

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

**DEFENDANT:** SGT MacDonald  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 12 February 2024  
**VENUE:** RAAF Base Edinburgh

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 2	DFDA, s. 60(1) Prejudicial conduct	Withdrawn /

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

Application made:	No
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**Trial: Facts and legal principles**

The defendant pleaded guilty.

**Findings**

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

**Sentencing: Facts and legal principles**

The defendant pleaded guilty to a charge sheet that differed from that originally charged. The prosecution withdrew one charge and applied to amend the remainder. The defendant exhorted subordinates to look out of the window and made unacceptable remarks about a female soldier who was doing PT. When rightly confronted by a Lance Corporal challenging his remarks the defendant doubled down on them.

The applicable sentencing principles were general deterrence and the need to maintain good order and discipline.

**Punishments and orders**

Charge 1	To forfeit so much seniority in the rank of SGT as if his seniority in that rank was to date from 12/02/24. To be fined the sum of \$1000.00. Pursuant to s.85, DFDA the fine shall be paid in two fortnightly instalments of \$500.
Alternative to Charge 2	Not Applicable

- *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.*

**Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 27 March 2024.

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

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