

Case Summary
Office of the Judge Advocate General

DEFENDANT: WO1 C
TYPE OF PROCEEDING: Restricted Court Martial
DATE OF TRIAL: 23-27 March 2026
VENUE: Leeuwin Barracks, WA

Charges and plea

| | Statement of Offence | Plea |
|----------|---|-------------|
| Charge 1 | DFDA, s. 25 Assaulting a superior officer | Not guilty |
| Charge 2 | DFDA, s. 25 Assaulting a superior officer | Not guilty |

Pre-Trial: Closed hearing and non-publication orders

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|-------------------|---|
| Application made: | Yes, by Defence for non-publication orders and the application of pseudonyms. |
| Determination: | The applications were unopposed and were granted. |

Trial: Facts and legal principles

On the evening of 03 April 25, the defendant and complainant attended a dining-in night. They were known to each other and had worked on base together. During the course of the evening and after the main course was consumed and toasts given, the complainant moved to an upstairs area in the mess and had a conversation with another person. While in conversation, the complainant saw the defendant move towards her. As the defendant walked past the complainant she felt a hand run from the top of her thigh over her buttocks to her waist (Charge 1). The complainant then turned around and saw the defendant. Very shortly thereafter, the complainant turned to move away when the defendant touched her a second time (Charge 2).

The defendant pleaded not guilty to both charges before a Restricted Court Martial. The central issue in the trial was whether the defendant's conduct was in the circumstances intentional. At the close of the prosecution case the Defending Officer made an application that there was no case to answer in respect of both charges. The Judge Advocate granted the application in respect of Charge 2 and directed the panel to acquit the defendant on that count. The defendant was convicted of Charge 1, the panel being satisfied beyond a reasonable doubt that he assaulted a member of the Defence force who was superior to him in rank by touching her.

Findings

| | Finding |
|----------|----------------|
| Charge 1 | Guilty |
| Charge 2 | Not guilty |

- *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.*

Sentencing: Facts and legal principles

The defendant was a long serving member of the ADF and had a previous conviction for a disciplinary offence on his conduct record. As this was a Court Martial, the panel was not required to give reasons for the penalty imposed.

Punishments and orders

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|----------|---|
| Charge 1 | To forfeit so much seniority in the rank of WO1 as if his seniority in that rank were to date from 01 Jan 25. |
| Charge 2 | Not applicable |

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 03 Jun 26.

| | Conviction | Punishments / Orders |
|----------|-------------------|-----------------------------|
| Charge 1 | Upheld | Upheld |
| Charge 2 | Not applicable | Not applicable |

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