



DEFENCE
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FACT SHEET

The Unique Nature of Military Service

Australia is a signatory of the Universal Declaration of Human Rights (United Nations – 1948), Article 3 states: “**Everyone has the right to life, liberty and security of person.**”

But ADF men and women do not. Their ‘life, liberty and security of person’ is in the hands of the State. That’s unique. No other calling, occupation or profession – including police and emergency services – is **required** to surrender these rights, although some do so voluntarily.

Uniquely, **Military law** may require an ADF member to kill other human beings, to order another ADF member to kill, to order other ADF members to take an action with a high probability they may be severely wounded or killed and may themselves be ordered to take an action with a high probability of being killed or wounded. Severe custodial penalties apply for non-compliance.

In day to day ADF life, minor infringements such as using insulting language or unauthorised absence may result in up to 12 months incarceration. ADF people have no right by trial by jury. A unique military justice system applies, including Defence magistrates and military courts.

Industrial law does not apply to ADF men and women. Legally, ADF people are **members**. They are not **employees**. ADF members surrender ‘employee’ rights including pay and conditions negotiations. They have no union. Remuneration is an **arrangement**, not an **agreement**.

Consequently, the ADF’s culture is unique. Team needs take priority over individual needs and rights. Total trust in other team members is essential because the consequences are so dire. A person who only looks after themselves, inconsiderate of other team members, is an anathema.

Pride in achieving individual skills that are valuable to the team is rewarding in itself. And the team, the ADF, reciprocates by providing subsidised sustenance, shelter and health care – as well as most administration – even though the member has little choice over what is provided.

This military culture becomes ingrained. That is partly why some veterans refuse to seek support, not wanting to give up or to be a burden to others. Pride is important but it can be misplaced. And ‘welfare’ is a pejorative word, no matter how many experts claim otherwise. Needing ‘welfare’ is seen as an indication of failure or weakness, so self-harm rates for those discharged are higher than for those still serving. No longer part of the ‘team’, no longer valued, no mutual support.

Support for serving and former ADF men and women must be as unique as their service is unique. It is inappropriate, indeed dangerous, to attempt ‘normalising’ support to community standards.

Military Service is fundamentally unique. The reciprocal obligation this places on the State is as inescapable as it is enduring.

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