

Document ID: 92edb6206746e623f9b61aefff76396a8476271e

20 June, 2022

Signed On : <https://defence-honours-tribunal.gov.au>

## Submission to Inquiry - Mr Christoph Berg

### Part 1 – Name of Inquiry

Name of Inquiry \*

RCB Service 1970 -1989

### Part 2 – About the Submitter

Title or Rank \*

Mr

Surname \*

Berg

Given Names \*

Christoph

Postal Address \*

[REDACTED]

Email Address: \*

[REDACTED]

Primary Contact Number \*

[REDACTED]

Secondary Contact Number

[REDACTED]

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

No

### Part 3 – Desired outcome

Provide a summary of your submission:

The case for the acknowledgment of Australian Army Rifle Company Butterworth 1970-1989 service to be recognised as active service. Desired outcomes, Australian Army 1970-1989 military service in Butterworth to be recognised as being active. In other words 'operational' or 'warlike'. Award of appropriate medals, including the Pingat Jasa Malaysia for the 3 month tour of duty at Butterworth between 1970-1989. Acknowledge the injustice done to Veterans arising from various government enquiries in years gone by that failed to recognise the role Australian Veterans fulfilled in Malaysia in 1970-1989 period. Formally and properly apologise to Veterans affected for the denial of recognition and denigrating the service by classifying the service as training. Impress upon the Government of the need to address the injustices urgently due to many Veterans passing on with health issues. The recognition of the RCBs' 1970-1989 military service at ABB, currently declared as peacetime, to be declared as warlike. The Prime Minister to approve warlike service for RCB or failing that, approve the appointment of an independent (of Government) public inquiry. Acknowledge the mistakes and overturn the Tribunal finding in Fulcher and the Department of Defence [2020] DHAAT 08 (14 May 2020) File Number 2019/014

## Part 4 - Your submission and Supporting Documentation

File Attached: 20220608\_RCB-Service-letter-to-DHAAT\_C-Berg.docx

19740430\_Communist-threat-5.jpg

19720000\_Communist-threat-4.jpg

19750403\_BAB-threatened\_Minute\_DoD.jpg

20010328\_Review-of-Serv-Entitlement\_Minute\_DoD.jpg

## 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**

Christoph Berg

**Date**

20/06/2022 /

*Mr Christoph Berg*

Signed by Mr Christoph Berg

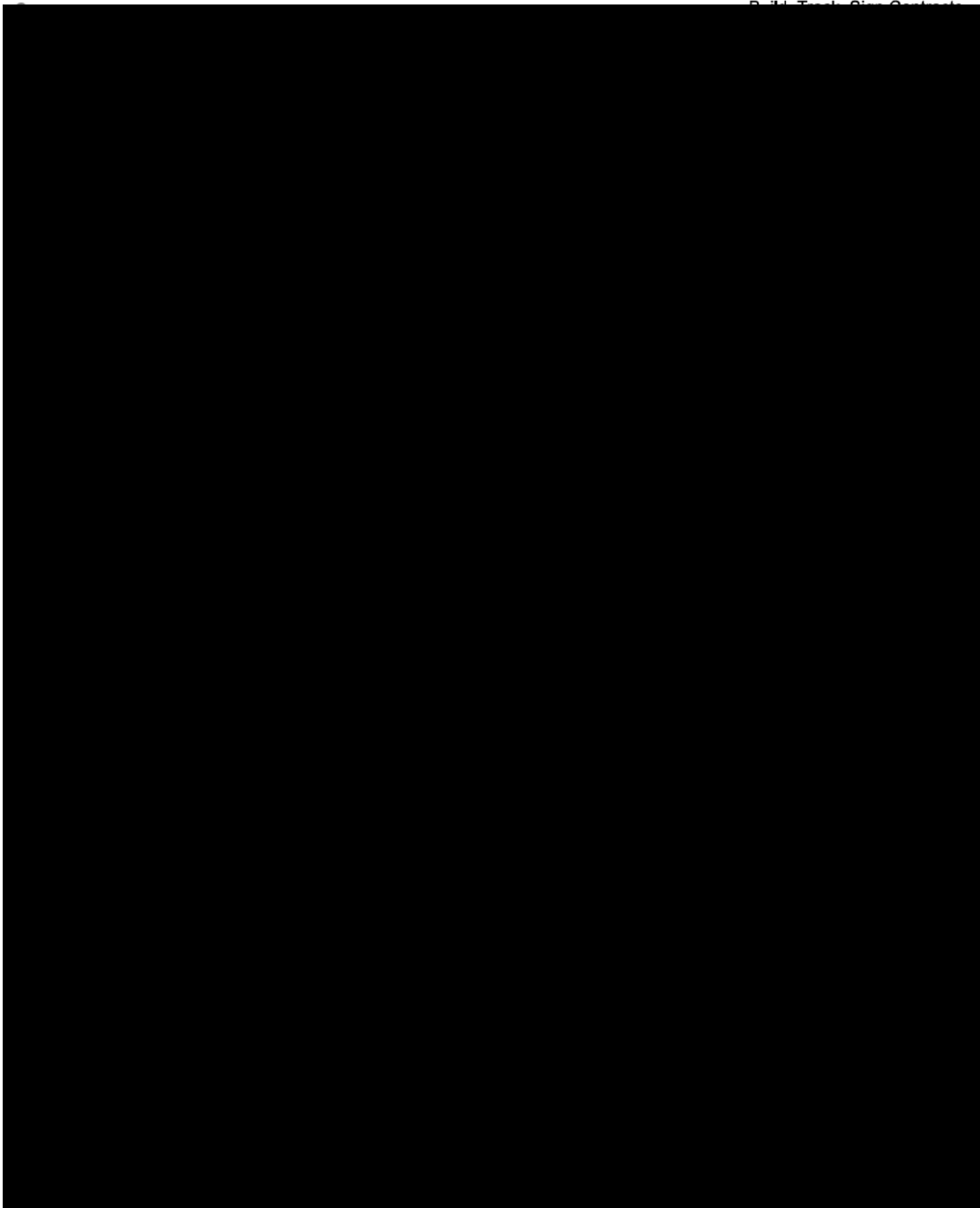
Signed on: 20 June, 2022

# Signature Certificate

Document name: Submission to Inquiry - Mr Christoph Berg



Build Trust. Sign Contracts.



19th June 2022

**Rifle Company Butterworth 1970 - 1989 - the Communist Insurgency in  
Malaysia (1968- 1989) – DHAAT Inquiry**

Dear Tribunal Members,

Firstly, acknowledgement should be given to the Rifle Company Butterworth Recognition Group, who have argued for years for a just and equitable outcome for Rifle Company Butterworth (RCB) Veterans, who served in the RCB deployments in question - from Nov 70 through and past the official end (2 Dec 89) of what is officially called the 'Communist Insurgency in Malaysia (1968-1989). But for their efforts, the whole issue would never have surfaced and the current DHAAT inquiry would not be happening.

They have worked tirelessly to present evidence to the Australian Government to overturn flawed decision making in years gone by and are now in possession of additional material that has come to light and has enabled them to provide support to New Zealand RCB Veterans, enabling them to obtain recognition for RCB service.

1) As an ex soldier who served in RCB between September and December 1981, I find it insulting and incredible that Australian governments have consistently failed to recognise and hide the fact that Australian Army personnel were posted in Malaysia to protect Australian interests in the form of quick reaction forces and guardians in the event of a communist attack on Butterworth Airbase (BAB).

2) I draw your attention to the documents I have attached regarding the recognition of the threat that existed in the early 1970's; that the communists knew about Australian involvement and that there was Chinese influence afoot as evidenced by the discovery of a (deceased) Chinese special branch officer. (ref attachment, saved as '19740430\_Communist threat 5')<sup>1</sup>.

The communists were actively sending out propaganda, denouncing Australia, as evidenced in the document, saved as, '19720000\_Communist threat 4'<sup>2</sup>

3) It appears there is a history of continuous instances of denial of service recognition for Veterans by Australian governments, as evidenced by the 56+ year delay of the governments of the day to deny WO2 Kevin Dasher Wheatley VC<sup>3</sup> the United States Silver Star, lack of recognition for Australian Commonwealth forces post WW2 in Japan, failure to recognise the service by Australians exposed to British nuclear weapon tests and the bravery of Teddy Sheahan VC.

4) There needs to be effective scrutiny in place to ensure awards are not handed out ad hoc thereby diminishing the inherent value of the order or medal. But it is a disgrace when real evidence is presented and politicians continue to drag their collective heels without consequence for the damage that can result and can contribute to Veteran suicide statistics.

5) To this end, the failure of government to recognise RCB service 1970-1989 as 'active' is a miscarriage of natural justice.

6) The Tribunal needs to consider the reality of the situation back in the day. The politicians had a vested interest in retaining Australian soldiers in Malaysia because it was assisting with nation building in South East Asia and the Domino theory was still held as a realistic model of communist threat. Australia had been involved in Vietnam for years with little result for the cost of Australian

lives and resources. The Vietnam war was unpopular in Australia and caused disruption and chaos due to the moratoriums. So it follows therefore, that the politicians of the day would pass off the presence of Australian soldiers in Malaysia as being there for training purposes. There is serious risk of an unjust outcome with these inquiries if the facts are judged without consideration for the political and social situation that existed in those times. We all know now that there were no serious onslaughts on ABB and to use that fact to influence decisions made in 2022 by tribunals and other inquiries would give rise to unfair outcomes.

7) There have even been allegations of coverups to hide the true purpose for Australian soldiers in Malaysia. There was political risk in the 70's because if an attack took place on the BAB and there was no RCB to respond, the fall out would have been seriously damaging to the government of the day.

8) It has been contended that historical records show that the origins of the current situation stem from PM Whitlam's 1972 election undertaking to withdraw all Australian forces then deployed in SE Asia. This contention has been confirmed by the Vice Chief of the Defence Force, Admiral David Johnston, in a letter dated 26 April 2019. Until 1972, Australia, under its international treaty obligations, had a leading role in deterring Communist expansion in SE Asia, in particular in Malaysia.

9) In 1973 the Commonwealth's Defence Committee recommended to the incoming Government that a rifle company be retained at Butterworth. The Defence Committee Secret Minute 2/1973 para 28. (e) refers. - '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.'

10) The misrepresentation of the nature of RCB service, as recommended by Defence officials and effectively adopted by successive governments, for explicitly political purposes, has continued to adversely affect future decision making regarding that service deployment.

11) At the risk of being perceived as being cynical, the reason DHAAT gets called upon to examine these issues is that the stolid politicians are too spineless to make a just and correct decision that supports Veterans and their families. To back my argument, I contend that the DHAAT may not be the suitable vehicle to sort out the issue, given that Dept of Defence heads hold the real evidence that could be used to make the determination of proper entitlement to medals. To support this claim, refer to attached files, '19750403\_BAB threatened\_Minute\_DoD', '20091012\_RCB Service DoD'<sup>4</sup> and '20010328\_Review of Serv Entitlement\_Minute\_DoD'<sup>5</sup>. It should be reasonable to expect that given Dept of Defence was a party to those decisions, it should be held to account by the government to enable the correct determinations were made. In addition, the question arises of what other documentation is or was held by the Department that has never seen the light of day.

12) I believe DHAAT, in a previous enquiry, (attached as) '20200326\_R Fulcher + DoD'<sup>6</sup>, has erred based on the reliance on the interpretation of the wording in the Regulations, (attached as) '19881102\_AASMedal-S335-88\_Com Gazette'<sup>7</sup>. On the front page of the Gazette, Her Majesty 'ordain(s) that the award of the Australian Active Service Medal shall be governed by the Regulations ... in the Schedule'.

Referring to the Schedule within the Gazette , Paragraph 3 implies that it is optional for the Governor-General to declare a warlike operation by the use of the word, 'may'. In other words, the declaration is not mandated because if so, the word, 'must', would have been used.

13) The DHAAT relies on the wording of the Regulations in assessing Mr Fulcher's eligibility for the AASM as per paras 15 to 18 in the Fulcher document<sup>6</sup>. I believe that a mistake has been made by the focus of the Governor-General's failure to make the necessary declaration, thereby denying Mr Fulcher the AASM contrary to Her Majesty's desires to accord recognition to members of the Defence Force in warlike operations. The DHAAT has made a mistake in finding that Mr Fulcher is not eligible in Para 56 because it was not mandatory for the Governor-General to make the declaration and it does not disqualify his service on those grounds. It could be argued that there is a bias towards relying on those facts, of the Governor-General not making the required declaration, as opposed to those facts that arise by way of evidence provided, regarding the nature of the service rendered. This would fly in the face of the requirement that government decisions are based on natural justice, in that the decisions are made supported by real evidence and free from bias.

14) The reality is that there is much documentation; a fair portion of which has surfaced as of late that supports the contention that the 1970-1989 service of RCB Veterans was warlike, casualties were expected and it is only because of government recalcitrance that RCB Veterans have been denied appropriate medallic recognition, being that of the AASM and the Malaysian Pingat Jasa service medal.

15) I call on the Tribunal to overturn and strike out the findings in 20200326\_R Fulcher + DoD<sup>6</sup> because were the matter to be tried in the Federal Court or other jurisdictions a similar conclusion should arise based on the principles of natural justice and the rules of interpretation. Prima facie, the abundance of documentary evidence regarding the threats in Malaysia up to 1989 and the reasons for the presence of RCB does give rise to proper medallic recognition for that service.

### **List of attachments / references**

1 - 19740430\_Communist threat 5

2 - 19720000\_Communist threat 4

3 - Dasher – The Kevin Wheatley VC Story (2021) Michael C Madden, Big Sky Publishing Newport NSW

4 - 19750403\_BAB threatened\_Minute\_DoD', '20091012\_RCB Service DoD

5 - 20010328\_Review of Serv Entitlement\_Minute\_DoD

6 - 20200326\_R Fulcher + DoD, (Fulcher and the Department of Defence (2020) DHAAT 08, 14 May 2020)

7 - 19881102\_AASMedal-S335-88\_Com Gazette (Gazette, Commonwealth of Australia NoS335, 2 November 1988)

Yours Sincerely,

Christoph Berg ph [REDACTED]



**50<sup>th</sup> Anniversary**  
**RIFLE COMPANY BUTTERWORTH**

Malaysian Armed Forces (MAF) congratulates Rifle Company Butterworth (RCB) for its 50th anniversary of establishment in Malaysia.

Your presence and sacrifice here in Malaysian soil in protecting the RMAF Butterworth base during the resurgence of the communist insurgency in 1970-1989 was a remarkable contribution and had always been the highlight of your presence here in Malaysia.

Since then, the cooperation and the desire to further develop the friendly relations continue to grow, in preparing for more challenging future ahead.

May the long historical defence collaboration between MAF and Australia Defence Force will further strengthen and expand beyond the bilateral scope and more importantly under the auspices of the Five Power Defence Arrangements and the Malaysia Australia Joint Defence Program in providing a better future for the subsequent generations.

**GENERAL TAN SRI DATO' SRI HJ AFFENDI BIN BUANG RMAF**  
**CHIEF OF DEFENCE FORCE**

~~CONFIDENTIAL~~  
**CONFIDENTIAL**  
**MINUTE PAPER**

(34)

(This side only to be written on) INT 8/10/3 (93)

ject: SECURITY SITUATION - AIR BASE BUTTERWORTH - REPORT NO 22

SR ~~(copy 2)~~ *PM 2 13 May*

1. SF successes in April have been the most notable in Peninsular Malaysia for some months and should result in increased public confidence and higher morale within the SF in general.
2. During a training operation in Perak State in early April, SF discovered a well camouflaged terrorist camp capable of accommodating 50 persons, 10 kilometres north-east of IPOH. A group of 30 terrorists were later contacted in the area and, during the subsequent tracking operation, five terrorists were killed near CHEMOR on 20th April and another five were killed in the same area on 22nd April. No government losses were reported.
3. On the 14th April, SF also discovered a camp near RAUB in Pahang containing six CT bodies and a substantial amount of weapons and ammunition. The terrorists appear to have died from food poisoning and were part of the group from the independent 6th Assault Unit that moved into Pahang in January this year.
4. On the other hand, a Chinese Special Branch officer was ~~deliberately~~ murdered 12 kilometres north of IPOH on 25th April. **This is the fourth definite case of assassination of Chinese Special Branch officers within the last year.** This latest killing may have been in retaliation for the successful security operations in the area. These assassinations are likely to have an adverse effect on the morale of the remaining Chinese members of Police Special Branch.
5. **The only other incident reported for April was the discovery of a booby-trapped base for about 50 persons seven miles north-east of IPOH on 14th.**
6. **The assessed threat to Air Base Butterworth remains unchanged.**

30 Apr 74

*Janson*  
(K. R. JANSON)  
Gp Capt  
MAFI



THE AUSTRALIAN REACTIONARIES HAVE BEEN WORRIED LATELY OVER BUTTERWORTH AIRBASE BEING THE PRINCIPLE TARGET OF CONTINUED COMMUNIST ATTACKS.

UNDER THE PRESSURE OF THE AUSTRALIAN REACTIONARIES, THE AZAK CLIQUE HAS REINFORCED ITS DEFENSES AT BUTTERWORTH AIRBASE RECENTLY.

AT THIS STAGE, AN INFANTRY COMPANY OF ABOUT ONE HUNDRED AND TWENTY 120 MEN FROM THE SIXTH 6TH BATTALION OF THE ROYAL AUSTRALIAN REGIMENT IS STATIONED THERE TO HELP GUARD BASE ALONG WITH THE ROYAL AUSTRALIAN AIR FORCE DOGS. RUNNING DOGS

THE PUPPET CLIQUE SOLDIERS ARE RESPONSIBLE FOR GUARDING THE BARBED-WIRE FENCES OF THE BASE AND THE SURROUNDING AREA.

NEVERTHELESS, THE AUSTRALIAN REACTIONARIES ARE STILL NOT HAPPY WITH THE SECURITY MEASURES.

AN AUSTRALIAN REACTIONARY NEWSPAPER CRITICISED FAIRBAIRN'S RECENT VISIT TO KUALA LUMPUR.

FAIRBAIRN'S VISIT TO THE BUTTERWORTH AIRBASE IS AIMED AT RESUSCITATING MEMBERS OF THE AUSTRALIAN AIR FORCE. ?

BUT THIS CANNOT COVER UP THE UNEASINESS OF THE AUSTRALIAN RULING CLIQUE.

ENDS.

DEPARTMENT OF DEFENCE (AIR OFFICE)  
MINUTE PAPER

418/4/12

61  
152

(Write on this side only)

Subject: BUTTERWORTH BASE SECURITY

MINISTER

Copy to: CCS

1. OC Butterworth has advised that rocket attacks have taken place at RMAF Base Sempang (Kuala Lumpur) and a military installation at Penang on 31 March and 1 April 1975. The RMAF has advised of possible threats to Butterworth.
2. Increased security arrangements have been implemented at Butterworth including controlled access to the base and vehicle search, dispersal of aircraft and patrols on aircraft lines. The RMAF has also planned dispersal of their aircraft to other bases.
3. The arrival of Australian maritime aircraft to Butterworth from 3 - 8 April for an exercise will further stretch the security resources.
4. *1/22/75* *COMMIT* The period of tension is expected to last until at least 22 April and probably for a further month.
5. There is some feeling among the Malaysian authorities that this activity is being spurred on by successes in Vietnam. However, 6MIB (Malaysian Infantry Brigade responsible for area security) has reported that they do not consider the activity to be connected with operations in Vietnam.
6. Air Office has asked OC Butterworth to advise if further assistance is required. You will be advised of developments.

(J.A. ROWLAND)  
AM  
CAS

3 Apr 75



# MINUTE

2000-34836 Pt 1

CMP/FB 107/01

~~CDF~~

(R1-SB-CDF Suite)

*OK because has it taken so long to pick up?  
Are we saying that subsequent  
to Mohr nothing was ever  
considered?*

## REVIEW OF SERVICE ENTITLEMENT IN RESPECT OF THE ROYAL AUSTRALIAN AIR FORCE AND ARMY RIFLE COMPANY BUTTERWORTH SERVICE 1971-1989

1. In answer to your queries concerning the enclosed review, the extension of recognition is based on the principle established by MAJGEN Mohr, during his deliberations on service in SE Asia that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat made by Australian Government Intelligence agencies, it has to be considered operational service. This is regardless of whether that threat is realised or not.

2. Also, the recommendations are consistent with CIDA Principle No 3 which states, inter alia, *care must be taken that in recognising service by some, the comparable service of others is not overlooked or degraded.* The Rifle Company Butterworth Quick Reaction Force operated with definite reactive rules of engagement until 1989. Currently, it will be awarded the ASM 1945-75 for exactly the same service from its inception in 1970 to 1971, where eligibility ceases under the Mohr recommendation. RAAF service as part of the FPA and other service under ANZUK were both 'flow-ons' from FESR and established under the same principles of FESR to provide security to the SE Asia region until 1989. At this point, arrangements changed to training under DCP, as a result of the region becoming more stable.

3. In summary, this review has been conducted in accordance with Government policy that the concerns of the ex-Service community are taken into account with regard to past service, and where a clear or manifest anomaly is identified, it be resolved. The recommendations flow-on and are consistent with the principles established by MAJGEN Mohr in his review and therefore meet with Government policy.

*R.K. McLennan*

R.K. McLENNAN AOC  
AIRCDRE  
DGCMP

R1-1-C021  
Tel 54852

22 Mar 01

Definite Reactive ROE. The actual ROE gave authority to use lethal force in both a reactive and defensive role. Reactive ROE would only apply in a warlike situation where the threat of danger was real which required a lethal response.

This is a critical application of the Mohr findings. It is recognised that RCB service falls within the scope of findings handed down by Maj Gen Mohr.

### Enclosure:

1. Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989