



Australian Government

Defence Honours and Awards Appeals Tribunal

Freeman and the Department of Defence [2026] DHAAT 19 (7 September 2026)

File Number(s) 2025/042

Re Captain Nathan Freeman
Applicant

And The Department of Defence
Respondent

Tribunal Mr Jonathan Hyde (Presiding Member)
Brigadier Dianne Gallasch AM CSC (Retd)

Hearing Date 24 June 2026

Attendances

Applicant Captain Nathan Freeman

Respondent Mrs Allison Augustine
Director, Defence Honours and Awards, Department of Defence

Mr Grant Robertson
Policy Officer, Directorate of Honours and Awards,
Department of Defence

DECISION

On 7 September 2026 the Tribunal decided:

- (a) to affirm the decision that Captain Freeman not be recommended for the Australian Operational Service Medal (Indo Pacific), and
- (b) to not recommend to the Minister that the eligibility criteria for the Australian Operational Service Medal be amended.

CATCHWORDS

DEFENCE AWARD – Australian Operational Service Medal (Indo-Pacific) – eligibility criteria – declared operation – Operation RENDER SAFE – Governor-General Declaration – 30 day qualifying period

LEGISLATION

Defence Act 1903 – Part VIIIC – Sections 110T, 110V(1), 110VB(2), 110VB(6)

Defence Regulation 2016, Regulation 36

Australian Operational Service Medal Regulation 2012, Commonwealth of Australia Gazette S67, Letter Patent and Regulation, dated 6 June 2012

Australian Operational Service Medal Regulation 2012, Amendment 2015, Commonwealth of Australia Gazette G00827, dated 1 June 2015

Australian Operational Service Medal Regulation 2012 Amendment to Letters Patent 2020, Commonwealth of Australia Gazette G00629, dated 5 August 2020

Australian Operational Service Medal (Indo-Pacific) Instrument 2024, dated 12 January 2025, Commonwealth of Australia Gazette G00051 dated 31 January 2025

Introduction

1. The Applicant, Captain Nathan Freeman, seeks review of a decision dated 24 July 2025 of the Department of Defence to refuse to recommend him for the Australian Operational Service Medal (Indo-Pacific) in recognition of his service on Operation RENDER SAFE.

Decision under review

2. On 24 February 2025, Captain Freeman wrote to the Directorate of Honours and Awards in Defence seeking the award of the Australian Operational Service Medal (Indo Pacific) for himself and another member, Major Daniel Chan, for service in HMAS *Adelaide* during Operation RENDER SAFE 19. Captain Freeman's minute acknowledged that they had not served for the prescribed period of 30 days on that operation, but sought recognition on the basis of their 'significant service' during that operation.

3. Defence responded by email on 24 July 2025 advising Captain Freeman that as he had not met the requirement of 30 days qualifying service in accordance with the eligibility criteria relating to Operation RENDER SAFE, neither he nor Major Chan could be recommended for the award.¹ Defence also advised that Captain Freeman's request for consideration for the Australian Operational Service Medal (Indo-Pacific) for 'significant service' could not be considered because there are no equivalent provisions within the Regulations or the Instrument.

4. The Tribunal noted with some concern that in the email dated 24 July 2025 Defence did not advise Captain Freeman of his right to appeal to the Tribunal against its refusal to recommend him for the Australian Operational Service Medal (Indo-Pacific).

5. On 18 December 2025, Captain Freeman made application to the Tribunal that effectively sought review concerning his request for a '*reduction of qualifying service period from 30 days to 10 days, or recognition of completion of a full declared deployment as satisfying the qualifying service*'.²

Tribunal jurisdiction

6. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term reviewable decision is defined in s110V(1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for a defence award in response to an application.

7. Regulation 36 of the *Defence Regulation 2016* lists the defence awards that may be the subject of a reviewable decision. Included in the defence awards listed in Regulation 36 is the Australian Operational Service Medal. Therefore, the Tribunal has jurisdiction to review decisions in relation to this award.

¹ Email, Defence to Captain Freeman, 24 July 2025.

² Application for review to Tribunal, Captain Freeman, 18 December 2025.

Captain Freeman's service

8. Captain Freeman enlisted in the Australian Regular Army (ARA) on 21 August 2001 and is currently serving as a Reservist. He has been issued the following awards for his service with the Army:

- a. Australian Service Medal with Clasp 'TIMOR-LESTE';
- b. Australian Operational Service Medal (Greater Middle East Operation) with Numeral 2;
- c. National Emergency Medal with Clasp 'BUSHFIRES 2019-20';
- d. Defence Long Service Medal with First Clasp;
- e. Australian Defence Medal;
- f. United States of America Army Achievement Medal;
- g. Operational Service Badge.³

9. Captain Freeman was force-assigned to Operation RENDER SAFE, within the prescribed area, from 17 October 2019 to 7 November 2019, which is a total of 22 qualifying days towards the Australian Operational Service Medal (Indo Pacific).⁴

Operation RENDER SAFE

10. Operation RENDER SAFE contributes to collective regional security through the safe disposal of explosive remnants of war, as well as providing education and training to enhance the security capabilities of Australia's Pacific partners.

11. The Operation occurs annually or in response to an urgent request from a Pacific Island nation.⁵

The Australian Operational Service Medal

12. The Australian Operational Service Medal was created by Letters Patent, dated 22 May 2012 and published in the *Commonwealth of Australia Gazette S67* of 6 June 2012.⁶

13. The *Australian Operational Service Medal Regulation 2012* was amended in 2015 (as per *Commonwealth of Australia Gazette G00827*)⁷, and was then further amended in 2020 (as per *Commonwealth of Australia Gazette G00629* dated 5 August 2020).⁸

³ Defence report to Tribunal, 17 February 2026.

⁴ Defence report, extracts of service record, Captain Freeman.

⁵ Website, Operation RENDER SAFE, Department of Defence, accessed 4 February 2026.

⁶ *Australian Operational Service Medal Regulation 2012, Commonwealth of Australia Gazette S67, Letters Patent and Regulations*, dated 6 June 2012.

⁷ *Australian Operational Service Medal Regulation 2012, Amendment 2015, Commonwealth of Australia Gazette G00827*, dated 1 June 2015.

⁸ *Australian Operational Service Medal Regulations 2012 Amendment to Letters Patent 2020, Commonwealth of Australia Gazette G00629*, dated 5 August 2020.

14. The amended Regulation states:

3 *Declared operation*

(1) *The Governor-General may declare, in writing, on the recommendation of the Minister, that an operation is a declared operation.*

(2) *In making a recommendation to the Governor-General, the Minister must have regard to the recommendation of the Chief of the Defence Force.*

(3) *The Governor-General must not make a declaration about an operation unless:*

- (a) the operation is, or was, carried out in conditions that are, or were, hazardous; and*
- (b) the operation is not an operation for which recognition for an award (other than an award under this regulation) already exists; and*
- (c) the operation meets the conditions (if any) determined, in writing, by the Governor-General.*

(3A) *Without limiting subsection (1), the Chief of the Defence Force may declare, in writing, on the recommendation of the Commander Joint Operations, that a special operation is a declared operation.*

(3B) *The Chief of the Defence Force must not make a declaration about a special operation unless:*

- (a) the operation is, or was, carried out in conditions that are, or were, hazardous; and*
- (b) the operation is not an operation for which recognition for an award (other than an award under this regulation) already exists; and*
- (c) the operation meets the conditions (if any) determined, in writing, by the Chief of the Defence Force.*

(3C) *Without limiting subsection (1), the Chief of the Defence Force may declare, in writing, on the recommendation of the Commander Joint Operations or the Special Operations Commander Australia, that a counter terrorism activity or a special recovery activity is a declared operation.*

(3D) *The Chief of the Defence Force must not make a declaration about a counter terrorism activity or a special recovery activity unless all of the following apply.*

- (a) The activity is, or was, carried out in hazardous conditions.*
- (b) The activity is not an activity for which recognition for an award (other than an award under this regulation) already exists.*
- (c) The activity meets the conditions (if any) determined, in writing, by the Chief of the Defence Force.*

(4) *A declaration under this section must include the following matters:*

- (a) the name by which the operation is known or a description of the operation; and*
- (b) the area in which the operation occurs or occurred; and*
- (c) either:*
 - (i) the dates or period during which the operation occurred*

- or*
- (ii) *if the operation is continuing – the date on which the operation commenced.*

4 *Eligible service*

(1) *The Governor-General may declare, in writing, on the recommendation of the Minister, that service is:*

- (a) eligible service; or*
- (b) eligible service that is an additional period of qualifying service for the purposes of paragraph 6(2) (c).*

(2) *In making a recommendation to the Governor-General, the Minister must have regard to the recommendation of the Chief of the Defence Force.*

(3) *The Governor-General must not make a declaration about service under subsection (1) unless the eligible service is given as part of, and with the period of, a declared operation.*

(3A) *Eligible service declared under subsection (1) must meet the conditions (if any) determined, in writing, by the Governor-General.*

(4) *Without limiting subsection (1), the Chief of the Defence Force may declare, in writing, on the recommendation of the Commander Joint Operations, that service is:*

- (a) eligible service; or*
- (b) eligible service that is an additional period of qualifying service for the purposes of paragraph 6(2)(c).*

(5) *The Chief of the Defence Force must not make a declaration about service unless:*

- (a) the service is given in the operational area, and within the period, of a special operation, counter terrorism activity or special recovery activity that is a declared operation; and*
- (b) the service meets the conditions (if any) determined, in writing, by the Chief of the Defence Force*

The Australian Operational Service Medal (Indo-Pacific)

15. The eligibility criteria for awarding the Australian Operational Service Medal (Indo-Pacific) are contained in the Governor-General's declaration dated 12 January 2025 set out in the *Australian Operational Service Medal (Indo-Pacific) Instrument 2024*, published in the *Commonwealth of Australia Gazette G00051* dated 12 January 2025.⁹

⁹ *Australian Operational Service Medal (Indo-Pacific) Instrument 2024*, dated 12 January 2025, *Commonwealth of Australia Gazette G00051* dated 31 January 2025.

16. The criteria in the Instrument relevant to Captain Freeman's application are as follows:

5 Declared Operation

For subsection 3(1) of the Regulations, for the Australian Operational Service Medal (Indo-Pacific) the following operations, comprising the specified areas and dates, are declared operations:

(b) Operation RENDER SAFE that commenced on 3 June 2009 within the area comprising the island nations of South West Pacific outside the territory of New Zealand, France and the United States of America.

[...]

6 Eligible service

(1) For paragraph 4(1)(a) of the Regulations, service is eligible service if:

- (a) the service is given by an ADF member or an allied foreign Defence Force member on deployment during the period of the declared operations;*
- (b) the service occurs for 30 days during one or more deployment, whether or not the service continues throughout the whole day and whether or not the 30 days are continuous; and*
- (c) the service is considered to be hazardous under paragraph 3(3)(a) of the Australian Operational Service Medal Regulation.*

(2) If an ADF member or an allied foreign Defence Force member gave service of a kind mentioned in paragraph (1)(a) of this section, but did not satisfy paragraph (1)(b) of this section because the member died or was evacuated due to service-related injury, illness or disability, the service is taken to have occurred for 30 days during the deployment.

Captain Freeman's application to Defence

17. In his application to Defence, Captain Freeman submitted that he had rendered 23 days of 'significant service' in HMAS *Adelaide* during Operation RENDER SAFE 19.¹⁰

18. Captain Freeman states that both he and Major Chan were within the area of operations within the prescribed operational area of Operation RENDER SAFE between 16 October and 7 November 2019.¹¹

19. In his application for review to the Tribunal Captain Freeman also submitted that the *National Emergency Medal Regulations 2011* describes 'eligibility for significant service' where sustained service or prescribed service was not achieved. Giving precedence for awarding medallic recognition for significant service. This was also noted in the awarding of AOSM Greater Middle East for those deployed in support of the Afghanistan Non-Combatant Evacuation Operation who did not achieve the prescribed days as outlined in the *AOSM Regulations*.¹²

¹⁰ Minute, Consideration for awarding Australian Operational Service Medal Indo Pacific, Captain Freeman to Defence, undated contained in Captain Freeman's application to Tribunal.

¹¹ Ibid.

¹² Ibid.

20. Captain Freeman in his undated Minute submitted that the Regulations setting out the conditions for the award of the Iraq Medal and Afghanistan Medal *provide flexibility in the awarding of recognition through conditions determined by the Governor-General on the recommendation of the Minister*. He then sought the award on the basis of the service set out below, which in his written materials and oral submissions before the Tribunal he consistently described as ‘significant service’:

a) *During the operation, MAJ Daniel Chan and CAPT Nathan Freeman were the only two Army medical staff within the operating theatres aboard HMAS Adelaide. MAJ Chan, General Surgeon and CAPT Freeman, Anaesthetic Nurse.*

b) *A sailor become critically unwell requiring immediate surgical intervention, for which MAJ Chan advocated for the surgery. Rather than transferring back to Australia, which would have placed the safety of the sailor at risk of deterioration – subsequent pathology post-surgery confirmed this was the right decision to complete the surgery aboard the ship.*

c) *Neither HMAS Adelaide nor HMAS Canberra had confirmed the operational ability of their surgical capabilities outside of simulated training exercises. This was the first surgical procedure aboard either of the LHD’s and the first surgical procedure aboard an Australian warship on operations in a significantly long time.*

d) *The surgical procedure required adaption to the environment, specifically the lack of keyhole surgical equipment. This required MAJ Chan to perform an open surgical procedure, meaning the surgeon had to cut open the patient rather than using keyhole surgery. A more complex procedure, on top of the complexities of surgery at sea.*

e) *The surgical procedure was completed successfully with the patient returning to duties aboard the ship. This was the first time the sailor had undergone a surgical procedure and assured the ships surgical capability. The flow on effects resulted in a greater confidence amongst the ship’s crew and embarked crew of the medical capability aboard HMAS Adelaide.*

f) *All other members of the surgical team were Navy and have deployed on Operation Render Safe, or similar regional deployments on several occasions immediately making them eligible for the award. An achievement difficult for Army personnel to achieve due to their specialised civilian work commitments and irregular opportunities to deploy aboard Navy ships.*

g) *While it may be considered that the surgeon and anaesthetic nurse were simply ‘doing their job’, the complexities and significance cannot be under estimated. Including the significance of this being the first surgery aboard the LHD’s and providing reassurance to the entire ship’s crew.*

h) *Whilst both members fall short by seven days to receive the award, both were employed in critical care specialisation within civilian hospitals limiting their ability to provide additional service on subsequent Render Safe operations. They did provide a significant critical care capability to the crew that was required and carried out with great success, professionalism and advocacy for the sailor / patient.*

- i) *Both members are active in seeking opportunities to continue providing critical care support on operations and exercises.*¹³

The Defence refusal

21. In its email response to Captain Freeman's Minute requesting consideration for eligibility of the Australian Operational Service Medal (Indo Pacific) outside of the prescribed 30 days, Defence stated that he was Force Assigned for Operation RENDER SAFE within Specified Area for a period of 22 days (rather than 23 days) between 22 October and 7 November 2019.¹⁴

22. Defence also stated that there are *no meritorious provisions included in the Australian Operational Service Medal (Indo-Pacific) that allows for flexibility in awarding of the Australian Operational Service Medal (Indo-Pacific) for different reasons* other than those set out in clause 6 of the eligibility criteria which set out the eligible service requirement.¹⁵

23. Finally, Defence informed Captain Freeman that as he had not met the requirement for 30 days service, then neither he nor Major Chan could be recommended for the award.¹⁶

Captain Freeman's application to the Tribunal

24. In his application to the Tribunal, Captain Freeman submitted that the 30 day qualifying requirement produces an 'unintended and inequitable outcome' for ADF members who complete the entirety of an Operation Render Safe Deployment and still do not receive medallic recognition.¹⁷

25. Captain Freeman in his application to this Tribunal requested that the Tribunal make a recommendation to the Minister that:

- (a) the qualifying period be reduced to 10 days; or
- (b) that completion of an operational commitment be deemed to satisfy the qualifying service requirement.¹⁸

26. Captain Freeman described Operation RENDER SAFE as a discrete, short-term overseas operation, typically around 10 days in duration, together with transit and pre-deployment time.¹⁹ He submitted that while the eligibility criteria permit aggregation of qualifying service, in practice this requires members, especially Army and Air Force personnel, to secure nomination and approval for multiple, highly competitive deployments, significantly diminishing the likelihood of qualification. He submitted that RENDER SAFE is a clear 'outlier' among ADF operations, in that it is the only operation where completion of the entire declared deployment does not ordinarily result in medallic recognition.

¹³ Minute, Consideration for awarding Australian Operational Service Medal Indo Pacific, Captain Freeman to Defence, undated contained in Captain Freeman's application to Tribunal.

¹⁴ Email, Defence to Captain Freeman, 24 July 2025.

¹⁵ Ibid.

¹⁶ Email, Defence to Captain Freeman, 25 July 2025.

¹⁷ Application for review to Tribunal, Captain Freeman, 18 December 2025.

¹⁸ Ibid.

¹⁹ Captain Freeman's statement of facts included in his application to the Tribunal.

27. He stated that *the Tribunal has consistently emphasized that honours and awards should reflect the nature, conditions and completion of service, rather than operate as rigid time-based thresholds divorced from operational reality.*²⁰

28. Captain Freeman submitted that medallic recognition has ‘traditionally’ been awarded where members undertake service in a declared operational area, complete the full scope of the deployment, and are subject to the operational conditions and demands of the mission, and that those criteria are fully met upon completion of a single Operation RENDER SAFE deployment. He cited the National Emergency Medal and Humanitarian Overseas Service Medal as examples of ‘variable qualifying periods’ allowing for medallic recognition of service of less than 30 days.

The Defence report

29. In its report to the Tribunal, Defence stated that following Captain Freeman’s application for review, it conducted a re-assessment of his eligibility for the Australian Operational Service Medal (Indo-Pacific), and affirmed its decision not to recommend him for the medal.²¹

30. Defence noted that Captain Freeman’s application for review did not seek a review of the decision but instead sought *reduction of qualifying service period from 30 days to 10 days or recognition of completion of a full declared deployment as satisfying the qualifying service requirement.*²²

31. Defence considered as part of its assessment the eligibility criteria and service conditions for both the National Emergency Medal and the Humanitarian Overseas Service Medal.²³ Captain Freeman referred to both medals in his submissions.

32. Defence, in its report to the Tribunal, submitted that the National Emergency Medal is an operational service medal which recognises significant or sustained service to others in response to declared nationally-significant emergencies in Australia and that the Humanitarian Overseas Service Medal honours members of recognised Australian groups that provide humanitarian service overseas in hazardous circumstances (such as in war zones, during peacekeeping operations or in times of natural disaster or civil strife).²⁴

33. Defence submitted that the introduction of the Australian Operational Service Medal required consideration of what was an appropriate period for medallic qualifying service. It noted that the period of qualifying service for the Australian Active Service Medal was one day and the period of qualifying service for the Australian Service Medal was 30 days in most instances. Defence submitted that the decision to establish a set period for qualifying service was properly considered by Defence and establishes a consistent period of service on any declared operation.

34. Defence elaborated that it is not the intent of the Australian Operational Service Medal to recognise short operational deployments, and that reducing the qualifying period would unfairly award minimal periods of service on an operation at the expense of those members who have met the qualifying period on declared operations.

²⁰ Ibid.

²¹ Defence report to Tribunal, 17 February 2026.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

35. Defence submitted both in oral submissions to the Tribunal and in its report to the Tribunal that there are currently seven Australian Operational Service Medals, each with qualifying periods of 30 days and set out below:

- a. AOSM (Border Protection) – 30 days
- b. AOSM (Greater Middle East Operation) – 30 days
- c. AOSM (Civilian) and Clasps – 30 days
- d. AOSM (Counter Terrorism/Special Recovery) – 30 days
- e. AOSM (Special Operations) – CDF Determined
- f. AOSM (Africa) – 30 days
- g. AOSM (Indo-Pacific) – 30 days

36. Defence submitted that when the Australian Operational Service Medal (Indo-Pacific) was proposed, advice was provided to the Deputy Prime Minister and the Minister for Veterans' Affairs and the Minister for Defence Personnel, specifically discussing the defined period:

a. *For awards administered under the AOSM Framework ADF personnel must be assigned to a 'declared operation' and render service in the prescribed area of operation for a period of 30 days, either continuous or aggregated.*

b. *The '30 days of operational service' criteria has been applied consistently across all AOSM medals since the Framework's inception. There are two exceptions to this criteria:*

i. *The AOSM (Special Operations) allowing the Chief of the Defence Force to determine the eligibility criteria; and*

ii. *The AOSM (Greater Middle East Operation) awarded for operational contributions to the Afghanistan non-combatant evacuation operation (NEO) in 2021. The medal determination was amended specifically for the NEO in order to capture those who served for less than 30 days, due to the extraordinary circumstance in a compressed time period, in a highly volatile and dangerous environment, well above what was generally expected of service in that region. This was reflective of the Government's views and community sentiment regarding the significant contributions of ADF personnel involved in the NEO, and the unique nature of this operation following Australia's 20 year commitment to operations in Afghanistan. Eligibility for other operations listed on the AOSM (Greater Middle East Operation) determination require 30 days of eligible service.*

c. *Service may be continuous or aggregated over any of the operations that have been listed in the medal Instrument. This is outlined in Section 6 (1) (b) Eligible Service. A day may consist of a part thereof, which is designed to capture, for example, Air Force personnel who may conduct a sortie that may consist of a part-day flying.*

...

d. *Operations log data from the Personnel Management Key Solution (PMKeyS) system reflects that a significant number of ADF personnel have been assigned to*

multiple operations in the Indo-Pacific region, and will attain an accumulative total of over 30 days across these activities.²⁵

37. Defence submitted to the Tribunal that it has issued approximately 384 Australian Operational Service Medals (Indo-Pacific) to members identified in a nominal roll for service on Operation RENDER SAFE, which Defence contends lends weight to the proposition that the applicant's claim that 30 days is an insufficient period, is not correct. Defence acknowledged and did accept that not every member will be eligible for an operational service medal for a single deployment, but that a timeframe had been established *to ensure that the intent of the medal to recognise reasonable commitment to operations is maintained and this approach has been agreed to by the Minister.*²⁶

38. Defence submitted that across each year of Operation RENDER SAFE there have been a number of ADF members that have exceeded the 30 day qualifying period, as evidenced in the following table, but it did concede that these numbers may include the same person deployed to this operation in a different calendar year.²⁷

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
Number deployed in excess of 30 days	2	0	1	0	61	1	0	10	0

Year	2018	2019	2020	2021	2022	2023	2024	2025	
Number deployed in excess of 30 days	0	2	0	47	14	4	40	1	

39. Defence state that the National Emergency Medal regulations contains the words 'significant service', a term described on the Governor General's website as '*Significant service nominations are considered by the National Emergency Medal Committee on a case-by-case basis before a recommendation is made to the Governor-General.*'

40. Defence re-iterated that in its written response to Captain Freeman on 24 July 2025, it was explained that there is a requirement of eligible service for 30 days in order to be eligible for the Australian Operational Service Medal (Indo-Pacific) and that there are no meritorious provisions in the Instrument. Consequently, Captain Freeman's request for consideration for the Australian Operational Service Medal (Indo-Pacific) for 'significant service' could not be considered because there are no equivalent provisions within the Regulations or the

²⁵ Defence report.

²⁶ Ibid.

²⁷ Ibid.

Instrument.²⁸

41. On the basis of the matters outlined above, Defence recommended that the decision to not recommend Captain Freeman for the Australian Operational Service Medal (Indo-Pacific) be affirmed.²⁹

42. Additionally, on the basis that consideration has previously been given to the condition of 30 days of qualifying service on a declared operation that was approved by the Minister for Defence Personnel and Governor-General and that a number of ADF members have qualified for the Australian Operational Service Medal (Indo-Pacific), including those deployed to Operation RENDER SAFE, Defence would not support any recommendations to change the qualifying period for this award.

Captain Freeman's comments on the Defence report

43. In his comments on the Defence report, Captain Freeman stated:

The assertion that reducing the 30-day threshold would “unfairly award minimal periods of service” does not accurately reflect the circumstances raised in my submission. I am not seeking recognition for partial or incidental participation, nor for a token presence on operations. I am seeking recognition for completion of an entire operational rotation as constituted for Operation RENDER SAFE, which by design is structured as short-duration, discrete mission deployments.

Unlike prolonged theatre operations, OP RENDER SAFE is conducted in defined mission blocks, often of compressed duration, where members deploy, execute the entirety of the operational tasking, and redeploy. In such cases:

- *The member completes 100% of the assigned operational mission;*
- *The duration is dictated by operational design, not member choice;*
- *The structure of the mission precludes 30-day service in many cases.*

Recognition tied strictly to duration rather than completion of the operational task creates an inequitable outcome where a member may fully complete an operation but remain ineligible due solely to structural mission length. This is not a request to reduce standards. It is a request to ensure standards align with the operational construct. The request is not for reduced standards or minimal recognition. It is for recognition of full operational participation; Consideration of structural mission duration; Application of precedent demonstrating flexibility within the framework; Assurance that qualifying criteria do not unintentionally disadvantage certain Service members.³⁰

44. Captain Freeman further stated that:

The statement that the “30 days of operational service criteria has been applied consistently across all AOSM medals since inception” is factually incomplete. Examples of flexibility within the Australian honours framework include the Australian Active Service Medal which is awarded for one day of qualifying service and the Australian

²⁸ Ibid.

²⁹ Ibid.

³⁰ Email, Captain Freeman to Tribunal, comments on Defence report, 18 February 2026.

*Service Medal which “in most instances” 30 days, but not universally rigid.*³¹

45. Captain Freeman also mentioned the Australian Operational Service Medal (Greater Middle East Operation) – amended specifically for the 2021 Afghanistan Non-combatant Evacuation Operation to recognise service of less than 30 days. Captain Freeman had mentioned in his application to the Tribunal further examples of the 30 day operational service criteria relating to Afghanistan and Iraq.³²

Tribunal hearing

46. The Tribunal hearing was conducted by audiovisual link on Wednesday 24 June 2026.

47. At the hearing Captain Freeman reiterated his desire for eligibility for the Australian Operational Service Medal (Indo-Pacific) to be reviewed in order to allow for a single deployment under Operation RENDER SAFE to be sufficient to qualify for the Australian Operational Service Medal (Indo Pacific). He outlined the case that the current design of the Operation did not allow for a single deployment to qualify an individual for the award of the medal. He acknowledged the information provided by Defence regarding those individuals who had qualified for the award purely under Operation RENDER SAFE deployments but questioned whether the majority, if not all, of those individuals belonged to the RAN rather than RAAF or the Army. He clarified his position that he was keen to have the change in eligibility apply for all embarked forces and not just medical personnel.

48. Discussion at the hearing clarified that by design it was not possible for any individual ADF member to qualify for the award with only a single deployment on Operation RENDER SAFE. It was noted that any RAN personnel would also have to do at least two deployments of Operation RENDER SAFE (not including any other Operations within the specified Indo-Pacific area) in order to qualify for the award.

49. Defence clarified the changes made to awards with the introduction of the Australian Operational Service Medal in 2012. Defence clearly articulated the rationale behind the changes specifying that the eligibility relating to number of days within the specified area on a declared operation is now calculated for a region not a deployment. In this case the region is the Indo Pacific. Defence also provided the seven other operations which fall within the Indo-Pacific region and which could be added to the days from the relevant service from Operation RENDER SAFE to allow for an individual to accumulate over the 30 days requirement. Defence made it clear that there is no medallic recognition for a particular operation, rather it is medallic recognition for being on an operation in hazardous service within a region for the 30 days. Defence also noted that earlier deployments under Operation RENDER SAFE prior to the introduction of the Australian Operational Service Medal were not eligible under the previous criteria for the Australian Service Medal.

Tribunal analysis

33. In its analysis, the Tribunal noted Defence’s response to Captain Freeman’s original request to Defence for review that he and Major Chan be recognised on the basis of their ‘significant service’ on Operation RENDER SAFE. The Tribunal agreed with Defence’s response to that request. It is readily apparent that neither the *Australian Operational Service Medal Regulation 2012* nor the *Australian Operational Service Medal (Indo-Pacific) Instrument*

³¹ Ibid.

³² Captain Freeman, Application to Tribunal.

2024 contain provisions that would permit medallic recognition for reasons other than those set out in clause 6 of the eligibility criteria which set out the eligible service requirement. This consideration was not analysed further during the hearing because there is no ‘significant service’ provision, and the Tribunal has no discretion to import one.

34. The Tribunal then considered Captain Freeman’s two forms of relief requested in his application. The first is that completion of a full declared deployment be recognised as satisfying the qualifying service requirement under the *Australian Operational Service Medal (Indo-Pacific) Instrument 2024*. Separate to this, Captain Freeman requested that the Tribunal make a recommendation to the Minister that a full-declared deployment be recognised as satisfying the qualifying service requirement. This would mean a recommendation that the qualifying service period be reduced from 30 days to 10 days.

35. The Tribunal considered a similar request for the Australian Operational Service Medal (Indo-Pacific) in the matter of *Murray and the Department of Defence [2026] DHAAT 8* for Operation AUGURY. In this report the Tribunal noted not only must eligible service be on deployment and of at least 30 days’ duration, but it must also be ‘carried out in conditions that are hazardous’ as required by paragraph 3(3)(a) of the *Australian Operational Service Regulation*. That provision constrains the Governor-General to declaring an operation for the purposes of Australian Operational Service Medal eligibility to an operation that is ‘carried out in conditions that are hazardous’. Under the *Australian Operational Service Medal (Indo-Pacific) Instrument 2024*, Operation RENDER SAFE is ‘declared’ on the basis that it is ‘carried out within the area comprising the island nations of the South West Pacific outside the territory of New Zealand, France and the United States of America’.³³ It is service within that specified area that constitutes service in hazardous conditions.

34. Accordingly, notwithstanding being force assigned to the declared operation for the whole deployment, the time spent by Captain Freeman in sailing between Australia and the islands of the South West Pacific is not eligible service and cannot be counted towards eligibility for the Australian Operational Service Medal (Indo Pacific) even though it was part of his deployment on Operation RENDER SAFE. His request that there be a reduction of qualifying service for completion of a full declared deployment would not overcome the difficulty because only the days within the specified area meet the criterion of service on an operation carried out in hazardous conditions. For Captain Freeman the practical reality is that only the proposed reduction of the qualifying period from 30 days to 10 days would achieve his desired outcome.

35. The Tribunal considered Defence’s position that sufficient consideration had already been given to a reduction in the number of days of eligible service by the Minister, when the Australian Operational Service Medal was introduced, and again when the Australian Operational Service Medal (Indo Pacific) was established. Defence’s intent was clear to not provide medallic recognition for every deployment but rather to recognise cumulative service in hazardous areas within a region. A 30-day qualifying period applies consistently across the seven Australian Operational Service Medals. As the circumstances outlined in Captain Freeman’s submission had already been clearly deliberated by both the Department of Defence and the Minister at the time of introduction of the Australian Operational Service Medal (Indo-Pacific), further review is unwarranted. The circumstances raised in Captain Freeman’s submissions, including the short, mission-block structure of Operation RENDER SAFE, were within the matters considered when the eligibility criteria were settled. The Tribunal was not persuaded that they warranted a recommendation to the Minister that the criteria be amended.

³³ *Australian Operational Service Medal (Indo-Pacific) Instrument 2024*, dated 12 January 2025, *Commonwealth of Australia Gazette G00051* dated 31 January 2025

Tribunal decision

36. For the above reasons, the Tribunal decided to affirm the decision that Captain Freeman not be recommended for the Australian Operational Service Medal (Indo-Pacific) and not to recommend to the Minister that the eligibility criteria for the Australian Operational Service Medal (Indo-Pacific) be amended.