



JUDGE ADVOCATE GENERAL

**DEFENCE FORCE
DISCIPLINE ACT 1982**

*Report for the period
1 January to 31 December 2021*

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**HEADQUARTERS AUSTRALIAN DEFENCE FORCE
DEFENCE
CANBERRA ACT 2600**

JUDGE ADVOCATE GENERAL

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

Dear Deputy Prime Minister

I submit herewith my report covering the period from 1 January to 31 December 2021. The report is furnished pursuant to the requirements of section 196A(1) of the *Defence Force Discipline Act 1982*.

Yours faithfully

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

11 August 2022

Enc.

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**JUDGE ADVOCATE GENERAL
AUSTRALIAN DEFENCE FORCE**

REPORT FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2021

PREAMBLE

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

2. The report is to consider the operation of the DFDA, the regulations and rules of procedure made under it and the operation of any other law of the Commonwealth or of the Australian Capital Territory (ACT), in so far as that law relates to the discipline of the Australian Defence Force (ADF). This Report is for the 12 month period to 31 December 2021.

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

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

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

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

- a. reporting annually to Parliament on:
 - (i) the operation of the DFDA, the regulations, the rules of procedure; and
 - (ii) the operation of any other law of the Commonwealth or of the ACT insofar as that law relates to the discipline of the Defence Force.³
- b. making procedural rules for service tribunals, being:
 - (i) Court Martial and Defence Force Magistrate Rules; and
 - (ii) Summary Authority Rules (SAR).

¹ DFDA, s 188.

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

³ DFDA, s 196A.

- c. appointing the Chief Judge Advocate (CJA) and Deputy Chief Judge Advocate (DCJA);⁴
- d. nominating the judge advocate (JA) for a court martial⁵ and Defence Force magistrates (DFMs);⁶
- e. nominating to the Chief of the Defence Force (CDF) or to a service chief, legal officers to be members of the panel of JAs;⁷
- f. appointing DFMs from officers appointed as members of the panel of JAs;⁸
- g. nominating to the CDF legal officers for the purposes of DFDA, s 154(1)(a); and
- h. if requested, providing a final and binding legal report in connection with the internal review of proceedings before service tribunals.

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

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

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

10. The JAG also plays significant roles in promoting the jurisprudential welfare of the ADF and in promoting wider understanding of the operation of the ADF discipline system.

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

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

⁴ DFDA, ss 188A and 188EC.

⁵ DFDA, s 129B.

⁶ DFDA, s 129C.

⁷ DFDA, s 196.

⁸ DFDA, s 127.

REAR ADMIRAL THE HON JUSTICE M J SLATTERY AM, AM (Mil) RAN

13. I wish to acknowledge the outstanding work of my predecessor Rear Admiral Michael John Slattery as JAG. He was appointed JAG on 14 May 2015 having held the position in an acting role from 30 July 2014. Rear Admiral Slattery throughout his tenure as JAG, demonstrated an unwavering commitment to the role and outstanding leadership. He, with OJAG, introduced numerous reforms and initiatives achieving both efficiencies in timeliness and trial procedures but also ensuring the discipline system maintained appropriate standards of fairness to members. In taking over the position of JAG, I have benefited not only from this work but his wise counsel.

SIGNIFICANT APPOINTMENTS

14. I have detailed the terms of my own appointment. During the reporting period the Directorate of Senior Officer Management (DSOM) initiated a selection process for the appointment by the Governor-General of my successor as DJAG-Navy. At the conclusion of the process, upon promotion to Commodore, Captain James Renwick CSC, SC, RAN was appointed to that position. Commodore Renwick brings to the position a valuable breadth of legal experience. Amongst other appointments, he has previously served as Independent National Security Legislation Monitor.

Deputy Judge Advocates General

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

- a. Commodore James Renwick, CSC, SC, RAN
- b. Brigadier His Honour Judge Paul Smith, and
- c. Air Commodore His Honour Judge Gordon Bruce Lerve.

16. I formally record my gratitude to all the DJAGs for their support and counsel as I took over the role of JAG during the reporting period. They all have decades of experience in the ADF discipline system. As well as writing regular reports under DFDA ss 154(3) and 155(3), their current experience in civilian criminal courts is an invaluable resource for OJAG in shaping its rules and procedures. I thank them for their service to the ADF, much of which is voluntary and is given in addition to their other demanding professional duties as judges or counsel.

Chief Judge Advocate

17. Brigadier Michael Cowen, QC continues to hold the position of CJA, to which he was appointed in September 2017.⁹ His varied, rich legal and military background has previously been described.¹⁰ His lengthy experience as a civilian criminal lawyer has informed his initiatives that have tightened standards within the ADF superior discipline system and introduced the best criminal justice trial management practices from other Australian jurisdictions. Under his efficient management and that of Group Captain

⁹ Appointments to the office of CJA are made under DFDA s 188A.

¹⁰ 2017 JAG Report, paragraph 14.

Scott Geeves, Deputy Chief Judge Advocate a high standard of trial efficiency has been achieved together with improved standards of practice from legal practitioners.

18. In addition to CJA's duties conducting trial work within the superior discipline system, the DFDA charges CJA with providing 'administrative assistance' to the JAG.¹¹ These words in the statute seriously understate the wide range of JAG functions in which I consult the CJA and rely upon his good judgment and counsel. His support to me in my first months as JAG has been invaluable.

Reserve Judge Advocates

19. There were four reserve JA/DFMs in 2021. They were:

- a. Group Captain John Devereux
- b. Colonel Jens Streit
- c. Commander Greg Sirtes, SC, and
- d. Wing Commander Sophie Callan, SC.

20. In August 2021, I nominated Group Captain Devereux and Colonel Streit for appointment to the judge advocate's panel for a period of 12 months. The CDF subsequently signed the necessary instruments of appointment. Both legal practitioners were appointed to ensure the superior tribunal system continued to function in a safe and timely manner while managing travel restrictions imposed by the COVID-19 pandemic. I informed the CDF that I would only appoint one of these two officers as a DFM on an ad hoc and as required basis when restrictions impeded the two permanent Judge Advocates from travelling to Queensland and the Northern Territory. Group Captain Devereux and Colonel Streit's readiness to take on this additional role at short notice continues to assist OJAG in maintaining its capability to conduct trials throughout Australia during the pandemic.

21. Wing Commander Joana Fuller also remained on the JA panel but her appointment as a District Court Judge in Adelaide in 2019 has effectively meant she could not be engaged in reserve JA/DFM work in the reporting period. She remains on the 154 panel however.

Registrar of Military Justice

22. Group Captain Ian Henderson continued to fulfil the role of Registrar of Military Justice (RMJ) during the reporting period up until 30 June 2021. From time to time during the reporting period the Deputy RMJ, Lieutenant Colonel Caroline Coombs acted in the role in RMJ's absence.

23. He retired as RMJ on 30 June 2021 before his otherwise scheduled retirement date of 31 December 2022, upon taking up his appointment as Director of Military Prosecutions (DMP) on 1 July 2021 on promotion to Air Commodore.

24. In the 2020 report my predecessor acknowledged Air Commodore Henderson's significant contribution as RMJ and I support those remarks. He made a marked improvement to the efficiency and timeliness of ADF superior service tribunal proceedings during his term as RMJ.

¹¹ DFDA s 188B(1).

25. Group Captain April Rose was appointed as RMJ on 30 Oct 2021. Group Captain Rose brings a great deal of service knowledge to this role and is a highly respected legal officer. I was delighted to see her appointment following a competitive process in 2021.

26. I have referred to the role of CJA, DCJA and RMJ but it is this year appropriate to acknowledge the invaluable work of the Deputy RMJ Lieutenant Colonel Caroline Coombs and our support staff Jenny Cameron Senior Trial Administrator, and Trial Administrators Jo Mazlin (who was awarded an Australia Day medallion for her work supporting trials during COVID-19 in 2021), Iryna Law and Lynise Reid with Osman Boubakari, Business Manager.

Expiration of statutory appointments

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

- a. JAG, Rear Admiral Rush, expiry date 29 July 2026;
- b. DJAG-Navy, Commodore Renwick, expiry date 29 July 2026;
- c. DJAG-Army, Brigadier Smith, expiry date 9 March 2024;
- d. DJAG-Air Force, Air Commodore Lerve, expiry date 17 May 2022;
- e. CJA, Brigadier Cowen, expiry date 21 September 2022;
- f. DCJA, Group Captain Geeves, expiry date 29 March 2025; and
- g. RMJ, Group Captain Rose, expiry date 30 Oct 2026.

Section 154 reporting officers

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

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

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

- a. Air Commodore Michael Burnett, AM;
- b. Captain James Renwick, CSC, SC, RAN;
- c. Group Captain James Gibson;
- d. Group Captain Gregory Lynham;
- e. Commander Nanette Williams, RAN;
- f. Wing Commander Joana Fuller;

- g. Wing Commander Glenn Theakston;
- h. Lieutenant Commander Catherine Traill, RAN;
- i. Major Michael Antrum;
- j. Major Emma Shaw; and
- k. Squadron Leader James Lawton.

31. I thank each of these s 154 officers for their service to the ADF, which is given in addition to their other busy civilian professional duties as judges, magistrates, or senior legal practitioners.

Related appointments

32. Mr Adrian D'Amico continued in his role as Chief Counsel in 2021. During the reporting period, I have held initial consultations with Mr D'Amico about the development of the ADF discipline system and in promoting both legislative and managerial improvements.

33. Air Commodore Patrick Keane AM, CSC continued in the role of DGMLS throughout the reporting period and I acknowledge his outstanding contribution to the restructure of the organisation.

34. The DMP is appointed under DFDA, s 188GF. Brigadier Jennifer Woodward, CSC continued to serve as DMP during the reporting period, her appointment having been extended until July 2021 when Air Commodore Henderson took over the role. The DMP reports separately as required by DFDA s 196B.

35. The Director of Defence Counsel Services (DDCS) is appointed under the Defence Act 1903, s 110ZA. During the reporting period, Group Captain Ed Eather continued to serve in the position until he was replaced by Colonel Damien Copeland.

36. The OJAG, which is based in Canberra is well served by its hard-working civilian personnel, who undertake the considerable burden of the office administrative workload. I thank them all for their dedication to the execution of the important work of OJAG.

37. The position of staff officer to the JAG and CJA was filled during the reporting period by Squadron Leader Sarelle Woodward. I wish to acknowledge her most able discharge of her duties in this role. Her readiness to assist on all manner of matters was of enormous assistance as I took over the role of JAG. Squadron Leader Woodward has been replaced by Flight Lieutenant Jarrad Salmon who has started commendably in this role.

MILITARY JUSTICE ENTITIES

Military Justice Steering Group

38. The Military Justice Steering Group (MJSG) chaired by the Head of People Capability (HPC) continues excellent work in all matters pertaining to the Discipline System. I acknowledge the outstanding work of Major General Natasha Fox in chairing the MJSG. In the reporting period the MJSG undertook a review of all outstanding recommendations in previous JAG reports 2015-2020. I am pleased to note the recommendations requiring further attention have been placed in the 2022 forward work plan of the MJSG. These include; management of mental health concerns, judge advocate involvement in sentencing, dismissal of a judge advocate, five year term appointment for a s 154 reporting officer, termination of appointment as Deputy Judge Advocates General for District or County Court Judges, Court Martial President discretionary powers under the DFDA ss 140,148 and 148A-D, pre-trial arraignment before a judge advocate, pre-trial submissions by prosecution, and enabling absence of accused from procedural hearings.

39. I acknowledge a great deal of work is currently underway with many of these matters, and most will require legislative amendment.

40. Also of note, is the recommendation that when setting its work-plan for approval the MJSG should automatically consider the most recent JAG report to ensure that the JAG's recommendations for legislative reform are regularly addressed. I am pleased to note this has now been adopted into the MJSG business rules. This ensures attention is given to the JAG's recommendations in a timely manner.

Military Justice System Assurance Working Group

41. HPC signed terms of reference for a Military Justice System Assurance Working Group (MJSAWG) in May 2021. The working group has been formed to identify data points to capture and present military justice data that is comprehensive, at a whole of ADF level, high quality, targeted and authoritative. The military justice system includes; service investigations, the discipline officer scheme, summary discipline and the superior tribunal. The working group will report to the MJSG to enable assessment of whether the Military Justice System is functioning as intended, and enable analysis of potential remedial action for identified systemic issues.

42. I am pleased a member of the OJAG will continue to have involvement with the work of the MJSG so I will have understanding of the fairness and effectiveness of the summary system in order to sensibly report under s 196A DFDA to Parliament.

Summary discipline system

43. The impact of changes to the summary discipline system brought about by the revised *Summary Authority Rules 2020*, and the changes to the DFDA brought about by the [*Defence Legislation Amendment \(Discipline Reform\) Act 2021 \(No. 133, 2021\)*](#) remain to be seen. The work of the MJSAWG will be crucial in enabling the MJSG to have a greater understanding of the effectiveness of the discipline system by the provision of accurate data. This in turn will enable me to consider whether recommendations will be appropriate for such matters as the simplification of the summary election regime. Access to reliable data is essential to such understanding.

44. Changes to the discipline officer scheme take effect in December 2022. As my predecessor identified in his 2020 report, it will be vital for the sake of fairness that the changes are implemented in a way that a member is able to make a fully informed choice to opt in to the discipline officer scheme in accepting an infringement. This is the case since records will now be kept beyond 12 months and may be used by Command for a variety of reasons including career advancement. It will be essential that a member is informed of the potential effects of opting in to the discipline officer scheme since the new scheme is a significant departure from the old one. One of the safeguards to fairness is to ensure a member is able to make a fully informed choice by provision of clear information concerning the retention and use of records.

POLICY AND PUBLICATIONS

OJAG Bench Book and Practice Notes

45. The Bench Book, available to all members of the ADF via the JAG website link continued to be revised and updated. This remains an invaluable resource available to those who practice not only in the superior discipline system, but also to legal staff and members who are engaged in the summary discipline system. The practice notes are also published via the JAG website and aim to inform practitioners of systems and processes within the superior discipline system. They too have undergone review and redrafting in the reporting period. The practice note concerning the response to the COVID-19 pandemic was updated in the report period to reflect the changing circumstances of the pandemic.

Publication of superior service tribunal proceedings - duration

46. Consistent with earlier strategic communications regarding publication of superior service tribunal proceedings, matters will now be published for two years following the date of publication of the automatic review outcome. In my view, this not only adequately satisfies the principle of general deterrence but continues to play an important role in the facilitation of an open and transparent system of justice.

47. As soon as reasonably practicable after the expiration of two years, the RMJ will cause all of the details pertaining to the matter to be archived and removed from the publicly available list. Any request for details of matters so archived will be made through the RMJ who will deal with the request or refer the request to the appropriate authority.

48. In December 2021, Practice Note 1 *'Publication of Court Martial and Defence Force Magistrate Lists and Outcomes'* was amended to reflect the revised arrangements.

JAG Quarterly Bulletin

49. For many years there has been uncertainty as to the propriety of provision of s 154 DFDA reports to the legal workforce for their education. Such reports are available on the Defence Legal portal, up to 2009.

50. Late in the reporting period it was decided that OJAG will commence an initiative of production of a quarterly bulletin of anonymised s 154(1) and 154(3) DFDA JAG reports. The bulletin may also traverse applicable criminal appeal court authorities from the relevant quarter, and will be drafted by a DJAG rotating the task on an annual basis.

51. Commodore James Renwick as DJAG(N) commenced the process in early 2022 with a view to publishing the inaugural bulletin mid-2022.

DISCIPLINE LAW TRAINING

Discipline law training for ADF personnel

52. The following paragraphs outline the discipline law training provided in the ADF in the reporting period.

Single service

53. Primary delivery points for military justice in the services are on initial appointment, subsequent promotion courses, and trade-specific training (for example, for service police and Coxswains). The broad breakdown of delivery is:

- a. Navy – military justice training occurs on recruit/initial officer courses and on promotion courses for both non-commissioned officers and officers;
- b. Army – military justice training occurs on recruit/initial officer courses and on promotion courses for both non-commissioned officers and officer; and
- c. Air Force – military justice training occurs on recruit/initial officer courses, Professional Military Education and Training courses for both non-commissioned officers and officers, and as stand-alone training (for example, prosecuting/defending officer courses).

Australian Defence Force Academy

54. Military justice familiarisation training occurs at the commencement of a trainee officer's attendance at the Australian Defence Force Academy. More detailed training occurs in Years 1, 2 and 3.

Pre-command training

55. Prior to assuming command, each of the services requires officers to complete single service pre-command courses. Each pre-command course has a military justice component.

56. In 2021, the military justice training on pre-command courses was as follows:

- a. Navy – two courses instructed, with a total of 80 students comprising officers appointed to Commanding Officer or Executive Officer positions (Major Fleet Units, Minor War Vessels and shore appointments);
- b. Army – one course instructed, with a total of 67 students comprising officers appointed to command units, formations, training institutions or independent sub-units; and
- c. Air Force – three courses instructed, with a total of 40 students comprising officers appointed to command, Executive Officer, Detachment Commander, Chief instructor and Executive Warrant Officer positions.

Training for ADF legal officers

57. ADF legal officers receive specialist professional training in discipline law through attendance at three primary stages of their career.

58. Legal Training Module 1 (LTM1). LTM1 is an initial employment course undertaken at the beginning of an ADF legal officer's career. It aims to provide junior ADF legal officers with the necessary knowledge, skills and abilities they require to undertake their role, functions and responsibilities on first appointment. In 2021, one course was held using the online format developed by the Military Law Centre (MLC) in 2020. Over two weeks in March 2021, 22 students and one observer participated in the course.

59. Legal Training Module 2 (LTM2). Post initial employment training for ADF legal officers is undertaken through a number of academic subjects. The core subjects include units on military discipline, military administrative law, operational law and military legal practice. 20 students undertook the LTM2 Discipline Law course with a further 22 students undertaking an online version of the LTM2 Military Legal Practice course.

60. Legal Training Module 3 (LTM3). This is a Masters level course undertaken by ADF legal officers, which is normally conducted within four years post LTM2. LTM3 consists of three core subjects (Advanced Military Discipline Law, Advanced Military Administrative Law and Advanced Military Operations Law). It is conducted biennially, and permanent legal officers without an existing Master of Laws degree must complete a further four electives from an approved list. During 2021, 30 students completed the Advanced Military Operations Law unit and a further 48 students completed LTM3 elective subjects delivered online.

CONCLUSION

61. During 2021 the ADF superior tribunal discipline system successfully continued to manage the unpredictable disruptions of the COVID-19 pandemic whilst maintaining its trial schedules. This successful response would not have occurred without the dedication and commitment in meeting these challenges from everyone in OJAG. Greater use was made of video link facilities and two reservist JA/DFMs were appointed by the CDF to overcome border closures. The changes to the summary discipline system brought about by the changes to the DFDA in 2021 and the revised Summary Authority Rules 2020 remain to be seen.

62. I do not consider the recommendations concerning changes to the DFDA referred to in this and previous reports are urgent in the sense of needing to be immediately addressed, and I acknowledge they are under consideration by the MJSG. Nevertheless each recommendation needs to be considered in a timely manner to ensure the DFDA and the military discipline system generally continues to operate in a fair and efficient way. Courts martial and DFMs apply the rules of evidence in force in the Jervis Bay Territory as if the Tribunal was a court exercising criminal jurisdiction in or in relation to that Territory, and the trial was a criminal proceeding in such a court.

63. For charges of a sexual nature, most of the special measures which apply in relation to complainants and witnesses giving evidence in the Supreme Court of the ACT apply in trials before courts martial or D. This includes giving evidence remotely or with a support person present, and closure of the court during the evidence of a complainant. I am satisfied the military discipline system continues to be fair, efficient and operated consistently with contemporary civilian criminal court procedure practice and standards. The laws of evidence as they apply in the Australian Capital Territory in conjunction with the DFDA remain fit for purpose for the maintenance of good order and discipline.

COMPLIANCE INDEX OF REQUIRED INFORMATION
FOR STATUTORY AUTHORITIES

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

Enabling Legislation	<i>Defence Force Discipline Act 1982</i>
Responsible Minister	Minister for Defence
Powers, functions and objectives	Paragraphs 3–8
Membership and staff	Paragraphs 3, 12–29
Information Officer	Flight Lieutenant Jarrad Salmon Staff Officer to the Judge Advocate General and Chief Judge Advocate Defence F-TS-OJAG (PO Box 7906) CANBERRA BC ACT 2610 Telephone: 02 5109 0239
Financial Statement	Paragraph 11
Activities and Reports	Paragraphs 102–114
Operational Problems	Paragraphs 76–101
Subsidiaries	Not applicable

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FORMER JUDGE ADVOCATES GENERAL

1. Former holders of the office of JAG have been:
 - a. 1985–1987 the late Major General the Honourable Justice R Mohr, RFD, ED (of the Supreme Court of South Australia).
 - b. 1987–1992 Air Vice Marshal the Honourable Justice AB Nicholson, AO, RFD (Chief Justice of the Family Court of Australia) — appointed in February 1988 but had been acting since Major General Mohr's retirement on 30 July 1987.
 - c. 1992–1996 Rear Admiral the Honourable Justice ARO Rowlands, AO, RFD, RAN (of the Family Court of Australia).
 - d. 1996–2001 Major General the Honourable Justice KP Duggan, AM, RFD (of the Supreme Court of South Australia).
 - e. 2001–2007 Major General the Honourable Justice LW Roberts-Smith, RFD (of the Supreme Court of Western Australia) — appointed in June 2002 but had been acting since Major General Duggan's retirement in 2001.
 - f. 2007–2014 the late Major General the Honourable Justice RRS Tracey, AM, RFD (of the Federal Court of Australia).
 - g. 2014–2021 Rear Admiral the Honourable Justice MJ Slattery, AM, AM (Mil), RAN (of the Supreme Court of New South Wales) — appointed in May 2014 but had been acting since Major General Tracey's retirement in 2014.

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NATURE AND JURISDICTION OF THE MILITARY DISCIPLINE SYSTEM

SUMMARY AUTHORITIES¹

1. There are three levels of summary authorities created under the DFDA:
 - a. superior summary authorities;
 - b. commanding officers; and
 - c. subordinate summary authorities.

Superior summary authorities

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

Commanding officers

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

Subordinate summary authorities

4. Subordinate summary authorities (SUBSAs) are appointed by instrument by commanding officers pursuant to the DFDA to assist them in the enforcement of discipline within their command. Their jurisdiction and powers of punishment are substantially less than those of a commanding officer.

DISCIPLINE OFFICERS

5. Discipline officers are able to deal with minor disciplinary infringements by defence members below the rank of lieutenant in the Navy, captain in the Army and flight lieutenant in the Air Force.

¹ Note, the *Defence Legislation Amendment (Discipline Reform) Act 2021* (no. 133, 2021) makes significant changes to summary authorities and discipline officers – with effect December 2022.

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

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

COURTS MARTIAL

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

Jurisdiction of the superior discipline tribunal

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

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

Types of court martial

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

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

Defence Force magistrate

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

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NAVY
JANUARY-DECEMBER 2021

STATISTICS OF TRIALS AND OUTCOMES FOR MEMBERS OF THE NAVY BEFORE SUMMARY AUTHORITIES

	SUPERIOR SUMMARY AUTHORITY			COMMANDING OFFICER			SUBORDINATE SUMMARY AUTHORITY					
	NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED				
		GUILTY	N.G.		QUASHED	GUILTY		N.G.	QUASHED	GUILTY	N.G.	QUASHED
January				1	3		1	2	1			
February				3	2	1		5	2			
March				6	7		1	5				
April				4	9	1	1	2				
May				11	13	2		6				
June				11	11	1		8	15			
July				3	3			8				1
August				8	9			7				2
September				14	14	2	1	14				
October	2	2		5	16			37				
November				2	3			19				1
December				4	7			6				
TOTAL	2	2	0	72	97	6	3	126	4	4	4	4

**CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE NAVY
BEFORE SUMMARY AUTHORITIES**

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23	1	1					3			10
24	1	2								33
25										
26							2			6
27		1								15
28										
29	11	10		1		1	6			42
30										
31										
32										
33(a)										2
33(b)										
33(c)										
33(d)										
33A										
34							1			
35	2									
36										
36A										
36B										1
37										
38										
40										
40A										
40B										
40C										
40D										4
41										
42										
43										4
44										
45										
46										
47C										2
47P										
47Q										
48										
49										
50										
51										
53										
54										
54A										
55										1
56										1
57										
58										
59										
60	4	9		2		3				43
61										
TOTAL	19	23	0	3	0	4	12	0	0	164

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE NAVY BEFORE SUMMARY AUTHORITIES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand	4	1		1		1	3			29
Conditional conviction without punishment										9
Unconditional conviction without punishment										
Severe reprimand	4	2				2	3			14
Extra duties										4
Extra Drill		3								1
Stoppage of leave		2								8
Restriction of privileges		6								60
Suspended fine	1			1			1			8
Fine Less than 14 Days Pay	14	16		3		1	7			61
Fine More than 14 Days Pay		2								
Forfeiture of service for purposes of promotion										
Forfeiture of seniority										
Reduction in rank							1			
Committed Detention										3
Suspended detention										
TOTAL	23	32	0	5	0	4	15	0	0	197

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ANNEX D TO JAG
REPORT 2021

ARMY
JANUARY-DECEMBER 2021

STATISTICS OF TRIALS AND OUTCOMES FOR MEMBERS OF THE ARMY BEFORE SUMMARY AUTHORITIES

	SUPERIOR SUMMARY AUTHORITY				COMMANDING OFFICER				SUBORDINATE SUMMARY AUTHORITY			
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED
		GUILTY	N.G.			GUILTY	N.G.			GUILTY	N.G.	
January												
February					6	8			15	16		2
March	1	1			7	11		1	20	24		
April					12	12	3		30	34	4	2
May					9	12			32	38		1
June					13	20	1		45	50	1	2
July					8	10			57	62	1	1
August	1	1			17	21			33	42		1
September					11	16			50	50	4	3
October	1	1			17	26	4		41	45		4
November					15	21			45	50		4
December					10	11			25	28		1
TOTAL	3	3	0	0	125	168	8	3	393	439	10	21

**CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE ARMY
BEFORE SUMMARY AUTHORITIES**

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23		1				2				9
24	2			3		1	2			43
25										1
26	1			1		3	1	2		17
27	3	2		1		1	2	2		50
28										1
29	11	15		6		4	10	8		116
30										
31										
32						1				
33(a)	5							2		11
33(b)						1	4			9
33(c)										1
33(d)						1	1			2
33A										
34	1						2			
35						2	2	1		1
36										
36A	1							1		4
36B	3	18		5			7	2		69
37						1	0	0		13
38										
40										
40A										2
40B										
40C										1
40D								2		2
41										
42										
43								1		3
44										1
45										1
46										
47C										
47P										
47Q										2
48										
49										
50										
51										
53										
54										
54A										
55	2					1	2	1		4
56	1	1								2
57										
58										
59										
60	3	2		7		5	9	3		58
61										2
TOTAL	33	39	0	23	0	23	42	25	0	425

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE ARMY BEFORE SUMMARY AUTHORITIES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand	9	5		7		6	10	8		35
Conditional conviction without punishment	1									2
Unconditional conviction without punishment	2			3			1			6
Severe reprimand	7	4		3		5	8	2		10
Extra duties		1								28
Extra drill		6								5
Stoppage of leave		1								8
Restriction of privileges	3	11								232
Suspended fine		6				2	1			11
Fine Less than 14 Days Pay	19	25		14		12	28	17		200
Fine More than 14 Days Pay						1				3
Forfeiture of service for purposes of promotion										
Forfeiture of seniority						1	3			
Reduction in rank						1	3			3
Suspended detention										
Committed detention										12
TOTAL	41	59	0	27	0	28	54	27	0	555

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**CONVICTIONS FOR OFFENCES COMMITTED BY RANK FOR MEMBERS OF THE AIR FORCE
BEFORE SUMMARY AUTHORITIES**

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23		2								1
24							4			3
25										1
26			1			1				1
27	1					1				5
28										
29	8	3					4			13
30										
31										
32										
33(a)										4
33(b)										1
33(c)										
33(d)										
33A										
34										1
35										
36										
36A										1
36B							1			10
37										
38										
40										1
40A										
40B										
40C										
40D										1
41										
42										
43						1				2
44										
45										
46										
47C										
47P										
47Q						1				
48										
49										
50										
51										
53										
54										
54A										
55							1			1
56							1			1
57										
58										
59										
60	3									5
61										
TOTAL	12	5	1	0	0	4	11	0	0	52

PUNISHMENTS IMPOSED BY RANK ON MEMBERS OF THE AIR FORCE BEFORE SUMMARY AUTHORITIES

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand	2	1				1	2			13
Conditional conviction without punishment	1						1			2
Unconditional conviction without punishment										
Severe reprimand							2			9
Extra duties										3
Extra drill		3								5
Stoppage of leave		1								1
Restriction of privileges										13
Suspended fine	1	1						1		2
Fine Less than 14 Days Pay	13	2				2	7			24
Fine More than 14 Days Pay										
Forfeiture of service for purposes of promotion										
Forfeiture of seniority									1	
Reduction in rank										
Suspended detention										
Committed detention										
TOTAL	17	8	0	0	0	5	14	0	0	72

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ANNEX F TO JAG
REPORT 2021

COMBINED STATISTICS OF TRIALS AND OUTCOMES FOR MEMBERS BEFORE SUMMARY AUTHORITIES

	SUPERIOR SUMMARY AUTHORITY				COMMANDING OFFICER				SUBORDINATE SUMMARY AUTHORITY			
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED
		GUILTY	N.G.			GUILTY	N.G.			GUILTY	N.G.	
January	0	0	0	0	1	3	0	0	1	2	1	0
February	1	1	0	0	9	10	1	2	25	24	2	2
March	2	2	0	0	13	18	0	2	31	36	0	0
April	0	0	0	0	16	21	3	1	33	37	4	2
May	0	0	0	0	21	26	2	1	40	46	0	1
June	0	0	0	0	25	33	2	0	57	67	1	4
July	1	1	0	0	15	19	0	0	68	73	1	2
August	1	1	0	0	30	36	0	1	48	58	0	3
September	0	0	0	0	28	32	3	1	66	69	4	3
October	4	4	0	0	32	57	4	0	83	91	1	4
November	0	0	0	0	22	29	0	0	60	71	1	5
December	0	1	0	0	15	19	0	0	31	34	0	1
TOTAL	9	10	0	0	227	303	15	8	543	608	15	27

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**NAVY
JANUARY-DECEMBER 2021**

DISCIPLINE OFFICER STATISTICS

Infringement	Number
Section 23	198
24	138
27	132
29	704
32(1)	7
35	20
60	90
TOTAL	1289

Action Taken	Number
Punishment Imposed - Fine	319
Restriction of Privileges	299
Stoppage of Leave	157
Extra Duties	117
Extra Drill	10
Reprimand	312
No Punishment Imposed	74
Referred to an Authorised Member	1
TOTAL	1289

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ARMY
JANUARY-DECEMBER 2021
DISCIPLINE OFFICER STATISTICS

Infringement	Number
Section 23	124
24	164
27	495
29	758
32(1)	10
35	67
60	213
TOTAL	1831

Action Taken	Number
Punishment Imposed - Fine	334
Restriction of Privileges	487
Stoppage of Leave	278
Extra Duties	206
Extra Drill	205
Reprimand	284
No Punishment Imposed	31
Referred to an Authorised Member	6
TOTAL	1831

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**AIR FORCE
JANUARY-DECEMBER 2021
DISCIPLINE OFFICER STATISTICS**

Infringement	Number
Section 23	39
24	20
27	62
29	356
32(1)	3
35	18
60	28
TOTAL	526

Action Taken	Number
Punishment Imposed - Fine	140
Restriction of Privileges	91
Stoppage of Leave	27
Extra Duties	74
Extra Drill	3
Reprimand	162
No Punishment Imposed	27
Referred to an Authorised Member	2
TOTAL	526

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ANNEX J TO JAG
REPORT 2021

NAVY

JANUARY-DECEMBER 2021

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

	GENERAL COURT MARTIAL			RESTRICTED COURT MARTIAL			DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED OR STAYED	WD
		GUILTY	N.G.		QUASHED	WD		GUILTY	N.G.		
January							1	1			2
February							1	12	4		8
March							1	1			1
April							1	1			2
May							1	5			2
June							2	2		2	
July						1	1	5	1		3
August							1				4
September							1		2		
October				1	1		2	3	4		1
November							2	6			1
December							2		3		
TOTAL	0	0	0	1	1	0	16	36	14	2	24

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

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23										
24	1									
25										
26										
27										
28										
29										
30										
31										
32										
33(a)										5
33(b)										
33(c)										
33(d)										
33A										
34						2			1	
35										
36										
36A										
36B										
37										
38										
39										1
40										
40A										
40C										
40D										
42										
43										
44										
45										
46										
47C										
47P										
47Q				12						
48										
49										
50										
51	1									
53										
54										
55										
56									3	
57										
58										
59										
60		1				2		2		
61		2				1		2	3	1
TOTAL	2	3	0	12	0	5	0	4	7	7

Details of Quashed Convictions

DFDA Sect	Rank	Short Summary of Offence	Reason for quashing
61(3)	LS	Crimes Act 1900 (ACT), s 60 Act of Indecency	Permanent Stay.

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

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand									1	
Conditional conviction without punishment										
Unconditional conviction without punishment										
Severe reprimand		2				1				
Suspended fine										1
Fine Less than 14 Days Pay	1	2		12					1	5
Fine More than 14 Days Pay		1								
Forfeiture of service for purposes of promotion										
Forfeiture of seniority	1								1	1
Reduction in rank				1		1			1	
Suspended detention										1
Committed detention									1	
Dismissal							2			1
Imprisonment										
TOTAL	2	5	0	13	0	2	2	0	5	9

ANNEX K TO JAG
REPORT 2021

ARMY

JANUARY-DECEMBER 2021

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

	GENERAL COURT MARTIAL			RESTRICTED COURT MARTIAL			DEFENCE FORCE MAGISTRATE				
	NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED		NUMBER OF TRIALS HELD	CHARGES TRIED			
		GUILTY	N.G.		QUASHED	WD		GUILTY	N.G.	QUASHED	WD
January							2	2			
February							1		1		1
March							3	1	4		1
April							3	6	1		1
May				1	2	4	2		9		
June							8	7	7		3
July							1	1			
August							3	1	6		1
September							1	5			3
October							3	6			2
November							5	2	4		7
December							1	1	1		
TOTAL	0	0	0	1	2	0	33	32	33	0	19

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

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Sect 23										
24										
25										
26										
27										
28										
29										
30										
31										
32										
33(a)						1				2
33(b)										2
33(c)										
33(d)										
33A										
34	2		1			1				
35										
36										
36A										
36B										
37										
38										
39										
40										
40A										1
40C										
40D										
42										
43										
44										
45										
46										
47C										
47P										
47Q										
48										
49										
50										
51										
53										
54										
55										1
56										
57										
58										
59										
60	1							1		1
61	3		2			1	1			15
TOTAL	6	0	3	0	0	3	1	1	0	22

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

	Officer	Officer Cadet	WO1 WO WOFF	WO2 CPO FSGT	SSGT	SGT PO	CPL LS	LCPL	AB LAC	PTE SMN AC
Reprimand										1
Conditional conviction without punishment	4									
Unconditional conviction without punishment										
Severe reprimand	2				1					1
Suspended fine										8
Fine Less than 14 Days Pay					1			1		6
Fine More than 14 Days Pay										
Forfeiture of service for purposes of promotion										
Forfeiture of seniority	3					1				
Reduction in rank	2		1				1			
Suspended detention							1			2
Committed detention								1		5
Dismissal			1							3
Imprisonment										
TOTAL	11	0	2	0	0	3	2	2	0	26

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ANNEX L TO JAG
REPORT 2021

AIR FORCE

JANUARY-DECEMBER 2021

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

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

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

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

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COMBINED JANUARY - DECEMBER 2021

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

	GENERAL COURT MARTIAL				RESTRICTED COURT MARTIAL				DEFENCE FORCE MAGISTRATE						
	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD	NUMBER OF TRIALS HELD	CHARGES TRIED		QUASHED	WD
		GUILTY	N.G.				GUILTY	N.G.				GUILTY	N.G.		
January	0	0	0	0	0	0	0	0	0	0	3	3	0	0	2
February	0	0	0	0	0	0	0	0	0	0	2	12	5	0	9
March	0	0	0	0	0	0	0	0	0	0	4	2	4	0	2
April	0	0	0	0	0	0	0	0	0	0	4	7	1	0	3
May	0	0	0	0	1	2	0	0	4	3	3	5	9	0	2
June	0	0	0	0	0	0	0	0	1	11	9	9	9	2	3
July	0	0	0	0	0	0	0	0	0	2	6	1	0	0	3
August	0	0	0	0	0	0	0	0	0	4	1	6	0	0	5
September	0	0	0	0	0	0	0	0	0	2	5	2	0	0	3
October	0	0	0	0	1	1	0	0	1	5	9	4	0	0	3
November	0	0	0	0	0	0	0	0	0	8	12	4	0	0	9
December	0	0	0	0	0	0	0	0	0	3	1	4	0	0	0
TOTAL	0	0	0	0	2	3	0	0	6	51	72	49	2	44	

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DEFENCE FORCE DISCIPLINE ACT

LIST OF SECTIONS USED IN STATISTICS

Section Number	Description
23	Absence from duty
24	Absence without leave
25	Assaulting a superior officer
26	Insubordinate conduct
27	Disobeying a lawful command
28	Failing to comply with a direction in relation to a ship, aircraft or vehicle
29	Failing to comply with a general order
30	Assaulting a guard
31	Obstructing or refusing to assist a police member
32	Offences while on guard or watch
33(a)	Assault on another person
33(b)	Creating a disturbance
33(c)	Obscene conduct
33(d)	Insulting or provocative words to another person
33A	Assault occasioning actual bodily harm
34	Assaulting a subordinate
35	Negligent performance of duty
36	Dangerous conduct
36A	Unauthorised discharge of weapon
36B	Negligent discharge of weapon
37	Intoxicated while on duty etc
38	Malingering
39	Causing loss, stranding or hazarding of a service ship
40	Driving while intoxicated
40A	Dangerous driving
40C	Driving a service vehicle for unauthorised purpose
40D	Driving without due care or attention etc
41	Flying a service aircraft below the minimum height
42	Giving inaccurate certification
43	Destroying or damaging service property
44	Losing service property
45	Unlawful possession of service property
46	Possession of property suspected of having been unlawfully obtained
47C	Theft

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