Case Summary
Office of the Judge Advocate General

DEFENDANT: SGT Mikulic

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 17 February 2026

VENUE: HMAS *Moreton*, QLD

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Criminal Code 1995 (Cth), s. 11.2, and Statutory Declarations Act 1959 (Cth), s. 11 Counselled or procured a person to commit an offence, namely False Declaration	Guilty
Charge 2	DFDA, s. 61(3) and Statutory Declarations Act 1959 (Cth), s. 11 False Declaration	Guilty
Charge 3	DFDA, paragraph 55(1)(a) Signing a false service document	Guilty

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	Guilty
Charge 2	Guilty
Charge 3	Guilty

Sentencing: Facts and legal principles

In 2020, the defendant was living with his 3 children in the Gold Coast region. In October of that year he met the complainant in Charge 1 and commenced a relationship. In December 2020, the defendant moved, with his children, into a service residence in Townsville. The complainant in Charge 1 remained on the Gold Coast before moving to Townsville in November 2023 and commenced living with the defendant. On 19 July 2024, the relationship between the two ended and the complainant moved out and into another residence with a friend. She never returned to live with the defendant. During August 2024, the defendant sent numerous emails to the complainant. On 17 August 2024, the defendant signed a false statutory declaration (Charge 2). On 31 August 2024, the complainant signed the statutory declaration which she knew was false and only did so because the defendant procured her to do so (Charge 1). On 10 September 2024, the defendant submitted an application to his CO to have the complainant recognised as his de facto partner (Charge 3).

- *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.*

Considering the late pleas of guilty and the egregious breaches of trust involved, the Prosecuting Officer submitted that the only appropriate sentencing disposition was imprisonment.

In his plea in mitigation of punishment, the Defending Officer concentrated his submissions on the utilitarian value of the pleas of guilty, the fact that the defendant came before the Tribunal as a first time offender, his relatively good prospects of rehabilitation and otherwise good character and reporting history. Although conceding that the punishment of dismissal was within range, the Defending Officer submitted that the DFM ought favour the punishment of reduction in rank.

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 that of dismissal from the Defence Force on each count.

Punishments and orders

Charge 1	Dismissal
Charge 2	Dismissal
Charge 3	Dismissal

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 05 March 2026.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld

Outcome on petition

The Reviewing Authority's decision on petition was handed down on 13 April 2026.

	Conviction	Punishments / Orders
Charge 1	Upheld	Punishment: Dismissal quashed. New Punishment: Fined the sum of $4,298.
Charge 2	Upheld	Punishment: Dismissal quashed. New Punishment: Reduction in rank to CPL.
Charge 3	Upheld	Punishment: Dismissal quashed. New Punishment: Fined the sum of $2,149.

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