

Case Summary
Office of the Judge Advocate General

DEFENDANT: LAC Davison

TYPE OF PROCEEDING: Restricted Court Martial

DATE OF TRIAL: 23 June 2025

VENUE: RAAF Base Williamtown, NSW

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 2	DFDA, s. 33(d) Assaulting, insulting or provocative words etc	Guilty
Charge 3	DFDA, s. 33(c) Assaulting, insulting or provocative words etc	Withdrawn
Alternative to Charge 3	DFDA, s. 60(1) Prejudicial conduct	Withdrawn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
Charge 3	Not Applicable
Alternative to Charge 3	Not Applicable

Sentencing: Facts and legal principles

The offender was originally charged with 3 separate offences (with an alternative to the Third Charge). At the commencement of the Restricted Court Martial, the Prosecuting Officer made application to amend the Second Charge and withdraw the First, Third and Alternative to the Third Charge. With the consent of the Defending Officer, the Judge Advocate allowed the applications. The effect of the amendment to the Second Charge was to roll up the allegations that constituted the First and Third Charges so that those allegations formed part of the Second Charge. The Second Charge was then renamed “First Charge” and the offender entered a plea of guilty to it.

On 02 Aug 24, at around 0200, the offender approached the *HMAS Harman* Guard Box in a highly intoxicated state. While at the Guard Box, the offender said a number of insulting things to the civilian Security Guard.

- *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 Prosecuting Officer submitted that there were a number of features concerning the offender's conduct that made it objectively serious. Such features included his intoxicated state, the nature of the words used, the time of morning and the fact that it involved a civilian guard. The Prosecuting Officer also read the Victim Impact Statement to the court martial panel.

The Defending Officer made submissions in mitigation of penalty concentrating on the early plea of guilty, remorse, favourable character references and lack of conduct record or convictions for civilian offences. Reference was also made to a psychological report that recorded that the offender has taken independent and proactive steps to ensure that such behaviour was not repeated.

By imposing the punishment, the court martial panel concluded that it was the minimum required to satisfy the principles of general deterrence and need to maintain discipline and good order in the Defence Force.

Punishments and orders

Charge 1	Not Applicable
Charge 2	Forfeiture of seniority, new seniority to date from 09 Nov 23; Fined the sum of \$2,000 (\$2,000 suspended).
Charge 3	Not Applicable
Alternative to Charge 3	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 24 July 2025.

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

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