

Case Summary
Office of the Judge Advocate General

DEFENDANT: CAPT Nash

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 24 November 2025

VENUE: Blamey Barracks, NSW

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 34 Assault subordinate	Not Guilty
Charge 2	DFDA, s. 33(d) Using insulting words in a public place	Not Guilty
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Not Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	N/A

Trial: Facts and legal principles

The defendant was the Officer Commanding of a training platoon at Kapooka holding the rank of Lieutenant. The complainant was a Junior Non Commissioned Officer at the training establishment at RAAF Base Wagga. At a Christmas function at the RSL Wagga, organised for training staff, the defendant became intoxicated. At approx. 7pm at the outside bar beside the bowling area, the defendant became irrationally belligerent towards the complainant, who he had briefly met only on one prior occasion. He denigrated the complainant, her Service, her role, and the fact she was an 'OR' (other rank). Captured by the CCTV system, whilst she was seated, he approached her, stood over her in an intimidating manner and forced his chest and upper body against her. This caused her to move backwards on her chair.

The complainant stood up and regained her seat. The defendant made as if to strike at her face with his elbow. He poked her in the chest. The complainant raised her hand to create some space at which point the defendant grabbed her wrist forcefully twisting it with his body weight, twisting her forearm and putting his arm around her neck. He forced her to the ground and pinned her there with his arms. This caused her clothing to become dislodged. He continued his restraint of her despite a female Corporal (Army) trying her best to get him off the complainant. He released her when his sunglasses fell from his head. The part of the event after the wrist hold was out of view of the CCTV system.

He was escorted away by a Captain but not before making a vile derogatory remark about the complainant (Prejudicial conduct) heard by another male Lieutenant.

The first charge was particularised as the applications of force from the wrist hold onwards.

The second charge was an allegation of using insulting words in a public place, but the prosecution did not prove beyond reasonable doubt Wagga RSL was a public place. The defendant was

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therefore acquitted of that charge, but convicted of the alternative prejudicial conduct for the words said towards the complainant after his attack.

Findings

	Finding
Charge 1	Guilty
Charge 2	Not Guilty
Alternative to Charge 2	Guilty

Sentencing: Facts and legal principles

The offences involved the irrational drunken assault and verbal abuse by an officer on a female subordinate. It was a sustained assault which caused the complainant long term impact. By pleading not guilty and denying all of the alleged acts in the charges the defendant demonstrated no remorse nor acceptance of responsibility. The DFM determined the offending was so serious that dismissal from the Defence Force was the appropriate penalty consistent with the need for general deterrence and to maintain good order and discipline.

Punishments and orders

Charge 1	Dismissal
Charge 2	Not Applicable
Alternative to Charge 2	Dismissal

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 12 December 2025.

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

Outcome on petition

The Reviewing Authority's decision on petition was handed down on 27 January 2026.

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

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