

JUDGE ADVOCATE GENERAL

DEFENCE FORCE DISCIPLINE ACT 1982

Report for the period
1 January to 31 December 2025

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DEFENCE
CANBERRA ACT 2600

JUDGE ADVOCATE GENERAL

The Hon. Richard Marles,
Deputy Prime Minister
Minister for Defence
Parliament House
CANBERRA ACT 2600

Dear Deputy Prime Minister

I submit herewith my report covering the period from 1 January to 31 December 2025. The report is furnished pursuant to the requirements of section 196A(1) of the *Defence Force Discipline Act 1982*.

Yours faithfully



John T Rush, AO, RFD, KC, RAN
Rear Admiral
Judge Advocate General
Australian Defence Force

21 Jul 26

Enc.

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CONTENTS

	Page
PREAMBLE	1
SIGNIFICANT APPOINTMENTS	3
Chief Judge Advocate	3
Deputy Chief Judge Advocate	3
Deputy Judge Advocates General	3
Reserve Judge Advocates	3
Registrar of Military Justice	4
Staff Officer	4
Office Judge Advocate General	4
Expiration of statutory appointments	4
Section 154 reporting officers	4
Related appointments	5
MILITARY JUSTICE ENTITIES	6
Military Justice Steering Group	6
MILITARY JUSTICE ISSUES	6
Reduction in use of the discipline system	6
Sexual Offences and consent laws in the ACT applicable in the military discipline system	8
Representation of witnesses	8
RECOMMENDATIONS OF PRIOR JAG REPORTS	8
Reporting service convictions to civilian authorities	8
Recruitment and Reserve	9
Conclusion	9
COMPLIANCE INDEX	10

ANNEX A	FORMER JUDGE ADVOCATES GENERAL
ANNEX B	NATURE AND JURISDICTION OF THE MILITARY JUSTICE SYSTEM
ANNEX C	DISCIPLINARY DATA
ANNEX D	COURTS MARTIAL AND DEFENCE FORCE MAGISTRATE TRIAL STATISTICS – NAVY
ANNEX E	COURTS MARTIAL AND DEFENCE FORCE MAGISTRATE TRIAL STATISTICS – ARMY

ANNEX F COURTS MARTIAL AND DEFENCE FORCE MAGISTRATE TRIAL STATISTICS – AIR FORCE
ANNEX G COURTS MARTIAL AND DEFENCE FORCE MAGISTRATE TRIAL STATISTICS – COMBINED
ANNEX H RECOMMENDATIONS FROM PREVIOUS JAG REPORTS FOR FURTHER ACTION
ANNEX I DEFENCE FORCE DISCIPLINE ACT SECTIONS

JUDGE ADVOCATE GENERAL

AUSTRALIAN DEFENCE FORCE

REPORT FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2025

PREAMBLE

1. Section 196A(1) of the *Defence Force Discipline Act 1982* (DFDA) obliges the Judge Advocate General of the Australian Defence Force (JAG), to prepare and furnish to the Minister for Defence a report as soon as practicable after 31 December each year.

2. This Report is for the 12-month period to 31 December 2025.

3. The Office of the JAG (OJAG) is created by s 179 of the DFDA. The holder of the office must be, or have been, a judge of a Federal Court or State Supreme Court. The appointment is made by the Governor-General in Executive Council. The Minister may appoint a person to act as JAG or Deputy Judge Advocate General (DJAG) for a period not greater than twelve months.[1]

4. Since 1985 there have been eight holders of the office of JAG.[2]

5. I was appointed JAG on 30 July 2021. I have been appointed for a five-year term. I satisfy the statutory qualification for appointment by virtue of having formerly served as a judge of the Supreme Court of Victoria. I am currently a barrister. Prior to my appointment as JAG I served as Deputy Judge Advocate General – Navy (DJAG-Navy) from 10 March 2014.

6. The functions of the JAG are prescribed by the DFDA and may be summarised as follows:

a. reporting annually to Parliament on:

   (i) the operation of the DFDA, the regulations, the rules of procedure; and

   (ii) the operation of any other law of the Commonwealth or of the Australian Capital Territory (ACT) insofar as that law relates to the discipline of the Defence Force.[3]

b. making procedural rules for service tribunals, being:

   (i) Court Martial and Defence Force Magistrate Rules; and

   (ii) Summary Authority Rules.

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1 DFDA, s 188.

2 The names and dates of the former office holders are set out in Annexure A.

3 DFDA, s 196A.

c. appointing the Chief Judge Advocate (CJA) and Deputy Chief Judge Advocate (DCJA);[4]

d. nominating the judge advocate (JA) for a court martial[5] and Defence Force magistrates (DFMs);[6]

e. nominating to the Chief of the Defence Force (CDF) or to a service chief, legal officers to be members of the panel of JAs;[7]

f. appointing DFMs from officers appointed as members of the panel of JAs;[8]

g. nominating to CDF legal officers to be appointed for the purposes of DFDA s 154(1)(a); and

h. if requested, providing a final and binding legal report in connection with the internal review of proceedings before service tribunals.

7. The position and functions of JAG and OJAG underscore the legislature's desire for appropriate civilian judicial oversight of the operation of the DFDA and related legislation.

8. Each JAG has been a two-star officer from the reserve service category. Previous JAG Reports have noted that the JAG holds two-star rank and additionally holds or in my case has held the office of a superior court judge. This background means the JAG has a most important leadership role among both permanent and reserve legal officers.

9. The command, technical control and administrative responsibility for legal officers appearing before service tribunals remains with the Chief Counsel, the Director General - Military Legal Service (DGMLS), General Counsel – Military Law (GC-ML) and the single service heads of corps/category/community. I maintain regular contact with the Chief Counsel and DGMLS / GC-ML.

10. The JAG also plays significant roles in promoting the jurisprudential welfare of the ADF and in promoting wider understanding of the operation of the ADF discipline system, both internally and externally to Defence.

11. I share the opinion held by all previous holders of this office that the JAG should not act as general legal adviser to the ADF nor Government; that would be inconsistent with judicial office and independence of the role.

12. Funding for OJAG for the period of this Report was provided by the Associate Secretary Group of Defence.

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4 DFDA, s 188A and 188EC.

5 DFDA, s 129B.

6 DFDA, s 129C.

7 DFDA, s 196.

8 DFDA, s 127.

SIGNIFICANT APPOINTMENTS

Chief Judge Advocate

13. Major General Michael Cowen, AM, KC continued during the reporting period as the CJA. Major General Cowen brings enormous experience and value to the role of CJA. Prior to his appointment as CJA in 2017 Major General Cowen practiced in criminal law in both the United Kingdom and Australia. At the time of his appointment he was a Queen's Counsel prosecutor in Queensland appearing in major criminal trials. Major General Cowen also has significant military experience. He served in Afghanistan with the British Army in 2002 as part of Operation Enduring Freedom. He joined the Australian Army Reserve in 2008.

14. As CJA, Major General Cowen continues to make a significant contribution to ensuring the proper, fair and efficient delivery of military justice in the ADF. His support to me to enable me to fill my functions as JAG has been invaluable.

Deputy Chief Judge Advocate

15. Group Captain Scott Geeves continued his important role as DCJA supporting the CJA, acting as CJA in the absence of Major General Cowen and maintaining his trial schedule.

Deputy Judge Advocates General

16. Section 179 of the DFDA provides for the appointment of Deputy Judge Advocate General(s) (DJAG). The practice since commencement of the DFDA has been to have three DJAGs, with one from each of the services. The DJAGs during the reporting period were:

a. Commodore James Renwick, AM, CSC, SC, RAN;

b. Brigadier His Honour Justice Paul Smith, AM; and

c. Air Commodore Her Honour Justice Melissa Perry.

17. I formally record my gratitude to each of the DJAGs for their support and counsel. They have decades of experience in the ADF discipline system. As well as writing regular reports under DFDA ss 154(3) and 155(3), it is their current experience in civilian criminal courts that presents an invaluable resource for OJAG in shaping its rules and procedures. I thank them for their service to the ADF, much of which is voluntary, requires a quick turnaround, and is given in addition to their other demanding professional duties as judges or counsel.

18. I congratulate Brigadier Smith upon his appointment to the Supreme Court in Queensland, and Commodore Renwick on his appointment as a Judge of the Federal Family and Circuit Court (Division 2).

Reserve Judge Advocates

19. There were two reserve JA/DFMs in 2025. They were:

a. Commander Greg Sirtes, SC, RAN; and

b. Wing Commander Sophie Callan, SC.

Registrar of Military Justice

20. Group Captain April-Leigh Rose continued in the role of Registrar of Military Justice (RMJ) after her appointment in October 2021. She continues to bring a practical efficiency, both to trial management and reviews. I wish to acknowledge her support of both myself and CJA in the discharge of our respective offices.

21. Commander Jane Proctor, RAN continued in the role of Deputy Registrar of Military Justice and has ably assisted the RMJ as acting RMJ in addition to her normal duties.

Staff Officer

22. Major Jodi Walsh fulfilled the position of Staff Officer to the JAG and CJA and I thank her for her enthusiastic support.

Office Judge Advocate General

23. I acknowledge the dedicated support of our staff, Trial Administrators, Jo Mazlin, Iryna Law and Natalie Byrne.

Expiration of statutory appointments

24. The current position for the expiration of statutory appointments within my office is as follows:

a. JAG, Rear Admiral Rush, RAN, expiry date 29 July 2026;

b. DJAG-Navy, Commodore Renwick, RAN, expiry date 29 July 2026;

c. DJAG-Army, Brigadier Smith, expiry date 09 March 2027;

d. DJAG-Air Force, Air Commodore Perry, expiry date 09 February 2028;

e. CJA, Major General Cowen, expiry date 21 September 2027;

f. DCJA, Group Captain Geeves, expiry date 28 March 2030; and

g. RMJ, Group Captain Rose, expiry date 30 October 2026.

Section 154 reporting officers

25. Section 154 of the DFDA requires that reviewing authorities obtain a report from a legal officer prior to commencing a review of a service conviction. For a conviction by a court martial or DFM, or a direction given under DFDA ss 145(2) or (5), the legal report must be provided by a legal officer appointed by CDF (or a service chief) on the recommendation of the JAG: DFDA s 154(1)(a).

26. The experiences and perspectives gained by these officers through the provision of legal opinions pursuant to the DFDA s 154 are unique and afford a special opportunity to observe how the DFDA operates.

27. The s 154(1)(a) legal reporting officers during the reporting period were:

a. Lieutenant Commander His Honour Chief Justice William Alstergren, AO, RAN;

b. Lieutenant Commander Her Honour Judge Catherine Traill, RAN;

c. Lieutenant Colonel Emma Shaw;

d. Major Deputy Chief Magistrate Michael Antrum;

e. Major Michelle Barnes;

f. Major Chris Gunson, SC;

g. Air Commodore His Honour Judge Michael Burnett, AM;

h. Group Captain Magistrate James Gibson;

i. Group Captain His Honour Judge Gregory Lynham;

j. Wing Commander Her Honour Judge Joana Fuller;

k. Wing Commander Magistrate Glenn Theakston; and

l. Squadron Leader Magistrate James Lawton.

28. I thank all s 154 officers for their service to the ADF, which is given in addition to their other busy civilian professional duties as judges, magistrates or senior legal practitioners. Major Michael Antrum left the 154 panel in August 2025 and I acknowledge his contribution to the work of OJAG.

Related appointments

29. Ms Francesca Rush continued as Chief Counsel. During the reporting period, I have had consultations with Ms Rush about the development of the ADF discipline system and in promoting both legislative and managerial improvements.

30. Air Commodore Chris Taylor was appointed in January 2025 as General Counsel Military Law and DGMLS. I acknowledge the sterling work of his predecessor Air Commodore Patrick Keane AM CSC.

31. The Director of Military Prosecutions is appointed under the DFDA.[9] Air Commodore Ian Henderson, AM continued in the role of DMP and reports separately as required by DFDA.[10]

32. The Director of Defence Counsel Services (DDCS) is appointed under the *Defence Act 1903*. During the reporting period Colonel Richard Cawte was appointed to this position.

33. The Inspector General of the ADF (IGADF) is appointed under the Defence Act. The position of IGADF continued to be filled during the reporting period by Mr Jim Gaynor, CSC. I continued to meet with IGADF during the reporting period.

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9 DFDA, s 188GF.

10 DFDA, s 196B.

MILITARY JUSTICE ENTITIES

Military Justice Steering Group

34. In 2024 the Military Justice Steering Group (MJSG) was chaired by the Head Joint Support Services Division (HJSSD) Air Vice-Marshal Lara Gunn. The MJSG continued to oversee matters pertaining to the discipline system of the ADF. Recommendations from the JAG Reports over the years have been referred to MJSG. I recognise that addressing these matters requires legislative amendment which is likely to take place in 2026.

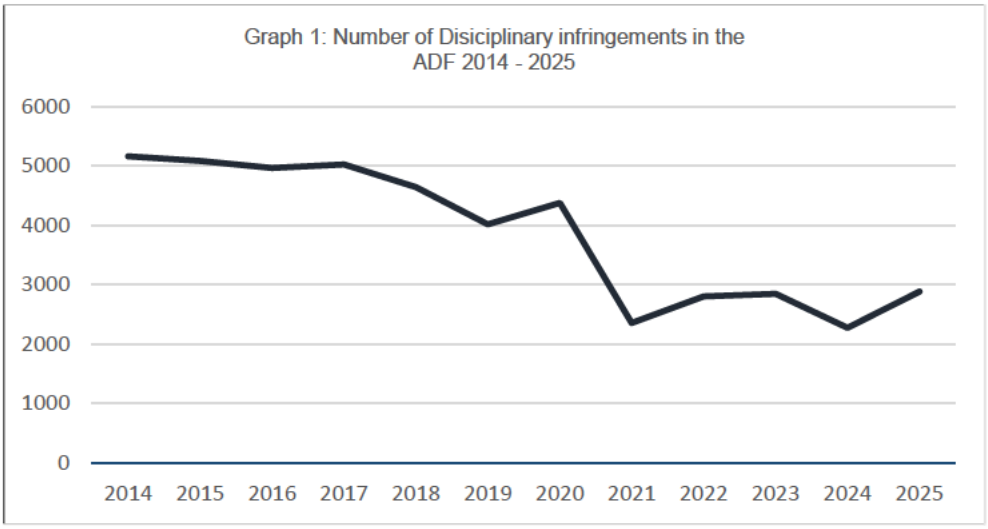
MILITARY JUSTICE ISSUES

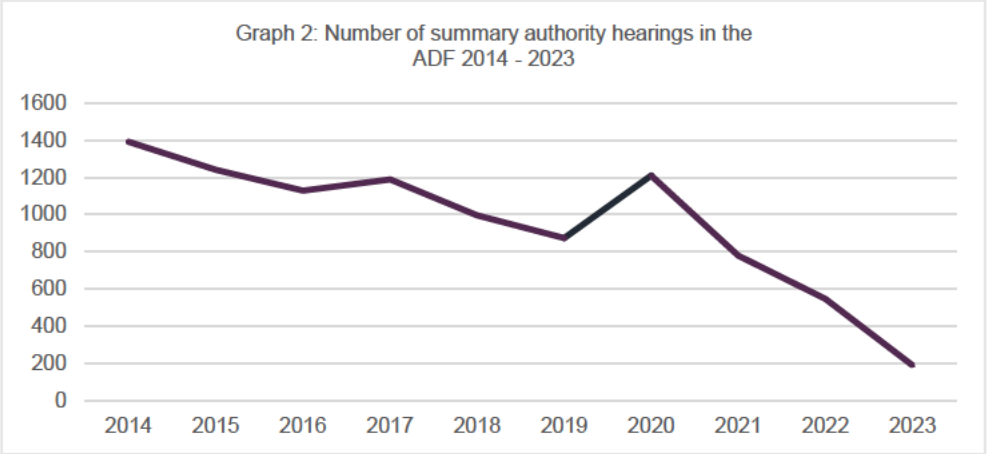
Reduction in use of the discipline system

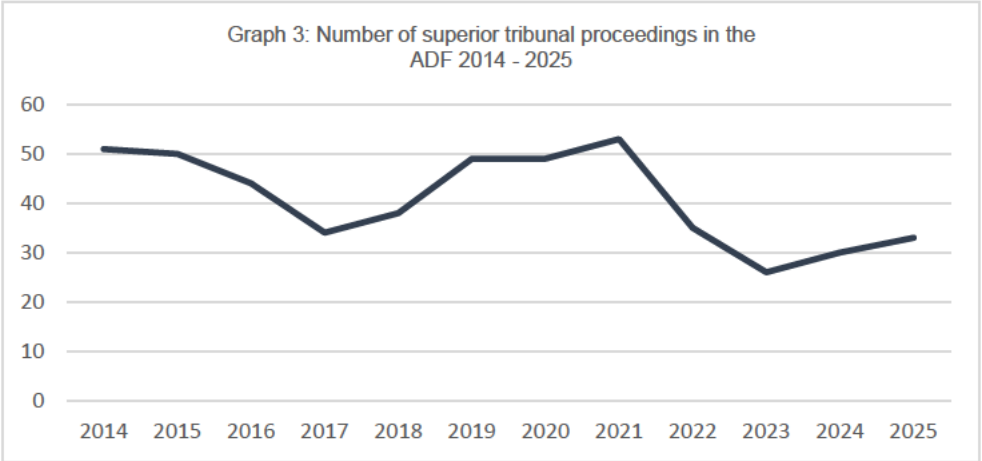
35. In previous years' Reports I noted that the impact of changes brought about by the revised *Summary Authority Rules 2019* and the changes to the DFDA by the *Defence Legislation Amendment (Discipline Reform) Act 2021* remained to be seen. I also observed that access to reliable data would be essential to enable me to consider the overall effectiveness of the summary discipline system including the changes to the Discipline Officer Scheme that took effect late in the reporting period.

36. A new case management system to enable proper reporting and analysis of the summary discipline system was activated in 2024 (Defence Enterprise Resource Planning Case Management Solution system (DECMS)). DECMS was rolled out in May 2024 as a single, unified case management system replacing 16 separate and complex legacy systems. DECMS provides Defence with a comprehensive capability to enter, track, manage and report on incidents and cases across the organisation. However, significant challenges remain. There is a substantial backlog of DECMS enhancement requests, data remediation requirements, reporting requests, and the delivery of the Military Justice Dashboard. Progress across these issues has been extremely slow and, based on currently available information, is unlikely to be resolved within 2026. Work continues to ensure that summary discipline matters are entered consistently and accurately into DECMS and that reporting properly leverages the system's capabilities. However, the ongoing system limitations and delays raise concerns about achieving a high degree of confidence and assurance in reporting within the expected timeframe.

37. While the quality of disciplinary infringement data for 2025 is improving, the only reliable data for summary authority proceedings is for the period 2014 to 2023, with data for the period 2024 to 2025 considered unreliable due to the introduction of DECMS. In my last report, I noted that the graphs below demonstrated a decline not only in summary authority matters but also in the use of disciplinary infringements, which has seen a slight increase in 2025. However, further data is required to ascertain the extent of this upward trend. A copy of the complete use of disciplinary system data from 2014-2025 is contained at Annexure C.


Graph 1: Number of Disiciplinary infringements in the ADF 2014 - 2025
6000
5000
4000
3000
2000
1000
0
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025


Graph 2: Number of summary authority hearings in the ADF 2014 - 2023
1600
1400
1200
1000
800
600
400
200
0
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023


Graph 3: Number of superior tribunal proceedings in the ADF 2014 - 2025
60
50
40
30
20
10
0
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

Sexual Offences and consent laws in the ACT applicable in the military discipline system

38. I continue to hold the view that the superior tribunal system provides a fair efficient system capable of dealing with sex offences as well as all other offences. A complainant has all of the safeguards and special measures available to a complainant in the civilian system (bar one which will hopefully soon be corrected) and the laws of evidence applicable in the ACT Supreme Court are strictly applied as if the superior tribunal was a court in the Jervis Bay Territory exercising its criminal jurisdiction (s 146 DFDA). The superior tribunal is able to deal with such matters more expeditiously than comparative criminal jurisdictions, and additionally can deal with extra territorial allegations against members.

Representation of witnesses

39. The military justice system through the DGMLS and the MJSG continues to embrace the JAG proposal that a member's rights and expectations of privacy being enhanced in appropriate cases, by separate legal representation of witnesses where issues of privacy arise. This is particularly relevant in sexual offence proceedings in relation to stored digital data about which there would be a reasonable expectation of privacy (i.e. phones, iPads and the like) and the issue of a summons for such material. During the reporting period this service continued to be available to members through Defence Counsel Services.

RECOMMENDATIONS OF PRIOR JAG REPORTS

40. The 2024 JAG report, and previous JAG Reports have made recommendations for legislative change, most of which have not been advanced. Annexure H contains a full list of the recommendations which have not been actioned by legislative change. I recognise most of these recommendations are supported by Defence and MJSG but addressing these matters requires legislative amendment and such amendments being fitted into a busy government legislative agenda.

41. I am pleased to note that significant changes will be made in a Bill in 2026 adopting many of the recommended changes. Given these proposed amendments to the DFDA, I will leave further comment to my successor in the JAG report for 2026 to determine the success of proposed legislative amendment.

Reporting service convictions to civilian authorities

42. In the reporting period, Defence successfully transferred the first tranche of service conviction disclosures for sexual and sexual related offences to the Australian Criminal Intelligence Commission's National Police Reference System (NPRS). The criteria used to determine which convictions were disclosed acknowledged the inherent differences between the military discipline system and the civilian criminal justice system, particularly the lower prosecutorial threshold that often applies in military proceedings. To ensure only convictions meeting the civilian threshold for criminal history records were disclosed, Defence undertook an extensive assessment of each case against the agreed criteria.

43. In 2026, Defence will consider further disclosures, including convictions for territory offences, offences of violence, offences resulting in imprisonment, and additional sexual and sexual-related offences that could not be addressed in the first tranche.

Recruitment and Reserve

44. It is of the highest importance to the integrity of the discipline system that counsel appearing, both for the defence and prosecution, in superior tribunals possess experience and an understanding of military service, as well as strong advocacy skills, principally in criminal and administrative law. Those members engaged with the military discipline system deserve no less.

45. Targeted recruiting in the past has been highly successful and is of great benefit to the discipline system and to Defence Legal generally. The recruitment of legal officers has now transitioned to a mid-career entry model, enabling the targeted identification and appointment of suitably qualified practitioners with specialist skills relevant to Defence. I am informed by Defence Legal that this model has yielded 21 reserve legal officer appointments over the last 24 months, including a substantial proportion (38%) with criminal or discipline law expertise.

46. In addition, ongoing training throughput, including initial employment training courses, indicates continued investment in workforce development. While this targeted approach appears to be effective in attracting high-quality candidates and building specialist capability, I express concern as to the impact of the current panel system on the morale of reserve legal officers. A lack of social interaction, and a sense of isolation arising from a system that does not promote a sense of belonging to Service or Corps, may adversely affect motivation. This, combined with an ill-defined career pathway and limited opportunities for promotion, are matters that warrant attention to ensure the optimal utilisation, and, ultimately, the retention of such officers.

Conclusion

47. I am pleased to be informed that legislative change is about to be enacted to adopt most of the JAG recommendations over the years. These proposed changes through legislation will help to maintain confidence in the ADF's superior and summary military discipline system, and in my view more fully reflect comparable civilian standards for the administration of justice applied in a military context.

COMPLIANCE INDEX OF REQUIRED INFORMATION
FOR STATUTORY AUTHORITIES

(Senate Hansard, 11 November 1982, pp 2261–2262)

Enabling Legislation	*Defence Force Discipline Act 1982*
Responsible Minister	Minister for Defence
Powers, functions and objectives	Paragraphs 3–11
Membership and staff	Paragraphs 3, 13–28
Information Officer	Lieutenant Commander Joshua Ráth Staff Officer to the Judge Advocate General and Chief Judge Advocate Defence F-TS-OJAG (PO Box 7906) CANBERRA BC ACT 2610 Telephone: 02 9537 2753
Financial Statement	Paragraph 12
Activities and Reports	Paragraphs 34–43
Operational Problems	Paragraphs 44–46
Subsidiaries	Not applicable

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FORMER JUDGE ADVOCATES GENERAL

1. Former holders of the office of JAG have been:

a. 1985–1987 the late Major General the Honourable Justice R Mohr, RFD, ED (of the Supreme Court of South Australia).

b. 1987–1992 Air Vice Marshal the Honourable Justice AB Nicholson, AO, RFD (Chief Justice of the Family Court of Australia) — appointed in February 1988 but had been acting since Major General Mohr's retirement on 30 July 1987.

c. 1992–1996 the late Rear Admiral the Honourable Justice ARO Rowlands, AO, RFD, RAN (of the Family Court of Australia).

d. 1996–2001 Major General the Honourable Justice KP Duggan, AM, RFD (of the Supreme Court of South Australia).

e. 2001–2007 Major General the Honourable Justice LW Roberts-Smith, RFD (of the Supreme Court of Western Australia) — appointed in June 2002 but had been acting since Major General Duggan’s retirement in 2001.

f. 2007–2014 the late Major General the Honourable Justice RRS Tracey, AM, RFD (of the Federal Court of Australia).

g. 2014–2021 Rear Admiral the Honourable Justice MJ Slattery, AM, AM (Mil), RAN (of the Supreme Court of New South Wales) — appointed in May 2014 but had been acting since Major General Tracey’s retirement in 2014.

NATURE AND JURISDICTION OF THE MILITARY DISCIPLINE SYSTEM

SUMMARY AUTHORITIES

1. There are two levels of summary authorities created under the DFDA:

   a. superior summary authorities**;** and
   b. commanding officers;

Superior summary authorities

2. Superior summary authorities (SUPSAs) are appointed by instrument by certain senior officers pursuant to the DFDA. SUPSAs are usually themselves senior officers within a command.

Commanding officers

3. The power of a commanding officer to hear a matter under the Act is derived from his/her position in command and there is no separate discipline appointment required, although an officer may be appointed by instrument as a commanding officer for disciplinary purposes.

DISCIPLINE OFFICERS

4. As of December 2022, there are now two classes of discipline officer – Senior Discipline Officer and Discipline Officer. They are able to deal with minor disciplinary infringements by defence members below the rank of lieutenant in the Navy, captain in the Army and flight lieutenant in the Air Force. Senior Discipline Officers have replaced what used to be the subordinate summary authority jurisdiction now the *Defence Legislation Amendment (Discipline Reform) Act 2021* has come into effect.

5. A commanding officer may appoint an officer or warrant officer to be a discipline officer by instrument under the DFDA. There is no trial before a discipline officer and the member must elect to be dealt with by a discipline officer. The procedure is used where the commission of the infringement is not in dispute and the role of the discipline officer is only to award a punishment.

6. Discipline officers have jurisdiction to deal with a limited number of offences and to award limited punishments under the DFDA.

COURTS MARTIAL

7. A court martial is a service tribunal which is created for the purpose of trying a defence member or a defence civilian on a specific charge or charges, usually of a serious nature. In certain circumstances a court martial may also be convened solely for the purpose of determining punishment in respect of a person who has been convicted by another service tribunal.

Jurisdiction of the superior discipline tribunal

8. Courts martial and DFMs have jurisdiction to hear any charge against any member of the Defence Force or a Defence civilian. Prior to the commencement of the DFDA in 1985, there was no Defence Force magistrate and all higher level matters were tried by a court martial.

9. The DFM jurisdiction was introduced so that matters which had been referred to the higher level of jurisdiction could be tried with less formality than in the case of a court martial. It was also seen to have certain administrative and other advantages. A DFM sits alone whereas courts martial require at least four persons (three members and the judge advocate). A DFM gives reasons for decision both on the determination of guilt or innocence and on sentence; courts martial do not give reasons on either. The DMP decides whether charges will be heard by a DFM or a court martial.

Types of court martial

10. A court martial may be either a general court martial or a restricted court martial. A general court martial comprises a president, who is not below the rank of colonel or equivalent and not less than four other members. A restricted court martial comprises a president, who is not below the rank of lieutenant colonel or equivalent, and not less than two other members. A judge advocate, who is a legal officer who has been appointed to the judge advocate's panel and has been enrolled as a legal practitioner for not less than five years, is appointed to assist the court martial with legal matters.

11. A general court martial has wider powers of punishment than a restricted court martial. A general court martial may impose the punishment of life imprisonment in certain cases where that punishment is provided for in the legislation creating the offence or in any other case may impose imprisonment for a fixed period or for any period not exceeding the maximum period provided by the legislation creating the offence. A restricted court martial may impose imprisonment for a period not exceeding six months.

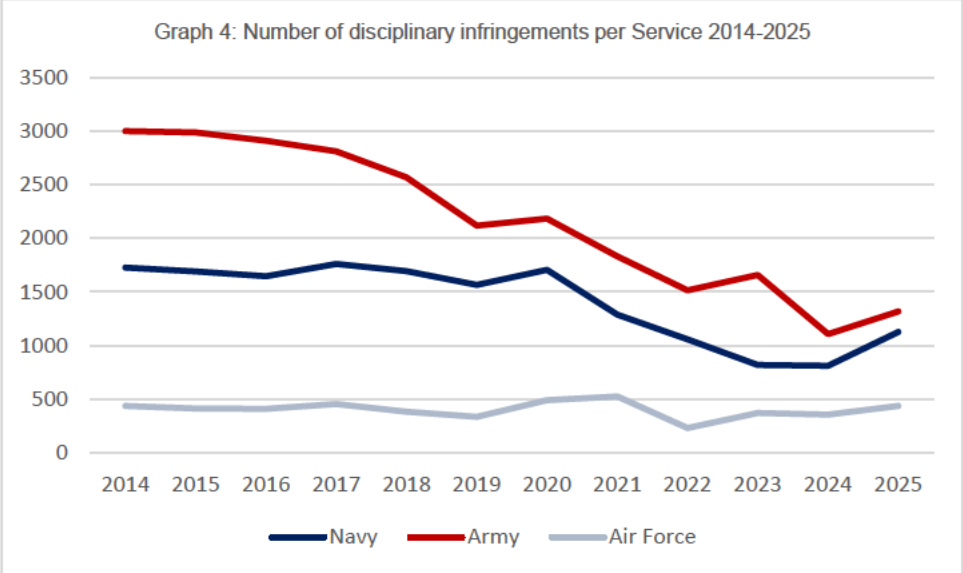
Defence Force magistrate

12. DFMs are appointed by the JAG from members of the judge advocate's panel. A DFM sits alone when trying a matter and has the same jurisdiction and powers as a restricted court martial.

USE OF THE DISCIPLINARY SYSTEM 2014 – 2025

DISCIPLINARY INFRINGEMENTS

Table 1: Number of Disciplinary Infringements 2014 – 2025				
Year	**Navy**	**Army**	**Air Force**	**ADF Total**
2014	1728	2999	438	5165
2015	1690	2985	415	5090
2016	1647	2908	412	4967
2017	1761	2809	457	5027
2018	1694	2568	385	4647
2019	1567	2119	335	4021
2020	1707	2185	490	4382
2021	1289	1831	526	3646
2022	1059	1516	232	2807
2023	820	1658	372	2850
2024⁺	812	1107	356	2275
2025	1128	1317	438	2883
⁺note: The data provided by DECMS indicates there was 2275 disciplinary infringements across the ADF in 2024, and 2883 in 2025, however the reliability of this data set is unknown.				

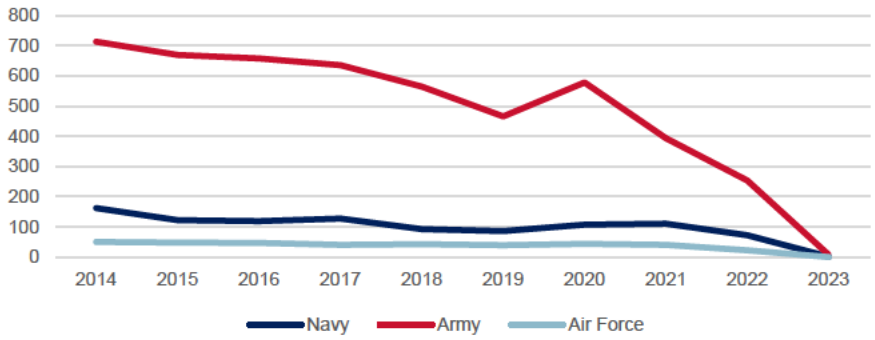


SUMMARY AUTHORITY HEARINGS

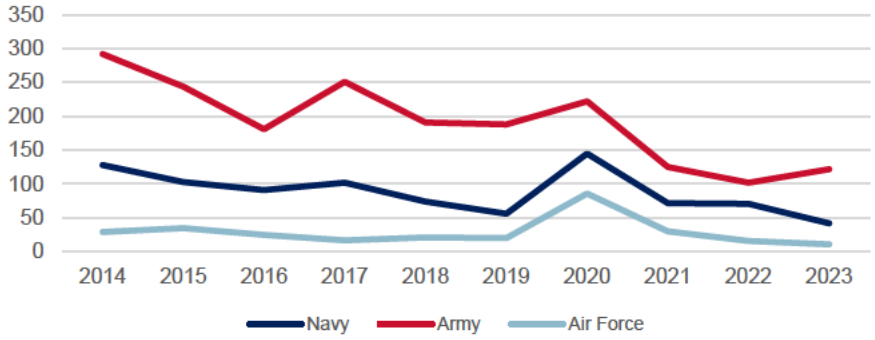
Table 2: Number of Summary Authority Hearings 2014 – 2025													
	SUBSA				CO				SUPSA				Combined matters
Year	Navy	Army	Air Force	ADF Total	Navy	Army	Air Force	ADF Total	Navy	Army	Air Force	ADF Total	Year Total
2014	162	713	50	**925**	128	292	29	**449**	2	15	1	**18**	1392
2015	122	669	48	**839**	103	244	35	**382**	1	15	4	**20**	1241
2016	119	658	47	**824**	91	181	25	**297**	0	8	0	**8**	1129
2017	127	635	40	**802**	102	251	17	**370**	1	15	1	**17**	1189
2018	92	564	43	**699**	74	191	21	**286**	1	10	1	**12**	997
2019	86	466	39	**591**	56	188	20	**264**	4	12	3	**19**	874
2020	107	578	44	**729**	145	222	86	**453**	5	18	6	**29**	1211
2021	110	393	40	**543**	72	125	30	**227**	2	3	4	**9**	779
2022	72	254	22	**348**	71	102	16	**189**	2	5	2	**9**	546
2023	1*	7*	0	**8***	42	122	11	**175**	1	4	1	**6**	189
2024†	-	-	-	**-**	-	-	-	**-**	-	-	-	**-**	-
2025†	-	-	-	**-**	11	18	2	**31**	0	0	0	**0**	40^

*note: SUBSA trials were no longer legislated, these matters have been investigated and determined to be input errors.
†note: There is no reliable data for summary authority proceedings in 2024/2025 due to the introduction of DECMS.
^ note: There were nine (9) trials where the type of trial was not recorded, the remaining 31 were all CO trials.

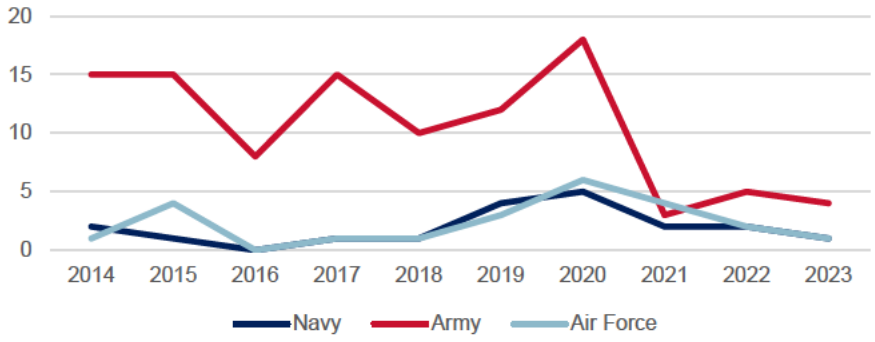
Graph 5: Number of SUBSA hearings per Service
2014 - 2023



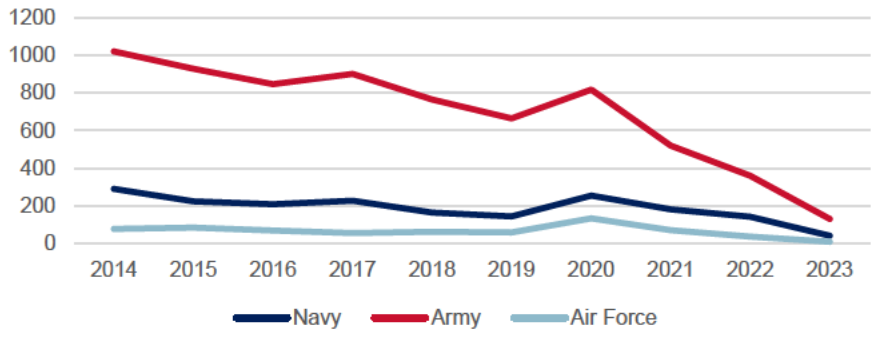
Graph 6: Number of CO hearings per Service
2014 - 2023



Graph 7: Number of SUPSA hearings per Service
2014 - 2023



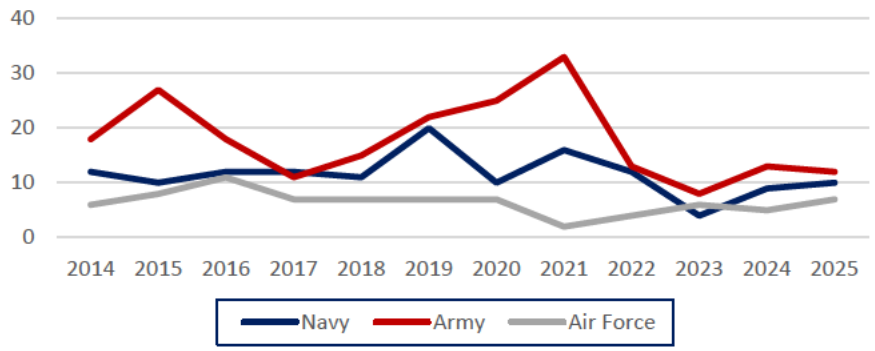
Graph 8: Combined number of summary authority matters
per Service 2014 - 2023



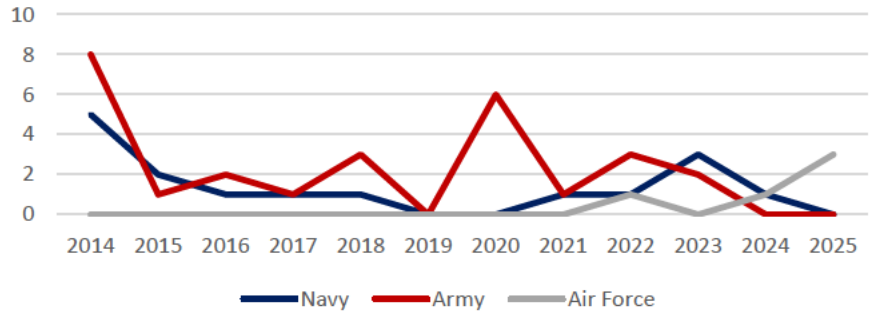
SUPERIOR TRIBUNAL PROCEEDINGS

Table 3: Number of Superior Tribunal Proceedings 2014 - 2025													
	Defence Force magistrate				Restricted court martial				General court martial				
Year	Navy	Army	Air Force	ADF Total	Navy	Army	Air Force	ADF Total	Navy	Army	Air Force	ADF Total	Combined matters
2014	12	18	6	**36**	5	8	0	**13**	2	0	0	**2**	51
2015	10	27	8	**45**	2	1	0	**3**	0	2	0	**2**	50
2016	12	18	11	**41**	1	2	0	**3**	0	0	0	**0**	44
2017	12	11	7	**30**	1	1	0	**2**	2	0	0	**2**	34
2018	11	15	7	**33**	1	3	0	**4**	0	1	0	**1**	38
2019	20	22	7	**49**	0	0	0	**0**	0	0	0	**0**	49
2020	10	25	7	**42**	0	6	0	**6**	0	1	0	**1**	49
2021	16	33	2	**51**	1	1	0	**2**	0	0	0	**0**	53
2022	12	13	4	**29**	1	3	1	**5**	0	0	1	**1**	35
2023	4	8	6	**18**	3	2	0	**5**	1	2	0	**3**	26
2024	9	13	5	**27**	1	0	1	**2**	1	0	0	**1**	30
2025	10	12	7	**29**	0	0	3	**3**	0	1	0	**1**	33

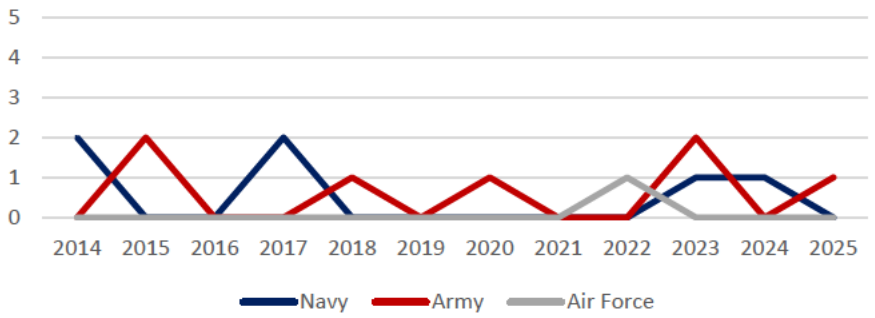
Graph 9: Number of Defence Force magistrate proceedings per Service 2014 - 2025



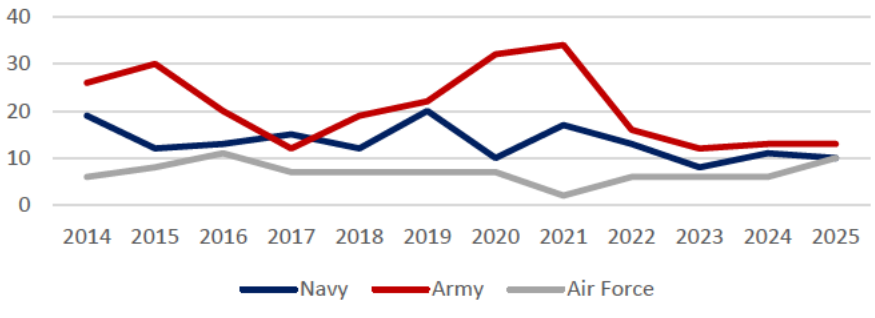
Graph 10: Number of restricted court martial proceedings per Service 2014 - 2025



Graph 11: Number of general court martial proceedings per Service 2014 - 2025



Graph 12: Combined number of superior tribunal proceedings per Service 2014 - 2025



ANNEX D TO JAG REPORT 2025

NAVY
JANUARY-DECEMBER 2025

STATISTICS FOR TRIALS AND OUTCOMES FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	GENERAL COURT MARTIAL					RESTRICTED COURT MARTIAL					DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD
		GUILTY	N.G.				GUILTY	N.G.				GUILTY	N.G.		
January															
February															
March															
April											1	2			
May											2	4			6
June															
July															
August											3	3	2		5
September															
October											1	2			1
November											1	1			3
December															
TOTAL											**8**	**12**	**2**		**15**

CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE NAVY

FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23										
24										
25									2	
26						1			1	
27										
28										
29										
30										
31										
32										
33(a)										
33(b)										
33(c)							1		1	
33(d)										
33A										
34	1									
35										
36										
36A										
36B										
37										
38										
39										
40										
40A										
40C										
40D										
42										
43										
44										
45										
46										
47C										
47P										
47Q										
48										
49										
50										
51										
53										
54										
55	1									
56	2									
57										
58										
59										
60						4	5		2	
61						5			8	2
TOTAL	**4**					**10**	**6**		**14**	**2**

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE NAVY FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand									1	
Conditional conviction without punishment										
Unconditional conviction without punishment										
Severe reprimand										
Suspended fine										
Fine Less than 14 Days Pay	1									
Fine More than 14 Days Pay							1			
Forfeiture of service for purposes of promotion										
Forfeiture of seniority	1									
Reduction in rank	2					5				
Suspended detention										
Committed detention									3	
Dismissal										
Imprisonment										
TOTAL	**4**					**5**	**1**		**4**	

ARMY
JANUARY-DECEMBER 2025

STATISTICS FOR TRIALS AND OUTCOMES FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	GENERAL COURT MARTIAL					RESTRICTED COURT MARTIAL					DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD
		GUILTY	N.G.				GUILTY	N.G.				GUILTY	N.G.		
January															
February											1	2			
March															
April											1	3		2	1
May															
June															
July											2		3		1
August	1	1	2								2	3	2		5
September											2	2	3		
October											1	3			2
November											2	1	2		
December											1	3	2		1
TOTAL	**1**	**1**	**2**								**12**	**17**	**12**	**2**	**10**

CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE ARMY

FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23										
24										
25										
26										
27										
28										
29										
30										
31										
32										
33(a)										5
33(b)										
33(c)										
33(d)						2	1			
33A						1				1
34	1					1	4			
35										
36										
36A										
36B										
37										
38										
39										
40										
40A										
40C										
40D										
42										
43										
44										
45										
46										
47C										
47P										
47Q										
48										
49										
50										
51										
53										
54										
55										
56										3
57										
58										
59										2
60	1					2	2			2
61	2						4	1		7
TOTAL	**4**					**6**	**11**	**1**		**20**

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE ARMY FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand										
Conditional conviction without punishment										
Unconditional conviction without punishment										
Severe reprimand						1				
Suspended fine										
Fine Less than 14 Days Pay						3				
Fine More than 14 Days Pay										
Forfeiture of service for purposes of promotion										
Forfeiture of seniority						1				
Reduction in rank							6			
Suspended detention										
Committed detention										2
Dismissal							2			8
Imprisonment							1			
TOTAL						**5**	**9**			**10**

ANNEX F TO JAG REPORT 2025

AIR FORCE

JANUARY-DECEMBER 2025

STATISTICS FOR TRIALS AND OUTCOMES FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	GENERAL COURT MARTIAL					RESTRICTED COURT MARTIAL					DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD
		GUILTY	N.G.				GUILTY	N.G.				GUILTY	N.G.		
January															
February															
March															
April															
May											1	1			
June															
July											1		1		
August															
September											1	1			
October															
November						1	4			5	2	1	1		4
December															
TOTAL	**0**	**0**	**0**	**0**	**0**	**1**	**4**	**0**	**0**	**5**	**5**	**3**	**2**	**0**	**4**

CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE AIR FORCE FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23										
24										
25										
26										
27										
28										
29	4									
30										
31										
32										
33(a)										
33(b)										
33(c)										
33(d)										
33A										
34										
35										
36										
36A										
36B										
37										
38										
39										
40										
40A										
40C										
40D										
42										
43										
44										
45										
46										
47C										
47P										
47Q										
48										
49										
50										
51										
53										
54										
55										
56									1	
57										
58										
59										
60				1						
61	4					1				
TOTAL	**8**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**1**	**0**

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE AIR FORCE FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand										
Conditional conviction without punishment										
Unconditional conviction without punishment										
Severe reprimand	1					1				1
Suspended fine										
Fine Less than 14 Days Pay			1			1				
Fine More than 14 Days Pay	1								1	1
Forfeiture of service for purposes of promotion										
Forfeiture of seniority									1	
Reduction in rank										
Suspended detention										
Committed detention										
Dismissal from ADF							5			
Imprisonment	3									
TOTAL	**5**	**0**	**1**	**0**	**0**	**2**	**5**	**0**	**2**	**2**

COMBINED JANUARY - DECEMBER 2025

STATISTICS FOR TRIALS AND OUTCOMES FOR COURTS MARTIAL AND DEFENCE FORCE MAGISTRATES

	GENERAL COURT MARTIAL					RESTRICTED COURT MARTIAL					DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD
		GUILTY	N.G.				GUILTY	N.G.				GUILTY	N.G.		
January															
February											1	2			
March															
April											2	5		2	1
May											3	5			6
June															
July											3		4		1
August	1	1	2								5	6	4		10
September											3	3	3		
October											2	5			3
November						1	4			5	5	3	3		7
December											1	3	2		1
TOTAL	**1**	**1**	**2**			**1**	**4**			**5**	**25**	**32**	**16**	**2**	**29**

RECOMMENDATIONS FROM PREVIOUS JAG REPORTS FOR FURTHER ACTION

	JAG Recommendation	Year/s Recommended	To be implemented by RCDVS Bill No. 1?
1.	**Provision for the award of a general sentence.** Amend DFDA s. 66 to permit the imposition of a general sentence to be imposed for the entirety of the wrongdoing on which the offender stands convicted.	2009, 2010, 2017	No
2.	**Pre-trial submissions applications or objections.** Amend DFDA s. 141 to also allow submission of pre-trial applications by the prosecution.	2011, 2017	Yes
3.	**Suspended detention.** Amend DFDA s. 78 to permit Service tribunals to suspend sentences of detention for one course of conduct but determine for other reasons that the sentence should not be suspended for another course of conduct.	2011, 2017	No
4.	**The intended operation of DFDA s. 36, dangerous conduct.** Review DFDA s. 36 to clarify scope and intended operation of the offence of 'dangerous conduct'.	2011, 2017	No
5.	**The accused's attendance at all hearings.** Amend DFDA s. 139 to allow for the accused to be absent from court during purely procedural hearings.	2011, 2017, 2021	Yes
6.	**The power of the President at a court martial to make protective orders and non-publication orders.** Amend DFDA ss. 140, 148, and 148A-D such that all discretions that would ordinarily be given or exercised by a judge sitting with a jury in a civil criminal proceedings are vested in the JA, rather than the President, consistent with the approach in DFDA s. 134(1).	2011, 2013, 2014, 2017, 2020, 2021	Yes
7.	**Consideration of evidence not reasonably available during proceedings.** Amend DFDA s. 162 to permit a reviewing authority, in reviewing whether the punishment should be approved, to consider evidence not presented at the trial only where the evidence was not reasonably available during the proceedings.	2012, 2017	Yes
8.	**Court martial panels imposing sentence.** Panels impose sentence without reasons. Australia is the only five eyes jurisdiction where this occurs. Sentencing should be undertaken with involvement of the Judge Advocate with full reasons.	2013, 2014, 2017, 2018, 2020, 2021, 2022, 2023	Yes
9.	**Judge Advocates' independence.** To afford a JA greater independence, transfer the appointment of a JA from CDF to the Governor-General. Additionally, to promote public confidence, have the appointments be long-term and non-renewable.	2013, 2016, 2017	Yes
10.	**Amend DFDA s. 153 to preclude a reviewing authority from considering a petition against the severity of punishment, where that reviewing authority has already conducted an earlier review.** This would reduce double handling of the same issue.	2014, 2017	Yes

11.	**Early release from imprisonment.** Review the arrangements for the early release of a Defence member sentenced to imprisonment on condition of good behaviour in view of the removal of recognisance release orders.	2015, 2017	No
12.	**Right to elect a trial by Superior Service tribunal.** Amend the election scheme in summary authority proceedings to allow election at only one point in the dealing and trial processes.	2015, 2017, 2020, 2023	Yes
13.	**Simplify review framework.** Three levels of internal review of guilty findings and an external appeal process (DFDAT) does not represent best practice and requires further consideration.	2016, 2017	No
14.	**Aligning with civilian criminal trial management.** Provisions to reduce delay and inefficiency in the conduct of criminal trials have long been used in civilian criminal courts (ie. Criminal Procedure Act 1986 (NSW), Ch 3, Pt 3, Div 3) and should be included in the DFDA. JAs and DFMs should be given trial management powers as close as possible to those already conferred on civilian criminal courts.	2016, 2017, 2021	Yes
15.	**Mandated parliamentary response to JAG reports and 5 yearly parliamentary review of DFDA.** There should be a mandated periodic parliamentary response to the JAG's reports to better enable the JAG to fulfil their important function.	2017, 2018, 2019	No
16.	**Disclosure obligations for expert evidence.** The DFDA should be amended to require disclosure by parties in advance of trial before a superior service tribunal of any expert report to be relied upon.	2017, 2019, 2021	Yes
17.	**Mentally impaired ADF members before service tribunals.** The DFDA needs to align with civilian standards in fairly managing such defendants.	2017, 2021, 2022	Yes
18.	**Give modern powers to ADF investigators.** The DFDA should be amended to give Service Police enforcement powers that are routinely found in Commonwealth, State and Territory criminal investigation legislation.	2017, 2018, 2020	Partially
19.	**Dismissal of Judge Advocates.** DFDA s. 196AA should be amended to provide that Judge Advocates can only be dismissed by the CDF with the concurrence of the JAG.	2018, 2020, 2021	Yes
20.	**Formal assessment of the Summary Authority Rules (SAR).** A more formal assessment of the impact of the SAR should be undertaken, possibly in conjunction with IGADF's routine audits of the operation of the summary discipline system.	2020, 2021	No
21.	**Term of appointment of s. 154 legal officers.** Amend DFDA s. 154(1)(a) to allow legal officers to be appointed for a term of five years.	2020, 2021	Yes
22.	**Protection of the independence of Judicial Deputy Judge Advocate Generals.** Amend DFDA s. 186 to remove District Court and County Court judges from the operation of s.186(1) and s.186(2) and to include them within the operation of s.186(3).	2020, 2021	Yes

23.	**Elections – DFDA s. 111B.** Introduce equity in the rank at which a member may make an election to the superior tribunal.	2022, 2023	Yes
24.	**Abolition of DMP's right to unilaterally decide mode of trial.** Currently the decision of whether the accused is tried by a Defence Force Magistrate of Court Martial is only available to the Director of Military Prosecutions (DMP). Election regimes should be changed to remove the choice of venue from the DMP to a fairer system.	2022, 2023	Yes
25.	**Reporting service convictions to civilian authorities.** DFDA s. 190A provides for circumstances in which Defence may disclose the fact of a conviction for a service offence to an authority of the Commonwealth or of a State or a Territory. Defence should develop a policy to ensure DFDA s. 190A is utilised.	2022, 2023	Yes
26.	**Sex offence proceedings before the superior system.** The only procedure currently not available in a sex offence proceeding before the superior tribunal is the use of video recorded evidence in chief in accordance with the rules of evidence which apply in the ACT. This is because the applicable ACT legislation in defining a 'police officer' who can record the evidence does not include a service police member. This needs amendment.	2022, 2023	Yes
27.	**Warrant Officers sitting on court martial panels.** Warrant Officers sitting on court martial panels for ranks below them will add significant benefit to the system.	2022, 2023	Yes
28.	**Sentencing powers of a Defence Force Magistrate.** Increase sentencing powers of DFMs for consistency with contemporary standards and promote efficiency and flexibility in a rapidly changing strategic environment for the ADF.	2023	Yes
29.	**Sentencing provisions and Victim Impact Statements.** Amend DFDA s. 70 to incorporate ss. 16AAAA and 16AB regarding the use of Victim Impact Statements, as well as the full sentencing principles set out in s. 16A of the Crimes Act 1914.	2024	Yes
30.	**Appointment of JA and DFMs.** Amend DFDA s. 129A to allow for the nomination and appointment of a replacement DFM, so that proceedings do not need to recommence in their entirety.	2024	Yes

DEFENCE FORCE DISCIPLINE ACT

LIST OF SECTIONS USED IN STATISTICS

Section Number	Description
23	Absence from duty
24	Absence without leave
25	Assaulting a superior officer
26	Insubordinate conduct
27	Disobeying a lawful command
28	Failing to comply with a direction in relation to a ship, aircraft or vehicle
29	Failing to comply with a general order
30	Assaulting a guard
31	Obstructing or refusing to assist a police member
32	Offences while on guard or watch
33(a)	Assault on another person
33(b)	Creating a disturbance
33(c)	Obscene conduct
33(d)	Insulting or provocative words to another person
33A	Assault occasioning actual bodily harm
34	Assaulting a subordinate
35	Negligent performance of duty
35A	Failure to perform duty or carry out activity
36	Dangerous conduct
36A	Unauthorised discharge of weapon
36B	Negligent discharge of weapon
37	Intoxicated while on duty etc.
38	Malingering
39	Causing loss, stranding or hazarding of a Service ship
40	Driving while intoxicated
40A	Dangerous driving
40C	Driving a Service vehicle for unauthorised purpose
40D	Driving without due care or attention etc.
41	Flying a Service aircraft below the minimum height
42	Giving inaccurate certification
43	Destroying or damaging Service property
44	Losing Service property
45	Unlawful possession of Service property
46	Possession of property suspected of having been unlawfully obtained

Section Number	Description
47C	Theft
47P	Receiving
47Q	Unauthorised use of a Commonwealth credit card
48	Looting
48A	Cyber-bullying
48B	Failure to comply with removal order
49	Refusing to submit to arrest
49A	Assault against arresting person
50	Delaying or denying justice
51	Escape from custody
52	Giving false evidence
53	Contempt of Service tribunal
54	Unlawful release etc. of person in custody
55	Falsifying Service documents
56	False statement in relation to application for a benefit
57	False statement in relation to appointment or enlistment
58	Unauthorised disclosure of information
59	Dealing or possession of narcotic goods
60	Prejudicial conduct
61	Offences based on Territory offences
62	Commanding or ordering a Service offence to be committed