

Case Summary
Office of the Judge Advocate General

DEFENDANT: AC Manning
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 16 November 2023
VENUE: RAAF Base Amberley, QLD

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 59(6) Administering prohibited drug in Australia	Withdrawn
Charge 2	DFDA, s. 59(6) Administering prohibited drug in Australia	Withdrawn
Charge 3	DFDA, s. 56(7) Possession of non-trafficable quantity of prohibited drug in Australia	Guilty
Charge 4	DFDA, s. 56(7) Possession of non-trafficable quantity of prohibited drug in Australia	Guilty

Pre-Trial: Closed hearing and non-publication orders

Application made:	No
Determination:	Not Applicable

Trial: Facts and legal principles

Nil, as the case proceeded by way of guilty pleas.

Findings

	Finding
Charge 1	Not Applicable
Charge 2	Not Applicable
Charge 3	Guilty
Charge 4	Guilty

Sentencing: Facts and legal principles

Prior to the defendant being arraigned, the Prosecuting Officer made an application pursuant to Rule 13 of the *Court Martial and Defence Force Magistrate Rules 2020* to withdraw Charges 1 and 2. The application was unopposed.

On 9 Jun 22, two prohibited substances were found by military police under search warrant in the defendant's room on base. Each prohibited substance was an anabolic steroid and contained in two separate syringes which were stored and locked in a black suitcase.

The Prosecuting Officer submitted that, in this case, the punishments of imprisonment and dismissal would be unnecessary and inappropriate.

- *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.*

The DFM took into account: early guilty pleas, genuine remorse, otherwise good character, being able to be dealt with as a first offender and very good prospects of rehabilitation.

Notwithstanding the mitigating features, the DFM found that the defendant's behaviour was objectively serious. The involvement with prohibited substances is incompatible with an effective and efficient ADF. It undermines discipline, morale, organisational cohesion and security. A strong message needed to be sent to others who may be like-minded.

In order to satisfy the principles of general deterrence and maintenance of good order and discipline, the DFM held that a substantial period of detention was required. Taking into account the mitigating features, the DFM structured the concurrent sentences of detention so that 30 days would actually be served with the balance of the sentences suspended.

Punishments and orders

Charge 1	Not Applicable
Charge 2	Not Applicable
Charge 3	To undergo detention for a period of 90 days. Pursuant to s.78 of the DFDA, the Tribunal orders that 60 days of the sentence of detention be suspended. The Tribunal further orders that the sentences of detention with respect to Charges 180 and 181/2023 are to be served concurrently.
Charge 4	To undergo detention for a period of 90 days. Pursuant to s.78 of the DFDA, the Tribunal orders that 60 days of the sentence of detention be suspended. The Tribunal further orders that the sentences of detention with respect to Charges 180 and 181/2023 are to be served concurrently.

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 24 November 2023.

	Conviction	Punishments / Orders
Charge 1	Not Applicable	Not Applicable
Charge 2	Not Applicable	Not Applicable
Charge 3	Upheld	Upheld
Charge 4	Upheld	Upheld

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