younger victim — it was his submission that the lack of those features did not detract from the placement of this offending within the broad band of worst cases.

[17] Mr Horsley then proceeded to address the Judge's cross-check approach with reference to rape offending, arguing that the analogy with rape offending was directly in point given the exploitative nature of the charge. He also considered the *Sexual Offences Definitive Guideline* of the Sentencing Council for England and Wales and undertook an analysis of authorities in England and Australia. We do not traverse the detail of those submissions because it is unnecessary to do so in view of the approach we have taken.

Respondent's submissions

[18] Mr Trotter's primary submission was that the Judge had reasoned correctly from a first principles basis and adopted an appropriate global starting point for the offending. The end sentence reached was clearly within range and there was no justifiable basis for this Court to impose a higher sentence on appeal. He argued that the appellant's contention, that the offending was of the worst of its kind, could not be sustained for the three reasons which the Judge identified:[24]

(a) the complainant's age;

---

[24] Sentencing notes, above n 4, at [30] and [41].

(b) the lack of actual or threat of violence; and

(c) the differentiation between pure commercial gain and financial gain in the context of family needs.

[19] While recognising the relevance of the first factor is a matter of degree, Mr Trotter submitted that it could not be suggested that sexual exploitation of a child under 12 years of age for example was of the same level of seriousness as that of a 15 year old. He emphasised there is no minimum age for consent in New Zealand law. In any event he said that in this case it could not be safely or categorically suggested that the complainant did not consent to the sexual activities, both because of her age and to the extent to which she was emotionally "guilt-trapped" to work as a prostitute by her mother. It was that emotional manipulation that was the operative cause, there being no physical detention of or assault on the complainant.

[20] Concerning the third factor Mr Trotter submitted there was a sad intergenerational element to the offending which needed to be viewed through the lens that Ms Lata herself was brought up in a similar way.

[21] In a similar fashion to the Solicitor-General's submissions, Mr Trotter then addressed the relevance of the rape sentencing cross-check before reviewing in some detail the overseas authorities. He concluded that the starting point adopted by Muir J was broadly consistent with comparable authorities in England and Australia.

Discussion

[22] It cannot credibly be suggested that the offending in this case did not reach the s 8(d) threshold of being "near to" the most serious of cases of a parent delivering a child for exploitation by another person. In our view, the issue is whether the offending was of such a nature as to warrant inclusion in the s 8(c) category of the most serious of cases for which the maximum penalty must be imposed. The answer to that question first requires a careful analysis of the facts. The following review is sourced from the summary of facts which was the basis of Ms Lata's guilty pleas.

[23] The complainant moved to New Zealand in April 2014, together with a younger brother and Ms Lata, entering on visitor visas which expired. As a result of not having a valid visa to remain in New Zealand, the complainant was not able to enrol in any schools here. As the Judge observed, the complainant's socially isolated position rendered her more vulnerable to her mother's manipulations.[25]

[24] When Ms Lata asked her to work as a prostitute in order to raise money for the family to start a business and to have food to eat the complainant initially refused. However, Ms Lata informed her that if she did not do this, the family, including her younger brother, would not have a place to live and would starve. Ms Lata told her that she would only have to do this for a period of one month.

[25] Ms Lata then posted an advertisement on Craigslist offering the complainant for sexual services and stating erroneously that she was 18 years old. Ms Lata also arranged for the complainant to be advertised in the New Zealand Herald. Those advertisements stated that the complainant was one of two "HOT SEXY busty Indian girls" and that she was 18 years old.

[26] On the complainant's 15th birthday Ms Lata arranged for the complainant to meet her first client, a man in his 50s who came to the family's home. Ms Lata dressed the complainant in a short skirt, straightened her hair, and did her make-up. The complainant did not want to go through with the arrangement but Ms Lata coached her on how to have sex. That first client had sexual intercourse with the complainant and paid Ms Lata around $200 for one hour. He proceeded to come to the family home every two weeks to have sex with the complainant.

[27] When the complainant told Ms Lata she did not want to continue to work as a prostitute, Ms Lata asked her to pay rent and bills to live at the family home. She began by asking the complainant for money for rent and groceries. She then asked for money to cover the internet, electricity and water bills, and for moving and letting fees. Ms Lata knew that the complainant would have to continue to work as a prostitute in order to pay the rent and bills.

---

25 At [26].

[28] Ms Lata continued to arrange for men to come to the family home in order to have sexual intercourse with the complainant for payment. She ensured that the window blinds were always closed and did not allow the complainant to play outside on weekdays, as she was concerned that the neighbours would observe their activity.

[29] However, the neighbours began to suspect that the house was being operated as a brothel and advised Auckland City Council. Ms Lata and the complainant then moved to another address. Because it was an apartment, clients could not be brought there so Ms Lata would organise for the complainant to have sexual intercourse with clients at various motels or at the clients' homes.

[30] Ms Lata also arranged for an advertisement for the complainant to be placed on a website called New Zealand Girls, which is an online escort agency. As part of the advertising Ms Lata organised for the complainant to attend two photoshoots with photographers from New Zealand Girls. For these photoshoots, the complainant was required to undress and put oil on her body. Hundreds of photos and a number of videos were taken of her in various states of undress and in provocative poses. Ms Lata paid for these photoshoots with money earned from the complainant's prostitution. Photos from these photoshoots were placed on New Zealand Girls, showing the complainant's naked body. The accompanying advertisement stated that the complainant was 20 years old.

[31] Ms Lata organised appointments for as many as five men per day to have sexual intercourse with the complainant. Often Ms Lata would remain outside while this took place. The complainant also had some regular clients that would visit her on a weekly basis. Ms Lata would take half of her earnings from each appointment. The complainant used her share of the earnings to pay for rent and bills that Ms Lata demanded from her.

[32] Around mid-2015 the complainant discovered that she had fallen pregnant to one of the clients. Ms Lata told her that she had to get an abortion and that she had to keep working as a prostitute in order to pay for the abortion. In August 2015, the complainant attended a local clinic and had an abortion.

[33] The complainant worked as a prostitute under the direction of Ms Lata from her 15th birthday to 30 November 2016, when the complainant presented at the Whangarei Police Station and disclosed the offending. In that 18 month period it is estimated that she engaged in sexual activity with paying clients on approximately 1,000 occasions. The rate charged ranged from $180–$200 per hour, $100–$120 for half an hour and $80–$100 for 20 minutes. The majority of her clients paid $100 for 20 minutes. In total, it is estimated that the complainant generated approximately $100,000 in earnings over the 18 month period of the offending, at least half of which was retained by Ms Lata and a co-defendant.

[34] Unsurprisingly the complainant's victim impact statement makes harrowing reading.[26] On occasion the complainant self-harmed in an attempt to escape her emotional pain by the distraction of physical pain. She attempted suicide. On some days, she has experienced so much anxiety that she is reluctant to get out of bed being worried that, if she were to go outside, she would encounter someone who had been a client. She does not trust other people and is isolated even from her family because, as can happen when a complaint is laid against a parent, her siblings blame her for Ms Lata's imprisonment.

[35] The Judge's view of the nature of the harm to the victim is noteworthy:[27]

> It clearly approaches the most serious level realistically able to be contemplated, taking into account the complainant's on-going history of self-harm, her suicide attempt and her continuing sense of betrayal and distrust.

We endorse that assessment.

[36] We are also in agreement with the Judge's response to the submission on behalf of Ms Lata that the offence under s 98(1)(i) requires the existence of a parent-child relationship such that a breach of trust is inherent in the offending. On this issue the Judge stated:[28]

> That may be the case but what is not inherent is the severity of the breach of trust because the offence itself is not, as I have indicated, limited to parents

---

26 The Judge's description: Sentencing notes, above n 4, at [9].
27 At [29].
28 At [21].

> who prostitute their children. For those who do, the breach of trust is, in my view, far greater than where a parent, for example, forces a child into service of a non-sexual kind.

[37] The sexual exploitation in this case was both intensive and prolonged. As the Judge accepted it necessitated high and continuous levels of premeditation and planning.[29] It was a gross breach of a mother's trust appropriately described by the Judge as egregious.[30] As he poignantly explained:[31]

> At a point in the complainant's life when her mother should have been providing her with protection and stewardship in her transition to adulthood, she instead manipulated her into agreeing to engage in prostitution and effectively "pimped her out" for 18 months.

The deprivation caused by the absence of her mother's love and support as a child and a teenager is palpable in the victim impact statement.

[38] Thus far we have viewed the case through the same lens as the Judge. Where we part company with his assessment is at the point where he in effect placed a cap on the appropriate starting point in order to accommodate "headroom" for future cases:[32]

> This offending is undoubtedly among the more serious captured by s 98(1)(i), particularly having regard to the duration of the offending, the vulnerability of the complainant, the number of sexual contacts into which she was forced, and the level of harm she has suffered. However, I accept that one can envisage more serious offending as, for example, if there had been more than one victim, or the victim(s) were younger, or there was violence, or threats of violence involved. "Headroom" must be recognised, therefore, in the event that offending with these additional characteristics were to come before the Court.

[39] We do not consider that the maximum penalty is reserved for offending which incorporates every conceivable aggravating characteristic. If that approach were to be adopted, then, always anticipating a more serious case of offending, sentencing would be rendered asymptotic and the maximum penalty would never be imposed.

---

29 At [28].
30 At [20].
31 At [20].
32 At [41].

[40] As this Court explained in *Shailer*:[33]

> [64] First, we agree with Mr Horsley's submission that the maximum penalty has never been reserved for the worst case imaginable. It has always been available for the "worst class of cases encountered in practice". That approach was then reinforced with mandatory effect by the enactment of s 8(c) in 2002. At the time of enactment the then Justice Minster described the purpose of the Bill as to "[leave] no doubt at all, in the judicial mind, that when you have the worst type of offending in any category the maximum sentence will then be applied".
>
> (Footnotes omitted.)

[41] In our view, the gravity of Ms Lata's offending is not to be discounted for the purposes of identification of a starting point on account of the fact there was only one victim in the person of her only daughter. Nor in weighing comparative seriousness should the mere presence of an act or threat of physical violence tip the scales against the scenario where a young woman is psychologically compelled to endure 18 months and 1,000 episodes of unwanted sexual activity.

[42] Consequently, we conclude that the Judge erred when, in order to accommodate headroom for hypothetical cases which included characteristics additional to those present in the instant case, he selected a starting point of nine years and six months' imprisonment, which was approximately two-thirds of the maximum penalty.

[43] We agree with Mr Horsley's submission that that starting point was manifestly inadequate. As he put it at the conclusion of his written submission:

> The combination of aggravating factors places this offending, broadly, within the range of the most serious cases, and therefore justified a starting point at or close to the maximum. In comparing the approach to sentencing for similar offending in other jurisdictions, a starting point of at least 12 years' imprisonment should have been adopted.

[44] It is necessary to recognise that upon a successful appeal by the Solicitor-General the sentence is adjusted by no more than the minimum extent necessary to remove the element of manifest inadequacy.[34] Hence as this Court

---

33 *Shailer v R*, above n 23.
34 *Sipa v R* [2006] NZSC 52, (2006) 22 CRNZ 978 at [9].

recently observed in *Solicitor General v Hutchison*,[35] where the Crown had accepted that a sentencing indication starting point of 12 years was within range:

> [11] As this is a Solicitor-General sentence appeal,[36] we regard that concession as being an upper band for sentencing. As *Adams on Criminal Law* notes:[37]
>
> > Where the Court finds a sentence should be increased on the grounds of manifest inadequacy or error of principle, the increase will not be to the level that would have been imposed were the appellate Court the original sentencing Court. Rather, it is to the maximum extent required to remedy the manifest inadequacy. … The sentence should only be increased to the level which accords with the lowest range of appropriate sentences …

[45] However, in the particular scenario where the offending is assessed as falling within the category of the most serious of cases, the traditional conservative approach reflected in *Sipa* is not able to be accommodated by the selection of a starting point at the lowest end of an available range. In that uncommon circumstance, the only available penalty is that mandated by s 8(c).

[46] That was the course followed by this Court in *Chen v R* where, after setting out the principles in s 8(a) to (d) of the Act, it was said:[38]

> [183] These principles require this Court to convey the message that large-scale importation and sale of methamphetamine into and in New Zealand will attract the stern maximum penalty which Parliament has set for such offending. …

Allowing the Solicitor-General's appeal this Court set aside sentences of 12 years and 17 years' imprisonment and substituted the maximum sentence of life imprisonment in each instance.

[47] As it is our conclusion that the totality of the aggravating circumstances of Ms Lata's offending places this case squarely within the category of the most serious of cases, it follows that even though this is a Solicitor-General appeal, like *Chen* the

---

35 *Solicitor General v Hutchison* [2018] NZCA 162.
36 Criminal Procedure Act 2011, s 246.
37 Simon France (ed) *Adams on Criminal Law – Sentencing* (online ed, Thomson Reuters) at [SAB5.09(h)].
38 *Chen v R* [2009] NZCA 445, [2010] 2 NZLR 158.

sentencing response must be the maximum prescribed penalty. There is nothing about the circumstances relating to Ms Lata that make that course inappropriate.

[48] The Solicitor-General raised no issue with the percentage discounts which the Judge allowed. Hence we apply a discount of 2.5 per cent for Ms Lata's lack of prior convictions and to recognise the extent to which prostitution was "normalised" in her own upbringing.[39] The full 25 per cent discount for the guilty pleas is also allowed.

[49] Consequently, the end sentence on the charge under s 98(1)(i) will be ten years and three months' imprisonment. A new minimum period of imprisonment of five years will be imposed in relation to this charge. The concurrent sentences on the charges under s 98AA(1)(a)(i) will also be ten years and three months' imprisonment. There is no change to the sentence on the fourth charge.

Result

[50] The appeal is allowed.

[51] The sentence on the lead charge of six years and 11 months' imprisonment is quashed and is substituted with a sentence of ten years and three months' imprisonment.

[52] The minimum period of imprisonment of three years and five months is quashed and substituted with a minimum period of imprisonment of five years.

[53] The concurrent sentences on the charges under s 98AA(1)(a)(i) are quashed and substituted with concurrent sentences of ten years and three months' imprisonment.

[54] The concurrent sentence on the fourth charge is unchanged.

Solicitors:
Crown Law Office, Wellington for Appellant

---

39 Sentencing notes, above n 4, at [45].