

Document ID: afa7d068d75af108c7a6a558017dabe96875e722

30 June, 2022

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

Submission to Inquiry - Mr Stephen Winthrop

Part 1 – Name of Inquiry

Name of Inquiry *

Medallic recognition for service with Rifle Company Butterworth

Part 2 – About the Submitter

Title or Rank *

Mr

Surname *

Winthrop

Given Names *

Stephen

Postal Address *

[REDACTED]

Email Address: *

[REDACTED]

Primary Contact Number *

[REDACTED]

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:

For the Medallic recognition of Rifle Company Butterworth for the Australian Active Service Medal and Veterans entitlements.

Part 4 - Your submission and Supporting Documentation

File Attached:

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.

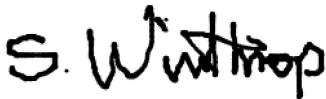
✓ I declare that the information I have provided is correct.

Name

Stephen Winthrop

Date

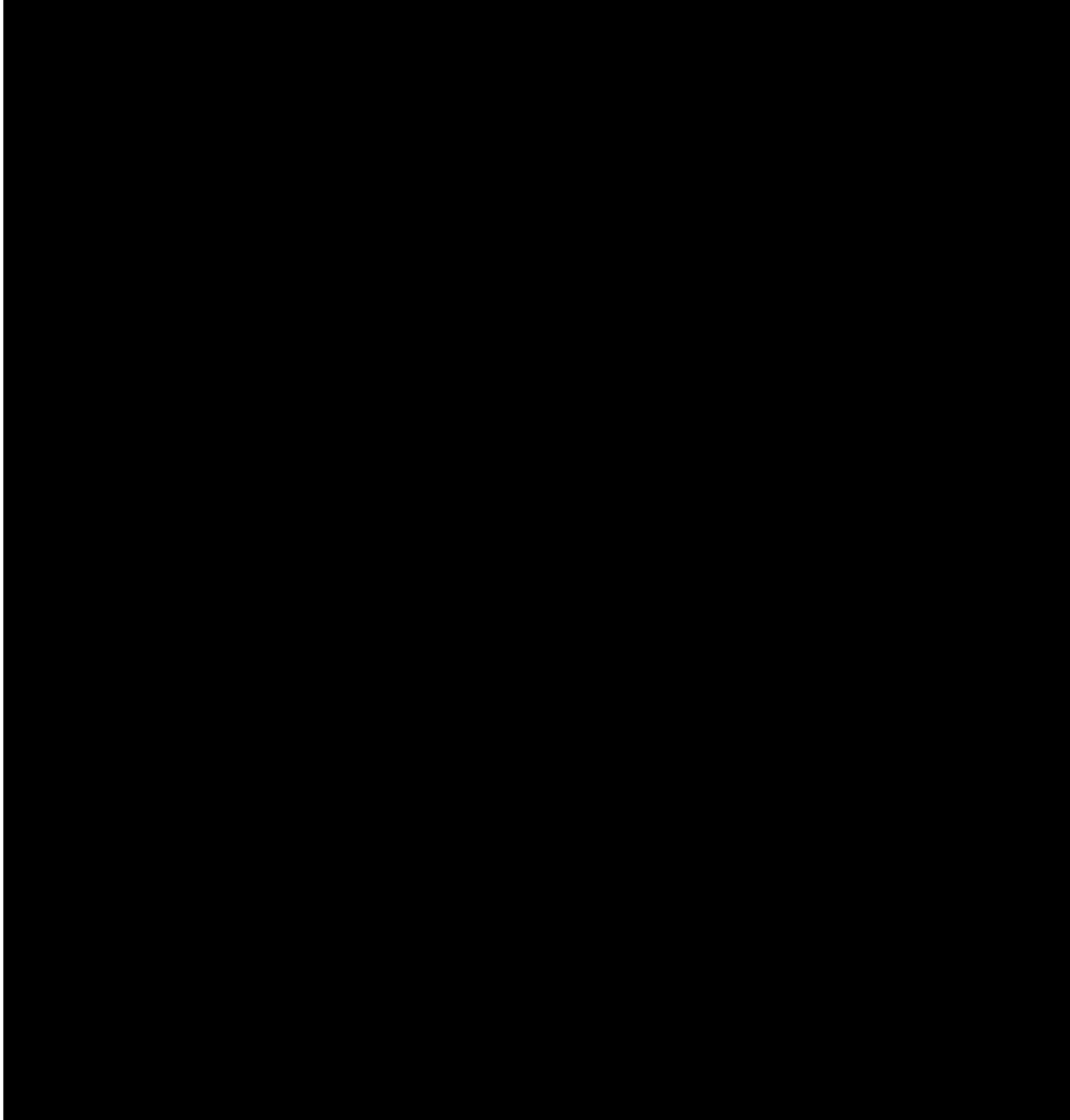
30/06/2022 /

A handwritten signature in black ink that reads "S. Winthrop". The letters are cursive and somewhat stylized, with the "S" being particularly large and the "Winthrop" written in a more compact, flowing script.

Signed by Mr Stephen Winthrop
Signed on: 30 June, 2022

Signature Certificate

Document name: Submission to Inquiry - Mr Stephen Winthrop



Submission to the Defence Honours and Awards Appeal Tribunal for Recognition of Rifle Company Butterworth for the Australian Active Service Medal.

Name Stephen Winthrop

Address

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Email

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Mobile

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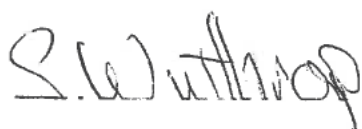
This submission is based on my lived experience and knowledge of my deployment to RAAF Butterworth also from both what I was told to me by my superiors and released documents.

Unit D Company, 5/7 RAR.

Date December 1976, to February 1977

I was deployed to Malaysia during their Communist Insurgency War. The Communist Terrorist Organisation aim was to over throw the Malaysian Government by armed force. I was deployed to a Malaysian operational air base which was involved in and fighting their war against the CTO. I was deployed as part of a Quick Reaction Force to protect and defend our assets on the Royal Malaysian Air Base Butterworth. There was a shared Defence Plan between Australia and Malaysia.

Stephen Winthrop



21 June 2022

My role as an Infantry soldier posted to the Royal Malaysians Air Force/RAAF Base Butterworth.

I arrived at Butterworth on the 6 December 1976 for a 3-month deployment, with D Company 5/7 RAR, as part of a Quick Reaction Force to protect our assets and people at Butterworth while the Malaysian Communist War was on.

This is confirmed by the Chief of Staff meeting, Chaired by Admiral Sir Victor Smith KBE CB DSO.

Chiefs of Staff Committee AGENDUM 24/1973 Minute No 38/1973

“CAS considered that the AOC should have appropriate authority to control the use of the Company for the protection of the RAAF Base, as this was the primary task of the Company.

In the minds of the Chief of Staff there is no doubt that RCB was there for the protection of Butterworth.

The Chief of Malaysian Defence confirms that RCB deployment to RMAF Butterworth was for the protection of Butterworth during the Communist Insurgency War, as in his press release for the 50th Anniversary of RCB



It is very clear and there can be no misunderstanding that the Chief of the Malaysian Defence Force confirms that RCB was there for- Protecting the RMAF Butterworth base during the resurgence of the Communist Insurgency from 1970 – 1989.

THE CONFLICT

The Malaysian Communist Insurgency War. Also known as the Malaysian 2nd Emergency.

Following the end of the Malayan Emergency in 1960, the Malayan National Liberation Army, the armed wing of the Malaysian Communist Party, had retreated to the Malay-Thailand border where it had regrouped, rearmed and retrained for future offensives against the Malaysian Government.

1st June 1968 the Central Command of the Malaysian Communist Party issued a directive "Hold High the Great Red Banner of Armed Struggle." The MCP was ready to start a new insurgency in Malaysia. On the 17 June 1968 to mark the 20th anniversary of their armed struggle against the Malaysian Government, the MCP launched an ambush against security forces killing 17 members thus starting the Malaysian Communist Insurgency War.

Their aim was to overthrow the Malaysian Government by **armed force**, and to turn Malaysia into a Communist State. The Malaysian Government was fighting for its survival.

The CT conducted a bloody insurgency war throughout the country attacking targets all over Malaysia.

They attacked railway lines and bridges 5 miles from Butterworth, also bombed a military base on Penang Island where we spent a lot of time on leave, The road we used to reach our firing range was a regular target for the CT to attack, (as our Intelligence Brief on arriving at Butterworth)

The Insurgency War came to an end on 2nd December 1989 when Chin Peng the leader of the MCP and the Malaysian Government signed the peace accord at Hatyai and bringing an end to the fighting.

In the past Defence has denied there was ever a Communist Insurgency War or the 2nd Emergency.

There could not have been a Peace Accord signed between Malaysia, and the Communist Organisation, unless the insurgency war happened.

There are far too many published books, documents newspaper articles on the subject for them to be in denial, but they have been.

Malaysia's Defeat of Armed Communism, The Second Emergency, 1968 – 1989. By Professor Ong Weichong is a good reference.

A list of some Malaysian operations against the CT. Operation Gonzales, April 74, Gonzales was a Division size operation.

Operation Kota, Border protection. - Operation Sedar, 6th Malaysian Infantry Brigade. - Operation Setia, 2nd MIB. - Operation Indira, 4th MIB. - Operation Galas, 8th MIB, - Operation Asli, - Operation Ukor, Operation Pago, - Operation Bamboo,

Please note these are Division and Brigade level Operations they are military operation, also the RMAF flying operational missions from Butterworth against the CT. **Malaysia was fighting a war from Butterworth.**

Which brings me to the point -

In a Standing Committee on Petition, October 1974. Colonel Thompson gave evidence " **The Military was not deployed against them** – only very occasionally" also "There were very limited attacks on any Malaysian Constabulary, **because it was a police action**"

Colonel Thompson had the audacity to give evidence to a Standing Committee on Petitions that **it was not a Military operation but a police action** and characterised the CT as just bandits. If Defence are so flagrant with twisting the truth, then what Defence say must be taken with a grain of salt.

Butterworth

Butterworth was an Royal Malaysian Air Base, and was an active operational air base where RMAF planes were actively involved in combat and medivac operations in their war against the Communist Terrorist. Butterworth was considered to be a potential target for the Communist Terrorist, as it was used by the RMAF for counter terrorist operation, it was also the closest major airbase to the Communist stronghold.

Butterworth was in Province Wellesley, Penang State. The Communist were active in the Butterworth, Penang area including Province Wellesley.

Australia had use of part of the RMAF Base as part of the Five Power Defence Treaty, stationed on this airbase were very valuable Australian Mirage fighters, and Australian personnel.

With our Mirage jets on a Malaysian Air Base which a war was being fought from put our assets in danger, which led to the deployment of RCB being deployed as a Quick Reaction Force to protect our assets.

Briefing on the Threat on arrival at Butterworth

On arrival at Butterworth the first thing we underwent was an intelligent briefing of the threat, which covered activities of the Communist Terrorist around Butterworth and particularly a road from Butterworth which we will need to travel on as it was an active target with the Communist Terrorist.

Reds blow up railway track in north Malaysia

TARGET BLOOD, MURDER
COMMUNIST terrorists blow up the railway track between Malacca and Kuala Lumpur, the capital of the state of Malacca. The explosion was a warning to the state and disrupted traffic at the station. Federal forces...

Two bomb blasts in Penang
RED FLAGS FOUND ON BUILDINGS

REDACTED

SECURITY FORCES KILL 4 REDS
KUALA LUMPUR
Four Communist terrorists were killed by security forces in the night hours near the Kuala Lumpur station. The bodies were found in a ditch near the station.

Peril in five states
Red threat very real, says Tun

KUALA LUMPUR, Monday
TUN Abdul Razak today warned that the states of Kedah, Perlis, Penang, Kelantan and Punning... he said the Communist threat is "very real."

The Straits Times, 14 September 1975.
Curfew in Province districts from tomorrow

Curfew in Province districts from tomorrow

REDACTED

Reds blow up rail tracks in Malaysia

REDACTED

The Canberra Times (ACT : 1926 - 1995), Tuesday 21 October 1975, page 6

Malaysia moves on guerilla threat

From **THAUNG MYINE**, in Kuala Lumpur

MALAYSIAN soldiers and police on guard duty will shoot to kill in a move to contain an urban-guerrilla war communitists have begun waging.

...at the Prime Minister's office and the Home Affairs Ministry have been tightened. Victims are closely scrutinized and ... Checkpoints manned by

...attempts are being made to create confusion in the ... As part of the security effort, the Government is stepping up the supervision of ...

These newspaper heading are from the Straits Times, 1971 and 1975 and one article from the Canberra Times. The CT were active on the door step of Butterworth including Penang Island, and attacking military targets and infrastructure within 5 miles of Butterworth. There was a threat to Butterworth from the CT.

The Threat

On the 11 March 1971, The Australian High Commissioner in Kuala Lumpur, J. R. Rowland wrote to Departments of Foreign Affairs, Defence & JIO, Air and headquarters RAAF Butterworth, Security Folio 107. Attached was a recorded conversation with the Malaysian Deputy Director Military Intelligence Lt.Col Ahmad Bin Haji Abdul Kadir, concerning the general security situation in Malaysia and reference to Butterworth security in general and the Communist Terrorist Organisation activities in the Kulim District. Lt. Col. Ahmad reported **"the threat to ALL RMAF Bases was now very seriously regarded and apart from anything else an attack would be a good moral victory for the Communist Terrorist Organisation"**

He assessed Butterworth as a probable target.

ANZUK Intelligence Group

The Anzuk Intelligence Group Secret document " The threat to Butterworth Air Base to the end of 1972", it was estimated that the CTO had a force of between 1,800 and 2,000 armed terrorist. They concluded that an isolated attack on Butterworth by CT members or other subversive group was **definitely a risk** at any time without any warning.

I considered the threat to be real based on our Intelligence briefings given to us on arrival at Butterworth, we were warned of attack on military units and civilian infrastructure's within 5 miles of Butterworth Including Penang Island

IN BRIEF

Guerillas killed near air base

KUALA LUMPUR,
Sunday (AAP - Reuter).
— Malaysian security forces killed four communists in a clash with an insurgent group only 10 miles south-east of the Butterworth Air base where 40 Australian Mirage fighters are based, the Defence Ministry said.

A routine patrol encountered a group of armed and uniformed communist guerillas and engaged them, killing four and wounding four others.

Newspaper clipping – 10 miles from Butterworth "A routine patrol encounters a group of communist guerrillas and engaged them, killing four and wounding four others." It is very clear that the CT were active around Butterworth. There was a real threat to Butterworth.

The Threat

From a Secret Department of Air Brief, 564/B8/28. Intelligence information received in late September 1975. "The CT Organisation gave instruction to its underground organisation in Malaysia to carry out rocket attack on air bases, especially during September and October,

SECRET

BRIEF

- 4 -

- d. direct and indirect attacks on personnel and their families in public areas or quarters using explosives or small arms; and
- e. attacks by fire using mortars, rockets or other indirect fire weapons from the surrounding padi-field, village (Kampong) areas.

9. Current Assessment. Intelligence information received in late September 1975 reports that the CTO has given instructions to its underground organization in Peninsular Malaysia to carry out rocket attacks against air bases, especially during the months of September and October. The CTO appear to have a fairly reliable supply of 3.5 inch rockets; the weapon was first

Please Note, it said air bases, it did not say air bases except Butterworth. It is clear that the directive was to rocket attack all air bases. Butterworth was not excluded. There is only one interpretation, there was a very real threat to Butterworth from a rocket attack.

Clearly there was a threat to Butterworth according to Intelligence reports of the Malaysian Military Intelligent Group and our ANZUK Intelligence Group. You do not need to go past the above document where direct orders were issued to all underground units to rocket air bases, it did not exclude Butterworth.

We were on a Operational Royal Malaysian Air Force Base which was being used in and fighting a war from. The Malaysian Military Intelligent considered Butterworth was a probable target. In other word's it is likely to be target of the CT's

The Enemy

There was a known enemy operating in Malaysia from 1968 to 1989 the Communist Terrorist Organisation with the aim of overthrowing the Malaysian Government. They operated mostly in the northern part of Malaysia where Butterworth was located also down to the Capital Kuala Lumpur. Many of the CT were experienced guerrilla fighter from the Malay Emergency. No location in Malaysia was immune to attack by the CT.

Communist 8th Assault Unit.

Operated close to Butterworth in the Kulim area and described by the Malaysian Army as "active guerrilla force of substantial strength and capability" Below Air Brief 564/8/28

The primary threat to Butterworth is considered to be from:

- a. the 8th Assault Group of 63 CTs based in the Kulim and Baling districts East of Butterworth;
and
- b. a small extremist urban group in the Penang area.

8. Likely Forms of Attack. In summary, the possible forms of CTO attack on Butterworth are:

Expectation of Casualties

The risk of casualties was on my mind as I was briefed on the threat of the CT and their activities around Butterworth

SECRET, - Department of Air Brief, 564/8/28. "The most important requirement is to ensure that the base has adequate emergency response arrangements to deal with casualties and to recover from the effects of an attack."

There is only one interpretation, and that there was an expectation of an attack, and were ready for casualties. Given the earlier Military Intelligence assessment that Butterworth was a probable target for the Communist Terrorist, casualties must be expected.

The Quick Reaction Force who carried live ammunition was to respond to any attack or penetration

Rules of Engagements.

Our rules of engagement went beyond self-defence, while we were permitted to open fire in certain conditions without it being in self-defence, there was a large number of civilians working on the air base, and they wanted us to identify the persons, and that person was not a civilian worker before opening fire.

The QRF was deployed to counter penetrations and counter attack as order by the Ground Defence Operational Centre, at this point the QRF became lethal.

Area of Operation.

Our area of operation was the Royal Malaysian Air Base/ RAAF Base Butterworth, for the protection of our property and people. We were not to be involved civil disturbances, unless it was needed to carry out our duties. If required we were to escort Australian, British, and NZ civilians on to Butterworth for evacuation during civil unrest. Our JIO did considered there was a need for RCB to operate outside the wire.

A Quick Reaction Force.

I was deployed as part of a QRF. An armed unit capable of rapid responding to developing situations. Same as the Australian QRF in Afghanistan.

Please note, The QRF ended when the communist war came to an end and the peace accord was signed.

Base in an emergency. Broadly speaking the Officer Commanding RMAF has overall responsibility for the protection of the Base throughout each 24-hour period, and the Officer Commanding RAAF is responsible for the point defence of RAAF aircraft and operational facilities and the protection of RAAF families.

8. To assist the OC RAAF an ARA Infantry Company is permanently available at Butterworth as a quick-reaction force. The Company is usually rotated by airlift, at three-monthly intervals, direct from Australia. It is available as a quick-reaction force, but it may be engaged in local training from time to time. Other support is provided by RAAF defence flights made up of RAAF non-specialist ground-defence personnel. Static defences comprise a single two-metre perimeter fence with barbed-wire overhang, and lighting of most Vital Points.

An extract from an JIO document. There can be no misunderstanding when it says "an ARA Infantry Company is permanently available at Butterworth as a Quick Reaction Force." It does not say it is there permanently for training. It was permanently there for the defence of Butterworth while the Communist Insurgency was on

Base Security and Defence

23. OC RMAF is responsible for the security of the base and has a Malaysian Military Policy (Special Security Police) Company for this purpose, but no military defence personnel. OC RAAF is responsible for point defence of RAAF assets, aircraft and personnel using RAAF Police, Security Guards and dogs. The ARA Company provides an on-base quick reaction force to supplement

Extract from a JIO document. Base security and DEFENCE

23. The ARA Company provides an on base Quick Reaction Force.

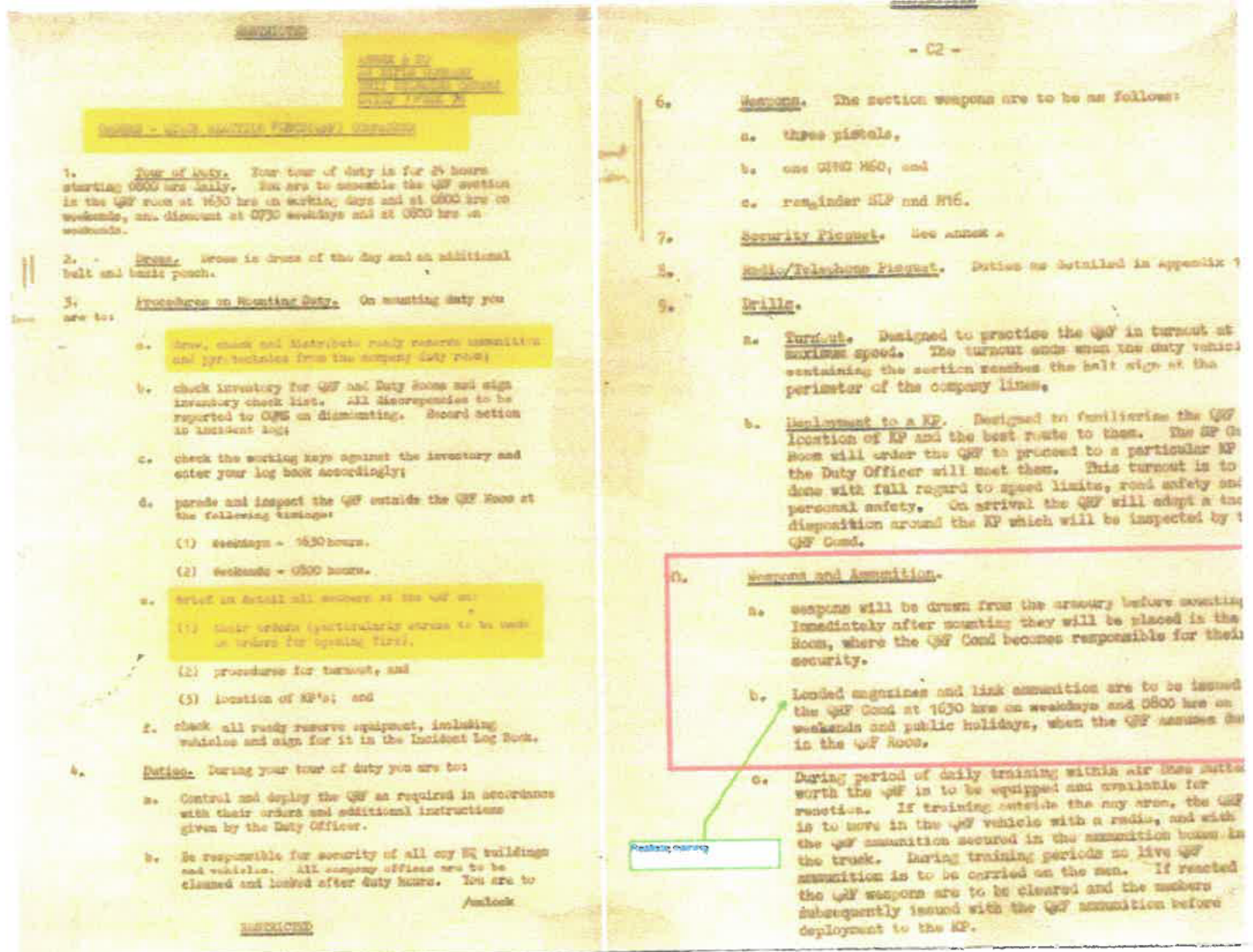
Higher level documents refer to RCB as the QRF for the defence of Butterworth.

A Quick Reaction Force

Standing Orders for the QRF – Note, these are Standing Orders for the QRF, it does not say for training

From Unit Standing Orders, Dec 78

10 b, Weapons & Ammunitions – Loaded magazines and link ammunitions are to be issued.



Every night at random for our 3-month deployment, and every night for 19 years of RCB deployment during the Communist Insurgency War, the QRF would be called out to Vital Points with live ammunition, and I believe this is one reason that Butterworth was never attacked, The CT knew we would turn up at any time at vital points with live ammunition, and not only turn up but go into a contact Drill. The CT knew there was a QRF there for one purpose, and that is to immediately/instantly respond to any attack or penetration.

Secret Brief Department of Air, 564/8/28,

Summary of Defence Arrangements

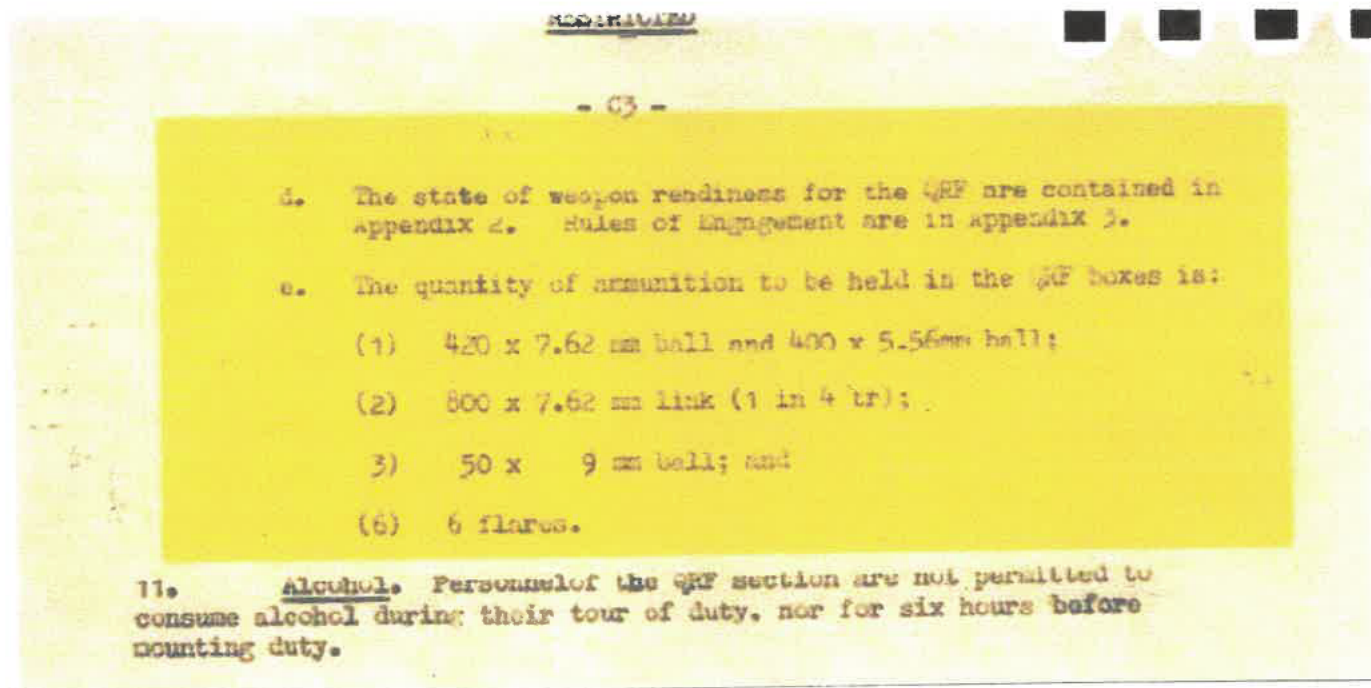
30, a. The ARA company fulfills the Military Quick Reaction Force role.

Please Note, It does not say the ARA Company fulfills the training role

A Quick Reaction Force.

Standing Orders, C3. Quantity of ammunition.

The QRF also had full front line ammunition and weapons for their deployment.



Why was there a need for a QRF every day for 19 years carrying live ammunition and Rules of Engagement, while the Malaysian Insurgency War was on? Why would we need RoE and carrying live ammunition if we were there only for training?

When the Insurgency War came to an end in 1989 so did the QRF.

From a 'SECRET' Document, JIO draft August 1975, Security measures to protect Base.

"The RCB provides specialist ground defence skills that were not possessed by RAAF"

RCB provided that Quick Reaction Force on a daily basis, every day for 19 years. When the Insurgency War came to an end so did the QRF.

I wonder whose bright idea it was to send combat troops with front line ammunition on to a Malaysian Air Base for training, while the Communist Insurgency War was on, when they knew that the air base was being used to fight a war from.

Defence said they wanted the training to be realistic, I suppose training could not be more realistic than actually being in a place where a war is being fought from.

Training

At no time was there any training done with the Malaysian Army during my deployment. Only one platoon was allowed to be away from Butterworth at a time, which meant that at a Company level there could be no training as a Company.

One platoon at a time did around 5 days training in an area in the southern part of Malaysia, while it was a training exercise, we carried live ammunition. The reason for this - it was believed we could encounter the CT at any place in Malaysia.

insurgency operations are being carried out or where there is insurgent activity. Training areas which are presently available are listed in Annex C.

22. Carriage of Ball Ammunition on Field Training Exercises. Because of the possibility of chance encounters with wild animals or belligerents, a company commander may wish to issue a limited amount of ball ammunition to provide a degree of safety during field training activities for which blank ammunition is also to be issued. Carriage of ball ammunition for this purpose is authorised, subject to prior approval of OC RAAF Butterworth and the conditions listed at Annex D. Requests for approval for the carriage of ball ammunition are to specify the area of the proposed activity and the number of rounds to be carried by each nominated member.

Every one of us carried a full magazine of live ammunition while we were on our week of training. This clearly demonstrates that where ever we were in Malaysia there was a possible threat from the Communist Terrorist.

Please note – We were not carrying live ammunition because it was a live firing exercise. We were carrying live ammunition to defend ourselves in case we encountered belligerents, in other words in case we encountered the Communist Terrorist. No place in Malaysia was immune from the Communist Terrorist operations. At all times Defence considered there was a threat to us, and there was a need to carry live ammunition even in the remote parts of the Malaysian jungle while on exercise.

The Air Officer Commanding Butterworth thoughts on training.

1. The OC Butterworth was concerned the exercises would be in a remote area away from Butterworth. Why would he be concerned if we were at Butterworth only for training?
2. The OC Butterworth made it very clear that training away from Butterworth is not acceptable. He made it very clear it would seriously affect his ability to secure Australian assets within the perimeter at Butterworth, at best the remaining men would only be able to secure two vital points. Again he said this is unacceptable.
3. A compromise was sort to allow only one Platoon to be away at a time which would not impair the security as much.

~~CONFIDENTIAL~~



ROYAL AUSTRALIAN AIR FORCE

TELEPHONE Butterworth: 331666

Headquarters
RAAF
RAF Base Butterworth
C/- GEO Fencing
MALAYSIA

REF ID: A66666 3/107/ALR (34)

27th March 1974

Australian High Commission (Att: Defence Adviser)
44 Jalan Ampang
P.O. Box 921
KUALA LUMPUR C1-02

For Information:

Commander AEEOK Air Component
65 GI Section


AUSTRALIAN ARMY COMPANY AT BUTTERWORTH

- References:
- A. AASP No 1/73
 - B. CGS Directive to Officer Commanding Butterworth Company
 - C. Your 207/5/14 dated 12th March 1974

1. Reference C forwarded a proposal that about 100 members of the Butterworth Company might be made available for combined exercises with Malaysian troops. These exercises would probably take place at Johore or other areas reasonably remote from Butterworth and would last up to 14 days.

2. This proposal is not acceptable, primarily from Base security considerations. An exodus of the main body of the Company Group on training for 14 days at a remote location would seriously affect our ability to secure Australian assets within the Base perimeter at Butterworth. In the event of an incident, the remaining 52 men would at best, only be able to secure a maximum of two vital points at the air base and this is clearly unacceptable when the total number of V.P.s to be protected is about forty.

3. I am however agreeable to a modified scale of training for the EAR Company Group and suggest that this be at platoon level. Whilst the support required for one platoon could present some logistic problems, security within the perimeter of Air Base Butterworth would not be impaired to the same extent as if the major portion of the Company Group were away from the Base.


(P. F. RAY)
Air Commodore
Officer Commanding

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Again there can be no misunderstanding in the mind of Air Officer Commanding Butterworth that RCB was there to protect Australian assets. It was unacceptable to him that RCB could leave Butterworth for training

The Training Lie.

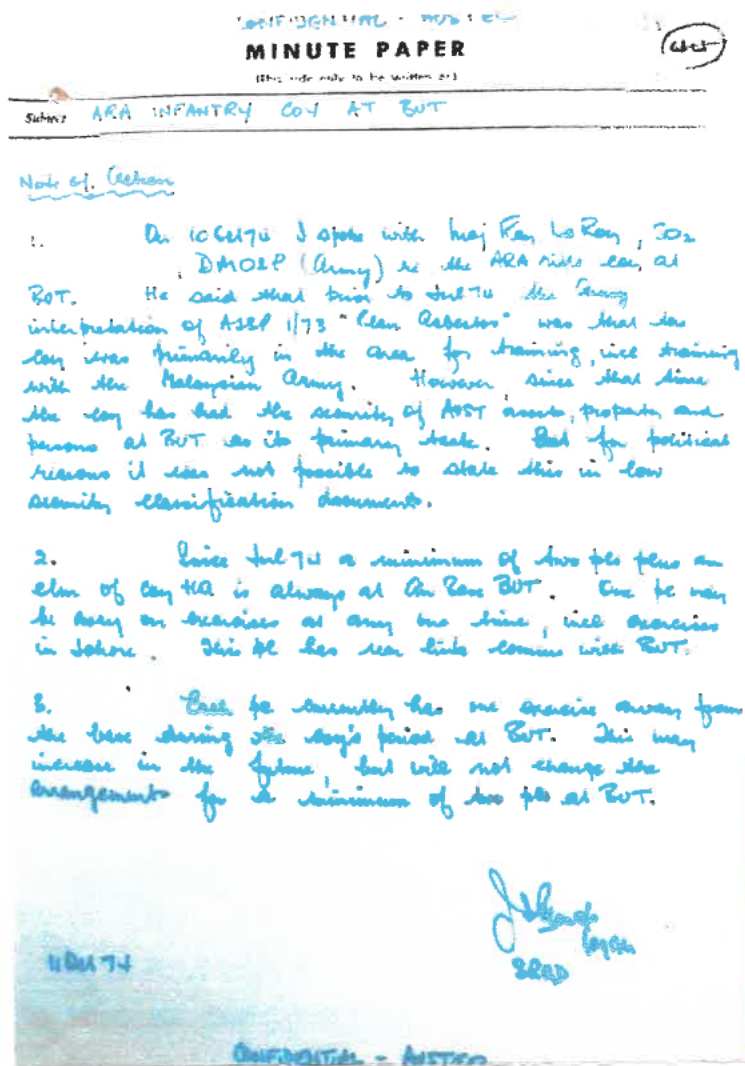
For political and sensitive reasons, a lie was developed to hide true reason why RCB was at Butterworth.

1. In minutes from a 1973 Defence Committee document classified "SECRET" – at the time and that the training purpose was used as a ruse any communication about the role would be strictly on a needs to know basis.

There can be no misunderstanding of what the Defence Committee are saying that the training purpose was a LIE, and only the highest level were allowed to know the true role of RCB.

2. Hand written document "the company has had the security of Australian assets, property and persons at Butterworth as its primary task, but for political reasons it was not possible to state this in low level security unclassified documents."

The QRF was in place for the protection of Butterworth until the Insurgency war came to an end, after that it then became training.



The memo makes it clear that Plan Asbestos was conceived under a guise of training

The Training Lie

Minutes from Defence Committee meeting dated 11 January 1973 marked SECRET -

When The Australian Battalion is withdrawn, the requirements for a company for SECURITY duties at Butterworth will be met by providing the unit on rotation from Australia. This could be present publicly for training purposes.

There can be no misunderstanding the Company was for SECURITY, it was not there for training, and they wanted it to be presented as training for political reasons.

Minutes from a Chief of Staff Committee held on the 17 October 1973 and marked CONFIDENTIAL recorded Chief of Air supported the Chief of Navy comment that in moving away from Butterworth for training, the Committee was losing sight of the primary task of the Company.

Clearly in the minds of the Chief of Staff, security was the primary task, and they did not want the Company to move away from Butterworth for training.

While security was our primary task, soldiers always train even while on operations as in Vietnam and Afghanistan, there always will be documents referring to training. their lives depend on continuous training.

Minute Paper, Draft CAS Directive to OC Butterworth.

2. and 3. There were concerns about the lack of security external to Butterworth due to the Malaysian 6th Infantry Brigade being operationally deployed away from Butterworth. They considered there was a need for RCB to operate outside the wire to make up this short coming. Australia did not think the external security was satisfactory. The Minute Papers does not sound like we were there for training.

2. In the case of Butterworth, recent incidents in the local area have highlighted the need for effective ground defence forces. Defence of the area is a Malaysian responsibility, however, 6MIB, in whose area BUT falls, has all its operational units deployed on anti-terrorist operations well away from the base. It is, perhaps, not only lacks the capability for military ops, but is fully committed to day-to-day security tasks.

3. In these circumstances, it would seem desirable to seek approval for the Australian Infantry Company to operate outside the limits of the base as normal procedure will need to be placed on such off base operations/activities, but I suggest that the constraint should be that such employment must be directly related to the protection of aircraft and installations. The actual distances involved would need to be determined locally.

The Training Lie or Defence Flawed Narrative of Training

In previous reviews defence have maintained their senior researcher have examined open, closed and not-yet-open document.

Then why have their senior researchers not been able to find critical Secret document which proved RCB was there for the protection of Butterworth during the Communist Insurgency War. and there was a lie in place to hide the true reasons. Again Minutes from a 1973 Defence Committee Document Classified "SECRET"

The training purpose was used as a RUSE any communication about the role would be strictly on a need to know basis.

Were they incompetent to find this document or was it just part of Defence narrative of denial.

When you have the very highest level of Government and Defence openly saying in a classified "SECRET" Document that the training is a ruse a lie, then anyone who say RCB was there for training is in denial of the truth, or has their own agenda to mislead people.

Strictly on a need to know bases.

The Defence Committee, the very high level of Government and Defence said
"any communications about the role would be strictly on a needs to know basis."

What does strictly on a need to know basis mean.

The restriction of information which is considered sensitive even if one had security clearance to access certain information, one would not be given such information.

Can only have access to the information that their job function requires, regardless of their security level.

It is very clear and beyond any doubt that RCB was not there for training.

While previous reviews for recognition may have documents referring to training they are low level documents, while the very high level Defence Committee and Chief of Staff documents are never presented which disprove and demolishes their argument that RCB were there for training

Again their senior researchers who have examined open and closed documents were not capable of finding these documents or did they keep them hidden for their own agenda. There will always be documents referring to training as soldiers always train even in war as they did during Vietnam and Afghanistan.

Why do Defence Ignore the Higher Secret documents.

Defence claim that in their past reviews they have examined documents from the Australian War Memorial, National Archives, open and closed documents. Yet they ignore the higher level Secret documents which gives the truth. They rely on the lower level documents to support their flawed narrative.

Why could they not find **"The company has had the security Australian assets, property and persons at Butterworth as its primary task, but for political reasons it was not possible to state this in lower security unclassified documents"**

The Whitton Report, The Ethicos Group.

The independent Whitton Report was damning of Defence and Government procedures, and failing. A copy is provided.

Butterworth Air Base involved in a WAR.

What cannot be denied is that Butterworth was involved in fighting a war against the Communist, which in reality made Butterworth part of the war against the Communist Terrorist.

ITEM THREE - F5 OPERATIONS IN UPPER PERAK.
F5E AIRCRAFT OPERATING FROM AIR BASE BUTTERWORTH FLEW FOUR SORTIES ON BOTH 17 MAY AND 18 MAY 77 TO SUPPORT OPERATIONS IN THE OPERATION SETIA AREA OF UPPER PERAK. ACCORDING TO LOCAL PRESS REPORTS THE F5E JETS USED 20MM CANNON TO STRAFE UNIDENTIFIED TARGETS. RESULTS OF THE AIR STRIKES WOULD NOT BE KNOWN UNTIL GROUND FORCES COMBED THE TARGET AREAS. THE DEPUTY DEFENCE MINISTER, MOKHTAR HASHIM, SAID THAT CT STRENGTH IN PERAK STATE WAS ESTIMATED TO BE 300. THE COMMANDER OF 2M1B, GEN HASSAN BIN MOHAMMED SALLEH, WAS QUOTED AS SAYING THAT QUOTE AT LEAST UNQUOTE ONE MAJOR OPERATION PER MONTH WOULD BE CARRIED OUT TO PREVENT CT REGROUPING. HE ALSO SAID THAT SF HAD BEEN SUCCESSFUL IN PREVENTING THE FLOW OF NEW RECRUITS INTO THE JUNGLE.
ITEM FOUR - FAC TRAINING.
FAC TRAINING REFERRED TO IN THE LAST TWO SITREPS CONTINUED

A typical sitrep of a of a combat mission flown from Butterworth, these sitreps were continually going from Butterworth back to Canberra. Our Government and Defence knew we were on a RMAF base which was being used, and involved in a WAR.

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9. Continued use of Butterworth as a base for ground-attack aircraft against the CT can only increase its attractiveness as a target; if the CT should consider that RMAF air strikes from Butterworth were becoming a nuisance they may be tempted to harass it. From this point of view, the threat to Air Base Butterworth must be considered to be slowly increasing.

R. S. Royston

(R. S. ROYSTON)
GFCAPT
DAFI

4 Aug 75

Putting Australian combat troops on a RMAF Base where a war was being fought from, with the role of protecting our assets on that RMAF Base made us part of Malaysian's war against the communist, and put our lives in danger. It is as simple as that.

More air strikes launched from Butterworth with 2 x 500lb bombs and 56 rockets per aircraft, Close to Butterworth 1 hour drive on a good road.

6. Is concerning - A recent report from Air Base Butterworth indicates that the security arrangements at the Base are less than adequate.

7. 6 MIB heavily committed in operations and may not be able to send troops if needed.

Must have been a real concern to the CO Butterworth with less than adequate security arrangements when the Malaysia was fighting a war from Butterworth, and large scale air strikes were being launched from Butterworth on CT targets close to Butterworth.

5. Two air strikes were launched from Butterworth against targets northwest of the Muda Dam during July. On 25 July four Tebuan aircraft each armed with 2 x 500lb bombs and 56 rockets struck a target 50 nautical miles O20 from Butterworth. The following day four Tebuans with minigun pods and rockets struck the same target. Four Sabre sorties were planned, but not flown.

6. A recent report from Air Base Butterworth indicates that the security arrangements at the Base are less than adequate. No posts are permanently manned by security forces in the area immediately surrounding Butterworth. Two observation towers which have been built on the eastern boundary are still waiting for the installation of searchlights, and are not manned. External patrolling of the Air Base only takes place if a VIP is visiting, or a positive threat exists.

7. Local authorities have stated that no Malaysian Security Force contingency plan exists for the reinforcement of Air Base Butterworth. It is not known if such a plan exists at the Ministry of Defence. A locally known plan, which has been implemented once in 1975, allows for the deployment of troops from HQ 6MIB at the request of the OC RMAF Butterworth. Troops from 6MIB are fairly heavily committed on the Thai/Malaysian border and the size of the force that could be sent to Butterworth depends largely on this commitment. The nearest artillery units to Butterworth are at Taiping.

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A war being fought from Butterworth, Defence attitude would be "Move along nothing to see here" which sums up their view on RCB, which is why the Whitton report was damning of Defence and Government.

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8. Continued use of Butterworth as a base for ground-attack aircraft against the CT can only increase its attractiveness as a target; if the CT should consider that RMAF air strikes from Butterworth were becoming a nuisance they may be tempted to harass it. From this point of view, the threat to Air Base Butterworth must be considered to be slowly increasing.

R.S. Royston

(R.S. ROYSTON)
GFCAPT
DAFI

4 Aug 75

Defence knew that Butterworth was used for ground attacks against the CT, and had the view that the threat was increasing, as RCB was there to respond to that threat, that put our lives in danger.

Bandits or Insurgency

Col. Thompson in evidence to the Standing Committee on Petitions said, - "Certainly by the mid-seventies it would be characterised as banditry more than a comprehensive insurgency"

How does his statement stand up to the facts.

1. 2nd Division Operation Gonzales, A Division size Operation against the Communist started 8 April 1974. Sounds more serious than a few bandits

2. Part of a Ministerial Brief October 1975. In a worsening security situation it may be necessary to seek Malaysian Government approval to reinforce Butterworth with RAAF ground defences and ARA personnel in the DEFENCE and security of RAAF assets,

a. A request of least one Battalion immediately surrounding Butterworth for area DEFENCE.

b. A request for ARA and RAAF to operate outside of the fence

b. Approval to reinforce Butterworth at short notice with RAAF ground defence including ARA to assist in the DEFENCE of operational assets.

5. In a worsening security situation it may be necessary to seek Malaysian Government approval to reinforce Butterworth with RAAF ground defence and ARA personnel to assist in the defence and security of RAAF assets.

6. In view of the heightened possibility of CTO attacks on RAAF assets, I recommend discussion on the following issues with the Prime Minister of Malaysia:

- a. a request to allocate at least one battalion to the area immediately surrounding Butterworth for area defence;
- b. arrangements for ARA and RAAF forces to operate outside the base to defend their assets in conjunction with Malaysian forces; and
- c. approval to reinforce Butterworth at short notice with RAAF ground defence forces (including ARA) to assist in the defence of operational assets, personnel and equipment.

Defence conceded that a Battalion was required to defend Butterworth with the worsening situation. No mention of training. It was all about defending Butterworth with the worsening situation.

Was Col. Thompson trying to water down the truth or mislead people into thinking that there was nothing happening. This just makes a mockery of his statement only a few bandits.

Malaysian troops protecting Butterworth were on Active Service.

It cannot be denied that Malaysia was fighting a Communist insurgency war 1968 to 1989, and their Defence Force who were involved were on Active Service.

The Malaysian troops who were given the task to protect Butterworth were on Active Service and received the Pingat Jasa Campaign Medal. They were part of the Shared Defence Plan.

Seems strange that some of the soldiers who were there to defend Butterworth under the Shared Defence plan were on Active Service, and others who were there to defend Butterworth under the Shared Defence Plan was not.

Interesting is that under the Shared Defence Plan the Australian Officer Commanding Butterworth would take control of both Australian and Malaysian soldiers in a security emergency.

If the Australian Officer Commanding Butterworth would command both Australian and Malaysian troops in a security emergence under the Shared Defence Plan, that automatically made us part of Malaysian's Insurgency war.

The Ground Defence Operational Centre

There were many time when the Ground Defence Operational Centre manned due to an expectation of an attack.

RCB was also activated as RCB was part of the Ground Defence Operation Centre, and RCB as the Quick Reaction Force was the designated Force to counter that security threat.

The GDOC was often activated to be able to direct operations to defend the base due to threats.

I do not know how anybody with a straight face can say that RCB was there for training.

What must be remembered that Butterworth was involved in a war against the Communist Terrorist Organization and being used to fight that war from. I was deployed on to an operational Air Base used in a war, to protect our assets.

It is as simple as that.

RCB meets the criteria for Warlike service.

RCB needs to meet the criteria at the time for Warlike service, and this is contained in a Cabinet Directive 1048 of 1965 and simply requires that ADF personnel were exposed to possible harm from ongoing actions of hostile forces or dissident elements. "Incurred danger" test which was the test applied to assessing Warlike service from WW1 and for all subsequent conflicts as stated by Justice Mohr in his 2000 Report.

Defence in the past have tried to muddy the waters or to confuse the issue by applying the current 2018 definition of Warlike when in fact they should be applying the definition for the period of RCB Deployment.

We do also meet the current definition of Warlike service.

Justice Clarke in his 2002 Report to Government Chapter 14 said "In determining the nature of service for an approved operation, the Department of Defence uses three primary factors: the mission, the Rules of Engagement, and the threat to ADF personnel."

1. The Mission. RCB deployment was an infantry rifle Company size, and was deployed as a conventional defensive operation to protect our assets and personnel on the Royal Malaysian Air Base during the Communist Insurgency War. **There was a Shared Defence Plan with the Malaysian Armed Forces** within the perimeter of the air base.

RCB primary role was a Quick Reaction Force to defend against enemy attack or penetration on the air base.

2. Rules of Engagement. Defence has maintained that ROE were only for self-defence, they do ignore they went beyond self-defence,

1. If ordered to open fire. The QRF was the designated force to be deployed to counter attacks and penetration as required by the Ground Defence Operations Centre, at this point the QRF RoE /Open Fire become lethal.

2. Able to fire on a person in a Protected Place, or evading arrest.

As there were local civilians employed on the air base, they wanted us to be sure that person was not a civilian worker, and we were required to give a warning before we open fire.

3. If you are ordered to guard any building, vehicle, aircraft, tent, and storage place, you may fire on any person in the act of destroying or damaging.

3. The Threat. There was a real threat to Butterworth as shown earlier, the Malaysian Deputy of Military Intelligence Lt.Col Ahmad told our Ambassador in Kuala Lumpur that Butterworth was a probable target.

ANZAC Group said there was definitely a risk at any time without any warning.

"Secret" Brief, Dept of Air, 564/8/28. Instructions to underground organisation to carry out rocket attacks against air bases especially during the month of September and October.

There was a number of alerts activating Ground Defence Operational Centre and was manned with the Defence Section from RCB due to possible ground threats to Butterworth.

Expectation of Casualties. There was an expectation of casualties Secret- Dept Air Brief 564/8/28 "The most important requirement is to ensure that the base has adequate emergency arrangements to deal with casualties and to recover from the effect of an attack"

As there was a Communist Insurgency War going on and instruction given to rocket air bases in Malaysia, and other air base's were attacked, and Malaysia were fighting the Communist Terrorist from Butterworth.

Malaysian Intelligence said "**Butterworth was a probable target**" Then Casualties must be expected.

If you are deployed to an airbase which was involved in and fighting a war from then Casualties must be expected

Area of operation.

RCB had a defined area of operation the Butterworth Air Base, the Shared Defence plan was for defensive operations inside Butterworth. We were not to operate outside unless it was required for escort Australian New Zealand and British citizens on to Butterworth for evacuations.

The Enemy.

There was a known enemy operating, the Malaysian Liberation Army (CT) the armed wing of the Malaysian Communist Party with the aim to overthrow the Malaysian government by armed force.

1. *It is an uncontested fact that Malaysia was involved in a long bloody Communist Insurgency War from 1968 to 1989, and no area in Malaysia was immune to the CT activities including Butterworth.*
2. *It is an uncontested fact that the Royal Malaysian Air Base Butterworth was an active operational forward air base in their counter terrorist operations against the Communist insurgents and flying combat missions.*
3. *It is an uncontested fact that from 1970 to 1989 RCB was deployed to the Royal Malaysian Air Base/RAAF Butterworth as a Quick Reaction Force for the protection of Butterworth as stated in the Chief of Staff meeting Agendum No. 24/1973, Minute No.38/1973. "the Company was there for the **protection of RAAF Butterworth, as this was their primary task, and confirmed by the Malaysian Chief of Defence.***
4. *It is an uncontested fact that there was a threat to Butterworth. The Deputy Director of Malaysian Military Intelligence briefed our Ambassador in Malaysia that he assessed that **Butterworth was a probable target.** The ANZUK Intelligent Group assessed Butterworth that there was **definitely a risk of an attack** at any time without any notice.*
5. *There was an expectations of casualties. Department of Air Brief, 154/8/28 "The base has adequate emergency response arrangements to deal with casualties and to recover from an attack"*
6. *RCB had a defined area of operations, that is Butterworth Air Base.*
7. *there was a known enemy operating in Malaysia from 1968 to 1989, The Communist Terrorist Organisation and posing a threat to Butterworth. No area in Malaysia was immune from attack from the Communist Terrorist, including Butterworth.*
8. *Rules of Engagements. RCB had ROE which went beyond self-defence.*
9. *It is an uncontested fact that RCB was heavily armed and had a full combat allotment of ball ammunition and carried live ammunition.*
10. *It is an uncontested fact that there was a Shared Defence Plan, for the defence of Butterworth.*
11. *It is an uncontested fact that Malaysia was using Butterworth to fight a war from.*
12. *The for training Lie - was put in place to hide the true reason for RCB deployment to Butterworth,*

As we were deployed as a QRF to protect our assets and people on a Royal Malaysian Air Base from a CT attack during their Communist Insurgency War in Malaysia.

This automatically made us part of the Malaysian war against the Communist Terrorist

A collage of random document which re enforces that I was not there for training but part of a QRF to protest Butterworth during the Malaysian Communist Insurgence War, and that Butterworth Air Base was used in the fight against Communist Insurgency War.

Training

This documents clearly shows that the Malaysian Defence was not interested in any training with RCB. They were fully committed to operations against the CT, and could not find the time to train themselves.

The most interesting thing is that Malaysia knew that training was only desirable for political reasons for Australia and that was to full fill their training lie.

DEFENCE (DP).

TRAINING FOR BUTTERWORTH COMPANY.

WE CONTINUE TO EXPERIENCE DIFFICULTY IN HAVING MINDEF PLACE ANY REAL IMPORTANCE OR PRIORITY IN ARRANGING SIGNIFICANT TRAINING WITH THE MALAYSIAN ARMY FOR THE BUTTERWORTH COMPANY. IN RECENT DISCUSSIONS WITH THE DIRECTOR OF TRAINING (COL DAUD) HE AGAIN DREW ATTENTION TO SOME OF THE PROBLEMS: INSECURITY OF MOST TRAINING AREAS, THEIR PREOCCUPATION WITH OPERATIONAL COMMITMENTS AND THE FACT THAT THEY CARRY OUT LITTLE UNIT TRAINING AS SUCH, AND THE FACT THAT THEIR AVAILABLE TRAINING AREAS ARE BECOMING FEWER, OVERTAXED, AND SUBJECT TO POLITICAL PRESSURE FROM THE VARIOUS STATES FOR THEIR CURTAILED USE. EVEN OUR HOPED FOR USE OF THE PULADA AREA WAS RULED OUT.

2. HE ADDED THAT MAYBE HE COULD DO SOMETHING LATER THIS YEAR OR NEXT YEAR IF THE SECURITY SITUATION IMPROVED SUFFICIENTLY TO FREE SOME OF HIS UNITS AND AREAS FOR JOINT EXERCISES. SIGNIFICANTLY, HOWEVER, HE STATED THAT THERE WAS LITTLE VALUE FOR THEM IN SUCH EXERCISES OR TRAINING, AND ADDED THAT WHILE IT MAY BE POLITICALLY DESIRABLE FOR AUSTRALIA TO BE SEEN EXERCISING HERE WITH THE MALAYSIANS, FROM HIS ARMY POINT OF VIEW THERE WAS NOTHING SIGNIFICANT TO BE GAINED.

June 1970 extract from cablegram on a conversation between Aust High Commissioner and Razak, This ties in with the above document. Malaysia will need a further 3 battalions on top of what was already decided on. Razak believed Malaysia would need 3 divisions. Malaysia was stretched coping with the Insurgency. This makes a mockery of Col. Thompson evidence to the Standing Committee that It was not a military operation but just a police action, and there was only a few bandits.

RAZAK WENT ON TO SAY TO ME THAT HE THOUGHT MALAYSIA WOULD HAVE TO RAISE AN ADDITIONAL THREE BATTALIONS IN ADDITION TO THOSE ALREADY DECIDED ON: HE BELIEVED THEY WOULD NEED THREE DIVISIONS, OF WHICH ONE WOULD BE STATIONED ON THE THAI BORDER, ONE IN THE REST OF WEST MALAYSIA, AND ONE IN EAST MALAYSIA. HE CONFIRMED THAT THE BORDER SITUATION WAS CAUSING A GOOD DEAL OF ANXIETY, NOT SO MUCH BECAUSE OF INCREASING NUMBERS OF COMMUNISTS AS BECAUSE OF THEIR INCREASING ACTIVITY. IT TOOK A GREAT MANY TROOPS TO COPE EFFECTIVELY WITH SUCH A SITUATION, AND THEIR FORCES WERE ALREADY STRETCHED. HE ADDED (AS HE HAS DONE BEFORE), THAT HE WAS WORRIED ABOUT THE ECONOMIC BURDEN OF THIS HEAVY DEFENCE EXPENDITURE WHICH REDUCED FUNDS FOR ECONOMIC DEVELOPMENT.

From a Secret Air Brief 564/8/28

Subject – Brief for DCAS concerning the security at Butterworth.

10. The major difficulties from a defence viewpoint is that the CT's are able to decide the timing, nature and frequency of attacks virtually unhindered and little fear of retaliation

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10. The major difficulty from a Defence viewpoint is that the CT's are able to decide the timing, nature and frequency of attacks virtually unhindered and with little fear of retaliation. Conversely they can effectively disrupt base operations by 'leaking' false intelligence regarding their intentions to either create alarm resulting in the setting up of tighter security which can then be reconnoitred and probed to determine its weakness, or which from sheer inactivity on the part of the CT's will be repealed within a short period. In any case, the advantage remains with the CT.

Deputy Chief Air Staff must have been concerned that the CT's were able to pick their own time to attack

21. In the absence of any or sufficient Malaysian Army units to at least provide a off-base deterrent and quick reaction force, it is necessary for OC RAAF in conjunction with ON RMAF Butterworth to react with Australian forces as necessary to protect aircraft and installations. The defence and protection of personnel, operational assets and installations cannot be effective when a perimeter fence is used to delineate the limits within which defence forces must operate because it places an artificial and arbitrary boundary which severely limits the effectiveness of the force.

21. OC Butterworth in conjunction RMAF Butterworth to react with Australian Forces as necessary to protect aircraft and installation. The 6th Brigade was committed to operations against the CT's and may not be available, and that is why we were there to provide a QRF for the protection of our assets during the Communist Interagency War.

Area Security Department of Air Brief for DCAS, 564/8/28

17. The 6th Brigade is continuously committed to anti-terrorist operations within its area of responsibility. However, the effectiveness of the Brigade response would depend upon the availability of troops who are usually elsewhere involved in operations.

Area Security

17. The security of Provinces Wellesby, Penang, Kedah and Perlis is the responsibility of 6 Malaysian Infantry Brigade (MIB). The Brigade HQ is at Sungai Patani and units are established at Penang, Sungai Patani and Alor Star, but the Brigade is continuously committed to anti-terrorist operations within its area of responsibility. No security posts are permanently manned in the area immediately surrounding Butterworth and there are no artillery units in the area. There is no known Security Forces contingency plan for the reinforcement of Butterworth, but 6 MIB troops may be deployed to the area on the request of OC RAAF Air Base Butterworth. However, the effectiveness of the Brigade response would depend upon the availability of troops who are usually involved elsewhere in operations, and the response depends upon the priority afforded by the Brigade Commander to Butterworth as a defensive task. 6 MIB's security responsibility extends over an area approximately 80 miles square

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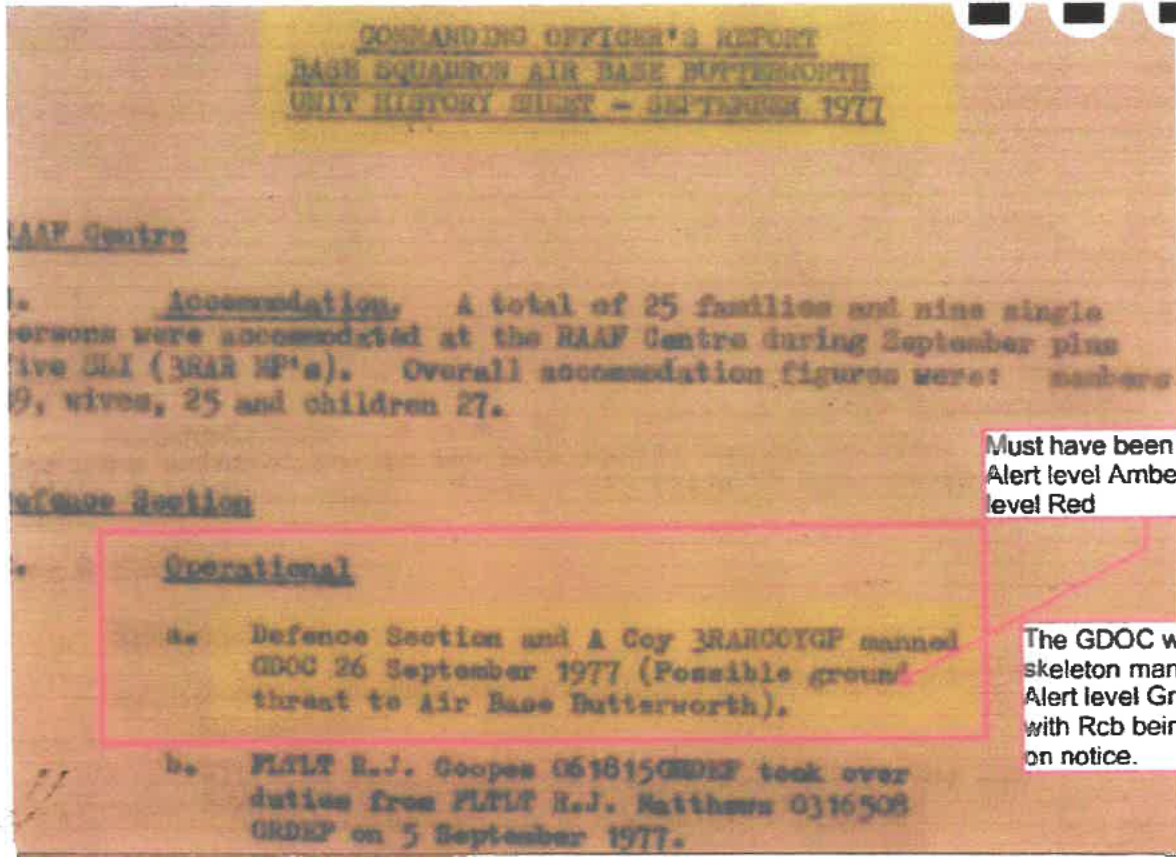
with battalions committed to border and inland areas remote from Butterworth. In the face of these commitments and as Air Forces personnel are required to contribute towards their own defence, the diversion of 6MIB units to the Butterworth area on a continuing basis cannot be assured.

The above document is a polite way to say, the Malaysian Army is stretched to the limit in just fighting the CT. and cannot spare any troops for Butterworth and it is up to us to provide protection.

As said before the security around Butterworth was not acceptable to Australian, which led to the deployment of RCB to provide that specialised force that could provide that protection.

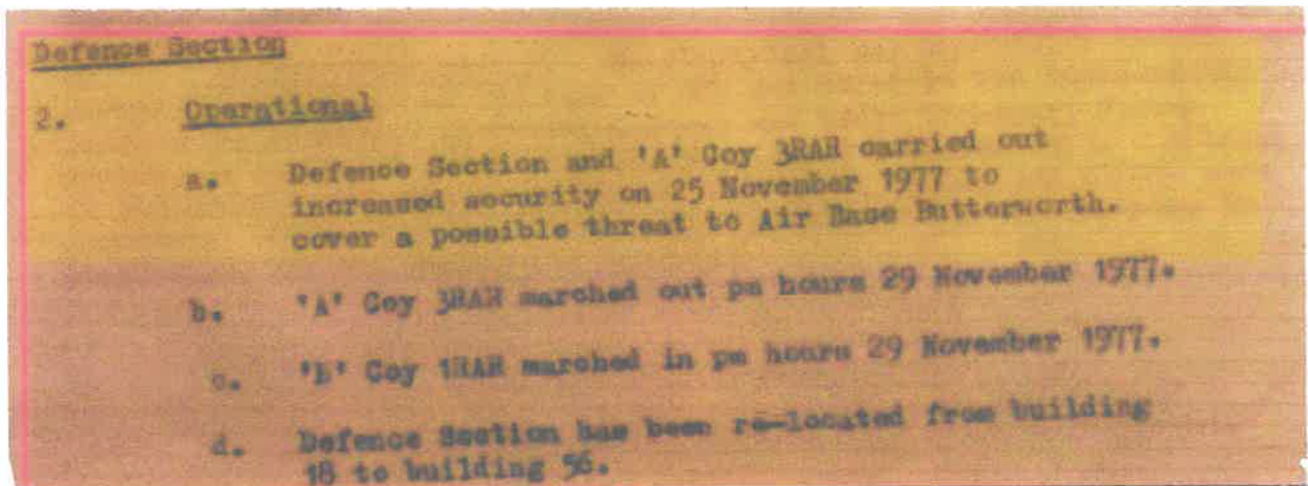
Threats to Butterworth

Two examples where RCB was activated with Ground Defence Operation Centre, and manned due to a ground threat to Butterworth. It is very clear RCB was put under command of the Ground Defence Operational Centre for a threat to Butterworth.



Must have been Alert level Amber or level Red

The GDOC was skeleton manned Alert level Green with Rcb being on notice.



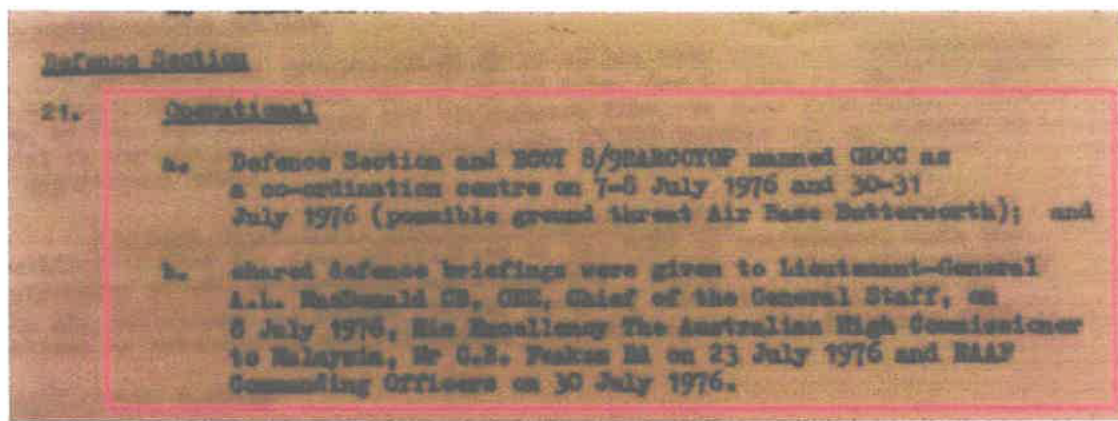
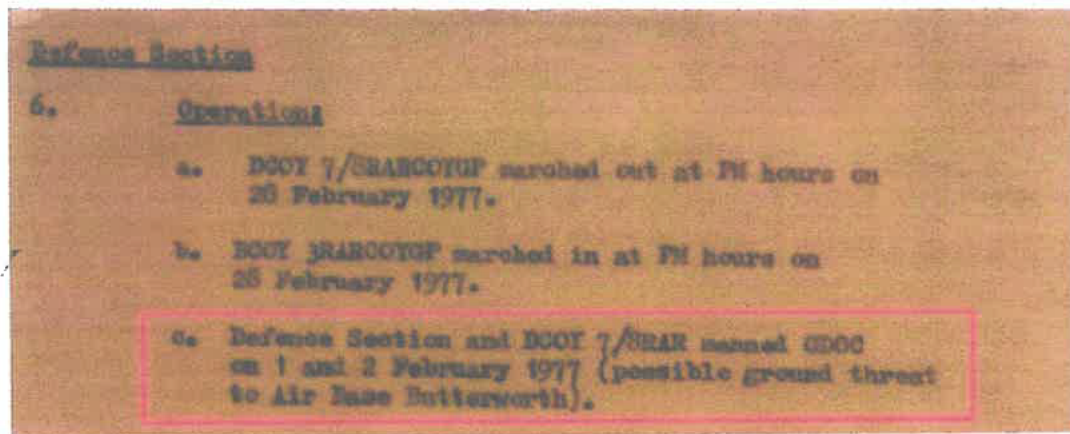
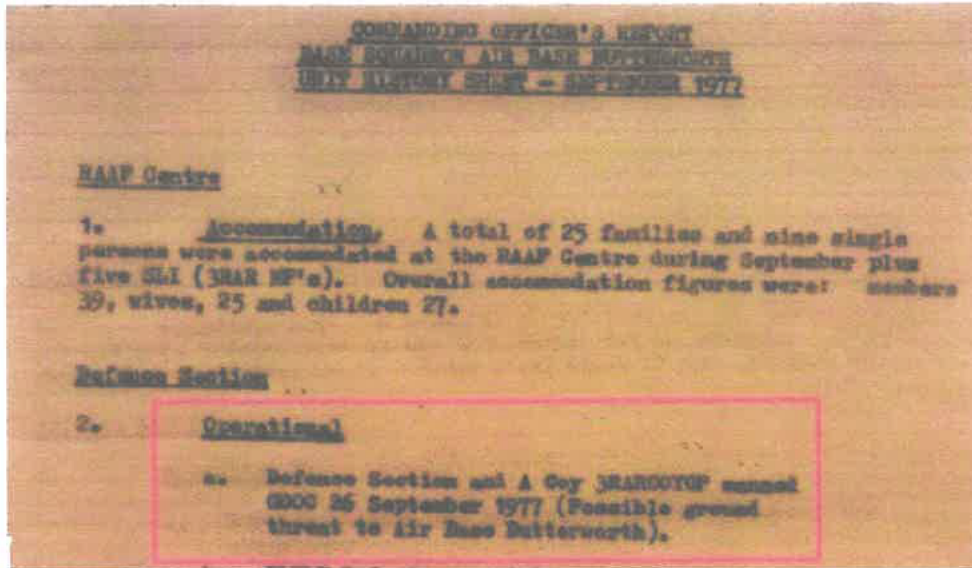
It is clear there were threats to Butterworth and that is why RCB was at Butterworth.

Interesting to note that a RCB Company marched out and the new Company marched in on the same day. That is so there would be no gaps in the QRF to respond to these threats.

About time Defence admitted there were threats to Butterworth

Ground Defence Operational Centre Manned Due to Threats to Butterworth.

Continued threats to Butterworth due to ground threats, and the GDOC is activated with RCB's Quick Reaction Force to respond to that threat, and Defence maintain we were there only for training, and it was peace time service, and pigs mite fly.



Defence maintain it was Peace Time Service!

Being in a country with a Communist insurgency War going on with the aim of over throwing the Government by armed force and being deployed onto an Operational air base which was involved in and fighting a war from as part of a Quick Reaction Force to protect/defend our assets and the airbase.

That Is Not Normal Peace Time Service.

RIFLE COMPANY BUTTERWORTH - RECOGNITION OF SERVICE: REPORT OF REVIEW AND RECOMMENDATIONS

Executive Summary

In summary, this Report concludes that Rifle Company Butterworth's operational deployment has been, and continues to be, wrongly classified as 'peacetime service', with adverse consequences for members of the Group and possibly other Australian service veterans.

On the basis of the documentation provided to this reviewer, the Commonwealth's current position appears to have arisen from a series of failures by various decisionmakers since at least 1972 to identify significant errors of fact and misrepresentations of the nature of the RCB service deployment at issue.

In particular, the 1972 recommendation by officials to the incoming government that RCB deployment in defence of Butterworth air base could be misrepresented - by the Government, for overtly political purposes - as 'training', remains at the heart of this matter.

It is self-evident that for Australian forces, qualifying 'Warlike Service' may take place in peacetime where it occurs outside Australia, as it did in the case of the RCB.

Further, the analysis shows continuing failure by advisers and Ministers to apply the relevant criteria for correctly determining the nature of RCB service, and reliance on irrelevant later criteria for that purpose, continue to undermine the Commonwealth's current position in relation to the status of RCB veterans.

Analysis of the more recent decisions by relevant Ministers shows that the decisions at issue have been based on previous incorrect advice by officials of the Australian Public Service, (in particular, the Nature of Service Branch and its predecessors within the Department of Defence), and previous decisions by relevant Ministers which were similarly flawed.

In addition, this review has found numerous instances in which Ministerial decisions in relation to RCB service, and APS practice, failed to take into account the relevant statutory and policy criteria for lawful decisionmaking by Australian officials, including the

requirement to afford procedural fairness to the representatives of the RCB Review Group affected by Ministerial decisions.

As a consequence, it is this review's conclusion that the Commonwealth's current assessment of RCB Group's service in Malaysia is open to legal challenge on several grounds.

Recommendation

This review's recommendations are as follows:

1. That the RCB Review Group consider making a formal approach to the relevant Ministers - the Hon Andrew Gee MP (Minister for Veterans' Affairs and Minister for Defence Personnel) and ultimately to the Hon Peter Dutton MP (Minister for Defence) if necessary, seeking reconsideration of the RCB's service status as assessed historically by various responsible Commonwealth Ministers.
2. That the Rifle Company Butterworth Review Group consider requesting the responsible Minister to provide a statement of reasons for the currently operating decision, as made by the previous Minister for Veterans' Affairs, to regard RCB service as not 'warlike service'. In particular, the statement is required to show the matters which were considered, and not considered, by the Minister in making the currently operating decision, the conclusions reached, and the evidence on which the conclusions were justified. Specifically, the statement should give an account of the weight accorded, if any, to the 'Incurred Danger Test' established by relevant legislation.
3. That the Rifle Company Butterworth Review Group consider requesting the responsible Minister to set aside previous decisions and determinations made by various Ministers relating to RCB operational deployment from 1970 to 1989 (for the purpose of protecting RAAF assets at Air Base Butterworth (ABB) during the Malaysian Counter Insurgency War, and to make a fresh decision according to law.
4. That the Rifle Company Butterworth Review Group seek specific recognition and determination by the responsible Minister on behalf of the Australian government, for all relevant present and future administrative purposes, that RCB's operational deployment in Malaysia qualifies as 'Warlike Service', not as 'training', on the basis that RCB's service has hitherto been classified, wrongly, as 'peacetime service' due to previous failures by various APS advisers and Ministerial decisionmakers to identify and correct significant errors of fact and misrepresentations as to the nature of the RCB service deployment - whether due to the flawed application of Government policy or inadvertently.

Rationale and Findings

The various decisions post 1972 to regard RCB service in protecting RAAF assets at Butterworth as 'peacetime service', similar to garrison duty in Australia, has denied those troops (9,000 RCB members and 12,000 RAAF personnel) eligibility to Commonwealth repatriation benefits under the Veterans' Entitlements Act, and the award of the Australian Active Service Medal (AASM).

It is this reviews finding that RCB's service has been classified, wrongly, as 'peacetime service', due to previous failures by various APS advisers and Ministerial decisionmakers to identify and correct significant errors of fact and misrepresentations as to the nature of the RCB service deployment - whether due to flawed application of Government policy or inadvertently.

It is relevant that the origins of the present situation stem from the Whitlam Government's 1972 election undertaking to withdraw all Australian forces then deployed in SE Asia.

It is self-evident that 'Warlike Service' can be provided - and has often been provided - overseas, in time of peace in Australia.

In the case of RCB service in Malaysia, it is evident that a series of Commonwealth decisionmakers and advisers have applied a later definition of 'Warlike Service' which did not obtain during the period of RCB service, and have failed or refused to apply the 'Incurred Danger' test which properly applied to that service.

Until 1972, Australia, under international treaty obligations, had a leading role in deterring Communist expansion in SE Asia, in particular in Malaysia.

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

'When the Australian Battalion is withdrawn, the requirement for a company for security duties at Butterworth will be met by providing the unit, on rotation, from Australia. This could be presented publicly as being for training purposes.'

It is noteworthy that the most recent reply by Defence officials to the RCB Review Group continues to misrepresent was clearly the Committee's *advice* to the Government on the proposed RCB deployment as 'training'.

Further, the advice provided to the Government by Defence Committee's Secret Minute 2/1973 para 28(e) is also incorrectly referred to as 'a decision' of the Committee.

The records show that RCB was an operational deployment of an Australian infantry combat Rifle Company in Malaysia during the Malaysian Counter Insurgency War (1968-1989). RCB's role was to protect and defend the strategically-deployed RAAF assets (personnel, families, aircraft, facilities including the Integrated Air Defence System (IADS)) at ABB against a recognised Communist insurgent threat.

In accordance with the recommendation of the Defence Committee in its Minute 2/73 of 11 Jan 1973, the RCB deployment was continued by the Australian Government on a three-monthly rotation. RCB's protection role continued until the Peace Accord was signed between the Malaysian Government and the communist insurgent leader Chin Peng in December 1989.

In summary, the documentation shows that the incoming Government, acting on the Defence Committee advice, effectively misrepresented the true purpose of the RCB deployment, due

to the sensitivities of both the Australian and Malaysian Governments concerning the deployment of Australian troops in Malaysia.

In this respect, it appears to be the case that the Whitlam Government's concern to achieve its election policy of a 'Fortress Australia' (which sought the return of all overseas troops to Australia), and the Malaysian Government's concern for its independent foreign policy position on neutrality and the presence of foreign troops, provided the fundamental justifications for the Defence Committee's advice to government that the provision of an Australian unit for ensuring security at Butterworth "*could be presented publicly as being for training purposes*".

In short, the Defence Committee's secret 1973 advice to the incoming government amounted to a recommendation that the government should effectively and deliberately mislead the Australian people as to the nature and extent of Australia's military involvement in the Malaysian Insurgency.

It is our view that the Defence Committee's proposal of deliberate misrepresentation of the nature of RCB service, subsequently advocated to other Ministers by at least some officials and adopted by later Ministerial decisionmakers, has continued to undermine all subsequent decisionmaking concerning the original RCB service deployment.

Ministers Failed to Respect Administrative Law principles

It is this review's opinion that successive advisers and decisionmakers, including Commonwealth Ministers, have failed to observe the generally-mandated Australian Administrative Law requirements for sound discretionary decisionmaking.

In particular, we find that as persons affected by a decision, the RCB Review Group were (and continue to be) entitled to procedural fairness, in relation to their various submissions to Government, in that the members have not been given a reasonable opportunity to comment on any relevant material adverse to those submissions. This failure occurred on a number of occasions, and is well documented.

It is also evident that Ministers and officials have on various occasions failed to take account of all relevant considerations, and were influenced by irrelevant considerations in making the subject decisions concerning the RCB members.

Further, it also appears to be the case that in making the subject decisions concerning the RCB, Ministers have failed to exercise a discretionary power in a considered manner, as required by law, but have instead made discretionary decisions influenced by a rule or policy, either without regard or without sufficient regard to the merits of the RCB's particular case.

In short, our finding on reviewing the documentation is that Ministerial decisions on the status of RCB service as 'not warlike service', in the context of the Malaysian insurgency during RCB members were actively deployed to secure the air base at Butterworth, amounts to an improper exercise of a power which is so unreasonable that no reasonable person could have exercised the power in that way and with that result.

Our considered view is to the effect that the RCB Review Group has grounds to seek a Ministerial review of the currently operant determination of their service status.

Ministers Failed to Act in Accordance with Ministerial Standards

It is also our contention that in their dealings with the RCB matter, successive Commonwealth Ministers have failed to observe elements of the Ministerial Standards (as variously titled), which from 2007 to 2021 have required that, as a matter of principle, Ministers will act ‘with due regard for lawfulness, integrity, fairness, accountability, responsibility, and the public interest’.

In particular, we note that the Standards require Ministers to observe ‘fairness’ in making official decisions - that is, to act ‘honestly and reasonably, with consultation as appropriate to the matter at issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved, and the interests of Australia’.

Further, we note that the Standards require Ministers to ensure that their decisions, and the decisions of those who act as their delegates or on their behalf, are open to public scrutiny and explanation.

In our view, the continued refusal by Ministers to provide access to their decisionmaking documentation, or to any explanation of the process concerning RCB service status, constitutes a *prima facie* breach of elements of the Ministerial Standards.

We note that it is for the Prime Minister of the day to ensure observance of the Standards by Government Ministers.

APS Officials to Act in Accordance with the ‘APS Code and Values’

It is relevant that APS officials, in advising Ministers, were required as a duty of their employment to observe the Values as set out in Section 10 of the *Public Service Act 1999*, in particular to provide the Government with advice that is frank, honest, timely and based on the best available evidence.

Further, that duty is imposed by the APS Code of Conduct (Section 13 *Public Service Act 1999*), requires APS employees to act ‘with care and diligence’, and in compliance with all applicable Australian laws, including any instrument made under an Act. We note that a similar duty was imposed on APS officials by the direct precursor to that legislation, the *Guidelines on Official Conduct*, from 1979, and by previous versions of the *Public Service Act 1922*.

In this context, it is relevant the criteria for sound decisionmaking by Commonwealth officials, and for reviewability of official decisions, are set down by the *Administrative Decisions (Judicial Review) Act 1977*.

It is our contention that APS officials in advising Ministers had a legal duty by virtue of their APS employment to ensure that advice provided by APS officials to a Minister, in the context of that Minister making a reviewable decision, in fact excluded irrelevant considerations and errors of fact or interpretation.

While we have not been in a position to review the relevant documentation, it appears to be the case that one or more Ministers involved in making a discretionary decision about the status of RCB service in Malaysia were not so advised.

It is our recommendation that the RCB Review Group should recommend to the relevant Minister that, in reviewing the history of the various Ministerial decisions on RCB service status, the Minister should seek to ascertain whether APS officials knew, or should have known, that those decisions (and related Government policy on this matter) were based on the original misrepresentation of the facts of RCB deployment in Malaysia, and whether the responsible Minister at the time was so advised.

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24 September 2021