

**Case Summary**  
**Office of the Judge Advocate General**

**DEFENDANT:** PTE Henry

**TYPE OF PROCEEDING:** Defence Force Magistrate

**DATE OF TRIAL:** 13 February 2025

**VENUE:** Gallipoli Barracks, Queensland

**Charges and plea**

	Statement of Offence	Plea
Charge 1	DFDA, s. 59(7) Possessing non-trafficable quantity of a prohibited drug – defence member in Australia	Guilty
Charge 2	DFDA, s. 59(7) Possessing non-trafficable quantity of a prohibited drug – defence member in Australia	Guilty

**Pre-Trial: Closed hearing and non-publication orders**

Application made:	No
Determination:	Not Applicable

**Trial: Facts and legal principles**

Nil, as the case proceeded by way of guilty pleas.

**Findings**

	Finding
Charge 1	Guilty
Charge 2	Guilty

**Sentencing: Facts and legal principles**

On 23 April 24, JMPS Townsville executed search warrants on the defendant. As a result MP's seized a number of items from his live-in accommodation. Among the seized items were several labelled vials containing a substance. Following analytical testing of the vials, it was confirmed that two of the vials each contained a discrete form of testosterone. Testosterone is a prohibited substance, namely an anabolic steroid.

The Prosecuting Officer submitted that, in this case, the punishment of imprisonment would be unnecessary and inappropriate.

The Defending Officer informed the DFM that the defendant was a first offender, had pleaded guilty at the first available opportunity, co-operated with the administration of justice and was genuinely remorseful. Notwithstanding such mitigating features, the Defending Officer made clear that the defendant no longer wished to render further service and urged the DFM to favour the punishment of dismissal.

- *This summary is not intended to be a substitute for the reasons of the Service tribunal or to be used in any later consideration of the tribunal's reasons.*

The DFM found that the defendant's behaviour was objectively serious. The involvement with prohibited substances is incompatible with an effective and efficient ADF. A strong message needed to be sent to others who may be like-minded. The DFM also held that if the defendant had expressed a strong desire to continue serving, he would have carefully considered imposing the punishment of detention to be served. This would have been consistent with the manner in which the DFM had dealt with other members convicted of similar conduct and who had the benefit of similar mitigating features.

However, in the circumstances of this case, the DFM accepted the submissions made by the Defending Officer and dismissed the defendant from the Defence Force on both charges.

### **Punishments and orders**

Charge 1	To be dismissed from the Defence Force.
Charge 2	To be dismissed from the Defence Force.

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 26 February 2025.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld

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