

Case Summary
Office of the Judge Advocate General

DEFENDANT: Mr Compton
TYPE OF PROCEEDING: Defence Force Magistrate
DATE OF TRIAL: 08 November 2024
VENUE: HMAS *Stirling*, Rockingham WA

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Charge 2	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Guilty
Charge 3	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Charge 4	DFDA, s. 34 Assaulting a subordinate	Withdrawn
Charge 5	DFDA, s. 34 Assaulting a subordinate	Withdrawn
Charge 6	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Withdrawn
Alternative to Charge 6	DFDA, s. 34 Assaulting a subordinate	Withdrawn
Charge 7	DFDA, s. 34 Assaulting a subordinate	Guilty
Charge 8	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Guilty
Charge 9	DFDA, s. 61(3) and Crimes Act 1900 (ACT), s. 61(1) Act of indecency without consent	Not guilty
Alternative to Charge 9	DFDA, s. 34 Assaulting a subordinate	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 Charges 1 & 3, it is an offence to publish the details of the complainant under the <i>Evidence (Miscellaneous) Provisions Act 1991</i> (ACT).

Trial: Facts and legal principles

At the commencement of proceedings, the Prosecuting Officer made application to withdraw a number of charges, amend the particulars of what would become Charge 1, amend the statement of the offence and particulars of what would become Charge 2 and renumber the offences to reflect the four charges to which pleas of guilty would be entered. The applications were made with the consent of the Defending Officer and were granted by the DFM. The case proceeded by way of guilty pleas.

Findings

- *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.*

	Finding
Charge 1	Guilty
Charge 2	Guilty
Charge 3	Guilty
Charge 4	No Finding Required
Alternative to Charge 4	Guilty

Sentencing: Facts and legal principles

The offences occurred on 7/8 November 2022 and 25 April 2023 on port visits by HMAS *ANZAC*. At the relevant time, the offender was a member of Ship's Company and occupied the position of Combat Systems Manager (CSM). All victims of his offending were female members of Ship's Company who were younger than him. The prosecution did not proceed on four other charges alleging acts of indecency and two of assaulting subordinates.

The first offence occurred in Port Klang, Malaysia. The victim and other members of Ship's Company attended a karaoke bar where they had hired a private room. The offender joined the group a little later and was drunk. During the evening, the offender touched the victim on the waist and leg. Notwithstanding that she told him to stop, he then grabbed her by the shoulders and attempted to kiss her as she exited the bathroom (Charge 1). The balance of the offences occurred in Singapore. After attending an ANZAC Day Dawn Service, a large contingent of Ship's Company attended a number of local bars. During the evening the offender grabbed one victim by her face and kissed her on the lips (Charge 2) and touched two other victims on their waist and buttock (Charges 3 & the Alternative to Charge 4).

On 13 March 2024, the defendant was discharged from the Navy on work related mental health grounds after having been unfit to work or attend work since May 2023. He was charged in May 2024 and remained unfit to work. Accordingly, DFDA s.69A provides that for person who is not a defence member, a DFM may only impose the punishments of imprisonment or a fine not exceeding 15 penalty units.

The Prosecuting Officer did not press for a sentence of imprisonment and the Defending Officer's plea in mitigation focused on mental health issues, the early pleas of guilty, contrition and remorse.

In all of the circumstances, the DFM held that the imposition of fines was the minimum required to satisfy the principles of general deterrence and need to maintain good order and discipline in the Defence Force.

Punishments and orders

Charge 1	To be fined the sum of \$1,000.00
Charge 2	To be fined the sum of \$500.00
Charge 3	To be fined the sum of \$1,000.00
Charge 4	Not Applicable Rule 41(4)(b) Court Martial and Defence Force Magistrate Rules

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Alternative to Charge 4	To be fined the sum of \$500.00
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Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 10 December 24.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld
Charge 4	Not applicable	Not applicable
Alternative to Charge 4	Upheld	Upheld

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