

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

**DEFENDANT:** AIRCDRE DJ Clyde

**TYPE OF PROCEEDING:** Restricted Court Martial

**DATE OF TRIAL:** 11-12 August 2025

**VENUE:** Court Martial Facility, Fyshwick, ACT

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Alternative to Charge 1	DFDA, s. 60(1) Prejudicial conduct	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 a guilty plea.

**Findings**

	<b>Finding</b>
Charge 1	Not Applicable
Alternative to Charge 1	Guilty

**Sentencing: Facts and legal principles**

At the commencement of the Restricted Court Martial, the Prosecuting Officer made application to withdraw Charge 1, rename the Alternative to Charge 1 to reflect 'Charge 1' and amend the particulars of Charge 1. With the consent of the Defending Officer, the Judge Advocate allowed the applications. The offender then entered a plea of guilty to the charge of Prejudicial conduct.

On 05 Dec 24 the offender was in attendance at an end of year function at the Royal Military College Officers Mess. The complainant and other APS staff and ADF members were also in attendance.

Later in the evening the offender approached the complainant and had a one-on-one conversation. During the conversation the offender stated that he did not generally comment on people's appearance, but the complainant had been the one person during the year who had almost caused him to break that rule. The offender then said he had to bite their tongue on one other occasion from commenting on the complainant's appearance. At some point in the conversation the offender

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placed his hand on the complainant's lower back where her skin was uncovered and on her exposed shoulder.

In respect of the charge, the Prosecuting Officer conceded that the punishments of Imprisonment or Dismissal were inappropriate. However, there were a number of objectively serious features involved in the offending conduct notably a vast disparity in rank and the use of inappropriate words.

In mitigation of penalty, the Defending Officer called a number of witnesses to give evidence of the offender's otherwise good character. Emphasis was also placed on the very early plea of guilty, genuine remorse and impeccable service rendered over three decades. Ultimately, the Defending Officer submitted to the panel that the offending conduct fell somewhere towards the lower end of the spectrum and urged them to consider imposing a Reprimand.

By imposing the respective punishments, the Restricted Court Martial panel concluded that they were 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
Alternative to Charge 1	To be fined the sum of \$10, 765.58 and to be severely reprimanded

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 28 August 2025.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Not Applicable	Not Applicable
Alternative to Charge 2	Upheld	Upheld

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