

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

**DEFENDANT:** SGT Robinson  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 03 September 2024  
**VENUE:** Court Martial Facility, Fyshwick, ACT

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
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**

	<b>Finding</b>
Charge 1	Guilty

**Sentencing: Facts and legal principles**

The defendant, complainant and another Sergeant were, at the relevant time, all RAAF members located in Basel, Switzerland for Defence-related purposes. The three RAAF members and an APS colleague and his partner agreed to attend a local football match on 02 March 2024. They took their seats at around 2000. During a break in the game, the complainant was returning to her seat passing close in front of the seated defendant and felt a hand go up her dress and touch her intimately. The complainant then told another member of the party what had happened. During the half-time break, the defendant stated to another member of the party that he had touched the complainant on an intimate area.

The Prosecuting Officer submitted that offending behaviour was brazen, vulgar and involved the defendant bragging to another about it. The appropriate sentencing disposition, argued by the Prosecuting Officer, was one of dismissal from the Defence Force. The Defending Officer agreed.

Due to the serious nature of the act of indecency the DFM held that dismissal from the Defence Force was the minimum punishment that could be imposed to satisfy the sentencing principles of general deterrence and maintenance of good order and discipline.

- *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.*

**Punishments and orders**

Charge 1	To be dismissed from the Defence Force.
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**Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 24 September 2024.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld

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