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16 June, 2022

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## Submission to Inquiry - LTCOL (Ret) Graeme Mickelberg

### Part 1 – Name of Inquiry

**Name of Inquiry \***

Inquiry into Medallic recognition for service with Rifle Company Butterworth

### Part 2 – About the Submitter

**Title or Rank \***

LTCOL (Ret)

**Surname \***

Mickelberg

**Given Names \***

Graeme

**Postal Address \***

**Email Address: \***

**Primary Contact Number \***

**Secondary Contact Number**

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

No.

### Part 3 – Desired outcome

**Provide a summary of your submission:**

That persons who deployed as members of Rifle Company Butterworth during the period 1970 to 1989 be awarded the Australian Active Service Medal.

### Part 4 - Your submission and Supporting Documentation

File Attached: G.MICKELBERG-RCB-SUBMISSION-TO-DHAAT-.pdf

### Part 5 – Consent and declaration

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

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

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

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

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

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

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

**Name**

Graeme Mickelberg

**Date**

16/06/2022 /

*LTCOL (Ret) Graeme*

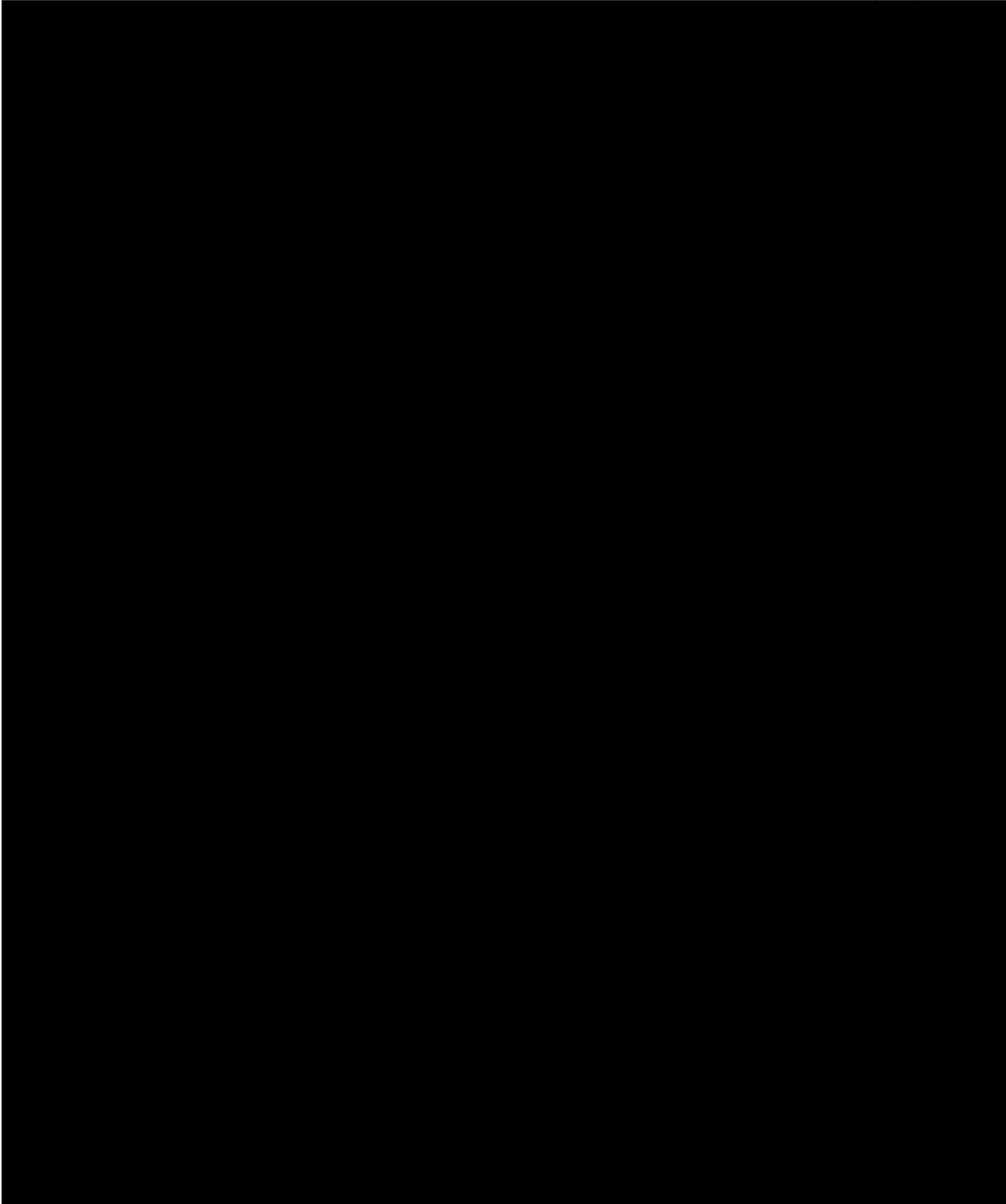
*Mickelberg*

Signed by LTCOL (Ret) Graeme Mickelberg

Signed on: 16 June, 2022

# Signature Certificate

Document name: Submission to Inquiry - LTCOL (Ret) Graeme Mickelberg



## **Introduction.**

It is my submission that the nature of service undertaken by members who served as part of Rifle Company Butterworth (RCB) during the period 1970 to 1989 was warlike in nature and should be recognised with the award of the Australian Active Service Medal (AASM)

## **Background to My Army Service.**

The purpose of providing this background to my Army service is to bring to the attention of Tribunal members my military qualifications and experience gained from postings and my responsibilities as an officer which I consider are of direct relevance to the matters addressed in my submission.

## **My Army Career.**

I am a former Regular Army Infantry officer having served for 47 years.

In 1975 I deployed as a member of RCB for three months during which time I commanded a platoon of 36 men that was part of B Company of the Second Fourth Battalion, The Royal Australian Regiment (2/4 RAR).

During my career I had several postings over a period of 8 years where I instructed officers of all ranks, including lieutenant colonels, in tactics to be used in the planning for and conduct of ground combat operations. One of my instructional postings was as the Australian exchange instructor at the UK School of Infantry for two years teaching tactics to officers.

I am a graduate of the Australian Army Command and Staff College and the Joint Services Staff College. These were long courses where I participated in training to prepare senior officers to plan for and conduct military operations, including counter insurgency operations. During these courses I was required to plan for the defence and protection of airbases in cooperation with Royal Australian Air Force (RAAF) officers and officers from other regional countries, including from Malaysia.

From 1993 to 1995 as a Lieutenant Colonel I was posted as the Staff Officer Grade 1 - Infantry at the Directorate of Infantry. During this posting I was responsible to the Deputy Chief of the Army for the development and implementation of tactical doctrine that was the basis for the planning and conduct of ground combat operations, including counter insurgency operations and the defence and protection of airbases and other vital assets.

Prior to my retirement I was the senior operations staff officer at the Headquarters of the 1<sup>st</sup> Division where I was involved in the planning for and coordination of operations involving 15,000 Army personnel deployed at locations across Australia and overseas. During that posting I led the planning for a number of sensitive overseas operations and for a period of time I was the Deputy Chief of Operations of a Combined Joint Task Force commanded by the Commander 7<sup>th</sup> US Fleet.

In my last Army posting I was the Garrison Commander for the Enoggera Army base and my responsibilities included the security of the garrison.

My Army service was recognised by the award of commendations from the Chief of the Australian Defence Force and the Chief of the Australian Army. I believe that my career has given me the expertise and relevant experience to understand, appreciate and analyse the relevant factors being considered by Tribunal.

### **Historical Context to the Deployment of RCB.**

During the period 1970 to 1989 approximately 9000 Army personnel were involved in protecting Australia's interests at the airbase at Butterworth in Malaysia. These deployments took place at a time when a communist insurgency was underway. Army personnel were deployed as members of RCB. RAAF personnel were also serving at the airbase. Some RAAF personnel were accompanied by their families. The defence and protection of the airbase was jointly undertaken by the Royal Malaysian Air Force (RMAF) and the RAAF<sup>1</sup>. RCB was under the operational command of the Officer Commanding RAAF Officer Butterworth.

The deployment of RCB from Australia to Butterworth was a decision of the Whitlam Government. That decision came at a time when the UK and New Zealand had decided to withdraw their defence forces from Malaysia and Singapore, and shortly after the Whitlam Government had won the 1972 election on a platform of withdrawing all Australian ground combat forces from South East Asia.

**Strategic Circumstances.** Following the Vietnam war the resurgence of communism in Malaysia was of concern to the UK, Australia, New Zealand and other countries, including the US, as it was feared the success of communists in Vietnam might result in the spread of communism to other South East Asian countries. That concern, coupled with the withdrawal of UK forces from Malaysia and Singapore, resulted in the Five Power Defence Arrangements (FPDA) which were signed in 1971 by the UK, Australia, Malaysia, New Zealand and Singapore. The FPDA established the Integrated Air Defence System (IADS), which Australia still leads. Australia's principal contribution to IADS was two squadrons of fighter aircraft based at the Butterworth airbase along with RAAF personnel and their families.

As a result of known threats to the security of the airbase the Defence Committee recommended to the Government that Army personnel be deployed to provide for the security of Australia's interests at the Butterworth airbase<sup>2</sup>. Those interests included two squadrons of RAAF Mirage fighter aircraft based there along with RAAF ground support staff and families that accompanied some RAAF members. RCB Army contingents deployed to Butterworth to carry out operational tasks during the period 1970 to 1989 and did so at a time when there was a clearly defined threat of attack on the airbase from communist terrorists. The Defence Committee recommended the deployment of Australian Army troops "*could be presented publicly as being for training purposes*"<sup>3</sup>. Despite the deployment being presented publicly as training, the

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<sup>1</sup> RMAF and RAAF, *Shared Defence of Airbase Butterworth, Operation Order No 1/71*, 8 September 1971.

<sup>2</sup> Defence Committee Minute 2/73, 11 January 1973

<sup>3</sup> Op cit. , para 28, sub para (e)

threat was understood and acknowledged, and pre-deployment training was focused on preparation for tasks focused on the defence of the assets at Butterworth.

**RCB Force Preparation.** Prior to deploying to Malaysia the following force preparation was undertaken by our Company:

- Mission briefings and training were focused on the primary tasks of contributing to the defence of the airbase at Butterworth. This included the provision of forces to protect the airbase and RAAF married quarters from attack by communist insurgents and the provision of a Quick Reaction Force (QRF) to counter enemy penetration of the airbase and married quarters. This force was capable of responding decisively to enemy action.
- Intelligence briefings were provided as to the nature of the threat of attack by communist insurgents in Malaysia, particularly in North West Malaysia and in close proximity to the Butterworth airbase.
- Legal briefings related to Rules of Engagement (ROE) and Orders for Opening Fire (OFOF).
- Medical briefings, including the risks of malaria and other tropical diseases.
- Scenario exercises involving officers and NCOs where potential threats to the airbase were discussed and 'war gamed'.
- Scenario exercises to practice the use of ROE and OFOF.
- Weapons training, including live firing by day and night.
- Infantry tactics training
- Medical training to deal with potential battle casualties.
- Administrative preparation, including preparing wills.

RCB training was mandated by Headquarters Field Force Command, which was the higher headquarters responsible for RCB deployments. Other training was designed and conducted by officers and warrant officers and non-commissioned officers with experience of counter insurgency operations in Malaya, Borneo and Vietnam.

Approximately one third of my platoon had served in Vietnam and some had done two tours of duty.

**Deployment.** On deployment the following activities were undertaken:

- All officers, NCOs and soldiers were briefed by RAAF intelligence staff at the airbase on the responsibilities and tasks of RCB.
- Officers also received an additional detailed briefing on significant security issues, including more sensitive intelligence concerning threats to the security of the airbase and RAAF married quarters from attack by communist insurgents.
- Briefings on Vital Points as designated by OC RAAF Butterworth, which RCB personnel as part of the QRF were required to respond to when called out.
- Briefings on the layout of the airbase and other associated infrastructure, including the RAAF married quarters that were located off the airbase.
- RCB personnel rostered for duty as members of the QRF were issued with Orders for Opening Fire (OFOF) based on Rules of Engagement that mandated the use

of force, up to and including lethal force, if unknown persons failed to stop on being challenged, RCB members considered their safety at risk or if the safety of other persons, including RAAF personnel and their families and property if at risk of attack by communist insurgents.

Observations:

- It has been asserted there was no communist insurgency underway during the period 1970 to 1989.
- The threat of attack on the airbase by communist insurgents has been downplayed and it has been asserted that RCB personnel were not at risk.
- It has been asserted the primary reason RCB was deployed was to train with Malaysian Armed Forces.
- It has been asserted the tasks undertaken by RCB tasks were peacetime in nature and were no different than those undertaken at Australian bases.
- It has been asserted the ROE issued to RCB were defensive in nature.
- It has been asserted the QRF provided by RCB was a defensive measure and not an offensive measure.
- It has been asserted that because the airbase was never attacked RCB service cannot be classified as warlike.
- It has been asserted that RCB service did not meet the criteria for classification of special duty, warlike or non-warlike service or hazardous service and accordingly is peacetime in nature.

Comments:

- In his message of thanks on the 50<sup>th</sup> anniversary of RCB the Malaysian CDF acknowledged there was an insurgency underway during the period 1970 to 1989 and that RCB was involved in protecting the airbase at Butterworth. The Malaysian CDF said:

*"Your presence and sacrifice here in Malaysian soil in protecting the RMAF Butterworth base during the resurgence of the communist insurgency in 1970-1989 was a remarkable contribution and had always been the highlight of your presence here in Malaysia"<sup>4</sup>.*

- A 1975 assessment by the Joint Intelligence Organisation (JIO) of the security at the airbase stated *"There is a potential threat to the Base from the CTO (sic: Communist Terrorist Organisation) and related communist, subversive organisations"*<sup>5</sup>. Annex F of the JIO report provided an assessment of the likely directions of attack communist insurgents might be expected to use if they launched an attack on the airbase by day or night.

<sup>4</sup> <https://www.facebook.com/pagemkatm/photos/a.652158628188836/4703891776348814/>

<sup>5</sup> Joint Intelligence Organisation, The Security of Air Base Butterworth, October 1975, p.29, sub-paragraph 56 (b) refers.

- The report of the 2021 NZDF review of the service of NZ personnel at Butterworth addressed the nature and extent of the threat of attack and acknowledged the JIO assessment along with other formerly classified documents that provided an insight of the threat that had not previously been available to other reviews of the service of NZ personnel.
- Briefings from the CDF to the Hon. Bruce Scott, MP, Minister for Veterans' Affairs, provided the following telling insights with regard to RCB service:
  - CDF Minute 440/2000 stated that the service of Army personnel "*was to protect the base against terrorist insurgency and it may therefore be difficult to argue that this service was not non-warlike*"<sup>6</sup>.
  - CDF Minute 249/2001 succinctly summarised the points that reflect the operational nature of RCB deployments, the nature and extent of the communist insurgent threat and the operational tasks undertaken<sup>7</sup>:
    1. There was a communist terrorist insurgency underway throughout the time RCB was deployed.
    2. RCB was deployed to provide security for the base and to protect assets.
    3. RCB was deployed to provide a QRF.
    4. RCB did have Rules of Engagement that permitted the use of lethal force.
    5. That the "*communist terrorist threat was proven to be real*".
    6. RCB was deployed as part of Australia's contribution to maintaining regional security.
  - CDF Minute 777/2001 restated the principle enunciated in the report of the Review of Service Entitlement Anomalies undertaken by MAJGEN Mohr, "*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, their service has to be considered operational service regardless of whether the threat is realised or not*"<sup>8</sup>.
- Throughout the three months of my deployment it was apparent the airbase was a forward mounting base for operations conducted by the Malaysian Armed Forces (MAF) against communist insurgents. On many occasions I observed RMAF helicopters deploying MAF combat forces on operations and bringing casualties back to the airbase hospital.
- Communist insurgent attacks took place in close proximity to the airbase and in proximity to the live-firing ranges where RCB conducted on-going weapons training required to maintain high readiness.
- During my deployment to Butterworth I recall that on one occasion shortly before my platoon was required to move by trucks to conduct live-firing at the Guran live firing ranges communist insurgents attacked the barracks of the 6<sup>th</sup> Malaysian

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<sup>6</sup> CDF Minute 440/2000, 19 July 2000, p.2, paragraph 7 refers.

<sup>7</sup> CDF Minute 249/2001 op cit. p.1.

<sup>8</sup> CDF Minute 777/2000, 28 June 2001, p.7, paragraph 19 refers.

Infantry Brigade at Sungai Petani, killing two Malaysian soldiers. A Malaysian rubber tapper was also killed by the insurgents at a nearby village. As our intended route to the ranges passed through this area, prior to leaving the airbase my platoon conducted counter ambush drills and when we travelled to the ranges all soldiers carried first line ammunition. I had briefed my Company Commander, Major Jensen, of the arrangements for our move to the ranges and he reiterated the importance of emphasising to my platoon that our OFOF permitted the use of lethal force in the event we were attacked.

- That RCB undertook training during its deployment was not out of the ordinary. Forces deployed on operations continue to conduct training to ensure the skills necessary for them to remain operationally ready are maintained. This was the case for RCB personnel as it was for Australian Army personnel deployed during the Vietnam War. A history of the deployment to Vietnam of the Seventh Battalion, The Royal Australian Regiment, states *“At the Commanding Officer’s insistence training was conducted continuously during the tour..” “Such training occurred at all levels. Companies did refresher training in the gaps between operations”*<sup>9</sup>.
- The suggestion that tasks undertaken by RCB were no different than those undertaken at Australian bases in peacetime is not supported by facts. During my 47 years of service in the Army I have been posted to or have trained at all of the major Army bases in Australia and I have never seen Army personnel involved in security duties carrying weapons or live ammunition. Further, at no time were ROE or OFOF issued. When I was the Garrison Commander at Enoggera Barracks I was responsible for issuing security orders for the garrison. Those orders explicitly prohibited the carriage of weapons and ammunition and ROE and OFOF were not issued.
- As a senior staff officer responsible for the planning for and oversight of operations I have first-hand experience of working with legal officers responsible for formulating ROE and OFOF. The relevance of the right of self-defence and the use of reasonable force, including lethal force, if the circumstances require was reinforced by legal officers who provided me with advice. My awareness of this was also reinforced throughout my career when undertaking training, including training at the Army Command and Staff College and the Joint Services Staff College.
- Any suggestion that the RCB QRF was essentially a defensive measure fails to give due regard to Army tactical doctrine. A QRF is a force that may be committed by a commander in a defensive position to counter enemy penetration of a defensive perimeter and then to counter attack to recapture ground or assets lost to the enemy and to destroy the enemy or to force the enemy to withdraw. This was the purpose of the RCB QRF which was an operational reserve available for the defence of the airbase.
- The briefings my soldiers received before we deployed and from RAAF intelligence staff on our arrival at the airbase were clear as to the nature and extent of the threat. Those briefings, which were updated regularly with fresh intelligence about

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<sup>9</sup> O’Brien, M. , *Conscripts and Regulars with the Seventh Battalion in Vietnam*, p.243, Allen and Unwin, 1995.

insurgent attacks were explicit as to casualties inflicted by the insurgents. Further, our soldiers were regularly reminded by media reporting of attacks and they saw RMAF helicopters bring wounded and dead soldiers back to the airbase and ground crew cleaning blood from the floor of helicopters. Briefings provided to me and other officers were very specific as to the potential for insurgent attacks on the airbase. I am in no doubt that my soldiers were at risk and that they perceived and understood that they were at risk.

- In addressing the issue of objective danger in his review of service entitlement anomalies MAJGEN Mohr stated “*Sometimes this will be a relatively simple question of fact. For example, where an armed enemy will clearly proved to have been present*”<sup>10</sup>. This is relevant to consideration of RCB service where the presence of an armed enemy was confirmed by Australian intelligence agencies and the occurrence of armed enemy attacks in proximity to the airbase.
- The assertion that RCB service was not warlike because the airbase was not attacked during the period 1970 to 1989 reflects a fundamental misunderstanding of the concept of deterrence. This is a concept that underpins defence policy and tactical doctrine. The object of defence is to deter attack while retaining the capability to take offensive action if required. This was the case with the way in which RCB was employed as part of the measures to defend the airbase at Butterworth. The NZDF review report acknowledged that “*Deterrent operations by their very nature anticipate threats, and if those threats do not eventuate, it may be because they are successful*”<sup>11</sup>.
- The assertion that RCB service is peacetime in nature must be considered in the context of the relevant legislation and domestic and regional political sensitives existing at the time the decision was taken to deploy RCB.
- The relevant legislation was the Repatriation (Special Overseas Service) Act, 1962 (the SOS Act).
- The SOS Act mandated that operational service required the following conditions had to be met:
  1. That a special area has been prescribed;
  2. That the personnel were serving in the special area; and
  3. That personnel were allotted for special duty within the special area.
- Special duty was defined in the SOS Act as “*....duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the areas was made*”<sup>12</sup>.

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<sup>10</sup> Mohr, R.F. and Kennedy, P.G.N., Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975, February 2000, p.9.

<sup>11</sup> NZDF, Reassessment of the Recommendations of the Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 132.

<sup>12</sup> Commonwealth of Australia, Repatriation (Special Overseas Service) Act, 1962, Section 3 (1.).

- A 1965 Cabinet decision 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 continuing danger of activities of hostile or dissident elements...*”<sup>13</sup>.
- The Minutes of the Defence Committee meeting in 1973 clearly reflect the Committee were aware of the nature and extent of the insurgent threat to the airbase and to Australia’s interests at the airbase. Cabinet would also have been aware of the threat to Australia’s interests at the airbase.
- The Defence Committee recommendation that the deployment of Army personnel to Butterworth “*Could be presented publicly as being for training purposes*” was accepted by the Government and consequently no instrument was signed by the Minister to prescribe a special area. This meant that Army personnel deployed to protect the airbase were not allotted for special duty, which has denied RCB veterans recognition of their service, with consequent impacts on their entitlement to repatriation benefits.
- A special area could have been prescribed as the airbase had been designated a Protected Area and a Shared Defence Plan, endorsed by Malaysia and Australia, detailed responsibilities for the RMAF and the RAAF to defend the airbase. RCB, which was under the operational command of OC RAAF Butterworth, was employed in the defence of the airbase.
- RCB personnel undertook special duty at the airbase, which involved them as part of the defence of the airbase, including the providing a QRF.
- RCB personnel met the criteria for allotment for special duty as stated in Cabinet Directive 1048 because they were exposed to potential risk by reason of the fact that there was continuing danger of the attack on the airbase by communist insurgents.
- In addressing the question of the failure to allot deployed forces MAJGEN Mohr stated “*..those who ordered them to do their duty, which they did, took no steps ensure the required allotment procedures were attended to when quite clearly they should have been*”<sup>14</sup>.
- RCB personnel could be retrospectively allotted for special duty if that is necessary. There are ample recent precedents of the service of other deployments of ADF personnel being allotted retrospectively.

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<sup>13</sup> Cabinet Decision 1048 of 7 July 1965.

<sup>14</sup> Mohr, R.F. and Kennedy, P.G.N., Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975, February 2000, p. 8 and 9.

## Relevance of the 2021 NZDF Review.

- The decision of the NZ Government to reclassify the service of its veterans resulted from a recommendation of the 2021 NZDF review. Underpinning that recommendation was a clear acknowledgement of the importance of documents obtained from Australian sources, many of which were formerly classified and not available to a previous NZ review of its veterans' service conducted in 2013.
- The declassified documents provided to the 2021 NZDF review by veterans of the Royal New Zealand Returned and Services Association were discovered by RCB veterans and provided to their NZ counterparts<sup>15</sup>.
- The importance of the declassified Australian documents in informing the recommendations of the 2021 NZDF review cannot be understated because the recommendations of the 2021 review resulted in the NZ Government deciding to reclassify the nature of its veterans service. In addressing service at Butterworth the 2021 NZDF review report stated "*In the case of Butterworth deployments it is suggested that considerable weighting be applied to the Australian declassified material*"<sup>16</sup>.
- Prior to the 2021 NZDF review the 2013 Medallie Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011 (the 2013 NZ review) had recommended that veterans' service should not be reclassified.
- The Australian Government has previously relied on the 2013 NZ review to refute requests by RCB veterans to have their service reclassified. In 2014 the Assistant Minister for Defence in a speech to the House of Representatives stated that the peacetime classification of RCB service "*.. is consistent with independent Australian and New Zealand reviews and inquires, namely: .....The Medallie Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011 (sponsored by the New Zealand Government and dated 2013)*"<sup>17</sup>.

The 2021 NZDF review report highlighted two principles which it considered were fundamental to the assessment of the nature of service.

The first principle was from a review conducted by MAJGEN Mohr in 2000 review of Service Entitlement Anomalies In Respect of South East-Asian Service from 1955-75 the report of which was tabled in the Australian Parliament.

1. "*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*

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<sup>15</sup> NZDF, Reassessment of the Recommendations of the Medallie Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 76.

<sup>16</sup> NZDF, Reassessment of the Recommendations of the Medallie Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 118.

<sup>17</sup> Commonwealth of Australia, Parliamentary Debates, House of Representatives Petitions, Rifle Company Butterworth, p.2, 16 June 2014.

*has to be considered operational service. This is regardless of whether the threat is realised or not*<sup>18</sup>.

The second principle was:

2. *“It is considered that if the government judges that “a particular area is vulnerable to attack and dispatch armed forces there, they are sending forces [potentially] into harm’s way, or danger”*<sup>19</sup>.

- The 2021 NZ review examined the nature and extent of the threat presented by the communist insurgency. The report stated *“In response to questions relating to the nature of service, Malaysian authorities told the Australian Government in 2004 that it considered there was an armed conflict between Malaysia and the communist insurgents between 1968 and 1989 and concluded this meant that the Malaysian Armed Forces personnel were on “active service” when involved in the operations against the CTs.”*<sup>20</sup>.
- Decisions made by the NZ Government to deploy NZ forces to protect the airbase at Butterworth were made in the context of New Zealand legislation and policy.
- The criteria for classifying service and medallic awards for NZDF personnel are based on different legislation and policy than is relevant to RCB.

## **Conclusion.**

It is my submission that the following facts justify the award of the AASM to personnel who served as members of RCB during the period 1970 to 1989:

- During the period 1970 to 1989 a communist insurgency was underway in Malaysia and RCB personnel were deployed by the Australian Government to protect the airbase at Butterworth from the threat of attack by the communist insurgents.
- The nature of the threat to the security of the airbase was confirmed by ministerial briefings provided by the CDF and by the JIO.
- The relevance of the JIO assessments was acknowledged by the 2021 NZDF review.
- The primary task of RCB personnel was to protect the airbase which they did under the operational command of the OC RAAF Butterworth who was jointly responsible with the RMAF for managing the defence of the airbase.

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<sup>18</sup> NZDF, Reassessment of the Recommendations of the Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 70.

<sup>19</sup> NZDF, Reassessment of the Recommendations of the Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 9.

<sup>20</sup> NZDF, Reassessment of the Recommendations of the Medallic Recognition Joint Working Group on New Zealand Military Service in South East Asia 1955 to 1989, March 2021, para 86.

- The fact that RCB did protect the airbase from the threat of attack by communist insurgents was acknowledged by the Malaysian CDF in his message of congratulations on the 50<sup>TH</sup> anniversary of the deployment of RCB.
- RCB personnel carried weapons and live ammunition and were on call to be ready to deploy as a QRF to counter enemy penetration of the airbase perimeter, counter attack any enemy penetration that put at risk RAAF personnel, property and to ensure the safety of the families of RAAF personnel.
- RCB personnel were issued OFOF based on ROE that permitted the use of lethal force if required.
- RCB personnel were exposed to potential risk by reason of the fact that there was continuing danger of attack on the airbase by communist insurgents
- The service rendered by RCB personnel during the period 1970 to 1989 was in no way peacetime in nature and assertions that RCB service could be compared to that rendered at bases in Australia is not supported by the facts.

The principle articulated by MAJGEN Mohr, which was also acknowledged by the 2021 NZDF review, should be at the forefront of those entrusted with recognising the service of ADF members deployed on the orders of their commanders to serve the interests of Australia:

*“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, their service has to be considered operational service regardless of whether the threat is realised or not”<sup>21</sup>.*

Recognising the service of RCB personnel that have passed and those who are still alive is important to veterans and their families. Honouring their service justly by the award of the AASM will be a meaningful way of demonstrating the commitment of the Australian Government and community to the Australian Veterans’ Recognition (Putting Veterans and their Families First) Act, 2019.

It would be remiss of me not to acknowledge the role played by many RAAF personnel deployed to airbase Butterworth during the period 1970 to 1989 who, along with RCB personnel were involved in the protection of the airbase.

It has been 47 years since I was deployed to Butterworth as a member of RCB and I remain in contact with many of the soldiers I commanded at Butterworth. I was responsible then for their welfare and I have a continuing obligation to see their service is recognised. That responsibility also extends to the families of those who served with me and have passed on. Honouring the service of those that have passed will mean so very much to their families.

I would very much appreciate the opportunity to appear before the Tribunal and I am happy to travel to Canberra at my expense to do so or to appear via Zoom if required.

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<sup>21</sup> CDF Minute 777/2000, 28 June 2001, p.7, paragraph 19 refers.

