



THE HON BEN MORTON MP  
ASSISTANT MINISTER TO THE PRIME MINISTER AND CABINET

Reference: MC20-xxxx

Mr Andrew Hastie MP  
Member for Canning  
PO Box 968  
MANDURAH WA 6210

Dear Mr Hastie

Thank you for your email dated 28 October 2019 to the Minister for Veterans and Defence Personnel, the Hon Darren Chester MP, seeking support for the *Humanitarian Overseas Service Medal* with 'Iraq' clasp to be extended to s11C(1)(b). Specifically, your constituents s11C(1)(a) and s47F. Your correspondence was referred to me as the Minister responsible for honours policy. I sincerely apologise for the delay in responding to you.

The *Humanitarian Overseas Service Medal (Iraq) Declaration 2004* specifies certain not-for-profit organisations that are eligible for the medal with 'Iraq' clasp. It also specifies that commercial contractors and their employees are not eligible for the medal. You will find more details at: <https://www.gg.gov.au/australian-honours-and-awards/operational-and-service-awards/humanitarian-overseas-service-medal>.

I confirm that s11C(1)(a) and s47F are not eligible for the Humanitarian Overseas Service Medal for their work with s11C(1)(b), a commercial contractor to AusAID s11C(1)(b). This is because s11C(1)(b) is not on the list of approved organisations for the medal under the declaration.

I do not intend to recommend any changes to the eligibility criteria for a medal that recognises members of not-for-profit organisations providing emergency humanitarian services overseas including extending the medal to members of commercial contractors providing security services in support of such operations overseas.

I thank you again for writing and trust this information will be helpful to your constituents.

Yours sincerely

**BEN MORTON**  
/ / 2020

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

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

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

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File:

<b>Recommendation</b> - that you agree <b>not</b> to extend eligibility for the 'Iraq' clasp to the <i>Humanitarian Overseas Service Medal</i> to a commercial contractor engaged by AusAID <span style="color: red;">s11C(1)(b)</span>	
<span style="color: red;">s11C(1)(b)</span>	
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">Agreed</span> / Not agreed	
Josh Frydenberg <span style="color: red;">s11C(1)(a)</span>	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, <sup>s11C(1)(a)</sup> an employee of an organisation engaged by AusAID <sup>s11C(1)(b)</sup>, made inquiries about and submitted an application form for HOSM 'Iraq'.

<sup>s11C(1)(b)</sup>

4. We advised <sup>s11C(1)(a)</sup> he is not eligible because the 'Iraq' class does not extend to employees of commercial contractors such as <sup>s11C(1)(b)</sup> <sup>s11C(1)(a)</sup>.
- a. <sup>s11C(1)(a)</sup> 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 <sup>s11C(1)(b)</sup> 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 <sup>s11C(1)(b)</sup> for HOSM 'Iraq', on the basis that <sup>s11C(1)(b)</sup> is a for-profit organisation which was contracted <sup>s11C(1)(b)</sup> 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 <sup>s11C(1)(a)</sup> and the Department of Foreign Affairs and Trade (AusAID).

<sup>s11C(1)(a)</sup>

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

Contact: <sup>s22</sup>  
Consultation: Defence and Intelligence  
Branch, Regional and Global Branch;  
AusAID.

**From:** s22  
**To:** DLO MINDP  
**Subject:** 191105 1259 - s22 ]-[DLO MINDP] MC19-002866 - Constituents seeking HOSM for sub-contracted service in Iraq  
**Date:** Tuesday, 5 November 2019 12:59:00 PM  
**Attachments:** image001.png

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UNCLASSIFIED

Good afternoon s22

Just a heads up I have asked MECC to re-task this to DFAT as this relates to the HOSM which is administered by PM&C and s11C(1)(b) were subcontracted by DFAT (not Defence-related service). Defence is not an eligible organisation for the HOSM (Iraq) and therefore cannot comment on the eligibility deliberations or administration of this medal.

Happy to discuss.

s22

A/Assistant Director Stakeholder Engagement  
Directorate of Honours and Awards  
Department of Defence  
s22 | Brindabella Park | PO Box 7952 | Canberra BC | ACT 2610  
s22

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**From:** s22  
**Sent:** Wednesday, 30 October 2019 5:14 PM  
**To:** DLO MINDP s22  
**Subject:** FW: Constituents seeking HOSM for sub-contracted service in Iraq [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s22,

Can you please task a response to this query.

They will need to address the letter attached in which PM&C identified that there was a case for awarding the medal to s11C(1)(b) in 2013. Can it also include the reasons that they were not awarded the HOSM / why they are not eligible.

Also the office has asked what would need to be done to extend the eligibility criteria and what process would we need to undertake to achieve this?

Thanks

s2

s22

Office of the Hon Darren Chester MP  
Minister for Veterans and Defence Personnel  
Deputy Leader of the House

Suite M1.44 Parliament House CANBERRA ACT 2600

s22

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**From:** s47F (A. Hastie, MP) s47F >

**Sent:** Monday, 28 October 2019 8:03 PM

**To:** s22

**Subject:** Constituents seeking HOSM for sub-contracted service in Iraq

Good Afternoon s22 ,

Andrew has requested that I contact you regarding his constituents s47F and s11C(1)(a) s11C(1)(a) . They are seeking a Humanitarian Overseas Service Medal (HOSM) to s11C(1)(b) s11C(1)(b) personnel who participated in an Australian humanitarian operation in Iraq between 2003 and 2005.

s47F and s11C(1)(a) were sub-contracted due to their previous service and skill by the Department of Foreign Affairs and Trade to protect AusAID workers, enabling necessary humanitarian assistance in a warzone. While the Australian officials on the same AusAID program in Iraq were awarded the HOSM, CRG personnel were not awarded as such.

Correspondence with the Prime Minister and Cabinet's office (PM&C) has shown that while the PM&C believes there is a case for extending the HOSM to CRG personnel they are unable to due to the HOSM (Iraq) 2004 declaration excluding commercial organisations.

s47F and s11C(1)(a) believe that a precedent exists for extending the eligibility criteria to CRG personnel however they feel that due consideration has not been given to their case.

For further details of their case, please see the attached correspondence between s11C(1)(a) and the Minister of Foreign Affairs & Trade, Senator the Hon Bob Carr in 2013. In particular, see Attachment Two in the document, which outlines the evidence supporting their case in further detail.

Any information you are able to provide myself and the constituents regarding the possibilities of extending the eligibility criteria for the HOSM would be greatly appreciated. My main question is if it is at all possible to extend the eligibility criteria what process would we need to undertake to achieve this?



Thanks for your time,

s47F

Electorate Officer

**Office of Andrew Hastie**

Federal Member for Canning

s47F



# ANDREW HASTIE MP

## Federal Member for Canning

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