~~HONOURS IN CONFIDENCE~~

DEPARTMENT OF THE PRIME MINISTER AND CABINET

Ref: B09/1640

To: Cabinet Secretary (for decision)

CABSEC s22 PM&C Secretary Ms Beauchamp Ms Lynch Mr Rush

PMO s22 File

File

Re: ***Humanitarian Overseas Service Medal*: Assessment of Australian contingent to GE Infrastructure for 'Indian Ocean' operation**

Urgency:	Timing:	Initiation:
Low		Department

Recommendations: That you

1. Agree to recommend to the Governor-General that the Australian contingent to the humanitarian operation of GE Infrastructure, Water & Process Technologies be determined as an eligible organisation for the *Humanitarian Overseas Service Medal* (HOSM) with clasp 'Indian Ocean'.

AGREED/~~NOT AGREED~~

2. Sign (BUT DO NOT DATE) the attached draft determination for the Governor-General's approval, and sign and date the covering letter.

plan dossier

~~SIGNED/NOT SIGNED~~

Joe Ludwig s22 **Date:** 1/12/09

PM&C ASSESSMENT:

The reasons for the recommendations presented are:

- Recommendation 1 – a group of Australians working with the tsunami relief operation of GE Infrastructure, Water & Process Technologies (GE) in Sumatra in 2005 has been assessed as satisfying the requirements for determination as an eligible organisation for the HOSM.
- Recommendation 2 – the Governor-General determines organisations as eligible for the HOSM by written instrument, on your recommendation.

If accepted you may see:

- The Governor-General consider your recommendation to declare the GE group an eligible organisation for the HOSM with clasp 'Indian Ocean'.

The initiatives may be considered successful when the following is observed:

- The Governor-General declares the GE group an eligible organisation for the HOSM.
- Members of the GE group with qualifying service apply for, and are awarded, the HOSM with clasp 'Indian Ocean' for their tsunami relief humanitarian service.

The following sensitivities should be noted:

- The GE group's only Australian connection lies in the citizenship of s47F Australian members, and contact with other Australian humanitarian operations in Sumatra. The GE group does not conform to the usual model of groups assessed for the HOSM.
- However, the eligibility of this group is not prohibited by the regulations governing the HOSM, and would be in keeping with the purpose of the award (see paras 4-8, pages 2-3).

There are no financial implications of these recommendations.

Approved	Contact officer: s22 Consultation: Australian Army, Youth Off The Streets QA: s22	
Peter Rush Assistant Secretary Awards and Culture Branch 17 November 2009		

KEY MATTERS

1. The *Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005* ('the 2005 Regulations') provide that the Governor-General may determine eligible organisations for this award, on the recommendation of the minister responsible for the administration of the Australian honours system.

   (a) You have responsibility for honours matters within the Prime Minister's portfolio.

2. We have assessed the activities of a group of s47F Australians who worked with the tsunami relief operations of GE Infrastructure, Water & Process Technologies ('GE', a subsidiary of the General Electric multinational corporation) as satisfying the requirements for determination as an eligible organisation for the *Humanitarian Overseas Service Medal* (HOSM) with clasp 'Indian Ocean'.

   (a) If you agree with this assessment, you should recommend to the Governor-General that she determine the "Australian contingent to the humanitarian relief operation of GE Infrastructure, Water & Process Technologies" an eligible organisation for the HOSM 'Indian Ocean' by signing the draft letter and signing (but not dating) the attached draft declaration (Attachment A).

PM&C ANALYSIS

3. In April 2005, s47F sought HOSM eligibility for s47F (all Australian citizens) as members of GE's water purification operation in Banda Aceh following the Boxing Day 2004 Indian Ocean tsunami. GE's team had 12 members.

4. The service of the Australian members of the GE operation meets the requirements for location, dates, duration and purpose for the HOSM 'Indian Ocean', but s47F s47F cannot qualify for the award unless their group is determined as eligible.

   (a) The organisations that are normally determined as eligible for HOSM purposes fall broadly into one or more of the following categories:

      (i) Australian non-government aid organisations or charities;

      (ii) Australian Government agencies;

      (iii) Australian contingents to foreign non-government or government agencies; and

      (iv) Australian contingents to international organisations (such as the United Nations).

   (b) Foreign citizens can qualify for the HOSM, but normally only as a member of either an Australian organisation or an Australian contingent to a foreign or international organisation.

   (c) Commercial contractors are normally excluded from eligibility for the HOSM on the basis that their primary motivation for providing services in a disaster zone is the promise of a favourable commercial outcome, rather than altruism (though that may play a part).

5. In October 2005, we declined to recommend that GE be determined as eligible because its Australian connection was limited to:

   (a) citizenship; and

   (b) contact only with Australian aid projects in Banda Aceh.

   We also had concerns about determining a foreign for-profit corporation as a humanitarian aid organisation.

6. The HOSM regulations prescribe certain types of organisations which can be determined eligible, but they also allow virtually any class of persons to be determined to be an eligible group (see paragraph (c) of the definition of 'organisation' in the HOSM regulations at Attachment D).

   (a) While the regulations technically allow this group to be determined as eligible, the GE group was not recommended for eligibility because this group did not conform to the usual model of a humanitarian aid organisation.

   (b) The fact that the GE Group delivered humanitarian service is not in question, nor is there any suggestion that its conduct renders that service unworthy of recognition in any way.

7. In June 2009, s47F provided a testimonial from the s47F s47F (Attachment B) and sought re-assessment of the GE group for the HOSM.

   (a) Our re-assessment is not based on the content of the testimonial. Receipt of the testimonial has prompted us to reconsider the application of policy and the regulations to this group.

8. We now consider that it would be acceptable to determine the GE group as eligible by applying paragraph (c) of the definition of 'organisation', as a means to accommodate unforeseen circumstances.

   (a) The exclusion of commercial organisations is based on assumptions about an organisation's motivation. While GE is a for-profit corporation, its operation in Banda Aceh was altruistic and not-for-profit.

   (b) GE's operation in Banda Aceh was not typical of humanitarian relief delivery, but the activities of the s47F Australians involved in it did meet the requirements for the HOSM and were in the spirit of its purpose.

   (i) The purpose of operations for the HOSM 'Indian Ocean' is "minimising the distress suffered by people affected by the tsunami and sustaining their life and dignity" (see paragraph 3(1)(a)(ii) of the regulations at Attachment E).

BACKGROUND

9. Following the Boxing Day 2004 Indian Ocean tsunami, s47F s47F worked, as part of an international team of 12, for GE in Banda Aceh. They delivered, set up and operated two water purification plants donated by GE. The donation was solicited by a US non-government philanthropic organisation, Assist International.

10. Further background about the HOSM, eligible organisations and the assessment of the GE group is at Attachment C.

Attachments:

A. Draft Response and Instrument
B. Testimonial s47F
C. Further Background
D. *Humanitarian Overseas Service Medal Regulations* (1999)
E. *Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005*

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ATTACHMENT C

FURTHER BACKGROUND

HOSM Regulations and the treatment of organisations

The *Humanitarian Overseas Service Medal* (HOSM) was created by Letters Patent issued by Her Majesty The Queen in 1999. Although it was intended that the HOSM be able to be awarded for humanitarian relief operations following natural disasters, the regulations governing the award ('the 1999 Regulations' at Attachment D) were framed with the humanitarian crises of armed conflict in mind. Following the Boxing Day 2004 Indian Ocean tsunami, it was realised that natural disaster relief operations could not meet the hazard element required by the 1999 Regulations. This was rectified through the establishment of the *Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005* ('the 2005 Regulations' at Attachment E).

Eligibility for the HOSM with clasp 'Indian Ocean' is governed by the 2005 Regulations. 'Eligible organisation' is defined, in part, to mean "an organisation specified in a Determination under subregulation 3(2)". Subregulation 3(2) simply provides that the Governor-General may, on the recommendation of the Minister, determine that an organisation is an eligible organisation for the purpose of subregulation 3(1). Subregulation 3(1) establishes the parameters for eligibility for the 'Indian Ocean' clasp. 'Organisation' is not defined in the 2005 Regulations but subregulation 2(2) provides that "Unless the contrary intention appears, terms used in these Regulations and in the Humanitarian Overseas Service Medal Regulations [i.e. the 1999 Regulations] have the same meaning in these Regulations as they have in those Regulations".

The 1999 Regulations define 'organisation' as follows:

(a) a class of persons included in, or operating under the auspices of:
  (i) an Australian government organisation; or
  (ii) an Australian non-government organisation; or
  (iii) a foreign government organisation; or
  (iv) a foreign non-government organisation; or
  (v) an international organisation; or
  (vi) an international non-government organisation; or
(b) a contingent to, or a component of, an organisation mentioned in subparagraphs (a)(i), (ii), (iii), (iv), (v) and (vi); or
(c) a class of persons declared by the Governor-General, in writing, on the recommendation of the Minister, to be an organisation for the purposes of these Regulations.

Table: Examples of eligible organisations, by definition

Definition	*Example (and an operation for which its members are eligible)*
(a)(i)	Department of Foreign Affairs and Trade – HOSM "Indian Ocean"
(a)(ii)	CARE Australia – HOSM "Mozambique"
(a)(iii)	East Timor Ambulance Service (declared as "Australian contingent to ...", under paragraph (b)) – HOSM "East Timor"
(a)(iv)	Oxfam Great Britain (declared as "Australian contingent to ...", under paragraph (b)) – HOSM "Pakistan"
(a)(v)	United Nations organisations (declared as "Australian contingent to ...", under paragraph (b)) – HOSM "Iraq"
(a)(vi)	International Committee of the Red Cross (declared as "Australian contingent to ...", under paragraph (b)) – HOSM "Cambodia"
(b)	(see above)
(c)	N/A – none have been declared that did not meet one of the other definitions.

The HOSM is analogous to the military *Australian Service Medal* (ASM) and the *Police Overseas Service Medal* (POSM) in the Australian honours system. Clasps to the ASM and POSM are declared in respect of particular military or police deployments overseas with activities that meet specified requirements for purpose and hazard. It is the execution of the organisation's objectives which is medal-worthy, so personnel who meet time and place criteria for participation in those deployments may be awarded the ASM or POSM, as the case may be.

The HOSM is similarly awarded for the merit-worthiness of the organisation's objectives. The HOSM is based on the premise that Australian organisations that send their members overseas to deliver emergency humanitarian assistance projects in hazardous environments are worthy of recognition, through medals to their members. The members themselves do not need to demonstrate individual merit. To qualify for the award, the members simply need to fulfil place and time criteria, which place them within a class of meritorious service.

Being a member of an eligible organisation is also part of the qualifying criteria for the HOSM. The authoritative confirmation of an applicant's claims by the organisation with which the applicant served provides a robust assessment process and enhances the integrity of the HOSM. Accordingly, freelance or independent humanitarian service cannot qualify.

The General Electric (GE) operation in Banda Aceh

Following the tsunami on 26 December 2004, the US non-government organisation Assist International sought a donor of water purification equipment for the people of Banda Aceh. GE not only donated the equipment (two purification plants) but also power generators, parts and consumables, and personnel and transport to deliver, set up and run them.

On arrival in Sumatra, GE gave the water treatment plants to PLN, the Indonesian state utility company. GE employees set up and ran the plants for the initial period of the emergency.

Some non-government humanitarian organisations were amongst those who used the GE water supply, including an orphanage established and supported by Australian group, Youth Off The Streets (YOTS).

The Australian Defence Force (ADF) provided heavy transport and lifting equipment, personnel and expertise to assist with the delivery and set up of the plants, and apparently made incidental use of the GE water supply, even though they had their own clean water supply from their own purification equipment.

s47F

s47F Their location and duration of service are within the requirements for the HOSM 'Indian Ocean'. Their service can be validated by GE.

There is no suggestion that the GE group's conduct renders the service of its members unworthy of recognition in any way. In fact, the GE operation has received official recognition from the US and, possibly, Indonesia. The US Secretary of State's 2007 Award for Corporate Excellence was awarded to GE for its post-tsunami relief efforts. GE has also issued a media release reporting that the Indonesian President gave an award to GE in recognition of its post-tsunami operations, but we have been unable to verify this.

Assessment of the GE group

s47F has been pursuing eligibility for the HOSM s47F service in Banda Aceh since 19 April 2005. The regulations for the HOSM 'Indian Ocean' were gazetted on 30 May 2005.

From the outset, the service of the Australian members of the GE group in Banda Aceh has been assessed as meeting the requirements for location, dates, duration and purpose for the HOSM 'Indian Ocean'. The stumbling block has been the status of the organisation. We did not consider that GE's purpose was to fulfil the objectives of any Australian organisation. s47F s47F were hired by an international corporation to assist with the delivery of a gesture of good corporate citizenship. The only Australian element of the operation was the nationality of s47F of its contracted employees and co-operation with some other Australian organisations in Banda Aceh.

The Australian connection

Our initial conclusion was that there was insufficient connection to Australia to justify recognition of the GE group's operation. We explored whether the GE group's connection with the YOTS operation could form the basis of eligibility and advised s47F that, if he was able to provide information to this end, we would reconsider the assessment. We now consider that it would not be acceptable to 'deem' persons to be members of an eligible organisation when their involvement is limited to co-operation (however close it may be), rather than participation as a member.

In reconsidering this issue, we realised that we were focused on fitting GE into definitions (a) and (b) of an organisation (see page 1 of this Attachment) and ignoring definition (c). Applying definition (c) is appropriate where an organisation does not meet (a) or (b), but the organisation's operation is in keeping with the purpose of the award. Definition (c) allows for unforeseen circumstances but not complete discretion. We consider that there are a number of factors that, together, justify applying (c) to the GE group (but which, by themselves, would not):

- ADF members performing the same work in Banda Aceh (water purification and delivery) are eligible for the HOSM 'Indian Ocean'.
- The GE group's work meets the purpose of the HOSM 'Indian Ocean'.
- Two Australian organisations which the GE group supported, or with which they co-operated, have provided positive testimonials.
- The s47 Australians were deployed from a place of safety into the disaster zone and functioned as a group.
- The Australian response to the tsunami involved a very large deployment of Australians into a natural disaster zone – thousands of relief workers were involved. The unique nature of this disaster has been used to justify the exceptional treatment of other groups.

Examples of other groups which might not ordinarily have been considered for the HOSM but for the extraordinary scale and nature of the tsunami relief operation include:

- Australia Sri Lanka Medical Aid Team – a group of Victorian doctors of Sri Lankan origin who travelled back to Sri Lanka to provide post-tsunami emergency medical assistance. This was essentially a group of individuals acting spontaneously. However, the doctors liaised with the Victorian Government's official medical aid team in Sri Lanka, and was known to the person in the Victorian Premier's department who co-ordinated the official team. The Victorian Government agreed to validate the service of the members and, on this basis, they were recognised as a group for HOSM purposes.
- Australian Volunteers International Maldives Short Term Teacher Project – Australian teachers deployed to post-tsunami Maldives to provide teaching relief. This would usually be viewed as development aid, and not eligible for the HOSM but, in this case, teachers were counselling traumatised children and providing more generally for their welfare, and thus met the purpose of the award.

We also considered whether it was justifiable to recognise the Australians in the GE group and not the s47F other foreign nationals. We realised that we already do this when assessing UN-related service – we recognise Australians who are members of, or contracted by, the UN in overseas humanitarian relief operations without considering the eligibility of foreign nationals working alongside them. It is accepted that it is inappropriate for the Australian Government to award medals for humanitarian service overseas to foreigners working for an international or foreign organisation. Limiting eligibility in the GE group to the contracted Australians involved in the operation would be the same as an accepted existing practice.

Commercial or not?

In reviewing this matter in detail, we concluded that we should be looking at the GE operation in Banda Aceh in isolation from the multinational GE parent corporation. The GE operation in Banda Aceh was clearly an altruistic act, not motivated by profit. If this separation is accepted, the concerns about the commercial nature of the organisation are negated.

Conclusion

If the s47F Australians are viewed as an Australian contingent to the non-commercial set up and operation of water purification equipment donated by GE, and taking into consideration the extraordinary scale and nature of the tsunami relief operation, it is acceptable to treat them as an exceptional case and determine them as an eligible organisation, under paragraph (c) of the HOSM definition of 'organisation'. We propose the group be determined as eligible in the following form:

> *Australian contingent to the humanitarian relief operation of GE Infrastructure, Water & Process Technologies.*

Commonwealth of Australia Gazette

No. S 243, Wednesday, 9 June 1999

Published by AusInfo, Canberra

SPECIAL

COMMONWEALTH OF AUSTRALIA

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS it is desirable that there be instituted an Australian medal for the purpose of according recognition to persons who have given humanitarian service in hazardous circumstances outside Australia;

KNOW YOU that We do, by these Presents, institute a medal to be called the Humanitarian Overseas Service Medal;

AND WE DO ordain that the award of the Humanitarian Overseas Service Medal is governed by the Regulations set out in the Schedule.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great Seal of Australia at Our Court at St James's on 16th April 1999

By Her Majesty's Command,

Prime Minister

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Schedule

Humanitarian Overseas Service Medal Regulations

Part 1 Preliminary

1 Name of regulations

These regulations are the *Humanitarian Overseas Service Medal Regulations*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

clasp means a device that denotes the declared operation for which the Medal was awarded.

declared operation means an operation for which a declaration has been made under regulation 3.

Department means the Department responsible for the administration of the Australian system of honours and awards.

eligible service means service of the kind mentioned in regulation 4.

humanitarian service means service giving immediate remedy or action to assist needy or distressed persons in order to sustain the life and dignity of those persons.

Medal means the Humanitarian Overseas Service Medal.

Minister means the Minister responsible for the administration of the Australian system of honours and awards or a Minister or member of the Federal Executive Council authorised by the Minister to act on behalf of that Minister.

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organisation means:

(a) a class of persons included in, or operating under the auspices of:

(i) an Australian government organisation; or

(ii) an Australian non-government organisation; or

(iii) a foreign government organisation; or

(iv) a foreign non-government organisation; or

(v) an international organisation; or

(vi) an international non-government organisation; or

(b) a contingent to, or a component of, an organisation mentioned in subparagraphs (a) (i), (ii), (iii), (iv), (v) and (vi); or

(c) a class of persons declared by the Governor-General, in writing, on the recommendation of the Minister, to be an organisation for the purposes of these Regulations.

overseas means outside Australia and the external territories as defined in paragraph 17 (pd) of the *Acts Interpretation Act 1901*.

Register of Awards means the register maintained under paragraph 10 (2) (a).

Registrar means the registrar appointed under subregulation 10 (1).

Secretary means the Secretary of the Department administering the Australian system of honours and awards.

Part 2 Award of Medal

3 Declared operations

(1) The Governor-General may, on the recommendation of the Minister, declare, in writing, an operation to be a declared operation if it occurs or occurred:

(a) in a specified hazardous area, that is, an area overseas:

(i) in which an operation is, or has been, carried out by, or under the auspices of, the United Nations in accordance with action taken under Chapter VI (Pacific Settlement of Disputes) or Chapter VII (Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression) of the United Nations Charter; or

(ii) in which an operation to render humanitarian service at a time when civilians or refugees are exposed to a situation that causes, or has the potential to cause, death or significant distress is, or has been, carried out by, or under the auspices of, an organisation; and

(b) in dangerous circumstances, that is, circumstances in which persons are, or were, exposed to the risk of death or significant harm.

(2) A declaration under subregulation (1) must specify the following in relation to the declared operation:

(a) the name by which the operation is to be known for the purpose of these Regulations;

(b) the geographical extent of the hazardous area;

(c) the dates during which the operation occurred or, if the operation is continuing, the date when the operation commenced;

(d) the organisation, or organisations, service with which is eligible service;

(e) the period within which each such organisation participated in the operation or, if the participation is continuing, the date when the participation commenced;

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(f) the qualifying period of service required to be given by a member of an organisation to be eligible for an award of the Medal;

(g) whether the period of qualifying service must be calculated as continuous service or may be aggregated from several periods of service in one or more organisations;

(h) whether inspection visits may be counted as humanitarian service, and any special conditions attaching to calculation of that service.

4 Eligible service

(1) A person gives eligible service during a declared operation if the person gives humanitarian service:

(a) in the hazardous area specified under subregulation 3 (2) in relation to that declared operation (in this regulation called ***the specified hazardous area***); and

(b) as a member of an organisation so specified; and

(c) for the qualifying period so specified; and

(d) within the period of the overall operation; and

(e) within the period of each relevant organisation's participation.

(2) Service may be eligible service whether the service was paid or unpaid.

(3) A declaration under subregulation 3 (1) may also specify, in relation to the declared operation, conditions about ineligibility for an award of the Medal, including specifying that a person, or a person included in a specified class of persons, is not eligible for an award of the Medal if:

(a) the person has previously received, or is entitled to, an award of another medal for the person's service in the same operation; or

(b) the person (whether in the specified hazardous area as a refugee or resident) is a locally-engaged member of the staff of an organisation in that area; or

(c) the person is, or is an employee of, a commercial contractor to an organisation in the specified hazardous area.

(4) In making a recommendation under subregulation 5 (1), the Secretary may treat as eligible service a period of service by a person that is shorter than the qualifying period if:

(a) the person's service was terminated, because of death, disability or illness of the person due to that service, before the qualifying period was completed; and

(b) in the opinion of the Secretary, the person would have completed the qualifying period, but for the termination.

5 Award of Medal

(1) The Governor-General may, on the recommendation of the Secretary, award to a person who has given eligible service during a declared operation the Medal and a clasp denoting that declared operation.

(2) If a person has been awarded the Medal and a clasp for eligible service during a particular declared operation and the person gives eligible service during a different declared operation, the person may be awarded the Medal in the form of a further clasp to the Medal.

(3) The Medal may be awarded posthumously.

6 Cancellation of award

(1) The Governor-General, acting on the recommendation of the Minister, may cancel an award made under these Regulations.

(2) If an award of the Medal is cancelled:

(a) the Registrar must note the cancellation in the Register of Awards; and

(b) the person must return the Medal to the Registrar.

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(3) If an award of a clasp is cancelled:

(a) the Registrar must note the cancellation in the Register of Awards; and

(b) the person must return the clasp to the Registrar.

7 Reinstatement of award

(1) The Governor-General, acting on the recommendation of the Minister, may reinstate an award that has been cancelled.

(2) If an award is reinstated, the Registrar must:

(a) note the reinstatement in the Register of Awards; and

(b) return the Medal or clasp.

Part 3 The Medal

8 Design of the Medal or clasp

The design of the Medal, or of a clasp, is the design determined by the Governor-General.

9 Wearing of the Medal or clasp

The manner in which, and occasions on which, the Medal, or a clasp, may be worn are as determined by the Governor-General.

Part 4 Administration

10 Registrar of Awards

(1) The Governor-General must appoint a Registrar of Awards.

(2) The Registrar must:

(a) maintain a Register of Awards, containing the names of each person to whom the Medal or a clasp has been awarded; and

(b) keep such other records relating to the award of the Medal as the Governor-General directs.

(3) The Registrar may:

(a) correct an error in an entry in the Register of Awards or another record kept under this regulation; or

(b) annotate:

(i) an entry in the Register of Awards in accordance with regulation 6 or 7; or

(ii) an entry in another record kept under this regulation.

11 Delegations

(1) The Secretary may delegate, in writing, to a Senior Executive Service officer in the Department:

(a) the power under subregulation 4 (4) to treat a period of service as eligible service; and

(b) the power under regulation 5 to recommend the award of the Medal.

(2) A delegation under this regulation:

(a) is revocable; and

(b) continues in force until expressly revoked.

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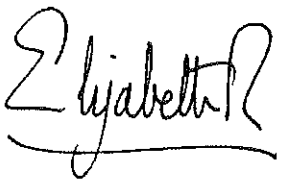
SPECIAL



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS there has been instituted an Australian medal for the purpose of according recognition to persons who have given humanitarian service in hazardous circumstances outside Australia;

AND it is desirable that eligibility for the medal be extended to accord recognition to persons who have given, or give, humanitarian service as part of the relief efforts following the Indian Ocean tsunami of 26 December 2004 and certain other natural disasters;

KNOW YOU that We do, by these Presents, extend the eligibility criteria for the Humanitarian Overseas Service Medal to include those persons;

AND WE DO ordain that the award of the Humanitarian Overseas Service Medal to persons involved in those relief efforts is governed by the Regulations set out in the Schedule.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great Seal of Australia at Our Court at St James's on 8 April 2005

By Her Majesty's Command,

Prime Minister

Cat. No. S 8605
ISSN 1032-2345

Schedule

Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005

Part 1 Preliminary

1 Name of Regulations

These Regulations are the *Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005*.

2 Interpretation

(1) In these Regulations, unless the contrary intention appears:

eligible organisation means an organisation specified in a Determination under subregulation 3 (2) or a declaration under subregulation 3 (3).

eligible service means service of the kind mentioned in regulation 4.

relevant operation has the meaning given by regulation 3.

(2) Unless the contrary intention appears, terms used in these Regulations and in the *Humanitarian Overseas Service Medal Regulations* have the same meaning in these Regulations as they have in those Regulations.

Part 2 Award of medal

3 Relevant operations

(1) For these Regulations, the relevant operations are:

(a) operations that:

(i) occurred as part of the emergency relief efforts following the tsunami that struck countries bordering the Indian Ocean on 26 December 2004 and the related earthquake that struck Nias Island in Indonesia on 30 March 2005; and

(ii) had the purpose of minimising the distress suffered by people affected by the tsunami and sustaining their life and dignity; and

(iii) were conducted by eligible organisations; and

(iv) took place within:

(A) the period beginning on 26 December 2004 and ending on 12 February 2005; or

(B) the period immediately following 30 March 2005; and

(v) took place in 1 or more of the following areas:

(A) Sumatra, Indonesia;

(B) Phuket, Thailand;

(C) Sri Lanka;

(D) the Maldives;

(E) Nias Island, Indonesia; and

(b) operations that are declared, under subregulation (3), to be relevant operations.

(2) For subparagraph (1) (a) (iii), the Governor-General may, on the recommendation of the Minister, determine that an organisation is an eligible organisation for the purposes of subregulation (1).

(3) The Governor-General may, on the recommendation of the Minister, declare, in writing, an operation to be a relevant operation if it had the purpose of minimising the distress suffered by people affected by a natural disaster and sustaining their life and dignity.

(4) A declaration under subregulation (3) must specify the following in relation to the relevant operation:

(a) the name by which the operation is to be known for the purpose of these Regulations;

(b) the geographical extent of the affected area;

(c) the dates during which the operation occurred or, if the operation is continuing, the date when the operation commenced;

(d) the organisation, or organisations, that are eligible organisations for the relevant operation;

(e) the period within which each such organisation participated in the operation or, if the participation is continuing, the date when the participation commenced;

(f) the qualifying period of service required to be given by a member of an organisation to be eligible for an award of the Medal;

(g) whether inspection visits may be counted as humanitarian service, and any special conditions attaching to calculation of that service.

4 Eligible service

(1) A person is taken to have given eligible service if the person gave humanitarian service as a member of an eligible organisation in the course of relevant operations for a period or periods amounting to:

(a) at least 7 days in the period beginning on 26 December 2004 and ending on 8 January 2005; or

(b) at least 14 days in the period beginning on 26 December 2004 and ending on 12 February 2005; or

(c) at least 7 days in the period immediately after the Nias Island earthquake on 30 March 2005; or

(d) in relation to an operation that is declared, under subregulation 3 (3), to be a relevant operation — the qualifying period specified in that declaration.

(2) Service may be eligible service whether the service was paid or unpaid.

(3) In making a recommendation under subregulation 5 (1), the Secretary may treat as eligible service a period of service by a person that is shorter than the qualifying period:

(a) if:

(i) the person's service was terminated, because of death, disability or illness of the person due to that service, before the qualifying period was completed; and

(ii) in the opinion of the Secretary, the person would have completed the qualifying period, but for the termination; or

(b) if the Secretary considers that, taking into account the operational requirements of the eligible organisation as a member of which the person gave the service, it is appropriate to treat the service as eligible service.

5 Award of Medal

(1) The Governor-General may, on the recommendation of the Secretary, award to a person who has given eligible service the Medal and a clasp denoting the relevant operations.

(2) If:

(a) a person has been awarded the Medal and a clasp for eligible service during a declared operation under the *Humanitarian Overseas Service Medal Regulations*, and the person gives eligible service during a relevant operation under these Regulations; or

(b) a person has been awarded the Medal and a clasp for eligible service during a particular relevant operation, and the person gives eligible service during a different relevant operation;

the person may be awarded the Medal in the form of a further clasp to the Medal.

(3) The Medal may be awarded posthumously.

6 Cancellation of award

(1) The Governor-General, acting on the recommendation of the Minister, may cancel an award made under these Regulations.

(2) If an award of the Medal is cancelled:

(a) the Registrar must note the cancellation in the Register of Awards; and

(b) the person must return the Medal to the Registrar.

(3) If an award of a clasp is cancelled:

(a) the Registrar must note the cancellation in the Register of Awards; and

(b) the person must return the clasp to the Registrar.

7 Reinstatement of award

(1) The Governor-General, acting on the recommendation of the Minister, may reinstate an award that has been cancelled.

(2) If an award is reinstated, the Registrar must:

(a) note the reinstatement in the Register of Awards; and

(b) return the Medal or clasp.

Part 3 The medal

8 Design of the Medal or clasp

The design of the Medal, or of a clasp, is the design determined by the Governor-General.

9 Wearing of the Medal or clasp

The manner in which, and occasions on which, the Medal, or a clasp, may be worn are as determined by the Governor-General.

Part 4 Administration

10 Registrar of Awards

(1) The Registrar must:

(a) enter the names of each person to whom the Medal or a clasp has been awarded under these Regulations in the Register of Awards; and

(b) keep such other records relating to the award of the Medal as the Governor-General directs.

(2) The Registrar may:

(a) correct an error in an entry in the Register of Awards or another record kept under this regulation; or

(b) annotate an entry in the Register of Awards in accordance with regulation 6 or 7; or

(c) annotate an entry in another record kept under this regulation.

11 Delegations

(1) The Secretary may delegate, in writing, to a Senior Executive Service officer in the Department:

(a) the power under subregulation 4 (4) to treat a period of service as eligible service; and

(b) the power under regulation 5 to recommend the award of the Medal.

(2) A delegation under this regulation:

(a) is revocable; and

(b) continues in force until expressly revoked.

Commonwealth of Australia Gazette

No. S 49, Friday, 31 March 2006

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SPECIAL

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS, by Letters Patent dated 16 April 1999 given under the Great Seal of Australia, We instituted an Australian medal, designated and styled the Humanitarian Overseas Service Medal, for the purpose of according recognition to persons who have given humanitarian service in hazardous circumstances outside Australia;

AND WHEREAS, by Letters Patent dated 8 April 2005 given under the Great Seal of Australia, We extended the eligibility for the medal to accord recognition to persons who have given, or give, humanitarian service as part of the relief efforts following the Indian Ocean tsunami of 26 December 2004, the related earthquake that struck Nias Island on 28 March 2005, and certain other natural disasters;

AND WHEREAS the Letters Patent dated 8 April 2005 ordained that the award of the medal to persons involved in those relief efforts be governed by the Regulations set out in the Schedule to those Letters Patent;

AND WHEREAS it is desirable that certain amendments of the Regulations be made to extend the prescribed area of operations in Thailand for tsunami relief efforts, to close off the eligibility period for earthquake relief efforts, to clarify the link between earthquake relief efforts and the related eligibility period, and to provide for certain other matters to be specified for future operations declared under the Regulations:

KNOW YOU that We do, by these Presents, declare Our pleasure that the Letters Patent dated 8 April 2005 be amended, but without prejudice to anything lawfully done thereunder, as set out in the Schedule.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great Seal of Australia at Our Court at St James's on 2 March 2006

By Her Majesty's Command,

Prime Minister

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ISSN 1032-2345

Schedule

Amendments of the Humanitarian Overseas Service Medal (2004 Indian Ocean Tsunami and Other Natural Disasters Relief) Regulations 2005

[1] Subparagraph 3 (1) (a) (i)

omit

30 March 2005

insert

28 March 2005

[2] Sub-subparagraph 3 (1) (a) (iv) (B)

substitute

(B) the period beginning on 28 March 2005 and ending on 18 April 2005; and

[3] Sub-subparagraph 3 (1) (a) (v) (B)

substitute

(B) any of the provinces of Phuket, Ranong, Phang Nga, Krabi, Satun and Trang, Thailand;

[4] Paragraph 4 (1) (c)

substitute

(c) at least 7 days in the period beginning on 28 March 2005 and ending on 18 April 2005; or

Schedule

[5] After subregulation 4 (1)

insert

(1A) For subregulation (1), service in the period mentioned in paragraph (1) (c) must have been performed in the course of relief efforts relating to the 28 March 2005 earthquake.

[6] After subregulation 4 (2)

insert

(2A) A declaration under subregulation 3 (3) may also specify, in relation to the declared operation, conditions about ineligibility for an award of the Medal, including specifying that a person, or a person included in a specified class of persons, is not eligible for an award of the Medal if:

(a) the person has previously received, or is entitled to, an award of another medal for the person's service in the same operation; or

(b) the person is a locally-engaged member of the staff of an eligible organisation (whether the person is in the area specified in the declaration as a refugee or resident); or

(c) the person is a commercial contractor, or an employee of a commercial contractor, to an eligible organisation.

[7] Paragraph 11 (1) (a)

omit

subregulation 4 (4)

insert

subregulation 4 (3)

~~Sensitive: Legal~~

PDR: MS18-005187

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms Foster
Mr Reid
Mr Rush
Mr Martin

PMO
Dr Kunkel
s22

AMO
s22

To: Assistant Minister to the Prime Minister

HUMANITARIAN OVERSEAS SERVICE MEDAL - DECLARATIONS FOR EVENTS IN s22 WEST AFRICA, s22

Recommendations - that you:

1. Agree to recommend to the Governor-General that he make declarations that recognise Australian contributions to the following humanitarian relief operations through the award of the Humanitarian Overseas Service Medal:

s22

b. the Ebola outbreak in West Africa in 2014 and 2015;

s22

s22

Agreed / Not Agreed

s22

2. Sign the letter to the Governor-General (Attachment A) and the declarations (above your signature block on the first page of each declaration) (Attachment s22 C, s22

Signed / Not Signed

s22

STEVE IRONS

Date: 9/1/19

Comments:

Key Points:

1. The Humanitarian Overseas Service Medal (HOSM) recognises members of Australian organisations, and members of Australian contingents to international organisations, who are exposed to risk or danger in the course of providing significant emergency humanitarian aid to civilians overseas.

2. The humanitarian relief operations in s22 West Africa (Ebola outbreak), s22 were compared to the conditions encountered in operations previously recognised by the award of the HOSM.

   a. The scale and conditions of each of the four operations were assessed as being broadly equivalent to previous operations. s47C

s47C

~~Sensitive: Legal~~

s47C and s47E(d)

4. Consultations have since been undertaken with the Departments of Foreign Affairs and Trade, Health and Defence, as well as Emergency Management Australia, the Australian Honours and Award Secretariat at Government House and agencies who participated in the humanitarian response. Consultations have been necessarily thorough to ensure that all organisations that participated in the relief operation have had the opportunity to provide detailed submissions to avoid any confusion about eligibility of personnel.

   a. Australian Government agencies that contributed to the humanitarian relief operations are supportive of the award of the HOSM.

5. The four declarations detail the eligibility criteria for each event and were developed in consultation with the abovementioned agencies. A summary of each event and the eligibility criteria for the award of the HOSM follows:

s22

   b. The Ebola outbreak in West Africa in March 2014 was the largest and most complex Ebola outbreak since the virus was discovered in 1976. A total of 28,616 Ebola cases were reported, resulting in 11,310 deaths.

      i. The eligibility criteria specify: the period of the declared operation as 1 March 2014 to 29 March 2016 (the date the World Health Organisation declared the emergency ended); the operational area as Sierra Leone, Liberia and Guinea; and the qualifying period as 30 days (in-line with other similar events). Eligible organisations are listed in the Declaration at s22 .

s22

s22 [redacted]

6. Once the declarations are made, eligible agencies will be invited to submit the names of personnel to this Department for assessment and, if eligible, provision to the Governor-General for approval and award of the Medal. s47C [redacted] s47C [redacted] four events.

Background:

7. In accordance with the *Humanitarian Overseas Service Medal Regulations 2011*, the Minister makes a recommendation to the Governor-General to declare an operation as eligible for the award. The eligibility criteria for the award, including details such as the location and dates of service and eligible organisations (the members of whom can apply for the Medal), are set out in the Governor-General's declaration for each eligible operation.

Peter Rush
Assistant Secretary
Parliamentary and Government Branch
18 December 2018

Policy Officer: s22 [redacted]
Phone no: s22 [redacted]
Consultation: DFAT, Defence, Health, EMA, Government House, OPC

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