
AUSTRALIA

Australia

Population: 19.5 million (4.7 million under 18)

Government armed forces: 53,650

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 21 October 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC

There were around 250 under-18s serving in the armed forces in August 2004, of whom over 40 were under 17^{1/2}.

Context

Australian troops participated in overseas operations in Iraq and East Timor, and Australia led a regional intervention to end civil conflict and lawlessness in the Solomon Islands in July 2003.¹ Anti-terrorist legislation was enacted in 2002 and 2003 and in June 2004 a new law gave the authorities powers to detain people suspected of having information about “terrorist” offences for seven days before being brought before a court.² International and national criticism continued of the government’s immigration and refugee policies, particularly of the detention of asylum seekers without the possibility of review. Those detained included unaccompanied children.³

Government

National recruitment legislation

The Defence Act 1903 allows for the introduction of conscription in wartime by a proclamation that has the approval of both houses of parliament (Section 60). The Act specifies 18 as the minimum conscription age (Section 59). The legal basis for voluntary recruitment is provided by the Defence Act (Article 34), the Naval Defence Act 1910 (Article 24) and the 1923 Air Force Act (Article 4E). They do not specify a minimum age for voluntary recruitment.⁴

Its 1996 report to the UN Committee on the Rights of the Child, the government said that the minimum voluntary recruitment age was 16 years for the navy and 17 years for the army and air force.⁵ The government stated that under-18s in the armed forces were “not normally deployed to areas which would result in their direct involvement in armed conflict”, and that it was actively considering the question of voluntary recruitment of under-18s and their direct participation in hostilities.⁶ As of August 2004, Australia had not ratified the Optional Protocol.

Current Ministry of Defence recruitment information specifies 17 as the minimum voluntary recruitment age for all three forces. Recruits may apply to join the navy and air force from the age of 16 years and nine months, but will “not normally” enter the armed forces until they are at least 17. The enlistment of under-18s must be voluntary and accompanied by written parental consent and proof of age in the form of an original or certified copy of a birth certificate. The Ministry of Defence states that the armed forces “will take all feasible measures to ensure that minors do not take part in hostilities. However there will be times that this will not be possible”.⁷

Deployment

In August 2004, 254 under-18s were serving in the armed forces, 46 of whom were under 17^{1/2}. Only 12 under-18s were fully trained and the remaining 242 were in training programs.⁸

Military training and military schools

The age requirements for entry to military training establishments, which include the Australian Defence Force Academy, the Australian Defence College and the affiliated Centre for Defence and Strategic Studies, were not specified.⁹ Most new recruits initially attend a training establishment or program before joining regular service units, the government reported in 1996. Officer cadets take a four-year course at the Australian Defence Force Academy. General recruits follow a nine-month training program, and sometimes join regular units shortly before they are 18. Further training or specialization may follow short programs, including the three months’ basic entry training for soldiers.¹⁰

About 25,000 young people are involved in the Australian Defence Force Cadets, which comprise army, navy and air force cadet corps, each administered by the respective branch of the forces. Cadets are not members of the armed forces, according to the Defence Act (Article 62), the Naval Defence Act (Article 4) and the Air Force Act (Article 4). The minimum age of entry is 12 years and six months. The cadet corps aspires to develop “youth with a sense of purpose, responsibility, respect of self and others” and enables cadets to take part in “adventurous, fulfilling and educational activities in a military setting”. Activities include firearms training. The government states that joining the cadet force may represent a “first voluntary step towards recruitment in the permanent or reserve forces”.¹¹

1 Department of Defence, <http://www.defence.gov.au> (Global operations).

2 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

- 3 Department of Defence, op.cit.; Australian Federal Police, "Operation Helpem Fren", 17 May 2004, <http://www.afp.gov.au> (International).
- 4 Attorney-General's Department, Scaleplus law resource, <http://scaleplus.law.gov.au>.
- 5 Initial report of Australia to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.31, 1 February 1996, <http://www.ohchr.org>.
- 6 Initial report to UN Committee on the Rights of the Child, op. cit.
- 7 Australian Defence Force, Important Requirements of ADF Service, http://www.defencejobs.gov.au/careers_explorer/AddInfo4.html.
- 8 Child Soldiers Coalition correspondence with the Army Advisor, Australian High Commission, London, 13 August 2004.
- 9 Department of Defence, <http://www.defence.gov.au> (Careers and Learning).
- 10 Initial report to UN Committee on the Rights of the Child, op. cit.
- 11 Australian Defence Force Cadets, CadetNet, <http://www.cadetnet.gov.au>.