

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

**DEFENDANT:** LS SJJ McGuire

**TYPE OF PROCEEDING:** Defence Force Magistrate

**DATE OF TRIAL:** 02-05 September 2025  
11-12 March 2026

**VENUE:** HMAS *Cerberus*

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 60(1) Prejudicial conduct	Not guilty
Charge 2	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 60(1) Act of indecency without consent	Not guilty

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

Application made:	Yes. The prosecution applied under the <i>Evidence (Miscellaneous Provisions) Act 1991 (ACT)</i> , s. 50 for the hearing to be closed during the evidence of the complainant based on the nature of Charge 2.
Determination:	The application was unopposed and was granted.  While no orders were made under the DFDA, due to the nature of Charge 2, it is an offence to publish the details of the complainant under the <i>Evidence (Miscellaneous) Provisions Act 1991 (ACT)</i> .

**Trial: Facts and legal principles**

From 03 July 2023 to 20 January 2024, the complainant was posted to HMAS *Cerberus* to complete her initial employment training. The offender was an instructor at the training centre. The complainant first met the offender at the beginning of October 2023. Shortly thereafter, the complainant came across the offender's social media profile and sent him a friend/follow request. The offender's messages to the complainant quickly became sexual.

On an unknown date in October 2023, the offender stopped the complainant in a hallway and told her, in explicit terms, what he wanted to do with her (Charge 1). Later that same day, the offender entered a classroom, pointed directly at the complainant and told her that he had a job for her. He then led her to a storage room, closed the door, touched her on her body and kissed her on her mouth without her consent (Charge 2). Immediately after the incident in the storage room, the complainant complained to others.

With respect to both Charges, the primary issues at trial were the credibility and reliability of witnesses and complaint evidence. It should also be noted that due to injuries sustained in a later motorcycle accident, the offender had no memory of events leading up to October 2023 or of the events in question.

The DFM found Charges 1 and 2 proved beyond reasonable doubt. Action under Part IV of the DFDA was adjourned to allow the Defending Officer to obtain an updated neuropsychological report.

- *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	Guilty
Charge 2	Guilty

## Sentencing: Facts and legal principles

The DFM took into account the disparity in rank, age and position and considered the breach of trust involved to be egregious. The DFM noted the offender's otherwise good service, the character references tendered on his behalf, and the relevant medical evidence.

The Prosecuting Officer submitted that the only appropriate sentencing disposition was dismissal from the Defence Force. The Defending Officer did not cavil with this submission.

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 dismissal from the Defence Force on both counts.

## Punishments and orders

Charge 1	Dismissal
Charge 2	Dismissal

## Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 31 March 2026.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld

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