Summary

Recruitment into the Australian armed forces is currently entirely on a voluntary basis. When conscription was in force, there were provisions for conscientious objectors, which would apply if it were ever reinstated.

The situation of serving members of the armed forces who might develop a conscientious objection is not however clear.

Moreover, Australia continues to enlist volunteers from the age of 17, without adequate safeguards to prevent their deployment in hostilities, and, particularly through its cadet force scheme, directs military recruitment and training activities at younger children.
AUSTRALIA:  Basic information

Population (November 2011, estimated\(^1\)) 21,767,000

Conscription applied 1939–45, 1950-59, and 1965-73, with provision for conscientious objection. All recruitment now voluntary.

Minimum recruitment age\(^2\): 17

Manpower reaching “militarily significant age” in 2010\(^3\): 143,565

Armed forces active strength, November 2011\(^4\):

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>As a percentage of the number of men reaching “military age”:</td>
<td>39.4%</td>
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</table>

Military expenditure US $m equivalent, 2011\(^5\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>Per capita</td>
<td>$1,227</td>
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<tr>
<td>As % of GDP</td>
<td>1.9%</td>
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Conscientious objection to military service

Australia has the distinction of having been probably the first country to have introduced legislative provisions recognising conscientious objection to military service. These were attached to the Defence Act of 1903, the principal purpose of which was to enable conscription. In practice the provisions of that Act were not implemented until 1939; they did not apply to a compulsory military training scheme which operated between 1911 and 1929. Conscription was suspended at the end of the 1939-1945 War, but was reinstated between 1951 and 1959 and again between 1965 and the end of the Vietnam War in 1973.

The basic provisions of the Defence Act regarding the recognition of conscientious objection would still apply in the event that Australia was to reintroduce conscription at a future date. However, under the Defence Legislation Amendment Act of 1992, this step could be taken only with prior parliamentary approval. The 1992 Act also broke new ground by stipulating that those exempted from military service include not only “persons whose conscientious beliefs do not permit them to participate in war or warlike operations” but also “persons whose conscientious beliefs do not allow them to participate in a particular war or particular warlike operations”\(^6\) This is the broadest legislative recognition of “selective objection” which currently exists. It is also possible that such exemption would be total; no alternative service requirement is mentioned in the Act.

It has been claimed that “CO is available to volunteers in the defence force during peacetime by administrative practice, that is by applying for release from the ADF (Australian Defence Force)”\(^7\). No details have however been traced of specific regulations or procedures for applying. It is however clear that the possibility of selective objection is not available to serving members of the

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\(^1\) Source: The Military Balance 2012 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.


\(^3\) Source: CIA World Factbook. [https://www.cia.gov/library/publications/the-world-factbook/index.html](https://www.cia.gov/library/publications/the-world-factbook/index.html) . The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.

\(^4\) The Military Balance 2012 (International Institute of Strategic Studies, London)

\(^5\) Stockholm International Peace Research Institute (SIPRI), April 2012

\(^6\) Section 4(3) (i) and (j) respectively.
armed forces.

**Juvenile recruitment**

Australia's Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was considered by the Committee on the Rights of the Child in June 2012.

In its Concluding Observations, the Committee on the Rights of the Child, “notes that the age of voluntary recruitment into the ADF is 17 years”, and “to promote and strengthen the protection of children through an overall higher legal standard, (...) encourages the State party to review and raise the minimum age of voluntary recruitment into the ADF to 18 years of age.”

The Committee was also “deeply concerned that the Defence Instructions 2008 only prevent children under the age of 18 from involvement in hostilities to the extent that it does not adversely impact on the conduct of operations (which) could lead to the direct participation of children under the age of 18 years in hostilities” and recommended “that the State party review its domestic legislation and military procedures to ensure that members of the armed forces who are under the age of 18 do not take direct part in hostilities (and) that the State party define the concepts of “direct participation” and “hostilities” in relevant domestic legislation.”

Regarding the Australian Defence Force (ADF) Cadet scheme:

“While recognizing that members of the Australian Defence Force Cadets are not members of the ADF, the Committee notes with concern that under the cadet scheme, children are exposed to military-like training activities, including drills, ceremonial parades and the use of firearms at an early age. Furthermore, the Committee is concerned that the ADF active targeting of schools for recruits through ‘work experience programs’ may unduly put pressure on young persons, especially from marginalized populations and from different linguistic backgrounds to volunteer, without full informed consent.

“The Committee recommends that the State party:

(a) Review the operations of its cadet scheme to ensure that activities in such programmes are age appropriate, particularly with respect to military-like activities, and establish clear guidelines on the age requirement for such activities, taking due consideration of the mental and physical effects of such activities on the child;

(b) Ensure effective and independent monitoring of the cadet scheme to safeguard the rights and welfare of the child enrolled in the cadet forces and ensure that children, parents and other groups are adequately informed about the recruitment process and are able to present concerns or complaints;

(c) Prohibit the handling and use of firearms and other explosives for all children under the age of 18 years in line with the spirit of the Optional Protocol;

(d) Ensure that young persons from different linguistic backgrounds and/or from marginalized populations are not overly targeted for recruitment and put in place measures for informed consent; (...)”

The Committee also noted “the additional information sent by the State party concerning the use of private military and security companies and the recruitment of children by these companies” and recommended that it “ensure domestic regulatory legislation on the oversight and accountability of private military and security companies and provide information on the steps taken by the State party in its next periodic report.”

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7 CRC/C/OPAC/AUS/CO/1, 11th July 2012, Paras 17 & 18.
8 Ibid, Paras 13 & 14
9 Ibid, Paras 19 & 20
10 Ibid Paras 22 & 23
Suggestions for list of issues

What would be the position of a serving member of the armed forces who applied for release having developed a conscientious objection to such service? What procedures should be followed; what would the terms of release be if the authorities were satisfied that the objection was genuine? Have there been any such cases in recent years? Would the situation be different in time of war?

What steps has the State Party taken towards implementing the recommendations of the Committee on the Rights of the Child in its concluding observations on the initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, particularly those in paragraphs 14, 18, 20 and 23?