

Case Summary
Office of the Judge Advocate General

DEFENDANT: CPL Sloane #1
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 17 September 2024
VENUE: RAAF Base Townsville, QLD

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 26(1) Engaging in insubordinate conduct	Withdrawn
Charge 2	DFDA, s. 60(1) Prejudicial conduct	Guilty
Charge 3	DFDA, s. 26(2) Using insubordinate language	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

	Finding
Charge 1	Not Applicable
Charge 2	Guilty
Charge 3	Guilty

Sentencing: Facts and legal principles

Upon leaving a battalion function in Nov 2023, the defendant approached service police who were conducting breathalyser testing of drivers leaving the function. He committed the first offence of prejudicial conduct by interrupting the lawful traffic direction, claiming to be an officer, and telling other members to ignore the female Military Police Captain in a derogatory and gendered way. The offence of insubordinate language was committed immediately after. He persisted in his belligerent behaviour by focussing his abuse directly to the Captain in a highly offensive, gendered, persistent abusive and insubordinate manner. After he was directed away by others, he later persisted in his abuse towards her even after she had changed out of uniform. This was a serious example of using insubordinate language.

In context, an hour later he committed another offence of prejudicial conduct.

He had an excellent service record. There was a degree of persistence with his behaviour but it was otherwise out of character. He had excellent character references, including a glowing report from CO 3 RAR. He was due to be posted as an instructor to the School of Infantry. His intoxication explained his behaviour but did not excuse it.

- *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 prosecution submitted the offending did not require imprisonment or dismissal. Despite his service history and excellent reports, the DFM found that the behaviours overall, particularly the vile gendered language directed at the female officer in a persistent way was very serious, particularly as he was a corporal and this was done in the presence of other members of his battalion. This was a direct challenge to service discipline. To meet the needs of maintenance of service discipline and general deterrence he was reduced to the rank of private.

Punishments and orders

Charge 1	Not Applicable
Charge 2	To be reduced to the rank of Private
Charge 3	To be reduced to the rank of Private

Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 22 October 2024.

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

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