

SUBMISSION TO INQUIRY

This form must cover a submission to the inquiry

Name of Inquiry: INQUIRY INTO MEDALLIC RECOGNITION FOR SERVICE WITH RAAF 9 RIFLE Co BUTTRAWORTH

About the Submitter

Title or Rank: WARRANT OFFICER, RETIRED

Surname: MASKEN

Given Names: MALVERN LEONARD LEVI

Postal Address: [REDACTED]

Email Address: [REDACTED]

Preferred contact number:
 Mobile: [REDACTED]
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Is the Submission on behalf of an organisation? If yes, please provide details:

Desired Outcome

Provide a summary of your submission.

RECOGNITION OF SERVICE PERSONNEL WHO SERVED AT RAAF BUTTRAWORTH AS ARMED DEFENDERS FROM 1971 - 1989.

Please attach your submission and any supporting documentation



Consent and Declaration

- 1 I **consent** to the Defence Honours and Awards Appeals Tribunal making my submission publicly available.
OR
 I **do not consent** to the Defence Honours and Awards Appeals Tribunal making my submission publicly available. My reasons are:

- 2 I also **consent** to the Defence Honours and Awards Appeals Tribunal:
- a. using information contained in my submission to conduct research;
 - b. providing a copy of my submission to a person or organisation considered by the Tribunal to be appropriate;
 - c. providing a copy of my submission to a person or organisation the subject of adverse comment in the submission; and
 - d. using content in my submission in its report to Government.

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

- a. persons or organisations required to assist with the inquiry; and
- b. persons or organisations with an interest in the inquiry.

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

Signature:

M. L. H. Maslen

Print name:

M. L. H. MASLEN DAM

Date:

11 May 2022

Lodging your submission

Further information, including the inquiry's Terms of Reference can be found at www.defence-honours-tribunal.gov.au

Once you are satisfied with your submission, return this form and all supporting documents

By Post:

Defence Honours and Awards
Appeals Tribunal
Level 1, 5 Tennant Street, Fyshwick
Locked Bag 7765
CANBERRA BC ACT 2600

By Email:

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If you wish to speak with someone regarding your submission phone **02 6266 1019**



Submissions To RCB Inquiry

M.L.L.Maslen OAM
(Military Division)

[REDACTED]
[REDACTED]

DVA: QSM 12800 Warrant Officer Retired: Police Doig Handler:

To Whom It May Concern:

Dear Sir or Madam,

I was posted to RAAF Butterworth, with effect, 15 October 1972 for ARMED DUTY as Security Guard, later renamed Police Dog Handler then again Military Working Dog Police. The posting ceased on 17 April 1975. (Attachments 3 & 4)

During this period the duty of all RAAF Security Guards were armed with 9 mm browning self-loading fire arms and issued with thirty 9 mm live rounds for each patrol shift!

We were tasked to protect RAAF 73 Squadron and 75 Squadron Mirage aircraft which were located inside the perimeter wire. Additionally, we had to protect special visiting aircraft and persons of special interest or classed as VIP's, all these duties were conducted armed with live ammunition!

The rules of engagement were to warn intruders three times in Bahasa and English, upon intruders failing to comply the police dog was to be released. When danger to your life or damage to fighter aircraft was imminent, we were ordered to fire the issued weapon at the centre of the seen mass. To me and other service personnel posted to RAAF Butterworth, this is classified as an armed conflict situation!

Additionally, all the Malaysian Defence personnel on security duties inside the wire are on live armed duty! They considered it was an armed conflict situation!

I recall many instances of Malaysian Police and members of their armed forces being shot in Kampong coffee shops or their homes, the offenders were always identified as the communist terrorists. These actions although outside the wire many were in close proximity to the location of the two identified squadrons of Mirage aircraft inside the wire!


Submissions To RCB Inquiry

Because of the forementioned, statements it is considered that our safety was always at risk and casualties were imminent!

To highlight this claim and as mentioned in previous submissions and corresponded in a minute from J. A. Rowland AM. CAS. The Chief places security of RAAF Butterworth on High imminent alert see, (Attachment 5).

Previous submission, attachments 1 and 2 outline the reasons all defence personnel serving during this period from 1971 to 1989 should be entitled to recognition of active service!

Yours Respectfully and in service to Australia



M.L.L.Maslen OAM (Warrant Officer Retired)
(Defence Division)

Attachments:

- (1) The review of service entitlement in respect of the RAAF and Army Rifle company Butterworth service 1971-1989
- (2) Previous submission by Robert Cross RCB Service 1973, 1974/75, 1982
- (3) Personnel Document Extract RAAF.
- (4) Personnel Document Extract RAAF.
- (5) Minute from J. A Rowland AM. CAS.

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

SYNOPSIS

Shortly after the tabling of the Mohr Report regarding service in South East Asia to 1975 senior military officers understood he had only reviewed service to the end of October 1971. Subsequently they initiated a review of service in the region to the end of 1975 and, in the case of Butterworth, to the end of 1989. This resulted in the award of the ASM for service at Butterworth up to 1989.

More than 15 years later Defence maintain Mohr reviewed service until 1975, that the evidence on which the decision to award the ASM was made cannot be substantiated and that the 2000 review relied on advice that 'selectively quoted' from sources to 'specifically exclude information which did not support' the decision. Correspondence bearing the signatures of the current Vice Chief of the Defence Force and his immediate predecessor, Vice Admirals Johnston and Griggs, also maintain that in 2001 the ASM could be awarded for peacetime service.

A review of documents from 2000 and 2001 clearly show that top military officers, including Chiefs of Army and Air Force and the Chief of the Defence Force understood Mohr had not considered service beyond October 1971, that the evidence on which the ASM was awarded is substantiated - it was not selective and misleading - and that the medal would not have been awarded for peacetime service.

Claims currently being made by Defence and repeated by the Vice Admirals are not supported by the available evidence.

INTRODUCTION

Shortly after the tabling of the 2000 *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975* (Mohr Review)¹ the Minister Assisting the Minister for Defence, on the recommendation of the Acting Chief of the Defence Force, authorised recognition of service beyond 1971 to 1975 with the award Australian Service Medal 1945-77. The Minister also accepted the recommendation that service at Butterworth post 1975 to 1989 be reviewed.

¹ *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975* (the Mohr Review) 2000

Following this review the Minister approved the recognition of service at Butterworth to the end of 1989 with ASM.

As the medals Australian Service Medal and Australian Service Medal 1945-75 are in effect the same award they are referred to in this paper as the ASM unless context determines otherwise.²

Regarding the claim for warlike service recognition at Butterworth during the Second Malaysian Emergency (SME) Defence have rarely, if ever, addressed the 2001 decision. It seems this is a place they don't want to go given the implications of that decision.

Now, more than 15 years after the 2001 decision, Defence consistently claim that service at Butterworth during the SME was reviewed by Justice Mohr. Ignoring the obvious fact that the SME ended in December 1989 and Mohr's review is claimed to have covered the period to 1975 the fact is service at Butterworth was not considered beyond the end of October 1971. In fact, the evidence presented below will show Mohr did not consider anything beyond that date.

A minuted signed by Air Commodore McLennan, dated 5 April 2001 says in part:

... the Mohr review attempted as much as possible to stay within their TOR, which was to review service in SE Asia between 1955-75. Part of the TOR included review of service in SE Asia in relation to the geo-political context of FESR, which concluded on 31 Oct 71. Consequently, service at Butterworth between 1971 and 1989 was not considered.³

The authour emailed the Prime Minister on 9 October 2018 concerning the alleged misleading of House of Representatives Committee on Petitions, and thus the Parliament, on 29 October 2014 by Defence representatives, including the then Minister Assisting the Minister for Defence, Sturt Robert MP, with the above minute attached.⁴

Vice Admiral David Johnson, Vice Chief of the Australian Defence Force, responded to this email and other correspondence noting:

... you have made several such claims of false and misleading advice in correspondence to the Prime Minister, Members of Parliament, the Secretary of Defence, the Chief of Defence Force, the Vice Chief of the Defence Force and the Service Chiefs. Responses to your correspondence have consistently advised that your claims have no basis.

With reference to the Defence Minute signed by Air Commodore McLennan on 05 April 2001 ... I confirm that Vice Admiral Griggs' statement in his response to you on 21 June 2018, that

² Defence Honours and Awards Commendations Policy Review, 8 February 2008, p.14

³ McLennan, R.K, AirCdre, DGCMP, *Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, Minute to CDF, 2000-34836 Pt 1, CMP/FB /01, 5 Apr01

⁴ Marsh, Kenneth, *Evidence that Robert misled the Parliament regarding Justice Mohr*, email to Prime Minister, 9 Oct 2018

the advice provided in the Defence Minute is incorrect and cannot be used to support a reclassification of ... service at Butterworth.⁵

Johnson then referred to the terms of reference for the Mohr Review. These are discussed below.

In the letter referred to by Johnston, Griggs claimed:

... The 2001 Defence correspondence provided incorrect and misleading information which cannot be verified, and is not supported by the primary source documentary evidence and other research by the Nature of Service Directorate (NOSD) or the Australian Army Historical Unit (AAHU). Further, the advice selectively quoted from the referenced documents to specifically exclude information which did not support the award of the ASM 45-75/ASM.⁶

In the words of the former VCDF Defence is capable of 'providing incorrect and misleading information which cannot be verified, and is not supported by the primary source documentary evidence ...' His comment '... the advice selectively quoted from the referenced documents to specifically exclude information which did not support the award ...' can only imply one thing and that is in 2001 Defence had a predetermined outcome in mind and excluded 'information which did not support their' decision.

Griggs' comments do not reflect favourably on top military officers from the earlier period if they can be substantiated. That claim is examined below.

DID MOHR REVIEW SERVICE AT BUTTERWORTH IN THE PERIOD TO 1975?

Mohr was tasked to advise Government 'about relevant matters that should be taken into account for assessment .. of entitlements to repatriation benefits and service medals flowing from service during this period', being 1955 - 1975. Mohr was required to 'produce a written report which will have regard to:

- RAAF Ubon in Thailand;
- service with the naval component of the Far East Strategic Reserve (comparing the conditions prescribed for the naval contingent with those personnel from the other two Services);
- RAAF Butterworth in Malaysia;
- service in Malaysia during the period of Confrontation with Indonesia, where prima facie evidence is presented to the review of possible anomalies regarding this service.⁷

Does this mean Mohr considered service at Butterworth up to 1975? Not at all as shown by the evidence available, evidence readily accessible to Defence.

⁵ Johnston, David, AO, RAN, Vice Admiral, Vice Chief of the Defence Force, EC18-002581, to Kenneth Marsh, 30 Jan 2019

⁶ Griggs, R.J., AO, CSC, Vice Admiral, RAN, Vice Chief of the Defence Force, *Classification of Rifle Company Butterworth Service 1970-1989*, VCDF/OUT/2018/215, to Kenneth N. Marsh, 21 June 2018

⁷ Mohr, p.p 5,6

Mohr's comments on Butterworth are found in Chapter 3, *Far East Strategic Reserve - Malayan Emergency* which ceased operations on 31 October 1971.⁸ On RAAF service at Butterworth Mohr said:

One of the specific areas of ADF service the Review was asked to advise on was service at ... Butterworth. I have found it difficult to comment in such specific terms as such service ranged over almost all of the period covered by the Review and in particular two major conflicts, the Malayan Emergency and the Indonesian Confrontation.

Most, if not all, of the submissions received from personnel stationed at ... Butterworth concerned either their involvement in operations on the Thai/Malay border region or their non-allotment during the period of the Indonesian Confrontation. These sought either medal recognition for their service or repatriation benefits or a combination of both ...

The remaining issues are, I believe, those concerning the appropriateness of ceasing qualifying service for the service pension on 31 Jul 60, and the availability of a medal to recognise service after the end of the Emergency.⁹

Importantly 'Most, if not all, of the submissions ... concerned either ... involvement in operations on the Thai/Malay border region or ... non-allotment during the period of the Indonesian Confrontation. The Confrontation ended in August 1966. Nothing indicates that the 'remaining issues' included any matter after the Confrontation. There is therefore no evidence that Mohr considered service at Butterworth beyond this date.

Justice Mohr handed his report the Hon Bruce Scott MP, Minister for Veterans' Affairs and Minister Assisting the Minister for Defence under cover of a letter dated February 2000.¹⁰ On 19 July 2000 the Acting Chief of the Defence Force recommended a review of service 'in SE Asia beyond 1971 to at least 1975, with consideration of Butterworth to 1989' to Minister Scott.¹¹ The recommendation was approved by the Minister on 9 August 2000. The Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989 was initiated within six months of the tabling of the Mohr Report in February 2000.¹² There is nothing in the announcement that indicates if the recognition would be the ASM or AASM (Australian Active Service Medal).

The attached background paper however stated:

The ADF commitment to SE Asia did not end with the FESR on 31 Oct 71 as Australian troops remained on-station in Singapore until at least late 1974. It is therefore considered prudent to further investigate ADF involvement in the SE Asia region to the end of Australia's main commitment.

⁸ Note McLennan but also explain a little re the FESR medal

⁹ Mohr, p.10. Note, the quote is from Mohr's summary and list of recommendations. Consideration of Butterworth is included in chapter 3.

¹⁰ Mohr, covering letter included with the report.

¹¹ Mueller, D. LtGen, A/CDF, *Minute Implementation of the Recommendations of the Review of Service Entitlement Anomalies in Respect of South East Asia Service 1955-75*, to Minister Assisting the Minister for Defence, PE 2000-7307, CDF 440/2000, 19 Jul 00. Approved by Bruce Scott MP on 9 Aug 00

¹² Mohr, covering letter, Feb 2000

Butterworth will no doubt to continue as an issue, particularly for the Rifle Company (RCB). This should be investigated further, with the possibility of an extension to 1989 when the terrorist threat from the Malaysian Communist Party finally concluded with the signing of the peace accord by its leader Chin Peng. RCB service was to protect the base against terrorist insurgency and it may therefore be difficult to argue that his service was not non-warlike for medals purposes.¹³

Minister Scott announced in a media release dated 30 August 2000 the 'introduction of a separate medal clasp, Clasp SE Asia, to the Australian Service Medal 1945-1975, for land service 1955-71.¹⁴ As explained in an attachment the 'Clasp 'SE Asia' was introduced instead of 'an extension of the 'Clasp FESR' as it involved service under other security treaties other than just FESR, for example SEATO land forces.'¹⁵

At the same time Minister Scott announced a further submission was due by the end of the year to address service after the cessation of the FESR:

A separate detailed submission, to be completed by the end of the year, would address service in South East Asia after 31 October 1971 ... under other treaty arrangements after the termination of the Far East Strategic Reserve. Service of the Royal Australian Air Force and the deployed Army Rifle Company at RAAF Base Butterworth, Malaysia, would also be considered.¹⁶

On 20 Dec 2000 Major General Willis, HDPE, minuted the CA and CAF regarding service recognition at Butterworth in the post FESR period 1971-1989. He advised at para 2:

The recommendations made in the submission meet with the principles of the 1993/94 Committee of Inquiry into Defence and Related Awards (CIDA), and of the recent recommendations at para 27 of the paper entitled "ADF Medals Policy - Where we have been and where we are going", recently approved by the three Services.¹⁷

The relevance of the 'ADF Medals Policy" will be explained later.

¹³ Peacekeepers are by nature impartial, deployed in an effort to maintain peace between parties in conflict (see 'What is Peacekeeping at <https://peacekeeping.un.org/en/what-is-peacekeeping>). The RAAF at Butterworth were present with the agreement of the Malaysian Government to act as a deterrent against external aggression. The Army's role was to protect RAAF assets and facilities shared with Malaysia as part of a shared defence plan. This was not a partial deployment.

¹⁴ The Hon Bruce Scott MP, *42,000 New Medal Entitlements for South East Asian Service 1945-75*, Media Release, Min 239/00, 30 Aug 00

¹⁵ Attachment to Min 239/00, *Background Information to 42,000 New Medal Entitlements for South East Asian Service 1945-75*

Mohr, on page 36, 'recommended that members of the Army, Air Force and land based RAN personnel serving in the Far East Strategic Reserve for periods of 30 or more days be awarded the ASM 45-75 Clasp 'FESR' on the same terms and conditions applying to the RAN seagoing personnel'.

¹⁶ Scott, 30 Aug 00

¹⁷ Willis, S.V.L., MAJGEN, HDPE, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 2000-7307, HDPE /2000, 20 Dec 00

The draft provided the following background to the submission:

Following the Report of the South-East Asia review and your Media Release of 30 Aug 00, you instructed that a further review of service in the South-East Asia region be conducted and be the subject of a well considered brief. This was in regard to service after cessation of the FESR on 31 Oct 71 and particularly that with the Australian, New Zealand and United Kingdom Forces (ANZUK) until 1975, and further service in Malaysia with the Army Rifle Company Butterworth and RAAF. This submission recommends the further award of the ASM 1945-75/ASM Clasp 'South-East Asia' for service in those cases.¹⁸

It also acknowledged:

- The RCB 'was raised to provide a quick reaction force to meet the communist terrorist threat and provide internal security and protection for Australian assets within the perimeter of ... Butterworth'.
- The ready reaction force was maintained at Butterworth following the disbandment of ANZUK in 1975.
- 'The communist threat was proven to be real with recorded clashes on a number of occasions within its borders ...'
- The RCB devoted more time to training with Malaysian and Singaporean forces following the signing of the Peace Accord in 1989.¹⁹

The draft also noted 'Statements by former RCB participants provide evidence of armed communist terrorism close to Air Base Butterworth, including:

- blowing a bridge seven kilometers north of the Base
- the ambush of a Malaysian Army troop convoy at Alor Setar; and
- daily minor skirmishes with the local military and police forces.²⁰

This evidence remained in the final submission that was approved by the Minister.²¹

The Army Historical Unit also confirmed incidents where the RCB came under fire from poorly trained Malaysian Airforce Defence Guards and one 'known incident in the early 1970s that during training contact was made with Malay terrorists, however this resulted in a 'stand-off' situation and although tense, did not result in any exchange of fire or casualties'.²²

¹⁸ Background paper attached to Willis

¹⁹ *ibid*

²⁰ *ibid*

²¹ Barrie, C.A, ADML, CDF, *Minute Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 20000-34836 Pt 1, CDF 249/01, 10 Apr 01. Approved by Minister Scott 18/04/01? (date unclear on copy held)

²² Background paper attached to Willis

Corroborating evidence is presented below.

The submission was cleared for further processing by the Minister Assisting the Minister for Defence by Air Marshall E.J. McCormack, CAF, on 20 Feb 01²³ and Lieutenant General P.J. Cosgrove, CA, on 8 Mar 01.²⁴

On 21 Mar 01 Air Commodore R.K. McLennan, DGCMP, forwarded the submission to the CDF noting it had been endorsed by the CA and CAF. He repeated the above noted comments by General Willis re. CIDA and the "ADF Medals Policy".²⁵

It appears the CDF questioned aspects of the submission as McLennan minuted him again on 28 March. He responded:

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

... 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 definitive 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 ...

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.²⁶

Again, on 5 April 2001, McLennan advised the CDF:

As advised in CMP/FB 311/00 of 7 Jun 00, the suggested extensions for Singapore to 1975 and Butterworth to 1989 flow from the fact that the Mohr review attempted as much as

²³ McCormack, E.J, AIRMSHL, CAF, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, CAF 155/2001, CAF 2000/5764/Pt4 (7), 20 Feb 01

²⁴ Cosgrove, P.J, LTGEN, Chief of Army, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 692-1-5, 98/2594-2, CA 124/01, 8 Mar 01

²⁵ McLennan, AIRCDRE, DGCMP, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt1, CMP/FC 105/01, 21 Mar 01

²⁶ McLennan, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt 1, CMP/FB 107/01, 28 Mar 01

possible to stay within their TOR, which was to review service in SE Asia between 1955-75. Part of the TOR included review of service in SE Asia in relation to the geo-political context of FESR, which concluded on 31 Oct 71. Consequently, service at Butterworth between 1971 and 1989 was not considered. However, in implementing the recommendations, it was considered incumbent on Defence to consider any wider implications flowing from them and their relationship to the CIDA principles. In CDF 440/2000 of 19 Jul 00, LTGEN Mueller, as A/CDF, recommended that this service be further reviewed and this was approved by the Minister on 9 Aug 00.²⁷

On 10 April 01 the CDF, Admiral C.A. Barrie authorised the draft for submission to the Minister. While the date on the copy in the authour's possession is unclear the submission was approved by the relevant minister Bruce Scott, MP, on what appears to be 18 Apr 01.²⁸

The award was acknowledged in DEFGRAM NO 233/2001 of 2 July. This again acknowledges that Mohr 'only made recommendations in respect of service up to and including 31 October 1971, the end date of the Commonwealth Far East Strategic Reserve ...'

The evidence convincingly shows that senior military officers, including Chief of Army Lieutenant General P.J. Cosgrove, Chief of Air Force Air Marshall E.J McCormack, Chief of Defence Force Vice Admiral C.A. Barrie plus the Minister Assisting the Minister for Defence Bruce Scott understood Mohr had only considered service up to 31 October 1971, the day on which the FESR ceased. These men were serving at the time Mohr completed his report. Further, the press release of 30 August 2000 announcing a review of 'service in SE Asia after 31 October 1971 with the ... (ANZUK) Forces in Singapore under other treaty arrangements after termination of the Far East Strategic Reserve' and service 'of the Australian Air Force and the deployed Army Rifle Company at RAAF Butterworth, Malaysia ...'²⁹ was a public announcement that would no doubt be scrutinised by ex-service organisations and veterans with a vested interest in the outcome of the Mohr Review. Surely these organisations and individuals would have picked up on any inconsistency with Mohr's deliberations.

To suggest all laboured under the same misunderstanding regarding the Mohr report beggars belief. One can therefore only conclude the Griggs and Johnson claims are clearly false and misleading.

²⁷ McLennan, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt1, CMP/FB /01, 5 Apr 01

²⁸ Barrie, C.A, ADML, CDF, *Minute Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 20000-34836 Pt 1, CDF 249/01, 10 Apr 01. Approved by Minister Scott 18/04/01? (date unclear on copy held)

²⁹ Attachment to Min 239/00, *Background Information to 42,000 New Medal Entitlements for South East Asian Service 1945-75*

WHAT IS THE EVIDENCE?

On 21 June 2018 Vice Admiral Griggs claimed:

... The 2001 Defence correspondence provided incorrect and misleading information which cannot be verified, and is not supported by the primary source documentary evidence and other research by the Nature of Service Directorate (NOSD) or the Australian Army Historical Unit (AAHU). Further, the advice selectively quoted from the referenced documents to specifically exclude information which did not support the award of the ASM 45-75/ASM.³⁰

The evidence referred to by Griggs has been presented above. Corroborating evidence follows.

Claim - Quick Reaction Force

The RCB 'was raised to provide a quick reaction force to meet the communist terrorist threat and provide internal security and protection for Australian assets within the perimeter of ... Butterworth'.

The ready reaction force was maintained at Butterworth following the disbandment of ANZUK in 1975.

- In March 1972 the Secretary, Department of Defence wrote to the Secretary, Department of Air. He sought confirmation of his understanding regarding security at Butterworth in the lead up to briefing the Minister for Defence. Regarding the rotation of an of an Army Company to Butterworth he wrote 'In addition, Malaysian reluctance having been overcome, the ANZUK force will now provide an infantry company on rotation through Butterworth on a full-time basis, ostensibly for training, flag-showing and a change of scene ... this company will provide the Commander with a ready-reaction force which he can use inter alia to supplement the elements available to him under the joint Malaysian-RAAF plan'.³¹
- The SECRET Defence Committee of 11 January 1973 observed at paragraph 22:

No early decision or action in regard to the RAAF at Butterworth seems desirable. However, it has been the practice to rotate one company at a time from the Australian, UK and NZ battalions in the ANZUK Force to Butterworth for security duties. We should inform the UK and NZ governments that, when the Australian battalion is withdrawn this task will be carried out by an Australian Company with the rotation being mounted directly from Australia.

Then, at paragraph 28 (e):

³⁰ Griggs, R.J, AO, CSC, Vice Admiral, RAN, Vice Chief of the Defence Force, *Classification of Rifle Company Butterworth Service 1970-1989*, VCDF/OUT/2018/215, to Kenneth N. Marsh, 21 June 2018

³¹ Tange, A.H. (for), Secretary, Department of Defence, to the Secretary, Department of Air, Security at Butterworth, 71/3160, 2 Mar 1972

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.³²

This minute confirms the understanding of the Secretary of Defence in March 1972 and continues the 'training' deception beyond the withdrawal of Australian forces from Singapore.

- A SECRET minute of the Chiefs of Staff meeting on 28th June 1973 records:

In noting that COMANZUKFOR would have no command or control responsibilities towards the Australian Army Company providing security at Butterworth, CGS suggested that the Company be placed under AOC Butterworth. CAS considered that the AOC should have appropriate authority to control the use of the Company for the protection of the RAAF Base, as this was the primary task of the Company. The Chairman said that it had been agreed with Malaysia that the companies would be exercising with the Malaysian Army during tours of duty, and he proposed that the Joint Staff should prepare a submission covering the operational control of the Company to meet both RAAF and Army requirements.³³

The Chiefs of Staff, being members of the Defence Committee, would have been fully aware of the 'training' deception. As such they would recognise the importance of arranging training with the Malaysians to give credibility to the lie.

- Army Canberra instructed MILCOMD Sydney in a CONFIDENTIAL message on July 1973:

Hitherto in referring to the role of the AS Rifle Co at RAAF Butterworth emphasis has been placed on that company's role regarding 'security of Butterworth'

From receipt of this signal the line to be taken in discussing the role of company, particularly with troops involved, should be that deployment of company provides an opportunity for training and developing the elements of RAAF at Butterworth

Further, 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 have a continued responsibility for the protection of Australian assets, property and personnel within the perimeters of Air Base Butterworth.³⁴

The 'line to be taken' in discussing the role of company, particularly with troops involved' was clearly an instruction to keep the troops in the dark regarding the true nature of the

³² Defence Committee, Minutes of meeting held on 11 January, 1973, *Five Power and ANZUK Arrangements and Withdrawal of Australian Battalion and Battery*, Agendum No. 1/1973, Minute 2/1973, 11 Jan 1973

³³ Chiefs of Staff Committee, *Minutes of meeting held on 28th June, 1973*, Agendum No. 24/1973, Minute 38/1973, 28 June 1973.

³⁴ Army Canberra to MILCOMD Sydney, *Rotation of the AS Rifle Co at Air Base Butterworth*, OPS 24851, 25 July 1973

deployment. Despite this directive the instruction reaffirmed the company's primary but unpublished role for the 'continued responsibility for the protection of Australian assets, property and personnel within the perimeters of Air Base Butterworth.' This accorded with the decisions recorded in the Secret Minutes of both the Australian Defence Committee of 11 Jan 1973 the Chiefs of Staff of 28 Jun 1973.

On 17 October 1973 the Chiefs of Staff considered 'two progress reports from the Service Adviser Kuala Lumpur on the negotiations for suitable training areas for combined exercises with the Malaysian Army for the Australian Company at Butterworth'. Expressing disappointment at what had been achieved to date the CAS said he 'would like to have re-considered the questions of RAAF guards taking over responsibility for the security of Butterworth ...' He agreed with the CNS's observation that '... in moving away from Butterworth for the training, the Committee was losing sight of the primary task of the company.'³⁵

This can only mean that the Chiefs of Staff saw security as the Company's primary role with training as being secondary.

Claim - Communist Threat was Real

'The communist threat was proven to be real with recorded clashes on a number of occasions within its borders ...'

In March 2014 Defence's Nature of Service Branch admitted the presence of a specific armed threat. For example:

- Para 20, threat from resurgence militant communist activity
- Para 28, a definite risk of isolated attack on or within the base at anytime - date 1971
- Para 34, increased security at Butterworth following rocket attacks on other bases, including one on Penang. Butterworth is part of Penang State.
- Para 37, threat of mortar attacks
- Para 39, increasing risk to Base as RMAF was using it as a base to attack the enemy
- Para 40, confirmed the threat to the Base in 1975 was similar to that in 1971.³⁶

Defence above acknowledged the Joint Intelligence Organisation's (JIO) 1975 security assessment of Air Base Butterworth. JIO identified there were '... possible forms of attack by the CTO' on the Base including:

Sabotage, by the planting of delayed-action explosives, booby-traps, and other similar devices designed to damage equipment and to injure personnel ... Minor acts of sabotage committed within the Base by such personnel would result in their detection and in tightening of security with no significant gains for the CTO cause. Nevertheless, the use of booby-traps and minor acts of sabotage by subversive groups are relatively common throughout

³⁵ Chiefs of Staff Committee, Agendum No 47/1973, Minute No 67/1973, *Australian Company at Butterworth*, 17 October 1973

³⁶ Nature of Service Branch, *Background Paper, Parliamentary Petition Dated 3 March 2014, Rifle Company Butterworth 1970-1989*, 28 April 2014

Peninsular Malaysia and pose a distinct threat, both to Australian personnel and their dependents.

Acts of terrorism against RAAF married quarters adjacent to the Base (Tan Sai Gin and Rubina Park).³⁷

Despite acknowledging these threats Defence maintain service under these conditions is properly classified as peacetime service. One can only wonder at the reasoning.

Claims by Former RCB Participants

'Statements by former RCB participants provide evidence of armed communist terrorism close to Air Base Butterworth ...'

- blowing a bridge seven kilometers north of the Base
- the ambush of a Malaysian Army troop convoy at Alor Setar; and
- daily minor skirmishes with the local military and police forces.

The attack on the bridge is confirmed in paragraph 31 of the 1971 ANZUK Intelligence Group's *The Threat to Air Base Butterworth up to the End of 1972*.³⁸ JIO's 1975 assessment of the security of Butterworth base lists six pages of incidents in the area surrounding the base between July 1974 and August 1975 at Annex E. These included sightings of armed terrorists, discovery of terrorist camps, and clashes between Malaysian Security Forces and terrorists. On 7 April 1975 between 50 and 60 terrorists ambushed a Security Force convoy, killing 7 and wounding 10, at Gubir, near the Muda Dam. This appears to be the ambush mentioned above. While not showing 'daily minor skirmishes' the list confirms ongoing activity over the reported period.³⁹

Army Historial Unit Evidence

The other accepted evidence was provided by the The Army Historical Unit. It confirmed incidents where the RCB came under fire from poorly trained Malaysia Airforce Defence Guards and one 'known incident in the early 1970s that during training contact was made with Malay terrorists, however this resulted in a 'stand-off' situation and although tense, did not result in any exchange of fire or casualties'.

An email from Mr Allan Hawke, Secretary Department of Defence dated Monday 4 September 2000 to Mr Chris Duffield confirms 'Australian intelligence reports (currently held in archives) indicate several incidents involving CT and Australian troops' between October 1971 and 1975.'⁴⁰

³⁷ JIO *The Security of Air Base Butterworth*, October 1975, para 48.

³⁸ ANZUK Intelligence Group (Singapore), Note No.1/1971, *The Threat to Air Base Butterworth up to the End of 1972*

³⁹ JIO 1975, Annex E

⁴⁰ Hawke, Allan, Secretary Department of Defence, email, *Secretary Site feedback*, 4 September 2000

ACKNOWLEDGMENT

The author and members of the RCB Review Group acknowledge the documents used by Defence to support their claim that the Rifle Company's primary role was training. Defence however ignore those high level documents, both in terms of security classification and creating body showing training was a cover to hide the army's prime security role. Failure to acknowledge and discuss these supports the accusation that Defence have been selective in its presentation of evidence.

WHAT MOHR AND CLARK SAID

In essence Justice Mohr ruled that a veteran is entitled to the Service Pension if he or she has incurred danger from hostile forces of an enemy. Whether or not the veteran incurred danger 'must be determined as an objective fact, existing at the relevant time, bearing in mind both the real state of affairs on the ground, and on the warnings given by those in authority when the task was assigned to the persons involved.' Mohr established this 'objective danger' existed if either of two conditions are met:

- 'where an armed enemy will be clearly proved to have been present'; or
- 'if a serviceman is told there is an enemy and that 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.'⁴¹

Clarke concurred with Mohr.

If then, the military authorities consider that a particular area is vulnerable to attack and dispatch armed forces there, they are sending forces into harm's way, or danger. This was the second point made by Mohr - that veterans ordered to proceed to an area where they are endangered by the enemy will not only perceive danger, but to them the danger will be an objective one based on rationale and reasonable grounds. In these circumstances, what the historian says he or she has learned since the war about the actual intention of the enemy is hardly relevant.⁴²

On Defence's admission the presence of an armed enemy is clearly shown to have been present at or near Butterworth. The threat of attack is clearly identified - rocket and mortar attacks, 'isolated attack on or within the Base at any time' and the distinct threat to veterans' and their families resulting from minor acts of sabotage and booby-traps. Army and Air Force members were sent to Butterworth at a time it was vulnerable to attack. They were, according to Justices Mohr and Clark placed in 'harm's way, or danger'. The criteria for warlike service is established.

⁴¹ Mohr, Chapter 2, 'Incurred Danger', 'Perceived Danger' and 'Objective Danger'

⁴² Review of Veterans Entitlements (Clark Review) 2003, 11.60

COULD THE ASM HAVE BEEN AWARDED FOR PEACETIME SERVICE?

The Australian Service Medal for service 'on or after 14 February 1975' was gazetted on 2 November 1988. By regulation it may only be awarded to persons who have served on prescribed non-war like operations as declared by the Governor General on the advice of the Minister of Defence. Awards of the Medal shall be made by the Governor-General on the recommendation of the Chief of the Defence Force or his delegate.⁴³

The Australian Service Medal 1945-75 was gazetted on 3 April 1995 and recognises service between 3 September 1945 and 16 September 1975 for service on prescribed non-warlike operations.⁴⁴ This award signified the acceptance of a recommendation of the 1993 Committee of Inquiry into Defence and Related Awards (CIDA) to introduce a medal to recognise non-warlike service in the period to 1975 with 'terms and conditions ... similar to those relating to the existing ASM ...'⁴⁵

Regarding this award Griggs stated in 2018:

The ASM was approved in 1988, and may be awarded for service on, or in connection with, a prescribed non-warlike operation. Noting that the medal was established prior to the establishment of the 'non-warlike' nature of service classification, in this context the use of the term 'non-warlike' means 'other than warlike', and can include peacetime service.⁴⁶

In a submission to the 2010 Defence Honours and Awards Administrative Tribunal Vice Chief of the Defence Force, Lieutenant General D.J. Hurley, AC, DSC provided an overview of the relationship between nature of service and service medals. In summary:

- In 1993 Cabinet agreed on "new definitions for warlike and non-warlike service".
- The determination of either warlike or non-warlike service would be the driver for the associated nature of service package, including non-financial conditions such as medals as part of that same decision.⁴⁷

The background to the ASM and the conditions under which it can be awarded are provided in the Defence Honours and Awards and Recommendations Policy Review, of 8 February 2008.

- In 1992 the three services agreed to establish the ASM (Australian Service Medal) as 'a general service medal' for non-warlike service'.

⁴³ Commonwealth of Australia Gazette Special No. S 336, Wednesday, 2 November 1988

⁴⁴ Commonwealth of Australia Gazette No. S 122, Monday, 3 April 1995

⁴⁵ Committee of Inquiry into Defence and Related Awards, 1993, p.p. 9,10

⁴⁶ Griggs, R.J, AO, CSC, Vice Admiral, RAN, Vice Chief of the Defence Force, *Classification of Rifle Company Butterworth Service 1970-1989*, VCDF/OUT/2018/215, to Kenneth N. Marsh, 21 June 2018

⁴⁷ Vice Chief of the Defence Force D.J. Hurley AC, DSC, Lieutenant General, 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*, 23rd June 2010, Para 31.

- The agreement specifically excluded “normal overseas service in ... training or Defence cooperation activities, regardless of the hazards associated with that service.
- Included in the activities for which the the ASM could be awarded were those being “military in nature, utilising military skills and specialist resources according to the area (circumstances) and/or self-protection ... involving elements of military threat and hazard [or] conducted at the direction of Government, rather than as ADF decision alone”.
- The Australian Service Medal 1945-75 (ASM 1945-75) was established as a consequence of the March 1994 CIDA report “under the same conditions as the existing ASM”.⁴⁸
- The ASM 1945-75 was approved in 1995 to recognise non-warlike service.⁴⁹

Conditions under which the ASM should be awarded were being reviewed at the same time as service to the end of 1989 in Malaysia. This review appears to have been passed on for Ministerial approval on 2 Jan 2001 by Mr Pat Clarke. It was approved in 28 Jun 2001.⁵⁰

Service Chiefs were concerned that the then recent CIDA and Mohr reviews had ‘turned what is essentially an ADF matter into a highly political one’.⁵¹ In the eyes of the Chiefs recent decisions regarding the ASM had devalued it as an award as seen in the following quote:

... reduced the ASM (in its generic sense) to recognise service that has been carried out as part of normal Defence Force duties, albeit overseas in some cases under uncomfortable (but not hazardous) circumstances. For example, most of the service in Singapore and Butterworth was rendered under normal peacetime garrison conditions with the additional luxuries not experienced in Australia such as the availability of housemaids and servants.⁵²

Concerned that the award should ‘retain some value’ Service Chiefs ‘recommended that the ASM should still be awarded for service which, although it may not be subject to a formal declaration of ‘non-warlike’ operation by the responsible Minister, can still be regarded as non-warlike service and declared accordingly under the 1945-75 ASM regulations’. They further proposed a new benchmark to cater for ‘recent changes as a result of CIDA, the Government’s policy and the SEA Review’ based on the 1992 Services agreement.⁵³

The minimum set of prescriptive standards included service rendered as part of ‘international security treaties or agreements, eg. FESR, SEATO, ANZUK, MFO, Five Power Agreement etc.’⁵⁴ The policy included ‘absolute exclusions’, including:

⁴⁸ Defence Honours and Awards and Recommendations Policy Review, p.12, 8 February 2008

⁴⁹ <http://www.defence.gov.au/Medals/Australian/Since-1975/Australian-Service-Medal.asp>

⁵⁰ ADF Medals Policy - *Where We Have Been and Where We Are Going*, PE 97-24314, CDF 777/2000.

Approved by The Minister Assisting the Minister for Defence, Bruce Scott, MP, 28/06/01.

⁵¹ ADF Medals Policy, Para 25

⁵² ADF Medals Policy, Para 25

⁵³ *ibid*, Para 27

⁵⁴ *ibid*

- Normal overseas service in ... training of Defence cooperation activities; and
- Normal duties carried out either in Australia or overseas involving no military risk or threat, whether in a capacity of regular, reserve or conscripted service in order to meet Government/ADF ceilings⁵⁵

As stated above Major General Willis advised the CA and CAF that the recommendations for the extension of the ASM to the end of 1989 at Butterworth was consistent with the revised benchmark.

The recommendations made in the submission meet with the principles of the 1993/94 Committee of Inquiry into Defence and Related Awards (CIDA), and of the recent recommendations at para 27 of the paper entitled "ADF Medals Policy - Where we have been and where we are going", recently approved by the three Services.⁵⁶

Significant to the situation at Butterworth is the above statement regarding 'additional luxuries not experienced in Australia such as the availability of housemaids and servants.' Only a short time after that was penned Defence, after considering the available evidence, were forced to conclude this was in fact operational service.

In answer to your queries concerning the enclosed review, the extension of recognition is based on the principle established by MAJGEN Mohr ... that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat by Australian Government Intelligence agencies, it has to be considered operational service ... regardless of whether that threat is realised or not.⁵⁷

Therefore, the recommendations recognised the existence of a 'military risk or threat' that are not present in normal peacetime service regardless of what other threats or risks may have existed. The threats identified at Butterworth during the period under question, along with corroborating evidence, have been presented above.

Griggs' above comment, that 'the medal was established prior to the establishment of the 'non-warlike' nature of service classification, in this context the use of the term 'non-warlike' means 'other than warlike', and can include peacetime service' has no relevance to the award of the ASM for Butterworth service.

⁵⁵ *ibid*, Para 28

⁵⁶ Willis, S.V.L, MAJGEN, HDPE, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 2000-7307, HDPE /2000, 20 Dec 00

⁵⁷ McLennan, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt 1, CMP/FB 107/01, 28 Mar 01

CONCLUSION

Soon after the tabling of the Mohr Review in early 2000 Senior Military Officers initiated a review of service in South East Asia from October 1971 to 1975 and at Butterworth until the end of 1989. That review concluded that, consistent with 'the principle established by MAJGEN Mohr ... that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat by Australian Government Intelligence agencies, it has to be considered operational service ... regardless of whether that threat is realised or not'.

At the same time the review was taking place the highest ranked military officers in Australia were reviewing the conditions under which the ASM would be awarded. Service Chiefs specifically excluded awarding the ASM for:

- Normal overseas service in ... training of Defence cooperation activities; and
- Normal duties carried out either in Australia or overseas involving no military risk or threat, whether in a capacity of regular, reserve or conscripted service in order to meet Government/ADF ceilings⁵⁸

The decision to award the ASM was consistent with this policy.

Both the current Vice Chief of the Defence Force and his immediate predecessor, Vice Admirals Johnston and Griggs, claim that Mohr reviewed service at Butterworth up till 1975, that the evidence on which the 2001 decision to award the ASM to the end of 1989 'is not supported by the primary source documentary evidence and misleading information that cannot be verified'. They further claim the advice on which the decision was made 'selectively quoted from reference documents to specifically exclude information which did not support the award ...' The allegation that Defence made selective use of evidence can only imply the manipulation of data to support a predetermined outcome.

The evidence does not support the claims of the Vice Admirals. On the contrary, it demonstrates Mohr made no recommendations beyond October 1971, the evidence supporting the award of the ASM for service at Butterworth to the end of 1989 is readily corroborated, and the decision to award the medal was made after Service Chiefs had agreed it would not be awarded for normal overseas service or other service that could properly be recognised as peacetime.

ABOUT THE AUTHOR

The author joined the RAAF in 1967 as an apprentice and trained as an engine fitter. He completed 20 years service, five of those at Butterworth (Sept 1971 to Mar 1974, Jul 1977 to Jan 1980). While his recollections of those days are vague he clearly remembers being

⁵⁸ Willis, S.V.L., MAJGEN, HDPE, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 2000-7307, HDPE /2000, 20 Dec 00

warned of the dangers of booby traps and told that the Malaysian Air Force operating from Butterworth were 'bombing Chin Peng [the Communist leader] out there in the jungle somewhere' soon after arriving in 1971. He also recalls armed police roadblocks in the town of Butterworth during his second tour and reading reports of actions against the communists in the local papers. In 1969 the Malaysian Government imposed a state of emergency and nation wide curfews following race riots in Kuala Lumpur in 1969 and he was aware of those tensions still bubbling away below the surface in the 1971-74 period.

Since departure from the RAAF he has completed both a Graduate Diploma and Masters Degree in OHS with the Faculty of Medicine and Health Sciences at the University of Newcastle and over the last eight or so years done considerable research on the matter of Butterworth. He has accessed and retains files from the National Australian Archives, the Australian War Museum, academic theses, newspaper articles and more.



RIFLE COMPANY BUTTERWORTH REVIEW GROUP (RCBRG)

Minister for Veterans' Affairs & Defence Personnel

Dear Minister,

We congratulate you on your recent Ministerial appointments specifically for Veterans' Affairs and Defence Personnel and wish you success in those portfolios carrying on DVA's transformation and customer centric application previously guided by the Hon. Dan Tehan.

You are aware of the Rifle Company Butterworth Review Group (RCBRG) and our campaign over many years to have the government recognise RCB's service as warlike. Despite our many submissions supported by evidence discovered from both private and national sources (including FOI requests and timed releases of secret and sensitive Governments' official documents) and international authoritative sources, the Government has rejected the claim. On all occasions the Government has ignored our requests for due process to meet with the decision makers and their staff to examine the claim. At no stage have we been given procedural fairness to have a hearing with the decision makers to challenge their decision.

More recently on 2nd February 2018 we sent a request letter to you and all MPs and Senators seeking their support for an independent of Government public inquiry into the matter. We did not receive a reply from you.

But, we were delighted to read the [transcript of your 5th March interview with Tim Shaw \(Radio 2CC\)](#) and note your intent to go out into the community and speak to the veterans and find out what their real needs are. *"There's absolutely no replacement for getting out there and walking a mile in someone else's shoes; getting out and sitting beside them or listening to their concerns personally. getting out there and talking to veterans on the ground, their support services, particularly in regional locations or right here in Canberra - takes away that veneer that you might get painted over the top of it if you were talking to the bureaucrats who are one step removed in the process. And that's no disrespect meant to the bureaucrats at all, but it's what they're prepared to tell you as an individual member of Parliament might be different to the sanitised version that you might get in a report that you*

read in Parliament House.” We would add “or as a Minister receiving a recommendation from your staff”

Minister we invite you to visit our RCB Group in Brisbane to discuss the RCB matter **1(Along with a veteran RAAF POLDOGH representative).*

We also write to you on the behalf of David Munro an RCB veteran and one of your Gippsland constituents regarding the contents of your recent letter to him dated 28th March 2018. In doing so we comment on any of your statements that we believe are false or misleading and at the same time correct them with evidenced truth and to add vital data that we believe has been omitted in the decision making process of the Defence Department’s staff /advisors to its Minister. Our comments follow the relevant paragraph and are indented coloured and in italics. We contend that if our evidence was accepted and considered there would have been a different decision.

*“You requested information regarding service at RCB, Malaysia. The Australian infantry company rotations to Butterworth commenced in late 1970, initially from the 28th Commonwealth Brigade located in Singapore and subsequently in 1973 from battalions located in Australia.” *2 (Armed RAAF POLDOGH in both locations).*

*“It is an accepted principle that submissions seeking review of a nature of service classification of past service are considered in the context of the legislation and policies that applied at the time of the service. The applicable legislation for most of the period of RCB *3 (and RAAF POLDOGH) service in question was the Repatriation (Special Overseas Service) Act 1962 (SOS Act), with the Veterans' Entitlements Act 1986 (VEA) providing coverage in the latter years.”*

“Special overseas service, which provides veterans with benefits equivalent to warlike service, required that personnel be allotted for special duty within a declared special area. Special duty is defined as ‘.. duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the special area was made ...”

“As the Malaysian Government made no requests to the Australian Government for military assistance after the end of the Indonesian Confrontation in 1966, Australian Defence Force (ADF) personnel were not engaged in duty relating to warlike operations or the state of disturbance in Malaysia between 1970 and 1989. As a result ADF service in Malaysia after the end of Confrontation in 1966, including RCB service, cannot be considered to be special overseas service under the SOS Act, or as operational service under the VEA.”

This is fallacious. RCB’s operational deployment was a continuation of the protection of the ABB established under the Far East Strategic Reserve.

The Second Malaysian Emergency – The Counter Insurgency War commenced in 1968 and ended in 1989. To fight this war the Malaysian Armed Forces (MAF)

increased its strength from two to six divisions. Air Base Butterworth (ABB) was a joint MAF and RAAF base from which the MAF used it as a forward operational base to conduct offensive air and ground support operations against their enemy in North West Malaysia and Thailand border regions. ABB was a potential enemy target that required protection. We refer you to the Defence Committee meeting dated 11 January 1973.

*Also Minister you would be aware of Cabinet Decision 1048 7/7/1965 in which the Cabinet directs the Services on when to allocate for special overseas service under the SOS Act: "...allotment for 'special duty' should only be made at a time when the personnel are exposed to a potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements ...". How does RCB *4 (and RAAF POLDOGH) service not fit within this directive, especially since you acknowledge later in this letter "...possible threats to the base from local racial disturbances or communist terrorists...". You state that "...the level of threat was consistently assessed as LOW". We refer you to Justice Clarke in his Review of Service Entitlements Chapter 11 pages 260-262 relating to risk. Add to the fact that the GDOC was regularly activated it cannot be said that the level of threat was consistently low. If the Ministers' advisors had looked at the shared defence plan they would have seen the GDOC was only activated with a threat considered imminent.*

"Of note all ADF service at Butterworth through the period 1970 to 1989, including that of the RCB, does not meet the criteria for classification as warlike service under the current framework which was incorporated into the VEA in 1997. Warlike operations under this current framework are defined as those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties."

Yes it does meet the criteria as confirmed from evidence already provided to the Defence Department for these reasons:

- 1. There was a specific military objective: the protection (defence/security) of RAAF assets at ABB (personnel and dependents, aircraft and facilities including the Integrated Air Defence System IADS) as part of the Australia's Treaty obligations to the Five Power Defence Arrangement.*
- 2. There was an enemy threat and 'objective danger' viz the Communist Terrorist Insurgents. Since 1968 the Malaysians were fighting a war known as the Second Malaysian Emergency. That war ended in 1989*
- 3. There was an expectation of casualties. The Company was reinforced with additional medics, pre-deployment training emphasised casualty treatment and*

evacuation and at ABB that training continued. The enemy threat assessment identified an indirect harassing attack by mortars and similar ordnances was likely.

4. The RCB*5(and RAAD POLDOGH) carried live ammunition, and

5. There were lethal Rules of Engagement

“The Department of Defence has comprehensively researched and examined available official documentation regarding ADF service at Butterworth, including information provided by the RCB Review Group and from individual claimants. “

We challenge the accuracy of this statement and have evidence to support our challenge. In their advice to Government the DOD have never refuted any of the hard evidence provided to them by the RCBRG so it is difficult to assess on the face of their advice how they have “examined...information provided by the RCB Review Group”.

“DVA's research has found that the role of the RCB was to provide a ground presence in Malaysia to conduct training in accordance with the parent battalion's training requirements and to assist, if required, in the protection of Australian assets at RAAF Base Butterworth.*6(RAAF POLDOGH armed front line security patrols) Importantly, unless appropriately authorised, RCB was not to be involved in local civil disturbances or to be employed in security operations outside the gazetted area of the Butterworth Air Base.”

Minister, you quote from the AHQ Staff Instruction No 19 of 14th August 1973 but you avoid the 4th October 1973 Secret Directive from the Chief of the Air Staff (Air Marshal C F Read) to the Officer Commanding RAAF Butterworth that clearly orders his operational command of the Rifle Company Butterworth's Roles and Limitations deployed under the Australian Joint Service Plan 1/1973 Plan Asbestos. Para 12 details the RCB's employment:

(a) “Training. On arrival each company is to prepare for its role as required by the Butterworth Defence Plan. When this preparation has been completed to your satisfaction, the company is to participate in exercises arranged in accordance with instructions issued by Army Headquarters.”

Because of the MAF's war fighting activities this was not possible for many years.

(b) “Security. Under your direction, the company is to assist in the protection of Australian assets, property and personnel at Air Base Butterworth”...

Minister, what was the ‘ground presence’ for? According to much evidence we have provided to DOD and as stated by LTGEN D. Mueller in a 2000 Minute to the Ministers for Defence on implementing The Review of Service

Entitlement Anomalies in Respect of SE Asia: "RCB service was to protect the base against terrorist insurgency ...". Local disturbances not affecting the base were to be handled by the local authorities. It is not true that that RCB could not be employed in security operations outside the base. The RAAF Families Protection Plan clearly permitted the use of RCB off the base including in Penang.

"Between 1970 and 1989 the rifle companies at Butterworth were not pursuing any specific military objectives, they were not authorised to use force beyond the minimum necessary for self-defence if required and there was no expectation of casualties."

*RCB's deployment was authorised by the Defence Committee. Its military objective was the protection (defence/ security) of the RAAF assets at ABB in accordance with the Butterworth Defence Plan. *7(This included the deployment of RAAF POLDOGH!)*

RCB was an infantry combat sub unit up gunned with heavier weapons and medical staff. Its size and strength (134) had a deterrent effect on the potential enemy.

*Minister it is obvious that the author (s) of the above comment has little or no understanding of military operations. Defence is a phase of war that requires a Defence Plan (RAAF Butterworth had one), a counter penetration plan (that stops the enemy's penetration inside the Base) and a counter attack plan that repels the enemy, mops up and re-establishes Base security. *8 (The RAAF POLDOGH were the front line of defence/security of all RAAF vital assets)*

There was an expectation of casualties because of the enemy threat as was recognised by the Malaysian Armed Forces and our own Joint Intelligence Assessments.

"While there were instances of elevated concern over possible threats to the base from local racial disturbances or communist terrorists, the level of threat was consistently assessed as LOW."

All military preparations and operations are planned for the worst case

**“ DON'T
DEPEND
ON THE ENEMY NOT
COMING; DEPEND
RATHER ON BEING
READY
FOR HIM. ”**
-SUN-TZU

“The daily routine of the air base continued unabated throughout the period and life continued as normal for the local population and for those posted to Butterworth and their families. “

One can attribute that to the success of the combined deterrent effect of the RCB, MAF and other Malaysian Security forces' presence in ABB.

Minister it seems that you are not aware of the escort provided to families and their children attending schools off base.

You can make the same comment for the First Malayan Emergency

“Significantly at no time throughout the period from 14 September 1966 to 1989 did Defence or any Federal Government consider it necessary or appropriate to reconsider the deployments or to change the classification of any ADF service in Malaysia, including ADF service at Butterworth, from peacetime service.”

The RCB deployment was a continuation of the FESR agreement with Malaysia.

The deployment as peacetime service was deceptively contrived by the Defence Committee Minute “When the Australian Battalion is withdrawn from Singapore the requirement for a company for security duties at Butterworth will be met by providing the unit on a rotational basis from Australia. This could be presented publically as being for training purposes” – Sir Arthur Tange Secretary Department of Defence and Chairman Defence Committee 11th January 1973) at a time when Malaysia was fighting a Communist Insurgency – The Second Malaysian Emergency.

That deployment met the criteria for warlike service. The deception was further perpetrated by the Service Chiefs' failure to recommend to the Government of the day that Butterworth Air Base be declared a special area for qualifying service for repatriation benefits.

The deployment met the criteria for warlike service as espoused by Major General The Honourable Justice Bob Mohr RFD ED RL

“ADF service in Malaysia, including RCB service at Butterworth, has been considered by several independent reviews which have also consistently found it to be peacetime service. These reviews include the 1993 Committee of Inquiry into Defence Awards, the 2000 Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955—1975, the 2003 Review of Veterans' Entitlements, the 2011 Defence Honours and Awards Appeals Tribunal Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989, and the New Zealand Government's 'The

Medallic Recognition Joint Working Group (JWG) on Service in South-East Asia 1950—2011' published in 2013.”

This is not entirely true Minister. As a result of the Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955—1975 the then Minister directed a further review by Defence in light of the principles established by the larger review. That secondary review resulted in the upgrading of RCB service to 'Non-Warlike' in 2000. Arising from the RCBRG's 2006 submission to Minister Billson agreed to declare retrospectively RCB service as hazardous (refer to Billson's letter date 4th October 2017. This was never applied due to an administrative error and when questioned by the RCBRG the now Labor Government overturned the Billson decision.

In all these earlier Reviews there were some individual submission from RCB veterans. There were no formal submissions from the RCB Review Group as an advocate for the RCB men and their families because it was established only in 2005. Its first submission to Government in 2006 and others thereafter have failed despite the massive discovery of new evidence. All our submissions which have been characterised by our requests to meet with the appropriate Ministers' and their staff/advisors to brief them and examine the evidence have been ignored. Is this procedural fairness Minister?

“The Department of Defence (Defence) is committed to ensuring that the service of all ADF members is appropriately recognised. Defence has been diligent in undertaking an extensive and comprehensive examination of information provided by claimants, and evidence Defence has obtained through its own research, to ensure an accurate and balanced perspective on ADF service at Butterworth during the period 1970 to 1989.”

We challenge the Department's diligence in its examination of all the relevant facts by not revealing to us what those factors were in making the 2006 decision and why the additional evidence exposed by us since that time has been considered irrelevant. Presumably the Department was aware of the Defence Committee Meeting 11 January 1973 and judged it to be irrelevant?

“Consistent with the findings of the independent reviews and the substantial Defence research which have been accepted by successive Coalition and Labor Governments all ADF service at Butterworth, including RCB service, is appropriately classified as peacetime service.”

Minister, if it was peacetime service for RCB in Butterworth would you please answer these questions?

☐ *Was Malaysia at war in the period 1968 – 1989 against a Communist Insurgency?*

- ❑ ***Was Air Base Butterworth (ABB) a major forward operational base for the MAF's ground and air operations against its enemy?***
- ❑ ***Was the ABB a potential target for the enemy?***
- ❑ ***Why deploy an infantry combat unit to protect the RAAF assets?***
- ❑ ***Why was the decision made to not increase the strength of the RAAF's Air Defence Guard, or not employ private security contractors from Malaysia or Australia, instead of deploying an infantry company?**** ***9 (RAAF POLDOGH were on armed live ammunition patrols from the beginning of the two squadrons of Mirages deployment)***
- ❑ ***Why were the troops required to have Draft Priority One status?***
- ❑ ***Why were the troops required to be armed with live ammunition?***
- ❑ ***Why were the troops given lethal Rules of Engagement?***
- ❑ ***Were the MAF Infantry units able to train with the RCB or were they totally engaged in their own war fighting?***

“Additionally, as RCB service has already been examined by several independent reviews, further consideration of the classification of ADF service in Malaysia is not warranted.”

“Accordingly, any request for another independent public inquiry is not supported.”

We are disappointed by this decision. We reserve our rights to take further action as deemed appropriate and will persist and remain resolute.

“The service of ADF members who served at Butterworth during the period 1970 to 1989 is recognised by the award of the Australian Service Medal (ASM) 1945—1975 with Clasp 'SE ASIA' or ASM with Clasp 'SE ASIA' depending upon the period of service at Butterworth. This service will always be valued by Defence and the Government for the contribution to the security of Australia's national interests.”

Thank you for this paragraph especially the last sentence that accepts RCB's deployment to protect the RAAF at ABB, which was in itself deployed there under international Treaty and Defence Agreements to protect the security of the Region and Australia's national interests, was a valuable contribution.

We repeat our invitation to you in your Ministerial capacities to meet with us in Brisbane or a delegation from us in Canberra.

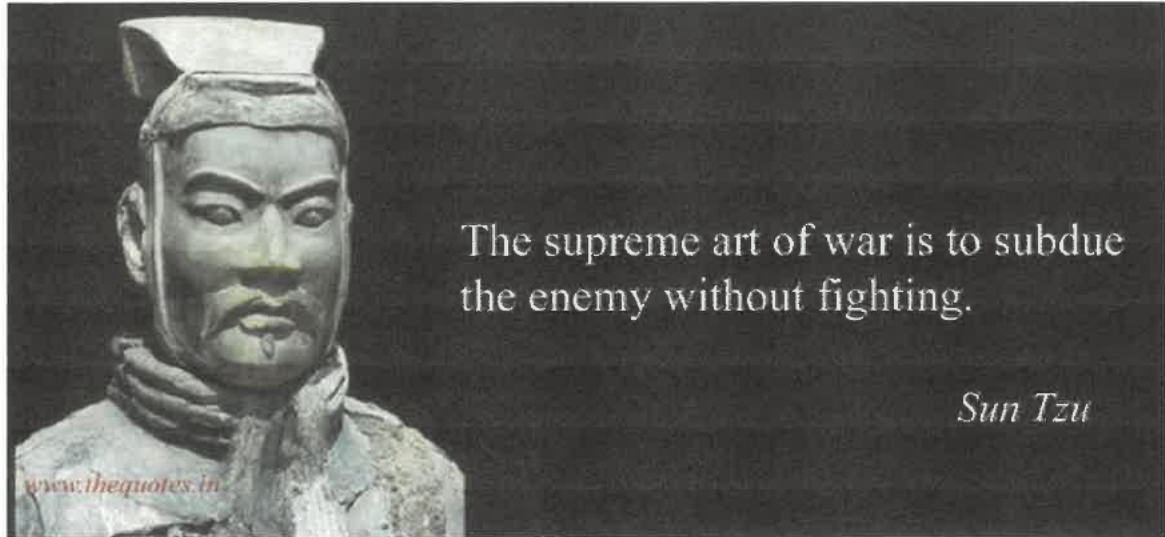
Yours sincerely,

R. W. Cross

Robert Cross

RCB Service 1973, 1974/75, 1982

Group Leader



Attachment 3

A 46515 MASLEN

MALVERN LEONARD LEVI

WOPT POLDOGH PAF RAAPSUGLEN

RAAF PERSONAL RECORD EXTRACT PART 1 AS AT 07APR93
(CHANGE FROM LAST EXTRACT SHOWN BY)

APPOINTED / ENLISTED 12AUG68

EVENT/ WEF	RANK	SENIORITY	CAT/MUST	APPT/ENG	TERMIN	AUTH
ENLIST 12AUG68	ACR/SUBS	12AUG68	SGUARD/T	6	11AUG74	2068022169
REMUST 24APR69	AC/SUBS	24APR69	SGUARD	6	11AUG74	1000130196
RANKCHAN 24APR70	LAC/SUBS	24APR70	SGUARD	6	11AUG74	3010019604
RE-ENGA 12AUG74	LAC/SUBS	24APR70	SGUARD	3	11AUG77	1000141519
RANKCHAN 01MAR76	CPL/SUBS	01MAR76	SGUARD	3	11AUG77	1000123129
RE-ENGA 12AUG77	CPL/SUBS	01MAR76	SGUARD	3	11AUG80	1000146427
RE-ENGA 12AUG80	CPL/SUBS	01MAR76	SGUARD	5	11AUG85	1000140101
RANKCHAN 01AUG81	SGT/SUBS	01AUG81	SGUARD	5	11AUG85	1000125371
RE-ENGA 12AUG85	SGT/SUBS	01AUG81	SGUARD	6	11AUG91	40200300320
RANKCHAN 01MAR86	FSGT/SUBS	01MAR86	SGUARD	6	11AUG91	40200200997
RANKCHAN 10JAN89	WOFF/ACTG	01MAR86	POLDOGH	6	11AUG91	40200204157
RANKCHAN 01MAR89	WOFF/SUBS	01MAR89	POLDOGH	6	11AUG91	40200200800
RE-ENGA 12AUG91	WOFF/SUBS	01MAR89	POLDOGH	PE	23FEB99	40200300681

POSTED TO	WEF	ESTABCODE	DUTY	GD	HO/TO	AUTH
LRTU	12AUG68	20970000000000	RC	NA		1000047751
1SD	04NOV68	20530000000000	SGUARD	B		1000112069
7SD	17FEB69	20550000000000	SGUARD	B		1000103847
BSFBN	28APR69	301000000000611		A		1000105791
BSEDN	28JUN71	305100000000601		A		1000117183
BSBUT	16OCT72	307700000000609		A		1000047145
1SD	17APR75	205300000000621		A		1000115503
7SD	08FEB77	205500000000720	PDTC	A		1000110228
DSTS	23NOV82	209800000000000	DSTS DET A	NA		1000189294
BSDAR	30DEC82	301400000000601		A		1000112340
BSRIC	28JAN86	301700000000000	UNIT	A		40200116259
ASSRIC	01JUN88	310700000000000	UNIT	A		40200112599
RAAFSUGLEN	10JAN89	310000006000000	STAFF - CPOL3	A		40200117233

ATTACHED TO	WEF	ESTABCODE	DUTY	CEASE	AUTH
7SD	14FEB69	205500000000000	14SGUARDCRSE	17FEB69	2000018018
1SD	11SEP69	205300000000000	DOG DEMONSTRATIO	15SEP69	1000046750
1SD	01OCT69	205300000000000	LAUNCESTON SHOW	13OCT69	1000047772
1SD	03NOV69	205300000000000	BALLARAT SHOW	09NOV69	1000047773
BSEDN	31MAY71	305100000000000	RELIEF MANNING	27JUN71	3000022001
7SD	12JUN75	205500000000000	RETEAM	26JUN75	2000018012
7SD	13MAY76	20550000801002	SGUARDADV	09JUN76	1000044479
BSBUT	14OCT77	307700000000000	EXCORT DUTIES	18OCT77	1000106097
RAAFSTT	30MAR78	20330000840001	187 INSTRUCTEC	28APR78	1000044052
RAAFSUCAN	27AUG79	100000000000000	DRAAFP	12NOV79	1000104658
RAAFSUCAN	13NOV79	100000000000000	TDOS BUT/SING	29NOV79	1000104698
RAAFSUCAN	30NOV79	100000000000000	DRAAFP	04DEC79	1000104701
HQOCA	20AUG80	154600000000000	EX LONGREACH	01SEP80	3000025668
7SD	17OCT80	205500000000000		19OCT80	1000187131
BSESL	25SEP81	200200000000000	CHOGM	09OCT81	1000108263
1OSU	31AUG83	109700000000000	K83	19OCT83	41000102355
RAAFSTT	22MAY85	20330000720115	13/85 SERGSUPMGMT	21JUN85	40200104729
BSLAV	28OCT85	200900000000000	WOD SELECTION BOARD	01NOV85	40200113867
RAAFSULB	23FEB87	200000000000000	TRADE TEST REVIEW	27FEB87	41000100007
RAAFSUGLEN	02JUN87	300000000000000	RELIEF MANNING	26JUN87	41000101999
HODAR	06JUL88	301300000000000	EX PITCH BLACK 88	14JUL88	41000102360
RAAFSUGLEN	12DEC88	310000000000000	FAMILIARISTION VISIT	16DEC88	41000104238
RAAFSUCAN	03MAR89	100000000000000	ISPOL/PM-AF	03MAR89	40200102897
BSDAR	21JUL89	301400000000000	EX K89	03SEP89	41000102087
HQRAAFNA	06JUL90	312100000000000	RAAFPNA	03AUG90	41000101828
RAAFSUGLEN	24JUL91	310000000000000	PITCH BLACK 91 - SOP	28AUG91	41000101721
75SQN	06APR92	308000000000000	EX CHURINGA 92	16APR92	41000100945
HQTCSU	25MAY92	600000000000000	AIRPOL REVIEW PANEL	29MAY92	40200107861

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(50)

Attachment 4

3

A 46515 WASTEN

MALVERN LEONARD LEVI

POLDOGH

PAF

RAAFSUGLEN

RAAF PERSONAL RECORD EXTRACT PART 1 AS AT 07APR93
(CHANGE FROM LAST EXTRACT SHOWN BY **)

ATTACHED TO	WEF	ESTABCODE	DUTY	CRSE	BATH
RAAFSUGLEN	07OCT92	31000000000000	EX ACES NORTH-ECM SW	15OCT92	40200103076
RAAFSFS	22FEB93	60390000000000	1/93 ECOCSE	05MAR93	40200101919
*RAAFSFS	17MAY93	60390000597019	1/93 POLCOUNTINTEL	04JUN93	40200104992

** END OF REPORT **

51

DEPARTMENT OF DEFENCE (AIR OFFICE)

MINUTE PAPER

418/4/12

152

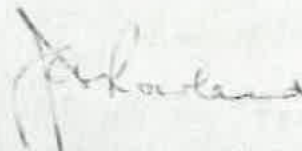
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Subject: BUTTERWORTH BASE SECURITY

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. 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