

## 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.

**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.



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## 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;

- (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.

- (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.