

Case Summary
Office of the Judge Advocate General

DEFENDANT: GNR Gallagher
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 26 February 2026
VENUE: Robertson Barracks, NT

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 33(A) Assault occasioning actual bodily harm	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 a guilty plea.

Findings

	Finding
Charge 1	Guilty

Sentencing: Facts and legal principles

The defendant was charged on the same charge sheet as one GNR Butler. GNR Butler was charged with a less serious offence and pleaded guilty to it.

On 14 December 2024, GNR Butler attended the Hotel Darwin with a friend and consumed 3-4 mid-strength schooners of beer. Whilst at the hotel, GNR Butler's then partner joined the pair. Some hours later, after attending another couple of venues, GNR Butler and his then partner went back to his apartment that he shared with the defendant. Here, GNR Butler's then partner alleged that the victim had sexually assaulted her. Upon hearing this, the defendant left the apartment to find the victim. Shortly after, GNR Butler followed. At approximately 2330, GNR Butler answered a text message sent by the victim and asked to meet him at a particular pub. The victim then walked to the pub to meet GNR Butler. When the victim reached the pub, he walked across the road to meet GNR Butler. The defendant was standing next to GNR Butler.

The defendant slapped the victim's face before GNR Butler then slapped the victim once across his head. That was the extent of GNR Butler's criminality. Shortly after, the victim fell to the ground and the defendant slapped the victim another 4-5 times to the sides of his face and punched him once to the stomach. On 16 December 2024, the victim was diagnosed with a concussion and three days later with a perforated left eardrum. Fortunately, the perforation healed and the victim did not suffer any hearing loss. Both the defendant and GNR Butler made admissions to the assault during unit Records of Conversation and formal MP interviews.

- *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.*

In his plea in mitigation of punishment, the Defending Officer concentrated her submissions on the early plea of guilty, the defendant'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 and his very good prospects of rehabilitation.

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 90 days with 60 days suspended.

Punishments and orders

Charge 1	Detention for 90 days (60 days suspended)
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Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 19 March 2026.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld

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