

FINDINGS AND PUNISHMENT SHEET TRIAL BY DEFENCE FORCE MAGISTRATE

22 [REDACTED] 17F [REDACTED]

The accused 22 [REDACTED] 47F [REDACTED] having pleaded guilty to the following charges:

First Charge:

Defence Force Discipline Act 1982 s.61(3) and Crimes Act 1900 (ACT) s.60(1) Act of indecency without consent	Not Guilty
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Alternative to First Charge:

Defence Force Discipline Act 1982 s.25(1) Assault on superior	Guilty
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Second Charge:

Defence Force Discipline Act 1982 s.61(3) and Crimes Act 1900 (ACT) s.60(1) Act of indecency without consent	Guilty
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Alternative to Second Charge:

Defence Force Discipline Act 1982 s.25(1) Assault on superior	Not Proceeded with
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Third Charge:

Defence Force Discipline Act 1982 s.61(3) and Crimes Act 1900 (ACT) s.60(1) Act of indecency without consent	Not Guilty
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Alternative to Third Charge:

Defence Force Discipline Act 1982 s.25(1) Assault on superior	Guilty
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Fourth Charge:

Defence Force Discipline Act 1982 s.61(3) and Crimes Act 1900 (ACT) s.60(1) Act of indecency without consent	Not Guilty
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Alternative to Fourth Charge:

Defence Force Discipline Act 1982 s.25(1) Assault on superior	Guilty
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Fifth Charge:

Defence Force Discipline Act 1982 s.60(1) Prejudicial conduct	Withdrawn
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Sixth Charge:

Defence Force Discipline Act 1982 s.61(3) and
Crimes Act 1900 (ACT) s.60(1)
Act of indecency without consent

Not Guilty

Alternative to Sixth Charge:

Defence Force Discipline Act 1982 s.25(1)
Assault on superior

Guilty

I impose the following punishments and make the following orders:

First Charge:

By operation of DFDA s.143(3) the Court has proceeded on the basis that the accused had not been charged with the offence against s.61(3)

Alternative to First Charge:

Fined \$1,000, \$800 suspended

Second Charge:

Reduction in rank to CPL, seniority to date from 14 March 2007

Third Charge:

By operation of DFDA s.143(3) the Court has proceeded on the basis that the accused had not been charged with the offence against s.61(3)

Alternative to Third Charge:

Fined \$1,000, \$800 suspended

Fourth Charge:

By operation of DFDA s.143(3) the Court has proceeded on the basis that the accused had not been charged with the offence against s.61(3)

Alternative to Fourth Charge:

Fined \$1,000, \$800 suspended

Sixth Charge:

By operation of DFDA s.143(3) the Court has proceeded on the basis that the accused had not been charged with the offence against s.61(3)

Alternative to Sixth Charge: Fined \$500, \$400 suspended

Balance of fines (\$700) payable as one lump sum.

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I.S. HENDERSON AM
Group Captain
Defence Force Magistrate

06 March 2017

FINDINGS AND PUNISHMENT SHEET TRIAL BY DEFENCE FORCE MAGISTRATE

22 47F

The accused 22 47F having pleaded guilty to the following charges:

First Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Second Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Third Charge:

Defence Force Discipline Act 1982 s.24(1)	Withdrawn
Absence without leave	

Fourth Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Fifth Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Sixth Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Seventh Charge:

Defence Force Discipline Act 1982 s.24(1)	Withdrawn
Absence without leave	

Eighth Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Ninth Charge:

Defence Force Discipline Act 1982 s.24(1)	Withdrawn
Absence without leave	

Tenth Charge:

Defence Force Discipline Act 1982 s.24(1)	Guilty
Absence without leave	

Eleventh Charge:

Defence Force Discipline Act 1982 s.24(1)	Withdrawn
Absence without leave	

Twelfth Charge:

Defence Force Discipline Act 1982 s.24(1) Guilty
Absence without leave

Thirteenth Charge:

Defence Force Discipline Act 1982 s.60(1) Guilty
Prejudicial conduct

Fourteenth Charge:

Defence Force Discipline Act 1982 s.60(1) Guilty
Prejudicial conduct

I impose the following punishments and make the following orders:

First Charge: To be dismissed from the Defence Force

Second Charge: To be dismissed from the Defence Force

Fourth Charge: To be dismissed from the Defence Force

Fifth Charge: To be dismissed from the Defence Force

Sixth Charge: To be dismissed from the Defence Force

Eighth Charge: To be dismissed from the Defence Force

Tenth Charge: To be dismissed from the Defence Force

Twelfth Charge: To be dismissed from the Defence Force

Thirteenth Charge: To be dismissed from the Defence Force

Fourteenth Charge: To be dismissed from the Defence Force

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I.D. WESTWOOD AM

Major General

Defence Force Magistrate

17 March 2017

FINDINGS SHEET
TRIAL BY DEFENCE FORCE MAGISTRATE

Item 1
Serial 3

The accused ²² ^{47F} having pleaded to the following charges:

First Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Second Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.134.2(1)
 Obtaining a financial advantage by deception

Alternative to Second Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Third Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.134.2(1)
 Obtaining a financial advantage by deception

Alternative to Third Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Fourth Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.134.2(1)
 Obtaining a financial advantage by deception

Alternative to Fourth Charge:

Defence Force Discipline Act 1982 s.61(3) and Not Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

I find as follows:

First Charge:

Not Guilty / Guilty

Second Charge:

Not Guilty / Guilty

Alternative to Second Charge:

Not Guilty / Guilty / Not Proceeded With

Third Charge:

Not Guilty / Guilty

Alternative to Third Charge:

Not Guilty / Guilty / Not Proceeded With

Fourth Charge:

Not Guilty / Guilty

Alternative to Fourth Charge:

Not Guilty / Guilty / Not Proceeded With

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I.S. HENDERSON AM
Group Captain
Defence Force Magistrate

22 March 2017

PUNISHMENT SHEET
TRIAL BY DEFENCE FORCE MAGISTRATE

22 47F

The accused 22 47F having been found guilty of the following charges:

First Charge:

Defence Force Discipline Act 1982 s.61(3) and Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Alternative to Second Charge:

Defence Force Discipline Act 1982 s.61(3) and Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Alternative to Third Charge:

Defence Force Discipline Act 1982 s.61(3) and Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

Alternative to Fourth Charge:

Defence Force Discipline Act 1982 s.61(3) and Guilty
 Criminal Code Act 1995 s.135.2(1)
 Obtaining a financial advantage

I impose the following punishments and make the following orders:

First Charge:

To be dismissed from the Defence Force and to be imprisoned for a term of 30 days.

And to pay reparation to the Commonwealth in the sum of \$3450.

Alternative to Second Charge:

To be dismissed from the Defence Force and to be imprisoned for a term of 40 days.

And to pay reparation to the Commonwealth in the sum of \$8590.

Alternative to Third Charge:

To be dismissed from the Defence Force and to be imprisoned for a term of 50 days.

And to pay reparation to the Commonwealth in the sum of \$8330.

Alternative to Fourth Charge: To be dismissed from the Defence Force and to be imprisoned for a term of 60 days.

And to pay reparation to the Commonwealth in the sum of \$6800.

All sentences of imprisonment to be served concurrently (total effective period of 60 days).

Reparation to be paid in one lump sum (total \$27,170).

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I.S. HENDERSON AM
Group Captain
Defence Force Magistrate

23 March 2017

**FINDINGS AND PUNISHMENT SHEET
TRIAL BY DEFENCE FORCE MAGISTRATE**

22 47F

The accused 22 47F having pleaded guilty to the following charges:

First Charge:

Defence Force Discipline Act 1982 s.55(1)(c) Guilty
Falsifying a Service document

Second Charge:

Defence Force Discipline Act 1982 s.55(1)(c) Guilty
Falsifying a Service document

Third Charge:

Defence Force Discipline Act 1982 s.24(1) Withdrawn
Absence without leave

I impose the following punishments and make the following orders:

First Charge: To undergo detention for a period of 21 days

Second Charge: To undergo detention for a period of 28 days

I direct that the sentences of detention are to be served concurrently.

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I.D. WESTWOOD AM

Major General
Defence Force Magistrate

10 July 2017

FINDINGS AND PUNISHMENT SHEET TRIAL BY DEFENCE FORCE MAGISTRATE

47F 22

The accused 47F 22 having pleaded guilty to the following charges:

First Charge:

Defence Force Discipline Act 1982 s.47Q Unauthorised use of Commonwealth credit card	Guilty
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Second Charge:

Defence Force Discipline Act 1982 s.55(1) Falsifying a Service document	Guilty
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Alternative to Second Charge:

Defence Force Discipline Act 1982 s.56(1) Knowingly making false or misleading statement in relation to application for benefit	Not proceeded with
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Third Charge:

Defence Force Discipline Act 1982 s.47Q Unauthorised use of Commonwealth credit card	Guilty
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Fourth Charge:

Defence Force Discipline Act 1982 s.55(1) Falsifying a Service document	Guilty
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Alternative to Fourth Charge:

Defence Force Discipline Act 1982 s.56(1) Knowingly making false or misleading statement in relation to application for benefit	Not proceeded with
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Fifth Charge:

Defence Force Discipline Act 1982 s.47Q Unauthorised use of Commonwealth credit card	Guilty
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Sixth Charge:

Defence Force Discipline Act 1982 s.55(1) Falsifying a Service document	Guilty
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Alternative to Sixth Charge:

Defence Force Discipline Act 1982 s.56(1) Knowingly making false or misleading statement in relation to application for benefit	Not proceeded with
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Seventh Charge:

Defence Force Discipline Act 1982 s.47Q Unauthorised use of Commonwealth credit card	Guilty
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Eighth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Ninth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Ninth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Tenth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Eleventh Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Twelfth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Twelfth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Thirteenth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Fourteenth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Fourteenth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Fifteenth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Sixteenth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Sixteenth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Seventeenth Charge:

Defence Force Discipline Act 1982 s.61(3) and
Criminal Code Act 1995 s.11.1(1) and s.135.1(1)
Attempting to obtain a gain

Guilty

Eighteenth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Nineteenth Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Twentieth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Twentieth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Twenty-First Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Twenty-Second Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Twenty-Second Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

Twenty-Third Charge:

Defence Force Discipline Act 1982 s.47Q
Unauthorised use of Commonwealth credit card

Guilty

Twenty-Fourth Charge:

Defence Force Discipline Act 1982 s.55(1)
Falsifying a Service document

Guilty

Alternative to Twenty-Fourth Charge:

Defence Force Discipline Act 1982 s.56(1)
Knowingly making false or misleading statement in
relation to application for benefit

Not proceeded with

I impose the following punishments and make the following orders:

First Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009.

To pay reparation to the Commonwealth in the sum of \$340.

Second Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Third Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$370.

Fourth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Fifth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$280.

Sixth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Seventh Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$440.

Eighth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$190.

Ninth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Tenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$440.

Eleventh Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$560.

Twelfth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Thirteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$340.

Fourteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Fifteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$300.

Sixteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Seventeenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Eighteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$670.

Nineteenth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$300.

Twentieth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Twenty-First Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$300.

Twenty-Second Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

Twenty-Third Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

To pay reparation to the Commonwealth in the sum of \$310.

Twenty-Fourth Charge:

To be reduced to the rank of AB with seniority in that rank to date from 29 October 2009 and to be dismissed from the Defence Force.

I direct that the reparation orders in favour of the Commonwealth totalling \$4,840 are to be paid as one lump sum on ^{47F} separation from the Defence Force.

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I.D. WESTWOOD AM
Major General
Defence Force Magistrate

8 August 2017