

DEPARTMENT OF THE PRIME MINISTER AND CABINET

HE AK AW CS NW

Ms Belcher
Mr Rush

Prime Minister (for signature)

s 22(1)(a)(ii)
PMO x 3

HUMANITARIAN OVERSEAS SERVICE MEDAL: APPROVAL OF NEW AFGHANISTAN OPERATION

File

Purpose: To declare a new operation for the *Humanitarian Overseas Service Medal* (HOSM), for humanitarian service given in Afghanistan.

Background: The HOSM is awarded to individuals who give humanitarian service with eligible organisations during operations declared by the Governor-General under the 1999 HOSM Regulations (TAB A). Humanitarian service is defined as service giving immediate remedy or action to assist needy or distressed persons in order to sustain their life and dignity. Declared operations must occur in hazardous overseas areas in which civilians or refugees are exposed to the risk of death or significant distress, and in circumstances which expose those giving service to the risk of death or significant harm.

The HOSM Regulations provide for the Governor-General, on your recommendation, to declare an operation specifying certain details such as geographical extent, dates, organisations (the members of which can be eligible for the HOSM), and certain types of restrictions on eligibility.

Issues: Research and consultation on humanitarian operations in Afghanistan have concluded that a new HOSM operation should be declared, under the 1999 HOSM Regulations, for humanitarian service in that country. Service commencing from the date of the Soviet invasion, 8 December 1979, could be eligible service for the award. However, service with any one of the four organisations to be declared eligible for this operation would need to have commenced on or after the commencement date declared for that organisation. The four organisations are Australian Red Cross, International Committee of the Red Cross, World Vision, and Australian contingents to United Nations organisations. Only service with United Nations organisations would be eligible from 1979. The attached letter to the Governor-General seeks his approval of the draft declaration establishing the Afghanistan HOSM operation.

The proposed declaration would not recognise service in Afghanistan or Pakistan which has already earned specified Australian military service medals. This is consistent with the honours policy tenet that the same service is generally not recognised by more than one award of the same type.

Recommendation: That you:

1. sign the letter to the Governor-General; and
2. sign (**but not date**) the proposed declaration.

s 22(1)(a)(ii)

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Duncan Lewis
Deputy Secretary

21 March 2006

SIGNED / NOT SIGNED

s 22(1)(a)(ii)

[Redacted signature area]

s 22(1)(a)(ii)

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(John Howard)

[Handwritten signature]

Contact Officer: s 22(1)(a)(ii), Awards and Culture Branch s 22(1)(a)(ii)



PRIME MINISTER
CANBERRA

3-1 MAR 2006

His Excellency Major General Michael Jeffery AC CVO MC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I seek your approval of a declaration for the *Humanitarian Overseas Service Medal* (HOSM).

The HOSM was created in 1999 to recognise Australians rendering humanitarian aid overseas in hazardous circumstances. In 2005 new HOSM regulations extended eligibility for the HOSM so that humanitarian operations following the 2004 Indian Ocean tsunami could be recognised. The proposed declaration would be made under the original 1999 HOSM regulations.

The proposed declaration would establish a new HOSM operation for humanitarian service given in Afghanistan since 1979. The declaration would establish service with four non-government organisations as eligible service for the award. The HOSM for this operation would be distinguished by the clasp "Afghanistan".

I recommend that you approve the enclosed instrument.

Yours sincerely

s 22(1)(a)(ii)

(John Howard)

s 22(1)(a)(ii)



Humanitarian Overseas Service Medal (Afghanistan) Declaration 2006

Humanitarian Overseas Service Regulations

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting on the recommendation of the Prime Minister, make this Declaration under subregulation 3 (1) of the *Humanitarian Overseas Service Medal Regulations*.

Dated 2006

s 22(1)
(a)(ii)

Governor-General

By His Excellency's Command
s 22(1)(a)(ii)

s 22(1)(a)
(ii)

JOHN HOWARD
Prime Minister

1 Name of Declaration

This Declaration is the *Humanitarian Overseas Service Medal (Afghanistan) Declaration 2006*.

2 Definitions

In this Declaration:

declared operation means the operation declared by section 3.

hazardous area means the area specified in section 5.

Regulations means the *Humanitarian Overseas Service Medal Regulations* set out in Schedule 1 to the Letters Patent dated 16 April 1999, given under the Great Seal of Australia, as amended from time to time.

specified organisation means an organisation specified in Schedule 1.

3 Declaration

The ongoing humanitarian aid operation arising out of the civil unrest in Afghanistan following the invasion by the former Soviet Union on 8 December 1979, being an operation that satisfies the conditions mentioned in paragraphs 3 (1) (a) and (b) of the Regulations, is a declared operation.

4 Name of operation

For the purpose of paragraph 3 (2) (a) of the Regulations, the name by which the declared operation is to be known is 'Afghanistan'.

5 Geographical extent of hazardous area

The geographical extent of the hazardous area to which the declared operation relates is:

- (a) Afghanistan; and
- (b) areas in adjoining countries, being areas in which specified organisations provided humanitarian assistance associated with the declared operation.

6 Date when declared operation commenced

The declared operation commenced on 8 December 1979.

7 Specification of organisations for eligible service

Humanitarian service with a specified organisation is eligible service.

8 Date when participation of specified organisations commenced

The date when each specified organisation began participating in the declared operation is the date specified in Schedule 1 in relation to the organisation.

9 Qualifying period of service

- (1) The qualifying period of service required to be given by a member of a specified organisation to be eligible for an award of the Medal is 30 days.
- (2) The qualifying period of service may be aggregated from several periods of service with 1 or more of the specified organisations.

- (3) If a person gave humanitarian service as a member of 2 or more specified organisations, and a day of the service could be counted as a day of service for more than 1 organisation, the day must be counted as 1 day of service.

10 When inspection visits count as humanitarian service

- (1) A person's inspection visit is counted as humanitarian service if the person made the visit:
- (a) as a member of a specified organisation; and
 - (b) on or after the commencement date specified in Schedule 1 in relation to the specified organisation.
- (2) If the person made the inspection visit as a member of 2 or more specified organisations, and a day of the visit could be counted as a day of service for more than 1 organisation, the day must be counted as 1 day of service.

11 Ineligibility for an award of the Medal

Eligible service does not include service of the following kinds:

- (a) service in relation to Operation Catalyst, Operation Slipper or Operation Palate in Afghanistan, that is:
 - (i) given by a person to whom the Afghanistan clasp to the Australian Active Service Medal may be awarded; and
 - (ii) service in a prescribed operation for the Australian Active Service Medal Regulations;
- (b) service in relation to Operation Salaam in Afghanistan or Pakistan, that is:
 - (i) given by a person to whom the Peshawar clasp to the Australian Service Medal may be awarded; and
 - (ii) service in a prescribed operation for the Australian Service Medal Regulations;
- (c) service as a locally-engaged member of the staff of a specified organisation (whether the person is in the hazardous area as a refugee or a resident);
- (d) service as a commercial contractor, or an employee of a commercial contractor, to a specified organisation.

Schedule 1 Specified organisations

(sections 2, 8 and 10)

Item	Specified organisation	Participation commencement date
1	Australian Red Cross	15 September 1988
2	International Committee of the Red Cross	15 September 1988
3	Australian contingents to United Nations organisations	8 December 1979
4	World Vision	31 October 2001



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SPECIAL

s 22(1)(a)(ii)



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,

s 22(1)(a)(ii)

Prime Minister



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.

Schedule

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;

Schedule

- (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
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-
- (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.

Schedule

- (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

Schedule

- (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.

Gore-Phillips, Glenn

From: s 22(1)(a)(ii) /
Sent: Friday, 31 March 2006 12:31 PM
To: Lewis, Duncan
Cc: Sinodinos, Arthur; Warner, Nick; s 22(1)(a)(ii) ;
s 22(1)(a)(ii) ; Shergold, Peter; s 22(1)(a)(ii)
s 22(1)(a)(ii) ; Belcher, Barbara; Rush, Peter; s 22(1)(a)(ii)
Subject: HOSM - Approval of new Afghanistan Operations [SEC=IN-
CONFIDENCE / NO CAVEATS]
Categories: SEC=IN-CONFIDENCE, NO CAVEATS
ProtectingMarking : NO CAVEATS
ProtectingMarking Classification: SEC=IN-CONFIDENCE

Duncan

the Prime Minister has considered your brief of 21 March and signed the necessary documents

s 22(1)(a)(ii)
Senior Adviser (Government)
Office of the Prime Minister
s 22(1)(a)(ii)

[SEC=IN-CONFIDENCE / NO CAVEATS]