

**The Australian Peacekeeper & Peacemaker Veterans' Association,  
National Executive,  
Submission of the Reclassification of service of Humanitarian Operations,  
And/or Defence Aid to Civilian Community Operations Overseas,  
From Peacetime Service to Non-Warlike "HAZARDOUS SERVICE."**

**Background.**

1. The Australian Peacekeeper & Peacemaker Veterans' Association Incorporated (APPVA) has actively consulted with Australian Defence Force (ADF) members, who have served on Humanitarian or Defence Aid to Civilian Community (DACC) Operations, Overseas.
2. It has been identified that there exists an anomaly within the Conditions of Service for those ADF members deployed at very short notice, in response to International Disasters, at the request of either the affected country or by the United Nations.
3. The ADF has a proud record for providing assets and personnel that is beyond the capabilities of Non-Government Organisations (NGO), during Disaster Response, Recovery and Relief phases of Emergency Management to a given overseas disaster.
4. The scope of service to these operations by the ADF ranges from the South West Pacific, S.E. Asia, Indian Ocean, Pakistan, and Bam (Iraq). Therefore, the ADF provides a necessary service in response to International Disasters.
5. The recognition of this service is considered above and beyond that of normal Peacetime service, indeed, beyond the service of a home based natural disaster. This is particularly evident on these operations overseas with poor infrastructure, isolation, remote access, poor Emergency and Health assets of the host countries and the inability of International NGO and Emergency Management Agencies to appropriately cope with such magnitude of these International Disasters.

**Aim.**

6. The APPVA submits this paper, in order to seek the appropriate recognition of this service in terms of Non-Warlike Service (Hazardous Service), Conditions of Service, Veteran Entitlement coverage, and medallic recognition.

## **Key Messages.**

7. The Key Messages to this paper are the following:
  - a. The dangers to ADF personnel whilst serving on Humanitarian or DACC Overseas Operations;
  - b. Conditions of Service of those ADF members serving on Humanitarian or DACC Overseas Operations similar to Deployment Allowances;
  - c. Veteran Entitlement coverage of ADF members who serve or have served on Humanitarian or DACC Overseas Operations for Non-warlike Service “Hazardous Service”; and
  - d. Appropriate recognition and award of this service in terms of medallic recognition, with the award of the Humanitarian Overseas Service Medal (HOSM).

## **Environmental Conditions.**

8. Environmental Conditions have varied in the range of operational tasks that ADF personnel have served, particularly from 1986 to the current day. These conditions are considered, but not restricted to the following:
  - a. Contamination of the Disaster area of Disease and death;
  - b. Recovery of badly decomposed bodies, stench of death and dangerous animals;
  - c. Witnessing and tending to horrific injuries;
  - d. Psychological Harm to individuals;
  - e. Instability of the affected people;
  - f. No Infrastructure or poor infrastructure as a result of the disaster, or indeed, in developing countries where infrastructure is markedly below Australian or western standards;
  - g. Danger from unstable buildings, homes (huts) and debris;
  - i. Lawlessness of looters and gangs;
  - j. Operating in demanding and arduous conditions;

- k. Operating within a given time frame within the Operational Mission;
- l. Poor access to amenities, below standard in comparison to service within Australia;
- m. Limited supplies of rations, and fresh water;
- n. Limited medical facilities;
- o. Risk of poor health and hygiene of ADF members;
- p. Poor communications within the Operational area and with loved ones at home;
- q. Occupational Health and Safety hazards;
- r. Potential risk from poor containment of toxic and dangerous chemicals;  
and
- s. Difficult weather, terrain and access.

**Conditions of Service.**

9. Currently, the Conditions of Service for those ADF members deployed are no different to that of serving within Australia. Some areas of contention for consideration to remuneration during the deployment are the following:

- a. Field Allowance at the highest tier;
- b. Disability Allowances commensurate to the absence from normal accommodation arrangements at home bases/barracks such as:
  - (i) dangers; environmental risk factors;
  - (ii) medical health risk assessments;
  - (iii) intelligence threat risk assessments;
  - (iv) Harm levels (psychological, disease exposure, cuts, bruises, and muscular-skeletal injuries);
  - (v) Objective assessment utilising the Nature of Service Review (NOSR) Decision Support Tool (DST);
  - (vi) deployment of very short notice, which may cause disruption to an individual's routine or planned events;

- (vii) absence from normal routine living standards; and
- (viii) absence from family.

10. The APPVA proposes a Disability or Deployment Allowance, commensurate or similar to Non-warlike service is an entitlement to those members who serve on Humanitarian or DACC Overseas Operations.

### **Veteran Entitlement Coverage.**

11. Currently, the Veteran Entitlement Coverage for those ADF members who have served on Humanitarian/DACC Overseas Operations is that of normal Peacetime service. Therefore, this presents a number of difficulties for those members who have medical conditions related to their service on Humanitarian/DACC Operations. These are listed as the following:

- a. The Burden of Proof. Under the Veteran Entitlement Act 1986 (VEA) and the Military Rehabilitation Compensation Act 2004 (MRCA), the Burden of Proof for Peacetime Service, in particular Humanitarian/DACC Overseas Operations is within the less beneficial approach, being the Balance of Probabilities.
  - (i) The Balance of Probabilities requires documented evidence of a given medical condition immediately after the related incident.
  - (ii) The latency of medical conditions are jeopardised for liability by the Commonwealth to an individual, if the medical condition is not immediately reported and placed into the member's Unit Medical Record, along with AC596 (Incident Report).
  - (iii) During Humanitarian/DACC Overseas Operations, medical record keeping is considered poor, particularly if there is an absence of medical personnel. Of note is if an individual has had a major severe stressor, which may later manifest itself into a given psychological illness.
  - (iv) Difficulties of the individual to prove that an incident occurred during Humanitarian or DACC Overseas Operations, in order to satisfy the Balance of Probabilities.
  - (v) Inability for treatment by the Veterans' and Veteran Families' Counselling Service (VVCS), as the service is considered Peacetime Service, not Non-warlike or Warlike Service.

- (vi) This situation and classification of such service prevents the individual from seeking free psychological and psychiatric treatment from the Department of Veterans' Affairs (DVA), should the member have psychological difficulties post discharge from the ADF.
- (vii) If the former service member has Non-warlike service as a result of the reclassification of the Humanitarian or DACC Overseas Operations, then there will be no difficulties in seeking such free treatment from DVA.

b.  
beneficial

The Reasonable Hypothesis. The Reasonable Hypothesis<sup>1</sup> is the approach of the VEA and MRCA toward the Burden of Proof. The Burden of Proof is reduced significantly as it is considered that it would be reasonably expected that a given medical condition and latency of such condition(s) may have been clinically onset as a result of service during Warlike and/or Non-warlike Service.

- (i) In comparison to the Balance of Probabilities, the Reasonable Hypothesis provides better survivability of a given claim for medical conditions to DVA, without the necessitation to provide articulated records and documentary evidence of the causal link from service to the condition(s).
- (ii) A former ADF member who has the eligibility of Warlike or Non-warlike service is also able to access free treatment for psychiatric conditions and access to VVCS for ongoing counselling.
- (iii) Other tangible benefits to a current or former serving member, particularly in terms of Non-Economic Loss (NEL) compensation within the MRCA<sup>2</sup> as having eligible Non-warlike service is a higher percentage of monetary value in comparison to that of Peacetime service.

12. The Safety Rehabilitation and Compensation Act 1988 (SRCA), is focussed on the Balance of Probabilities and is considered by the APPVA to be not as beneficial as the Reasonable Hypothesis for Eligible members of the ADF who have served on Warlike Service or Non-warlike Service.

13. a. Non-warlike Service<sup>3</sup> is divided into two categories:

- (i) Hazardous Service; and

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<sup>1</sup> Section 120 VEA.

<sup>2</sup> S6(1)(b) MRCA.

<sup>3</sup>Part I s5c(1) VEA, Veterans' Entitlement Law, Preliminary, page 24.

(ii) Peacekeeping Service.

14. Hazardous Service. Hazardous Service is defined as activities exposing individuals or units to a high degree of hazard above and beyond that of normal peacetime duty. This can include mine avoidance and clearance, weapons inspections and destruction and Defence Force aid to civil power. Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities are also covered.

15. Humanitarian Relief. Humanitarian relief in the context of Peacekeeping Service (without powers of enforcement, involving military personnel and may conduct activities that would normally involve the provision of humanitarian relief),<sup>4</sup> is noted as not been inclusive of normal peacetime operations such as cyclone or earthquake relief flights or assistance.

16. It would appear that the classification of Humanitarian or DACC Overseas Operations needs to be further defined within the parameters of non-warlike service, in particular Hazardous Service. Peacekeeping Service defines Humanitarian activities, which would be applicable to operations overseas. and it would appear that it refers to peacetime operations within Australia, not overseas.

17. The definitions of Non-warlike service would suggest that Humanitarian or DACC Overseas Operations would come under the auspices of Peacekeeping Service. However, in similar context to Hazardous Service, that being Service Assisted evacuations, Humanitarian service may also be defined within the realms of Hazardous Service.

18. Should the consideration be made toward Hazardous Service or Peacekeeping Service, Humanitarian Operations are clearly above and beyond Peacetime service within Australia. The risks of Humanitarian or DACC service overseas is most apparent, and would be a higher risk than conducting similar operations within Australia.

19. It is therefore proposed that those ADF members who have served on Humanitarian or DACC Overseas Operations are provided with the beneficial approach, which is within the realms of the Reasonable Hypothesis. The Reasonable Hypothesis is only available to those service members who have served on Warlike and/or Non-warlike Service.

**Recognition of Humanitarian or DACC Overseas Operations.**

20. Within the Principles of the Committee into Defence and Defence Related Awards (CIDA 1993-1994), it was stated that the CIDA viewed the awards system through the eyes in 1994.<sup>5</sup> After some 14-15 years later, there have been a number of

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<sup>4</sup> Veterans' Entitlements Law, Preliminary, page 25.

<sup>5</sup> CIDA Report, Preface p. i.

changes to the view of 1994 in terms of medallic recognition.

21. The APPVA highlights however, the CIDA Principles, in particular Principle 3.

22. CIDA Principle 3 states: *“To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or degraded. The Committee is conscious of the need for consistency in its recommendations to Government. The standards of measurement for service that apply must be transparent and fair in the eyes of the community.”*<sup>6</sup>

23. In consideration of the above, we attach a paper for the appropriate recognition of Humanitarian or DACC Overseas Operations.

### **Conclusion.**

24. This paper has provided logical and researched debate, toward the recognition of Humanitarian or DACC Overseas Operations. The Key Messages present the anomalies perceived by a large proportion of ADF members who have served on these operations. The Risks, psychological harm, and the tempo of these operations deserve to be classified as Non-warlike Service in terms of Veteran Entitlements, Conditions of Service, and Recognition.

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8<sup>th</sup> of November 2008.**

### **Attachment:**

1. ADF Medallic Recognition for Humanitarian or DACC Overseas Operations.

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<sup>6</sup> CIDA Report 1993-1994, page 6.





## **Medallic Recognition of Humanitarian or Defence Aid to Civil Community (DACC) Overseas Operations.**

1. The Humanitarian Overseas Service Medal (HOSM) is awarded to members of recognised charitable or humanitarian groups who provide humanitarian service under hazardous or extreme conditions in designated areas of the world. The Australian Defence Force has had a significant involvement with relief work, and was approved as an eligible organisation for the award of the HOSM for the following events:

- Indian Ocean tsunami 2004<sup>1</sup>
- Pakistan earthquake 2005<sup>2</sup>

2. The HOSM honours members of recognised Australian groups for emergency humanitarian service overseas in hazardous circumstances. The HOSM complements the ASM (which is awarded to members of the Australian Defence Force) and the Police Overseas Service Medal (POSM).<sup>3</sup>

3. It would appear that there has been a reluctant acceptance by the PM&C National Symbols office to acknowledge the service of the ADF in a large number of Humanitarian Operations. This is noted from the number of correspondence items that have are in the possession of the author. It would also appear that the Nias Island (OP SUMATRA ASSIST II), helicopter crash, where 9 ADF members were killed and 2 seriously injured;<sup>4</sup> along with public pressure, forced the Government to include the ADF as an eligible organisation for the HOSM.

4. Under the regulations of the HOSM,<sup>5</sup> noting in particular Interpretations s2(a)(i), an Australian Government Organisation is eligible for the award for prescribed operations. This has been an area where the National Symbols office has repeatedly refused to acknowledge that the ADF is an Australian Government Organisation that is eligible under the HOSM Regulations.

5. Notwithstanding the above, in replies from the National Symbols office, has been the suggestion that medallic recognition of ADF members be utilised within the Defence ASM, as opposed to the HOSM. In contrast it should be noted that only two Operations have been accepted under the realms of the ASM (1975-). That is:

- a. Humanitarian Work, OP FABER 30 Aug – 30 Oct 1975<sup>6</sup>; and
- b. International Kurdish Relief Op on Sth Turkey & Nth Iraq: OP HABITAT, 1 May 1991 – 30 June 1991.<sup>7</sup>

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<sup>1</sup> CAG S75 of 23 April 2007

<sup>2</sup> CAG S113 of 2 June 2008.

<sup>3</sup> Itsanhonour website: [http://www.itsanhonour.gov.au/honours/awards/medals/humanitarian\\_overseas\\_service\\_medal.cfm](http://www.itsanhonour.gov.au/honours/awards/medals/humanitarian_overseas_service_medal.cfm)

<sup>4</sup> Nias Island Sea King Crash, Indonesia, 2 April 2005

<sup>5</sup> CAG S243 9 June 1999.

<sup>6</sup> CAG S181 of 29 Sep 2006.

<sup>7</sup> CAG S64 of 28 Feb 2002.

6. Another Humanitarian Relief Operation has been recognised by the awarding of the AASM Clasp VIETNAM 1975, for RAAF activities with TSF Butterworth to UNICEF and RAAF activities with HQRICDET S to UNICEF during the period 29 Mar to 28 April 1975.<sup>8</sup>

7. It is therefore believed that there are inconsistencies when recognising ADF Humanitarian Operations in terms of medals or awards. Humanitarian Overseas Operations significantly differ in terms of risk, than what may be experienced within the normal operating environment within Australia. The Australian Support Area will be a greater distance. ADF assets working with Non-Government Organisations (NGO) and other Government Agencies such as Emergency Management Australia (EMA), is essential as the ADF is able to provide capabilities beyond those of respective agencies and the requesting country.

8. The request from a foreign nation to the Australian Government to provide such aid or operations is one that provides security within our region, particularly Oceania and S.E. Asia. Australia's response to these requests is viewed to be in the best interests of the Government of Australia's Strategic International Policy. It is also Australia's National Security interest to assist where possible, particularly with ADF Humanitarian Operations to support the re-building of a neighbouring, in either the response or recovery phases of such disasters.

#### **Suggested Medallion Recognition for Humanitarian/DACC Operations Overseas.**

9. This could be achieved by either awarding a clasp to the ASM of "HUMANITARIAN OPS"; creating an ADF specific Medal for Humanitarian Operations; or by approaching the PM & Cabinet, National Symbols and Awards Section and seek recognition under the Humanitarian Overseas Service Medal (HOSM), with clasp of country served. It is noted that **if** an ASM is awarded for the particular operation, the HOSM cannot be awarded as an additional recognition.<sup>9</sup>

10. Whilst it is acknowledged that ADF members should not "double dip" in relation to service medals, it is highlighted that a large number of ADF members have not been recognised for their Overseas Service in support of Humanitarian aid or DACC operations either by HOSM or ASM. Therefore, there is no recognition for this unique service to ADF members of the Operations that are listed in the table.

11. The period of service is suggested to depend on the length of the Operation, in a similar context to the awarding of the ASM Clasp "SPECIAL OPS", where no defined period of service is noted within the criteria at the discretion of the CDF. This will recognise the high tempo and intensity of these operations, which are given certain time frames that greatly range in time served.

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<sup>8</sup> CAG S102 of 27 Mar 2001

<sup>9</sup> DJFHQ Minute COMD 337/99, D98/02124, JADMIN 99/78760, dated 14 Jul 99 is support for the reconsideration of the award of the HOSM to those who served on OPs SHADDOC, PLES DRAI and AUSINDO JAYA by MAJGEN Peter Cosgrove, COMD DJFHQ

12. Another suggested method is to have the ADM used for the attachment of a Clasp of “HUMANITARIAN OPS”. This is suggested to recognise Humanitarian/DACC operation outside of normal peacetime operations within Australia. However, it should be noted that the ADM has been awarded for a period of service obligation, rather than the type of service rendered.

13. Under the s5c.09 of the VEA, Non-Warlike Service; Hazardous Service is described as the following:

*“Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty. This can include mine avoidance and clearance, weapons inspections and destruction and Defence Force aid to Civil Power. Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities are also covered.”<sup>10</sup>*

14. It is also noted that Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.<sup>11</sup> Given that other Humanitarian Operations have been accepted within the auspices of medallic recognition, the application of Hazardous Service, is suggested to be a sub-set to Non-Warlike Service of which unarmed ADF members conduct Humanitarian or DACC relief operations.

15. In context to the above is the use of Peacekeeping Service in Good Offices, or Observer roles,<sup>12</sup> where the ADF members are unarmed and do not have fire support for self-protection. Therefore, it is not expected to engage an enemy or belligerent, in the same manner as those who deploy to a disaster area to a requesting country.

16. Considering the above suggested medallic recognition methods for Humanitarian Operations or DACC Operations Overseas, and the context of Hazardous Service, perhaps the extant HOSM would be the most suitable recognition, which is sub-ordinate to the ASM in terms of order of wear. Please find attached a table with some ADF Humanitarian/DACC Relief Operations Overseas, which have been identified for potential eligibility of such award(s).

**Attachment:**

1. Table of ADF Humanitarian or DACC Overseas Operations.

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<sup>10</sup> Creyke, Sutherland, “*Veterans’ Entitlements Law*,” 2000, p.25.

<sup>11</sup> *Ibid*

<sup>12</sup> *Ibid*

**Table 1**  
**ADF Humanitarian Relief Operations Overseas dated 17 Dec 08**

<b>Operation – Unit/Task</b>	<b>Country</b>	<b>Veteran Nr</b>	<b>Dates</b>	<b>Comment</b>
CYCLONE NAMU	SOLOMON ISLANDS	30	Circa 1986	1 x Army UH-1H and Army Med Spt
CYCLONE OFA	WESTERN SAMOA	9	5-25 Feb 1990	171 Op Spt Sqn (UH-1H)
OP ASPEN (Cyclone Betsy)	VANUATU	14	10-24 Jan 1992	1 x Army UH-1H Ground Crew and HQSF Comms
OP PLES DRAI	PNG	200	1997	5 Avn Regt and Spt
OP AUSINDOJAYA	IRIAN JAYA	200	Apr – Jul 1998	ADF support.
OP SHADDOCK	PNG	200	Aug 1998	PNG Tsunami disaster
OP BALI ASSIST	BALI	150 ADF 50 AFP	12 October 2002 -	ADF Response to the Bali Bombings that killed 202 people. 91 of those killed were Australian civilians.
Earthquake	Bam, IRAN	10	28 Dec 03 – 2 Jan 04	RAAF C-130J
OP NIUE ASSIST (Cyclone HETA)	NIUE	21	9 Jan – 23 Jan 04	RAAF C-130J. RAAF & Army Medical & Spt
Cyclone IVY	Vanuatu	20	29 Feb 04	2 x RAAF C-130 Delivering emergency stores.

OP SUMATRA ASSIST	INDONESIA	1000	26 Dec 04 – 27 Mar 05	HMAS KANIMBLA, RAAF ATC & 4 x C130, 1CER (150), 1HSB
OP SUMATRA ASSIST II	NIAS ISLAND INDONESIA	600	1 Apr 05 – 27 Apr 05	HMAS KANIMBLA, RAAF & Army Spt.
ADF and AFP Contingents to the Second Bali Bomb attacks.	Bali, Indonesia	50 (Approx)	1 October 2005	A second bombing attack on foreign nationals was executed, of which 20 people were killed.
OPERATION PAKISTAN ASSIST JTF632	N.W. Pakistan	140	10 Nov 05 - 8 Apr 06	17 Bde units, RAAF PHC, & 4 x Blackhawks from 5 Avn Regt
OP OPEN HEART	Solomon Islands	20	9 Mar 06	C130 RAAF 36 Sqn
Total Ops: 15	Countries: 10	Number: 2,714 (TBC)	Period: 1986-	