

13 August 2022

DHAAT
via email

RESPONSE TO SUBMISSION BY DEFENCE INQUIRY INTO RIFLE COMPANY BUTTERWORTH

Introduction

I apologise in advance for my use of the vernacular in this document, but I could not help but think to myself, “Is that the best they can do?”

On reading the Defence submission I felt insulted.

Whoever compiled the submission gives the impression it was the last task on a Friday prior to a long weekend and they allowed themselves very little time to research or verify their material for reasons I will touch lightly on below. I don’t intend to dignify the response to the Defence submission with much more time than they spent on putting their submission together. It takes very little logic and/or common sense to determine that the Defence position – with the most minute amount of scrutiny – is eminently untenable. Every aspect of the Defence submission is rebuttable with contemporaneous documentary material.

Specifics

There has never been an “independent of government” examination of the RCB matter. The much-vaunted CIDA, Mohr and Clarke reviews stop short of examining the RCB issue in its totality, partly because they pre-date the majority of the RCB’s term of warlike service and partly because such an examination was outside their various Terms of Reference. Furthermore, none of them had access to the now declassified material collected by the RCB Review Group comprising hundreds of previously Top Secret and Secret documents that reveal the true nature of the conflict.

The Defence submission is littered with contradictions. Depending on which page you look at, you will find multiple instances of references to “communist terrorist threat” or similar. Yet Defence has a history of stating there was no threat. Indeed, at one point Defence held the view that the Communist Insurgency War (CIW) did not take place, despite the Malaysian Government sending messages of gratitude each year to the Australian Government for its deployment of troops during the CIW.

Defence contradicts itself on the status of RCB service. Was it peacetime or was it not? If so, was the ASM awarded for peacetime service? If so, why isn’t it issued to all ADF members who have engaged in peacetime service? The answer is logical. The ASM was a sop to save face by the government of the day.

It is also worth noting that Defence do not offer any other examples that satisfy their “peacetime garrison” theory where troops are in a country at war, carry live ammunition, have authority to apply lethal force without specific orders to do so and are considered not to be on warlike service.

RCB satisfies all the elements of the incurred danger test as espoused by Mohr and Clarke in their reviews of service post-WW2. If that test is applied to RCB, the only possible outcome is that RCB service was warlike in nature.

Defence attempt to apply legislation from the 1980s and 1990s retrospectively to the RCB period 1970 - 1989. This is cynical and dishonest in its creation and application.

Defence freely admit that everything changed for RCB in December 1989. Live rounds were no longer carried and the QRF was discontinued. Coincidentally, that was when the peace accord was signed between the Malaysian Government and the Communist insurgents. In other words, the war was over.

Defence also refers to other reviews, but they are internal reviews designed (it appears) to foster the Nature of Service Branch narrative and not examine the evidence forensically or critically.

A couple of basic questions to challenge the Defence position:

1. Where in Australia (or anywhere) – on peacetime service – were ADF troops armed with first line ammunition, given personal authority to apply lethal force and made available to perform such duties 24/7?
2. Throughout the RCB deployments 1970 – 89 the primary responsibility was a 24/7 Quick Reaction Force (QRF). Reacting to what?
3. If RCB was not vital to the safety and security of RAAF Butterworth, why was “A” Coy 2/4RAR to be replaced by “C” Coy 2/4RAR in order to maintain the QRF when “A” Coy was activated to evacuate the Australian embassy in Saigon in April 1975?

Conclusion

Dr Josef Goebbels is attributed with the quote, “If you repeat a lie often enough, it becomes truth.”

Defence has repeated their mantra on RCB so often, they’ve convinced successive Ministers and public servants that their narrative must be true because it has assumed the status of conventional wisdom. I like to hold the position that it is nothing more than “group think” with little credibility or legitimacy. There is overwhelming evidence to rebut it and nothing authoritative to support it – apart from their own internal fantasy to support a political imperative.

If DHAAT has any doubts about the strength of the case for awarding warlike service to RCB veterans, perhaps they might consider referring the matter for judicial review by a Chapter III court.





Australian Government

Defence

Defence Honours and Awards Appeals Tribunal

**Inquiry into medallic recognition for service with
Rifle Company Butterworth**

Department of Defence

Submission

July 2022

DEFENCE SUBMISSION TO THE DEFENCE HONOURS AND AWARDS APPEALS TRIBUNAL

On 7 April 2022, the previous Minister for Veterans' Affairs and Minister for Defence Personnel announced the Defence Honours and Awards Appeals Tribunal (the Tribunal) would re-examine the issue of medallic recognition for Australians who served with Rifle Company Butterworth in Malaysia between 1970 and 1989.¹ Specifically, the Tribunal is:

“to have regard to the New Zealand Government’s recent decision to extend eligibility for the New Zealand Operational Service Medal to a larger proportion of members of the New Zealand Armed Forces who served in Malaysia and Singapore between 1959 and 1974. The Tribunal is to consider whether this decision should bring about any change to Australian medallic recognition for service with Rifle Company Butterworth between 1970 and 1989, including whether that service should be recognised with an Australian Active Service Medal.”

Defence values the contribution of all members, be it on warlike operations, peacekeeping activities or responding to domestic emergencies. Recognition for members is available through a variety of methods; however, specific to the Australian Honours and Awards System, either individual honours and decorations, unit citations or campaign and service awards can be endorsed. Recognition is also available through internal schemes such as the Defence Commendation Scheme. More importantly, the Australian Defence Medal provides recognition to all members of the Australian Defence Force regardless of operational commitments.

Defence acknowledges that each operation is diverse and the circumstances under which service is made can differ greatly depending on the nature of service, operational assignment and external conflicts. Defence also acknowledges that recognition of service with Rifle Company Butterworth and at Butterworth in Malaysia more broadly, by way of medallic recognition and veterans' benefits, has been a longstanding concern for veterans who served there.

This has been the subject of a number of comprehensive government and independent reviews, the latest example and the catalyst for this Inquiry being a New Zealand Defence Force review known as the ‘Reassessment of the Recommendations of The Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989’ (the New Zealand Reassessment). The New Zealand Reassessment extended eligibility for the New Zealand Operational Service Medal to include a larger proportion of members of the New Zealand Defence Force who served in Malaysia and Singapore in the period 1 February 1959 to 31 January 1974.

New Zealand Defence Force veterans benefiting from that decision are stated to include Royal New Zealand Navy and Royal New Zealand Air Force personnel who served across the entire period from 1959 to 1974, and about 1,000 New Zealand Army personnel who served in South East Asia from 1967 to 1974 but did not serve in Vietnam or have previous service in the Malayan Emergency, on the Thai-Malay border or in the Indonesian Confrontation. Associated units are stated to include Number 40 Squadron, Royal New Zealand Air Force, whose aircrew

¹ This matter was previously considered by the Defence Honours and Awards Appeals Tribunal, *Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989* (18 February 2011).

and supernumerary crew flew frequent sorties between New Zealand and South East Asia in direct support of the Far East Strategic Reserve and the Australia, New Zealand and United Kingdom Force.

While this is new recognition for New Zealand veterans, Australia has long provided medallic recognition for Australian veterans who served in South East Asia with the Far East Strategic Reserve and the Australia, New Zealand and United Kingdom Force. The practical effect of the New Zealand Reassessment is to align New Zealand with Australia in respect of medallic recognition of similar service in the period to 1 January 1974.

Royal Australian Navy veterans who served at sea with the Far East Strategic Reserve in the period 1955 to 1971 qualify for the Australian Service Medal 1945-1975 with Clasp 'FESR'. This recognition was established in 1996. Royal Australian Navy veterans who served with the Australia, New Zealand and United Kingdom Force in the period 1971 to 1975 qualify for the Australian Service Medal 1945-1975 with Clasp 'SE ASIA', as do Australian Army and Royal Australian Air Force veterans who served with the Far East Strategic Reserve and the Australia, New Zealand and United Kingdom Force in the relevant period. This recognition was established in 2001. Furthermore, unlike New Zealand which is now issuing medallic recognition for service in Malaysia up to 31 January 1974, Australia issues the Australian Service Medal with Clasp 'SE ASIA' for service in Malaysia between 14 February 1975 and to 31 December 1989. This recognition was also established in 2001.

Defence has reviewed the New Zealand Reassessment and does not believe it recognises New Zealand Defence Force service in Malaysia, which was similar to Rifle Company Butterworth service, as warlike service. In Defence's view, the findings and recommendations of the New Zealand Reassessment also do not affect the nature of service classification of Australian Defence Force service or the extant medallic recognition issued by Australia.

The existing awards of the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' and the Australian Service Medal with Clasp 'SE ASIA' provide appropriate recognition of Australian Defence Force service at Butterworth. Defence does not consider that that service meets the threshold of the Australian Active Service Medal 1945-1975 nor the Australian Active Service Medal. Furthermore, Defence and successive Australian Governments have consistently held that Australian Defence Force service at Butterworth between 1970 and 1989, and since that time, is appropriately classified as peacetime service.

Defence's submission to this Inquiry is at [Attachment A](#). It explores extant honours and awards recognition for Australian Defence Force service in Malaysia with Rifle Company Butterworth, previous consideration of recognition of this service, and Defence's consideration to the Inquiry's Terms of Reference and questions raised in the Tribunal Chair's letter of 22 April 2022 to the Chief of the Defence Force.²

Defence welcomes the Tribunal's Inquiry into medallic recognition for service with Rifle Company Butterworth and recognises the importance of listening and hearing the submissions of veterans who served at Butterworth in Malaysia. Defence believes the Tribunal is the most appropriate forum to review this recognition.

² Defence Honours and Awards Appeals Tribunal letter DHAAT/OUT/2022/302, dated 22 April 2022.

Contents

Part One: Medallic Recognition for Service with Rifle Company Butterworth

Part Two: Inquiry Considerations – The New Zealand Reassessment

Part Three: Inquiry Considerations – Medallic Recognition and Veterans' Entitlements

PART ONE: MEDALLIC RECOGNITION FOR SERVICE WITH RIFLE COMPANY BUTTERWORTH

1.1 Two awards in the Australian Honours and Awards System recognise Australian Defence Force service in Malaysia with Rifle Company Butterworth:

- a. the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' under the eligible category of Defence Force activities on land in Malaysia during the period that commenced on 12 August 1966 and ended on 14 March 1975;³ and
- b. the Australian Service Medal with Clasp 'SE ASIA' under the eligible category of Defence Force activities on land in Malaysia during the period that commenced on 14 February 1975 and ended on 31 December 1989.⁴

1.2 A person may be issued only one of these medals, that is, a person with the prescribed qualifying service for both the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' and the Australian Service Medal with Clasp 'SE ASIA', is not entitled to be issued both medals. Similarly, a person who has been issued or is eligible for the Australian Service Medal 1945-1975 with Clasp 'FESR' cannot also be awarded the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' or the Australian Service Medal with Clasp 'SE ASIA'.

1.3 Defence holds the view that the Australian Defence Force operations and activities conducted in South East Asia during the period 1955 to 1989 existed essentially with the one aim – to provide security within the South East Asia region. For this reason they are viewed as the same operation for the purpose of medallic recognition. The detailed policy aspects were outlined in a 2001 DEFGRAM that promulgated information on South East Asia service recognition.⁵

Previous consideration of medallic recognition for service with Rifle Company Butterworth

1.4 Since 1993 several Australian reviews have shaped medallic recognition for service with Rifle Company Butterworth, including:

- a. the Committee of Inquiry into Defence and Defence Related Awards (1994) (the CIDA Review)⁶;
- b. the Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75 (2000) (the Mohr Review)⁷;

³ Declaration and Determination under the Australian Service Medal 1945-1975 Regulations, 8 June 2001, in Commonwealth of Australia Gazette No. S 230, 29 June 2001, pp. 6-9.

⁴ Declaration and Determination under the Australian Service Medal Regulations, 20 February 2002, in Commonwealth of Australia Gazette No. S 64, 28 February 2002, pp. 11-13.

⁵ Department of Defence, DEFGRAM No 233/2001, 'Awards for service in South-East Asia 1955-1989', 2 July 2001. A copy of this document is included with Enclosure 1 to this submission.

⁶ *Report of the Committee of Inquiry into Defence and Defence Related Awards*, March 1994.

⁷ *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000.

- c. the Defence Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989 (2000)⁸; and
- d. the Defence Honours and Awards Appeals Tribunal Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989 (2011)⁹.

1.5 The Vice Chief of the Defence Force's 23 June 2010 submission to the Tribunal's previous Inquiry into this matter outlined the development of medallic recognition for service with Rifle Company Butterworth in Malaysia between 1970 and 1989. It canvassed the findings of the Committee of Inquiry into Defence and Defence Related Awards, the Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75 and the Department of Defence Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989.¹⁰

1.6 In the interests of brevity the findings of the three aforementioned reviews are summarised in the following sections of this submission. A complete copy of the Vice Chief of the Defence Force's submission of 23 June 2010 inclusive of its attachments is provided at Enclosure 1.

Committee of Inquiry into Defence and Defence Related Awards

1.7 In 1993, the Australian Government announced a two-stage inquiry into the Australian Honours and Awards System. The first stage was a comprehensive review of Defence and Defence-related areas of interest, including the application of existing Australian awards in recognition of service by Australians in defence-related activities. The Committee presented its findings and recommendations to the Australian Government on 10 March 1994.¹¹

1.8 The Committee received a number of submissions that:

"... argued for recognition of service by Australians at RAAF Butterworth, Malaysia. Those who served at Butterworth included Air Force personnel and an Army component of successive rifle companies, which provided base security. Some of these submissions argued that a low level communist terrorist threat against the base continued until the surrender of Chin Peng in 1989, and that security patrols and deployments around the base throughout the 1970s were active with live ammunition".¹²

1.9 The Committee did not:

"... consider that service at Butterworth was clearly and markedly more demanding than normal peacetime service, and therefore in terms of its Principle number 1, it does not recommend that this service be recognised through a medal."¹³

⁸ CDF 249/01, Ministerial submission from the Chief of the Defence Force to the Minister Assisting the Minister for Defence, 10 April 2001.

⁹ *Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989* (18 February 2011).

¹⁰ Vice Chief of the Defence Force, 'Submission to the Defence Honours and Awards Tribunal Inquiry into the Recognition of Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989', 23 June 2010.

¹¹ *Report of the Committee of Inquiry into Defence and Defence Related Awards*, March 1994.

¹² *Ibid.*, p. 57.

¹³ *Ibid.*, p. 58.

Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75

1.10 The Australian Government commissioned this review in 1999. It was chaired by Major General the Hon R.F. Mohr RFD ED (Retd) and had regard to, among other matters, service at Butterworth. Major General Mohr presented his findings and recommendations to the Australian Government on 9 February 2000.¹⁴

1.11 The review identified that while members of the Royal Australian Navy who had served in the Far East Strategic Reserve between 2 July 1955 and 31 October 1971, were awarded the Australian Service Medal 1945-1975 with Clasp 'FESR', members of the Australian Army and Royal Australian Air Force who served on land in the Far East Strategic Reserve received no such recognition outside of warlike service which was recognised by other awards.

1.12 Major General Mohr therefore 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."¹⁵

1.13 The Australian Government subsequently agreed to establish the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' for land-based service up to and including 31 October 1971. A new clasp styled 'SE ASIA' was preferred because Australian commitments to South East Asia were not wholly related to the Far East Strategic Reserve. Australians had also served with elements of the South East Asia Treaty Organisation, the Australian / New Zealand / United States (ANZUS) Treaty and the United Nations.

1.14 The Australian Government also agreed to further consideration of medallic recognition of service in South East Asia after 31 October 1971, through a Defence-led follow-on review of service with the Australia, New Zealand and United Kingdom (ANZUK) Force in Singapore and under other treaty arrangements.

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

1.15 Defence conducted the follow-on review in late 2000. It examined service after the cessation of the Far East Strategic Reserve with particularity regard to service with the Australia, New Zealand and United Kingdom Force in Singapore until 1975, and further service in Malaysia with Rifle Company Butterworth and the Royal Australian Air Force.

1.16 This review recommended the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' and Australian Service Medal with Clasp 'SE ASIA' be awarded for service with the Australian, New Zealand and United Kingdom Force to 1975, and in Malaysia to 1989. This was accepted by the Australian Government.

¹⁴ *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000.

¹⁵ *Ibid.*, p. 3-27.

Considerations of the Defence Honours and Awards Appeals Tribunal

1.17 This submission has already referred to the Tribunal's previous Inquiry into medallic recognition for service with Rifle Company Butterworth.¹⁶ The Tribunal has also conducted reviews of individual eligibility to an Australian Active Service Medal for this service.¹⁷

Defence Honours and Awards Appeals Tribunal Inquiry

1.18 In 2010-2011, the Tribunal conducted the Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989. The Inquiry's Terms of Reference directed the Tribunal to:

- a. have regard to the terms and objectives of the *Australian Active Service Medal 1945-1975 Regulations*, the *Australian Active Service Medal Regulations*, the *Australian Service Medal 1945-1975 Regulations*, the *Australian Service Medal Regulations* and declarations and determinations for the Clasps 'MALAYSIA' and 'SE ASIA' and the General Service Medal 1962 Royal Warrant;
- b. consider the claims of members of Rifle Company Butterworth for recognition of their service in Malaysia between 1970 and 1989;
- c. consider any other material relevant to these claims;
- d. consider the possible impact of recognition for Australian Defence Force service on the recognition of other Australian Government service, such as members of the Royal Australian Air Force at Royal Malaysian Air Force Base Butterworth and 4th Battalion Royal Australian Regiment at Terendak during the period; and
- e. make findings and recommendations as to the eligibility of members of the Rifle Company Butterworth for the Australian Active Service Medal 1945-75 or Australian Active Service Medal or the granting of any other form of recognition for their service.¹⁸

1.19 The Tribunal made five substantive findings:

- a. The service rendered by members of the Rifle Company Butterworth in the period 1970 to 1989 is properly recognised by the award of the Australian Service Medal 1945-1975 with Clasp 'SE ASIA' or the Australian Service Medal with Clasp 'SE ASIA';
- b. The Tribunal has no jurisdiction in matters of veterans' entitlements and has no power to declare service as 'qualifying service' for the purposes of the *Veterans' Entitlements Act 1986*;

¹⁶ *Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989* (18 February 2011).

¹⁷ Examples include *Mitterer and the Department of Defence* [2017] DHAAT 12 (11 May 2017) and *Fulcher and the Department of Defence* [2020] DHAAT 08 (14 May 2020).

¹⁸ Defence Honours and Awards Appeals Tribunal, 'Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989' (18 February 2011), p. 4.

- c. The Tribunal has no power to bestow eligibility for the Returned from Active Service Badge which is awarded automatically with the Australian Active Service Medal 1945-1975 and the current Australian Active Service Medal;
- d. The end date for eligibility for the General Service Medal 1962 with Clasp 'MALAY PENINSULA' is 12 June 1965. No Clasp 'MALAYSIA' exists for this award. The Tribunal finds no justification to recommend the extension of the end date or the creation of a new clasp; and
- e. There is no justification for extending the eligibility period for the Australian Service Medal with Clasp 'SE ASIA' beyond the current end date of 31 December 1989, which was requested in one submission.¹⁹

1.20 The Tribunal recommended that no change be made to the medallic entitlements which currently attach to service with Rifle Company Butterworth in the period 1970 to 1989; and no change be made to the medallic entitlements which currently attach to service with any other unit of the Australian Defence Force at Butterworth in the period 1970 to 1989 or since 1989.²⁰ On 26 July 2011, Defence announced that the Australian Government had accepted the Tribunal's findings.²¹ Defence supports that outcome.

Tribunal reviews of individual eligibility

1.21 In *Mitterer and the Department of Defence [2017] DHAAT 12 (11 May 2017)*, the Tribunal affirmed the decision of the Directorate of Honours and Awards of the Department of Defence not to recommend the applicant, who served with Rifle Company Butterworth in Malaysia in 1975, for the award of the Australian Active Service Medal.²²

1.22 The Tribunal found the applicant's service at Butterworth "...has not been subject of a declaration by the Governor-General under the relevant regulations. Consequently he did not render service in a prescribed operation entitling him to this award." The Tribunal also said:

"The question of whether a declaration should be made is one for the Governor-General on the recommendation of the Minister. The Tribunal has the power to make recommendations which it considers appropriate arising out of the review of a reviewable decision. Given this, it has carefully considered the evidence before it in this matter, particularly the submissions and primary source documents provided by Mr Mitterer both before and after the hearing. After considering this material, and having regard to its 2011 inquiry amongst other inquiries, the Tribunal is not inclined to make a recommendation for a new declaration."²³

1.23 In *Fulcher and the Department of Defence [2020] DHAAT 08 (14 May 2020)*, the Tribunal also affirmed the decision of the Directorate of Honours and Awards of the Department of Defence to not recommend the applicant, who served with Rifle Company Butterworth in Malaysia in 1979, for the Australian Active Service Medal.²⁴

¹⁹ Ibid., p. 6, para. 10.

²⁰ Ibid., p. 6, para. 11.

²¹ Department of Defence media release, 'Defence Honours and Awards Appeals Tribunal – Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1979 and 1989', 26 July 2011.

²² *Mitterer and the Department of Defence [2017] DHAAT 12 (11 May 2017)*.

²³ Ibid., para. 38.

²⁴ *Fulcher and the Department of Defence [2020] DHAAT 08 (14 May 2020)*.

1.24 As in the Mitterer case, the Tribunal found the applicant's service at Butterworth "...has not been subject of a declaration by the Governor-General under the relevant regulations. Consequently he did not render service in a prescribed operation entitling him to this award." The Tribunal also found, "Having carefully considered the evidence before it in this matter, including that provided by Mr Fulcher, the Tribunal is of the view that the current medallic recognition of RCB service for the period 1970 to 1989 by the ASM with Clasp 'SE ASIA' is appropriate. It therefore will not make a recommendation for a change."²⁵

²⁵ Ibid., para. 57.

PART TWO: INQUIRY CONSIDERATIONS

THE NEW ZEALAND REASSESSMENT

2.1 The Terms of Reference provide that this Tribunal Inquiry is:

“to have regard to the New Zealand Government’s recent decision to extend eligibility for the New Zealand Operational Service Medal to a larger proportion of members of the New Zealand Armed Forces who served in Malaysia and Singapore between 1959 and 1974 ... [and] ... consider whether this decision should bring about any change to Australian medallic recognition for service with Rifle Company Butterworth between 1970 and 1989, including whether that service should be recognised with an Australian Active Service Medal.”

Defence Consideration of the ‘Reassessment of the Recommendations of The Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989’

2.2 On 3 November 2021, the New Zealand Government announced that eligibility for the New Zealand Operational Service Medal has been extended to include a larger proportion of members of the New Zealand Defence Force who served in Malaysia and Singapore. This decision was based on a March 2021 reassessment titled ‘Reassessment of the Recommendations of The Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989’.²⁶

2.3 The decision to initiate the reassessment appears to be due to ongoing pressure from veterans’ lobby groups who were dissatisfied with a 2011 New Zealand Joint Working Group recommendation of no additional medallic recognition for New Zealand Defence Force personnel for South East Asia service between 1959 and 1973. This service was considered non-operational and recognised by the award of the New Zealand Defence Service Medal, an award which serves a similar purpose to the Australian Defence Medal.

2.4 The New Zealand Reassessment cites access to additional information since 2014 on which to base a recommendation to extend eligibility for the New Zealand Operational Service Medal. The reassessment stated that the additional information showed the communist terrorist insurgency increased in tempo from the late 1960s until 1989.

2.5 The reassessment placed considerable weight on Australian information made available to it from a Mr Ken Marsh and concluded that threat levels during the month-long 1 Royal New Zealand Infantry Regiment company deployments to Butterworth Airbase between 1971 and 1973 were higher than had been previously thought. Furthermore, the New Zealand Reassessment stated that new declassified material shows New Zealand deployments were for operational reasons rather than the stated training purposes, namely, to provide additional security forces to supplement available base defence assets.

²⁶ New Zealand Defence Force, ‘Reassessment of the Recommendations of The Medallic Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989’, March 2021 (the New Zealand Reassessment).

2.6 The New Zealand Reassessment found, that on balance, there was a reasonable case for New Zealand rifle company deployments at Butterworth between 1971 and 1973 to be assessed as meeting the threshold for the award of the New Zealand General Service Medal (Non-Warlike) with a relevant clasp. The New Zealand Reassessment though noted “The difficulty is that only a portion of those who deployed to the area would meet the 30-day qualifying period and the nature of some of this service would make it a very ‘soft’ campaign medal.” Rather than try and separate out this deployment from all the others over the full period of service in Malaya/Malaysia, the New Zealand Reassessment proposed to take a more inclusive approach through the award of the New Zealand Operational Service Medal with a lower qualifying period.²⁷

2.7 In doing so, the New Zealand Reassessment now recognises the deployments were ‘operational’ in nature and clearly different from peacetime service due to the hazardous conditions but did not meet the threshold for a campaign medal such as the New Zealand General Service Medal.

2.8 The New Zealand Reassessment recommended that the 1 Royal New Zealand Infantry Regiment deployments to Butterworth Air Base between 1971 and 1973 be considered operational service. The New Zealand Government accepted this recommendation.

2.9 The New Zealand Reassessment acknowledged that Australia uses the Australian Service Medal 1945-1975 and the Australian Service Medal to recognise all non-warlike service (for the purposes of medallic recognition, meaning ‘other than warlike’) of Australian Defence Force service in South East Asia from 1955 through to 1989.

2.10 The New Zealand Reassessment also cited and relied heavily on information in the Tribunal’s decision in the matter of *Fulcher and the Department of Defence*, noting in particular that service with the Australian Rifle Company Butterworth and by other Australian Defence Force personnel at Air Base Butterworth between 1970 and 1989 is recognised as ‘hazardous’ and was therefore not rendered under ordinary peacetime conditions.²⁸

Does the New Zealand Reassessment make a case for warlike service?

2.11 Following its release in 3 November 2021, some Australian veterans advanced claims to the Australian Government that the New Zealand Reassessment (that is being compared and driving the request for reassessment of the type of service) says that the service type by New Zealand standards was upgraded to warlike.

2.12 The New Zealand Reassessment does not recognise New Zealand Defence Force service in Malaysia, which was similar to Rifle Company Butterworth service, as warlike service. Furthermore, the findings and recommendations of the New Zealand Reassessment do not affect the nature of service classification of Australian Defence Force service or the extant medallic recognition issued by Australia.

²⁷ Ibid., p. 38, para. 164.

²⁸ *Fulcher and the Department of Defence* [2020] DHAAT 08 (14 May 2020).

2.13 Defence offers the following observations to support this conclusion:

- a. The report refers to New Zealand's Operational Threat Matrix, which has five classifications ranging from Very Low to Very High. The Very Low classification attracts no medallic recognition with the operational threat to New Zealand Defence Force personnel being similar to that associated with peacetime activities in New Zealand. The Low and Medium classifications are considered by New Zealand to meet its threshold for non-warlike medallic recognition, while the High and Very High classifications are considered by New Zealand to meet its threshold for warlike medallic recognition.²⁹
- b. The report includes the criteria of the Low assessment classification of the threat matrix.³⁰ The report does not include the criteria of, nor make a case for consideration of medallic recognition against New Zealand's Medium, High or Very High Operational Threat Matrix classifications.
- c. Paragraph 100 of the New Zealand Reassessment states:

"Apart from the 1971 to 1973 Butterworth deployment, there is no information to suggest that threat levels for New Zealand activities could be considered anything other than Very Low, despite the ongoing insurgency. There may be short periods that they were higher but never for a sufficient period to be considered operational service."³¹
- d. Paragraph 119 of the New Zealand Reassessment states:

"It is recommended that all of the 1 RNZIR deployments to Butterworth 1971-1973 be approved as qualifying time for the New Zealand Operational Service Medal (with seven days qualifying service required to be awarded this medal) but no campaign medal be instituted. The above recommendation is consistent with the New Zealand medallic principles because service at Butterworth was beyond normal peacetime service."³²
- e. In its discussion of service at Butterworth, the New Zealand Reassessment observes:

"The New Zealand historical report seems at odds with the findings of Australian reviews of the same activities. The Australian material supports at a minimum a strong Low threat assessment while the New Zealand material is more in keeping with a Very Low assessment."³³

²⁹ New Zealand Reassessment, p. 19, paras 63-65.

³⁰ Ibid., p. 48, Annex B, 'Operational Threat Matrix – Low Threat'.

³¹ Ibid., p. 27, para. 100.

³² Ibid., p. 31, para. 119.

³³ Ibid., p. 30, para. 116. The referenced New Zealand historical report is the 'Final Report by the Medallic Recognition Joint Working Group on Service in South East Asia 1950 to 2011' (December 2013).

f. The New Zealand Reassessment states:

“... that while the service at Butterworth Air Force Base arguably meets the threshold for the award of a New Zealand General Service Medal, a significant portion of those who served there would not meet the standard 30-day qualifying period.”³⁴

g. Within the New Zealand Honours System there is a New Zealand General Service Medal (Warlike) and a New Zealand General Service Medal (Non-Warlike). Paragraph 164 provides telling context:

“It is considered, that on balance, there is a reasonable case for service at Butterworth Air Force Base between 1971 and 1973 to be assessed as meeting the threshold for the award of the New Zealand General Service Medal (Non-Warlike) with a relevant clasp. The difficulty is that only a portion of those who deployed to the area would meet the 30-day qualifying period and the nature of some of this service would make it a very “soft” campaign medal. Rather than try and separate out this deployment from all the others over the full period of service in Malaya/Malaysia it is proposed to take a more inclusive approach through the award of the NZOSM.”³⁵

2.14 The reasonable inference is the New Zealand Reassessment found the service it reviewed did not meet the thresholds of the High or Very High Operational Threat Matrix classifications which may lead to an entitlement of the New Zealand General Service Medal (Warlike).

2.15 Defence also notes the New Zealand Reassessment finding in relation to New Zealand Defence Force service in Malaysia from 1974 to 1989:

“The role of NZFORSEA [New Zealand Force South East Asia] was non-operational and therefore does not meet the most important criteria for medallic recognition as operational service. The surviving archival material held by the NZDF and Archives New Zealand strongly indicates that the threat level in training areas in Malaysia, in their base in Singapore, and at sea between 1974 and 1989 was Very Low.”³⁶

³⁴ Ibid., p. 42, para. 182c.

³⁵ Ibid., p. 38, para. 164.

³⁶ Ibid., p. 35, para. 146.

PART THREE: INQUIRY CONSIDERATIONS
MEDALLIC RECOGNITION AND VETERANS' ENTITLEMENTS

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

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

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

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

Determination of 'warlike service' for repatriation benefits

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

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

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

“That the Services be directed that allotment for “special duty” should only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements; in the present circumstances allotment should therefore be confined to personnel specifically allotted for duty in relation to Indonesian infiltrators of communist terrorists in circumstances where there has been a specific request for the assistance of Australian forces and where the task has been clearly defined.”

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

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

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

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

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

Determining ‘warlike’ nature of service under the current nature of service framework

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

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

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

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

3.12 The 1993 agreed definition to determine warlike classifications was:

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

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

3.13 The updated 2018 definition of warlike service is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Clarke Review concluded that:

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

Support for Veterans

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

Conclusion

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

Enclosure:

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

UNCLASSIFIED



VCDF/OUT/2010/

Vice Chief of the Defence Force

Submission to the

Defence Honours and Awards Tribunal

**Inquiry into the Recognition of Members of Rifle Company Butterworth
for Service in Malaysia between 1970 and 1989**

23rd June 2010

Submitted by:

D.J. HURLEY AC, DSC
Lieutenant General
Vice Chief of the Defence Force

Point of Contact:

Mr Pat Clarke

Director Honours

Ph: (02) 6266 1009

Email: pat.clarke@defence.gov.au

Address: Directorate of Honours and Awards
T-4-08
205 Anketell Street
Tuggeranong
ACT 2900

The submitter accepts that this submission may be passed in full to Defence or other appropriate authorities or any person in relation to whom comments are made for them to provide a response.

UNCLASSIFIED

UNCLASSIFIED

**DEFENCE SUBMISSION TO
THE DEFENCE HONOURS AND AWARDS TRIBUNAL**

**INQUIRY INTO RECOGNITION FOR MEMBERS OF RIFLE COMPANY
BUTTERWORTH FOR SERVICE IN MALAYSIA BETWEEN 1970 AND 1989**

SPONSOR: VCDF

PURPOSE

1. The purpose of this submission is to provide the Defence Honours and Awards Tribunal with the Department of Defence position on the inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989.

BACKGROUND

2. On 6 May 2010 the Parliamentary Secretary for Defence Support announced that the Defence Honours and Awards Tribunal will inquire into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989. The Terms of Reference for the inquiry are to:

- a. have regard to the terms and objectives of the *Australian Active Service Medal 1945-1975 Regulations*, the *Australian Active Service Medal Regulations*, the *Australian Service Medal 1945-1975 Regulations*, the *Australian Service Medal Regulations* and declarations and determinations for the Clasps 'MALAYSIA' and 'SE ASIA' and the General Service Medal 1962 Royal Warrant;
- b. consider the claims of members of Rifle Company Butterworth for recognition of their service in Malaysia between 1970 and 1989;
- c. consider any other material relevant to these claims;
- d. consider the possible impact of recognition for Australian Defence Force service on the recognition of other Australian Government service, such as members of the Royal Australian Air Force at Royal Malaysian Air Force Base Butterworth and 4th Battalion Royal Australian Regiment at Terendak during the period; and
- e. make findings and recommendations as to the eligibility of members of the Rifle Company Butterworth for the Australian Active Service Medal 1945-75 or Australian Active Service Medal or the granting of any other form of recognition for their service.

KEY ISSUES

Current Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989

3. Service by Australian Defence Force members at Butterworth between 1970 and 1989 is recognised by:

- a. the Australian Service Medal 1945-75 with Clasp 'SE ASIA' for service up to 14 March 1975; or

UNCLASSIFIED

UNCLASSIFIED

- b. the Australian Service Medal with Clasp 'SE ASIA' for service between 14 February 1975 and 31 December 1989.

4. The respective medals determinations disallow a member from receiving both awards.

BACKGROUND TO CURRENT LEVEL OF RECOGNITION

Committee of Inquiry into Defence Awards

5. In February 1993 the Government announced its intention to establish an inquiry into the Australian Honours and Awards System. On 27 May 1993 it announced that the inquiry would be conducted in two stages. The first stage was a comprehensive review of Defence and Defence-related areas of interest, including the application of existing Australian awards in recognition of service by Australians in defence-related activities. The second stage of the inquiry would later review the existing system of honours and awards to ensure that it met the needs of the Australian community.

6. The first stage was conducted by the Committee of Inquiry into Defence Awards (CIDA). The *Report of the Committee of Inquiry into Defence and Defence Related Awards* was presented to Government on 10 March 1994.

7. CIDA developed 10 principles to guide its consideration of the many and diverse issues in submissions. These principles remain equally valid today. The first principle is:

- a. Recognition of service by medals (other than medals for long service or special occasions such as a coronation) should only occur when that service has been rendered beyond the normal peacetime requirements of peacetime. Normal duties such as training and garrison duties should not be recognised by the award of a medal, even though they may be demanding, hazardous and uncomfortable, and may be undertaken in countries other than Australia. As a general rule, medals should be reserved for the recognition of service in military campaigns, peacekeeping or other military activities clearly and markedly more demanding than normal peacetime service.¹

8. After considering the claims for recognition for service at Butterworth in the period post the Indonesian Confrontation, CIDA noted in its report:

- a. A number of submissions argued for recognition of service by Australians at RAAF Butterworth, Malaysia. Those who served at Butterworth included Air Force personnel and an Army component of successive rifle companies, which provided base security. Some of these submissions argued that a low level communist terrorist threat against the base continued until the surrender of Chin Peng in 1989, and that security patrols and deployments around the base throughout the 1970s were active with live ammunition.²

9. The report goes on to say that the Committee did not:

¹ *Report of the Committee of Inquiry into Defence and Defence Related Awards*, March 1994, pp. 5-6.

² *Ibid*, pp. 57-8.

UNCLASSIFIED

- a. ...consider that service at Butterworth was clearly or markedly more demanding than normal peacetime service, and therefore in terms of its Principle Number 1, it does not recommend that this service be recognised through a medal.³

Coalition Medals Policy – 1995

10. In 1995 the then Federal Opposition flagged its intent to expand upon the outcomes of CIDA by extending eligibility for the Australian Service Medal 1945-75 to a variety of categories of overseas service. This included a Clasp 'FESR' to be awarded to Royal Australian Navy personnel who served for 30 days or more on the Far East Strategic Reserve (FESR) between 2 July 1955 and 30 September 1971.⁴

11. This clasp was established in June 1996 under the new Coalition Government's policy on service medals, however, it unintentionally created an anomalous situation whereby service at sea was recognised but service on land with the Far East Strategic Reserve was not.

Review of Service Entitlement Anomalies in Respect of South-East Asian Service, 1955-75

12. In 1999 the Government commissioned an independent review of service entitlement anomalies in respect of service in South-East Asia between 1955 and 1975. Major General the Hon R.F. Mohr RFD ED (Retd) was appointed to conduct the review, and he was assisted by Rear Admiral P.G.N. Kennedy AO RAN (Retd).

13. Amongst the terms of reference was a direction that the report will have regard to a number of specific issues, including service at RAAF Butterworth. General Mohr wrote in his final report that he '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'.⁵

14. While the review examined service at Butterworth within the context of service in the 1960s, General Mohr did highlight the anomaly referred to in paragraph 9 above.

15. The specific anomaly was that members of the RAN, who had served on ships as part of the FESR between 2 July 1955 and 30 October 1971, were awarded the Clasp 'FESR', whereas members of the Army and Air Force who served on land received no such recognition outside of warlike service which was recognised by other awards.

16. General Mohr 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'.⁶

Introduction of the Clasp 'SE ASIA'

³ Ibid, p. 58.

⁴ Media Release by Wilson Tuckey MP, *Coalition makes its own Australia Remembers Commitment by Widening Service Medal Entitlement*, 27 September 1995.

⁵ *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000, p. 3 – 23.

⁶ Ibid. pp. 3 – 26-7.

UNCLASSIFIED

17. On 19 July 2000 the Acting Chief of the Defence Force wrote to the Minister Assisting the Minister for Defence seeking approval to institute a Clasp 'SE ASIA' for land service rather than an extension of the Clasp 'FESR', and that service in South-East Asia be recognised beyond 1971 to at least 1975, with consideration of service at Butterworth to 1989. These proposals were agreed to on 9 August 2000.⁷

18. The Clasp 'SE ASIA' was the preferred option because the Australian commitment to South-East Asia was not wholly related to the Far East Strategic Reserve. Australians also served with elements of the South East Asia Treaty Organisation, the Australian / New Zealand / United States (ANZUS) Treaty and the United Nations.

19. On 30 August 2000 the Minister Assisting the Minister for Defence issued a media release which announced that Australian servicemen, who served in South-East Asia between 1955 and 1975, would benefit from new medal entitlements identified after a detailed analysis of the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*. The new entitlements included the Australian Service Medal 1945-75 with Clasp 'SE ASIA' for land service between 1955 and 1971.⁸

20. This award was approved by the Governor-General on 23 March 2001 and it initially recognised a variety of activities on land in Malaysia, Singapore, Thailand, Vietnam and Indonesia over various periods between 2 July 1955 and 31 October 1971.⁹

Follow-on Review of Service in South-East Asia

21. In his 30 August 2000 media release, the Minister also announced that a separate submission would address service in South-East Asia after 31 October 1971 with the Australia, New Zealand and United Kingdom (ANZUK) Force in Singapore and under other treaty arrangements after termination of the FESR.

22. Defence conducted the follow-on review in late 2000. It examined service after the cessation of the FESR, with particular regard to service with ANZUK Force until 1975, and further service in Malaysia with Rifle Company Butterworth (RCB) and the RAAF. The review recommended that the Clasp 'SE ASIA' be awarded for service rendered after 31 October 1971.

23. On 20 December 2000 a draft ministerial submission was circulated to the Chief of Army and the Chief of Air Force for endorsement.¹⁰

24. The two Service Chiefs endorsed the submission in early 2001.¹¹ The ministerial submission was then forwarded to the Chief of the Defence Force (CDF) for consideration on 21 March 2001.¹²

⁷ CDF 440/2000, Ministerial submission from Acting Chief of the Defence Force to Minister Assisting the Minister for Defence, 19 July 2000.

⁸ Media Release 239/00, *42000 New Medal Entitlements for South East Asian Service 1955-75*, 30 August 2000.

⁹ Determination for the Australian Service Medal 1945-75 with Clasp 'SE ASIA' of 23 March 2001, *Commonwealth of Australia Gazette No. S102* of 27 March 2001.

¹⁰ HDPE 683/2000, Head Defence Personnel Executive minute to Chief of Army and Chief of Air Force, 20 December 2000.

UNCLASSIFIED

25. The CDF sought clarification of several matters of concern before he agreed to endorse the submission on 10 April 2001.¹³

26. The submission recommended that the Minister Assisting the Minister for Defence approve the award of the Australian Service Medal 1945-75 with Clasp 'SE ASIA' and the Australian Service Medal with Clasp 'SE ASIA' for service in South-East Asia between 31 October 1971 and 31 December 1989. This was agreed to by the Minister on 18 April 2001.¹⁴

27. On 8 June 2001 the Governor-General approved a new determination for the Australian Service Medal 1945-75 with the Clasp 'SE ASIA'. This extended eligibility for activities on land in Malaysia, Singapore, Thailand, Vietnam and Indonesia from 1971 to 1975, with the additional category of eligible service of participation by ships of the Royal Australian Navy in the ANZUK Forces.¹⁵

28. A determination instituting the Clasp 'SE ASIA' to the Australian Service Medal was also approved by the Governor-General on 8 June 2001. This award recognises activities on land in Malaysia between 14 February 1975 and 31 December 1989, on land in Singapore between 14 February 1975 and 30 April 1975, and participation by ships of the RAN in the ANZUK Forces between 14 February 1975 and 30 April 1975.¹⁶

29. The use of the 30 April 1975 termination date was predicated on the final withdrawal from Singapore of Australian military personnel. Certain policy aspects related to the introduction of these awards were widely promulgated vide DEFGRAM No. 233/2001, *Awards for Service in South-East Asia 1955-1989*.¹⁷

30. The determination for the Australian Service Medal with Clasp 'SE ASIA' was later revised in February 2002 to include provision for service rendered by members of the Royal Australian Army Survey Corps on Operation GADANG 5 in Sumatra in 1975.¹⁸

NATURE OF SERVICE AND ITS RELATIONSHIP WITH MEDAL ENTITLEMENTS

31. Current government policy on the nature of operational service and its relationship with medals is drawn from a 1993 Cabinet Decision which established the extant conditions of service framework. One of the key outcomes of the Cabinet Decision was agreement on new

¹¹ CAF 155/2001, Chief of Air Force minute to Head Defence Personnel Executive, 20 February 2001; CA 124/01, Chief of Army minute to Head Defence Personnel Executive, 8 March 2001.

¹² CMP/FC 105/01, Minute from Director General Career Management Policy to Chief of the Defence Force, 21 March 2001.

¹³ Minutes from Director General Career Management Policy to Chief of the Defence Force, 28 March 2001 and 5 April 2001.

¹⁴ CDF 249/01, Ministerial submission from Chief of the Defence Force to Minister Assisting the Minister for Defence, 10 April 2001.

¹⁵ Determination for the Australian Service Medal 1945-75 with Clasp 'SE ASIA' of 8 June 2001, *Commonwealth of Australia Gazette No. S230* of 29 June 2001.

¹⁶ Determination for the Australian Service Medal with Clasp 'SE ASIA' of 8 June 2001, *Commonwealth of Australia Gazette No. S230* of 29 June 2001.

¹⁷ DEFGRAM No. 233/2001, *Awards for Service in South-East Asia 1955-1989*.

¹⁸ Determination for the Australian Service Medal with Clasp 'SE ASIA' of 20 February 2002, *Commonwealth of Australia Gazette No. S64* of 28 February 2002.

UNCLASSIFIED

definitions for warlike and non-warlike service. These definitions are outlined below. Under the framework a nature of service declaration becomes an enabling driver for the associated conditions of service package. This includes non-financial conditions of service such as medals. The current nature of service policy continues to provide a level of consistency when Defence establishes the conditions of service for deployed personnel.

Warlike Service

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

- a. a state of declared war;
- b. conventional combat operations against an armed adversary; and
- c. peace enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities. They are usually conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Non-Warlike Service

33. Non-warlike operations are defined as those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected. These operations encompass but are not limited to:

- a. **Hazardous.** Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities.
- b. **Peacekeeping.** Peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. These operations can encompass but are not limited to:
 - (1) Activities short of Peace Enforcement where the authorisation of the application of force is normally limited to minimum force necessary for self defence;
 - (2) Activities, such as the enforcement of sanctions in a relatively benign environment which expose individuals or units to "hazards" as described in sub-paragraph 31a;
 - (3) Military observer activities with the tasks of monitoring ceasefires, re-directing and alleviating ceasefire tensions, providing "good offices" for

UNCLASSIFIED

UNCLASSIFIED

negotiations and the impartial verification of assistance or ceasefire agreements, and other like activities; or

- (4) Activities that would normally involve the provision of humanitarian relief. Note: Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.

34. The nature of service determination indicates the type of operation being planned and expresses the extent to which ADF personnel will be exposed to danger, hazards, threat and risk as a consequence of their deployment on an authorised overseas military operation. Determining the nature of service is a robust process which takes account of operational tasks and military objectives; and the rules of engagement which authorise the application of, and limitations on, the use of lethal force to achieve the assigned mission.

35. Responsibility for assessing the nature of service of operations rests with the Nature of Service Branch (NOSB) in Military Strategic Commitments Division, while the authority to make a nature of service declaration is vested in the Minister for Defence following consultation with the Prime Minister. The NOSB is also responsible for researching and responding to submissions which are received from individuals and veterans' groups that seek to have the nature of service of past operations reviewed.

36. The determination of the nature of service of a particular operation marks the point at which the Directorate of Honours and Awards can consider the appropriate level of medallic recognition for that operation in accordance with established policy. Under the conditions of service framework personnel deployed on warlike operations are awarded the Australian Active Service Medal with an appropriate clasp. Personnel deployed on a less hazardous, non-warlike operation, are awarded the Australian Service Medal with an appropriate clasp.

Clarke Review of Veterans' Entitlements

37. In February 2002 the Minister for Veterans' Affairs commissioned a wide-ranging review of veterans' entitlements. The review was chaired by The Hon John Clarke QC and the panel's three-volume report was presented to Government in January 2003.

38. The Clarke Review considered the claims of members who served in RCB and as Airfield Defence Guards. The Review stated that RCB's tasks:

- a. ...were infantry training and after-hours patrolling of the perimeter of the base, thereby contributing to base security in conjunction with the Malaysian security forces, the RAAF Airfield Defence Guards and RAAF Police dogs. Its rules of engagement were protective only. Although there is no doubt that the RCB was involved in armed patrolling of Australian assets, it is clear that training and the protection of Australian assets are normal peacetime garrison duties.¹⁹

39. The Review further stated that 'no evidence was found that service in South-East Asia currently established as peacetime service should be considered warlike.'²⁰

¹⁹ Report of the Review of Veterans' Entitlements, Volume 2, Issues Relating to Eligibility, p. 333.

²⁰ Ibid.

UNCLASSIFIED

Defence Review of Service with Rifle Company Butterworth – 2007

40. In 2007 Defence conducted an extensive review of service with RCB. As a consequence of this review, the VCDF recommended that the Minister determine service rendered as a member of the ADF assigned for service with Australian Army RCB during the period 15 November 1970 to 6 December 1972 as non-warlike service. He also recommended that similar service during the period 7 December 1972 to 31 December 1989 be determined hazardous under Section 120 of the *Veterans' Entitlement Act 1986*.

41. The Minister for Veterans' Affairs made these determinations on 18 September 2007.²¹

Review of Butterworth Service by the Nature of Service Branch – 2009/10

42. In May 2009 the RCB Review Group Committee wrote to the Minister for Defence Science and Personnel concerning the nature of service determination for service at Butterworth.

43. A review by the NOSB has since found that the instruments prepared by the former Minister for Veterans' Affairs are inaccurate and invalid. The RAAF Air Defence Guards, Police and Security Guards were inadvertently omitted from the recommendations, and as a result they were not included on the respective Instruments of Determination. In addition, the Instruments are invalid because they were not registered.

44. Further research by the NOSB found that formal responsibility for security at Butterworth was transferred from the Royal Air Force Regiment to Malaysian authorities on 31 March 1970 and Australia implemented additional security arrangements for the protection of Australian personnel and RAAF assets from that date. Accordingly, the NOSB has now recommended that the determination of non-warlike service be extended with a commencement date of 31 March 1970.

45. Revised determinations have been prepared and the accompanying draft ministerial submission on this matter is presently under consideration by the Department of Veterans' Affairs and the Repatriation Commission.

46. Research conducted by the NOSB does not support the claim that service as a member of RCB or a related RAAF element, be upgraded to warlike status.

IMPLICATIONS OF INCREASED RECOGNITION OF SERVICE AT BUTTERWORTH

47. The Terms of Reference for this inquiry direct the Defence Honours and Awards Tribunal to consider the possible impact of recognition for ADF service at Butterworth on the recognition of other Australian Government service, such as members of the RAAF at Butterworth and as members of the 4th Battalion, The Royal Australian Regiment (4RAR) at Terendak during the period.

48. As the Australian Service Medal 1945-75 with Clasp 'SE ASIA' and Australian Service Medal with Clasp 'SE ASIA' each recognise service at Butterworth in relation to Australia's

²¹ Determination of Non-Warlike Service of 18 September 2007. Determination of Hazardous Service of 18 September 2007.

UNCLASSIFIED

commitment to the Five Power Defence Arrangements, it would be anomalous to single out members of RCB at the expense of others who served in the same location.

49. Therefore, any change to the current level of medallic recognition awarded for service with RCB will have an impact on the many RAAF members who served at Butterworth between 1970 and 1989. This includes base and squadron personnel, Air Defence Guards, Service Police and Security Guards.

50. There should not be any impact on members of 4RAR who served at Terendak as the battalion returned to Australia in October 1967. 4RAR was relieved at Terendak by 8RAR, which in turn was relieved by 1RAR in March 1969. 1RAR withdrew from Terendak to Selarang in Singapore in December 1969. The extant recognition for service with 4RAR, 8RAR and 1RAR should not be affected by the outcome of this inquiry as these battalions were stationed in Malaysia prior to 1970.

KEY JUDGEMENTS

51. Government policy is that a military operation or similar activity can only be recognised with the Australian Active Service Medal 1945-75 or Australian Active Service Medal where the service is determined to be warlike by the responsible Minister.

52. The Governor-General can not declare an operation or Defence activity to be warlike for the purpose of the *Australian Active Service Medal 1945-75 Regulations*, or the *Australian Active Service Medal Regulations*, and thus institute a clasp to either award, without the Government first agreeing that the service is or was warlike in nature and the Minister has declared this to be the case under the *Veterans' Entitlements Act 1986*.

53. The Minister will only act after firstly considering the informed advice of the CDF, and secondly having obtained the agreement of the Prime Minister. The briefing provided by the CDF would be expected to take into account the impact of collateral financial benefits costed by the Department of Defence, the Department of Veterans' Affairs and the Department of Finance and Deregulation, and any views or concerns that are raised by these agencies.

54. Defence does not support the upgrade of service with RCB to warlike status. Furthermore, Defence does not consider this to be within the purview of the Defence Honours and Awards Tribunal at this point as it remains a nature of service matter.

55. The extant recognition available through the awarding of the Australian Service Medal 1945-75 with Clasp 'SE ASIA' or the Australian Service Medal with Clasp 'SE ASIA' is appropriate given the type of service performed by members of RCB and the current nature of service attached to this service.

CONSULTATION

56. Navy Headquarters, Army Headquarters, Air Force Headquarters and the NOSB were consulted in the development of this submission.

Attachments:

- A. Ministerial submission from Acting Chief of the Defence Force to Minister Assisting the Minister for Defence of 19 July 2000.

UNCLASSIFIED

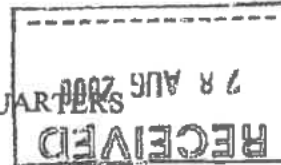
- B. Media Release, *42000 New Medal Entitlements for South East Asian Service 1955-75*, 30 August 2000.
- C. Head Defence Personnel Executive minute to Chief of Army and Chief of Air Force of 20 December 2000.
- D. Chief of Air Force minute to Head Defence Personnel Executive of 20 February 2001.
- E. Chief of Army minute to Head Defence Personnel Executive of 8 March 2001.
- F. Minute from Director General Career Management Policy to Chief of the Defence Force of 21 March 2001.
- G. Minute from Director General Career Management Policy to Chief of the Defence Force of 28 March 2001.
- H. Minute from Director General Career Management Policy to Chief of the Defence Force of 5 April 2001.
- I. Ministerial submission from Chief of the Defence Force to Minister Assisting the Minister for Defence of 10 April 2001.
- J. DEFGAM No. 233/2001, *Awards for Service in South-East Asia 1955-1989*.
- K. Determination of Non-Warlike Service of 18 September 2007.
- L. Determination of Hazardous Service of 18 September 2007.
- M. Determination for the Australian Service Medal 1945-75 with Clasp 'SE ASIA' of 23 March 2001, Commonwealth of Australia Gazette No. S102 of 27 March 2001.
- N. Determination for the Australian Service Medal 1945-75 with Clasp 'SE ASIA' of 8 June 2001, Commonwealth of Australia Gazette No. S230 of 29 June 2001.
- O. Determination for the Australian Service Medal with Clasp 'SE ASIA' of 8 June 2001, Commonwealth of Australia Gazette No. S230 of 29 June 2001.
- P. Determination for the Australian Service Medal with Clasp 'SE ASIA' of 20 February 2002, Commonwealth of Australia Gazette No. S64 of 28 February 2002.

UNCLASSIFIED



AUSTRALIAN DEFENCE HEADQUARTERS

MINUTE



B 1115
36550

PE 2000-7307
CDF 440/2000

B-31/7.

Minister Assisting the Minister for Defence

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH EAST ASIAN SERVICE 1955-75

RECOMMENDATION

That you **approve** the following concerning the implementation of the recommendations of the Review of Service Entitlement Anomalies in Respect of South East (SE) Asian Service 1955-75:

1. The area of operations (AO) for RAN service in Malaya 1955-60, on the basis of parity, to be the same as for Army and RAAF service.
2. A Clasp 'SE Asia' be instituted for land service 1955-75 rather than an extension of the Clasp 'FESR'.
3. That service in SE Asia be recognised beyond 1971 to at least 1975, with consideration of Butterworth to 1989.
4. The qualifying criteria for all operations involving the AASM 1945-75 and the AASM be standardised in line with traditional criteria given to warlike medals.
5. Aircrews be considered for the award of Vietnam Medal on the same basis as the nurses on the same AME flights who qualify as a result of the review.

OVERVIEW

- There are 47 recommendations, four of which were rejected by Government. DHA staff, RAN Historical staff and a representative from DPM&C met on 18 May 00 to work through the implementation of those accepted recommendations.
- The meeting agreed that some of the recommendations are not workable as presented in the report and require adjustment before implementation. Hence the recommendations from that meeting above.

Sensitivity. Yes; criticism is expected from RAN personnel involved in the Malayan Emergency 1955-60.

Resources. The extended recommendations are estimated to result in about 2000 extra medals, a cost of approximately \$50K over two years. Any additional medals costs resulting from the above recommendations are likely to be absorbed within the current estimated \$1.706m Review implementation cost due to the usual shortfall in the up-take of entitlements by some 10 - 20 per cent, as has been experienced in the past.

AUTHORISED:

D. MUELLER

LTGEN

A/CDF

Tel: 6265 2858

19 Jul 00

CONTACT:

CMDR T.N Bloomfield, RAN

Tel: 6265 2116

Copies: Office of the Minister for Defence, Parliamentary Secretary to the Minister for Defence, Secretary

APPROVED/NOT APPROVED

BRUCE SCOTT MP

9 18 100

SENSITIVITY

As the NGSM Clasp 'Malaya' is for 28 days, some former RAN personnel still may not qualify, despite their lobbying for the medal prior to the review.

BACKGROUND

After the meeting on 18 May 00 to work through the implementation of those accepted recommendations of the Review, it was recognised that some were not workable in their current form due to wider issues involved. As a result, this submission has been raised to bring these issues to the attention of the Minister seeking appropriate amendments to those applicable recommendations to make them workable.

ISSUES

The RAN area of operations (AO) for service during the Malayan Emergency will be that declared by the Governor-General in 1952 for Army and RAAF service, which is, 'Malaya, including the waters contiguous to the coast of Malaya for a distance of ten nautical miles seaward from the coast of Malaya'. This should meet with the approval of the RAN and FESR Associations as they argued parity with Army and RAAF on the basis of this declaration prior to the Review.

The AO in respect of other service outside of the Malayan Emergency, Indonesian Confrontation, Vietnam and warlike service in Ubon will be further worked through after consultation with Army and RAAF Historical Sections.

The ADF commitment to SE Asia, particularly land service, included service with elements of SEATO, ANZUS, FESR, the UN and some other activities. Accordingly, a new Clasp 'SE Asia' may be more appropriate than extending the existing Clasp 'FESR'. This would not lead to 'double dipping' as both Clasps will recognise the one period of service and only one or the other would be awarded as a result. This is not unlike an award of either the Vietnam Medal (VM) or the VLSM, but not both, for Vietnam service.

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

Butterworth will no doubt 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 this service was not non-warlike for medals purposes.

The AASM 1945-75 is currently linked to Imperial awards for service which means that for Malaya, it is awarded for one day for land service (link to GSM) and 28 days for service afloat (linked to NGSM). As the review recommended parity should be made, the AASM 1945-75 should be awarded for service of one day or more, rather than 28 days or more. As

there may be some former RAN personnel who miss out on the NGSM due to the 28 day qualifying criteria, the AASM 1945-75 may then be a compensator for this. Further, to accord parity across the board, it is considered that the AASM 1945-75, and the current AASM should have one qualifying criteria being basically, 'one day or more on the posted strength of a unit allotted (or assigned) to and serving in the operational area, or 30 days for visitors'. Currently, both AASMs have periods of one to 30 days.

To allow the award of the VM to nurses operating out of Butterworth into Vietnam, the VM Warrant will require amendment. This will require amendment action through DPM&C involving the AG's Department and eventual Royal Assent and will take some months to complete. Also, consideration will need to be given to the award of the VM for the Air Crews operating the aircraft involved in the same emergency medical evacuations to give them parity with the nurses involved.

A number of Instruments of declaration and determination under relevant AASM and ASM regulations will require amendment and some new ones raised. The target is to have these completed and approved by the end of August.

In implementing the recommendations of the review, it is incumbent on Defence to consider any wider implications flowing from them and their relationship to the CIDA principles. This will also go wider than the SE Asia area, eg. RAAF service on Malta 1952-55. As service at Butterworth will now be recognised outside of warlike service for strategic reserve purposes, RAAF service on Malta will need to be re-examined as it was for exactly the same purposes but in respect of Middle East security. This re-examination accords with CIDA principle three and the Government's policy to continue to monitor concerns of the Service community and address anomalies as they arise.

COMMUNICATION ASPECTS

There are no communication aspects at this time. Pending further work concerning matters such as the AO for service outside of the Malayan Emergency, Indonesian Confrontation and Vietnam, AASM qualification and service post 1971, Defence will be in a better position to detail implementation aspects through the media in about mid August.



Media Release

The Hon Bruce Scott MP

Minister for Veterans' Affairs • Minister Assisting the Minister for Defence • Federal Member for Maranoa

Wednesday, 30 August 2000

Min 239/00

UNDER EMBARGO: 1.00PM AEDT

42 000 NEW MEDAL ENTITLEMENTS FOR SOUTH EAST ASIAN SERVICE 1955-75

Australian sailors, soldiers and airmen who served in South East Asia between 1955-75 will benefit from an estimated 42 000 new medal entitlements, the Minister Assisting the Minister for Defence, Bruce Scott, said today.

Speaking at the RSL's 85th National Congress in Perth, Mr Scott said the medal entitlements had been identified following a detailed analysis by the Department of Defence into the recommendations arising from the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, released earlier this year.

"On the basis of the Review's recommendations, the Department of Defence has determined that:

- an area of operations be established in respect of Royal Australian Navy (RAN) operations off Malaya 1955-60, which will confer eligibility in accordance with the awarding criteria of the Imperial Naval General Service Medal 1915-62 (Clasp Malaya), Australian Active Service Medal (AASM) 1945-75 (Clasp Malaya), the Returned from Active Service Badge (RASB) as well as qualifying service for repatriation benefits under the Veteran's Entitlement Act 1986
- introduction of a separate medal clasp, Clasp SE Asia, to the Australian Service Medal 1945-75, for land service 1955-71
- qualifying service under the VEA 1986 along with medal entitlements towards the Imperial General Service Medal 1962 (Clasp Borneo), the AASM 1945-75 (Clasp Malaysia), and RASB to those who saw service on Her Majesty's Australian Ships *Parramatta*, *Sydney*, *Vampire* and *Yarra*, off Borneo during the Indonesian Confrontation, and
- qualifying criteria for all operations that earned entitlement to the AASM 1945-75 be standardised to conform with modern criteria afforded to medals earned in warlike operations."

A separate detailed submission, to be completed by the end of the year, would address service in South East Asia after 31 October 1971 with the Australian, New Zealand and United Kingdom (ANZUK) Forces in Singapore and under other treaty arrangements after 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.

These measures are intended to recognise the vital contribution of servicemen and women to the stability of South East Asia during a period of significant international tension, Mr Scott said.

Media Contact: Mark Croxford 02 6277 7820 or 0408 645 787

BACKGROUND INFORMATION

- The area of operations for RAN service in support of operations in Malaya 1955-60 will be set at 12 nautical miles.
- This is consistent with the criteria established for the award of the NGSM with Clasp 'Malaya' in accordance with the qualification requirement of 28 days patrolling off the Malayan coast in close support of operations against bandits.
- This also in accordance with the modern criteria approved by Federal Cabinet for the definition of such an area of operations (and, for example, which has been applied to East Timor).
- A Clasp 'SE Asia' will be instituted for land service 1955-71 rather than an extension of the Clasp 'FESR' as it involved service under other security treaties other than just FESR, for example, SEATO land forces.
- The Clasp 'SE Asia' will not lead to 'double dipping' with the Clasp 'FESR' as both Clasps will recognise the one period of service in South East Asia, including that with the FESR.
- The service of HMA Ships Parramatta, Sydney, Vampire and Yarra in Borneo during the Indonesian Confrontation in 1964 will now be eligible for all campaign medals, subject to meeting the relevant qualifying criteria. They will also be eligible to receive the Returned from Active Service Badge and entitlements under the VEA Act 1986.
- The qualifying criteria for all operations involving the AASM 1945-75 and the current AASM will be standardised in line with modern criteria given to warlike medals. This is basically 'one day or more on the posted strength of a unit allotted (or assigned) to and serving in an operational area, one operational sortie into the area, 30 non-operational sorties or 30 days for visitors'.
- A separate review of recognition of service in South East Asia after Oct 1971 including Butterworth Malaysia, which includes both Rifle Company and RAAF service, is being conducted by Defence. It is expected that this will be completed by the end of the year.



Defence Personnel Executive

MINUTE

PE 2000-7307
HDPE /2000

CA (R1-4-B003)
CAF (R1-6-C001)

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

1. Enclosed is a self explanatory submission to the Minister Assisting the Minister for Defence concerning service in Singapore/Butterworth post FESR, 1971-1989.
2. The recommendations made in the submission meet with the principles of the 1993/94 Committee of Inquiry into Defence and Defence 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.
3. Request your clearance, or otherwise, of the enclosed draft prior to submission to the Minister through CDF. Your consideration of the draft is requested at your earliest opportunity as the Minister would like to announce the findings as soon as possible into the new year.

Original Signed

S.V.L. WILLIS
MAJGEN
HDPE

Ac Dec 00

Enclosure:

1. Draft Submission to Minister Assisting the Minister for Defence - Recommendation of the Review of Service Entitlement in respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989

NOA

*Placed until signed copy
is filed.*

BACKGROUND

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 the cessation of the FESR on 31 Oct 71 and particularly that with Australian, New Zealand and United Kingdom Forces (ANZUK) until 1975, and further service in Malaysia with the Army Rifle Company Butterworth (RCB) and RAAF. This submission recommends the further award of the ASM 1945-75/ASM Clasp 'South-East Asia' for service in those cases.

ISSUES

In 1955 Commonwealth forces were stationed in Malaya as part of the British Commonwealth Far East Strategic Reserve (FESR) to deter communist Chinese aggression and fight the continued armed Malaysian communist terrorism. At the time, Australia considered South-East Asia the area of greatest strategic importance to its own defence, let alone the defence of South-East Asia. The strategic thinking behind the FESR was that a military response to a crisis on the Malay Peninsula would be swifter if air power was already in position.

In Apr 71 a 'Five Power' ministerial meeting attended by representatives of Australia, Malaysia, Singapore, New Zealand and the United Kingdom selected 1 Nov 71 as the date on which new defence arrangements would come into effect. Accordingly, FESR would cease on 31 Oct 71. Australia's Chiefs of Staff had previously agreed that a continuing strong presence in the region was highly desirable, and the most effective and convenient form of that presence would be the two RAAF fighter squadrons already at Butterworth.

Given the timetable for the British withdrawal, the nucleus of a new air defence system had to be in place by mid-1971. The two RAAF fighter squadrons at Butterworth assumed the leading role in the new integrated air defence system giving Malaysia and Singapore an opportunity to build up their own defence forces. In 1974 Long-Range Maritime Patrol Aircraft commenced a program of continuous rotational deployment through Butterworth for regional surveillance. The surveillance of the region provided a valuable contribution to the stability of the Malaysian borders. The number of RAAF personnel who served at Air Base Butterworth from Nov 71 to Dec 89 is estimated to be approximately 12000.

The ANZUK Force was created on 1 Nov 71 with troops from Australia, the UK and NZ stationed as a deterrent to armed attack, or the threat of such attack. The ANZUK Force was created from its existing resources and was not an integral part of the Five Power Arrangements. The ANZUK Force was disbanded on 1 Jan 75 with the last elements of Australian military personnel withdrawn in Apr 75.

The RCB was established in 1970 as a quick-reaction force to provide protection for Australian assets within the perimeter of the Royal Malaysian Air Force Base Butterworth due to the continued threat of armed Communist terrorism within its borders. It was initially provided from the ANZUK Australian Force and was formally under operational command of the Commander ANZUK Forces. Besides securing protection for the two jet squadrons within the perimeter of the Air Base, the role of the RCB was to provide a quick-reaction force to meet the communist terrorist threat, and be responsible for internal security within Air Base Butterworth. The RCB was not to be involved in local civil disturbances or to be employed in operations outside the gazetted area of the Air Base. Rules of Engagement (ROE) for the RCB were specific on 'Orders to Open Fire' if threatened and security was breached, but were applied within Air Base Butterworth only, regardless of curfew, periods of increased security, air defence exercises or time of day or night. Although it may have

involved patrolling, its ROE was defensive only, not unlike those during UN peacekeeping operations.

Statements by former RCB participants provide evidence of armed communist terrorism close to Air Base Butterworth, including:

- blowing a bridge seven kilometres 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.

Added to the hazards involved for the RCB were the Malaysian Airforce Defence Guards (Handau). These were conscripts who were also employed to provide security to the Air Force base. Advice from the Army Historical Unit is that they were an additional hazard as they had various levels of training (not particularly good) and it was not unusual for the Handau to overreact when surprised and shoot at the unknown. Such incidents are known to have occurred during RCB quick-reaction response training in which RCB members came under fire. There is also a known incident in the early 1970s that during such training, a 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. Due to known armed terrorist activities, the northern regions of the Malay Peninsula were 'no go' areas for ADF personnel.

In Feb 88, the then Minister for Defence announced a reduction of the RAAF presence at Butterworth in consultation with the Malaysian and Singaporean governments. In Dec 89, Chin Peng, the leader of the Malaysian Communist Party signed a peace accord with the Malaysian Government. These events resulted in the RAAF presence being dramatically reduced and the quick reaction role of the RCB abolished. Since 1989, Butterworth has provided a good overseas training ground for Army personnel, albeit still under the name of RCB. Although there is still a Five Power Agreement, this is now primarily a Defence cooperation agreement rather than a regional security treaty against a communist threat, ie. the RAAF and the RCB devote more time to training activities with the Malaysian and Singaporean Armies.

In view of the conditions that existed in Singapore and Malaysia after the Indonesian Confrontation on 11 Aug 66 and until the end of FESR on 31 Oct 71, it is considered that duties in Butterworth are equally deserving of an award due to the terrorist threat which existed and the purpose of regional security.

CONSULTATION

Army and RAAF Historical Sections were consulted during this review, as were a number of Army units involved with RCB rotations. Existing submissions to the Mohr Review and previous Ministerial and Departmental correspondence was also reviewed.

COMMUNICATIONS ASPECTS

Should you approve the contents of this submission, media aspects will be addressed through PACC and your media advisor, Mr Mark Croxford.



Air Force Headquarters

MINUTE

RECEIVED

21 FEB 2001

2001/262

Office of Head
Defence Personnel Executive

CAF 155 /2001

CAF 2000/5764 Pt4 (7)

OCAP/out/2001/63.

HDPE

(R1-1-C003)

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

1. I refer to HDPE 683/2000 of 20 Dec 00 that sought clearance for the draft submission to Minister Assisting the Minister for Defence concerning service in Singapore/Butterworth post FESR, 1971-1989. I have read the submission and give clearance for further processing.
2. Please keep me advised of future developments.



E.J. McCORMACK
AIRMSHL
CAF

20 Feb 01



AUSTRALIAN ARMY
(Office of the Chief of Army)

RECEIVED

2001/392
Office of Head
Defence Personnel Executive

MINUTE

692-1-5
98/2594-2
CA124/01

HDPE (R1-1-C003)

**RECOMMENDATIONS OF THE REVIEW OF SERVICE ENTITLEMENT IN
RESPECT OF THE RAAF AND ARMY RIFLE COMPANY BUTTERWORTH
SERVICE 1971-1989**

You requested clearance or otherwise of the draft submission attached to HDPE 683/2000 of 20 Dec 00. I endorse the submission and offer the following comment. The recommendation on the draft to the Minister Assisting is for the award of the ASM 1945-75, yet the end date of the period in question is 1989. It would be appropriate for the ASM 1945-75 to be awarded for service up to 1975 and the current ASM to be awarded for service after that date. This point is not clear in the submission. Obviously the changeover date from the ASM 1945-75 to the current ASM will need to be managed to ensure there is no dual entitlement.

P.J. COSGROVE
LTJEN
Chief of Army

R1-4-B003
Tel (02) 6265 4311

8 Mar 01



DEFENCE PERSONNEL EXECUTIVE
Career Management Policy Branch

MINUTE

RECEIVED
22 MAR 2001
2001/442
Office of Head
Defence Personnel Executive

2000-34836 Pt 1
CMP/FC 105/01

CDF (R1-5B-CDF Suite)

ADJUTANT
26 MAR 2001
CDF/W/2001/717
Reg No.

Through:
HDPE

(R1-1-C003)

24/3

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

1. Enclosed for your consideration is a submission which recommends to the Minister Assisting the Minister for Defence the award of the Australian Service Medal (ASM) 1945-75/ASM for service in South-East Asia from 31 Oct 71 to 31 Dec 89.
2. This submission has been endorsed by CA and CAF. The recommendations made in the submission meet with the principles of the 1993/94 Committee of Inquiry into Defence and Defence Related Awards and accord with the recommendations at paragraph 27 of the recent paper entitled "ADF Medals Policy - Where We Have Been And Where We Are Going" recently approved by yourself and the three Service Chiefs.

R.K. McLENNAN
AIRCDRE
DGCMP

R1-1-C021
Tel 54852

21 Mar 01

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



DEFENCE PERSONNEL EXECUTIVE
Career Management Policy Branch

MINUTE

2000-34836 Pt 1
CMP/FB 107/01

CDF

(R1-5B-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

28 Mar 01

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



Code: A - Action I - Information C - Comments D - Draft Reply G - Discuss F - Filing

Appointment	Code	Action Remarks
DEPUTY	0.	<p>1. I have read the instructions but I am not clear on an important point. It is recommended to stand on the policy made under the FOS in the most recent review? Or are I revisiting history?</p> <p>2. I do not want to be put in a position where I have to stand the circumstances as a way of justifying operations without them being advised that this ought to be done (or have been), and the government's policy is to do so, being a way of saying in other words, it is the government's policy to be followed, and not the FOS decision.</p> <p>3. I have been thinking. I am satisfied that my responsibility is recommended policy. I have to get operations conducted while I have been off.</p> <p><i>[Signature]</i> 073</p>



DEFENCE PERSONNEL EXECUTIVE
Career Management Policy Branch


MINUTE

2000-34836 Pt 1
CMP/FB /01

CDF (R1-5B-CDF Suite)

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

1. You further queried the enclosed Review as to "why has it taken so long to pick-up", and "are we saying that subsequent to Mohr nothing was ever considered".
2. 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 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 in SE Asia be further reviewed and this was approved by the Minister on 9 Aug 00.
3. In his Media Release 339/00 of 30 Aug 00, Minister Scott announced that a separate review of recognition of service in SE Asia after Oct 1971, including Butterworth Malaysia, was being conducted by Defence and it would be expected to be completed by the end of the year. It was completed on 20 Dec 00 at which point it was sent to CA and CAF for comment. CAF endorsed the Review on 20 Feb 01 and CA on 8 Mar 01, after which it was passed to you for consideration.


R.K. McLENNAN
AIRCDRE
DGCMP

R1-1-C021
Tel 54852

5 Apr 01

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



B1564
42031

AUSTRALIAN DEFENCE HEADQUARTERS

MINUTE

PE 2000-34836 Pt 1
CDF 249/01

B12/4.
Good outcome!
ADHQ
18 MAY 2001
CDF 114/2001
Reg No. 1198

Minister Assisting the Minister for Defence

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

RECOMMENDATION

That you **approve** the awards of the Australian Service Medal (ASM) 1945-75/ASM with Clasp 'SE ASIA' for service in South-East Asia from 31 Oct 71 to 31 Dec 89 as outlined below.

OVERVIEW

- On 30 Aug 00, you advised in a Media Release concerning the implementation of the recommendations of the Mohr Report that a separate submission would be completed addressing service in Singapore/Butterworth following the cessation of FESR on 30 Oct 71. This minute outlines the findings of a further review of this service.
- Following the cessation of the Far East Strategic Reserve (FESR) on 30 Oct 71, Australia maintained a presence in South-East Asia under similar arrangements with the Australian, New Zealand and United Kingdom (ANZUK) force until Apr 75. In 1970, the Rifle Company Butterworth (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 Royal Malaysian Air Force (RMAF) Base Butterworth.
- After ANZUK disbanded in 1975, the RAAF retained its presence at Butterworth for regional security under the Five Power Defence Arrangements (FPDA). The RCB ready reaction force was retained.
- Rules of Engagement (ROE) for the RCB were not dissimilar to those used on United Nations peacekeeping operations, ie. application of force authorised for self-defence.
- The communist terrorist threat was proven to be real with recorded clashes on a number of occasions within its borders until Chin Peng, the Communist Leader, signed a peace accord in Dec 89.
- Following the peace accord, the Australian contribution was scaled down with the reduction of the RAAF presence at Butterworth and the RCB devoting more time to training activities with the Malaysian and Singaporean Armies.
- In view of the conditions that existed in Singapore and Malaysia after the Indonesian Confrontation on 11 Aug 66 and until the end of FESR on 31 Oct 71, it is considered that duties in Butterworth are equally deserving of an award due to the terrorist threat which existed and the purpose of maintaining regional security. This is in keeping with CIDA principles.
- An estimated 19,600 members served in Singapore/Butterworth between 1971-1989, however, it is expected that about 25% will have already qualified for an award for their service in South-East Asia.

Sensitivity. Nil

Resources. Resource implications are estimated at \$0.37M and these funds will need to be included in financial year 2001/2002 bids. However, any awards assessed before Jul 01 could be met from within this year's allocation.

AUTHORISED:


C. A. BARRIE
ADML
CDF
Tel: 6265 2858

10 Apr
Mar 01

~~**APPROVED/NOT APPROVED**~~

BRUCE SCOTT MP

5/04/01

CONTACT:

Mr Pat Clarke
Tel: 6265 1513

Copies: Office of the Minister for Defence, Parliamentary Secretary to the Minister for Defence,
Secretary

BACKGROUND

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 the cessation of the FESR on 31 Oct 71 and particularly that with Australian, New Zealand and United Kingdom Forces (ANZUK) until 1975, and further service in Malaysia with the Army Rifle Company Butterworth (RCB) and RAAF. This submission recommends the further award of the ASM 1945-75/ASM Clasp 'South-East Asia' for service in those cases.

ISSUES

In 1955 Commonwealth forces were stationed in Malaya as part of the British Commonwealth Far East Strategic Reserve (FESR) to deter communist Chinese aggression and fight the continued armed Malaysian communist terrorism. At the time, Australia considered South-East Asia the area of greatest strategic importance to its own defence, let alone the defence of South-East Asia. The strategic thinking behind the FESR was that a military response to a crisis on the Malay Peninsula would be swifter if air power was already in position.

In Apr 71 a 'Five Power' ministerial meeting attended by representatives of Australia, Malaysia, Singapore, New Zealand and the United Kingdom selected 1 Nov 71 as the date on which new defence arrangements would come into effect. Accordingly, FESR would cease on 31 Oct 71. Australia's Chiefs of Staff had previously agreed that a continuing strong presence in the region was highly desirable, and the most effective and convenient form of that presence would be the two RAAF fighter squadrons already at Butterworth.

Given the timetable for the British withdrawal, the nucleus of a new air defence system had to be in place by mid-1971. The two RAAF fighter squadrons at Butterworth assumed the leading role in the new integrated air defence system giving Malaysia and Singapore an opportunity to build up their own defence forces. In 1974 Long-Range Maritime Patrol Aircraft commenced a program of continuous rotational deployment through Butterworth for regional surveillance. The surveillance of the region provided a valuable contribution to the stability of the Malaysian borders. The number of RAAF personnel who served at Air Base Butterworth from Nov 71 to Dec 89 is estimated to be approximately 12000.

The ANZUK Force was created on 1 Nov 71 with troops from Australia, the UK and NZ stationed as a deterrent to armed attack, or the threat of such attack. The ANZUK Force was created from its existing resources and was not an integral part of the Five Power Arrangements. The ANZUK Force was disbanded on 1 Jan 75 with the last elements of Australian military personnel withdrawn in Apr 75.

The RCB was established in 1970 as a quick-reaction force to provide protection for Australian assets within the perimeter of the Royal Malaysian Air Force Base Butterworth due to the continued threat of armed Communist terrorism within its borders. It was initially provided from the ANZUK Australian Force and was formally under operational command of the Commander ANZUK Forces. Besides securing protection for the two jet squadrons within the perimeter of the Air Base, the role of the RCB was to provide a quick-reaction force to meet the communist terrorist threat, and be responsible for internal security within Air Base Butterworth. The RCB was not to be involved in local civil disturbances or to be employed in operations outside the gazetted area of the Air Base. Rules of Engagement (ROE) for the RCB were specific on 'Orders to Open Fire' if threatened and security was breached, but were applied within Air Base Butterworth only, regardless of curfew, periods of increased security, air defence exercises or time of day or night. Although it may have

involved patrolling, its ROE was defensive only, not unlike those during UN peacekeeping operations.

Statements by former RCB participants provide evidence of armed communist terrorism close to Air Base Butterworth, including:

- blowing a bridge seven kilometres 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.

Added to the hazards involved for the RCB were the Malaysian Airforce Defence Guards (Handau). These were conscripts who were also employed to provide security to the Air Force base. Advice from the Army Historical Unit is that they were an additional hazard as they had various levels of training (not particularly good) and it was not unusual for the Handau to overreact when surprised and shoot at the unknown. Such incidents are known to have occurred during RCB quick-reaction response training in which RCB members came under fire. There is also a known incident in the early 1970s that during such training, a 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. Due to known armed terrorist activities, the northern regions of the Malay Peninsula were 'no go' areas for ADF personnel.

In Feb 88, the then Minister for Defence announced a reduction of the RAAF presence at Butterworth in consultation with the Malaysian and Singaporean governments. In Dec 89, Chin Peng, the leader of the Malaysian Communist Party signed a peace accord with the Malaysian Government. These events resulted in the RAAF presence being dramatically reduced and the quick reaction role of the RCB abolished. Since 1989, Butterworth has provided a good overseas training ground for Army personnel, albeit still under the name of RCB. Although there is still a Five Power Agreement, this is now primarily a Defence cooperation agreement rather than a regional security treaty against a communist threat, i.e. the RAAF and the RCB devote more time to training activities with the Malaysian and Singaporean Armies.

In view of the conditions that existed in Singapore and Malaysia after the Indonesian Confrontation on 11 Aug 66 and until the end of FESR on 31 Oct 71, it is considered that duties in Butterworth are equally deserving of an award due to the terrorist threat which existed and the purpose of regional security.

CONSULTATION

Army and RAAF Historical Sections were consulted during this review, as were a number of Army units involved with RCB rotations. Existing submissions to the Mohr Review and previous Ministerial and Departmental correspondence was also reviewed.

COMMUNICATIONS ASPECTS

Should you approve the contents of this submission, media aspects will be addressed through PACC and your media advisor, Mr Mark Croxford.

65970

Department of Defence

DEFGRAM NO 233/2001

2 July 2001

Note: DEFGRAMS need only be retained while the information is relevant. Publications can be accessed on the Defence Internet at <http://defweb.cbr.defence.gov.au/home/documents/departme.htm>

AWARDS FOR SERVICE IN SOUTH-EAST ASIA 1955-1989

Aim

The aim of this DEFGRAM is to advise the eligibility criteria and policy background to the award of the Australian Service Medal (ASM) 1945-1975/ASM for service in South-East Asia between 1955 and 1989.

Background

In 1999, the Government commissioned an independent committee of inquiry into Defence service in South-East Asia between 1955 and 1975. The inquiry was called the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975 (SEA Review)* and was conducted by the Honourable Bob Mohr RFD ED, former Judge of the Supreme Court of South Australia, and Rear Admiral Phillip Kennedy, AO (Reld). The Review made 47 recommendations concerning medals, 43 of which were accepted by the Government. However, the review only made recommendations in respect of service up to and including 30 October 1971, the end date of the Commonwealth Far East Strategic Reserve (FESR) in South-East Asia. A copy of the executive summary and recommendations may be found on the Defence Internet (see <http://www.minister.defence.gov.au/2000/sea.html>).

Following the Government's acceptance of the review recommendations, the Minister assisting the Minister for Defence directed that a further review be conducted by the Department into service in Singapore and Malaysia for the period 1971 onwards. This review was conducted and recommendations have been accepted by Government.

Eligibility criteria

The result of these reviews is that service, outside of warlike service in certain areas of South-East Asia during the Malayan Emergency 1948-1960, the Thai-Malay Border 1960-1966, the Indonesian Confrontation 1962-1966, Vietnam 1962-1973 and Thailand 1965-1968, will be eligible non-warlike service towards the ASM 1945-1975 or the ASM. Specifically, this is service with elements of the South-East Asia Treaty Organisation; the Australia, New Zealand and the United States (Pacific Security) Treaty (ANZUS); FESR; the United Nations; Australian New Zealand and United Kingdom (ANZUK) Force; Five Power Defence Arrangement (which includes the Rifle Company Butterworth); and Australian Army Survey Operations, in the following areas and periods:

- service in Malaysia, except that on the Thailand-Malaysia border as shown below, during the following periods:
 - 01 August 1960 and ended on 16 August 1964;
 - 12 August 1966 and ended on 31 December 1989;(warlike land operations on the Thailand-Malaysia border between 01 August 1960 and 16 August 1964, and warlike air operations on the border between 17 August 1964 and 30 March 1966, do not qualify);
- Service on land in Singapore during the following periods:
 - 01 August 1960 and ended on 16 August 1964;
 - 12 August 1966 and ended on 30 April 1975;

- Defence Force activities on land in Thailand, except those non-warlike operations prescribed for the ASM 1945–1975 with Clasp 'Thailand' that occurred in Ubon and Ban Kok Talat, during the following periods;
 - 02 July 1955 and ended 1924 June 1966;
 - 01 September 1968 and ended on 30 October 1971; and
- service on land in Vietnam 02 July 1955 and ended on 30 July 1962;
- service on land in Indonesia, Laos and Cambodia 02 July 1955 and ended on 14 March 1975.
- participation by ships of the Royal Australian Navy in the ANZUK forces that commenced on 31 October 1971 and ended on 30 April 1975.

The medal may be awarded for 30 days aggregate service as a posted member of a unit under one or any of the conditions above, or as an official visitor or on temporary duty. The medal may also be awarded for 30 operational sorties into or over one of the areas above during the relevant period, but is counted only where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day (ie more than one sortie a day will not count). It is stressed that just flying over or into an area in transit from one point to another will not qualify. The flight has to relate to the operation and result in a military outcome specific to the operation.

Policy aspects

There is a view that several clasps should be established to recognise service in each individual agreement or treaty which existed in South-East Asia, and that they should not be grouped for medals entitlements. Whilst the elements which make up the Clasp 'SE Asia' may have been independent agreements, they existed essentially with the one aim—to provide security within the South-East Asia region. Additionally, the ANZUK force was created with the same aims as FESR and from existing FESR resources at the time. In effect, ANZUK was FESR under another name.

There are fundamentals of the Australian honours and awards system which apply to awards for service in South-East Asia during the period 1955–1989. A specific Government policy relates to 'double medalling', ie the awarding of two Australian medals for the same service. The Government at the time of its announcement of the then proposed Australian Active Service Medal (AASM) and ASM in 1986 stated its policy in a Prime Minister's media release that, 'In accordance with established tradition, separate medals will be struck for each major campaign to recognise service in major conflicts, if and when the need arises in the future'. Major conflicts in the contemporary sense also means major warlike operations. This policy was reaffirmed by the current Government in 1997 during the establishment of the AASM 1945–1975. Basically, this means that for a major warlike operation, an AASM and specific campaign medal may be awarded together, eg AASM and INTERFET Medal for service with the International Force East Timor 1999–2000. Non-warlike operations do not attract two Australian awards. Similarly, a tenet of the Australian honours and awards system is that devices are not affixed to ribbons of operational service awards denoting multiple tours in operations.

The effect of this is that a person who has been awarded the ASM 1945–1975 with Clasp 'SE Asia' for service up to February 1975 will not be awarded the ASM with Clasp 'SE Asia' for service at a later date. Equally, a person who has been awarded the ASM 1945–1975 with Clasp 'FESR' will not receive an award of the ASM 1945–1975 or ASM with Clasp 'SE Asia'. Although different to the 'SE Asia' Clasp, the 'FESR' clasp still recognises service in 'SE Asia' for the same operation (see paragraph above).

The ASM 1945–1975 and the current ASM are, in effect, the same medal except that through circumstances, they reflect two different periods. This is because during the 1993/1994 Committee of Inquiry into Defence and Defence Related Awards (CIDRA), the Inquiry looked at service up to 1975 (the year of introduction of the Australian honours and awards system from which point the current ASM is awarded), and decided that for service which needed recognition before that year and from the end of World War II hostilities, a new ASM 1945–1975 would be appropriate. It was never envisaged that subsequent reviews and extension of eligibility for both the ASM's would result in a situation whereby an operation would extend over a 25 year period, running through 14 February 1975, and in which people would rotate through many times.

In this situation, where a person had one rotation occurring before 14 February 1975 then another after, the earlier rotation will be recognised first (which is the same for all operations) by the ASM 1945–1975. As both medals mean the same thing, awarding both would equate to recognising multiple tours of the same operation and double medalling. In an attempt to optimise their medal allocation, some individuals are wishing to choose the period they want recognised, eg a person with a prior award of the ASM 1945–1975 with Clasp 'Korea', who served in Singapore in 1974, then again in Butterworth in 1976, cannot choose to have the 1976 service recognised for the sake of getting the later ASM; they will get a Clasp to their ASM 1945–1975. This is also why the 'FESR' and 'SE Asia' Clasps will not be awarded together.

There is sufficient precedent for this policy, eg the awards of the Pacific Star during World War II for activities in various parts of the Pacific in different operations as an overall campaign, and the award of the Vietnam Medal not attracting the award of the Vietnam Logistic and Support Medal.

Lastly, this policy should not be confused with situations in which the AASM and the ASM may be awarded for the one period of service, eg the Persian Gulf during 1990/1991. In cases where a non-warlike operation becomes warlike due to a change of operational circumstances, this change of conditions allows the awarding of these two distinctly different medals to recognise the type of service rendered.

Australian Service Medal 1945–75/Australian Service Medal with Clasp 'Special Ops' for South-East Asian service

The Clasp 'Special Ops' was established following a recommendation of CIDDRA. It was established on the basis that certain activities are conducted outside of a formal declaration of a warlike or non-warlike operation by the Minister for Defence. Due to the special nature of these activities, and the hazards and difficulties associated with them, an award was considered appropriate. Under Instruments of the ASM 1945–1975/ASM regulations, the Chief of the Defence Force has the sole responsibility of specifying which activities will be awarded the Clasp 'Special Ops', and will only do so on recommendation of an appropriate Chief of Service.

For non-warlike operations that have been declared by the Minister, normal procedures apply in the establishment of an appropriate Clasp to the ASM for that operation. The Clasp 'Special Ops' was not established to be a 'default' award to those personnel who do not qualify under the normal qualifying conditions that relate to a declared operation. Accordingly, where service has counted towards the ASM Clasp 'SE Asia' or 'FESR', the Clasp 'Special Ops' will not be awarded.

It is acknowledged that the SEA Review recommended awards of the ASM 1945–1975/ASM with Clasp 'Special Ops' for some service in South-East Asia, eg radio operators in the Embassy at Vientiane in Laos. However, as service in Laos counts towards the Clasp 'SE Asia', the Clasp 'Special Ops' will not be awarded. At this stage, there is no award of the ASM 1945–1975/ASM with Clasp 'Special Ops' envisaged in respect of South-East Asian service for the period 1955–1989.

Applications for awards

The Service Medals Sections do not have the capacity to examine the hundreds of thousands of personal files in order to establish entitlements. Accordingly, application will need to be made for award of the appropriate medals. Application forms may be downloaded from the Head Defence Personnel Executive Defence Internet site at http://www.defence.gov.au/dpe/dpe_site/resources/index.htm and mailed to the appropriate address on the form.

Due to the many thousands of applications received concerning the SEA Review, and the requirement to maintain other current commitments, there are backlogs of several months in the Service Medal Sections. As a result, individuals should expect lengthy delays before receiving advice of their eligibility and subsequent delivery of any awards.

While it is appreciated that individuals are keen to receive their medals entitlements, it must be borne in mind that other applicants are equally anxious to receive their due. This includes outstanding claims of veterans from World War II, and the Korean and Vietnam Wars. Any delays are regretted and patience is requested.



R.K. MCLENNAN, AM
Air Commodore
Director-General Career Management Policy

DISTRIBUTION: SDL 1, 2, 3, 4, 5, 6, 9A, 12, 14

CONTACT OFFICER: Mr Pat Clarke
Staff Officer Policy
R1-1-D034
Department of Defence
CANBERRA ACT 2001
Telephone: (02) 6265 1513



Veterans' Entitlements Act 1986
Determination of Non Warlike Service

Rifle Company Butterworth

I, Bruce Billson, Minister for Veterans' Affairs, for the Minister for Defence:

determine that service rendered as a Member of the Australian Defence Force assigned for service with Australian Army Rifle Company Butterworth at the Butterworth Air Base in the country of Malaysia during the period 15 November 1970 to 6 December 1972 as non warlike service.

Dated this

18th

day of

September 2007

BRUCE BILLSON
Minister for Veterans' Affairs
for the Minister for Defence



Veterans' Entitlements Act 1986

Determination of Hazardous Service

Rifle Company Butterworth

I, Bruce Billson, Minister for Veterans' Affairs, for the Minister for Defence:

determine that service rendered as a Member of the Australian Defence Force assigned for service with Australian Army Rifle Company Butterworth at the Butterworth Air Base in the country of Malaysia during the period 6 December 1972 to 31 December 1989 as hazardous service under Section 120 of the Act.

Dated this

18th

day of

September 2007

A handwritten signature in dark ink, appearing to read 'Bruce Billson'.

BRUCE BILLSON
Minister for Veterans' Affairs
for the Minister for Defence



COMMONWEALTH OF AUSTRALIA

DECLARATION AND DETERMINATION UNDER THE AUSTRALIAN SERVICE MEDAL 1945-75 REGULATIONS

I, **WILLIAM PATRICK DEANE**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Service Medal 1945-1975 Regulations contained in the Schedule to the Letters Patent dated 22 February 1995, ("the Regulations") on the recommendation of the Minister for Defence, hereby:

- (a) declare under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the South East Asia Treaty Organisation; the Australia, New Zealand and the United States (Pacific Security) Treaty; Far East Strategic Reserve; the United Nations; and Australian Army Survey Operations in South East Asia during the following periods to be a *declared operation* for the purpose of the Regulations:
 - (i) Defence Force activities on land in Malaysia, except those warlike operations prescribed from time-to-time by the Governor-General that occurred on the Thailand-Malaysia border, during the following periods:
 - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
 - (B) that commenced on 12 August 1966 and ended on 31 October 1971;
 - (ii) Defence Force activities on land in Singapore during the following periods:
 - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
 - (B) that commenced on 12 August 1966 and ended on 31 October 1971;

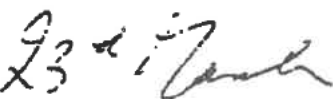
- (iii) Defence Force activities on land in Thailand during the following periods;
 - (A) that commenced on 2 July 1955 and ended on 30 April 1962;
 - (B) that commenced on 1 September 1968 and ended on 31 October 1971;
 - (iv) Defence Force activities on land in Vietnam during the period that commenced on 2 July 1955 and ended on 30 July 62;
 - (v) Defence Force activities on land in Indonesia during the period that commenced on 2 July 1955 and ended on 31 October 1971; and
- (b) determine, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal 1945-1975 Clasp 'SE ASIA' ("the Medal") for the *declared operation* are:
- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;
 - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
 - (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed 30 operational sorties within the duration of the *declared operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;
 - (iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits, inspections or other occurrences of a temporary nature with the military contribution in the *declared operation*;

- (v) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal; or
 - (vi) the qualifying period of service as described in subparagraphs (b)(i), (b)(ii), (b)(iii), (b)(iv) or (b)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.
- (c) determine, for the purposes of this determination, that a person is not eligible for an award of the Medal where;
- (i) a separate award of the Australian Service Medal 1945-75 with Clasp 'FESR' has been awarded; or
 - (ii) in relation to those warlike operations on the Thailand-Malaysia border as described in subparagraph (a)(i), that is, operations for which the Australian Active Service Medal 1945-75 has been awarded for service in the Federation of Malaya contained within the area bounded by a line commencing at the intersection of the western shore of the Federation of Malaya at high-water mark and the boundary between the States of Perlis and Kedah; thence proceeding generally north-easterly along that boundary to its intersection with the railway line from Arau to Penang Tungal; thence following that railway line generally southerly to its intersection with the northern boundary between the States of Penang and Kedah; thence proceeding along the boundary between those States generally easterly, southerly and westerly to the intersection of the boundaries of the States of Penang, Kedah and Perak to its intersection with the railway line from Penang Tungal to Taiping, thence following that railway line generally southerly, easterly and southerly to its intersection with the parallel 4 degrees 51 minutes north latitude; thence proceeding due south in a straight line to the intersection of that line with the parallel 4 degrees 30 minutes north latitude; thence proceeding along that parallel to its intersection with the eastern bank of the Perak River; thence following that bank of that river to its intersection with the parallel 4 degrees 47 minutes north latitude; thence proceeding in a straight line to the intersection of the boundaries of the States of Perak, Kelantan and Pahang; thence proceeding along the boundary between the States of Kelantan and Pahang to its intersection with the meridian 101 degrees

48 minutes east longitude; thence proceeding in a straight line to the intersection of the eastern bank of the Raya River with the eastern bank of the Nenggiri River, thence following that bank of that river to its intersection with the western bank of the Galas River; thence proceeding in a straight line due east to the eastern bank of that river, thence following that bank of that river and the eastern bank of the Kelantan River to its intersection with the eastern shore of the Federation of Malaya at high-water mark, thence following that shore at high-water mark to its intersection with the boundary between the Federation of Malaya and Thailand; thence proceeding along that boundary to the western shore of the Federation of Malaya and Thailand at high-water mark; thence following that shore of the Federation of Malaya at high-water mark to the point of commencement, during the periods set out below:

- (A) land and air anti-terrorist operations that commenced on 1 August 1960 and ended on 16 August 1964; and
- (B) Royal Australian Air Force air operations that commenced on 17 August 1964 and ended on 30 March 1966.

Dated



2001



Governor-General

By His Excellency's Command

PETER REITH
Minister for Defence



COMMONWEALTH OF AUSTRALIA

DECLARATION AND DETERMINATION UNDER THE
AUSTRALIAN SERVICE MEDAL 1945-75 REGULATIONS

I, **WILLIAM PATRICK DEANE**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Service Medal 1945-1975 Regulations contained in the Schedule to the Letters Patent dated 22 February 1995, ("the Regulations") on the recommendation of the Minister for Defence, hereby:

- (a) revoke the Declaration and Determination made on 23 March 2001 under regulation 3 and subregulation 4(2) respectively of the Regulations;
- (b) declare under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the South East Asia Treaty Organisation; the Australia, New Zealand and the United States (Pacific Security) Treaty; Far East Strategic Reserve; the United Nations; the Australian, New Zealand and United Kingdom (ANZUK); Five Power Defence Arrangement; and Australian Army Survey Operations in South East Asia during the following periods to be a *declared operation* for the purpose of the Regulations:
 - (i) Defence Force activities on land in Malaysia, except those warlike operations prescribed from time-to-time by the Governor-General that occurred on the Thailand-Malaysia border, during the following periods:
 - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
 - (B) that commenced on 12 August 1966 and ended on 14 March 1975;
 - (ii) Defence Force activities on land in Singapore during the following periods:
 - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
 - (B) that commenced on 12 August 1966 and ended on 14 March 1975;

- (iii) Defence Force activities on land in Thailand, except those non-warlike operations prescribed from time-to-time by the Governor-General that occurred in Ubon and Ban Kok Talat, during the following periods;
 - (A) that commenced on 2 July 1955 and ended on 24 June 1965;
 - (B) that commenced on 1 September 1968 and ended on 30 October 1971;
 - (iv) Defence Force activities on land in Vietnam during the period that commenced on 2 July 1955 and ended on 30 July 62;
 - (v) Defence Force activities on land in Indonesia, Laos and Cambodia during the period that commenced on 2 July 1955 and ended on 14 March 1975;
 - (vi) participation by ships of the Royal Australian Navy in the ANZUK Forces that commenced on 30 October 1971 and ended on 14 March 1975, and during such periods those ships were formally allocated or assigned to those Forces; and
- (c) determine, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal 1945-1975 Clasp 'SE ASIA' ("the Medal") for the *declared operation* are:
- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;
 - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
 - (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed 30 operational sorties within the duration of the *declared operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;
 - (iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits,

inspections or other occurrences of a temporary nature with the military contribution in the *declared operation*;

- (v) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal with Clasp 'SE ASIA'; or
 - (vi) the qualifying period of service as described in subparagraphs (c)(i), (c)(ii), (c)(iii), (c)(iv) or (c)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.
- (d) determine, for the purposes of this determination, that a person is not eligible for an award of the Medal where;
- (i) a separate award of the Australian Service Medal 1945-75 with Clasp 'FESR' has been awarded;
 - (ii) a separate award of the Australian Service Medal with Clasp 'SE ASIA' has been awarded;
 - (iii) in relation to those non-warlike operations in Thailand at the Royal Thai Air Force Base at Ubon, and 2 Field Troop Royal Australian Engineers operations at Ban Kok Talat in Operation CROWN, for which the Australian Service Medal 1945-75 with Clasp 'THAILAND' has been awarded, during the period that commenced 1 May 1962 and ended on 24 June 1965; or
 - (iv) in relation to those warlike operations on the Thailand-Malaysia border as described in subparagraph (b)(i), that is, operations for which the Australian Active Service Medal 1945-75 has been awarded for service in the Federation of Malaya contained within the area bounded by a line commencing at the intersection of the western shore of the Federation of Malaya at high-water mark and the boundary between the States of Perlis and Kedah; thence proceeding generally north-easterly along that boundary to its intersection with the railway line from Arau to Penang Tunggal; thence following that railway line generally southerly to its intersection with the northern boundary between the States of Penang and Kedah; thence proceeding along the boundary between those States generally easterly, southerly and westerly to the intersection of the boundaries of the States of Penang,

Kedah and Perak to its intersection with the railway line from Penang Tungal to Taiping, thence following that railway line generally southerly, easterly and southerly to its intersection with the parallel 4 degrees 51 minutes north latitude; thence proceeding due south in a straight line to the intersection of that line with the parallel 4 degrees 30 minutes north latitude; thence proceeding along that parallel to its intersection with the eastern bank of the Perak River; thence following that bank of that river to its intersection with the parallel 4 degrees 47 minutes north latitude; thence proceeding in a straight line to the intersection of the boundaries of the States of Perak, Kelantan and Pahang; thence proceeding along the boundary between the States of Kelantan and Pahang to its intersection with the meridian 101 degrees 48 minutes east longitude; thence proceeding in a straight line to the intersection of the eastern bank of the Raya River with the eastern bank of the Nenggiri River, thence following that bank of that river to its intersection with the western bank of the Galas River; thence proceeding in a straight line due east to the eastern bank of that river, thence following that bank of that river and the eastern bank of the Kelantan River to its intersection with the eastern shore of the Federation of Malaya at high-water mark, thence following that shore at high-water mark to its intersection with the boundary between the Federation of Malaya and Thailand; thence proceeding along that boundary to the western shore of the Federation of Malaya and Thailand at high-water mark; thence following that shore of the Federation of Malaya at high-water mark to the point of commencement, during the periods set out below:

(A) land and air anti-terrorist operations that commenced on 1 August 1960 and ended on 16 August 1964; and

(B) Royal Australian Air Force air operations that commenced on 17 August 1964 and ended on 30 March 1966.

Dated

8 June

2001



Governor-General

By His Excellency's Command



PETER REITH
Minister for Defence

**COMMONWEALTH OF AUSTRALIA****DECLARATION AND DETERMINATION UNDER THE
AUSTRALIAN SERVICE MEDAL REGULATIONS**

I, **WILLIAM PARTICK DEANE**, Governor-General of the Commonwealth of Australia, pursuant of the Australian Service Medal Regulations contained in the Schedule to the Letters Patent dated 13 September 1988, ("the Regulations") on the recommendation of the Minister for Defence, hereby:

- (a) declare under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the Australian, New Zealand and United Kingdom (ANZUK) Forces; Australian Army Rifle Company (Butterworth); Five Power Defence Arrangement; and Australian Army Survey Operations in South East Asia during the following periods to be a *declared operation* for the purpose of the Regulations:
 - (i) Defence Force activities on land in Malaysia during the period that commenced on 14 February 1975 and ended on 31 December 1989;
 - (ii) Defence Force activities on land in Singapore during the period that commenced on 14 February 1975 and ended on 30 April 1975;
 - (iii) Participation by ships of the Royal Australian Navy in the ANZUK Forces that commenced on 14 February 1975 and ended on 30 April 1975; and
- (b) determine, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal with Clasp 'SE ASIA' ("the Medal") for the *declared operation* are:
 - (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;

- (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
 - (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed 30 operational sorties within the duration of the *declared operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;
 - (iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits, inspections or other occurrences of a temporary nature with the military contribution in the *declared operation*;
 - (v) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal with Clasp 'SE ASIA'; or
 - (vi) the qualifying period of service as described in subparagraphs (b)(i), (b)(ii), (b)(iii), (b)(iv) or (b)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.
- (c) determine, for the purposes of this determination, that a person is not eligible for an award of the Medal where:
- (i) a previous entitlement exists to the Australian Service Medal 1945-75 with Clasp 'SE ASIA' due to service prior to and including 14 March 1975;
 - (ii) a separate award of the Australian Service Medal 1945-75 with Clasp 'SE ASIA' has been awarded; or

- (iii) a separate award of the Australian Service Medal 1945-75 with Clasp 'FESR' has been awarded.

Dated *8th June* 2001



A handwritten signature in dark ink, appearing to read 'Bill Derr', written over a horizontal line.

Governor-General

By His Excellency's Command



A handwritten signature in dark ink, appearing to read 'Peter Reith', written over a horizontal line.

PETER REITH
Minister for Defence



COMMONWEALTH OF AUSTRALIA
DECLARATION AND DETERMINATION UNDER THE
AUSTRALIAN SERVICE MEDAL REGULATIONS

I, **PETER JOHN HOLLINGWORTH**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Service Medal Regulations contained in the Schedule to the Letters Patent dated 13 September 1988, ("the Regulations") on the recommendation of the Minister for Defence, hereby:

- (a) revoke the Declaration and Determination made on 14 August 1998 under Regulation 3 and Subregulation 4(2) respectively of the Regulations;
- (b) declare under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the Australian, New Zealand and United Kingdom (ANZUK) Forces; Australian Army Rifle Company (Butterworth); Five Power Defence Arrangement; and Australian Army Survey Operations in South East Asia during the following periods to be a *declared operation* for the purpose of the Regulations:
 - (i) Defence Force activities on land in Malaysia during the period that commenced on 14 February 1975 and ended on 31 December 1989;
 - (ii) Defence Force activities on land in Singapore during the period that commenced on 14 February 1975 and ended on 30 April 1975;
 - (iii) Participation by ships of the Royal Australian Navy in the ANZUK Forces that commenced on 14 February 1975 and ended on 30 April 1975;
 - (iv) Defence Force activities with Operation GADANG 5 on Sumatra that commenced on 6 May 1975 and ended on 22 August 1975; and
- (c) determine, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal with Clasp 'SE ASIA' ("the Medal") for the *declared operation* are:

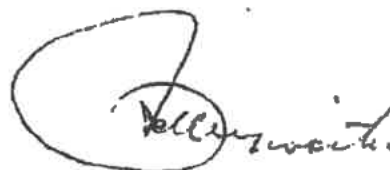
- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;
- (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
- (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed 30 operational sorties within the duration of the *declared operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;
- (iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits, inspections or other occurrences of a temporary nature with the military contribution in the *declared operation*;
- (v) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal with Clasp 'SE ASIA'; or
- (vi) the qualifying period of service as described in subparagraphs (c)(i), (c)(ii), (c)(iii), (c)(iv) or (c)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.

3

- (d) determine, for the purposes of this determination, that a person is not eligible for an award of the Medal where:
- (i) a previous entitlement exists to the Australian Service Medal 1945-75 with Clasp 'SE ASIA' due to service prior to and including 14 March 1975;
 - (ii) a separate award of the Australian Service Medal 1945-75 with Clasp 'SE ASIA' has been awarded; or
 - (iii) a separate award of the Australian Service Medal 1945-75 with Clasp 'FESR' has been awarded.

Dated 20. 2. .

2002



Governor-General

By His Excellency's Command



ROBERT HILL
Minister for Defence