

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

**DEFENDANT:** AB Staff

**TYPE OF PROCEEDING:** Restricted Court Martial

**DATE OF TRIAL:** 10 - 14 November 2025, 3 – 9 December 2025

**VENUE:** HMAS *Kuttabul*, NSW

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 60(1) Act of indecency without consent	Not Guilty
Charge 2	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 60(1) Act of indecency without consent	Not Guilty
Alternative to Charge 2	DFDA, s. 34 Assaulting a subordinate	Guilty
Charge 3	DFDA, s. 61(2) and Crimes Act 1900 (ACT), s. 60(1) Act of indecency without consent	Not Guilty
Charge 4	DFDA, s. 34 Assaulting a subordinate	Not Guilty

**Pre-Trial: Closed hearing and non-publication orders**

Application made:	No.
Determination:	While no orders were made under the DFDA, due to the nature of Charges 1, 2 and 3, it is an offence to publish the details of the complainant under the <i>Evidence (Miscellaneous) Provisions Act 1991</i> (ACT).

**Trial: Facts and legal principles**

In relation to Charge 1, it was alleged that in the latter half of January 2024, while on board HMAS *Sydney* and in the Combat Information Centre, the defendant touched the complainant in an intimate area on the outside of her uniform. With respect to Charge 2 and the Alternative to Charge 2, it was alleged that in early February 2024 while attending a social function at a private residence, the defendant touched the complainant on the lower part of her leg. Charge 3 involved an allegation that when the complainant, defendant and others attended a night club in Sydney later that evening, the defendant touched the complainant in an intimate area on the outside of her clothing. Charge 4 involved an allegation that shortly thereafter at the same night club, the defendant punched the complainant on the arm.

The defendant pleaded guilty to the Alternative to Charge 2 before the Restricted Court Martial. The issue in relation to Charge 2 was whether the touching was indecent. The issue in relation to Charge 1, Charge 3 and Charge 4 was whether the defendant engaged in the alleged conduct. The defendant was acquitted on Charges 1, 2, 3 and 4 and convicted of the Alternative to Charge 2, the panel being satisfied beyond a reasonable doubt that he assaulted a member of the Defence Force who was subordinate to him in rank by touching her leg.

- *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.*

## Findings

	<b>Finding</b>
Charge 1	Not Guilty
Charge 2	Not Guilty
Alternative to Charge 2	Guilty
Charge 3	Not Guilty
Charge 4	Not Guilty

## Sentencing: Facts and legal principles

The defendant was essentially of good character, had entered a plea of guilty at the earliest opportunity and was dealt with as a first time offender. As this was a Court Martial, the panel was not required to give reasons for the penalty imposed.

## Punishments and orders

Charge 1	Not Applicable
Charge 2	Not Applicable
Alternative to Charge 2	Severe reprimand
Charge 3	Not Applicable
Charge 4	Not Applicable

## **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 22 January 2026.

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

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