

SUBMISSION TO THE DHAAT INQUIRY INTO
MEDALLIC RECOGNITION
FOR SERVICE WITH RIFLE COMPANY BUTTERWORTH



Air Base Butterworth

a

"Prohibited Place"¹

Rules of Engagement – Orders for Opening Fire²

***"BERHENTI ATAU SAYA TEMBAK
BERHENTI ATAU SAYA TEMBAK
BERHENTI ATAU SAYA TEMBAK"***

"HALT OR I FIRE"

***"...security duties at Butterworth ... could be
presented publicly as being for training
purposes."***³

¹ Perimeter signs on all boundary fences at Air Base Butterworth

² Rifle Company Butterworth Rules of Engagement, Archives - Rotation of Australian Rifle Company at Air Base Butterworth - Volume No 11, NAA Item No 13152250, pg. 337-338.

³ Defence Committee Minute 2/1973, para. 28(e)

Background

My name is Mark GALLAGHER, I served as a Commissioned Officer in the Australian Army between 1973 and 2019. During that time, I was involved with Rifle Company Butterworth (RCB) deployments as follows:

- In the 1970s as a junior officer observing multiple rifle companies in two battalions undertaking pre deployment training for RCB security duties.
- In 1982 as a CAPT completing an RCB deployment with D Coy 2/4 RAR.
- From 1988 to 1990 (inclusive) as a MAJ posted to RAAF/RMAF Butterworth (ABB) in the role of OC 65 GL Sect and OC Land Command Liaison Sect.

Purpose

The purpose of this submission is to provide factual evidence and argument that:

- There was a Second Malaysian Emergency (SME).
- RCB were trained and deployed to ABB for security purposes during the SME.
- Multiple Australian governments and Defence bureaucracies have engaged in deliberate acts of plausible deniability about the actual security role and tasks of RCB deployments to ABB.
- RCB deployments incurred danger.
- The deployments meet the incurred danger test and should lead to the award of AASM to RCB deployments that occurred between 1970 and 2 Dec 1989 inclusive.

The Second Malaysian Emergency

Since 1973 successive Australian governments have chosen to deny that RCB primary role was the security of Australian assets at ABB during the SME stating deliberately and erroneously on multiple occasions that RCB deployments were purely training in nature. These statements by the Government and Defence disappointingly continue today despite documents in the public domain and other statements that confirm the security role of RCB and the SME.

Recently discovered tranches of declassified defence, intelligence and foreign affairs documents confirm and provide a clear assessment of the threat of the Communist Party of Malaysia (CPM) and the armed units of the Communist Terrorist Organisation (CTO) conducting offensive military action against ABB.

Evidence that supports the fact that between 1968 and 1989 there was a state of emergency in Malaysia now called the SME. And, that RCB deployments to ABB were for security purposes and was a direct response to the SME and not for training, is discussed in the following paragraphs.

1971 Malaysian Government Report

The 1971 Malaysian Government document, *The Resurgence of Armed Communism In West Malaysia*⁴ summarises the resurgence of the CPM from their June 1968 statement of "...its [the CPM] intention to return to the armed offensive..."⁵ and further describes

⁴ The Resurgence of Armed Communism in West Malaysia, Chetak Oleh Mohd., Duad Bin Abdul Rahman, Kuala Lumpur 1971

⁵ Note 4, pg. 9.

that as early as 1968 CTO units had been infiltrating across the Thai border into Malaysia. This infiltration occurred via the Betong Salient, that was 90km by road to the Northeast of ABB. The CTO intention was to re-establish their presence in “black” areas where they had strongholds during the first Emergency.⁶

The Kulim area is only 25km by road from ABB was a “black” area during the first Emergency and was also subject to intense CTO activity during the SME.⁷ During the 1970s groups of CPM/CTO sympathisers from various Malaysian states, including Kedah, Penang, and Province Wellesley were recruited and received military training in bases in Thailand.⁸

1971 Australian High Commission document

A 1971 Australian High Commission (AHC), Kuala Lumpur document titled *Air Base Butterworth - Security*⁹ provides a record of conversation with the Malaysian Deputy Director of Military Intelligence (DDMI) that included “...*Air base Butterworth security in general and the CTO activity in the Kulim district in particular.*” The document further discusses the proximity of ABB to CTO camps discovered near Kulim, and the associated risk to the security of the base from CTO attack in general and to the RAAF Mirage aircraft and infrastructure based at ABB.

In the same document the Malaysian DDMI provided the following assessment of the threat to ABB:

*“He assessed Air base Butterworth as “a probable target”, basing his assessment upon the recent increase in enemy strength and activity in the area and the large number of supporters (some 27,000) assessed as being in the Penang/Province Wellesley area...”*¹⁰

The authors of the document; the Defence Advisor and Assistant Defence Advisor conclude that “*The information we were given we consider to be highly reliable;*”¹¹

1973 Australian Government Defence Committee Minute

In 1973 a Defence Committee Secret Minute 2/1973 at para 28(e) noted that:

*“When the Australian Battalion is withdrawn, **the requirement for a company for security duties at Butterworth will be met by providing the unit, on rotation, from Australia. This could be presented publicly as being for training purposes** [emphasis added].”*¹²

This statement allowed the Government to present to the public and Parliament a picture of plausible deniability about the actual security role of RCB at ABB. This deliberate deniability has been used by multiple governments and Defence in the intervening years to deny the actual role of RCB.

⁶ Note 4, pg. 11 and 13.

⁷ Note 4, pg. 14 and 25.

⁸ Note 4, pg. 26.

⁹ Australian High Commission Kuala Lumpur 207/2/2, *Air Base Butterworth - Security* dated 11 Mar 1971

¹⁰ Note 9, pg. 5.

¹¹ Note 9, pg. 6.

¹² Note 3.

AJSP 1/1973 – Plan Asbestos

Plan Asbestos perpetrates the plausible deniability of RCB actual role at ABB stating:

*“The new rotational plan accords with Australian national policy of deploying troops overseas for training exercises. However, in addition to training tasks, **troops deployed to Butterworth will as in the past, be available if needs be, to assist in the protection of Australian assets, property and personnel, at Air Base Butterworth**” ... [emphasis added].¹³*

When discussing service responsibilities, the plan tasks Army with:

*“...training standards of the deployed company including training required by OC RAAF Butterworth in **matters associated with the security duties of the company** [emphasis added].”¹⁴*

The plan further emphasises plausible deniability through its direction on publicity:

“...no publicity is to be sought for the arrangement. In response to enquiries, the deployment is to be viewed as routine.”¹⁵

Amendment No. 1 to the plan, dated 16 November 1973 added to para. 20, in relation to training as follows:

“Subject to agreement by OC Butterworth, such training is to be undertaken as the opportunity occurs...”

This statement supports the contention that training was secondary to RCB security duties.

1973 Australian Chief of the General Staff (CGS) Visit Briefing Notes

In October 1973 in an RCB visit brief, prepared for the CGS¹⁶, it was again acknowledged that the primary role of RCB was ABB security, and not training, as follows:

“The deployment of this company to Butterworth has in recent years assumed a real importance because ... increased concerns about possible threats to base security. ...publicly and privately the position is maintained on both sides that the deployment is for exercise purposes.”

¹³ Australian Joint Service Plan, AJSP No. 1/1973 Plan Asbestos, Dept. of Defence 71/1511 dated 14 August 1973, para. 2

¹⁴ Note 13, pg. 5, para. 12. f.

¹⁵ Note 13, pg. 6, para 15.

¹⁶ DMOP File 209-H-2 Pt. 2 - Army Detachments to Butterworth (held by AWM Item No. 714825) pg. 7-8.

Joint Intelligence Organisation Study 13/75

Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth¹⁷, based on information as at 31 Aug 1975 provides a clear appraisal of the security situation at ABB. In relation to RCB the study states:

*“The ARA Company [RCB] assists with the protection of RAAF personnel, property, and shared facilities within the Base. It provides a ... quick-reaction force...to guard various Vital Points...”*¹⁸

The study notes that area security for Penang and Province Wellesley, where ABB is located, and the states of Kedah and Perlis was the responsibility of 6 Malaysian Infantry Brigade (6MIB) which was continuously committed to anti-terrorist operations within their Area of Operations (AO). There were no known formal plans for 6MIB to reinforce ABB in the event of a security breach/threat.¹⁹

The study notes that within the Betong Salient (90 km by road from ABB) there were between 3000 – 6000 CPM members, included 2000 – 3000 sympathisers that had a demonstrated capacity for coordinated acts of minor sabotage and terrorism. The study also noted that the CTO would continue to extend the presence of armed units throughout Peninsular Malaysia. The study confirms Chetak and Rahman’s observations²⁰ that the CTO would consolidate and extend their position in areas where there were large numbers of terrorists in the First Emergency.²¹

In relation to weapons and equipment the study notes the increase the use of modern weapons by the CTO including M16 rifles and M79 grenade launchers. There was also a view that the CTO had access to indirect fire weapons including makeshift rockets and possibly mortars. Makeshift rockets had been used in attacks on military installations and airfield in March, April, and August 1975.²²

The nearest major CTO unit to ABB was identified as the 8th Assault Unit in the Kulim area, 25km East of ABB. This unit was estimated to have a strength of 62 personnel. However, given its location in a First Emergency “black area” there were likely to be significant cells of sympathisers in the Kulim, Penang, and Province Wellesley adjacent to ABB.

The study also identifies numerous incidents on ABB that could not be discounted as CTO probing and minor sabotage attempts. While there were no manned MAF military posts close to ABB that could interdict CTO reconnaissance and approaches by assault groups.

¹⁷ Joint Intelligence Organisation Australia, Study 13/75, The Security of Air Base Butterworth, issued Oct. 1975

¹⁸ Note 17, pg. 7, para 11.

¹⁹ Note 17, pg. 7, para 12.

²⁰ Note 4.

²¹ Note 17, pg. 12, para 28.

²² Note 17, pg. 13, para 28.

In summarising the CTO capability, the study advises:

“The CTO...have a variety of small-arms and have experimented in the use of small rockets for attacks on military installations. There is evidence that the CTO has mortars;...they could be brought into action without warning. The CTO has also used mines and booby-traps with considerable effect; it displayed a significant capability in conducting large -scale sabotage operations in its attack near Gerik [approx. 120km from ABB] in May 1975.”²³

The study also advises that the Kulim area, 25 km East of ABB appears to be a transit point for CTO movement between the Betong Salient and villages in Kedah and Perak states.

In assessing the vulnerability of ABB to CTO attack the study noted that:

*“The CTO might decide to attack the Base if it believed it would gain a significant psychological or propaganda result...The Base contains a concentration of relative lightly- guarded, very expensive equipment, ... The CTO could expect to gain prestige for attacking the Security Forces in their own bases...in the event of an attack, however, **it is unlikely that the CTO would try to discriminate between RAAF and RMAF targets, and Australian personnel and equipment would be endangered**” [emphasis added].*

The study also identifies possible types of attack by the CTO on ABB that included: direct assault, covert penetration for sabotage targeting Vital Points and aircraft, standoff attacks using indirect fire weapons, covert penetration for indiscriminate sabotage using booby traps and similar devices. Finally acts of terrorism against RAAF dependents living on or near ABB was not discounted.

The study concludes that:²⁴

- There were serious weaknesses in ABB base security as previously identified.
- There were no known contingency plans for 6MIB to reinforce ABB in the event of an attack or threats to ABB.
- The principal threat to ABB was from the CTO and its subversive organisations.
- The CTO presence and activity within Peninsular Malaysia would continue to increase.
- There was a potential threat to the Base from the CTO and related communist, subversive organizations.
- There was risk that members of subversive groups could, regardless of CTO policy or acting on their own initiative, attempt an isolated attack on or within the Base at any time.

To provide context to the above conclusions the study provided details of 123 separate CTO incidents, between July 1974 and August 1975 in the area surrounding ABB.²⁵

²³ Note 17, pg. 16, para 38.

²⁴ Note 17, pg. 20-23.

²⁵ Note 17, pg. 25, Annex E.

Attempts to locate updates/revisions of JIO Study 13/75 in the public domain have been unsuccessful, including an approach to the Office of National Intelligence.

DMOP File 209-H-2 Pt. 2 - Army Detachments to Butterworth ²⁶

At pg. 9 of this file the Comd. 6 MIB advises the Defence Advisor Kuala Lumpur, in respect to joint training activities that “...*his forces are committed to operational tasks and have little if any time available for training.*”

At pg. 12 of the October 1973 directive from Chief of Air Staff (CAS) to Officer Commanding RAAF Butterworth (OCBUT) in relation to RCB directs that:

“...troops deployed to Butterworth will as in the past, be available to assist in the protection of Australian assets, property and personnel at Air Base Butterworth.”

The same directive further advises at pg. 13, para 12. a. that the training priority for RCB was to: “... *prepare for its role as required by the Butterworth Defence Plan.*” And once security training has been satisfactorily completed then “*participate in exercises...*”.

The same directive at pg. 14, para. 14.d. authorise contingency planning for the defence of shared areas within the perimeter of ABB.

In August 1973 the Chief of the General Staff (CGS) issued a directive to OC RCB.²⁷ The directive included the following orders for RCB:

- “*The company is to undertake security duties as directed by the Officer Commanding, RAAF Butterworth.*”
- That RCB had the right to use lethal force to protect threatened personnel and assets at ABB (Annex A).

AHQ Staff Instruction No. 19 dated 14 August 1973²⁸ amplifies the CGS Directive as follows:

- At para. 3: RCB was responsible for security duties as directed by Officer Commanding RAAF Butterworth.
- At para. 17.b.: RCB was deemed to be on war service pursuant to DA 54.
- At para. 45.c.: an operational reserve of ammunition was to be held at Butterworth.

Chiefs of Staff Committee Minute 38/1973 of a meeting held on 28 June 1973²⁹ notes that:

*“...the AOC should have appropriate authority to control the use of the Company [RCB] **for the protection of the RAAF Base, as this was the primary task of the Company.** [emphasis added]”*

²⁶ DMOP File 209-H-2 Army Detachments Butterworth Pt. 2, NAA Item No 714825.

²⁷ Note 26, pg. 18 - 24.

²⁸ Note 26, pg. 26 – 40.

²⁹ Note 26, pg. 59.

RAAF Butterworth Ground defence plans Part 8 – NAA Item Number 30760509³⁰

In December 1974 a RAAF SRGD (Ground Defence) WGCDR in a minute³¹ to DSR(?) advises that:

*“Emergency security measures for the **protection of Australian assets and property is in the hands of the Australian Infantry Company**, [emphasis added] with at least two platoons on call.”*

In Apr 1975 the Royal Malaysian Air Force (RMAF) advised OCBUT of possible threats to Butterworth by CTO.³²

At pg. 27 of the file there is a summary of peninsular Malaysia Internal Security statistics from 6 April to 28 June 1975. Statistics for the state of Kedah, where ABB is located were higher than other states and included 20 sightings of CTO, 21 Security Force members KIA, and 33 WIA.

At pg. 33 the DCAS in a 14 October 1975 minute to DJS(?) notes the following concerns and threats to ABB:

*“...we continue to be concerned about the lack of any Malaysian Army units around Butterworth to at least deter the CTO. ... In any case **determined CTs would have only limited difficulty in infiltrating onto the airfield or to within 3.5 inch rocket or 81/82mm mortar range**” [emphasis added].*

This file also contains multiple DRAFTs of Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth³³. Air Office comment on one DRAFT included:

*“...putting together all available evidence regarding CTO capabilities and activities in recent months **the Defence Adviser suggests that an attack from outside the Air Base Butterworth perimeter fence must be considered a possibility** [emphasis added] and would agree with this view. ...*

A sneak attack by the CTO with satchel charges has always been a possibility. The discovery of holes in the fence at the Base shows that people have been in and out of the Base without the knowledge of the security forces and on this evidence an attack of this nature cannot be discounted .”³⁴

In July 1975 JIO report JSI/58³⁵ noted that it was reported by the Security Forces that the CTO had acquired mortars and that in Jan 1974 new US 81mm mortar ammunition was discovered in the sea off SE Malaysia.

³⁰ RAAF 564-8-23, Pt. 7, Ground Defence- RAAF Butterworth - Ground Defence Plan, NAA Item Number 30760509

³¹ Note 30, pg. 186

³² Note 30, pg. 175.

³³ Note 17.

³⁴ Note 30, pg. 41 and 42.

³⁵ Note 30, pg. 93 – 94.

In a minute dated 4 Aug 1975³⁶ DAFI notes that: *"...the threat to Air Base Butterworth must be considered to be slowly increasing."*

In September 1975, a RAAF SRGD WGCDR in a minute³⁷ to the Directorate of Air Force Intelligence (DAFI) notes in relation to a DRAFT of Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth that:

"I remain concerned that the assessment fails to identify the potential of the CTO, or splinter groups thereof, to successfully attack the Base with considerable success on a hit-run basis, despite the presence of 6 MIB units."

In Chief of Staff Committee Minute 67/1973 from the meeting of 17 October 1973³⁸ the CAS noted that:

"...in moving away losing sight from Butterworth for the training, the Committee was losing sight of the primary task of the company."

That is security of Australian assets at ABB.

On 18 September 1973, the AHC in correspondence to the Secretary of Defence and Army noted that: *"...any combined activity would be on an ad-hoc basis..."*³⁹. This statement reinforces the actual security role of RCB in the security of ABB.

On 28 August 1973⁴⁰ the AHC in correspondence to the Secretary of Defence and Air noted that cost sharing had been agreed for the construction of observation towers and static guard posts at ABB to add to base security.

HQ FF COMD 722/K11/17 Vol. No. 11 Rotation of Aust Rifle Coy at Butterworth⁴¹

HQ Field Force Command was the Mounting Authority for RCB and the file covers RCB activities in the period 12 December 1978 to 1 Dec 1981.

At pg. 298 – 300 is the 65 GL Sect program for the in-country arrival briefings for the next RCB provided by 2/4RAR in February 1979. The program includes sessions on: *"Threat to Airbase Butterworth"*, *"Ground Defence at Air base Butterworth"*, and *"Inspection of GDOC and VP's"*.

At pg. 311- 355 is Field Force Command Staff Instruction No 2/79 *"General Instructions for the Australian Rifle Company at Air base Butterworth"* The instruction advises the following:

- Para. 5 tasks of the company include: *"...be prepared to train ...with the Malaysian Armed Forces,"*; and *"to undertake security duties as directed by OC RAAF Butterworth."* [emphasis added]"

³⁶ Note 30, pg. 143

³⁷ Note 30, pg. 99

³⁸ Note 30, pg. 251

³⁹ Note 30, pg. 286.

⁴⁰ Note 30, pg. 300.

⁴¹ HQ FF Comd File 722/K11/17, Vol. 11, Rotation of Aust Rifle Coy at Butterworth. NAA Item Number 13152250.

- Para. 19.b. and Annex B (pg. 341) directs that “...training for security duties should be carried out before departure.” from Australia. Annex B provided comprehensive details of training objectives and a suggested syllabus.
- Para. 22 addresses the carriage of ball ammunition on field training “Because of the possibility of chance encounters with...belligerents. (CTO).
- Para. 59 (pg. 322) advises that for disciplinary matters “The company is deemed to be on war service...and that charges should be prefaced by the letters “WOWS” (“Whilst on War Service”).”
- Para. 121 addresses operational reserves of ammunition and that “...reserves are to be broached only on the authority of Officer Commanding RAAF Butterworth.”
- Annex A (pg. 337) *Rules of Engagement* authorises under specific circumstances the use of lethal force, including firearms to protect and secure RAAF assets. Annex A, para. 8 advises:
“In all cases before opening fire you are to warn the person whom you intend to shoot of your intention to open fire...” [emphasis added]
- Annex B and C (pg. 387- 398) are orders for “Orders – Quick Reaction Force (QRF) Commander” and “Orders – Quick Reaction Force” These annexes provide detailed orders on: patrolling requirements, the drawing and carriage of live ammunition, states of weapon readiness, and engagement by fire.
- Engagement by fire orders included:
“At all times, before opening fire you must remember:
a. *If in doubt do not shoot.*
b. *You must not fire unless that is the least force necessary...*
c. *Shoot to wound not to kill.*
d. *Use the minimum number of rounds necessary.”*

Post 1979 RCB/ABB Defence files

Efforts to locate Defence and intelligence files that cover ABB/RCB matters post 1979 have been unsuccessful. Given the original security classification and caveated access of the files and documents referred to above it is not unreasonable to conclude that post 1979 ABB/RCB documents remain classified and not available in the public domain.

Malaysian CDF

On the 50th Anniversary of RCB General Tan Sri Dato’ Sri Hj. Affendi Bin Buang, RMAF and MAF Chief of Defence Force commented that:

“Your presence [RCB] and sacrifice here in Malaysian soil in protecting RMAF Butterworth base during the resurgence of the communist insurgency in 1970 – 1989 was a remarkable contribution and has always been the highlight of your presence here in Malaysia.”

Whitton Report

The 2021 Whitton Report⁴² clearly identifies that the root cause that has led to the initiation of this review that is:

“...1972 recommendation by officials ...that RCB deployment in defence of Butterworth air base could be misrepresented – by the Government, for overtly political purposes - as ‘training’...”

Whitton further opines that “...that the incoming Government, [Labour in 1972] acting on the Defence Committee advice, effectively misrepresented the true purpose of the RCB deployment...” and deliberately mislead the public and parliament as to the nature and extent of Australia’s military involvement in the SME.

Personal Observations

1970s

Between 1974 and 1977 while posted to 8/9 and 2/4RAR I observed multiple RCB prepare for ABB deployments. The training was intense and led by officers and soldiers with operational service. These programs emphasised operational role specific training for ABB security duties and included: convoy counter ambush drills, roadblocks and checkpoints, quick reaction deployment, rules of engagement, dealing with intruders. I distinctly remember soldiers practical training in rules of engagement.

All these scenarios involved the repetitive testing of soldiers to make the challenge:

***“BERHENTI ATAU SAYA TEMBAK
BERHENTI ATAU SAYA TEMBAK
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“HALT OR I FIRE”⁴³

1982 RCB Deployment

I served as Training Officer with the RCB deployment of D Coy 2/4 RAR in 1982. The training described above occurred pre deployment. All members of the company were formally warned that the deployment for disciplinary purposes was deemed to be war service.⁴⁴

Due to other Battalion commitments, I arrived in Butterworth after the main body and was not present for the in-country arrival briefing and was briefed separately on base security matters. My significant memories of the deployment include:

- The high value RAAF and RMAF assets based at ABB at the time: including fighters, and transport aircraft and their associated infrastructure.
- The Coy was required to maintain an out of hours Quick Reaction Force (QRF) on the airbase. The QRF was regularly assessed with no notice reaction tasks. The QRF had live ammunition, and clear rules of engagement that allowed the use of deadly force.

⁴² H.K. Whitton, The Ethicos Group – Report on Commonwealth Assessment of RCB Service, 24 September 2021

⁴³ Note 2.

⁴⁴ Note 41, pg. 322..

- The Coy was required to have a 24/7 Duty Officer and NCO roster.
- A guard was required to sleep in the Armoury each night.
- A minimum of one Rifle Platoon was required to be always at ABB for base security duties.
- Placing armed sentries on each vehicle of a road convoy from Butterworth to Johor Bahru (650km +) along the old trunk road which was only two lane and travelled through significant areas of jungle. There sentries in all vehicles carried live ammunition to provide security for convoy.
- Carrying live ammunition when scoping of live firing areas in case of encounters with belligerents.
- Live ammunition provided for training far exceeded that available in Australia.
- No training was conducted with MAF units.

1988 – 1990 OC 65GL Sect/LCLS

I returned to ABB in January 1988 as OC 65 GL Sect which on the withdrawal of RAAF aircraft was retitled to Land Command Liaison Section. I remained at ABB until December 1990.

On arrival in Butterworth, I took responsibility for 4-6 four drawer filing cabinets that contained individual RCB rotation reports from the 1970s to the 1988, and then 1990. In planning RCB deployments I regularly referred to these files to seek lessons learnt from past deployments. A common thread throughout the files was the ongoing intelligence reports noting CTO activities in the Kulim, Kedah/Province Wellesley area. These reports were used as part of structured in processing briefs for RCB groups that included detailed briefings on the current CTO threat, QRF tasks, and coordination with the MAF on base security. These files were physically in Butterworth when I posted out in Dec 1990.

My duties during this posting included:

- Implementation and adherence to the latest iteration of Field Force Command Staff Instruction No 2/79 *“General Instructions for the Australian Rifle Company at Air base Butterworth”* which was in force.
- Monitor RCB adherence with ABB SOP and RCB Standing Orders in relation to RCB base security training and tasks.
- Ensure operational reserves of ammunition were available and rotated.
- Ensuring RCB had a platoon available for QRF security duties at ABB.
- Accompanying future RCB OCs’ on a reconnaissance visit to RCB and training venues in Malaysia, Singapore, and Thailand as applicable. The visits also included site specific information about, local customs and sensitivities, and general CPM/CTO risks associated with the Butterworth area and other areas in Malaysia and Thailand.
- Liaison with local Military and Police in relation to RCB training activities and any restrictions on travel due to CTO threat.
- Most conversations MAF staff in relation to any training was prefaced by “subject to operational requirements...”

- Attending exercise planning conferences at Malaysian Army Division Headquarters to plan RCB exercise participation. A common theme at these conferences was avoidance of known CTO areas.
- Liaison with Defence and intelligence staff at the Australian High Commission Kuala Lumpur and Singapore on RCB training and activities and my observations from interactions with MAF staff.
- Liaison with HQ NZ Force Southeast Asia, Singapore operations and intelligence staff on combined training and local assistance.

Once RAAF aircraft and supporting infrastructure were withdrawn from ABB in May 1988 there was a demonstrable reduction to the risk to the security of RAAF assets and personnel. However, there was no formal cessation of the CTO threat/action until Peace Agreement of Hatyai was signed on 2 December 1989 ending what the Malaysian Government considers to be the Communist Insurgency in Malaysia (1968-1989).

Of note due to the risk of encounters with CMP/CTO sympathisers in the Betong Salient it was a prohibited area to ADF personnel and dependents at ABB. Access to training areas in the Kulim area did not occur until after the Hatyai Peace Accord was signed in 1989.

Incurred Danger

Did RCB deployments incur danger?

The accepted interpretation of the term 'incurred danger' is that made by the Full Federal Court in the case of Repatriation Commission v Walter Harold Thompson (G205 of 1988): The words 'incurred danger' provides an objective, not a subjective, test. A serviceman incurs danger when he encounters danger, is in danger or is endangered. He incurs danger from hostile forces when he is at risk or in peril of harm from hostile forces. A serviceman does not incur danger by merely perceiving or fearing that he may be in danger. The words 'incurred danger' do not encompass a situation where there is a mere liability to danger that is to say, that there is a mere risk of danger. Danger is not incurred unless the serviceman is exposed, at risk of, or in peril of harm or injury.⁴⁵

Justice Mohr's 2000 review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975⁴⁶ also examined objective danger and he opined that:

"To establish whether or not an 'objective danger' existed at any given time, it is necessary to examine the facts as they existed at the time the danger was faced. Sometimes this will be a relatively simple question of fact. For example, where an armed enemy will be clearly proved to have been present. However, the matter cannot rest there."

⁴⁵ ATDP Rehabilitation and Compensation Advocate's Handbook, Department of Veterans' Affairs, pg. 142

⁴⁶ DHAAT – 2011- Inquiry into unresolved Issues for Royal Australian Air Force personnel who served at Ubon between 1965 to 1968

... if a serviceman is told there is an enemy and he will be in danger, then that member will not only perceive danger, but to him or her it will be an objective danger on rational and reasonable grounds."

In the case of RCB deployments to ABB between 1970 and 1989 there is clear evidence of incurred and objective danger to RCB personnel.

Enemy

The Malaysian Government acknowledges that there was a Second Malaysia Emergency between 1968 and 1989 during which the CPM via the CTO attempted to reintroduce Communist influence in Malaysia through armed struggle. The emergency came to an end on 2 December 1989 when the MCP signed a peace accord with the Malaysian government at Hatyai in Thailand.

Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth⁴⁷, and subsequent Intelligence Reports identify that the CPM/CTO 8th Assault Unit comprising +/- 70 members was operated in the Kulim area 25 km East of ABB. And that the 6th Assault Unit had been involved in contacts with Security Forces since Jan 1971. In Penang/Province Wellesley the CTO was supported by related subversive organisations with up to 2000 plus members. In other words, there were uniformed enemy located within 25km of ABB supported by sympathisers in the surrounding Penang and Province Wellesley areas.

Danger

Again, Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth⁴⁸, clearly states that the CTO including the 8th Assault Unit were:

*"...armed with small-arms and is proficient in the use of mines, booby-traps, and other explosive devices. Communist terrorists have used makeshift rockets in attacks against military installations, they probably have mortars that could be deployed without warning. **The CTO has also demonstrated a capability to conduct large-scale sabotage raids against targets that are supposed to be protected by Security Force Patrols.** [emphasis added]"⁴⁹*

The same report identifies possible forms of attack against ABB including conventional assault, covert penetration onto ABB, indirect fire, and sabotage. The risk of sabotage by members of subversive groups, sympathetic locally employed civilians, and contractors was highlighted. The report further identifies the risk regardless of CPM/CTO policy of CTO or their sympathisers acting on their own initiative and launching isolated attacks on or within the Base at any time could not be discounted.

ABB proximity to the Betong Salient, a known CTO sanctuary and the use of Kulim in CTO infiltration routes to Peninsular Malaysia attracted further danger due to the general proximity of ABB to these routes.

⁴⁷ Note 17.

⁴⁸ Note 17.

⁴⁹ Note 17, pg.21.

Expectation of Casualties

Irrespective of the specific target of any CTO action against ABB Joint Intelligence Organisation Australia Study 13/75 The Security of Air Base Butterworth⁵⁰, notes that it is unlikely that the CTO would try to discriminate between RAAF and RMAF targets, and Australian personnel and equipment would be endangered, and thus potential casualties.

In the event of heightened threat levels or a CTO attack against ABB there were no known plans for 6 MIB to reinforce or assume responsibility for the security of ABB. RCB was the only available force available to assume the required defensive duties. In such a situation there would have been a risk of casualties.

Training with the Malaysians

It was my experience that training with the MAF did not become a regular occurrence until 1988 after the withdrawal of RAAF aircraft from ABB and reduced CTO activity.

Conclusion

The above discussion and cited sources provide unambiguous evidence to support the following conclusions:

- By the early 1970s there was an identified risk and threat of CTO action against RAAF assets and facilities at ABB. The risk to ABB was increasing due to the wind down and withdrawal of ANZUK forces from Singapore/Malaysia.
- In response to the increased risk RCB was deployed to ABB to provide security for RAAF assets.
- The security of ABB rested with RCB as there were no known plans for 6 MIB to secure or reinforce ABB in the event of a CTO attack.
- At the time of the initial deployment of RCB in 1973 the Government elected to describe the deployment as a training opportunity in line with their political agenda.
- Multiple instances of the Government and Defence disappointingly describing RCB deployments as training providing successive Australian Governments and Defence with convenient plausible deniability of the risk to ABB and the actual role of RCB.
- Comprehensive pre deployment training of RCB focused on security roles and tasks likely to be encountered at ABB.
- RCB Rules of Engagement allowed the use of lethal force by small arms fire.
- RCB QRF had immediate access to live ammunition, including ammunition for crew served weapons.
- That RCB deployment to ABB incurred danger during the SME.
- Provision existed for RCB, if deemed necessary, to carry live ammunition while training to deal with possible encounters with belligerents (CTO).
- RCB members were deemed to be on war service while deployed to ABB.
- Until approx. 1989 RCB training with the MAF was considered a when and if available activity.
- The lack of public domain evidence of post 1979 CPM/CTO threat to ABB is probably the result of the files and documents that cover the threat from 1979 have not been declassified and as a result are not available in the public domain.

⁵⁰ Note 17.

Outcome

There is a strong and compelling case to reclassify RCB service at ABB during the period 1970 until 2 Dec 1990 from peacetime service to warlike service and award the appropriate medallic recognition for warlike service of RCB members.

I am prepared to give this and further oral evidence to the inquiry.

A handwritten signature in dark ink, appearing to read 'Gallagher', with a stylized flourish at the end.

Mark GALLAGHER

BProfStudies, GDipLaw, JP(Qual.)

