

Case Summary
Office of the Judge Advocate General

DEFENDANT: FLGOFF Doan
TYPE OF PROCEEDING: Restricted Court Martial
DATE OF TRIAL: 25 November 2024
VENUE: Court Martial Facility, Fyshwick, ACT

Charges and plea

	Statement of Offence	Plea
Charge 1	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Withdrawn
Charge 2	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Guilty
Charge 3	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Guilty
Charge 4	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Guilty
Charge 5	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Guilty
Charge 6	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Withdrawn
Charge 7	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Withdrawn
Charge 8	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Withdrawn
Charge 9	DFDA, s. 61(3) and Criminal Code Act 1995, s. 478.1(1) Unauthorised access to restricted data	Withdrawn

Pre-Trial: Closed hearing and non-publication orders

Application made:	No.
Determination:	Not Applicable.

Trial: Facts and legal principles

At the commencement of proceedings, the Prosecuting Officer made application to withdraw original Charges 1 & 6-9 and amend the numbering of the remaining charges to reflect 1-4. The applications were not opposed by the Defending Officer and were granted by the JA. The case proceeded by way of guilty pleas.

Findings

Charge 1	Guilty
Charge 2	Guilty
Charge 3	Guilty
Charge 4	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.*

Sentencing: Facts and legal principles

The offender joined the RAAF on 29 June 2018. On 29 October 2019, he was posted to DP-AF into a pool position. At DP-AF he briefly worked in the Director's staff and was provided access to the Director's Outlook account. After approximately two weeks the offender was moved into another cell within DP-AF and no longer worked under the then Director.

Between approximately 01 July 2020 and 31 March 2023, at various locations, the offender continued to access the Director's Outlook account on over 200 occasions.

In March 2023, a Trainee Officer at ADFA was interested in meeting with the Commandant (the former Director, DP-AF). To do so he went to view her Outlook calendar to schedule an appointment and realised he could gain access to appointment details, including attachments. The matter was reported and an investigation commenced. Enquiries revealed the DPN account belonging to the offender was used to make the unauthorised access since July 2020.

In mitigation of penalty, the Defending Officer referred specifically to the offender's early pleas of guilty, his otherwise good character and genuine remorse.

As this was a RCM, the panel were not required to give reasons for imposing the punishments. By imposing the respective punishments, the panel concluded that they were 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	Severe Reprimand To be fined the sum of \$279.93
Charge 2	To be fined the sum of \$559.86. Pursuant to DFDA s. 79 the Court orders the suspension of the amount of \$279.93. To forfeit so much service in the rank of FLGOFF as if his service were to date from 30 March 2023.
Charge 3	To be fined the sum of \$1119.72. Pursuant to DFDA s. 79 the Court orders the suspension of the amount of \$559.86. To forfeit so much service in the rank of FLGOFF as if his service were to date from 30 March 2023.
Charge 4	To be fined the sum of \$1959.51. Pursuant to DFDA s. 79 the Court orders the suspension of the amount of \$1119.72. To forfeit so much service in the rank of FLGOFF as if his service were to date from 30 March 2023.

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Outcome on automatic review

The Reviewing Authority's decision on automatic review was handed down on 17 December 2024.

	Conviction	Punishments / Orders
Charge 1	Upheld	Upheld
Charge 2	Upheld	Upheld
Charge 3	Upheld	Upheld
Charge 4	Upheld	Upheld

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