



ADSO ALLIANCE OF DEFENCE SERVICE ORGANISATIONS

A Proposed Australian Military Accord

Introduction

Recognition of a special bond of mutual obligations between the State and its Armed Forces has been a feature of the Australian Nation from federation and before that in Britain dating back more than 400 years.¹

The Mutual Obligations between the Nation and Its Service Personnel

The Commonwealth of Australia, as a sovereign national entity, has the right, under its constitution, to raise, equip and train military forces for its defence. This right includes the right, under the law, to compel all or some of its citizens to render military service when it considers such compulsion necessary. The body of military forces so raised is known at present as The Australian Defence Force (ADF).

An essential factor in accepting or compelling military service from its citizens is the understanding that the nature of that service is unique, and in the ultimate involves the surrender in trust to the nation of the individual's fundamental rights to life, liberty and security of the person. Accepting or compelling military service imposes on the nation an obligation to:

- Act at all times in employing, deploying and issuing orders to the ADF within the law, and
- According to its due process, ensure as far as is compatible with the military mission that the physical safety, and the mental and spiritual welfare of each individual rendering service is preserved.
- Provide for the care of those who suffer physical or mental injury or illness, including care and just compensation for those permanently disabled, as a result of their service.
- Provide for the welfare of the families and dependants of those who lose their lives in service.
- Safeguard the material quality of life of those who have rendered service and because of age or honourable termination of their service can no longer do so.
- Promote and protect the honour of the ADF as a whole and of the individuals who serve, or have served in it; preserving in the national life the memory of its, and their, deeds and sacrifice for the safety of the Nation.

Citizens of Australia have the right to offer themselves for military service, and the obligation to accept it if compelled by law to do so. In offering, or accepting military service the individual understands and agrees to:

- Surrender in trust to the Nation the fundamental human rights of life, liberty and security of their person.
- Obey all lawful orders, instructions and directions given by those in authority, even to the extent of danger to life or safety.
- Accept the duty owed to the Nation and ADF to conduct him/herself in such a manner as redounds favourably to the honour and good name of both.
- When called upon, engage in military operations to the limit of his/her ability in defence of the Nation and its interests.

¹ A 1593 statute of [Elizabeth I](#) provided for a weekly tax on parishes not to exceed 6d on the pound, so that disabled army veterans "should at their return be relieved and rewarded to the end that they may reap the fruit of their good deservings, and others may be encouraged to perform the like endeavours".

Why an Accord?

The proposed **Australian Military Accord (Covenant)²** is an instrument designed to articulate the, to date, largely unwritten mutual obligations between the Nation and the members of the Australian Defence Force. Its concept is a development of an understanding of the “unique nature of service in the ADF” and the mutual obligations owed between the Nation and its service personnel that flow from this service.

There are two precedents for such an Accord or “Covenant”;

1. In 2011 the United Kingdom encapsulated a “Military Covenant” in the Armed Forces Act 2011 which received Royal Assent on 3rd November. The UK Ministry of Defence stated, "In putting the needs of the Nation, the Army and others before their own, they forgo some of the rights enjoyed by those outside the Armed Forces. So, at the very least, British soldiers should always expect the Nation and their commanders to treat them fairly, to value and respect them as individuals, and to sustain and reward them and their families."
2. In February 2009 an Australian Employment Covenant (AEC) was implemented. This Covenant is a national industry-led initiative that brings all Australians together to help close the gap between Indigenous and non-Indigenous Australians in employment and employment opportunities. It is the first of its kind and represents a major commitment to providing the majority of Indigenous Australians who are able to work, with a real opportunity to achieve their full potential. The Australian Government committed to contribute funding and expertise to the AEC for direct administration assistance which included one-off funding for the establishment of an interim call centre and for the development of promotional and website materials.
3. In May 2009 the then Chief of the Defence Force, Air Chief Marshal Angus Houston, officially launched the Australian Defence Force Family Covenant. Arranged in consultation with all three Service Chiefs, the Defence Community Organisation and Defence Families of Australia, the Covenant articulates to Defence families how highly their contribution to Defence is valued. It represents a commitment from Defence to work with Defence families, to consult with them, to listen to the concerns they raise, and to help them balance the demands of Service life with the needs of the family.

The Defence Force Welfare Association is primarily concerned with the ongoing wellbeing of Australian Defence Force members and their families during and after their service in the ADF. It is promoting the concept of an “Australian Military Accord” as a means to gain a better understanding by the community of the mutual obligations between Parliament as their elected representative body and the members of the ADF. To further this, DFWA has developed a draft which is put forward as a first step in designing an “Australian Military Accord”. It is our hope that this initiative can be further progressed in cooperation with the ADF, other service and ex-service organisations and the Government.

² A **Covenant**, in its most general sense, is a solemn promise to engage in or refrain from a specified action. It is a type of contract in which the covenantor makes a promise to a covenantee to do or not do some action.



Draft Wording for an Accord

The Australian Defence Force (ADF) was formed to defend Australia, and protect its people and its interests. The service men and women who make up the ADF are Australian citizens who, while serving, must forego basic Human Rights enjoyed by other citizens. They must comply with the additional legal and disciplinary requirements of Military employment. When necessary this will include taking up arms against Australia's enemies and defeating them in battle using lethal force. They will be called upon to make personal sacrifices - including the possibility of the ultimate sacrifice - and in every sense to act honourably in the service of the Australian people.

In return, Members of the Australian Defence Force must always be able to expect, from the Commonwealth Government on behalf of their fellow Australians, fair treatment, to be valued and respected as individuals, and that they (and their families) will be sustained and rewarded by commensurate terms and conditions of service. They further expect that those who are injured in service to the Nation and the families of those who die as a result of their service will be suitably cared for and sustained.

This mutual obligation forms the Military Accord or Covenant between the Nation, the ADF and each individual member of the ADF. It forms an unbreakable common bond of identity, loyalty and responsibility from which the "ANZAC Spirit" has emerged that has sustained the ADF in conflicts throughout its history.