

Case Summary
Office of the Judge Advocate General

DEFENDANT: AB Warbrick

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 25 November 2025

VENUE: HMAS *Albatross*, NSW

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Criminal Code 1995 (Cth), s. 474.17A(1) Using aa carriage service to transmit sexual material without consent	Guilty
Alternative to Charge 1	DFDA, s. 60(1) Prejudicial conduct	Withdrawn
Charge 2	DFDA, s. 61(3) and Criminal Code 1995 (Cth), s. 474.17A(1) Using aa carriage service to transmit sexual material without consent	Withdrawn
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Withdrawn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	Guilty
Alternative to Charge 1	Not Applicable
Charge 2	Not Applicable
Alternative to Charge 2	Not Applicable

Sentencing: Facts and legal principles

Before the trying of the charges, the Prosecuting Officer made application to amend Charge 1 by incorporating the particulars of Charge 2. The application was not opposed and was granted by the DFM. After the amendment was made, the Prosecuting Officer applied to withdraw the Alternative to Charge 1, Charge 2 and the Alternative to Charge 2. The application was not opposed and was granted by the DFM. The accused was then arraigned on Charge 1, entered a plea of guilty and was duly convicted.

- *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.*

On or about 19 Nov 24 the offender and complainant were travelling together on a bus to attend an exercise. During the journey the complainant provided her mobile phone to the offender so that he could access maps and music for the other members on the bus. At some stage, the offender accessed a hidden folder in the complainant's phone. The folder contained some intimate imagery. Using an application, the offender digitally transmitted the imagery from the complainant's phone to his. A number of days later the complainant was contacted by offender's former partner who explained that she had discovered the imagery on his phone. The complainant confronted the offender via social media and he admitted to transferring the imagery and apologised to her. The day after, the offender attended JMPU and voluntarily reported his conduct and made admissions to investigators. He also voluntarily provided investigators with his mobile phone and the pin code to access the device.

Against this history, the Prosecuting Officer submitted that considering the breach of trust was so grave the only appropriate sentencing disposition was imprisonment.

In his plea in mitigation of punishment, the Defending Officer concentrated his submissions on the plea of guilty being entered at the earliest opportunity, the offender's wide ranging co-operation with investigative authorities, his genuine remorse, relatively young age, the fact that he came before the Tribunal as a first time offender, his very good prospects of rehabilitation and that there was no evidence of wider distribution of the imagery. The Defending Officer submitted that when the myriad of mitigating features were taken into account, the DFM ought favour the punishment of detention with actual time to be served.

In all of the circumstances, the DFM concluded that the minimum punishment necessary to satisfy the sentencing principles of personal and general deterrence as well as the maintenance of good order and discipline in the ADF was one of detention for 60 days, with 30 days suspended.

Punishments and orders

Charge 1	Detention for 60 days (30 days suspended)
Alternative to Charge 1	Not Applicable
Charge 2	Not Applicable
Alternative to Charge 2	Not Applicable

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 01 December 2025.

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

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