



Rifle Company Butterworth Review Group

Response to Defence's four answers

1. Defence provided a response to four questions posed to it by the Tribunal on 18 October 2022. The Defence answers were provided to the Tribunal on 16 November 2022.¹
2. The RCBRG has not yet had the opportunity to examine in detail all the material provided by Defence. However, the following is offered after a cursory examination of the Defence covering letter from Dr Robards where it is thought that the Tribunal may benefit and the issue has not been covered elsewhere in RCBRG material.
3. Question 3 relates to previous inquiries and reports dealing with RCB service. The question did not ask Defence to comment on those inquiries or reports but simply to provide relevant copies. Defence did however provide comment, not in the form of an analysis of those former reviews but by regurgitating the findings of those reports where they were not supportive of the RCBRG claim.
4. Defence have done this despite the NZ Review finding that extensive new evidence led them to dismiss the findings of their previous review as unreliable due to the new evidence and despite this Tribunal itself stating that:

“This subject [RCB service] has of course been the subject of a number of prior independent inquiries. The present inquiry is however being undertaken at a time when far more official information is publicly and readily available than was previously the case.”²
5. At Attachment A is the RCBRG analysis of former inquiries that may be helpful to the Tribunal in determining the reliability of those inquiries. Defence has omitted the Mohr Review but RCBRG includes it in the analysis for completeness
6. Question 4 asks for a response to Attachment F to Submission 65b, which is the 'matrix' provided by RCBRG comparing other similar deployments that have been upgraded to warlike service.

¹ Robards, P., *Letter to Jay Kopplemann, Executive Officer DHAAT*, EC22-004607, 16 November 2022.

² Kopplemann, J., Executive Officer, DHAAT, *Letter to Mr Ray Fulcher Chair RCB Review Group*, DHAAT/OUT/2022/486, 18 August 2022.

7. Defence assert at dot point 2 of its answer that:

“Operations are not compared against each other to determine the nature of service.”³

8. This statement is not entirely true, Defence asserted in 2007 that:

“By way of comparison, units that were allotted for duty in the same broad time period were fighting in South Vietnam and were engaged on operations in Borneo/Sarawak and other parts of Malaya...Defence considers that to reclassify the activities of the RCB in Malaya [sic] from 1970 to 1989 as ‘warlike’, or comparable to other periods of special duty in the same region at the same time, would not be appropriate.”⁴

9. The RCBRG ‘matrix’ compares service of a similar nature whereas Defence has compared RCB service with service of an entirely different nature, to its detriment.

10. In the circumstance of like service, the type of comparison in the RCBRG ‘matrix’ is not only helpful but arguably required. The 1994 CIDA review contained a number of principles for determining the nature of ADF service, including Principle 3:

“To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or degraded.”⁵

11. This would require a comparison of RCB service not with Vietnam but with service such as that at Ubon.

12. At dot point 8 of question 4 Defence asserts that:

“At no time was consideration given to removing Royal Australian Air Force families from Malaysia due to any threat.”⁶

13. This is not true. This very point was raised in a briefing to DCAS in 1975 under the heading EFFECT OF ATTACKS ON RAAF BUTTERWORTH:

“12. The first and obvious effects from rocket mortar and other forms of attack will be the damage to aircraft, equipment and facilities, and the death and injury to personnel including families and LECs.

The personnel effects will be:

b. Morale in Butterworth. Immediately following the first attack on Butterworth and unestimated number of families could be expected to demand repatriation to Australia. Whilst not in effect a withdrawal, some planning for this contingency should be undertaken.

13. An increase in the level of defence preparedness including signs of defensive works against rocket attacks, could produce the effects 11[12]b and

³ Robards, P., *Letter to Jay Kopplemann, Executive Officer DHAAT*, EC22-004607, 16 November 2022, pg 5.

⁴ Billson, B., Minister Assisting the Minister for Defence, Letter to Robert Cross Chairman RCB Review Group, 4 October 2007.

⁵ Gration, P., GEN, *Report of the Committee of Inquiry into Defence Awards*, March 1994.

⁶ Robards, P., *Letter to Jay Kopplemann, Executive Officer DHAAT*, EC22-004607, 16 November 2022, pg 5.

c above even before an attack develops...Additionally, it may be necessary to determine the extent of information which should be released to dependants [sic] when protective works are undertaken.

14. In the hopefully longer term, it will be necessary to consider restricting Butterworth to an unaccompanied tour.”⁷

14. In 1972 it was considered that mortar “or other indirect weapon attack” by up to 10 men “located in the surrounding ricefield/kampong areas” was considered “likely if the CTs acquired a mortar capability”.⁸
15. By October 1975 a JIO report detailing weapons available to the CTO advised that there was “...also evidence of 81/82 mm mortars.”⁹ So the above considerations of ‘effects of attacks’ was not idle speculation.
16. Furthermore, in 1966 Army and the RAAF developed Plan DOWNSTAIRS, an operational plan for the evacuation of all Australian and allied dependents from Malaysia.¹⁰ In 1973, in relation to the RAAF Butterworth Families Protection Plan, the OC RAAF Butterworth was asked what capacity Butterworth had to implement a plan for the “...protection and evacuation in an emergency of Australian ... and other friendly nationals in Malaysia and Singapore”.¹¹ In most of the operational directives (Russell Linwood submission 066, Annex F lists them all), ‘protection’ of RAAF families includes what is now termed ‘Services Protected Evacuation’.
17. The other point to consider in relation to Defence’s point on removing RAAF families is that it is not relevant to the consideration of warlike service. Defence makes much of the situation for Defence Force families in the Butterworth region as though their presence is indicative of a peacetime situation.
18. Defence has argued on a number of occasions that as Australia allowed RAAF families (RCB were unaccompanied) to be present during the period it cannot be considered warlike as Australia would not do such a thing. The first instance of this argument was in a letter to Mr Robert Cross, Welfare Officer 8/9 RAR Association. Defence stated that “Had it been warlike, Australia would not have put families or other innocent civilians in such danger...”.¹² As the DCAS briefing above demonstrates there was not only a willingness to expose families to harm but an intention to restrict information available to families as to the extent of their risk.

⁷ Department of Air, *Brief for DCAS Concerning Security of Butterworth*, 1975, Ref 564/8/28, paras 12-14.

⁸ *The Threat to Air Base Butterworth to the End of 1972*, (ANZUK Intelligence Group, 1971), para 57, [paraphrased].

⁹ JIO, 2 October 1975, *JIO Assessment of Threat and Likely Method of Attack*, 554/9/33(87), as Annex A to: Rowland, 7 October 1975, *Security of Butterworth*, addressed to ‘Minister’, para 7.

¹⁰ Townsend, Air Commodore and Evans, Brigadier, *Draft Plan “Downstairs”*, Army Ref 144/1/1(G), Air Force Ref BS 1201/24/P3, 15 June 1966.

¹¹ Richardson, N.E., Air Commander, *Protective Security*, AHQ 30/11, 6 March 1973.

¹² Miller, A., Assistant Advisor, Letter to Mr Robert Cross, Welfare Officer 8/9 RAR Association on behalf of Minister Assisting the Minister for Defence, 5 September 2001.

19. Families of ADF personnel were present in Malaya, including the Butterworth region, during the entire First Emergency¹³. A newspaper article of the time even notes the departure of the “FIRST WIVES to join their soldier husbands in Malaya.”¹⁴ The Defence Committee of the time thought having Service families present in the theatre of operations had “a valuable effect on morale, not only of the married members, but of the force as a whole”.¹⁵ Due to the initial sparsity of suitable housing in Malaya, 2 RAR had a ‘points system’ to rank soldiers’ families for relocation to Malaya.¹⁶ Clearly Australia does send families into danger, it did so in the First Emergency and again during the RCB period.
20. Defence, in dot point 8, also assert that “Force members travelled freely (unarmed) in civilian clothing when off duty”. Again, this is not a relevant issue for nature of service. It is also the case that during the Malayan Emergency ‘Force members’ travelled unarmed and in civilian clothing. Often to the same destinations on Penang that RCB members attended. Free movement of off duty personnel was not uncommon even in Vietnam, see Attachment B.
21. The question of incurred danger is addressed by Defence at dot points 9 and 10 on page 6. This issue is extensively discussed in the RCBRG submission 065. Defence argue that the VEA restricts the relevance of the incurred danger test to the two world wars only. This is wrong.
22. Firstly, DVA and the VEA do not determine the nature of service of ADF personnel. That is the responsibility of the Minister for Defence and the Minister does not do so under the VEA. The Minister for Defence determines and advises DVA of the nature of service and the DVA fit that service within the VEA.
23. Section 7A of the VEA is divided into different qualifying criteria depending on the period of service. S7A(1)(a)(i) referred to by Defence indeed deals with the two world wars and applies the wording of the legislation of the time. Other subsections deal with the period of the SOS Act and later. Although the aforementioned section dealing with WWI and WWII is the only section that mentions incurred danger this only means that it was explicit in the Act of the time. It does not follow that the incurred danger test is not relevant to other periods.
24. Both MAJGEN Mohr and Justice Clarke declare the importance and relevance of applying the incurred danger test to operations well after the conclusion of WWII. It was used for instance by MAJGEN Mohr to recommend the upgrade of service at Ubon to *warlike* for the period 1965-1968.¹⁷
25. Even Defence have acknowledged the ongoing importance of the incurred danger test:

¹³ For instance see: Radcliffe, M, *Kampong Australia: The RAAF at Butterworth*, NewSouth Publishing, 2017

¹⁴ The Age, 14 October 1955.

¹⁵ Notes from Defence Preparations Committee, A816 52/301/328, National Archives of Australia.

¹⁶ 2 RAR, Routine Orders, 18 November 1955, AWM95 – AACD, AWM.

¹⁷ Major General R.F. Mohr, *REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-EAST ASIAN SERVICE 1955-75*, February 2000, p. 73.

“The notion of incurred danger, as a basis for granting access to veterans’ entitlements, warrants close examination as it underpins the criteria which applied at the time the RCB was deployed in Butterworth.”¹⁸

26. Defence is correct in its response to the question of ‘what is incurred danger’ at dot point 10. A distinction must be drawn between actual and perceived danger. But Federal court cases, Tribunal decisions, MAJGEN Mohr and Justice Clarke have all been clear that just because the danger “a person is exposed to, or in peril of” does not eventuate it does not mean that it was not incurred or that it was thereby only ‘perceived’.

27. MAJGEN Mohr was clear on this:

“To establish whether or not an ‘objective danger’ existed at any given time, it is necessary to examine the facts as they existed at the time the danger was faced. Sometimes this will be a relatively simple question of fact. For example, where an armed enemy will be clearly proved to have been present.

...

The question must always be, did an objective danger exist? That question must be determined as an objective fact, existing at the relevant time, bearing in mind both the real state of affairs on the ground, and on the warnings given by those in authority when the task was assigned to the persons involved.”¹⁹

28. Defence has confirmed the presence of an armed enemy in the form of the CTO in numerous documents. It is unfortunate that this “...relatively simple question of fact” has been hedged around by so much disputation over so long a period.

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21 November 2022

¹⁸ Gillespie, RJ, VCDF, *REQUEST FOR NATURE OF SERVICE REVIEW OF RIFLE COMPANY BUTTERWORTH (RCB) 1970 TO 1989*, 28 August 2007, Ref B660823, Attachment A, para 19.

¹⁹ Major General R.F. Mohr, *REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-EAST ASIAN SERVICE 1955-75*, February 2000,, p. 9.

Committee of Inquiry into Defence and Defence Related Awards (March 1994)

1. The CIDA inquiry says very little about service at Butterworth, but what it does say indicates that it did not have access to the abundant evidence of the armed enemy threat posed by the Communist Terrorists to Butterworth contained in my appeal and accompanying documents. Concluding its two paragraphs on South-East Asia, including Butterworth, the Committee says "...therefore in terms of its Principle number 1, it does not recommend that this service be recognised through a medal".²⁰ Principle 1 says, in part, that "Recognition of service by medals ... should only occur when that service has been rendered beyond the normal requirements of peacetime. Normal duties such as training and garrison duties should not be recognised...". The Committee does not define what it means by "garrison duties" but the explanatory text following Principle 1 says medals should be "...reserved for those who have done something special", a fairly vague concept. Principle 1 also says that medals should be reserved for "...military activities clearly and markedly more demanding than normal peacetime service". Again, quite a vague formulation.
2. Significantly, the review of RCB service in 2001 that awarded *non-warlike* service for February 1975 to December 1989 to RCB did not find Principle 1 a barrier to an award for RCB service. One of the recommendations of the review was that:

"In view of the conditions that existed in Singapore and Malaysia after the Indonesian Confrontation on 11 Aug 66 and until the end of FESR on 31 Oct 71, it is considered that duties in Butterworth are equally deserving of an award due to the terrorist threat which existed and the purpose of regional security. This is in keeping with CIDA principles."²¹

3. That is, a later review with more evidence found that the CIDA principles favoured RCB service.

Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75, February 2000 (Mohr Review)

4. The Mohr review did not examine service at Butterworth beyond 1970 whereas the period of claim for RCB service begins in 1970 and ends in 1989. As example I refer to Defence Department Minute ref 2000-34836 Pt 1 where Air Commodore R.K. McLennan advises in relation to the Mohr review that "Consequently, service at Butterworth between 1971 and 1989 was not considered".²² This limit to Mohr's investigation was confirmed by Defence in 2001 when it wrote that:

²⁰ Gratton, P, General, et al, *Report of the Committee of Inquiry into Defence Awards*, 1993, p. 45.

²¹ Australian Defence Headquarters, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 2000-34836 Pt 1, dot point 7.

²² McLennan, R.K., Minute to Chief of Defence Force, *Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt 1, para 2.

“However, the review only made recommendations in respect of service up to and including 30 October 1971, the end date of the Commonwealth Far East Strategic Reserve (FESR) in South-East Asia.”²³

5. Mohr’s comments on Butterworth are found in Chapter 3, *Far East Strategic Reserve - Malayan Emergency* which ceased operations on 31 October 1971. On RAAF service at Butterworth Mohr said:

“One of the specific areas of ADF service the Review was asked to advise on was service at ... Butterworth. I have found it difficult to comment in such specific terms as such service ranged over almost all of the period covered by the Review and in particular two major conflicts, the Malayan Emergency and the Indonesian Confrontation.”²⁴

“Most, if not all, of the submissions received from personnel stationed at ... Butterworth concerned either their involvement in operations on the Thai/Malay border region or their non-allotment during the period of the Indonesian Confrontation. These sought either medal recognition for their service or repatriation benefits or a combination of both ...”²⁵

6. Importantly “Most, if not all, of the submissions ... concerned either ... involvement in operations on the Thai/Malay border region or ... non-allotment during the period of the Indonesian Confrontation”.²⁶ The Confrontation ended in August 1966. There is therefore no evidence that Mohr considered service by RCB at all.

Review of Veterans’ Entitlements (2003) (the Clarke Review)

7. The Clarke Review’s bibliography has no reference to any of the primary documents provided by the RCBRG to the Tribunal.²⁷ This is unsurprising because such bodies rely primarily on public submissions, relevant private organisations (veterans’ groups), and briefings from government departments and entities to provide the evidence upon which to make a determination. This approach is detailed in both the Mohr and Clarke reviews.²⁸ Realistically, a determined examination of archival documents by private bodies did not commence until the formation of the Rifle Company Butterworth Review Group (RCBRG) in 2006 so that the evidence uncovered by the RCBRG was unavailable at the time to the Clarke Review (or the Mohr Review or CIDA for that matter).
8. In making its recommendation on Butterworth, the Clarke Review gave as part of its reason that “...no specific armed enemy threat was present...”²⁹ and that there was no “...threat from enemy action”,³⁰ yet Defence has since confirmed that such a threat was present in the form of Communist Terrorists – the very reason that RCB was deployed in the first place. It is clear that the Clarke Review did not have access to the

²³ Department of Defence, *Award for Service in South-East Asia 1955-1989*, DEFGRAM No 233/2001, 2 July 2001, p. 1.

²⁴ The Hon R.F. Mohr, *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000, p. 32.

²⁵ *Ibid.*, p. 33.

²⁶ *Ibid.*, p. x.

²⁷ Clarke, J, *Report of the Review of Veteran’s Entitlements*, January 2003, from p 869.

²⁸ The Hon R.F. Mohr, *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000, from p XXX; Clarke, J, *Report of the Review of Veteran’s Entitlements*, January 2003, from p 59.

²⁹ *Report of the Review of Veteran’s Entitlements*, January 2003, para 14.138.

³⁰ *Ibid.*, para 14.137.

abundant evidence of the armed enemy threat posed by the Communist Terrorists to Butterworth contained in RCBRG submission 065 and accompanying documents.

Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989 (Defence Honours and Awards Appeals Tribunal)

The VCDF's submission

1. The Vice Chief of the Defence Force (VCDF) provided no primary evidence to the Tribunal in his 2010 submission. He cites the *Committee of Inquiry into Defence Awards* (CIDA) and the *Review of Service Entitlement Anomalies in respect of South-East Asian Service, 1955-1975* (Mohr Review), the *Report of the Review of Veterans' Entitlements* (Clarke Review). Both CIDA and the Clarke Review found service at Butterworth to be *peacetime* service. This is contradicted by a Defence-initiated further review on S-E Asian Service after 31 October 1971. That review found sufficient evidence to award the ASM for *non-warlike* service at Butterworth 1971 to 1989. RCB veterans were consequently awarded the ASM for *non-warlike* service and this is where it stands today, with the VCDF's submission supporting that position. The VCDF's submission does not contain any of the primary or secondary evidence provided by the RCBRG to this Tribunal.

Brisbane Hearing Recordings

2. The Tribunal, in 2010 dismissed veteran evidence as "not substantial, but sincere, recollections of claimants".³¹ A selection from the statements made by individuals at the Brisbane DHAAT hearings of 20 July 2010 when presented alongside hard evidence that supports those statements demonstrate that veterans' eyewitness accounts should not be so easily dismissed.

RCB's dedication to the base

3. Several of the testimonies spoke of the requirement for the company to maintain its presence at Butterworth and not be away on training. The 2010 Tribunal preferred the Prime Minister's statement to Parliament in 1969 to the evidence given by eyewitnesses from the 1970s and 1980s. According to the Tribunal, the Prime Minister's statement supposedly made it "...clear that it was not expected that the company would always be present at Butterworth..." and that this "...lends weight to the view that the RCB was not an integral part of the defence of the base...".³² But the testimony of those 'claimants' is supported by a sample of contemporary documents that the Tribunal did not have:

"A further complication has been the company's operational contingency commitment at Butterworth. In view of OC RAAF Butterworth's policy, plans for training away from Butterworth have been limited to platoon-level deployments."³³

³¹ DHAAT, *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia Between 1970 and 1989*, 18 February 2011, para 47.

³² *Ibid.*, para 52.

³³ Whitehand, J.A., Defence Advisor Australian High Commission Kuala Lumpur, *Training for Butterworth Company*, File No. 207/5/14, Memo No. Def. 189, 10 May 1974, para 3.

“Since July 74 a minimum of two pls plus an elm of coy HQ is always at Air Base BUT. One pl may be away on exercises at any one time, incl exercises in Johore. This pl has rear link comms with BUT.”³⁴

“Emergency security measures for the protection of Australian assets and property is in the hands of the Australian Infantry Company, with at least two platoons on call.”³⁵

4. So, whereas in 1969 it may not have been “expected” that the “company would always be present at Butterworth”, evidence shows that very quickly it became *reality* that the company could not be away from the Base.

Deception regarding the deployment

5. Eyewitnesses describe the secrecy surrounding the deployment, sometimes calling it a “deception. Evidence of the reasons for this deception are outlined in paras 42-46 of RCBRG submission 065.

Training

6. Testimony is given of the non-event that training with the Malaysians was. The impossibility of training with Malaysian forces, due to their commitment to fighting their war, is made clear from evidence from the Australian High Commissioner in Kuala Lumpur and others, see paras 116-121 of RCBRG submission 065.

Contact with the enemy

7. Eyewitnesses cite contacts between RCB personnel and CTs, as well as higher levels of alert and standing patrols in response to enemy activity. That contact between RCB and the CTs was made was confirmed by the Secretary of the Department of Defence in 2000, see para 70 of RCBRG submission 065. A background paper for a minute to Chief of Army and Chief of Air Force also confirms contact between RCB and the CT.³⁶ Ground Defence Operations Centre (GDOC) was activated at security level Amber (shared defence situation imminent) of the Shared Defence Plan.³⁷ Butterworth Base Squadron Commanding Officer reports for the period January 1976-September 1978 show repeated activation and manning of the GDOC due to “possible ground threats to Air Base Butterworth”.³⁸ Evidence of the use of standing patrols is contained at para 61 of RCBRG submission 065.

Freedom of movement

8. Witnesses that opposed the upgrade to the AASM cited freedom of movement in the Butterworth area as a reason that the deployment was not *warlike*. Varying degrees of movement restrictions were in fact enforced in the Butterworth area by the Malaysians during the period, including curfews:

³⁴ Brough, WgCmdr SRGD, *ARA Infantry Coy at BUT*, Minute Paper, 11 October, 1974, para 2.

³⁵ Brough, WgCmdr SRGD, *Butterworth Brief for Ministerial Visit Dec 74*, Minute Paper, 3 December 1974.

³⁶ Willis, S.V.L, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, Minute PE 2000-7307, 20 December 2000.

³⁷ RMAF & RAAF, *Shared Defence of Air Base Butterworth, Operation Order No. 1/71*, 8 September 1971.

³⁸ National Archives of Australia, A9435, 75, Commanding Officers’ reports – Monthly reports unit history sheets (A50) – Base Squadron, Butterworth, 1944 to 1988. NOTE: reports later than 1978 were still sealed at the time of the research.

“three districts of Butterworth were placed on a five hour curfew from midnight till 5 a.m. as a direct consequence of the establishment of the Inter-state Security Committee”³⁹

“suspected communist agents were held during a house-to-house search during curfew hours in Butterworth”⁴⁰

“Situation in immediate area remains unchanged, curfew remains in force in three districts of province Wellesley.”⁴¹

9. Malaysian security forces “restricted road travel around the Gunong Bongsu Forest Reserve east of Kulim, and about 15 miles from the Base, an indication of official concern for the safety of military and civilian road traffic in an area of continuous CT presence” in November 1971.⁴²
10. This evidence, unavailable to the Tribunal in 2010, demonstrates that the witnesses’ testimony was not just “strongly put”⁴³ but supportable by the evidence had it been available then.

DHAAT Inquiry Report 2011

11. The Tribunal states that it received “...30 written submissions...” from individuals, groups and the Department of Defence. None are included but it is assumed the Defence submission was that presented by the VCDF.⁴⁴ We cannot therefore examine where any evidence contained in those submissions varies from that provided in RCBRG submission 065. However, this is not an insurmountable problem as the inquiry report states that:

“The evidence presented to the Tribunal by and on behalf of the claimants is not substantial. It consists of recollections of those who served with RCB of the arduous training which they undertook both before deployment to Butterworth and while they were there as well as descriptions of the detailed preparations and operational plans which were developed in anticipation of possible emergency situations.”⁴⁵

12. From this follows that none of the primary and secondary documentary evidence contained in RCBRG submission 065 and database was made available to the inquiry in those written submissions.
13. The evidence primarily relied on by the DHAAT is contained in paras 51-54 of the report and constitutes 70% of the evidentiary discussion by the Tribunal. It consists of:
 1. Prime Minister’s Statement to Parliament dated 25 February 1969.⁴⁶

³⁹ *Straits Times*, 14 September 1975.

⁴⁰ *Straits Times*, 16 September 1975.

⁴¹ Secret FARLEY, Sitrep Butterworth and North Peninsular Malaysia, A107, 24 September 1975.

⁴² ANZUK Intelligence Group (Singapore), Note No. 1/1971, 30 November 1971, *The Threat to Air Base Butterworth up to the End of 1972*, Singapore, 1971.

⁴³ DHAAT, *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia Between 1970 and 1989*, 18 February 2011., para 49.

⁴⁴ *Ibid.*, para 10.

⁴⁵ *Ibid.*, para 47.

⁴⁶ *Ibid.*, para 52.

2. The Exchange of Notes between the Government of Australia and the Governments of Malaysia and Singapore in late 1971.⁴⁷
 3. Letter from the Secretary, Department of the Army to the Secretary, Department of Defence, dated 19 May 1969, AWM200 R579/1/17G PART 1.⁴⁸
 4. A letter from the Chief of the General Staff to the commander of Far East Land Forces dated 23 May 1969.⁴⁹
 5. A staff instruction titled 'Infantry Company to Butterworth' issued by 28 Commonwealth Brigade on 22 October 1970.⁵⁰
14. So, the Tribunal relied primarily on **five** documents dated between 1969-1971 to determine the nature of service of RCB between 1970-1989 and *none* of those documents examine the situation *on the ground* during those years.
15. The DHAAT identified the inadequacy of relying exclusively on such high level 'official documents' in a later case⁵¹ – they do not necessarily reflect the reality of the situation on the ground, and that is what is required to be established for the purposes of determining past nature of service. The Tribunal said:
- “Whatever might have been said in the formal decisions relating to the retention of No. 79 Squadron in Ubon, it is clear that the real purpose of its posting was to assist the USAF air campaign against North Vietnam.”⁵²
16. In the VCDF's submission to the Tribunal he notes that:
- “...NOSB found that formal responsibility for security at Butterworth was transferred from the Royal Air Force Regiment to Malaysian authorities on 31 March 1970...”⁵³
17. He goes on to say that “Accordingly” non-warlike service was recommended for service at Butterworth “...with a commencement date of 31 March 1970.”⁵⁴
18. Had Defence researched beyond the high-level documents that transferred “responsibility for security” to the Malaysians they would have found documents repeatedly expressing Australian concerns about the Malaysians' inability to *actually* provide that security to Butterworth. Three such documents are detailed at paragraph 41 of RCBRG submission 065. The significance of this Malaysian incapacity to provide for defence of its own facility is highlighted in a fourth Australian document criticizing the Malaysians' abilities.
19. A secret FARLEY report from 1971⁵⁵ sets out the reason for the paper:

⁴⁷ Ibid., para 51.

⁴⁸ Ibid., paras 52 and 53.

⁴⁹ Ibid., para 54.

⁵⁰ Ibid.

⁵¹ DHAAT, *Inquiry into Unresolved Recognition Issues for Royal Australian Air Force personnel who served at Ubon between 1965 and 1968*, 18 February 2011.

⁵² Ibid., para 63.

⁵³ VCDF, *Submission to the Defence Honours and Awards Tribunal Inquiry into the Recognition of Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989*, 23 June 2010, para 44.

⁵⁴ Ibid.

⁵⁵ Parker, I.S., *Counter Measures to Security Threat to Air Base Butterworth Until End 1972*, 24 December 1971.

“To combat the risk of an attack on Air Base Butterworth, Commander ANZUK Air Headquarters...directed the Officer Commanding Air Base Butterworth to set up a committee to assess what counter measures would be required to provide Air Base Butterworth with a capability to meet any threat to the Base.”⁵⁶

20. The report advised that:

“...establishments do not provide for measures to fully counter the assessed threat to ANZUK installations and equipment arising from the resurgence of communist activity in West Malaysia.”⁵⁷

21. It also advised that:

“...there is a significant deficiency in the capability at Air Base Butterworth to oppose or even contain, any attack or attempted sabotage.”⁵⁸

22. The Malaysians are commended for their co-operation in preparation of the Shared Defence Plan but:

“...their capability to implement the Plan is unproven. It is known that they are untrained in weapon handling and have only limited stocks of weapons and no ground radio communications. The effectiveness of the RMAF to assist in the shared defence of Air Base Butterworth is therefore suspect.”⁵⁹

and

“The Malaysian lack of capacity to effectively provide for their role in the security of Air Base Butterworth is a cause of serious concern...”⁶⁰:

23. The report concluded that:

“Current security arrangements provide for a Shared Defence Plan...which is adequate to meet the threat, if the Base receives advance warning. On the other hand, arrangements are inadequate to meet a surprise attack...”⁶¹

24. To guard against this surprise attack which, according to various intelligence assessments throughout the period, was the most likely form of attack, Butterworth required an:

“...essential permanent quick reaction force needed to meet a surprise attack, or the personnel to guard against sabotage.”⁶²

25. That quick reaction force (QRF) was provided by the RCB and the report warned that:

“unless an Army presence can be guaranteed at all times, two flights of ADGs would be required to sustain a Quick Reaction Force.”⁶³

⁵⁶ Ibid., para 3.

⁵⁷ Ibid., para 22.

⁵⁸ Ibid., para 26.

⁵⁹ Ibid., para 40.

⁶⁰ Ibid., para 41.

⁶¹ Ibid., para 46.

⁶² Ibid., para 23.

⁶³ Ibid., para 47c.

26. These documents demonstrate that RCB was not only an integral part of the defence of Butterworth but was considered by Australian authorities to be *the most crucial*, and only reliable, aspect of Butterworth's defence against communist insurgents.
27. Had the Tribunal had access to these documents in 2010 it may not have placed such import on the Secretary of the Department of the Army's letter of May 1969,⁶⁴ which said that if an emergency occurred and the Army needed to assist with defence they "would be placed at the disposal of AOC Butterworth".⁶⁵ Nor could the Tribunal have asserted with such certainty that the letter demonstrated that "...assistance with local defence would only be provided in an emergency and would not be a primary role of the company".⁶⁶
28. In making this finding the Tribunal was clearly unaware that RCB was *permanently* at the disposal of AOC Butterworth and that local defence was its *primary* responsibility:
- "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."⁶⁷
- "The operational command and certain aspects of administrative control of the Australian Infantry Company at Butterworth will be under the OC RAAF Butterworth and for all other matters will be under AHQ Australia".⁶⁸
29. A staff instruction in 1979 replaced AHQ Australia with HQ Field Force Command for control of "all other matters" whilst leaving operational command of the company with OC RAAF Butterworth.⁶⁹
30. The 2010 DHAAT references a limited set of official documents to argue that the main purpose of the RCB deployment was simply to provide "...an Australian...Army presence in Malaysia...".⁷⁰ However, documents not previously seen by the Tribunal paint a very clear and very different picture of the purpose of RCB. As well as the CAS' statement above that the primary role of the company was protection of the base the Tribunal is referred to paras 42-46 of RCBRG submission 065. The evidence there demonstrates that the real purpose of RCB was not "flag-showing"⁷¹ but instead providing a force actually capable of defending Butterworth from the very real threat of communist terrorists.

⁶⁴ Letter from the Secretary, Department of the Army to the Secretary, Department of Defence, dated 19 May 1969, AWM200 R579/1/17G PART 1.

⁶⁵ DHAAT, *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia Between 1970 and 1989*, 18 February 2011, para 53.

⁶⁶ Ibid.

⁶⁷ Chiefs of Staff Committee, *Minute of Meeting held on 28th June, 1973, Australian Contribution to the ANZUK Force in Singapore, Command and Control*, Minute No 38/1973, 3 July 1973, para 2.

⁶⁸ Signal COMD ANZUK Force, Butterworth Infantry Company, DEF2435, 21 August 1973.

⁶⁹ Field Force Comd, *Staff Instruction No 2/79, General Instructions for the Australian Rifle Company at Air Base Butterworth*, 6 July 1979, para 36.

⁷⁰ DHAAT, *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia Between 1970 and 1989*, 18 February 2011, paras 52 and 54.

⁷¹ Tange, A.H., *Security at Butterworth*, Ref. 71/3160, 2 March 1972.

Attachment B



Australian Soldiers are taken in Pedicabs through the streets of Saigon to do their Christmas shopping. Saigon, Vietnam, 12-19-1966.

<https://www.alamy.com/stock-photo-australian-soldiers-are-taken-in-pedicabs-through-the-streets-of-saigon-32380245.html?imageid=143F84E2-F160-433D-9927-93E4CC178F40&p=96039&pn=1&searchId=309e061296808d5797ab2d8990d9267a&searchtype=0>