

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

**DEFENDANT:** CAPT Dowsett

**TYPE OF PROCEEDING:** Defence Force Magistrate

**DATE OF TRIAL:** 03 December 2024

**VENUE:** Leeuwin Barracks, WA

**Charges and plea**

	<b>Statement of Offence</b>	<b>Plea</b>
Charge 1	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 2	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 3	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 4	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 5	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 6	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 7	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 8	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 9	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 10	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 11	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 12	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 13	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 14	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 15	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 16	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 17	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 18	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Guilty
Charge 19	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn

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Charge 20	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 21	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 22	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 23	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 24	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 25	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 26	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 27	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 28	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 29	DFDA, s. 47Q Unauthorised use of Commonwealth credit card	Withdrawn
Charge 30	DFDA, s. 47C Theft	Guilty

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

Application made:	No.
Determination:	Not Applicable.

### **Trial: Facts and legal principles**

At the outset of proceedings, the Prosecuting Officer made application to withdraw Charges 1-17 & 19-29 inclusive, amend the particulars of the original Charges 18 & 30 and renumber those charges to reflect Charge 1 and 2. The applications were not opposed by the Defending Officer and were granted by the DFM. Effectively, the facts of original Charges 18-29 were rolled up into one offence (Charge 1) covering 12 separate transactions and (Charge 2) the theft charge (which concerned stealing the credit card) was amended by broadening the date range.

The case proceeded by way of guilty pleas.

### **Findings**

	<b>Finding</b>
Charge 1	Guilty
Charge 2	Guilty

### **Sentencing: Facts and legal principles**

The prosecution case was that the offender left Brisbane to drive his Prado to Adelaide on 3 December 2021 and utilised the stolen fuel card to purchase diesel on four occasions during the trip. He then proceeded on approved leave and between 9 December 2021 and 16 May 2022, used the same fuel card to purchase diesel for his private vehicle on another nine occasions. On 3 November

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2022, service investigators conducted a search under warrant of the offender's vehicle and workplace. A number of receipts for fuel purchases were located and the offender assisted investigators by providing them with passwords to three mobile phones. The offender also participated in a recorded interview and made a number of admissions. Service Police referred the brief of evidence against the offender to the DMP on 26 July 2024 and he was subsequently charged on 6 September 2024. The delay between his recorded interview and being charged was 1 year, 10 months and 3 days.

In mitigation of penalty, the Defending Officer referred particularly to the opinions expressed in a medical report, the early pleas of guilty, the largely unexplained delay and his subsequent outstanding performance in the workplace, the offender's otherwise good character as supported by a number of character references and lack of any convictions for disciplinary or criminal offences in over 25 years service.

In all of the circumstances, the DFM held that the minimum penalties required to satisfy the principles of general deterrence and maintenance of good order and discipline in the Defence Force were a reduction in rank by one rank, a new seniority date commensurate with the date of sentence and a reparation order covering the total value of the diesel appropriated.

### **Punishments and orders**

Charge 1	To be reduced to the rank of Lieutenant (LT) with seniority in that rank to date from 03 December 2024 Reparation order of \$1541.57 payable in one sum
Charge 2	To be reduced to the rank of Lieutenant (LT) with seniority in that rank to date from 03 December 2024

### **Outcome on automatic review**

The Reviewing Authority's decision on automatic review was handed down on 13 December 2024.

	<b>Conviction</b>	<b>Punishments / Orders</b>
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld

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