

Document ID: b3b7ac1f93c7793966014312bbb259b89f61e172

21 August, 2022

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Submission to Inquiry - Mister Michael Connolly

Part 1 – Name of Inquiry

Name of Inquiry *

Inquiry into medallic recognition for service with Rifle Company Butterworth

Part 2 – About the Submitter

Title or Rank *

Mister

Surname *

Connolly

Given Names *

Michael

Postal Address *

[REDACTED]

Email Address: *

[REDACTED]

Primary Contact Number *

[REDACTED]

Secondary Contact Number

Is the Submission on behalf of an organisation? If yes, please provide details:

NO!

Part 3 – Desired outcome

Provide a summary of your submission:

For RCB service in Butterworth Air Base 1970 to 1989 to be recognised as Active Service and receive the appropriate awards/medals for that service.

Part 4 - Your submission and Supporting Documentation

File Attached: RCB-DHAAT-Inquiry.docx

Part 5 – Consent and declaration

☒ I consent to the Defence Honours and Awards Appeals Tribunal making my submission publicly available.

☒ I also consent to the Defence Honours and Awards Appeals Tribunal:

- using information contained in my submission to conduct research;
- providing a copy of my submission to a person or organisation considered by the Tribunal to be appropriate; and

- providing a copy of my submission to a person or organisation the subject of adverse comment in the submission;
- using content in my submission in its report to Government.

The Tribunal will decide which person or organisation is appropriate, and this may include:

1. persons or organisations required to assist with the inquiry; and
2. persons or organisations with an interest in the inquiry.

✓ I declare that the information I have provided is correct.

Name

Michael Connolly

Date

21/08/2022 /

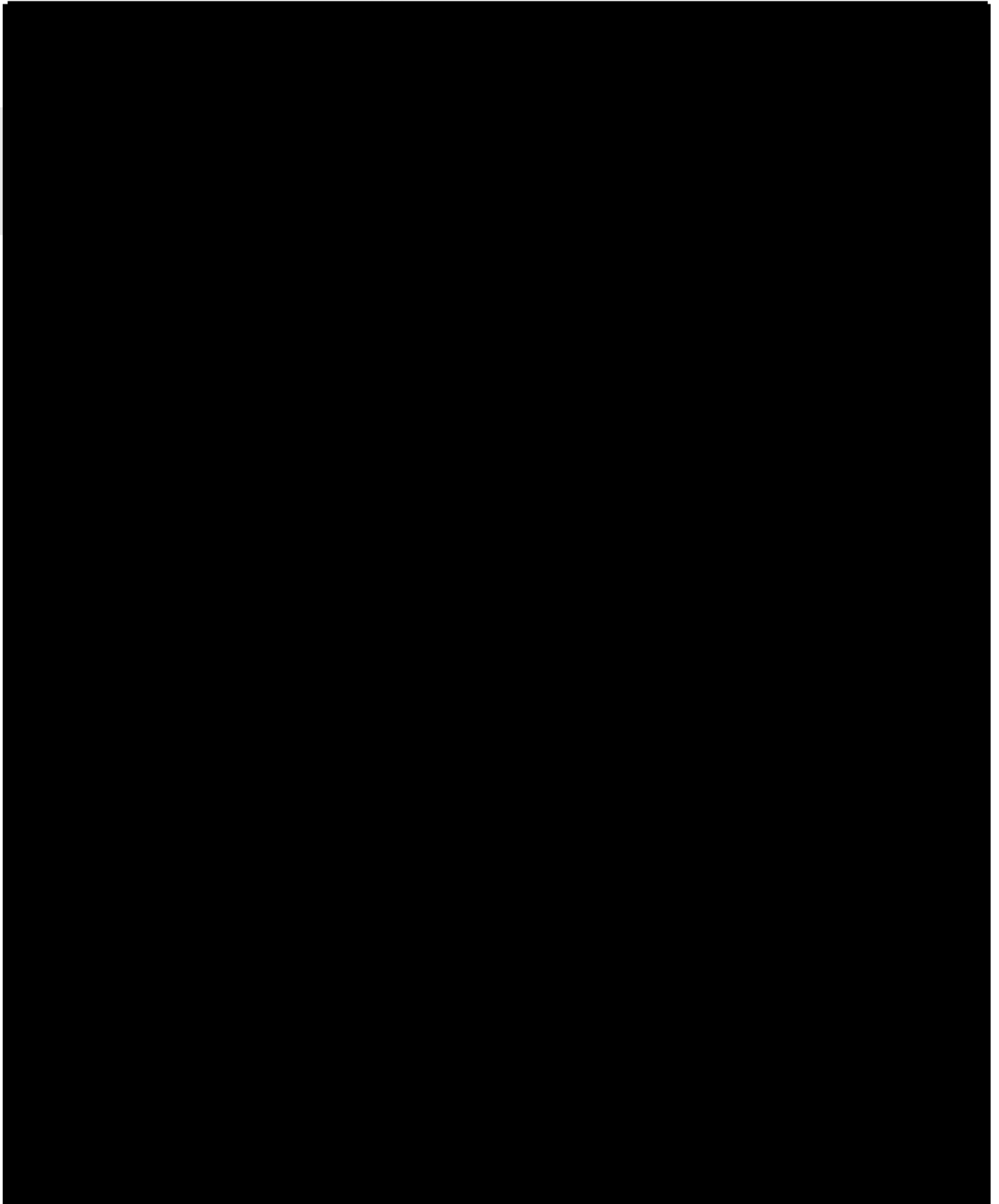
A handwritten signature in black ink, appearing to read 'Michael Connolly', with a long horizontal stroke extending to the right.

Signed by Mister Michael Connolly

Signed on: 21 August, 2022

Signature Certificate

Document name: Submission to Inquiry - Mister Michael Connolly



I would like to thank the Tribunal for allowing me the opportunity to address what I believe are blatant misuse of their position to muddy the waters. In particular I would like to address Defence Submission July 2022:

PART THREE: INQUIRY CONSIDERATIONS

MEDALLIC RECOGNITION AND VETERANS' ENTITLEMENTS

3.1 On 22 April 2022, the Tribunal Chair invited the Chief of the Defence Force to make submission to this Inquiry on behalf of Defence. The Chair also sought Defence advice on the following matters:

- a How does a determination of a 'warlike operation' for the purposes of the Australian Active Service Medal, and the determination of 'warlike service' for repatriation benefits differ? What criteria are applied in each case, and what processes are followed and by whom?
- b Are all 'warlike operations' declared to be 'prescribed operations' for the purposes of the Australian Active Service Medal Regulations?
- c Was service with Rifle Company Butterworth non-warlike in nature, or is the Australian Service Medal awarded because of Rifle Company Butterworth's connection with non-warlike operations in South East Asia? Please give reasons as to the classification of the respective service as non-warlike service.

3.2 The following sections of this submission are informed by advice received from the Nature of Service Directorate within the Military Strategic Commitments Division, Headquarters Australian Defence Force.

How does a determination of a 'warlike operation' for the purposes of the Australian Active Service Medal, and the determination of 'warlike service' for repatriation benefits differ? What criteria are applied in each case, and what processes are followed and by whom?

Determination of 'warlike service' for repatriation benefits

3.3 Reviews of past Australian Defence Force service for nature of service purposes use the legislation and policies applicable at the time. For the majority of Rifle Company Butterworth service in the period 1970-1989, the applicable repatriation legislation is the *Repatriation (Special Overseas Service) Act 1962*

- a To be eligible for Qualifying Service, the *Repatriation (Special Overseas Service) Act* requires that a special area is prescribed, that personnel serve in the special area and that personnel are allotted for special duty within the special area. Special duty is defined in the Act as '... duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the area was made.'

Commented [MC1]: A special area was never prescribed, because Whitlams Government sent us there under the guise of "Training" so RCB was denied this right

b Special areas were declared for active conflicts in which Australian forces were combatant parties

Commented [MC2]: RCB was a Combatant party, Defence is one part of the Infantry's role as is Standing Patrols, Clearing Patrols and Advance to contact. All of which QRF covered. We had a defined enemy the CTs! As stated in others' submissions, the QRF was not there to combat a fictional enemy!

3.4 To determine special service, Cabinet Decision 1048 of 7 July 1965 in reviewing Submission No 834, 'Principles on which eligibility for War Service Homes Loans is determined and the consequences of their continued application on the demand for Loans - Examination and report by Inter-Departmental Committee', endorsed the following guidance:

"That the Services be directed 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; in the present circumstances allotment should therefore be confined to personnel specifically allotted for duty in relation to Indonesian infiltrators of communist terrorists in circumstances where there has been a specific request for the assistance of Australian forces and where the task has been clearly defined."

Applying the Repatriation (Special Overseas Service) Act 1962 and 1965 Cabinet guidance to Rifle Company Butterworth service

3.5 The Malaysian Government has never requested assistance from Australian forces following the signing of a peace treaty between Indonesia and Malaysia on 11 August 1966, ending the period known as the Indonesian Confrontation. In accordance with the provisions of the peace treaty, all troops were to disengage and withdraw within 28 days of ratification. All Australian Defence Force personnel had left Borneo by 14 September 1966.

3.6 The Australian Government did not declare a special area in Malaysia at any time between 1970 and 1989 and did not commit forces for special duty.

3.7 Rifle companies which rotated through Air Base Butterworth were never engaged in activities directly relating to hostile forces or dissident elements.

3.8 Service by Australian Defence Force personnel after 14 September 1966, including that of Rifle Company Butterworth or any other Australian Defence Force members in Malaysia between 1970 and 1989 was not conducted under the *Repatriation (Special Overseas Service) Act*

Determining 'warlike' nature of service under the current nature of service framework

3.9 A new framework to determine nature of service classifications of Australian Defence Force service was approved by Cabinet in 1993. In 1997, the *Veterans' Entitlements Act 1986* was amended to include the following definitions:

- a 'Warlike service means service in the Defence Force of a kind determined in writing by the Defence Minister to be warlike service'.
- b 'Non-warlike service means service in the Defence Force of a kind determined in writing by the Defence Minister to be non-warlike service'.

3.10 The *Military Repatriation and Compensation Act 2004* has the same definitions for warlike and non-warlike service.

Commented [MC3]: Because it was a cover up placement of Infantry soldiers in a country at war The Forces being a Infantry Rifle Company, did conduct a special duty the Protection of Australian Military assets, Personnel and RAAF dependents I cannot fathom Defences stance on this blatant mislead

Commented [MC4]: A Company 1 RAR 5/8 August 1975 45 men on Standing Patrols, with QRF and Section roving patrols Said Patrols were conducted directly relating to hostile forces the CT activity in and around the BAB Once again the Defensive role of Infantry is used against a identified enemy in this case the CTs Standing Patrols/QRF and Clearing Patrols are all utilised to ensure a Defensive area is protected from any enemy incursion This incident of covering the period 5 to 8 August 1975, has been brought to Defences attention in numerous emails/ministerials (via my Federal Member at the time the Hon Porter) and it has been ignored by the usual reply of not War Service only peace time/garrison duty

Commented [MC5]: Once again because of the Whiltam and Defence cover up? lie of selling RCB role to the public as training and not the security of BAB A stance taken by Defence to this day

3.11 The definitions agreed by Cabinet in 1993 established the nature of service classifications of warlike and non-warlike. In 2018, the Minister for Defence approved updated versions of the definitions of warlike and non-warlike service and included a definition of peacetime service. Any service not classified as warlike or non-warlike service defaults to peacetime service.

3.12 The 1993 agreed definition to determine warlike classifications was:

Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- (1) A state of declared war
- (2) Conventional combat operations against an armed adversary
- (3) Peace enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities. Normally but not necessarily always they will be conducted under Chapter VII of the United Nations Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Commented [MC6]: The Defensive role carried out by RCB is a Conventional combat role and the CTs were an armed adversary!!!!!! Combat Operations do not always involve the Offensive role of the Infantry. Defence is a role used by Infantry in all theatres of War. CTs were an armed adversary!!

3.13 The updated 2018 definition of warlike service is:

Warlike service exposes Australian Defence Force personnel to a direct risk of harm from hostile forces

A warlike operation is an Australian Government authorised military operation where Australian Defence Force personnel are exposed to the risk of harm from hostile forces that have been assessed by Defence as having the capability and an identified intent to directly target Australian Defence Force personnel. Australian Defence Force personnel are authorised to use force to pursue specific military objectives and there is an expectation of Australian Defence Force casualties as a result

Commented [MC7]: Well that covers the RCB role, if Defence and the Government had been truthful. BY placing an Infantry Rifle Company (and RAAF personnel) in a country which was involved in an insurgency, which Defence denies (their 2nd, although numerous documents/journals and oral evidence supports that the Malaysian Government declared a 2nd Emergency) by its very nature places ADF personnel in harm's way

Process to determine appropriate nature of service classification of current day Australian Defence Force operations

3.14 The process to determine a nature of service classification commences with the Nature of Service Directorate, a part of the Military Strategic Commitments Division, Headquarters Australian Defence Force, seeking input from the Headquarters Joint Operations Command, Joint Health Command and the Defence Intelligence Organisation about the Australian Defence Force operation being considered. The Australian Defence Force operation is assessed against the nature of service definitions. A 'nature of service' classification is recommended and subsequently agreed by the Chief of the Defence Force. This Chief of the Defence Force decision is followed by advice via a Ministerial Submission to the Minister for Defence for a determination. The Office of the Minister for Defence informs the Prime Minister of the operation's nature of service classification.

3.15 Once a nature of service determination is signed by the Minister for Defence, notice of the decision is provided to Defence People Group for the preparation of a Conditions of Service package, and to the Directorate of Honours and Awards for development of appropriate medallic recognition.

3 16 Of note, an Australian Defence Force operation classified as peacetime service for nature of service purposes can also be considered for medallic recognition. There are numerous cases of peacetime service receiving medallic recognition, for example, the current Operation RESOLUTE is recognised by the Australian Operational Service Medal - Border Protection and previous service retrospectively recognised with the Australian Service Medal 1945-1975 and the Australian Service Medal.

Process to determine appropriate nature of service classification of past Australian Defence Force service

3 17 Reviews of previous Australian Defence Force service are initiated via ministerial representations from Senators and Members of Parliament on behalf of constituents or in response to requests from the Chief of the Defence Force. The Nature of Service Directorate conducts reviews of the subject of these representations on behalf of Defence.

3 18 Reviews of previous Australian Defence Force service for nature of service purposes use the legislation and policies applicable at the time, although retrospective determinations can also be made under the *Veterans' Entitlements Act*

3 19 Documentation researched by the Nature of Service Directorate for all service, and in this case Rifle Company Butterworth service, has included

- a Previous papers written on the subject by Defence (then Nature of Service Branch and later Nature of Service Directorate).
- b National Archives of Australia records.
- c Defence Archives records.
- d Australian Parliament Hansard records.
- e Available unit, headquarters, and other associated records at the Australian War Memorial.
- f Commanders' Diaries held at the Australian War Memorial for the battalions that provided infantry company rotations to RAAF Base Butterworth
- g RAAF Butterworth Commanding Officer Reports and Unit History Records from 1970 to 1988 available from the History and Heritage Branch - Air Force and the National Archives of Australia.
- h Information available on the World Wide Web, including information contained on the Royal Australian Regiment Association web sites; along with submissions by former members or representative organisations for Rifle Company Butterworth.
- i Independent external reviews and inquiries referred to in this submission.
- J. A selection of published books and journals on the subject.
- k Responses to requests to the Australian Defence Attache; Kuala Lumpur, Malaysia, the Australian Army History Unit and the History and Heritage Branch -Air Force.

Commented [MC8]: Why haven't RCB been able to access Commanders diaries??? Where are they stored/kept???? I am advised that Army destroyed any and all Documents relating to the RCB deployments If it were not for the RAAF retaining documents relating to their deployments, which also covered the RCB deployments The RCB would have had no documentary evidence to rebut Defences belligerent stance in denying RCB existed let alone conducted Security for BAB

Commented [MC9]: Many books/journals on the 2nd Emergency, yet none of the NOSB could find these???? So which Selection do NOSB/Defence refer to??? Further the NOSB did TOR did not encompass the entirety of RCB deployments

3.20 When the Nature of Service Directorate's research results in a recommendation to reclassify previous Australian Defence Force service, and the Chief of the Defence Force agrees to the recommended reclassification, a Ministerial Submission is prepared and submitted.

3.21 If the Minister for Defence agrees to a reclassification, the decision is disseminated by the Nature of Service Directorate to Defence People Group for preparation of legislative determinations; the Directorate of Honours and Awards for consideration of potential medallic recognition or change to extant medallic recognition; and to the Department of Veterans' Affairs in support of future claims and administration. Defence liaises with the Department of Veterans' Affairs should a retrospective allotment for duty require further administrative actions.

3.22 When a Nature of Service Directorate review recommends the nature of service classification status quo, ministerial correspondence and or briefs to the Chief of the Defence Force/ Chiefs of Service are prepared outlining the elements contributing to the recommendation.

How do determinations differ between medallic recognition and nature of service classifications?

3.23 Defence Honours and Awards medallic regulations have two classifications: 'warlike prescribed operations' and 'non-warlike prescribed operations'. There are three nature of service classifications: warlike, non-warlike and peacetime service.

3.24 The Governor-General's non-warlike prescribed operations for medallic recognition purposes are essentially for all Australian Defence Force operations/activities 'other than warlike', encompassing peacetime operations. The terminology can be confusing, as the term 'non-warlike' has different meanings when referring to medal regulations or to veterans' legislation and benefits.

3.25 While many Australian Defence Force operations with a non-warlike nature of service classification have been recognised with the awarding of a medal, there are also Australian Defence Force operations with a peacetime nature of service classification that have been recognised by the award of a medal. Examples of medallic recognition for peacetime service include the Australian Service Medal 1945-1975 with Clasp 'PNG', the Australian Service Medal 1945-1975 and Australian Service Medal both with Clasp 'SE ASIA', the Australian Service Medal with Clasp 'CT/SR' and the Australian Operational Service Medal - Border Protection.

3.26 Of note, all Australian Defence Force service, regardless of the nature of service classification attracts veterans' repatriation coverage. There are some additional benefits attached to non-warlike and warlike service.

3.27 Decisions on the nature of service of Australian Defence Force operations/activities inform consideration of decisions on medallic recognition. While not all Australian Defence Force operations/activities with a nature of service classification of non-warlike or peacetime service may attract medallic recognition, traditionally, a warlike classification was followed by the staffing of a recommendation through the Chief of the Defence Force and the responsible Minister of State to the Governor-General, for a determination of a warlike prescribed operation for medallic recognition purposes.

Commented [MC10]: None of these ASM/AOSM were awarded as a result of duty in a foreign country which had declared a National Emergency (2nd Emergency from 1970 to 1989 Ching Pengs CTS) fighting an Insurgency in which the ADF RCB was involved in by their very presence, and as a security measure

3.28 Under current Defence honours and awards policy new Australian Defence Force operations/activities, irrespective of their nature of service, are considered for medallic recognition under the Australian Operational Service Medal framework.

Was service with Rifle Company Butterworth non-warlike in nature, or is the Australian Service Medal awarded because of Rifle Company Butterworth's connection with non-warlike operations in South East Asia?

3.29 For nature of service purposes Rifle Company Butterworth service is classified as peacetime service. The following facts are taken into consideration:

- a The Malaysian Government did not request military assistance, nor was assistance offered by the Australian Government throughout the entire 1970-1989 period.
- b The activities of communist terrorists in Malaysia through the period have been found to be incidental to Australian Defence Force personnel at Butterworth and did not characterise Australian-Defence Force service in Malaysia.
- c The Malaysian Government never declared a 'Second Emergency' due to the communist terrorist threat. The Malayan Emergency of 1948-1960 was marked by a formal Government declared Emergency.
- d Since the end of the Indonesian Confrontation in 1966, the Malaysian Government has never again requested Australian Defence Force assistance in relation to either internal or external contingencies.
- e The Joint Intelligence Organisation (now known as the Defence Intelligence Organisation) continually assessed the threat level as LOW for Butterworth over the period in question.
- f The roles of the rifle companies which rotated through Butterworth were to provide a ground force presence in Malaysia, to conduct training, to assist in the security of the Air Base and to provide a quick reaction force if required.
- g Hansard states the purpose and roles for Rifle Company Butterworth rotations which confirms they were not to be used for any security operations outside the Air Base without Government approval. The Rifle Company Butterworth was not authorised to become involved in internal Malaysian affairs.
- h No record or other evidence can be found that the infantry rifle company was ever required in an emergency ground defence capacity other than for exercise purposes.
1. There are no documented attacks against the Butterworth Air Base for the period under consideration and no related casualties.

Commented [MC11]: Incidental??? CT activity was instrumental in the role of RCB and the QRF. Once again this is a blatant lie by Defence, RCB was in Malaysia for one purpose to provide a QRF to counter any breach into BAB; and act as a deterrent to the CTs. Further to provide internal security to BAB and protect RAAF personnel and assets, including RAAF dependents.

Commented [MC12]: Once again Defence blatantly lies. There is so much documentary evidence to rebut this comment. Newspapers/journals etc all supplied by the RCB Support Group on numerous occasions to Defence. There was a 2nd Emergency and it was not a ride on as some statements prefer due to the race riots, it was a National Emergency to counter a full blown CT Insurgency.

Commented [MC13]: Defence just loves to carry on with the mantra of training!!! QRF was the primary role of RCB. In my two tours in RCB 74 and 75 we never conducted any training with the Malaysian Military (the only time I worked with any Malaysian soldiers was when one accompanied us in our Standing Patrol during the period 5/8 August 1975). Assist in security of BAB, we were the Security,!!!!!! the QRF.

Commented [MC14]: This as we know is not true, example, example 5 to 8 August 1975 1 RAR A Coy Standing Patrols ordered by BAB OC RAAF. Documentary evidence has been supplied to Defence by the RCB Support Group which clearly shows that the GDOC was manned on numerous occasions and not for training!

Commented [MC15]: That just shows cause that RCB was successful in their role to keep BAB safe from CT activity. As has been stated by Mr Sean Arthur in his second submission, seeing an aggressive Infantry Rifle Company conducting QRF and other Infantry tactics in BAB would have deterred any CT attack!

3.30 Independent reviews have confirmed Rifle Company Butterworth service as peacetime service

a. **1994 Committee of Inquiry into Defence and Defence Related Awards (the CIDA Review)**

In considering Australian Defence Force service at Butterworth after the Indonesian Confrontation, the Committee concluded that:

- (1) "Neither does the Committee consider that service at Butterworth was clearly and markedly more demanding than normal peacetime service, and therefore in terms of its Principle number 1, it does not recommend that this service be recognised through a medal."
- (2) "CIDA Principle 1. Recognition of service by medals (other than medals for long service or special occasions such as a coronation) should only occur when that service has been rendered beyond the normal requirements of peacetime. Normal duties such as training and garrison duties should not be recognised by the award of a medal, even though they may be demanding, hazardous and uncomfortable, and may be undertaken in countries other than Australia. As a general rule, medals should be reserved for the recognition of service in military campaigns, peacekeeping or other military activities clearly and markedly more demanding than normal peacetime service."

b. **2000 Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75 (the Mohr Review)**

- (1) The Terms of Reference of this Review specifically included consideration of Australian Defence Force service at Butterworth during the period up to 1975. The infantry rifle company was on rotation to Butterworth for the latter part of the period under review.
- (2) While service at Butterworth in Malaysia was one of the specific areas of Australian Defence Force service the Review was directed to advise on, the Review did not make specific reference or recommendations regarding service by the infantry rifle company or any other Australian Defence Force elements serving at Butterworth after 1966.
- (3) However, the Report recommended that, in considering service overseas generally, no further action be taken to reclassify deployments overseas to take part in exercises, or for extended periods of garrison type duty with associated training, which do not involve any hazard outside of normal peacetime training in Australia.

c. **2003 Review of Veterans' Entitlements (the Clarke Review).**

The Clarke Review describes Rifle Company Butterworth's tasks as:

"... infantry training and after-hours patrolling of the perimeter of the base, thereby contributing to base security in conjunction with the Malaysian security forces, the RAAF Airfield Defence Guards and RAAF Police dogs (sic- dog handlers). Its rules of engagement were protective only. Although

Commented [MC16]: Due to the fact that NOSB TOR was too narrow to address the RCB period from 1970 to 1989 Further none of the Documentary evidence which we (the RCB Support Group) are now able to produce, was available (30 year Official Secret) Defence knows that this stance has been refuted on numerous occasions, yet still do not allow or have completely disregarded the proffer of the supporting documentary evidence; which rebuts this opening statement It is not peace time duty to have an ROE in a foreign country which has an identified enemy (the CTS) To which you have been briefed is also your enemy. I was briefed that were going to BAB to conduct security for the RAAF and conduct a QRF There was never any mention of any secondary tasks such as training with Malaysia Army soldiers

there is no doubt that the RCB was involved in armed patrolling to protect Australian assets, it is clear that training and the protection of Australian assets are normal peacetime garrison duties."

The Clarke Review concluded that:

- (1) "... no evidence was found that service in South-East Asia currently established as peacetime service should be considered warlike. No operational area was prescribed, no specific armed threat was present and there were no rules of engagement to pursue specific military objectives. Although the service occurred overseas, it could equally well have been performed as part of peacetime activities in Australia."
- (2) "The Committee understands that peacetime service, whether rendered in Australia or overseas, can at times be arduous and even hazardous. However, on its own, this is not enough to warrant its consideration as operational or qualifying service for benefits under the VEA."
- (3) "The Committee concludes that neither warlike nor non-warlike service was rendered in Malaysia or Singapore immediately following the cessation of Confrontation on 11 August 1966, or subsequently in Butterworth under the [Five Power Defence Arrangements] or ANZUK."

Support for Veterans

3.31 Defence is mindful that while service at Butterworth in Malaysia is considered during this Inquiry, veterans may be exposed to memories which may cause distress. All veterans are encouraged to seek support if they need to. Open Arms Veterans and Families Counselling, founded by Vietnam Veterans, provides free and confidential support twenty-four hours a day, seven days a week and can be contacted by telephone on 1800 011 046.

Conclusion

3.32 Defence welcomes the Tribunal's Inquiry into medallic recognition for Australians who served with Rifle Company Butterworth in Malaysia between 1970 and 1989. Examining this service against the eligibility criteria of the Australian Active Service Medal 1945-1975, and the Australian Active Service Medal in its post 1975 form, is an important consideration for the Tribunal. Defence will be available to assist the Tribunal throughout the Inquiry and support any recommendations it may find.

Enclosure:

1. Vice Chief of the Defence Force, 'Submission to the Defence Honours and Awards Tribunal Inquiry into the Recognition of Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989', 23 June 2010