

Case Summary
Office of the Judge Advocate General

DEFENDANT: SMN Cameron
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 29 November 2022
VENUE: HMAS *Cerberus*

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s 61(3), and Crimes Act 1900 (ACT) s 60(1) Act of Indecency without consent	Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	While no orders were made under the DFDA, due to the nature of Charge 1, it is an offence to publish the details of the complainant under the <i>Evidence (Miscellaneous) Provisions Act 1991 (ACT)</i> .

Trial: Facts and legal principles

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

Findings

	Finding
Charge 1	Guilty

Sentencing: Facts and legal principles

SMN Cameron pleaded guilty to one count of committing an act of indecency without consent.

On or about 22 May 2021, after a night of heavy drinking, SMN Cameron entered the unlocked cabin of the Complainant, who was asleep, aboard HMAS *Cerberus*. When the Complainant awoke during the night, he found SMN Cameron in his bed, lying down next to him, with his hand in the Complainant's boxer shorts resting on his buttocks. The Complainant expelled SMN Cameron from his cabin and immediately reported the incident to the officer of the day.

While the DFM accepted that this offending was at the lower end of the spectrum of objective seriousness for this particular offence, especially as it was not premeditated or committed for sexual gratification, he considered that it represented a serious breach of trust and privacy in a service environment. The DFM determined that this compromise of trust in a service context attracted the need for denunciation and general deterrence.

SMN Cameron had no record of convictions or disciplinary infractions. Several of his superiors provided testimony as to his otherwise exemplary character and work ethic. Each considered that he had a promising career ahead of him in the RAN. SMN Cameron demonstrated remorse for his

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offending, cooperated with the investigative authorities, and apologised to the Complainant. The DFM considered that he had good prospects of rehabilitation and minimal likelihood of reoffending.

The DFM determined that while the serious nature of the offending might otherwise merit a period of detention, the preponderance of mitigating circumstances in this case militated against such a sentence. He instead imposed a fine equal to 14 days' pay and reprimanded SMN Cameron.

Punishments and orders

Charge 1	Fine in the amount of \$2,546.73, to be paid over 6 pay periods To be reprimanded
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Outcome on automatic review

The automatic review was completed on 23 January 2023.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld

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