

Sensitive

Ref: B13/1718
Routine/Low Complexity

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Dr McCarthy
Ms Kelly
Ms Lynch
Ms Wood
Mr Sadleir
Mr Rush

MO

File:

To: Parliamentary Secretary to the Prime Minister (for decision)

HUMANITARIAN OVERSEAS SERVICE MEDAL 'IRAQ' - ELIGIBILITY OF A COMMERCIAL CONTRACTOR

Recommendation - that you agree not to extend eligibility for the 'Iraq' clasp to the <i>Humanitarian Overseas Service Medal</i> to a commercial contractor engaged by AusAID		s 11C(1)(b)
s 11C(1)(b)		<div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;"> Agreed </div> Not agreed
Josh Frydenberg	s 11C(1)(a)	
Date: 11/10/13		
Comments:		

Key Points:

1. The *Humanitarian Overseas Service Medal* (HOSM) honours members of recognised Australian groups for emergency humanitarian service overseas in hazardous circumstances.
 - a. The medal was established in 1999 to recognise humanitarian service provided in response to civil unrest overseas. The HOSM Regulations were amended in 2005 to enable recognition of humanitarian service provided in response to national disasters overseas.
 - b. It is an operational service medal, awarded with a clasp identifying each declared operation. Only one medal can be awarded to an individual. However, additional clasps may be awarded for eligible service in a different operation.
 - c. Applicants must be members of eligible Australian groups. This may include Australian government or non-government organisations, or a group of Australians working with a United Nations or other international humanitarian organisation.
 - d. Individual applicants for each operation must have served in the specified hazardous area and meet the qualifying period of service for that operation.
2. The *Humanitarian Overseas Service Medal (Iraq) Declaration 2004* was made by the Governor-General for the humanitarian operation that commenced on 20 March 2003 arising out of the civil unrest in Iraq following the commencement on that date of operation Iraqi Freedom carried out in Iraq by the United States led coalition forces.
 - a. The declaration specifies that the following not-for-profit organisations are eligible for the medal with 'Iraq' clasp: Australian Red Cross, CARE Australia, World Vision Australia, and Australian contingents to the International Committee of Red Cross, to United Nations organisations and to the rehabilitation program carried out by the Coalition Provisional Authority.
 - b. The declaration specifies that commercial contractors and their employees are not eligible.

Sensitive

3. During 2010 and 2011, s 11C(1)(a) an employee of an organisation engaged by AusAID s 11C(1)(b) made inquiries about and submitted an application form for HOSM 'Iraq'.

s 11C(1)(b)

4. We advised s 11C(1)(a) he is not eligible because the 'Iraq' clasp does not extend to employees of commercial contractors such as s 11C(1)(b) s 11C(1)(a)
- a. s 11C(1)(a) you, as responsible minister, would need to make a recommendation to the Governor-General to amend the *Humanitarian Overseas Service Medal (Iraq) Declaration 2004* to extend eligibility to employees of commercial contractors and to add s 11C(1)(b) as an eligible group.
5. With one exception, for-profit organisations have not been recommended for recognition through the medal, on the grounds that such organisations, in comparison with not-for-profit organisations, are not principally humanitarian organisations.
- a. The exception is for the 'Indian Ocean' (Tsunami relief effort) operation, the Australian contingent to the humanitarian relief operation of GE Infrastructure, Water & Process Technologies was declared eligible on the basis that though it is a for-profit organisation, GE's operations in response to the Indian Ocean tsunami were for the purpose of 'minimising the distress suffered by people affected by the tsunami and sustaining their life and dignity' and were not-for-profit.
- b. This case establishes a precedent for extending eligibility to for-profit organisations in cases in which they are engaged in not-for-profit humanitarian operations.
6. We do not support extending eligibility to s 11C(1)(b) for HOSM 'Iraq', on the basis that s 11C(1)(b) is a for-profit organisation which was contracted s 11C(1)(b) and was not engaged directly in not-for-profit humanitarian operations.
- a. We note that AusAID is not an eligible organisation for HOSM 'Iraq'.
- b. We would expect strong criticism from existing medal holders and others of a decision to extend eligibility for the medal beyond the original purpose, which is to recognise not-for-profit humanitarian service.
7. If you agree, we will advise s 11C(1)(a) and the Department of Foreign Affairs and Trade (AusAID).

s 11C(1)(a)

Peter Rush
Assistant Secretary
Honours, Symbols and Territories
26 September 2013

Contact: s 22
Consultation: Defence and Intelligence
Branch, Regional and Global Branch;
AusAID.