AUSTRALIA PROVIDES SPECIALIST HUMANITARIAN AID TO KURDISH REFUGEES

The Minister for Defence, Senator Robert Ray, today announced that the Australian Government will send a Defence Force specialist humanitarian aid team of about 70 personnel, predominantly medical and engineer elements, to support the international relief effort for Kurdish refugees in Turkey and Northern Iraq.

The team will provide basic medical care, field hygiene and water purification facilities.

"The Australian assistance - codenamed Operation Habitat - will operate in close liaison with the UK forces' special effort - codenamed Operation Haven," Senator Ray said.

Australian Service personnel will be providing direct medical care to the refugees utilising:

* Four medical teams, each comprising a medical practitioner, nursing officer and three medical assistants;

* A dental team of dentist, technician and hygienist;

* A preventative medical team element of 14 comprising a scientific officer, health inspectors and health assistants - to provide advice on health problems, supervise sanitary and engineering works for disease control and investigate local health problems;

* A water treatment section of seven engineers to establish and operate water purification equipment;

* A bath section of three to operate a field shower unit; and

* A headquarters and administration support group of about 25 personnel.
"The Australian contingent will deploy for a minimum of 30 days and it may be appropriate to extend this for up to a total of three months. The contingent will deploy with the stores and equipment necessary to perform its tasks. It will be supported logistically for daily requirements such as fuel and food by the British formation to which it will be attached."

Senator Ray said he was delighted at the opportunity for co-operation of Australian and British forces in an important humanitarian task.

"The Australian contingent will remain under command of the Chief of the Defence Force, General Peter Grattan, and under the operational control of the Commander British Forces - Operation Haven."

"As well as utilising a QANTAS 747, the Government will charter an Antonov 124 aircraft from Antonov Airways of Australia to move equipment and vehicles to Turkey," Senator Ray said.

"An advance party left Australia for Turkey on Saturday. Planning for the departure of the main party is continuing and we expect that they will leave Australia later this week."

The Minister for Defence Science and Personnel, Gordon Bilney, said "ADF personnel deployed on this operation will be paid an allowance of $24.28 per day in recognition of the difficult circumstances and hazards likely to be encountered, these members will receive other allowances applicable to such deployments, for example Field Allowance and Separation Allowance."

"Members of the deployment will be entitled to a taxation rebate. This rebate is equivalent to the Zone A rebate payable in Australia, and for a sergeant with a non-working spouse and two children is worth approximately $1200, per annum," Mr Bilney said.

"The operation will be declared as hazardous service for the purposes of the Veteran's Entitlement Act, Mr Bilney said.

For further information:

DEFENCE:
Peter La Franchi - 06 277 7800 / 06 285 3968 or 018 628 467 (AH)

DEFENCE SCIENCE AND PERSONNEL:
Richard Moore -06 277 7600 / 06 281 4378

DEPARTMENTAL:
Brig Adrian D'Unger - 06 265 2929 / 018 627 858 (AH)
DECLASSIFIED

DEFENCE DEPARTMENT

1. Provision of Australian Contingent (ASC) to International Humanitarian Relief Operation Northern Iraq - OP HABITAT.
   1. Situation.
   A. As intended to offer an ASC contingent to support the International Humanitarian Relief Operation (IHRO) currently being conducted, in support of Kurdish refugees, in northern Iraq (IRZ).
   B. IHRO currently being conducted by US and UK forces, as OP HABITAT. In anticipation of acceptance of the Australian offer to participate, preparation of the ASC contingent is to commence.
   2. Operation Habitat is the ASC participation in the Relief OP.
   3. Mission, to provide a contingent to undertake humanitarian relief operations in northern Iraq.
   4. Execution.
      A. The ASC will, for the most part, be provided by Army, Navy and Air Force, with air support as required by RAAF.
      B. Tasks.
         1. As part of OP HABITAT, be prepared to provide forces for ASC habitat relief by RAAF.
         2. ASUSTR.
            a) Movement and conduct of habitat.
            b) Provisions of assistance, as required from ASC.
            c) ASC.
               a) Be prepared to provide personnel for ASC habitat relief by RAAF.
               b) Be prepared to provide personnel to deploy and redeploy with AACOVC, in accordance with movement plan developed by Defence Movement Coordination Agency (DMCA).
DECLASSIFIED

(6) CCR:
(7) Be prepared to use CCR COMMERCIAL AIRCRAFT in accordance with movement plan developed by DDAG.
(8) 27

(1) UPHRS FOR PREP OF AES HABITAT.
(2) AES COMPOSITION IS AS FOLLS:
(3) NO CONSISTING OF:
(4) CONVOY ELA (5 PERS)
(5) COMMS DET (5 PERS)
(6) HUMANITARIAN GROUP CONSISTING OF:
(7) MEDICAL TREATMENT DET (20 PERS)
(8) PROVOSTGUARD RED DET (14 PERS)
(9) WATER TREATMENT DET (17 PERS)
(10) DENTAL TREATMENT DET (3 PERS)
(11) DATA DET (3 PERS)
(12) ADMIN DET (15 PERS)
(13) TOTAL 110 PERS. MINUS RHOETIS MAY BE MOVED TO INTERNAL USAF OR CONCONCONT. NO INCREASE IN TOTAL STR IS TO BE MADE WITHOUT APPROVAL OF HMAH.

(1) TRENCHES:
(2) DEPLOYMENT DATE: TBD. IT IS EXPECTED THAT THE CONTINGENT WILL BE READY TO DEPLOY AT SHORT NOTICE.
(3) CONTACT THE AEG TO BE NOTIFIED TO AN HIS ATH FROM 050002Z MAY 91. NO EARLY BEFORE 8 MAY 91.
(4) DURATION: INITIALLY 30 DAYS OR DEPLOYMENT, WITH A POSSIBLE EXTENSION UP TO 60 DAYS OR DEPLOYMENT.

(302)(RM)

E. LIAISON. AN LO MAY BE ASST TO ASSIST THE AMBASSADOR TO TURKEY. LIAISON IS TO IDENTIFY A SUITABLE OFFER AND PLACE HIM ON 24-HR ADV FOR THIS TASK FROM 1 MAY 91. (DURATION OF POSS ATT UNAVAIL).

(4) RECON. A RECON GROUP (MAX 404 PERS) IS CLEARED TO DEPLOY FROM AS TO TURKEY TO NTL. DETAILS OF POINT OF CONTACT WITH SPONSORING FORC, ARE BEING SOUGHT AND WILL BE ADVISED ASAP. IT IS SUBMITTED THAT THE LO ARMS TO BE INCL. THE RECON GP.

4. ADMINISTRATION AND LOGISTICS

A. PLANNING SHOULD BE BASED ON THE AES BEING SELF-CONTAINED IN ALL RESPECTS AND ONLY SPARES FOR THE FIRST 30 DAYS. THE FEASIBILITY OF OBTAINING VEHICLES IN TURKEY IS BEING INVESTIGATED. SPECIFIC VEH REQUIREMENTS BY NUMBER AND TYPE ARE REQUIRED BY 010004Z MAY 91.

B. DEPLOYMENT IS LIKELY TO BE 1 X 8707 (KUNR) AND 1 X ANTONOV 124/217 (KOM/28F). A DIP WILL BE USE.

5. CAMPAIGN AND SIGNALS

A. EDF WILL CONDUCT CP THROUGH LIAUS. LIAUS IS TO APPRECIATE A CONTINGENCY CND OGMRS.

6. STRATEGIC KERRLINK FROM AES TO AES IS NOW BEING PROVIDED BY MOBILE DISAPPORT TERMINALS. THIS LINK WILL BE AMENDED INTO LIAUS. THE KERR LINK WILL BE SUPPLEMENTED BY CRAMPS AND MCEP UNTIL.

C. SENSITIVITY OF PARA 1 DIARIES THAT INFO IN THIS WPD TO BE RESTRICTED TO A STRICTLY NEED TO KNOW BASIS AT THIS STAGE. ANY MEDIA QUERIES ARE TO BE REFERRED TO DIP.

4. NMR

OCCASIONAL OFFICER: JOSPEH
PHONE: 520/9
RELEASE OFFICER: EDF
MAIN FILE REFERENCE:
MESSAGE NUMBER: 12/13 MONTH = MAY YEAR = 91 PARTY =

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SECRET
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SIC COF/DCM
DP: HULL/LOC
R.
SP(AD)
Q.
COF ESL WABAKAMUKY - OP INST 5/VI
A.

R.
N(T)(AD)

B. AMPLIFICATION. THE AUSTRALIAN GOVERNMENT HAS DECIDED TO CONTRIBUTE A CONTINGENT OF AUSTRALIAN FORCES AS PART OF INTERNATIONAL HUMANITARIAN RELIEF MEASURES IN SUPPORT OF KURDISH REFUGEES IN NORTHERN IRAQ AND TURKEY. AUSTRALIAN FORCES ARE TO OPERATE UNDER THE OPERATIONAL CONTROL OF UNITED NATIONS FORCES, BUT REMAIN UNDER NATIONAL AUTHORITY.
DECLASSIFIED

NATURE OF SERVICE

SECRET

PRINTED ONLY

DECLASSIFIED

[Redacted text]

[Redacted text]

[Redacted text]

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[Redacted text]

[Redacted text]
Ministerial Tasking Sheet

Ministerial Representation
Prepare reply for:
☐ Minister
☐ Chief of Staff
☐ Adviser
☐ Referral to
☐ Standard response
☐ For departmental action
☐ For information only

Ministerial Submission
☐ For approval
☐ For noting
☐ Supplementary advice
☐ Event or visit brief
☐ Speech
☐ Meeting brief
☐ Ministerial talking points (DGPA clearance required)
☐ MS Word document required
☐ Media release (DGPA clearance required)
☐ MS Word document required
☐ For email advice only for:

Correspondence is entered on current database as: only inform advice provided on archived database and still outstanding

For action by: DGNORA
Date received: 21 Nov 2015
Type: memor

Originator: [Redacted]
Sponsor: [Redacted]
Subject: REQUEST TO RECONSIDER OPERATIONAL STATUS OF CONTINGENT - SAGA LEONE - OPERATION HUSKY

This tasking has been copied to:

Other Instructions:

DMPLS Tasking Officer: K Lucas Tel: 51143 or email DMPLS MINDSP

Previous related papers are on (Schedule/Files): 104372 with DGNORA (below document)

Contact the tasking officer immediately if you think this has been incorrectly tasked to you.
Contact the tasking officer immediately if you are unable to meet the due date above.
Assistance can also be obtained from your Group Coordinator

The task is due to your Group Coordinator on
# Ministerial Tasking Sheet

**The Office of the Minister for Defence Science and Personnel directions**

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<thead>
<tr>
<th>Ministerial Representation</th>
<th>Ministerial Submission</th>
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<td>Prepare reply for:</td>
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**Directorate of Ministerial and Parliamentary Liaison Services (DMPLS) directions**

For action by: **DGNDGR**

Date received: 21 Aug 08

Type: **Manager**

**Originator:**  

**Sponsor:**

**Subject:** REQUEST TO RECONCILE OPERATIONAL STATUS OF CONTINGENT - SIERRA LEONE - OPERATION HUSKY

This tasking has been copied to:

Other instructions:

DMPLS Tasking Officer: **K. Lucas**  
Tel: 51143 or email DMPLS MINDSP

(Please call if you require any assistance)

Previous related papers are on (Schedule/Files): 104372 with DGNDGR (Review decrease)  

ASSISTANCE FOR YOU


Contact the tasking officer immediately if you think this has been incorrectly tasked to you.  
Contact the tasking officer immediately if you are unable to meet the due date above.  
Assistance can also be obtained from your Group Coordinator ______________ Telephone: ______________

The task is due to your Group Coordinator on ______________
Nature of Service Review – Operation HABITAT

Recommendation:

That you:

i. note that ADF service on OP HABITAT is classified as Hazardous Defence service under s.120 of the Veterans’ Entitlement Act 1986.

    NOTED / PLEASE DISCUSS

ii. note that ADF service on OP HABITAT in Iraq in 1991 is not considered sufficiently hazardous to warrant allotment for duty under the VEA 1986.

    NOTED / PLEASE DISCUSS

iii. sign the attached letter

    SIGNED / NOT SIGNED

Key Points:

1. On [redacted] sent an email to the then Minister for Defence, the Hon Dr Brendan Nelson MP, concerning the Nature of Service (NOS) classification of OP HABITAT (Attachment A). He stated that OP HUSKY was less risky than OP HABITAT, however those personnel had received the ‘higher’ award of the Australian Active Service Medal (AASM). [redacted] requested that the Minister ‘reconsider the operational status’ of OP HABITAT, including metallic recognition.

2. Following the First Gulf War, in March 1991 there were a series of uprisings in Iraq which were forcibly suppressed by Iraqi forces with tens of thousands killed and the populations displaced. On 16 May 91 Australia deployed 75 Australian Defence Force (ADF) medical personnel to Kurdistan in northern Iraq to provide humanitarian support to the Kurdish refugees. This mission was named OP HABITAT. The mission was completed on 30 Jun 91. OP HABITAT is classified as hazardous Defence service under s.120 of the Veterans’ Entitlement Act 1986 (VEA) and deployed personnel were awarded the Australian Service Medal (ASM) with clasp ‘Iraq’ for this service.

3. Hazardous service was introduced into legislation in 1986 in order to cover service that was not peacekeeping service but attracted a similar degree of physical danger. It provides consideration of disablement pension claims using the more generous reverse criminal standard of proof. Hazardous service is not qualifying service for the purposes of the service pension.
4. Interim replies have been provided with the most recent being sent 3 Apr 09 (Attachment B).

5. The Repatriation legislation in force at the time of OP HABITAT was the Veterans' Entitlements Act 1986. Under s.7A of the VEA, qualifying service eligibility is dependent upon being allotted for duty within an area of operations described in Schedule 2 of the Act. Allotment for duty is the preserve of the CDF and VCDF who may allot personnel for duty within an AO if they consider an operation to be sufficiently hazardous.

6. Generally Cabinet guidance to the Services in respect of allotment for duty requires that allotment for duty only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements while deployed on duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of an area of operations was made. Additional background information is at Attachment C.

7. OP HABITAT was not, at the time, considered sufficiently hazardous to include the area of operations in Schedule 2 of the Act. Therefore the issue of allotment for duty within the AO did not arise. It is of interest to note that Defence did not seek a military threat assessment for the AO prior to deploying ADF personnel to the area.

8. The VCDF and CDF at the time did not consider OP HABITAT sufficiently hazardous to warrant the declaration of an AO or the allotment of personnel for duty within it. A review of the extent to which ADF personnel were exposed to the risk of harm from hostile forces or dissident elements during the deployment supports the initial decision. While it may have considered that he was at risk, the extent of the risk does not warrant qualifying service and the award of the AASM as requested in his submission.

9. ADF service on OP HABITAT in 1991 does not satisfy the essential criteria for allotment for duty. Classification of service on OP HABITAT as hazardous service under the VEA is appropriate. The award of the ASM for service on OP HABITAT is appropriate.

10. Submission for the review of his service appears to be based on the reclassification of OP HUSKY. Although claims that OP HUSKY was less risky than OP HABITAT, no supporting evidence is provided. Defence considers that it is inappropriate to compare ADF service on OP HUSKY in Sierra Leone and service on OP HABITAT as the missions, tasks, rules of engagement and operational risks of the two deployments were significantly different. In addition, they are governed by different legislation and policy. Service on OP HUSKY was classified as warlike under the construct introduced by Cabinet in May 1993 because the participants were authorised to use force in achieving their objectives and as a consequence there was an expectation of casualties.

11. A proposed response has been drafted for your signature at Attachment D.

Sensitivity:

12. Low. The role of the 1991 deployment on OP HABITAT is in the public domain. No new information is likely to become available as a result of this decision is likely to be disappointed by the outcome.

Resources:

13. N/A.

Consultation:

14. The Department of Veterans' Affairs, Army HQ, the Directorate of Honours and Awards and Commander of the Australian Contingent (ASC) HABITAT were consulted in preparing this submission.
Attachments:
A. Representation 052705.
C. Background information.
D. Draft letter to [redacted]

Approved By:
B.A. POWER
MAJGEN
Head Military Strategic Commitments
Vice Chief of the Defence Force Group

24 August 2009
Contact Officer Name: LTCOL Bob Gibson
Phone: (02) 6266 4438

MIKE KELLY
8/9/09
**Message**

**From:** Nelson, Brendan (MP) [B.Nelson.MP@ecb.gov.au]
**Sent:** Thursday, 23 August 2007 8:51
**To:** Minister for Defence
**Subject:** FW: Dr Brendan Nelson Website Contact Form Submission

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**Original Message**

**From:** Nelson, Brendan (MP)
**Sent:** Wednesday, 22 August 2007 4:22 PM
**To:** Nelson, Brendan (MP)
**Subject:** Dr Brendan Nelson Website Contact Form Submission

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**Web Site Submission Details**

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<td>I spotted the defence force personnel who went to Sierra Leone on Operation Husky were awarded the active service Medal. (Good on Ye) I went on Operation Habitat in Iraq in 1991 and have always been proud to wear my Australian Service Medal. But have heard now of a less risky operation getting a higher award. I wish yourself to reconsider the operational status of my contingent as we did as asked and we were fired upon on this operation. Yours Faithfully [REDACTED]</td>
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submit Email
Australian Government
Department of Defence
Coordinations and Public Affairs
Ministerial and Executive Support Branch

19 Nov 2007

Dear [Name],

Thank you for your email message of 22 August 2007 to the Minister of Defence, the Hon Dr Brendan Nelson MP, concerning the nature of service classification for Operation HABITAT. As the matter falls within the portfolio responsibilities of the Minister Assisting the Minister for Defence, the Hon Bruce Billson MP, your correspondence was passed to his office for action.

As you would be aware, the Prime Minister announced a Federal election to be held on 24 November 2007. Following the dissolution of the House of Representatives on 17 October 2007, the Government has assumed a caretaker role. In accordance with caretaker conventions, departments avoid commenting on Government policy or on matters that could concern an incoming government. Accordingly I am responding on behalf of the Minister.

The Minister asked the Vice Chief of the Defence Force, Lieutenant General Ken Gillespie, AO, DSC, CSM, to have the Nature of Service Review Team investigate your claim. The Nature of Service Review Team has been provided a copy of your correspondence and will contact you if they need to clarify any elements of the claim.

The preparation of a response will take some time to complete due to the research and consultation needed to ensure that all the matters you raised are thoroughly examined. There has been a recent upsurge in inquiries concerning previous nature of service classifications. Given existing workloads a response to your inquiry is unlikely before June 2008.

Defence will write to you once the review has been completed.

Yours sincerely,

[Name]
Assistant Secretary
Ministerial and Executive Support
Dear [Name],

I write to update you on the current situation of your submission concerning the nature and recognition of service for Operation HABITAT.

In September last year I advised you that Defence had not yet commenced a review into your request and it would be unlikely that a final response would be received before March 2009. I regret to inform you that due to the large number of representations being dealt with by the Nature of Service Review team, Defence has been unable to progress the research in accordance with this schedule.

The Nature of Service Review team is currently dealing with in excess of ninety representations concerning conflicts and operations dating back to World War II. Additional personnel have been seconded to the small Nature of Service Review team to assist in resolving all outstanding claims, many of which are exceptionally complex and require exhaustive research.

A case officer has been nominated to review your claim. However, given the current workload I am unable to provide you with a definitive timeframe on when a final response can be expected. I can well appreciate your disappointment with this further delay, and I have asked Defence to advise you of any significant updates.

Should you have any further queries relating to the progress of your submission please contact the Nature of Service Review team by telephone on 02 6266 4438.

Yours sincerely,

[Signature]

KIM ISAACS
Chief of Staff

Parliament House, Canberra ACT 2600 Tel: (02) 6277 7620 Fax: (02) 6273 7112
BACKGROUND INFORMATION
NATURE OF SERVICE BY AUSTRALIAN DEFENCE FORCE PERSONNEL ON OPERATION HABITAT
16 MAY – 30 JUNE 1991

Introduction
1. Following the First Gulf War, in March 1991 there were a series of uprisings in Iraq against Saddam Hussain, including by Kurdish populations in the north. These uprisings were brutally suppressed with many tens of thousands killed and the populations displaced. On 16 May 91 Australia deployed 75 ADF personnel, included medical, dental and preventive health teams, to Kurdistan in northern Iraq to provide humanitarian support to the Kurdish refugees. This mission was named OP HABITAT. The mission was completed on 30 Jun 91 when the ADF contingent returned to Australia.

2. On 22 Aug 07 [redacted] sent an email to the then Minister for Defence, the Hon Dr Brendan Nelson MP, concerning the Nature of Service (NOS) classification of the OP HABITAT deployment in 1991. [redacted] requested that the Minister ‘reconsider the operational status’ of the OP HABITAT deployment, including metallic recognition.

Purpose
3. The purpose of this paper is to:
   a. outline the circumstances surrounding the service of ADF personnel on OP HABITAT in northern Iraq during May and June 1991,
   b. consider that service in light of the legislation and policy applicable at that time,
   c. provide the current status of the classification of that service, and
   d. recommend the appropriate classification and metallic recognition for this deployment.

Review Methodology
4. The Chiefs of Service Committee has directed that all submissions seeking review of NOS classification be examined in the context of the legislation and policies that applied at the time of the operation under review. This review adopts that methodology.

History
5. Following the conduct of the First Gulf War, there were a series of uprisings against the Iraqi government of Saddam Husain by the Shia population in the south and by the Kurds in the north starting in March 1991. These uprisings presented a serious threat to the Ba’ath Party regime and were brutally suppressed by the use of massive and indiscriminate force by loyalist troops headed by the Republican Guard. Many tens of thousands were killed and the populations were terrorised. Some two million people were displaced. The government intensified the forced relocation of the Marsh Arabs in the south and the draining of the marshlands.

6. The multinational response was the establishment of OP PROVIDE COMFORT and the establishment of Iraqi no-fly zones to protect the population. The Australian contribution to OP PROVIDE COMFORT was OP HABITAT. On 16 May 91 Australia deployed 75 ADF personnel to Kurdistan in northern Iraq to provide humanitarian support to the international relief effort for Kurdish refugees.

7. The ADF contingent was located at Gir-i-Pit approximately 30 km north of Dabak. Four medical teams of five personnel each were deployed, each consisting of a medical officer, nursing
C.2

officer and three medical assistants. Each team had an interpreter attached. A dental team, preventative health team, engineering section and headquarters/administration support group were also deployed. The ADF personnel lived in tented accommodation and were supplied with food through the British supply chain for OP SAFE HAVEN.

8. When the ADF contingent arrived, the situation was improving but was far from normal. The Kurds were living in tents located on the side of the road or in their destroyed villages. Poor water supply and sanitation were major problems. Temperatures were in the high 40s to low 50s °C during the day and high teens during the night.

9. ADF medical teams operated in an area of approximately 500 km². While one medical team remained at base, the other three teams would travel approximately 200 km and treat 60-100 patients each day. More than 3,000 patients were seen by the ADF medical teams, with over 80% of those being paediatric. The preventive medical team conducted health surveys, water and bacteriological testing, and undertook pest control and fumigation programs. Some of the ADF personnel passed through Kurdish villages destroyed by the Iraqi forces.

10. By the time the ADF personnel finished, life for the Kurds was returning to normal and the health in the region was rapidly improving. Kurds were returning to their farms, rebuilding their villages and the children were going back to school. The mission was completed on 30 Jun 91 when the ADF contingent returned to Australia.

Current Classification of OP HABITAT

11. Service by ADF personnel during OP HABITAT is classified as Hazardous Defence service under the VEA. Personnel on this operation were awarded the Australian Service Medal (ASM) with the clasp ‘Iraq’.

Hazardous Service

12. Hazardous service was introduced into legislation in 1986 in order to cover service that was not peacekeeping service but attracted a similar degree of physical danger. Hazardous service is defined in section 120 of the VEA as service in the Defence Force of kind determined by the Minister for Defence, by instrument in writing, to be hazardous service. Other determinations for hazardous service have been made in respect of a number of operations including Iran (1991), Afghanistan (1991), Mozambique (1994), Haiti (1994) and the former Yugoslavia (1997).

13. Hazardous service provides consideration of disability pension claims using the more generous reverse criminal standard of proof. Hazardous service is not qualifying service for the purposes of the service pension. No hazardous service determinations have been made since 1997 when the VEA adopted the Department of Defence classifications of warlike and non-warlike service. Non-warlike service includes provisions for service regarded as hazardous.

14. ADF service during OP HABITAT meets the criteria for hazardous service.

Claimed Anomaly - Submission by

15. In his email submission:

a. stated that he had observed that ADF personnel who had deployed on OP HUSKY in
   Sierra Leone had been awarded the AASM,

b. stated that he had deployed on OP HABITAT in Iraq in 1991 and has always been
   proud to wear his ASM for this service,

C. stated that he considered OP HUSKY as less risky than OP HABITAT but that it was
   given a higher award,

d. stated that the OP HABITAT contingent did as they were asked and were fired upon, and

e. requested the Minister to reconsider the operational status of OP HABITAT.
16. As has been raised OP HUSKY being reclassified as warlike service, it is assumed that he is seeking a similar reclassification for OP HABITAT. He has also specifically mentioned medallion recognition. This paper will first address the classification of the operation and then discuss the appropriate medal for the operation.

Reparation Legislation

17. The reparation legislation in force in May/June 1991 during the period of OP HABITAT was the Veterans’ Entitlement Act 1986. Under s.7A of the VEA, Qualifying service eligibility is dependent upon being allotted for duty within an area of operations described in Schedule 2 of the Act. Allotment for duty is the preserve of the CDF and VCDF who may allot personnel for duty within an AO if they consider an operation to be sufficiently hazardous.

18. Generally Cabinet guidance to the Services in respect of allotment for duty requires that allotment for duty only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements while deployed on duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of an area of operations was made.

19. OP HABITAT was not, at the time, considered sufficiently hazardous to include the area of operations in Schedule 2 of the Act. Therefore the issue of allotment for duty within the AO did not arise. It is of interest to note that Defence did not seek a military threat assessment for the AO prior to deploying ADF personnel to the area.

20. The VCDF and CDF at the time did not consider OP HABITAT sufficiently hazardous to warrant the declaration of an AO or the allotment of personnel for duty within it. A review of the extent to which ADF personnel were exposed to the risk of harm from hostile forces or dissident elements during the deployment supports the initial decision.

Nature of Service – OP HABITAT

21. Prescribed Special Area. The area of Iraq designated as the operational area for OP HABITAT is not a prescribed special area under the VEA. Consequently the personnel involved in OP HABITAT could not be allotted for duty in an area of operations as a result of this service.

Independent Assessment

22. Notwithstanding, it is necessary to examine whether a case could be made for an AO to be prescribed for OP HABITAT in order that and other ADF personnel posted to OP HABITAT in 1991 could be allotted for duty within it. This would make them eligible for qualifying service and reparation and other benefits. This could be also be achieved by ‘deeming’ this service as allotted for special duty, or possibly by other mechanisms which would achieve the same result.

23. Prior to deployment of the OP HABITAT contingent, the operation was declared hazardous under the Veterans’ Entitlement Act 1986. The contingent’s mission was ‘to undertake humanitarian relief operations in northern Iraq as part of a multinational force’. At that time there was no expectation that the HABITAT contingent would need to undertake offensive operations. A search of the Defence Intelligence Organisation archives has failed to reveal any Military Threat Assessment for OP HABITAT however, the assigned Rules of Engagement (ROE) were for self-defence; the Orders for Opening Fire stated that minimum force was to be employed and that opening fire was ‘a last resort in self defence for your own protection or to save other members of ASC HABITAT or wounded or sick in your charge from death or serious injury.’

24. The OP HABITAT Post Operation Report advised that the security situation in the area of operations varied. At different times, potential security threats were identified as the Iraqi Army, Iraqi Police, Iraqi Secret Police, Peshmerga forces and minefields. While there were a number of minor potential security incidents, it was not considered that the Rules of Engagement or OFOF
Opening Force needed to be revised. Overall, there were no significant security incidents or injuries to OP HABITAT personnel.

Incurred Danger

25. The notion of incurred danger, as a basis for granting access to veterans’ entitlements, warrants examination as it underpins the criteria which applied in 1991 during OP HABITAT.

26. This notion of incurring danger, or being exposed to the risk of harm, is continued in Cabinet guidance in 1965 in the statement that "...allotment for "special duty" should only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements....".

27. According to Justice Clarke in his Review of Veterans’ Entitlements 2003, the test of ‘incurred danger’ is an objective one and that a veteran’s mere perception of being in danger is not enough; and that ‘incurs danger’ is, in effect, synonymous with ‘exposed to or at risk of harm’ from hostile forces of the enemy.

28. The intent and application of repatriation legislation requires that the service or duty performed must be sufficiently hazardous or at risk from the activities of hostile forces or dissident elements; that is the personnel incurred danger. Operations may involve hazards and risks from armed belligerents, however this does not necessarily equate to special duty. While Mr Ralph may have considered that he was at risk, this does not necessarily indicate that the personnel were exposed to a real element of present danger from hostile forces or dissident elements. While there may have been an increase in alert levels, this was not assessed as sufficiently hazardous for the area to be prescribed as a special area. There is no evidence that the operational risk to OP HABITAT personnel constituted a sufficiently hazardous threat from hostile forces or dissident elements during the period of the OP HABITAT deployment.

Previous Reviews

29. In the Review of Veterans’ Entitlements 2003 (Clarke Report) Justice Clarke specifically considered the deployment of ADF personnel on OP HABITAT. It should be noted that Clarke reviewed past operations using the current classifications of warlike and non-warlike. Although this is not appropriate, the rationale supporting his recommendations are useful considerations. Submissions were made to the Clarke Committee that OP HABITAT should be reclassified as warlike service. Arguments included that the classification of hazardous was made prior to deployment, however the security situation later deteriorated. Also that the contingent was informed that, as a result of this increased threat, that they would receive full VEA entitlements. Justice Clarke accepted that operations could involve arduous conditions and risks from armed belligerents, however this did not necessarily equate to warlike service.

30. Justice Clarke determined that OP HABITAT was a humanitarian aid relief effort to the Kurds in northern Iraq. He noted that the personnel involved in the operation did not have specific ROE to actively pursue military objectives and that the ROE were defensive only. He noted that, although a military commander may have made certain assurances to personnel on the operation, this was ‘no reason to accord qualifying service, particularly when such assurances would have been inaccurate and not in accordance with government policy’.

31. In these circumstances, Justice Clarke concluded that service on OP HABITAT ‘was not warlike service and that the current assessment of this service as hazardous service is appropriate’. He recommended that there be no change to the eligibility provisions of the VEA.

Precedents and Comparisons

32. In assessing the status of the service during OP HABITAT in 1991, it is useful to consider other operations or deployments under similar circumstances and the status of the nature of service of those deployments.
OP HUSKY – Sierra Leone

33. [Redacted] specifically noted that ADF personnel on OP HUSKY in Sierra Leone had been awarded the AASM. He considered that OP HUSKY was ‘less risky’ than OP HABITAT but that it was getting a higher award.

34. OP HUSKY was the name given to the operation where ADF personnel deployed to Sierra Leone as part of the British-led International Military Advisory and Training Team (IMATT) in 2001-03. It was originally classified as non-warlike. While initially the ADF personnel were restricted to the area of Freetown, some months after the initial deployment it was determined that the personnel would be permitted to operate throughout Sierra Leone where the assessed operational threat was higher. As advisors, ADF personnel were embedded within units of the Sierra Leone Defence Forces and were required to participate fully in the operations that they planned and sometimes led. ADF participation on OP HUSKY was similar to the service of Australian Army Training Team Vietnam advisors who were embedded in South Vietnamese units during the Vietnam War. British IMATT personnel were entitled to the equivalent of warlike service. In 2006 OP HUSKY was reclassified as warlike service and the award of the AASM was authorised.

35. OP HUSKY involved considerable operational risk to ADF personnel. They were authorised to use force in pursuit of military objectives and there was a high possibility of casualties. It is not considered appropriate to use ADF service on OP HUSKY as a precedent for reclassification of OP HABITAT. The nature of the duties, the operational risks, the ROE and the likelihood of casualties were significantly different.

OP TAMAR – Rwanda

36. Service on Operation TAMAR in Rwanda from July 1994 to January 1996 was re-classified from non-warlike to warlike in 2006. This reclassification was only possible because the operation met the essential criteria of warlike service.

37. OP TAMAR was conducted during one of the worst humanitarian disasters of the Twentieth Century in which it is estimated that over 800,000 people were killed. Australian forces in Rwanda took part in armed operations to clear armed militia from refugee camps. The use of force was an integral part of achieving this objective. Our forces came under fire on a number of occasions and were exposed to attack by armed militia and Rwandan Government forces. The ROE for the Australian contingent allowed for the use of lethal force to achieve their objectives. Casualties were not only possible, they were expected. Australian troops witnessed the massacre of 10,000 Rwandans in Kibeho refugee camp and were required to sift through the decaying bodies to evacuate the wounded. The contingent suffered psychological casualties on a similar scale to Vietnam and other warlike operations. It is based on these circumstances that the nature of service in Rwanda was reclassified as warlike.

38. Of note is that reclassification of OP TAMAR as warlike service was also possible as the operation was conducted after May 1993 following the introduction of the classifications of warlike and non-warlike service into legislation. Consequently, OP TAMAR does not provide an appropriate precedent for considering the NOS classification of service on OP HABITAT.

Medallic recognition

39. As previously advised, service by ADF personnel during OP HABITAT is recognised by the award of the ASM with clasp ‘Iraq’ [Redacted] has indicated that he has ‘always been proud to wear his Australian Service Medal’ but has intimated that he would prefer the award of the AASM. He has described the AASM as a higher award.

40. Medallic recognition of operational service generally flows from the NOS for the operation, however it is considered separately to NOS and veteran entitlements on a case-by-case basis. The AASM for the Gulf was only awarded for service from 17 Jan to 28 Feb 91, being the period of the
C.6

air and ground offensive. Consequently, service on OP HABITAT from 7 May 91 does not provide an entitlement to the AASM and the Returned from Active Service Badge (RASB).

41. In accordance with the Regulations governing the award of the AASM, the medal can only be issued in recognition of warlike operations. Where service has not been deemed warlike, there is no basis on which the AASM can be awarded.

42. Consequently, award of the AASM can only be made following a declaration of warlike service or an appropriate instrument deeming service as warlike, or deemed as allotted for special duty. Award of an AASM for OP HABITAT without such a declaration is not possible.

Recommendations

43. It is recommended that:

a. The deployment of ADF personnel on OP HABITAT in 1991 should remain classified as hazardous service under s.120 of the Veterans' Entitlements Act 1986,

b. The award of the ASM for OP HABITAT is appropriate, and

c. The Parliamentary Secretary write to [redacted] advising him of his decision.
I am further advised that the Vice Chief of the Defence Force and the Chief of the Defence Force at the time did not consider Operation HABITAT sufficiently hazardous to warrant the declaration of an AO or the allotment of personnel for duty within it. A review of the extent to which Australian Defence Force personnel were exposed to the risk of harm from hostile forces or dissent elements during the deployment supports the initial decision. While those deployed on Operation HABITAT may have been at risk, the extent of the risk does not warrant qualifying service and the award of the Australian Active Service Medal as requested in your submission.

Defence considers that it is inappropriate to compare Australian Defence Force service on Operation HUSKY in Sierra Leone and service on Operation HABITAT as the missions, tasks, rules of engagement and operational risks of the two deployments were significantly different. In addition, they are governed by different legislation and policy. Service on Operation HUSKY was classified as warlike under the construct introduced by Cabinet in May 1993 because the participants were authorised to use force in achieving their objectives and as a consequence there was an expectation of casualties.

I appreciate that, at times, you would have been concerned for your safety. In the context of the relevant legislation and policy, however, the degree to which you were exposed to the risk of harm does not warrant qualifying service eligibility. I am also advised of the view that the nature of your work and the extent of the hazards you encountered does not warrant the award of the Australian Active Service Medal. It is therefore not my intention to approach the Prime Minister to reclassify Operation HABITAT.

I understand that this advice will be disappointing to you and the other personnel on the deployment. Nevertheless, you should all be proud of your service in the Australian Army, in particular your service on Operation HABITAT. The Australian people are most grateful for your committed and dedicated service.

Yours sincerely

MIKE KELLY
Ministerial Tasking Sheet

The Office of the Minister for Defence Science and Personnel Directions

Ministerial Representation

Prepare reply for:
- [ ] Minister
- [x] Chief of Staff
- [ ] Adviser
- [ ] Referral to
- [ ] Standard response
- [ ] For departmental action
- [ ] For Information only

Ministerial Submission

- [ ] For approval
- [ ] For noting
- [ ] Supplementary advice
- [ ] Event or visit brief
- [ ] Speech
- [ ] Meeting brief
- [ ] Ministerial talking points (DGPA clearance required)
- [ ] MS Word document required
- [ ] Media release (DGPA clearance required)
- [ ] MS Word document required
- [ ] For email advice only to: __________________________ (cc to DMPLS MINDSP)

Directorate of Ministerial and Parliamentary Liaison Services (DMPLS) Directions

For action by: __________________________ Date received: ____________ Type: ______

Originator: __________________________

Sponsor: __________________________

Subject: REQUEST TO RECONSIDER ORGANIZATIONAL STATUS OF CONTINGENT - SIGMAD LEO - OPERATION HUSKY

This tasking has been copied to: __________________________

Other instructions:

DMPLS Tasking Officer: ___________ Tel: ___________ or email DMPLS MINDSP

(Please call if you require any assistance)

Previous related papers are on (Schedule/File): ________ with DGMSR (Review Document) ________ with ________

ASSISTANCE FOR YOU


Contact the tasking officer immediately if you think this has been incorrectly tasked to you.

Contact the tasking officer immediately if you are unable to meet the due date above.

Assistance can also be obtained from your Group Coordinator ____________________ Telephone: ____________________
The task is due to your Group Coordinator on ____________________
Message

From: Nelson, Brendan (MP) [B.Nelson.MP@aph.gov.au]
Sent: Thursday, 23 August 2007 8:31
To: Minister for Defence
Subject: FW: Dr Brendan Nelson Website Contact Form Submission

---Original Message---
Prevent Dr Nelson, Brendan (MP)
Subject: Dr Brendan Nelson Website Contact Form Submission

Right-click here to download picture. To help protect your privacy, Outlook prevents automatic download of this picture from the Internet.

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Gary Dr Nelson, I noticed the defence force personnel who went to Sierra Leone on Operation Husky were Awarded the active service Medal. (Good on Ye) I want on Operation Habitat in Iraq in 1991 and have always been proud to wear my Australian Service Medal. But have heard now of a less Husky operation getting a higher award. I wish yourself to reconsider the operational status of my contingent as we did as asked and we were fixed upon on this operation. Yours Faithfully

submit Send Email

---Signature---
23/08/2007
Dear Sirs,

Thank you for your email message of 22 August 2007 to the Minister of Defence, the Hon Dr Brendan Nelson MP, concerning the nature of service classification for Operation HABITAT. As the matter falls within the portfolio responsibilities of the Minister Assisting the Minister for Defence, the Hon Bruce Billson MP, your correspondence was passed to his office for action.

As you would be aware, the Prime Minister announced a Federal election to be held on 24 November 2007. Following the dissolution of the House of Representatives on 17 October 2007, the Government has assumed a caretaker role. In accordance with caretaker conventions, departments avoid commenting on Government policy or on matters that could commit an incoming government. Accordingly I am responding on behalf of the Minister.

The Minister asked the Vice Chief of the Defence Force, Lieutenant General Ken Gillespie, AO, DSC, CSM, to have the Nature of Service Review Team investigate your claim. The Nature of Service Review Team has been provided a copy of your correspondence and will contact you if they need to clarify any elements of the claim.

The preparation of a response will take some time to complete due to the research and consultation needed to ensure that all the matters you raised are thoroughly examined. There has been a recent upsurge in inquiries concerning previous nature of service classifications. Given existing workloads a response to your inquiry is unlikely before June 2008.

Defence will write to you once the review has been completed.

Yours sincerely,

[Signature]

Tolly Corbett
Assistant Secretary
Ministerial and Executive Support
Dear [Name],

I hope this message finds you well.

I am writing to inform you that the [Department or Office] has decided to proceed with the [Project or Initiative].

[Details of the decision and its implications]

Thank you for your continued support.

[Your Name]

[Department or Office]
The Hon Dr Mike Kelly AM MP  
Parliamentary Secretary for Defence Support

- 8 SEP 2009

Dear [Name],

Thank you for your e-mail of 22 August 2007 to the then Minister for Defence, the Hon Dr Brendan Nelson MP, concerning the nature and recognition of service for Operation HABITAT. As this matter now falls within my portfolio responsibilities, your correspondence has been passed to me for response.

I am advised the Australian contingent to this operation consisted of 75 personnel including medical, dental and preventive health teams tasked to provide humanitarian support to the Kurdish refugees. Service between 16 May and 30 June 1991 in northern Iraq on Operation HABITAT is currently classified as hazardous Defence service under s.120 of the Veterans’ Entitlements Act (VEA) 1986.

I am further advised the repatriation legislation in force at the time of Operation HABITAT was the VEA. Hazardous service was introduced into the legislation in 1986 in order to cover service that was not peacekeeping service but attracted a similar degree of physical danger. Hazardous service was later defined by Cabinet in May 1993 as a category of non-warlike service which exposes personnel to hazards above and beyond normal peacetime duty. Hazardous service provides consideration of disability pension claims using the more generous reverse criminal standard of proof.

Under s.7(A) of the VEA, qualifying service eligibility is dependent upon being allotted for duty within an area of operations (AO) described in Schedule 2 of the Act. Allotment for duty is the preserve of the Chief of the Defence Force and the Vice Chief of the Defence Force who may allot personnel for duty within an AO if they consider an operation to be sufficiently hazardous.

I am advised Cabinet guidance to the services in respect of allotment for duty requires that allotment for duty only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements while deployed on duty relating directly to the warlike operations or state of disturbance which required the declaration of an AO to be made.
I am further advised that the Vice Chief of the Defence Force and the Chief of the Defence Force at the time did not consider Operation HABITAT sufficiently hazardous to warrant the declaration of an AO or the allotment of personnel for duty within it. A review of the extent to which Australian Defence Force personnel were exposed to the risk of harm from hostile forces or dissent elements during the deployment supports the initial decision. While those deployed on Operation HABITAT may have been at risk, the extent of the risk does not warrant qualifying service and the award of the Australian Active Service Medal as requested in your submission.

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I appreciate that, at times, you would have been concerned for your safety. In the context of the relevant legislation and policy, however, the degree to which you were exposed to the risk of harm does not warrant qualifying service eligibility. I am further advised that the nature of your work and the extent of the hazards you encountered does not warrant the award of the Australian Active Service Medal. It is therefore not my intention to approach the Prime Minister to reclassify Operation HABITAT.

I understand that this advice will be disappointing to you and the other personnel on the deployment. Nevertheless, you should all be proud of your service in the Australian Army, in particular your service on Operation HABITAT. The Australian people are most grateful for your committed and dedicated service.

Yours sincerely,

Mike Kelly