

Case Summary
Office of the Judge Advocate General

DEFENDANT: SGT Sack

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 28 – 29 August 2025

VENUE: Lavarack Barracks, QLD

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 33(d) Using provocative words on service land	Not Guilty
Alternative to Charge 1	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 2	DFDA, s. 33(d) Using provocative words on service land	Not Guilty
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 3	DFDA, s. 34 Assaulting a subordinate	Guilty
Charge 4	DFDA, s. 34 Assaulting a subordinate	Withdrawn

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	N/A

Trial: Facts and legal principles

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

Findings

	Finding
Charge 1	Not Guilty
Alternative to Charge 1	Guilty
Charge 2	Not Guilty
Alternative to Charge 2	Guilty
Charge 3	Guilty
Charge 4	Withdrawn

Sentencing: Facts and legal principles

On 21 Mar 24, the offender, complainant and another member were conducting a stocktake. As the complainant was reaching up towards some shelving the offender directed a comment to them regarding placing them over a knee and delivering a spanking (Alternative to Charge 1). The next day, the offender and complainant were continuing to conduct stocktake duties when the offender again made a comment toward the complainant involving spanking (Alternative to Charge 2) before then striking the complainant on her buttock with their hand (Charge 3). The offender then hugged the complainant.

- *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.*

While the Prosecuting Officer conceded that in all of the circumstances the punishments of Imprisonment and Dismissal were inappropriate, there were some objectively serious features involved in the offending including the nature of the conduct and the disparity in both rank and age.

In mitigation of penalty, the Defending Officer concentrated his submissions on the early pleas of guilty, genuine remorse, otherwise good character and excellent prospects for rehabilitation. Ultimately, the Defending Officer urged the DFM to consider punishing the offender in a way that did not involve reducing him in rank.

The DFM held that the minimum punishments necessary to satisfy the sentencing principles of general deterrence and maintenance of discipline and good order in the Defence Force were a substantial forfeiture of seniority (Charge 3) a total of \$4,000.00 in fines (All Charges) and Severe Reprimands (All Charges).

Punishments and orders

Charge 1	Not Applicable
Alternative to Charge 1	Fined the sum of \$1,000, payable in 10 fortnightly instalments; Severe reprimand.
Charge 2	Not Applicable
Alternative to Charge 2	Fined the sum of \$1,000, payable in 10 fortnightly instalments; Severe reprimand.
Charge 3	Forfeiture of seniority, new seniority to date from 29 Aug 22; Fined the sum of \$2,000, payable in 10 fortnightly instalments; Severe reprimand.
Charge 4	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 10 September 2025.

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

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