

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

**DEFENDANT:** WO2 Bloor  
**TYPE OF PROCEEDING:** Defence Force Magistrate  
**DATE OF TRIAL:** 04 June 2024  
**VENUE:** Robertson Barracks, NT

**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) Engaging in conduct outside the Jervis Bay Territory that is a Territory Offence, namely Act of indecency without consent	Not Guilty
Alternative to Charge 2	DFDA, s. 60(1) Prejudicial conduct	Not Guilty
Charge 2	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 3	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 4	DFDA, s. 60(1) Prejudicial conduct	Not Guilty

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

Application made:	Yes  Yes. The prosecution applied under the Evidence (Miscellaneous Provisions) Act 1991 (ACT), s. 50 for the hearing to be closed during the evidence of the complainant based on the nature of Charge 1.
Determination:	The application was unopposed and was granted.  Due to the nature of Charge 1, it is an offence to publish the details of the complainant under the Evidence (Miscellaneous) Provisions Act 1991 (ACT).

**Trial: Facts and legal principles**

The accused pleaded guilty to two charges and not guilty to two. Charge 1 alleged he touched the complainant in her own home indecently. Charges 2 and 3 (guilty pleas) concerned him sending sexualised messages which were not requested nor welcome. He exhorted her to secrecy and fearing for her partner's career she did not initially make a complaint. Charge four concerned a message to her pressurising her not to report his messages to her partner's chain of command saying that her partner would get into trouble.

The complainant was the partner of a private soldier recently out of initial training. The whole family was new to Army and the location. The defendant was a Warrant Officer Class Two who befriended the private and committed the offences against his partner. In doing so he abused his position of authority and his rank. He was convicted after trial of the two charges to which he pleaded not guilty.

- *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.*

## Findings

	<b>Finding</b>
Charge 1	Guilty
Alternative to Charge 2	Not Applicable
Charge 2	Guilty
Charge 3	Guilty
Charge 4	Guilty

## Sentencing: Facts and legal principles

The complainant and her partner both gave victim impact statements outlining the significant impact of the offending behaviour on the family unit and their trust of Army. The defendant's behaviour was extremely concerning. The defendant had an otherwise unblemished service record and was favourably reported on. He had little insight into his offending behaviour nor the power imbalance involved. He was a married man whose wife and four dependent children resided in a service funded residence. Whilst the effect on those family members had to be taken into account it was important that a just sentence reflecting the seriousness of the offending. The DFM found the offending was such a persistent and egregious breach of trust, that reduction in rank and dismissal from the Defence Force was the minimum punishment that could be imposed to reflect specific and general deterrence, and maintenance of service discipline.

## Punishments and orders

Charge 1	To be reduced to the rank of Corporal with seniority in that rank to date from 7 June 2024. To be dismissed from the Defence Force.
Alternative to Charge 2	Not Applicable
Charge 2	To be reduced to the rank of Corporal with seniority in that rank to date from 7 June 2024.
Charge 3	To be dismissed from the Defence Force. To be reduced to the rank of Corporal with seniority in that rank to date from 7 June 2024.
Charge 4	To be dismissed from the Defence Force. To be reduced to the rank of Corporal with seniority in that rank to date from 7 June 2024.

## **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 06 August 2024.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Alternative to Charge 2	Not Applicable	Not Applicable
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld
Charge 4	Upheld	Upheld

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### Outcome on petition

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

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	The punishment of reduction in rank to CPL is upheld. Punishment of dismissal from ADF is quashed.
Alternative to Charge 2	Not Applicable	Not Applicable
Charge 2	Upheld	Upheld
Charge 3	Upheld	The punishment of reduction in rank to CPL is upheld. Punishment of dismissal from ADF is quashed.
Charge 4	Upheld	The punishment of reduction in rank to CPL is upheld. Punishment of dismissal from ADF is quashed.

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