

Case Summary
Office of the Judge Advocate General

DEFENDANT: WOFF B Herbert

TYPE OF PROCEEDING: Defence Force Magistrate

DATE OF TRIAL: 14 August 2026

VENUE: RAAF Base Edinburgh, SA

Charges and plea

	Statement of Offence	Plea
Charge 1	<i>Defence Force Discipline Act 1982 (DFDA)</i> , subsection 61(3) and <i>Crimes Act 1900 (ACT)</i> , subsection 60(1) Act of indecency without consent	Not Guilty
Alternative to Charge 1	DFDA, subsection 60(1) Prejudicial conduct	Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	Not Applicable

Trial: Facts and legal principles

Nil, as the case proceeded by way of a guilty plea.

Findings

	Finding
Charge 1	Not Applicable
Alternative to Charge 1	Guilty

Sentencing: Facts and legal principles

The complainant, a former contractor for an aerospace manufacturer, and the defendant first met in November 2023 while working at RAAF Edinburgh. They were co-located at a particular building. Sometime in early January 2024, the complainant and defendant commenced communicating on DPN Skype and via message on their private mobile phones. The nature of the consensual communications contained language and imagery that was intimate.

On 19 February 2025, the complainant and defendant engaged in an exchange over DPN Skype that resulted in the pair meeting in a carpark on base. They parked next to each other and the complainant got out of her car and walked to the open passenger side window of the defendant's car. A short conversation occurred about the defendant's car. During this conversation, the defendant got out of his car and showed the complainant around it. He then got back into his car, sat in the driver's seat and engaged in further conversation with the complainant. After about five minutes of chatting the defendant proceeded to engage in a personal intimate act. The complainant

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remained at the passenger window for the duration of the act. After the act, the defendant and complainant continued to talk for several minutes before the complainant returned to her car and the pair went their separate ways.

During the course of his submissions, the Prosecuting Officer made clear that the Prosecution did not consider the punishments of imprisonment or dismissal to be appropriate. Rather, the Prosecuting Officer submitted that the DFM might consider that the defendant did not remain fit to maintain his current rank.

The Defending Officer concentrated his submissions on the defendant's very early plea of guilty, the fact that he came before the Tribunal as a first time offender after more than 18 years of service, his otherwise good character, excellent prospects for rehabilitation and genuine remorse.

In all of the circumstances and particularly considering the defendant's current rank and status, the act itself and very grave risk of reputational damage, the DFM held that the sentencing principles of general deterrence and maintenance of good order and discipline in the Defence Force could only be properly satisfied by reducing the defendant in rank. Accordingly, the defendant was reduced to the rank of Flight Sergeant with a new seniority date of 14 August 2022.

Punishments and orders

Charge 1	Not applicable
Alternative to Charge 1	Reduction in rank to Flight Sergeant, seniority to date from 14 August 2022.

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 02 September 2026.

	Conviction	Punishments / Orders
Charge 1	Not applicable	Not applicable
Alternative to Charge 1	Upheld	Upheld

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