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Subject: NAVAL OFFICER- COURT MARTIAL VERDICT  
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## **HOT ISSUE BRIEF**

### **ISSUE: NAVAL OFFICER- COURT MARTIAL VERDICT**

**SENSITIVITY:** High. There has been extensive media coverage of this Court Martial and it is expected that this will increase once the verdict is delivered.

#### **KEY ISSUES:**

- On 16 August 2011, the Deputy Director of Military Prosecutions charged a Naval officer with several Service offences.
- The matter has been subject of a General Court Martial which began on 29 November
- It is expected that a verdict will be delivered on Friday 9 December 2011. If found guilty, a sentencing will be handed down on 12 December 2011.
- There has been significant media coverage of the Court Martial thus far and it is expected that the verdict will be reported widely.

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**Date issued:** 08 December 2011

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## **BACKGROUND**

Ministerial Submission FCMIN/OUT/2010/046 dated 16 December 2010, Ministerial Submission CN/OUT/2011/0640 dated 13 September 2011 and Ministerial Submission MA11-001979 dated 18 November 2011 advised of the circumstances of this matter

On 10 November 2010 a female Junior Sailor serving at a Western Australian based major fleet unit (the complainant) alleged that a male officer (the respondent) had committed acts of indecency over a period of approximately eight months.

The Australian Defence Force investigative Service (ADFIS) conducted an investigation into the allegations and referred a Brief of Evidence to the Office of the Director of Military Prosecutions (ODMP). On 16 August 2011, the Deputy Director of Military Prosecutions elected to prefer charges against the officer. The charges consist of nine counts of an act of indecency without consent (with a number of charges in the alternative) and one count of attempted destruction of service property.

The officer is currently suspended from duty when not required to attend hearings. The officer has been medically unfit for duty since the investigation commenced. The officer is being provided Divisional support, legal support, and access to other support services. The officer is being monitored closely for any potential [REDACTED] issues. [REDACTED]

The junior sailor complainant is also being provided Divisional support, legal support and access to other support services.

A General Court Martial commenced on 29 November 2011 at the Court Martial Facility in the ACT. A verdict is expected to be delivered 9 December 2011. If found guilty, a sentencing will be handed down on 12 December 2011.

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## TALKING POINTS

If not guilty verdict

- I have been advised that a not guilty verdict has been delivered in the Court Martial of a naval officer charged with committing acts of indecency.
- As the case has now been finalised I do not intend to make any further comment.


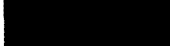
If guilty verdict

- I am advised that a male naval officer has been found *guilty* of several service offences at a General Court Martial in Canberra.
- The officer was found guilty of *nine counts of an act of indecency without consent and one count of attempted destruction of service property.*

**• He has 14 days to lodge an appeal against the verdict with the Defence Force Discipline Appeals Tribunal.**

**• The officer will be remanded in Australian Defence Force custody while the case is reviewed and punishment is considered.**

**• I am advised the officer is being provided with all necessary support.**

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