

Case Summary
Office of the Judge Advocate General

DEFENDANT: AB Samson

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 08-10 December 2025
28-30 April 2026

VENUE: HMAS *Stirling*, WA
Court Martial Facility, Fyshwick, ACT

Charges and plea

	Statement of Offence	Plea
Charge 1	<i>Defence Force Discipline Act 1982</i> (DFDA), subsection 60(1) Prejudicial conduct	Guilty
Charge 2	DFDA, subsection 60(1) Prejudicial conduct	Guilty
Charge 3	DFDA, paragraph 33(c) Engaging in obscene conduct in service ship	Not Guilty
Charge 4	DFDA, subsection 61(3) and <i>Crimes Act 1900</i> (ACT) subsection 60(1) Act of indecency without consent	Guilty
Charge 5	DFDA, subsection 60(1) Prejudicial conduct	Not Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	Yes. The prosecution applied under the Evidence (Miscellaneous Provisions) Act 1991 (ACT), s. 50 for the hearing to be closed during the evidence of the complainant based on the nature of Charge 4
Determination:	The application was unopposed and was granted. While no orders were made under the DFDA, due to the nature of Charge 4, 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

The defendant pleaded not guilty to five charges concerning events on HMAS Ballarat whilst alongside in Darwin. He was one of two Coxswains on board (Navy Police officer). He had been posted on board for a month and was a very junior naval police member. The matter began as a contested trial. He made sexualised comments to the complainant who was a female Seaman (Charge 1). His comments were not encouraged nor welcome. He made further more personal comments (Charge 2).

He then sexually touched her without her consent (Charge 4). She told friends shortly after. The next day the defendant asked her to come to the Coxswains' office on board, said he was sorry for his behaviour and asked her if she had told anyone. When she said no, he continued with his sexualised comments.

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The defendant changed his plea to guilty only after the complainant had given evidence and was cross examined on the basis she had made the allegations up. Following his guilty pleas, at the invitation of the prosecution two other charges were subject of not guilty findings.

Findings

	Finding
Charge 1	Guilty
Charge 2	Guilty
Charge 3	Not Guilty
Charge 4	Guilty
Charge 5	Not Guilty

Sentencing: Facts and legal principles

Little weight was given to the change of plea so late in the trial. It was acknowledged that the defendant was a very junior police member, however high standards of behaviour are expected of service police. Given the age disparity, the abuse of position, the rank disparity and the gross breach of trust, the defendant was demoted and dismissed from the Defence Force.

Punishments and orders

Charge 1	Dismissal
Charge 2	Dismissal
Charge 3	N/A
Charge 4	Dismissal Reduction in rank to Seaman, seniority to date from 30 April 2026
Charge 5	N/A

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 20 May 2026

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	N/A	N/A
Charge 4	Upheld	Upheld
Charge 5	N/A	N/A

Outcome on further review

The Reviewing Authority's decision on further review was handed down on 25 June 2026.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	N/A	N/A
Charge 4	Upheld	Reduction in rank quashed; dismissal upheld
Charge 5	N/A	N/A

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