

**Case Summary**  
**Office of the Judge Advocate General**

**DEFENDANT:** WO2 Boyle  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 08 August 2023  
**VENUE:** RAAF Base Townsville, QLD

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	Defence Force Discipline Act 1982, s. 60(1) Prejudicial conduct	Withdrawn
Charge 2	Defence Force Discipline Act 1982, paragraph 55(1)(a) Making false service document	Guilty

**Pre-Trial: Closed hearing and non-publication orders**

Application made:	No
Determination:	N/A

**Trial: Facts and legal principles**

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

**Findings**

	<b>Finding</b>
Charge 1	Not Applicable
Charge 2	Guilty

**Sentencing: Facts and legal principles**

Before the defendant was arraigned on Charge 1, the prosecuting officer applied to withdraw that charge. The defending officer did not object. Accordingly, the DFM allowed the prosecuting officer to withdraw Charge 1 pursuant to Rule 13 of the *Court Martial and Defence Force Magistrate Rules 2020*.

On 17 Aug 22 around 0800 hours, the defendant conducted his own trial BFA run to test himself following illness. At around 0900 hours, he told a PTE who worked in the Orderly Room at HQ, 3 BDE, that he had conducted a BFA run that morning. The PTE misunderstood the defendant and thought he was being told that the defendant had passed a BFA. At about 0906 hours, the PTE made the PMKeyS entry for a BFA pass for the defendant. The defendant then omitted to correct the PTE. Over the course of the next few days numerous witnesses checked the defendant's personal file to see if he had uploaded his BFA results. On 19 Aug 22, the defendant accessed, opened and printed a BFA result for another PTE on 11 Aug 22. On 25 Aug 22, the defendant created an Objective document that was purportedly his record of a BFA conducted under the supervision of a CPL. The document was an edited version of the PTE's BFA results. The defendant was the Chief Clerk of HQ, 3 BDE.

- *This summary is not intended to be a substitute for the reasons of the Service tribunal or to be used in any later consideration of the tribunal's reasons.*

Despite being dealt with as a first offender, a person of otherwise good character and a member with very good prospects of rehabilitation, the DFM held that the offending conduct involved some objectively serious features. It was deliberately deceitful behaviour engaged in by a middle-aged SNCO that was quickly discovered by a number of subordinates. Moreover, it was contrary to the service value of integrity.

In order to satisfy the sentencing principles of general deterrence and maintenance of good order and discipline, the DFM held that the minimum punishment necessary in all of the circumstances was reduction in rank, by one rank, to that of Sergeant.

### **Punishments and orders**

Charge 1	Not Applicable
Charge 2	To be reduced to the rank of Sergeant (SGT) with seniority in that rank to date from 01 January 2014

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 16 August 2023.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Not Applicable	Not Applicable
Charge 2	Upheld	Upheld

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