

Case Summary
Office of the Judge Advocate General

DEFENDANT: LEUT Root

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 29 October 2025

VENUE: HMAS *Watson*

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 56A(1) Failure to comply with requirement to notify change in circumstances	Guilty
Charge 2	DFDA, s. 56A(1) Failure to comply with requirement to notify change in circumstances	Guilty
Charge 3	DFDA,s.55(1)(a) Signing a false service document	Withdrawn

Trial: Facts and legal principles

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

Findings

	Finding
Charge 1	Guilty
Charge 2	Guilty
Charge 3	No finding required

Sentencing: Facts and legal principles

LEUT Root failed to notify change in circumstances, resulting in allowances to which he was not entitled being paid over 12 month period totalling \$26,799.51 (giving rise to charge 1) and then in a service document nominated the change in circumstances as taking effect in May 2024 which was false (the correct date was May 2023) giving rise to charge 2. The prosecution withdrew a Third charge.

The objective seriousness of both offences was assessed to be middle of the range. The need for general deterrence was high due to the breach of trust and dishonesty and contrary to ADF value of integrity. The punishment imposed took into account those considerations, along with the plea of guilty at earliest opportunity, genuine expressions of contrition, insight and remorse, and character references from command, including the likelihood of the member contributing as an effective member of the ADF.

- *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.*

Punishments and orders

Charge 1	Reduction in rank to SBLT with effective date 14 May 2023
Charge 2	Reduction in rank to SBLT with effective date 28 May 2024
Charge 3	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
Charge 2	Upheld	Upheld
Charge 3	Not Applicable	Not Applicable

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