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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

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

Regulation 3

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).

Regulation 4

- (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

Part 2 Award of medal

Regulation 5

- (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

Regulation 7

- (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

Regulation 8

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.