

## Ashauer, Matthew MR

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**From:** Harvey, Nina GPCAPT  
**Sent:** Thursday, 15 February 2018 4:05 PM  
**To:** Justice Slattery; Cowen, Michael BRIG 1  
**Cc:** Registrar of Military Justice; Swanson, David CMDR; Neal, Patience LCDR  
**Subject:** FW: Alert: External Review - [REDACTED] - (FOI 112/17/18) Court Martial Proceedings since September 2014 [SEC=UNCLASSIFIED]  
**Attachments:** Unredacted (amended).doc; Redacted (amended).pdf; 180215 - CT-003608 - Military justice proceedings - Farrell - Proposed R..\_ (3).doc; Trial Results.pdf  
**Importance:** High

UNCLASSIFIED

UNCLASSIFIED

Sirs,

For your information.

This is obviously very relevant to our current discussions wrt publication.

Regards,

*Nina L. Harvey*

**N.L. HARVEY**  
Group Captain  
Registrar of Military Justice

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Level 1, 5 Tennant Street  
FYSHWICK ACT 2609

F-TS-OJAG  
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CANBERRA BC ACT 2610

E-mail: [nina.harvey@defence.gov.au](mailto:nina.harvey@defence.gov.au)

Tel: (02) 6127-4352  
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**From:** Harvey, Nina GPCAPT

**Sent:** Thursday, 15 February 2018 4:02 PM

**To:** FOIReview; Navy FOI; AHQ-FOI Coord; RAAF FOI

**Cc:** Wolski, Brett RADM; Head Defence Legal; D'Amico, Adrian MR 1; DGADFLS Incoming outgoing mail; Mullins, Darryn CAPT - RAN; Taylor, Christopher GPCAPT; Lewis, Angeline WGCDR; Cawte, Catherine CMDR; Saultry, Penelope COL; Brick, Maria WGCDR; ODMP; Defence Counsel Services; Budd, Wayne BRIG; Mathews, Nick CAPT - RAN; Cram, Nick MR; Adams, Jules GPCAPT

**Subject:** RE: Alert: External Review - [REDACTED] - (FOI 112/17/18) Court Martial Proceedings since September 2014 [SEC=UNCLASSIFIED]

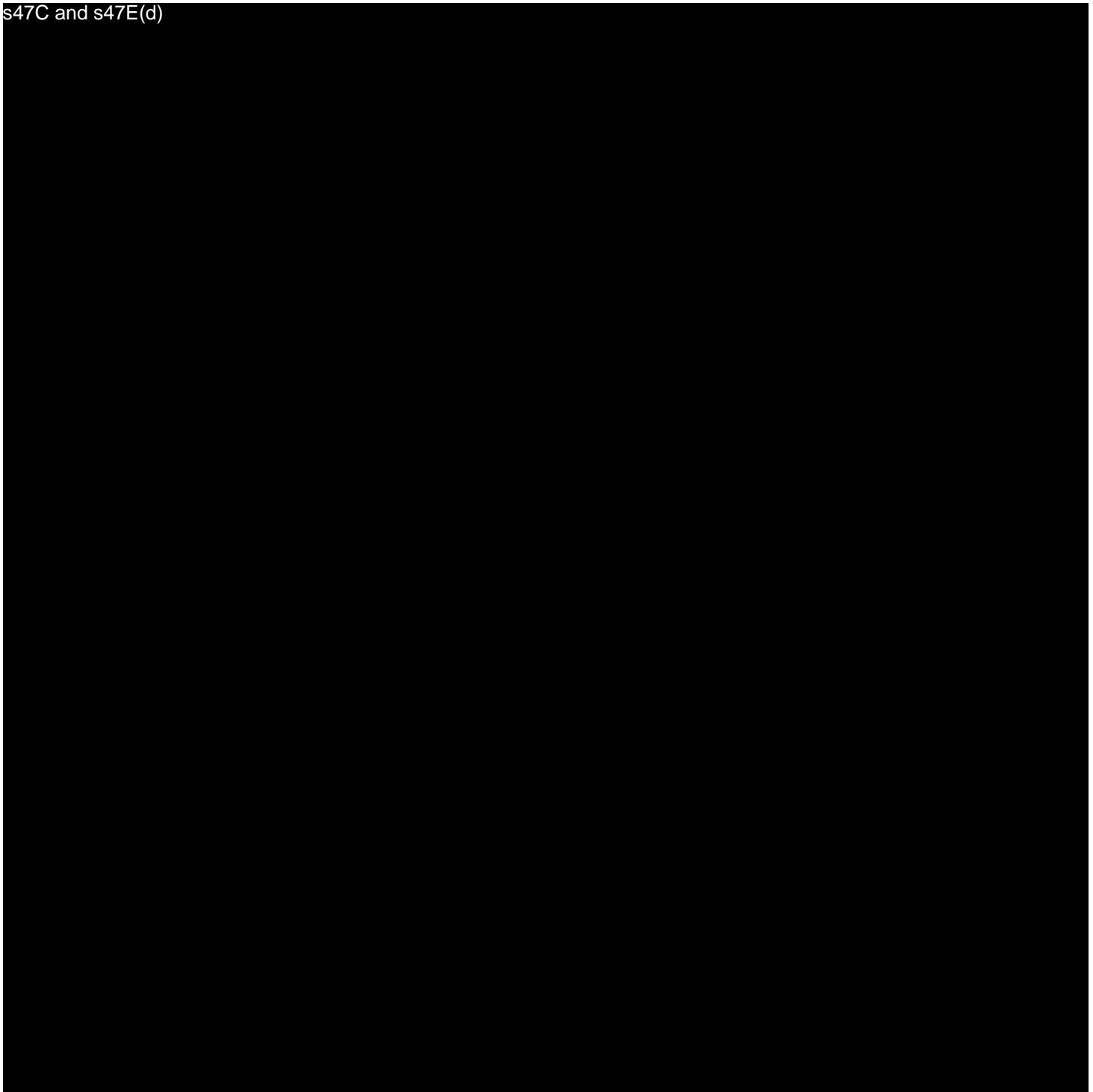
**Importance:** High

UNCLASSIFIED

Hi Joanne,

Thank you for your e-mail advising me of this external review (below).

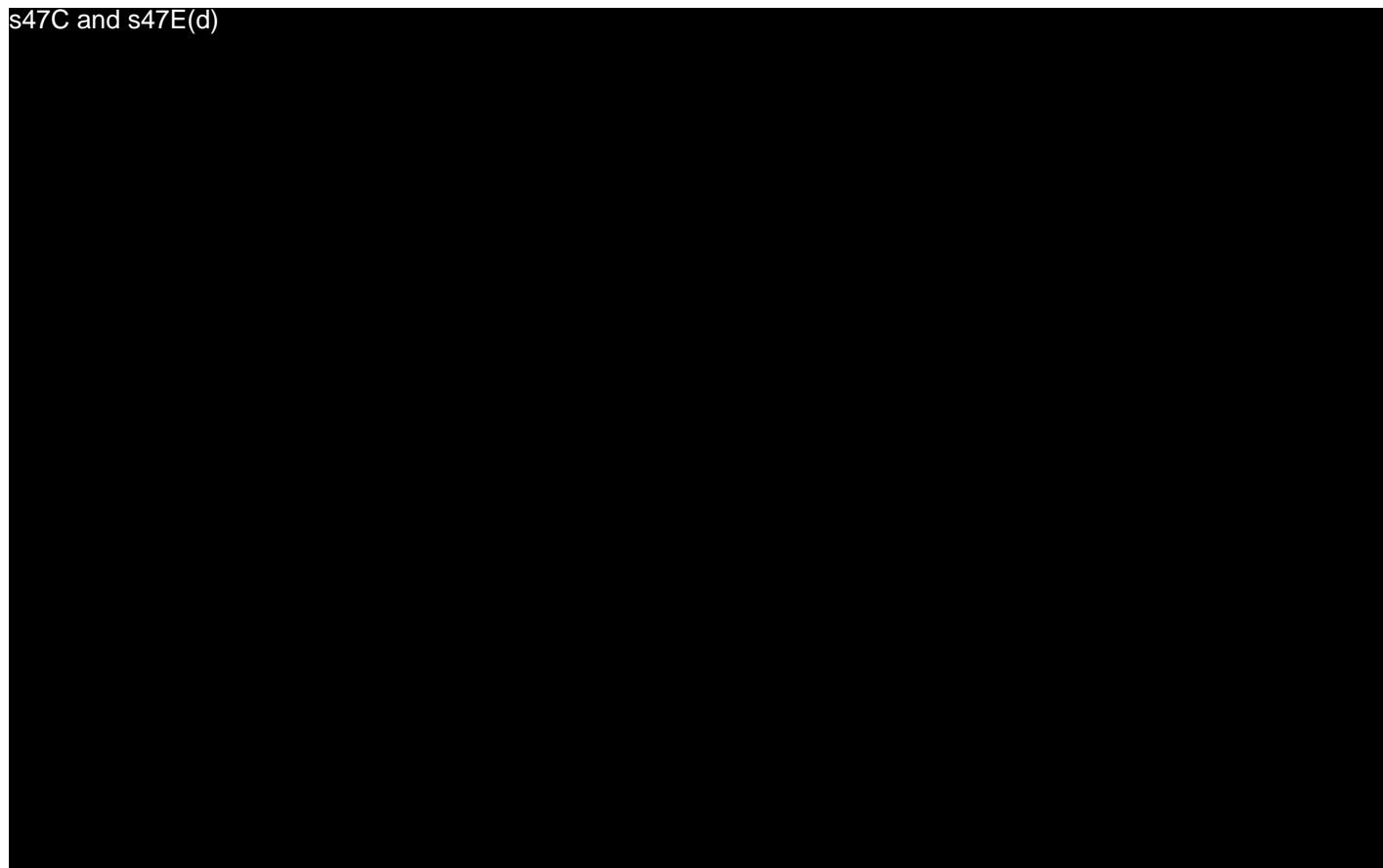
s47C and s47E(d)





(11)Based on the current legal interpretation of the DFDA (see para 8), consideration is currently being given to broadening the publication of outcomes. For these purposes, research is being conducted into what other militaries do and what comparable criminal courts do (i.e. Magistrates Court level). While these do not provide direct comparisons, they do provide useful points of comparison. The factors being taken into consideration include: what the law requires, what the law allows, transparency, confidence, deterrence and legal obligations to serving members (for example: workplace health and safety obligations and personal privacy). There are significant personal welfare considerations that need to be taken into consideration. These intersect with additional obligations with respect to veterans and persons with mental illness (including post-traumatic stress disorder), particularly where these are service related. A significant portion of persons on trial suffer from mental illness (such as post-traumatic stress disorder) related to their service and, further, this has been a significant factor in the proceedings.

s47C and s47E(d)



Please do not hesitate to contact me should you require any further information.

Regards,


*Nina L. Harvey*

**N.L. HARVEY**  
Group Captain  
Registrar of Military Justice

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**From:** Kopec, Joanne MS **On Behalf Of** FOIReview

**Sent:** Friday, 9 February 2018 5:21 PM

**To:** Mathews, Nick CAPT - RAN; Navy FOI; AHQ-FOI Coord; Budd, Wayne BRIG; RAAF FOI

**Cc:** Adams, Jules GPCAPT; Harvey, Nina GPCAPT; Cram, Nick MR; FOIReview

**Subject:** Alert: External Review - [REDACTED] - (FOI 112/17/18) Court Martial Proceedings since September 2014  
[SEC=UNCLASSIFIED]

**Importance:** High

## UNCLASSIFIED

Good afternoon all

The purpose of this email is to advise you that an applicant, [REDACTED] has applied for an external review with the Information Commissioner of a decision by Defence dated 29 November 2017, made by GPCAPT Nina Harvey.

In summary, the applicant sought access to "*Findings and punishment Report from September 2014 – CM/DFM Matters, excluding PMKeys numbers*" under the *Freedom of Information Act 1982* (FOI Act).

There is no timeframe for decisions to be made on external review.

As part of processing the external review, the FOI review team is required to provide information and the documents in original form to the Office of the Australian Information Commissioner by 1 March 2018.

Please note this email is for your awareness only – no action is required from you.

We will keep you advised on the progress of the external review.

Please contact me if you have any questions.

Kind regards

**Joanne Kopec**

Assistant Director FOI

FOI Reviews and Guidance

Enterprise Reform Branch

Governance and Reform Division

Department of Defence | CP1-6-009A|

PO Box 7910 | CANBERRA BC ACT 2610

Ph: 02 626 64434

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<http://www.defence.gov.au/FOI/privacy.asp>

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**From:** Davidson, Melissa MRS  
**Sent:** Tuesday, 5 December 2017 9:31 AM  
**To:** FOI Alerts  
**Cc:** Harvey, Nina GPCAPT; Navy FOI; RAAF FOI; AHQ-FOI Coord; Cram, Nick MR; Slattery, Michael RADM 6; Assoc Sec Office  
**Subject:** FOI Alert (FOI 112/17/18) - [REDACTED] - Court Martial Proceedings since September 2014  
[SEC=UNCLASSIFIED]  
**Importance:** High

**UNCLASSIFIED**

Good morning,

The purpose of this email is to alert addressees to the finalisation of a request for access to documents, under the *Freedom of Information Act 1982* (FOI Act), from [REDACTED]

**Request**

The applicant sought access to:

*“Findings and punishment Report from September 2014 – CM/DFM Matters, excluding PMKeys numbers”*

**Decision maker**

GPCAPT N Harvey, Office of the Jude Advocate General, was the accredited decision maker, under the FOI Act, in regards to this request.

**Decision**

GPCAPT Harvey identified one document as being relevant to the request. The document will be partially released with material removed that could affect personal privacy. Irrelevant material was also removed from the document.

**Release of decision and document**

The attached decision and document will be sent by email to the applicant today **5 December 2017**.

**FOI Disclosure Log**

It is expected that this request will be published on the Defence FOI Disclosure Log on 12 December 2017 or immediately following any publication of the material. A final FOI Alert will be sent when publication occurs.

If you have any queries please contact me.

Kind regards

**Melissa Davidson**

Assistant Director - Information Access  
Information Management and Access  
Governance and Reform Division

Department of Defence | CP1-6-008|  
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Ph: 02 626 63678  
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<http://www.defence.gov.au/FOI/privacy.asp>

Please note that I work Mon - Thur

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Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	16 Sep 14	120 days detention <i>Conviction and punishment upheld on review</i>
s47F			Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2(1))	NG	25 Sep 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s47F			Navy	DFM	2 x prejudicial conduct (DFDA s.60)	NG	2 Oct 14	Reduced to the rank of PO. <i>Conviction and punishment upheld on review</i>
		s	Navy	GCM	1 x forcible confinement (ACT Crimes Act s.34), 1 x act of indecency without consent (ACT Crimes Act s.60), 1 x sexual intercourse without consent (ACT Crimes Act s.54), 1 x assault in Service ship (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	NG	29 Oct 14	<b>NG Finding</b>
s47F			Navy	GCM	1 x forcible confinement (ACT Crimes Act s.34), 1 x act of indecency without consent (ACT Crimes Act s.60), 1 x sexual intercourse without consent (ACT Crimes Act s.54), 1 x assault in Service ship (DFDA s.33(a)) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	29 Oct 14	<b>NG Finding</b>
s47F			Navy	RCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	21 Oct 14	Fined \$1500.00 and 21 days detention (suspended) <i>Conviction and punishment upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Navy	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	6 Nov 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i>
s47F			RAAF	DFM	1 x false statement in relation to application for a benefit (DFDA s.56)	NG	11 Nov 14	28 days detention (suspended) <i>Conviction and punishment upheld on review</i>
s47F			Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)		11 Nov 14	<i>Charges withdrawn prior to trial</i>
s47F			Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	G	12 Nov 14	Fined \$1200.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s47F			RAAF	DFM	1 x threat to inflict grievous bodily harm (ACT Crimes Act s.31(a)(ii))	NG	19 Nov 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s47F			Army	DFM	2 x obtaining a financial advantage (CCC s.135.2) and 2 x making false entry in a Service document (DFDA s.55(1)(b))	G	20 Nov 14	Reduced to the rank of GNR and 90 days detention <i>Conviction and punishment upheld on review</i>
s47F 47F			Army	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2) and 3 x making false entry in Service document (DFDA s.55(1)(b))		24 Nov 14	<i>Charges withdrawn prior to trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	2 x prejudicial conduct (DFDA s.60), 2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x attempt to commit an act of indecency without consent (ACT Crimes Act s.44)	NG	4 Dec 14	150 days detention <i>Convictions upheld. Sentence of 150 days detention quashed and replaced with 120 days.</i>
[REDACTED]	[REDACTED]	[REDACTED] s	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	NG	28 Nov 14	60 days detention. Reparation of \$150.44 <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	RCM	2 x prejudicial conduct (DFDA s.60) and 1 x act of indecency without consent (ACT Crimes Act s.60)	G	2 Dec 14	Fined \$400.00 and forfeiture of seniority <i>Conviction and punishment upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	DFM	1 x assault on a subordinate (DFDA s.34) and 1 x recklessly damaging Service property (DFDA s.43(2))	G	3 Dec 14	Forfeiture of seniority, fined \$2,000.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x assault on a subordinate (DFDA s.34)	G	9 Dec 14	Forfeiture of seniority and fined \$2,000.00 <i>Conviction and punishment upheld on review</i>
s47F [REDACTED] 4/r [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	10 Dec 14	Fined \$2,500.00 <i>Conviction and punishment upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Navy	DFM	2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assaulting another person on Service land (DFDA s.33(a))	G	15 Dec 14	Fined \$3,500.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s47F			Navy	DFM	1 x failing to comply with a general order	G	16 Dec 14	Conviction without punishment <i>Conviction and punishment upheld on review</i>
s47F			Navy	DFM	4 x negligent performance of duty (DFDA s.35)	G	2 Feb 15	Reduced to LS. <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	9 Feb 15	Fined \$2,000 <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	G	11 Feb 15	42 days detention. <i>Conviction and punishment upheld on review</i>
s47F			RAAF	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	NG	24 Feb 15	Dismissed from the ADF. <i>Conviction and punishment upheld on review</i>
s47F 47F			Army	DFM	10 x misuse of a Commonwealth credit card (FMA Act s.60)	G	3 Mar 15	Severe reprimand and dismissed from the ADF. Reparation of \$3,156.92. <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Navy	DFM	1 x creating a disturbance on Service land (DFDA s.33(b))	NG	13 Mar 15	Severe reprimand and fined \$2,600. <i>Convictions and punishments upheld on automatic review and petition to RA</i>
s47F			Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2)	G	17 Mar 15	Reduced to AB and 42 days detention. <i>Conviction and punishments quashed on review. New trial ordered</i>
s47F			Army	DFM	1 x attempting to obtain a financial advantage by deception (CCC s.134.2)	NG	19 Mar 15	Dismissed from the ADF and imprisonment for 2 months (suspended). <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			RAAF	DFM	1 x make false entry in Service document (DFDA s.55(1)(b))	NG	19 Mar 15	Forfeiture of seniority and fined \$2,500. <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			Navy	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	16 Apr 15	Reprimand <i>Convictions and punishments upheld on automatic review and petition to RA</i>
47F			Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		24 Mar 15	<i>Charges withdrawn by DMP on 15 Apr 15</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	NG	27 Mar 15	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	RAAF	DFM	3 x theft (DFDA s.47C)	G	2 Apr 15	Severe reprimand and fined \$1,000 <i>Convictions and punishments upheld on review</i>
[REDACTED]	[REDACTED]	[REDACTED]s	RAAF	DFM	1 x theft (DFDA s.47C)	G	2 Apr 15	Severe reprimand and fined \$1,000 <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	RAAF	DFM	18 x misuse of a Commonwealth credit card (FMA Act s.60)	G	9 Apr 15	49 days detention. Reparation of \$2,985.08. <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	RCM	1 x giving inaccurate certification to a matter affecting a Service ship (DFDA s.42) and 6 x negligent performance of duty (DFDA s.35)	NG	9 Apr 15	<b>NG Finding</b>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	RCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	17 Apr 15	<b>NG Finding</b>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	15 x theft (DFDA s.47C)	G	21 Apr 15	Reduced to the ranks and 49 days detention. Reparation of \$629.30. <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	24 Apr 15	Forfeiture of seniority and fined \$1,000  <i>Convictions and punishments upheld on review</i>  <i>DFDAT Appeal heard on 18 Mar 16 – appeal dismissed</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	3 x assault on Service land (DFDA s.33(a) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	2 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x ill-treating a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)		8 May 15	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2), 2 x making false entry in a Service document (DFDA s.55(1)(b) and 2 x using a forged document (CCC s.145.1)	NG	15 May 15	Reduced to 2LT, dismissed from the ADF and six months imprisonment (suspended).  <i>Convictions and punishments upheld on all reviews</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x engaging in insubordinate conduct (DFDA s.26)		15 May 15	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 1 x falsifying a Service document (DFDA s.55)	G	26 May 15	Reduced to private and 60 days detention (wholly suspended)  <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	2 x prejudicial conduct (DFDA s.60), 4 x act of indecency without consent (ACT Crimes Act s.60) and 3 x assault on Service land (DFDA s.33(a))		29 May 15	<i>Charges withdrawn prior to trial</i>
s47F			Army	DFM	2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x failing to comply with a general order (DFDA s.29)	NG	3 Jun 15	<b>NG Finding</b>
s47F			Army	DFM	2 x obtaining a financial advantage (CCC s.135.2)	G	23 Jun 15	Dismissal from the ADF <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	2 x prejudicial conduct (DFDA s.60)	G	7 Jul 15	Forfeiture of seniority and fined \$2,000 <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	3 x assault on Service land (DFDA s.33(a) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s47f			Army	DFM	2 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s47F			Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s47F			Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	Fined \$3,000 <i>Convictions and punishments upheld on review</i>



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	6 x prejudicial conduct 9DFDA s.60)	G	14 Jul 15	60 days detention <i>Convictions and punishments upheld on review</i>
		s	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	28 Jul 15	Forfeiture of seniority and fined \$3,000 (\$2,000 suspended) <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2)	G	4 Aug 15	Reduced to AB and fined \$1,896.62 <i>Convictions and punishments upheld on review</i>
			Army	DFM	2 x assaulting a subordinate (DFDA s.34)	NG	14 Aug 15	Reprimand and fined \$1,500 (\$750 suspended) <i>Convictions and punishments upheld on automatic review and petition to RA</i> <i>DFDAT Appeal heard in Nov 16. Appeal dismissed</i>
s47F			Army	DFM	1 x knowingly making false or misleading statement in relation to application for leave of absence (DFDA s.56)	G	18 Aug 15	Fined \$200 <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	4 x act of indecency without consent (ACT Crimes Act s.60)	G	25 Aug 15	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
s47F			RAAF	DFM	1 x unlawful possession of Service property (DFDA s.45) and 1 x prejudicial conduct (DFDA s.60)	G	27 Aug 15	Forfeiture of seniority and fined \$1,500 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			RAAF	DFM	1 x assaulting another person on Service land (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	G	8 Sep 15	35 days detention (7 days suspended) and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	1 x altering a Service document (DFDA s.55(1)(c)), 1 x making a false entry in a Service document (DFDA s.55(1)(b)) and 1 x prejudicial conduct (DFDA s.60)		16 Sep 15	<i>Charges withdrawn prior to trial</i>
s47F			Army	DFM	1 x assault (DFDA s.33(a))	NG	8 Oct 15	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
s47F			RAAF	DFM	2 x assault a superior officer (DFDA s.25) and 1 x attempt to commit an act of indecency without consent (ACT Crimes Act s.60)	G	20 Oct 15	Reduced to LAC and 60 days detention (30 days suspended) <i>Convictions upheld on review. Punishment of detention quashed and replaced with 60 days detention (wholly suspended)</i>
s47F			Army	DFM	30 x obtaining a gain (CCC s.135.1)	G		45 days detention and reparation of \$1644.63 <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)		19 Nov 15	<i>Charges withdrawn prior to trial</i>
s47F			Army	GCM	1 x aggravated robbery (CCC ACT s.310), 1 x conspiracy to commit aggravated robbery (CCC ACT s.310) and 1 x unauthorised possession of a prohibited firearm (Firearms Act s.42(a)(iii))		19 Nov 15	<i>Charges withdrawn at trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	GCM	1 x aid and abet aggravated robbery (CCC ACT s.310), 1 x conspiracy to commit aggravated robbery (CCC ACT s.310) and 1 x unauthorised possession of a prohibited firearm (Firearms Act s.42(a)(iii))		19 Nov 15	<i>Charges withdrawn at trial</i>
s47F			Navy	RCM	1 x forgery (CCC ACT s.346) and 1 x using false instrument (CCC ACT s.347)	G	25 Nov 15	Forfeiture of seniority and fined \$4553.26 <i>Convictions and punishments upheld on review</i>
s47f			Army	DFM	4 x false statement in relation to application for a benefit (DFDA s.56)	G	1 Dec 15	Forfeiture of seniority and fined \$600 <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	3 Dec 15	Severe reprimand <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	3 Dec 15	Severe reprimand <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x using a carriage service to menace, harass or cause offence (CCC s.474) and 2 x failing to comply with a general order	NG	7 Dec 15	Forfeiture of seniority, fined \$1000 and a reprimand <i>DFDAT Appeal heard on 10 Feb 17. Appeal upheld on first charge and dismissed on other two.</i> <i>Convictions and punishments upheld on review of remaining charges</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
[REDACTED]	[REDACTED]	[REDACTED]S	Army	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	8 Dec 15	30 days detention (15 days suspended) <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x giving false evidence (DFDA s.52)	NG	10 Dec 15	<b>NG Finding</b>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	11 Dec 15	35 days detention (wholly suspended) and fined the sum of \$2,000 <i>Convictions and punishments upheld on review</i>
[REDACTED]	[REDACTED]	[REDACTED]S	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	15 Dec 15	Fined \$3,500 <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	27 Jan 16	Forfeiture of seniority <i>Conviction and punishment upheld on automatic review and petition to RA</i>
[REDACTED]	[REDACTED]	[REDACTED]S	Navy	DFM	1 x assaulting a subordinate (DFDA s.34)	G	16 Feb 16	Forfeiture of seniority and fined \$1,000 <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	DFM	1 x unauthorised modification of restricted data (CCC s.478.1)		22 Feb 16	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x knowingly making a false statement (DFDA s.56(1)) and 11 x general dishonesty – obtaining a gain (CCC s.135.1(1))	G	25 Feb 16	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Navy	DFM	2 x signing false Service document	NG	1 Mar 16	NG Finding
s47F			Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	4 Mar 16	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	2 x obtaining a financial advantage by deception (CCC (ACT) s.332)	NG	17 Mar 16	NG Finding
s47F			Army	RCM	2 x act of indecency without consent (ACT Crimes Act s.60(1))	NG	1 Apr 16	NG Finding
s47F			Army	DFM	1 x engaging in insubordinate conduct (DFDA s.26)	NG	15 Apr 16	NG Finding
s47F			Army	DFM	1 x obtaining a financial advantage (CCC s.135.2(1))	NG	15 Apr 16	Reduced to LCPL and fined \$1,500 <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x intimate observations or capturing visual data etc (ACT Crimes Act s.61B(1))	NG	22 Apr 16	Reduced to AB <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	1 x disobeying a lawful command (DFDA s.27)	NG	30 Apr 16	Fined \$1,500 (\$1,000 suspended) <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			Navy	DFM	1 x assaulting another person in a public place (DFDA s.33(a)) and 1 x assaulting a superior officer (DFDA s.25)	G	3 May 16	28 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s47f			RAAF	DFM	2 x unauthorised access to restricted data (CCC s.478.1)	NG	6 May 16	<i>Charges withdrawn at trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47f			Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	13 May 16	28 days detention (wholly suspended) <i>Conviction and punishment upheld on automatic review and petition to RA</i> <i>DFDAT appeal heard on 1 Jun 17 – Appeal dismissed</i>
s47F			Army	DFM	1 x creating a disturbance on Service land (DFDA s.33(b))	G	6 Jun 16	Fined \$1,000 <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	30 x unauthorised access to restricted data (CCC s.478.1) and 30 x failure to comply with a lawful general order (DFDA s.29) and 1 x prejudicial conduct (DFDA s.60)	NG	7 Jun 16	<b>NG Finding</b>
s47F			Army	RCM	9 x unauthorised access to restricted data (CCC s.478.1) and 2 x prejudicial conduct (DFDA s.60)	NG	22 Jun 16	Severe reprimand, reprimand and conditional conviction without punishment
s47f			RAAF	DFM	5 x general dishonesty – obtaining a gain (CCC s.135.2(2))	NG	23 Jun 16	<b>NG Finding</b>
s47F			Navy	DFM	1 x absent without leave (DFDA s.24) and 1 x prejudicial conduct (DFDA s.60)	G	29 Jun 16	Reduced to SBLT <i>Convictions and punishments upheld on review</i>
s47F			RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	5 Jul 16	Forfeiture of seniority and fined \$2,000 (\$1,000 suspended) <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Navy	DFM	30 x obtaining a financial advantage (CCC s.135.2)	G	18 Jul 16	Dismissed from the Defence Force and severely reprimanded <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			Navy	DFM	1 x failure to comply with lawful general order (DFDA s.29)	NG	22 Jul 16	<b>NG Finding</b>
s47F			Navy	DFM	7 x obtaining a financial advantage (CCC s.135.2)	G	1 Aug 16	Dismissed from the Defence Force and ordered to pay reparation of \$7,138.10 <i>Convictions and punishments upheld on review</i>
s47F			RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2), 1 x obtaining a financial advantage by deception (CCC s.134.2) and 1 x making false entry in Service document	G	9 Aug 16	70 days detention <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			Army	DFM	1 x obtaining a financial advantage (CCC 135.2)	NG	10 Aug 16	<b>NG Finding</b>
(b) (1) (A)			RAAF	DFM	9 x unauthorised use of Commonwealth credit card (DFDA s.47Q) and 1 x attempted unauthorised use of Commonwealth credit card (DFDA s.47Q and CCC s.11.1)	G	15 Aug 16	30 days detention and ordered to pay reparation of \$2,175.69 <i>Convictions and punishments upheld on review</i>
s47Fs47F	s47F	s47F s	RAAF	DFM	1 x prejudicial conduct (DFDA s.60)	NG	20 Aug 16	Fined \$600 (\$500 suspended) <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
[REDACTED]	[REDACTED]	[REDACTED] S	Army	DFM	1 x assaulting another person (DFDA s.33(a))	G	23 Aug 16	Forfeiture of seniority and fined \$2,500 <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x prejudicial conduct (DFDA s.60)	NG	16 Sep 16	Reduced to private and fined \$1,200 (fully suspended) <i>DFDAT appeal heard on 28 Apr 17 – Appeal upheld</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x signing a false Service document (DFDA s.55(1)(a))	G	20 Sep 16	28 days detention wholly suspended <i>Punishment quashed on automatic review and replaced with a sentence of a severe reprimand</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	3 x general dishonesty – obtaining a gain (CCC s.135.1) and 2 x general dishonesty – attempting to obtaining a gain (CCC 135.1 and 11.1)	G	21 Sep 16	Fined \$2,000 and severely reprimanded <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	29 Sep 16	Fined \$3,000 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 1 x obtaining a financial advantage by deception (CCC s.134.2)	G	10 Oct 16	Reduced to CPL and severely reprimanded. Ordered to pay reparation of \$6,474.51. <i>Convictions and punishments upheld on review</i>
[REDACTED]	[REDACTED]	[REDACTED] S	RAAF	DFM	1 x assaulting a superior officer (DFDA s.25) and 1 x prejudicial conduct (DFDA s.60)	G	11 Oct 16	Fined \$1,400 <i>Convictions and punishments upheld on review</i>



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assault a subordinate (DFDA s.34)	G	25 Oct 16	Reduced to CPL and fined \$5,000 <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s47F			RAAF	DFM	5 x prejudicial conduct (DFDA s.60)	G	22 Nov 16	Fined \$1,000 and 21 days detention (wholly suspended). Ordered to pay reparation of \$330. <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	3 x prejudicial conduct (DFDA s.60) and 1 x assaulting a subordinate (DFDA s.34)	NG	24 Nov 16	Dismissed from the Defence Force and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F			Navy	RCM	5 x assaulting another person on Service land (DFDA s.33(a) and 1 x prejudicial conduct (DFDA s.60)	NG	25 Nov 16	<i>Charges withdrawn at trial</i>
s47F			RAAF	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	29 Nov 16	Fined \$1,700 (\$1,200 suspended) <i>Convictions and punishments upheld on review</i>
		s	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assault (DFDA s.33(a))	NG	30 Nov 16	Dismissed from the Defence Force and fined \$500. <i>Convictions and punishments upheld on review</i>
		s	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 2 x false statement in relation to an application for a benefit (DFDA s.56(4))	NG	1 Dec 16	Reduced to WO2, forfeiture of seniority and fined \$6,700. Ordered to pay reparation of \$2,136.19 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
[REDACTED]	[REDACTED]	[REDACTED] <sup>s</sup>	Army	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	NG	2 Dec 16	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	RAAF	DFM	2 x assaulting a superior officer (DFDA s.25), 1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assaulting a subordinate (DFDA s.25)	NG	15 Dec 16	Reduced to LAC and 45 days detention (wholly suspended) <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	DFM	1 x assaulting a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)	NG	16 Dec 16	Fined \$1,700 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x act of indecency without consent (ACT Crimes Act 2.60) and 1 x prejudicial conduct (DFDA s.60)	NG	17 Dec 16	Reduced to WO2 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x failing to comply with a general order (DFDA s.29)		23 Jan 17	<i>Charges withdrawn prior to trial</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Army	DFM	1 x assault (DFDA s.33(a)) and 1 x assault occasioning actual bodily harm (DFDA s.33A))	G	2 Feb 17	42 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	DFM	1 x assault (DFDA s.33(a) and 1 x prejudicial conduct (DFDA s.60)	NG	9 Feb 17	Fined \$2,000 (\$1,000 suspended) and a severe reprimand <i>Convictions and punishments upheld on review</i>
s47F [REDACTED]	[REDACTED]	[REDACTED]	Navy	RCM	1 x dangerous driving of a vehicle while on Service land (DFDA s.40A(2))	G	14 Feb 17	Forfeiture of seniority and ordered to pay reparation of \$6,446.55 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60(1))	G	14 Feb 17	Reduced to CPL <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	2 x failing to comply with a general order (DFDA s.29) and 4 x assaulting another person in a Service ship (DFDA s.33(a))	G	22 Feb 17	Reduced to AB and 28 days detention (wholly suspended) <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	4 x assault on superior (DFDA s.25) and 1 x act of indecency without consent (ACT Crimes Act s.60(1))	G	6 Mar 17	Fined \$3,500 (\$2,800 suspended) and reduced to CPL <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	8 x AWOL (DFDA s.24) and 2 x prejudicial conduct (DFDA s.60)	G	17 Mar 17	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
			Army	DFM	4 x obtaining a financial advantage (CCC s.135.2(1))	NG	23 Mar 17	Dismissed from the Defence Force and 60 days civil imprisonment. Ordered to pay reparation of \$27,170. <i>DFDAT appeal heard on 17 Mar 17 – awaiting judgement</i>
s47F			Navy	DFM	5 x act of indecency without consent (ACT Crimes Act s.60(1))		4 Apr 17	<i>Charges withdrawn prior to trial</i>
s47F			Army	RCM	4 x signing a false Service document (DFDA s.55(1)(a)) and 2 x ordering the commission of a Service offence (DFDA s.62)	NG	8 Apr 17	Fined \$4,000, severe reprimand and forfeiture of seniority <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	2 x prejudicial conduct (DFDA s.60)		13 Apr 17	<i>Charges withdrawn prior to trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
██████████	████	██████ <sup>s</sup>	Navy	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	19 Apr 17	49 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
██████████	████	██████ <sup>s</sup>	Army	DFM	1 x failure to comply with a lawful general order (DFDA s.29)	G	11 May 17	Reduced to Private <i>Convictions and punishments upheld on review</i>
██████████	████	██████ <sup>s</sup>	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	NG	18 May 17	Fined \$2,900 (\$1,450 suspended) <i>Appealed to DFDAT on 17 Jul 17 – Hearing date is 15 Dec 17</i>
██████████	████	██████ <sup>s</sup>	RAAF	DFM	10 x failing to comply with a general order (DFDA s.29)	G	26 May 17	Forfeiture of seniority <i>Convictions and punishments upheld on review</i>
s47F ██████████	████	██████	Army	DFM	1 x destroying evidence (Crimes Act s.39) and 2 x obtaining a gain (CCC s.135.1)	G	27 Jun 17	Reduced to Private <i>Convictions and punishments upheld on review</i>
s47F ██████████	████	██████	Army	DFM	2 x falsifying a Service document (DFDA s.55(1)(c))	G	10 Jul 17	28 days detention <i>Convictions and punishments upheld on review</i>
s47F ██████████	████	██████	Navy	GCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	11 Jul 17	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s47F ██████████	████	██████	RAAF	DFM	4 x prejudicial conduct (DFDA s.60) and 1 x assaulting a subordinate (DFDA s.34)		14 Jul 17	<i>Charges withdrawn prior to trial</i>



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			RAAF	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	NG	28 Jul 17	45 days detention (15 days suspended) <i>Convictions and punishments upheld on review</i>
		s	Navy	DFM	13 x unauthorised use of Commonwealth credit card (DFDA s.47Q), 10 x falsifying a Service document (DFDA s.55(1)) and 1 x attempting to obtain a gain (CCC s.135.1)	G	8 Aug 17	Reduced to AB and dismissed from the Defence Force. Ordered to pay reparation in the amount of \$4,840. <i>Convictions and punishments upheld on review</i>
s47F			RAAF	DFM	1 x AWOL (3 days and 42 mins) (DFDA s.24)	G	1 Sep 17	Forfeiture of seniority and fined \$5,000. <i>Convictions and punishments upheld on review</i>
		s	Army	DFM	1 x assault in a public place (DFDA s.33(a))	G	13 Sep 17	49 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
		s	Army	DFM	1 x assaulting a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)	NG	18 Sep 17	<i>Charges withdrawn prior to trial</i>
		s	RAAF	DFM	1 x AWOL (105 days) (DFDA s.24)	NG	21 Sep 17	Dismissal from the Defence Force and imprisonment for 4 months with a non-parole period of 2 months <i>Convictions and punishments upheld on review</i>
s47F			Navy	DFM	1 x assault in a public place (DFDA s.33(a))	G	26 Sep 17	Severe reprimand and fined \$500 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s47F			Army	DFM	6 x prejudicial conduct (DFDA s.60)	G	4 Oct 17	Reduced to PTE and 84 days detention (42 days suspended) <i>Convictions and punishments upheld on review</i>
s47F			Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	13 Oct 17	<i>Charges withdrawn prior to trial</i>
		S	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	18 Oct 17	<i>Charges withdrawn prior to trial</i>
		S	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	18 Oct 17	<i>Charges withdrawn prior to trial</i>
s47F			Army	DFM	2 x prejudicial conduct (DFDA s.60)	NG	25 Oct 17	NG Finding
		S	Navy	GCM	1 x sexual intercourse without consent (ACT Crimes Act s.54)	NG	25 Oct 17	NG Finding
s47F			RAAF	DFM	1 x prejudicial conduct (DFDA s.60) and 1 x customs offence (Customs Act s.234(1)(a))	G	6 Nov 17	Forfeiture of seniority and fined \$1,200
		S	Navy	RCM	1 x inaccurate certification in relation to ship (DFDA s.42), 1 x commanding or ordering a Service offence to be committed (DFDA s.62) and 1 x prejudicial conduct (DFDA s.60)	NG	6 Nov 17	<i>Charges withdrawn prior to trial</i>
s47F			Army	DFM	5 x falsifying Service document (DFDA s.55(1)(b))	NG	16 Nov 17	<i>Charges withdrawn prior to trial</i>



## Proposed MEDIA Response

Inquiry Number	CT-003608
Subject	Military justice proceedings - [REDACTED]
Contact Name	[REDACTED]
Phone / Mobile / Email	
Organisation	[REDACTED]
Due to Defence Media	<b>15/02/2018</b>  <i>Media queries need to be prioritised as urgent. Please contact Defence Media at least 24 hours prior to the deadline if it is not achievable.</i>  <i>Extensions will only be granted in exceptional circumstances.</i>
Questions / Query	<p>I'm working on a story about some documents recently provided to me under the FOI (attached). The registrar for military justice Nina Harvey released a summary of DFM matters to me since September 2014 documenting more than 150 charges, but has declined to release the names of any defence personnel charged with these offences.</p> <p>Could you please respond to the following questions:</p> <ul style="list-style-type: none"> <li>- In an ordinary Australian court the names of individuals charged with serious offences would be available as a matter of course, absent a suppression order or statutory restriction. Can defence explain why it considers it's officers, which wield enormous statutory powers, considers that personnel should be treated differently?</li> <li>- Ms Harvey claims that that DFM proceedings are generally public. Defence provides lists of proceedings on request to journalists who can attend hearings and name any parties mentioned in the proceedings. Can you explain why the registrar for military justice considers that the names of individuals charged should be suppressed from the public, if these proceedings are technically public anyway?</li> <li>- Can you explain why defence does not proactively publish court lists of upcoming hearings and trials, and will only provide these to journalists on request? Can you also explain why journalists may only attend defence magistrate hearings with a defence escort?</li> </ul>
Background / Summary	<i>This enquiry is a follow up to a FOI request (112/17/18).</i>

	<p><i>Documents were provided under FOI to the journalist on 5 December 2017.</i></p> <p><i>The FOI Request in question is currently before the Information Commission for external review.</i></p> <p><i>██████████ currently has submitted five other FOI requests for related material and has a complaint with the OAIC relation to the processing of one of these requests</i></p> <p><i>The prevailing law and at least aspects of the prevailing policy are in the public domain.</i></p> <p><i>The media does occasionally make FOI requests and lodge media queries on this topic. All relevant legal and policy considerations are taken into consideration and consistent responses provided.</i></p> <p><i>Although this precise issue has not been mentioned in Parliament or at senate estimates recently, during the course of the last year there has been discussion of greater transparency in reporting of disciplinary action taken against individuals found to have committed credit card fraud, though not specifically limited to ADF cases (Report of the Senate Standing Committee on Foreign Affairs and Trade, dated 11 May 2017).</i></p> <p><i>There have been no recent legislative or policy changes, however, the issue of publication of court martial and Defence Force magistrate lists and outcomes is currently under review. As a part of this review, a number of legal and policy considerations are being taken into account.</i></p> <p><i>This is not known to relate to any recent incident (or trial).</i></p> <p><i>Defence People Group, Defence Legal and FOI have been consulted and the proposed response is consistent with their input.</i></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">   FOI 112 1718  Statement of Reason </div> <div style="text-align: center;">   FOI 112 1718  Document in form for </div> </div>
Proposed Response	<p>The FOI request in question is currently before the Information Commission for external review. The Information Commissioner will consider the factors taken into consideration by Defence. It would not be appropriate for Defence to comment further on the review or the factors underpinning it until the review is completed.</p> <p>The issue of publication of court martial and Defence Force magistrate lists and outcomes is currently under review. As a part of this review, a number of legal and policy considerations are being taken into account. These include an analysis of other jurisdictions and the extent to which they are applicable to service tribunals.</p> <p>The requirement for an escort for media will depend upon the location</p>



	<p>of the court martial or Defence Force magistrate trial and prevailing security requirements. The relevant provisions of <i>the Defence Force Discipline Act 1982</i> are contained in subsections 140(1) and (4). Subsection 140(1) provides that “[s]ubject to this section, the hearing of proceedings before a court martial or Defence Force magistrate shall be in public” and subsection 140(4) provides that “[w]here proceedings before a court martial or a Defence Force magistrate are held in a secure place, the appropriate service chief shall cause such steps to be taken as will permit the public to have reasonable access ...”. The primary permanent court facility (in Fyshwick, Canberra) does not require escorts for media. However, most proceedings are conducted in the location to which the accused is currently posted. Where a trial is held on a military establishment and the prevailing security requirements necessitate an escort then this is what will occur.</p>
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#### Clearances

**Clearance officers please ensure both date and time are detailed.**

Drafted	Name	Appointment	Date and Time
Response Drafted by:	GPCAPT N.L. Harvey	RMJ	15 Feb 18 @ 1230

Clearance	Name	Appointment	Date and Time
Group/Service 1 Star or above	BRIG M Cowen	CJA	15 Feb 18 @ 1500
Strategic Communications Adviser			

Minister	Name	Appointment	Date and Time
Ministerial Consultation::  (To be completed by Defence Media)			



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PTE	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	16 Sep 14	120 days detention <i>Conviction and punishment upheld on review</i>
s.47F	AB	s.22	Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2(1))	NG	25 Sep 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s.47F	CPO	s.22	Navy	DFM	2 x prejudicial conduct (DFDA s.60)	NG	2 Oct 14	Reduced to the rank of PO. <i>Conviction and punishment upheld on review</i>
s.47F	AB	s.22	Navy	GCM	1 x forcible confinement (ACT Crimes Act s.34), 1 x act of indecency without consent (ACT Crimes Act s.60), 1 x sexual intercourse without consent (ACT Crimes Act s.54), 1 x assault in Service ship (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	NG	29 Oct 14	<b>NG Finding</b>
s.47F	AB	s.22	Navy	GCM	1 x forcible confinement (ACT Crimes Act s.34), 1 x act of indecency without consent (ACT Crimes Act s.60), 1 x sexual intercourse without consent (ACT Crimes Act s.54), 1 x assault in Service ship (DFDA s.33(a)) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	29 Oct 14	<b>NG Finding</b>
s.47F	AB	s.22	Navy	RCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	21 Oct 14	Fined \$1500.00 and 21 days detention (suspended) <i>Conviction and punishment upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PO	s.22	Navy	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	6 Nov 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i>
s.47F	LAC <sup>s.22</sup>		RAAF	DFM	1 x false statement in relation to application for a benefit (DFDA s.56)	NG	11 Nov 14	28 days detention (suspended) <i>Conviction and punishment upheld on review</i>
s.47F	MAJ	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)		11 Nov 14	<i>Charges withdrawn prior to trial</i>
s.47F	PTE	s.22	Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	G	12 Nov 14	Fined \$1200.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s.47F	LACW	s.22	RAAF	DFM	1 x threat to inflict grievous bodily harm (ACT Crimes Act s.31(a)(ii))	NG	19 Nov 14	Dismissed from the Defence Force <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s.47F	BDR	s.22	Army	DFM	2 x obtaining a financial advantage (CCC s.135.2) and 2 x making false entry in a Service document (DFDA s.55(1)(b))	G	20 Nov 14	Reduced to the rank of GNR and 90 days detention <i>Conviction and punishment upheld on review</i>
s.47F	Ex-SPR	s.22	Army	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2) and 3 x making false entry in Service document (DFDA s.55(1)(b))		24 Nov 14	<i>Charges withdrawn prior to trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	GNR	s.22	Army	DFM	2 x prejudicial conduct (DFDA s.60), 2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x attempt to commit an act of indecency without consent (ACT Crimes Act s.44)	NG	4 Dec 14	150 days detention <i>Convictions upheld. Sentence of 150 days detention quashed and replaced with 120 days.</i>
s.47F	LAC	s.22	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	NG	28 Nov 14	60 days detention. Reparation of \$150.44 <i>Conviction and punishment upheld on review</i> <i>DFDAT appeal upheld. Conviction and punishment quashed</i>
s.47F	LS	s.22	Navy	RCM	2 x prejudicial conduct (DFDA s.60) and 1 x act of indecency without consent (ACT Crimes Act s.60)	G	2 Dec 14	Fined \$400.00 and forfeiture of seniority <i>Conviction and punishment upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x assault on a subordinate (DFDA s.34) and 1 x recklessly damaging Service property (DFDA s.43(2))	G	3 Dec 14	Forfeiture of seniority, fined \$2,000.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s.47F	LBDR	s.22	Army	DFM	1 x assault on a subordinate (DFDA s.34)	G	9 Dec 14	Forfeiture of seniority and fined \$2,000.00 <i>Conviction and punishment upheld on review</i>
s.47F	PTE	s.22	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	10 Dec 14	Fined \$2,500.00 <i>Conviction and punishment upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	MIDN	s.22	Navy	DFM	2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assaulting another person on Service land (DFDA s.33(a))	G	15 Dec 14	Fined \$3,500.00 and a severe reprimand <i>Conviction and punishment upheld on review</i>
s.47F	CPO	s.22	Navy	DFM	1 x failing to comply with a general order	G	16 Dec 14	Conviction without punishment <i>Conviction and punishment upheld on review</i>
s.47F	PO	s.22	Navy	DFM	4 x negligent performance of duty (DFDA s.35)	G	2 Feb 15	Reduced to LS. <i>Convictions and punishments upheld on review</i>
s.47F	AB	s.22	Navy	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	9 Feb 15	Fined \$2,000 <i>Convictions and punishments upheld on review</i>
s.47F	PTE	s.22	Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	G	11 Feb 15	42 days detention. <i>Conviction and punishment upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	NG	24 Feb 15	Dismissed from the ADF. <i>Conviction and punishment upheld on review</i>
s.47F	SGT	s.22	Army	DFM	10 x misuse of a Commonwealth credit card (FMA Act s.60)	G	3 Mar 15	Severe reprimand and dismissed from the ADF. Reparation of \$3,156.92. <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	AB	s.22	Navy	DFM	1 x creating a disturbance on Service land (DFDA s.33(b))	NG	13 Mar 15	Severe reprimand and fined \$2,600. <i>Convictions and punishments upheld on automatic review and petition to RA</i>
s.47F	LS	s.22	Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2)	G	17 Mar 15	Reduced to AB and 42 days detention. <i>Conviction and punishments quashed on review. New trial ordered</i>
s.47F	SGT	s.22	Army	DFM	1 x attempting to obtain a financial advantage by deception (CCC s.134.2)	NG	19 Mar 15	Dismissed from the ADF and imprisonment for 2 months (suspended). <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	LACW	s.22	RAAF	DFM	1 x make false entry in Service document (DFDA s.55(1)(b))	NG	19 Mar 15	Forfeiture of seniority and fined \$2,500. <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	CPO	s.22	Navy	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	16 Apr 15	Reprimand <i>Convictions and punishments upheld on automatic review and petition to RA</i>
s.47F	TPR	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		24 Mar 15	<i>Charges withdrawn by DMP on 15 Apr 15</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	TPR	s.22	Army	DFM	1 x assaulting another person on Service land (DFDA s.33(a))	NG	27 Mar 15	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	3 x theft (DFDA s.47C)	G	2 Apr 15	Severe reprimand and fined \$1,000 <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	RAAF	DFM	1 x theft (DFDA s.47C)	G	2 Apr 15	Severe reprimand and fined \$1,000 <i>Convictions and punishments upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	18 x misuse of a Commonwealth credit card (FMA Act s.60)	G	9 Apr 15	49 days detention. Reparation of \$2,985.08. <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	RCM	1 x giving inaccurate certification to a matter affecting a Service ship (DFDA s.42) and 6 x negligent performance of duty (DFDA s.35)	NG	9 Apr 15	<b>NG Finding</b>
s.47F	SPR	s.22	Army	RCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	17 Apr 15	<b>NG Finding</b>
s.47F	BDR	s.22	Army	DFM	15 x theft (DFDA s.47C)	G	21 Apr 15	Reduced to the ranks and 49 days detention. Reparation of \$629.30. <i>Convictions and punishments upheld on review</i>



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	SGT	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	24 Apr 15	Forfeiture of seniority and fined \$1,000 <i>Convictions and punishments upheld on review</i> <i>DFDAT Appeal heard on 18 Mar 16 – appeal dismissed</i>
s.47F	CFN	s.22	Army	DFM	3 x assault on Service land (DFDA s.33(a) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s.47F	CFN	s.22	Army	DFM	2 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s.47F	CFN	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)		30 Apr 15	<i>Charges withdrawn prior to trial</i>
s.47F	SPR	s.22	Army	DFM	1 x ill-treating a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)		8 May 15	<i>Charges withdrawn prior to trial</i>
s.47F	LT	s.22	Army	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2), 2 x making false entry in a Service document (DFDA s.55(1)(b) and 2 x using a forged document (CCC s.145.1)	NG	15 May 15	Reduced to 2LT, dismissed from the ADF and six months imprisonment (suspended). <i>Convictions and punishments upheld on all reviews</i>
s.47F	CPL	s.22	Army	DFM	1 x engaging in insubordinate conduct (DFDA s.26)		15 May 15	<i>Charges withdrawn prior to trial</i>
s.47F	CPL	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 1 x falsifying a Service document (DFDA s.55)	G	26 May 15	Reduced to private and 60 days detention (wholly suspended) <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	SGT	s.22	Army	DFM	2 x prejudicial conduct (DFDA s.60), 4 x act of indecency without consent (ACT Crimes Act s.60) and 3 x assault on Service land (DFDA s.33(a))		29 May 15	<i>Charges withdrawn prior to trial</i>
s.47F	PTE	s.22	Army	DFM	2 x act of indecency without consent (ACT Crimes Act s.60) and 1 x failing to comply with a general order (DFDA s.29)	NG	3 Jun 15	<b>NG Finding</b>
s.47F	MAJ	s.22	Army	DFM	2 x obtaining a financial advantage (CCC s.135.2)	G	23 Jun 15	Dismissal from the ADF <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	Army	DFM	2 x prejudicial conduct (DFDA s.60)	G	7 Jul 15	Forfeiture of seniority and fined \$2,000 <i>Convictions and punishments upheld on review</i>
s.47F	CFN	s.22	Army	DFM	3 x assault on Service land (DFDA s.33(a) and 1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s.47F	CFN	s.22	Army	DFM	2 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s.47F	CFN	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	<b>NG Finding</b>
s.47F	TPR	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	9 Jul 15	Fined \$3,000 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PTE	s.22	Army	DFM	6 x prejudicial conduct 9DFDA s.60)	G	14 Jul 15	60 days detention <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	28 Jul 15	Forfeiture of seniority and fined \$3,000 (\$2,000 suspended) <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x obtaining a financial advantage by deception (CCC s.134.2)	G	4 Aug 15	Reduced to AB and fined \$1,896.62 <i>Convictions and punishments upheld on review</i>
s.47F	MAJ	s.22	Army	DFM	2 x assaulting a subordinate (DFDA s.34)	NG	14 Aug 15	Reprimand and fined \$1,500 (\$750 suspended) <i>Convictions and punishments upheld on automatic review and petition to RA</i> <i>DFDAT Appeal heard in Nov 16. Appeal dismissed</i>
s.47F	PTE	s.22	Army	DFM	1 x knowingly making false or misleading statement in relation to application for leave of absence (DFDA s.56)	G	18 Aug 15	Fined \$200 <i>Convictions and punishments upheld on review</i>
s.47F	AB	s.22	Navy	DFM	4 x act of indecency without consent (ACT Crimes Act s.60)	G	25 Aug 15	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
s.47F	FLTLT	s.22	RAAF	DFM	1 x unlawful possession of Service property (DFDA s.45) and 1 x prejudicial conduct (DFDA s.60)	G	27 Aug 15	Forfeiture of seniority and fined \$1,500 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	LAC	s.22	RAAF	DFM	1 x assaulting another person on Service land (DFDA s.33(a)) and 1 x prejudicial conduct (DFDA s.60)	G	8 Sep 15	35 days detention (7 days suspended) and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	WO2	s.22	Army	DFM	1 x altering a Service document (DFDA s.55(1)(c)), 1 x making a false entry in a Service document (DFDA s.55(1)(b)) and 1 x prejudicial conduct (DFDA s.60)		16 Sep 15	<i>Charges withdrawn prior to trial</i>
s.47F	TPR	s.22	Army	DFM	1 x assault (DFDA s.33(a))	NG	8 Oct 15	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	RAAF	DFM	2 x assault a superior officer (DFDA s.25) and 1 x attempt to commit an act of indecency without consent (ACT Crimes Act s.60)	G	20 Oct 15	Reduced to LAC and 60 days detention (30 days suspended) <i>Convictions upheld on review. Punishment of detention quashed and replaced with 60 days detention (wholly suspended)</i>
s.47F	PTE	s.22	Army	DFM	30 x obtaining a gain (CCC s.135.1)	G		45 days detention and reparation of \$1644.63 <i>Convictions and punishments upheld on review</i>
s.47F	PTE	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)		19 Nov 15	<i>Charges withdrawn prior to trial</i>
s.47F	PTE	s.22	Army	GCM	1 x aggravated robbery (CCC ACT s.310), 1 x conspiracy to commit aggravated robbery (CCC ACT s.310) and 1 x unauthorised possession of a prohibited firearm (Firearms Act s.42(a)(iii))		19 Nov 15	<i>Charges withdrawn at trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PTE	s.22	Army	GCM	1 x aid and abet aggravated robbery (CCC ACT s.310), 1 x conspiracy to commit aggravated robbery (CCC ACT s.310) and 1 x unauthorised possession of a prohibited firearm (Firearms Act s.42(a)(iii))		19 Nov 15	<i>Charges withdrawn at trial</i>
s.47F	AB	s.22	Navy	RCM	1 x forgery (CCC ACT s.346) and 1 x using false instrument (CCC ACT s.347)	G	25 Nov 15	Forfeiture of seniority and fined \$4553.26 <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	Army	DFM	4 x false statement in relation to application for a benefit (DFDA s.56)	G	1 Dec 15	Forfeiture of seniority and fined \$600 <i>Convictions and punishments upheld on review</i>
s.47F	LEUT	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	3 Dec 15	Severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	3 Dec 15	Severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	CPO	s.22	Navy	DFM	1 x using a carriage service to menace, harass or cause offence (CCC s.474) and 2 x failing to comply with a general order	NG	7 Dec 15	Forfeiture of seniority, fined \$1000 and a reprimand <i>DFDAT Appeal heard on 10 Feb 17. Appeal upheld on first charge and dismissed on other two.</i> <i>Convictions and punishments upheld on review of remaining charges</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	SIG	s.22	Army	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	8 Dec 15	30 days detention (15 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	1 x giving false evidence (DFDA s.52)	NG	10 Dec 15	<b>NG Finding</b>
s.47F	TPR	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	11 Dec 15	35 days detention (wholly suspended) and fined the sum of \$2,000 <i>Convictions and punishments upheld on review</i>
s.47F	CFN	s.22	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	15 Dec 15	Fined \$3,500 <i>Convictions and punishments upheld on review</i>
s.47F	CMDR	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	27 Jan 16	Forfeiture of seniority <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	PO	s.22	Navy	DFM	1 x assaulting a subordinate (DFDA s.34)	G	16 Feb 16	Forfeiture of seniority and fined \$1,000 <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x unauthorised modification of restricted data (CCC s.478.1)		22 Feb 16	<i>Charges withdrawn prior to trial</i>
s.47F	PTE	s.22	Army	DFM	1 x knowingly making a false statement (DFDA s.56(1)) and 11 x general dishonesty – obtaining a gain (CCC s.135.1(1))	G	25 Feb 16	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	AB	s.22	Navy	DFM	2 x signing false Service document	NG	1 Mar 16	NG Finding
s.47F	LS	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	4 Mar 16	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s.47F	PTE	s.22	Army	DFM	2 x obtaining a financial advantage by deception (CCC (ACT) s.332)	NG	17 Mar 16	NG Finding
s.47F	SGT	s.22	Army	RCM	2 x act of indecency without consent (ACT Crimes Act s.60(1))	NG	1 Apr 16	NG Finding
s.47F	PTE	s.22	Army	DFM	1 x engaging in insubordinate conduct (DFDA s.26)	NG	15 Apr 16	NG Finding
s.47F	CPL	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2(1))	NG	15 Apr 16	Reduced to LCPL and fined \$1,500 <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x intimate observations or capturing visual data etc (ACT Crimes Act s.61B(1))	NG	22 Apr 16	Reduced to AB <i>Convictions and punishments upheld on review</i>
s.47F	WO2	s.22	Army	DFM	1 x disobeying a lawful command (DFDA s.27)	NG	30 Apr 16	Fined \$1,500 (\$1,000 suspended) <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	AB	s.22	Navy	DFM	1 x assaulting another person in a public place (DFDA s.33(a)) and 1 x assaulting a superior officer (DFDA s.25)	G	3 May 16	28 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	LACW	s.22	RAAF	DFM	2 x unauthorised access to restricted data (CCC s.478.1)	NG	6 May 16	<i>Charges withdrawn at trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PTE	s.22	Army	DFM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	NG	13 May 16	28 days detention (wholly suspended) <i>Conviction and punishment upheld on automatic review and petition to RA</i> <i>DFDAT appeal heard on 1 Jun 17 – Appeal dismissed</i>
s.47F	CPL	s.22	Army	DFM	1 x creating a disturbance on Service land (DFDA s.33(b))	G	6 Jun 16	Fined \$1,000 <i>Convictions and punishments upheld on review</i>
s.47F	AB	s.22	Navy	DFM	30 x unauthorised access to restricted data (CCC s.478.1) and 30 x failure to comply with a lawful general order (DFDA s.29) and 1 x prejudicial conduct (DFDA s.60)	NG	7 Jun 16	<b>NG Finding</b>
s.47F	WO2	s.22	Army	RCM	9 x unauthorised access to restricted data (CCC s.478.1) and 2 x prejudicial conduct (DFDA s.60)	NG	22 Jun 16	Severe reprimand, reprimand and conditional conviction without punishment
s.47F	WGCDR	s.22	RAAF	DFM	5 x general dishonesty – obtaining a gain (CCC s.135.2(2))	NG	23 Jun 16	<b>NG Finding</b>
s.47F	LEUT	s.22	Navy	DFM	1 x absent without leave (DFDA s.24) and 1 x prejudicial conduct (DFDA s.60)	G	29 Jun 16	Reduced to SBLT <i>Convictions and punishments upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	G	5 Jul 16	Forfeiture of seniority and fined \$2,000 (\$1,000 suspended) <i>Convictions and punishments upheld on review</i>



Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	LCDR	s.22	Navy	DFM	30 x obtaining a financial advantage (CCC s.135.2)	G	18 Jul 16	Dismissed from the Defence Force and severely reprimanded <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	LS	s.22	Navy	DFM	1 x failure to comply with lawful general order (DFDA s.29)	NG	22 Jul 16	<b>NG Finding</b>
s.47F	AB	s.22	Navy	DFM	7 x obtaining a financial advantage (CCC s.135.2)	G	1 Aug 16	Dismissed from the Defence Force and ordered to pay reparation of \$7,138.10 <i>Convictions and punishments upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2), 1 x obtaining a financial advantage by deception (CCC s.134.2) and 1 x making false entry in Service document	G	9 Aug 16	70 days detention <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	CPL	s.22	Army	DFM	1 x obtaining a financial advantage (CCC 135.2)	NG	10 Aug 16	<b>NG Finding</b>
s.47F	AC	s.22	RAAF	DFM	9 x unauthorised use of Commonwealth credit card (DFDA s.47Q) and 1 x attempted unauthorised use of Commonwealth credit card (DFDA s.47Q and CCC s.11.1)	G	15 Aug 16	30 days detention and ordered to pay reparation of \$2,175.69 <i>Convictions and punishments upheld on review</i>
s.47F	FLGOFF	s.22	RAAF	DFM	1 x prejudicial conduct (DFDA s.60)	NG	20 Aug 16	Fined \$600 (\$500 suspended) <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	CPL	s.22	Army	DFM	1 x assaulting another person (DFDA s.33(a))	G	23 Aug 16	Forfeiture of seniority and fined \$2,500 <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x prejudicial conduct (DFDA s.60)	NG	16 Sep 16	Reduced to private and fined \$1,200 (fully suspended) <i>DFDAT appeal heard on 28 Apr 17 – Appeal upheld</i>
s.47F	PTE	s.22	Army	DFM	1 x signing a false Service document (DFDA s.55(1)(a))	G	20 Sep 16	28 days detention wholly suspended <i>Punishment quashed on automatic review and replaced with a sentence of a severe reprimand</i>
s.47F	SGT	s.22	Army	DFM	3 x general dishonesty – obtaining a gain (CCC s.135.1) and 2 x general dishonesty – attempting to obtaining a gain (CCC 135.1 and 11.1)	G	21 Sep 16	Fined \$2,000 and severely reprimanded <i>Convictions and punishments upheld on review</i>
s.47F	CAPT	s.22	Army	DFM	1 x prejudicial conduct (DFDA s.60)	G	29 Sep 16	Fined \$3,000 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 1 x obtaining a financial advantage by deception (CCC s.134.2)	G	10 Oct 16	Reduced to CPL and severely reprimanded. Ordered to pay reparation of \$6,474.51. <i>Convictions and punishments upheld on review</i>
s.47F	LAC	s.22	RAAF	DFM	1 x assaulting a superior officer (DFDA s.25) and 1 x prejudicial conduct (DFDA s.60)	G	11 Oct 16	Fined \$1,400 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	SGT	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assault a subordinate (DFDA s.34)	G	25 Oct 16	Reduced to CPL and fined \$5,000 <i>Conviction and punishment upheld on automatic review and petition to RA</i>
s.47F	LAC	s.22	RAAF	DFM	5 x prejudicial conduct (DFDA s.60)	G	22 Nov 16	Fined \$1,000 and 21 days detention (wholly suspended). Ordered to pay reparation of \$330. <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	3 x prejudicial conduct (DFDA s.60) and 1 x assaulting a subordinate (DFDA s.34)	NG	24 Nov 16	Dismissed from the Defence Force and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	RCM	5 x assaulting another person on Service land (DFDA s.33(a) and 1 x prejudicial conduct (DFDA s.60)	NG	25 Nov 16	<i>Charges withdrawn at trial</i>
s.47F	FLTLT	s.22	RAAF	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	29 Nov 16	Fined \$1,700 (\$1,200 suspended) <i>Convictions and punishments upheld on review</i>
s.47F	MAJ	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assault (DFDA s.33(a))	NG	30 Nov 16	Dismissed from the Defence Force and fined \$500. <i>Convictions and punishments upheld on review</i>
s.47F	WO1	s.22	Army	DFM	1 x obtaining a financial advantage (CCC s.135.2) and 2 x false statement in relation to an application for a benefit (DFDA s.56(4))	NG	1 Dec 16	Reduced to WO2, forfeiture of seniority and fined \$6,700. Ordered to pay reparation of \$2,136.19 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	PTE	s.22	Army	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	NG	2 Dec 16	<i>Charges withdrawn prior to trial</i>
s.47F	CPL	s.22	RAAF	DFM	2 x assaulting a superior officer (DFDA s.25), 1 x act of indecency without consent (ACT Crimes Act s.60) and 1 x assaulting a subordinate (DFDA s.25)	NG	15 Dec 16	Reduced to LAC and 45 days detention (wholly suspended) <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x assaulting a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)	NG	16 Dec 16	Fined \$1,700 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	WO1	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act 2.60) and 1 x prejudicial conduct (DFDA s.60)	NG	17 Dec 16	Reduced to WO2 and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	Army	DFM	1 x failing to comply with a general order (DFDA s.29)		23 Jan 17	<i>Charges withdrawn prior to trial</i>
s.47F	PTE	s.22	Army	DFM	1 x assault (DFDA s.33(a)) and 1 x assault occasioning actual bodily harm (DFDA s.33A))	G	2 Feb 17	42 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	WO	s.22	Navy	DFM	1 x assault (DFDA s.33(a) and 1 x prejudicial conduct (DFDA s.60)	NG	9 Feb 17	Fined \$2,000 (\$1,000 suspended) and a severe reprimand <i>Convictions and punishments upheld on review</i>
s.47F	AB	s.22	Navy	RCM	1 x dangerous driving of a vehicle while on Service land (DFDA s.40A(2))	G	14 Feb 17	Forfeiture of seniority and ordered to pay reparation of \$6,446.55 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	SGT	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60(1))	G	14 Feb 17	Reduced to CPL <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	2 x failing to comply with a general order (DFDA s.29) and 4 x assaulting another person in a Service ship (DFDA s.33(a))	G	22 Feb 17	Reduced to AB and 28 days detention (wholly suspended) <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	Army	DFM	4 x assault on superior (DFDA s.25) and 1 x act of indecency without consent (ACT Crimes Act s.60(1))	G	6 Mar 17	Fined \$3,500 (\$2,800 suspended) and reduced to CPL <i>Convictions and punishments upheld on review</i>
s.47F	LTCOL	s.22	Army	DFM	8 x AWOL (DFDA s.24) and 2 x prejudicial conduct (DFDA s.60)	G	17 Mar 17	Dismissed from the Defence Force <i>Convictions and punishments upheld on review</i>
s.47F	LTCOL	s.22	Army	DFM	4 x obtaining a financial advantage (CCC s.135.2(1))	NG	23 Mar 17	Dismissed from the Defence Force and 60 days civil imprisonment. Ordered to pay reparation of \$27,170. <i>DFDAT appeal heard on 17 Mar 17 – awaiting judgement</i>
s.47F	WO	s.22	Navy	DFM	5 x act of indecency without consent (ACT Crimes Act s.60(1))		4 Apr 17	<i>Charges withdrawn prior to trial</i>
s.47F	SGT	s.22	Army	RCM	4 x signing a false Service document (DFDA s.55(1)(a)) and 2 x ordering the commission of a Service offence (DFDA s.62)	NG	8 Apr 17	Fined \$4,000, severe reprimand and forfeiture of seniority <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	2 x prejudicial conduct (DFDA s.60)		13 Apr 17	<i>Charges withdrawn prior to trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	AB	s.22	Navy	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	G	19 Apr 17	49 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	1 x failure to comply with a lawful general order (DFDA s.29)	G	11 May 17	Reduced to Private <i>Convictions and punishments upheld on review</i>
s.47F	FLTLT	s.22	RAAF	DFM	1 x obtaining a financial advantage (CCC s.135.2)	NG	18 May 17	Fined \$2,900 (\$1,450 suspended) <i>Appealed to DFDAT on 17 Jul 17 – Hearing date is 15 Dec 17</i>
s.47F	LAC	s.22	RAAF	DFM	10 x failing to comply with a general order (DFDA s.29)	G	26 May 17	Forfeiture of seniority <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	Army	DFM	1 x destroying evidence (Crimes Act s.39) and 2 x obtaining a gain (CCC s.135.1)	G	27 Jun 17	Reduced to Private <i>Convictions and punishments upheld on review</i>
s.47F	PTE	s.22	Army	DFM	2 x falsifying a Service document (DFDA s.55(1)(c))	G	10 Jul 17	28 days detention <i>Convictions and punishments upheld on review</i>
s.47F	AB	s.22	Navy	GCM	1 x assault occasioning actual bodily harm (ACT Crimes Act s.24)	G	11 Jul 17	Conviction without punishment <i>Convictions and punishments upheld on review</i>
s.47F	CPL	s.22	RAAF	DFM	4 x prejudicial conduct (DFDA s.60) and 1 x assaulting a subordinate (DFDA s.34)		14 Jul 17	<i>Charges withdrawn prior to trial</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	LAC	s.22	RAAF	DFM	1 x assault occasioning actual bodily harm (DFDA s.33A)	NG	28 Jul 17	45 days detention (15 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	13 x unauthorised use of Commonwealth credit card (DFDA s.47Q), 10 x falsifying a Service document (DFDA s.55(1)) and 1 x attempting to obtain a gain (CCC s.135.1)	G	8 Aug 17	Reduced to AB and dismissed from the Defence Force. Ordered to pay reparation in the amount of \$4,840. <i>Convictions and punishments upheld on review</i>
s.47F	SQNLDR	s.22	RAAF	DFM	1 x AWOL (3 days and 42 mins) (DFDA s.24)	G	1 Sep 17	Forfeiture of seniority and fined \$5,000. <i>Convictions and punishments upheld on review</i>
s.47F	PTE	s.22	Army	DFM	1 x assault in a public place (DFDA s.33(a))	G	13 Sep 17	49 days detention (14 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	SGT	s.22	Army	DFM	1 x assaulting a subordinate (DFDA s.34) and 1 x prejudicial conduct (DFDA s.60)	NG	18 Sep 17	<i>Charges withdrawn prior to trial</i>
s.47F	FLTLT	s.22	RAAF	DFM	1 x AWOL (105 days) (DFDA s.24)	NG	21 Sep 17	Dismissal from the Defence Force and imprisonment for 4 months with a non-parole period of 2 months <i>Convictions and punishments upheld on review</i>
s.47F	LS	s.22	Navy	DFM	1 x assault in a public place (DFDA s.33(a))	G	26 Sep 17	Severe reprimand and fined \$500 <i>Convictions and punishments upheld on review</i>

Accused	Rank	PMKeys No	Service	Type of Trial	Charges	Plea	Date Finalised	Findings/Punishment
s.47F	LCPL	s.22	Army	DFM	6 x prejudicial conduct (DFDA s.60)	G	4 Oct 17	Reduced to PTE and 84 days detention (42 days suspended) <i>Convictions and punishments upheld on review</i>
s.47F	MAJ	s.22	Army	DFM	1 x act of indecency without consent (ACT Crimes Act s.60)	NG	13 Oct 17	<i>Charges withdrawn prior to trial</i>
s.47F	SMN	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	18 Oct 17	<i>Charges withdrawn prior to trial</i>
s.47F	SMN	s.22	Navy	DFM	1 x prejudicial conduct (DFDA s.60)	NG	18 Oct 17	<i>Charges withdrawn prior to trial</i>
s.47F	SGT	s.22	Army	DFM	2 x prejudicial conduct (DFDA s.60)	NG	25 Oct 17	NG Finding
s.47F	LS	s.22	Navy	GCM	1 x sexual intercourse without consent (ACT Crimes Act s.54)	NG	25 Oct 17	NG Finding
s.47F	FLTLT	s.22	RAAF	DFM	1 x prejudicial conduct (DFDA s.60) and 1 x customs offence (Customs Act s.234(1)(a))	G	6 Nov 17	Forfeiture of seniority and fined \$1,200
s.47F	PO	s.22	Navy	RCM	1 x inaccurate certification in relation to ship (DFDA s.42), 1 x commanding or ordering a Service offence to be committed (DFDA s.62) and 1 x prejudicial conduct (DFDA s.60)	NG	6 Nov 17	<i>Charges withdrawn prior to trial</i>
s.47F	MAJ	s.22	Army	DFM	5 x falsifying Service document (DFDA s.55(1)(b))	NG	16 Nov 17	<i>Charges withdrawn prior to trial</i>



## NOVEMBER TRIAL RESULTS

### OFFICER

Defence Force Magistrate

**1 x Prejudicial Conduct –**

**DFDA s 60(1)**

**1 x Customs offence –**

**DFDA s 61(3) and Customs  
Act 1901 s 234(1)(d)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by involving a subordinate in the transport of equipment on board an aircraft into Australia with the intent of avoiding having to pay Goods and Services Tax. Member was also accused of intentionally making a false statement to an officer. Member pleaded guilty to the charges and was found guilty of the charges. Member forfeited seniority in rank and was fined \$1200.

### OTHER RANK

Defence Force Magistrate

**2 x Prejudicial Conduct –**

**DFDA s 60(1)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by using a mobile telephone to show other members a nude photograph of another member.

Member was also accused of sending a nude photograph of another member via a social media application to another member. Member pleaded guilty to the charges and was found guilty of the charges. Member was reprimanded and fined the sum of \$1000 (to be paid in instalments).

### OTHER RANK

Defence Force Magistrate

**1 x Prejudicial Conduct –**

**DFDA s 60(1)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by uploading a nude photograph of another member on social media, without the consent of the member. Member pleaded guilty to the charge and was found guilty of the charge. Member was reprimanded and fined the sum of \$1000.

All Court Martial and Defence Force Magistrate trial results are subject to command-review and appeal. The results are of trials across the ADF.

Celebrating 60 years



Volume 61, No. 1, February 8, 2018

# NAVY NEWS

## November trial results

FOI 299/17/18

### OFFICER

Defence Force Magistrate

**1 x Prejudicial Conduct –**

**DFDA s 60(1)**

**1 x Customs offence –**

**DFDA s 61(3) and Customs  
Act 1901 s 234(1)(d)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by involving a subordinate in the transport of equipment on board an aircraft into Australia with the intent of avoiding having to pay Goods and Services Tax. Member was also accused of intentionally making a false statement to an officer. Member pleaded guilty to the charges and was found guilty of the charges. Member forfeited seniority in rank and was fined \$1200.

### OTHER RANK

Defence Force Magistrate

**2 x Prejudicial Conduct –**

**DFDA s 60(1)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by using a mobile telephone to show other members a nude photograph of another member.

Member was also accused of sending a nude photograph of another member via a social media application to another member.

Member pleaded guilty to the charges and was found guilty of the charges. Member was reprimanded and fined the sum of \$1000 (to be paid in instalments).

### OTHER RANK

Defence Force Magistrate

**1 x Prejudicial Conduct –**

**DFDA s 60(1)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by uploading a nude photograph of another member on social media, without the consent of the member.

Member pleaded guilty to the charge and was found guilty of the charge.

Member was reprimanded and fined the sum of \$1000.

All Court Martial and Defence Force Magistrate trial results are subject to command-review and appeal. The results are of trials across the ADF.



# Army



## OCTOBER TRIAL RESULTS

### NON-COMMISSIONED OFFICER

Defence Force Magistrate

**6 x Prejudicial Conduct –  
DFDA s 60(1)**

Member was accused of doing an act that was likely to prejudice the discipline of the Defence Force by pointing his weapon at a number of superior and subordinate members.

Member pleaded guilty to the charges and was found guilty of the charges. Member was reduced in rank and sentenced to 84 days' detention (42 days suspended).

All Court Martial and Defence Force Magistrate trial results are subject to command-review and appeal. The results are of trials across the ADF.

# AIR FORCE

