

Case Summary
Office of the Judge Advocate General

DEFENDANT: LS Garnett

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 27 May 2025

VENUE: HMAS *Stirling*, WA

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 2	DFDA, s. 33(c) Engaging in obscene conduct in service ship	Guilty
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 3	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 4	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 5	DFDA, s. 60(1) Prejudicial conduct	Withdrawn

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 a guilty plea.

Findings

	Finding
Charge 1	Not Applicable
Charge 2	Guilty
Alternative to Charge 2	Not Applicable
Charge 3	Not Applicable
Charge 4	Not Applicable
Charge 5	Not Applicable

Sentencing: Facts and legal principles

The incident occurred sometime in 2023 on board a Service ship, whilst at sea and within the confines of a mess. The defendant was the Leading Hand of the particular mess at the relevant time. During a break numerous members were present in the mess when the defendant walked in front of them wearing only a towel. The defendant then removed his towel and engaged in obscene conduct.

The Prosecuting Officer submitted that considering all of the relevant aspects of this matter, the punishments of imprisonment and dismissal were not appropriate. The Defending Officer adopted this submission.

- *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.*

Additionally, the Defending Officer also made submissions in respect of numerous mitigating features including the early plea of guilty, the defendant's genuine remorse, his otherwise good character, unblemished conduct record and excellent prospects for rehabilitation. A number of glowing character references were placed before the DFM for consideration.

In all of the circumstances of this case, the DFM held that the minimum punishment required to satisfy the sentencing principles of general deterrence and maintenance of good order and discipline in the Defence Force was a not insubstantial fine, partly suspended, coupled with a severe reprimand.

Punishments and orders

Charge 1	Not Applicable
Charge 2	Fined the sum of \$2,000 (\$1,000 suspended); Severe reprimand.
Alternative to Charge 2	Not Applicable
Charge 3	Not Applicable
Charge 4	Not Applicable
Charge 5	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 03 July 2025

	Conviction	Punishments / Orders
Charge 1	Not Applicable	Not Applicable
Charge 2	Upheld	Upheld
Alternative to Charge 2	Not Applicable	Not Applicable
Charge 3	Not Applicable	Not Applicable
Charge 4	Not Applicable	Not Applicable
Charge 5	Not Applicable	Not Applicable

- *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.*