

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

**DEFENDANT:** PTE Brown  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 02 March 2026  
**VENUE:** Lavarack Barracks, QLD

**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	Guilty
Charge 2	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 60(1) Act of indecency without consent	Guilty
Charge 3	DFDA, s. 33(d) Using provocative words on service land	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, 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**

Nil, as the case proceeded by way of guilty pleas.

**Findings**

	<b>Finding</b>
Charge 1	Guilty
Charge 2	Guilty
Charge 3	Guilty

**Sentencing: Facts and legal principles**

Since 10 March 2025, the offender and complainant had been posted to 1RTB, Kapooka, to complete their IET. At approximately 2130 on 02 April 2025, while the complainant was in the showers and latrines filling his water bottle, the offender engaged in small talk with him. Shortly thereafter, the offender approached the complainant from behind, placed his left hand on the complainant's hip, pressed up against him and made a suggestive remark (Charge 1). The complainant then pushed the offender away but the offender pulled the complainant back against him and made a further suggestive remark (Charge 2). As the complainant attempted to leave the area, the offender placed himself between the complainant and the exit and used some provocative words (Charge 3). Immediately after the incident, the complainant woke his roommates and told them what had occurred.

- *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 light of the objectively serious nature of the offending conduct, the Prosecuting Officer submitted that the appropriate sentencing disposition was dismissal. The Defending Officer did not cavil with this submission.

In his plea in mitigation of punishment, the Defending Officer concentrated his submissions on the utilitarian value of the pleas of guilty, the offender's prejudicial upbringing, relatively young age, very brief time in service and the fact that he came before the Tribunal as a first time offender.

Consequently, the DFM held 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 dismissal from the Defence Force on all counts.

### **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 25 March 2026.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld

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