

Case Summary
Office of the Judge Advocate General

DEFENDANT: AB Byrnes

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 20 August 2025

VENUE: HMAS *Kuttabul*, NSW

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Guilty
Charge 2	DFDA, s. 33(c) Creating disturbance in service ship	Withdrawn
Charge 3	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Charge 4	DFDA, s. 25 Assaulting a superior officer	Withdrawn
Charge 5	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Alternative to Charge 5	DFDA, s. 25 Assaulting a superior officer	Withdrawn
Charge 6	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	While no orders were made under the DFDA, due to the nature of Charge 1, it is an offence to publish the details of the complainant under the Evidence (Miscellaneous) Provisions Act 1991 (ACT).

Trial: Facts and legal principles

Nil, as the case proceeded by way of a guilty plea.

Findings

	Finding
Charge 1	Guilty
Charge 2	Not Applicable
Charge 3	Not Applicable
Charge 4	Not Applicable
Charge 5	Not Applicable
Alternative to Charge 5	Not proceeded with
Charge 6	Guilty

- 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.*

Sentencing: Facts and legal principles

The defendant was young when she committed the first charge by touching a female sailor indecently whilst at licenced premises. Over a year later she committed a similar offence against a female leading seaman. She pleaded guilty at the first opportunity. The offending involved spontaneous touching momentarily over the clothing and it was conceded neither offence involved sexual gratification nor abuse of position. The defendant was due to administratively separate from Navy two months after the hearing date and presented relevant expert evidence.

Due to the young age of the defendant, the nature of the offending and the delay, the seriousness of the offending was marked by a head sentence of 90 days detention in total but wholly suspended due to her subjective circumstances.

Punishments and orders

Charge 1	Detention for 30 days (30 days suspended), charges 1, 6 served concurrently.
Charge 2	Not applicable
Charge 3	Not applicable
Charge 4	Not applicable
Charge 5	Not applicable
Alternative to Charge 5	Not applicable
Charge 6	Detention for 90 days (90 days suspended), charges 1, 6 served concurrently.

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 18 September 2025.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Not applicable	Not applicable
Charge 3	Not applicable	Not applicable
Charge 4	Not applicable	Not applicable
Charge 5	Not applicable	Not applicable
Alternative to Charge 5	Not applicable	Not applicable
Charge 6	Upheld	Upheld

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