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Submission to Inquiry - Mr Sean William ARTHUR

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

Given Names *

Sean William

Surname *

ARTHUR

Post-nominals (if applicable)

Street Number and Name *

Suburb *

Postcode *

State *

Email Address: *

Primary Contact Number *

Secondary Contact Number

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

Part 3 – Desired outcome

Provide a summary of your submission:

Further evidence in response to the hearing of 23 November 2022.

Part 4 - Your submission and Supporting Documentation

File Attached: RCB-Submission-IV.pdf

Part 5 – Consent and declaration

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

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

- using information contained in my submission to conduct research;
- providing a copy of my submission to a person or organisation considered by the Tribunal to be appropriate; and
- providing a copy of my submission to a person or organisation the subject of adverse comment in the submission;
- using content in my submission in its report to Government.

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

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

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

Name

Sean Arthur

Date

11/12/2022

Mr Sean William

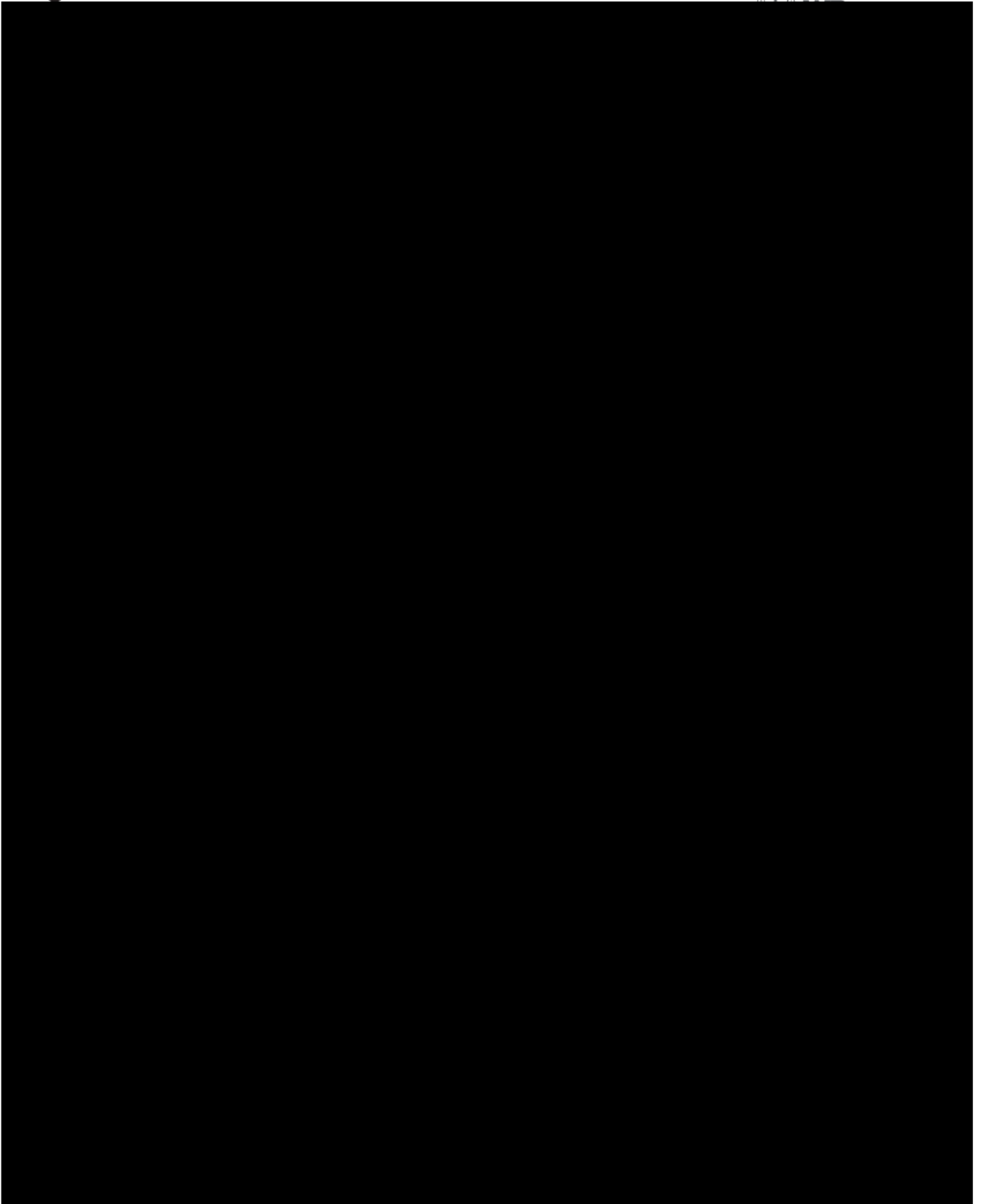
ARTHUR

Signed by Mr Sean William ARTHUR

Signed on: 11 December, 2022

Signature Certificate

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Fourth Submission – RCB Recognition for Warlike Service DHAAT Tribunal – Sean Arthur

“The past is a foreign country; they do things differently there.”

L.P. Hartley

Introduction

1. First of all I would like to thank the Tribunal for keeping the submissions open so as to address evidence and themes as they present themselves. I have a high degree of confidence that a more complete and honest story will become public as a result of this policy. I will also say that RCB veterans are not used to having their version given any weight at all, despite the undoubted facts behind their case.
2. Army and RAAF veterans who served in Malaysia (1970-1989) defending Butterworth Air Base (BAB) during the Second Malaysian Insurgency conducted war operations against a recognised enemy. We did our duty and request recognition of this demonstrated fact. Furthermore, the Defence Department’s attitude towards our service is in equal parts both wrong and offensive. However, Defence’s attitude is proving to be less of an issue on the grounds that they have failed address veteran evidence nor produce anything validating their own position beyond political utterances and justifications made at the time. Our evidence is also, mainly, their evidence too. It is also critical documentation which they continually choose to ignore.
3. The Defence Department has a history of misusing their bureaucratic positional dominance and abusing their privileged access to government ministries to push their narrative.¹ If only RCB veterans had such a voice to power. If we had, we probably wouldn’t have been shut out so many times on such scanty assertions. I ask that the tribunal to please excuse my directness; I have faith in this process, but now none at all in the Department. **Sailors, soldiers and airmen/women serve the Australian people, not the Defence Department.** This bureaucratic entity has proven to be particularly toxic to the interests of the men and women who played their part in the defence of their country and its interests. I have searched in vain for a description of their attitude towards this review process that doesn’t involve a synonym for ‘contempt’. Not only do they argue for a completely discredited concept of ‘peacetime service’, against all the weight of competing evidence, they have seemingly ignored reasonable questions asked of them by the tribunal. In the hearing of 23 November 2022, *they also said the thinking bit out loud* by raising certain implications about subsequent deployments post 1989, should the RCB veterans win in their struggle. I don’t remember Minister Gee inserting such concerns into the terms of reference. That the tribunal closed down that line inquiry before the RCBRG (Rifle Company Butterworth Review Group) could raise a concern, confirms veteran’s faith in this process.

¹ I have seen some of the emails ‘advising’ ministers and none of the advice seems to offer any balance that I can perceive. The advice always appears to be in line with closing down our position.

4. I would like to submit the following information and facts for consideration. The whole issue of RCB service is horribly complicated and very unusual. The chair's description of the RCB question as a big pile of children's blocks is apt – perhaps complicated by critical blocks missing altogether and the whole mess being briefly viewed through the lens of a passing helicopter.
5. I believe that the unusual nature of RCB service is the primary factor causing trouble to all parties. The particular circumstances of the times do not lend themselves into a neat fit in any direction. I further believe that the Defence Department has taken full advantage of the strange circumstances to misrepresent our nature of service. Those same atypical conditions force RCB veteran arguments to squeeze our service into present-day models. This artificial construction remains alien to the historical, political, social and military times of the period. I can't emphasise this enough: Trying to force a 50 year old cold war military service into a modern 2022 paradigm introduces errors in analysis that may cheat RCB servicemen (*and Air Force service*) out of recognition rightfully deserved. That's not to say that it can't be done, but one must include all circumstances, not just the ones arrived at by bureaucratic committees or legislative interpretation divorced from the actual time on the ground 50 years ago. It is by this kind of machinations that RCB veterans have been denied justice for several decades. It is also possible to unconsciously discount evidence if certain factors are either ignored or not even taken into account. I will elaborate and justify this view further below.

Peacetime vs Warlike Service

6. In some ways the Defence Department is making arguments that are so wrong that it should be an embarrassment to voice them. I refer, as an example, to its continual (even at the 23 November 2022, hearing) insistence that RCB service was completely normal peacetime service. It was, supposedly, service like that of any other Australian home duty. Such insistence forces the RCB veterans to continually give numerous and seemingly pointless examples as to why this is not the case. It would be a welcome and fair result if Defence would be so kind as to point out where our Malaysian duty was replicated during peacetime service *anywhere*. Take the example of RCB troops being fully armed at all times on duty. In Australia, we were issued ammunition only at the very point of expending that same ammunition. In Australia, we were given bullets only minutes before shooting those bullets away downrange. More-so, immediately after shooting live ammunition, we even had to collect and hand-in the brass casings and other range produce. Peacetime practice is one of total safety and control, as it should be. Wartime practice does away with almost all safety requirements because war is a risky business. Therefore we were issued live ammunition along with our standard infantry weapons for every second of duty including GPMGs ammo belts. What's more, we conducted infantry assault manoeuvres with ball ammunition in the defence of the airbase. To describe this as "peacetime" activity is pure nonsense and it even hurts to state such an obvious point to a tribunal already acquainted with normal army peacetime practice. Yet, at the 23 November 2022, hearing we once again heard that the position of the Defence Department is that such impossibly risky action is *normal peacetime activity*. That such a position is now seriously being challenged by a Tribunal is beyond overdue and is very welcome.

RAAF Civilian Families

7. The undoubted fact that Air Force families were present in Malaysia is, once again, is being presented as a reason for RCB service being viewed as peacetime service. It is to be expected, given that the department relies so heavily upon such a circumstance. They do so because they have little else to build a case. As I will point out, the logic for making such a case has no supporting structure. Even at the time, the presence of Air Force service families was a mystery to RCB soldiers. It was also a subject that the diggers would often discuss amongst ourselves. We certainly had no doubt that we were operating in a war zone. Why put civilians in harm's way? Especially as the insurgent record at the time demonstrated that the Communist Terrorists (CTs) considered civilians who supported or were associated to the Malaysian Government were fair game? Since the question keeps being raised, it is important that the presence of service civilians be explored.
8. To start with families accompanying the infantry rifle company were forbidden. This policy never changed once in 19 years. We knew we were in a war zone, the Army knew we were in a war zone, it seemed inexplicable to us that civilians were so permitted by the RAAF. My RCB rotation just assumed that it was just another Air Force peculiarity that could not be explained, perhaps could never be explained. I had both a sister and brother who served in the RAAF, and their military experiences when compared to mine were often at odds. For instance, my brother was a helicopter crewman and he often conducted military exercises from the comfort of air-conditioned hotel rooms. I never experienced that luxury even once. To our eyes at the time, RAAF peculiarities was not all that complicated; the RAAF sometimes did things differently.
9. Secondly, why is the undeniable fact that service families being nearby viewed as compelling evidence of peacetime service? There are numerous alternative reasons? The principal ones being (for instance) over-confidence in the civilian safety of Butterworth as an operational theatre? Or, perhaps, an assessment that the CTs would simply not stoop to harming civilians? Or, that the RAAF rotation duration (usually at least two years) meant that the risk of harm to families was less (*to an unknown, and unknowable, degree*) than the deterrent to RAAF service morale?
10. Defence is promoting service families presence in theatre in order to hold up a single supposition – that RCB service was entirely peaceful. It supposes that, '*RCB service was so non-warlike that the RAAF even had children there*' (including, famously, a former Australian Government Minister.) Well, for a start, that argument is patently incorrect in its own terms, as RCB was defending BAB not George Town. Apart from not considering any of the points I have raised above, Defence's position is nothing but a single strand of logical fiction. To adopt that point of view, the RMS Titanic was also completely safe too, because the ship had *women and children* on board.² The Defence argument provides a good example of a logical fallacy. The error was having service families in a potentially dangerous situation in the first place, and as with all things Butterworth-related, their luck held. Besides which, it is my understanding that the RAAF had planned civilian rescue contingencies on the books, which supports the RCB case and not that of the Defence Department's. Rescue from whom, one might ask?

2 To use an objectionably sexist phrase once common at the time.

11. My submission, and request, is that the presence of RAAF families in Malaysia be ruled as having little or no significance as an indicator of RCB (and RAAF) war-like service. My submission is that their presence was an error in risk assessment and ultimately a gamble that fortunately paid off. I base this on BAB's own intelligence reporting which clearly indicated a never-ending threat. Even classifying a threat as "low" does not actually remove the threat. It still existed, and given that the fall-out might have visited upon the heads of children, the prospect is chilling, even retrospectively. Defence is having a two way bet on this issue. RCB was apparently peacetime service, but at the same time, armed RCB troops were part of a contingency plan to rescue civilian families from hostile CT forces. Defence can claim that the threat was low as much as they like, but they can never say that the threat to civilian lives did not exist. They had an actual plan for addressing it, so accepted the risk.

Alleged Motivating Factors

12. I will briefly address Brigadier Holmes's comments during the hearing of 23 November 2022 (paraphrasing as I don't have a transcript) that the implications for making RCB war-like service might be the possible necessity to reassess all Australian military deployments since that time, and presumably at great detriment for the public's associated costs and service benefits therein. Whilst the chair (and panel) correctly in my view, ruled that position, as stated, was outside the tribunal's terms of reference and alluded to the inappropriateness of introducing matters external to the subject at hand.
13. The above matter was addressed immediately by the chair and in that no lasting harm is to be had. However, as the point was raised by Defence, and as the tribunal has given us an opportunity to respond to evidence through submission (the Brigadier's statement was not made under oath, so all the more forgivable) I would like to comment.
14. The Defence Department has long adopted a very hostile line as to the question of RCB's deployment as warlike. They have repeatedly made assertions without evidence and have refused to even consider, or in many cases, *even respond* to the evidence that the veterans have brought to the table. For the most part, the RCB Review Group's (RCBRG) very documentation attesting to our warlike status originated with the Defence Department. It is easy to understand the Department's reluctance to enter fully into the discussion and their preferment to rely upon previous rulings which – shall we say – has not always been particularly rigorous in examining their claimed position. The Department's latest submission was pretty much a copy/paste of previous rulings and little more. It is because of this, some veterans have speculated that the Department merely wanted to head off creating precedent so as to avoid providing deserved veteran benefits. Some argue, rightly or wrongly, that this line of argument has been a strong motivating factor for the Department in not only denying the RCB justice, but also for choosing to avoid the contest altogether. On the 23 November 2022, hearing, the representative for the Department made something very close to this suggestion. It was not said in those exact terms, but Defence's representative was inviting the tribunal to consider wider implications, possibly indicating payouts, etc. He was asking the RCB tribunal to consider, **not the just facts, but also the implications** of a decision going against Defence's wishes. While the issue was closed down very quickly, and it may have been a simple lapse made without thinking, it was still said out loud. I would say with confidence that every veteran heard that message, whether attending the tribunal or listening in remotely. I would therefore like to go on record saying

that whatever errors the Department *may have done in the past*, veterans should not be denied justice on this account. The tribunal's immediate response in promoting natural justice by disallowing the suggestion gives confidence to me (and apparently many others) that this will always be the case during the course of this tribunal.

Historical Context

15. I would now like to introduce a richer context into the discussion because in my reviewing of the last decade and a half of legal wrangling, this critical aspect of our argument is only prominent by its absence. I appreciate that the legal requirements must be always addressed - *this date, that declaration, this technical instrument, overcoming those barriers, and always acting in accordance with the relevant legislation*. This is all very necessary and important. But they are not the only existing or determining factors, and I fear that unless our total circumstances are considered, once again veterans will be short changed. It all starts with the strange nature of RCB deployment.
16. To start, I'll highlight this message by frankly calling a spade, a spade. RCB operations were completely warlike in nature, but clandestine, by deliberate policy of many Australian administrations. In fact, during the course of 19 years our largely unrecognised military contribution is second only in terms of duration to that of our deployments to Afghanistan.
17. Many submissions have provided evidence to the tribunal that the Whitlam Government, had promised the electorate that they would bring the troops home from South East Asia. To be completely accurate, it wasn't Whitlam who initially made this promise, it was the Liberal Prime Minister, William McMahon.³ As the Leader of the Opposition, Whitlam used McMahon's promise to bludgeon the government saying that McMahon wasn't being truthful in that promise. In August 1971, Whitlam said in parliament that only Labor could be trusted to really bring all the troops home. Even as opposition leader, Whitlam was locking himself into a very unmistakable position about military deployments in South East Asia. Both men were primarily referring to the remaining military elements serving in Vietnam, but the statements were very broad. The prevailing political and social sentiment in Australia was for ending the Vietnam involvement, ending conscription and bringing the troops home. This is a simple and unremarkable matter of the historical record. However Malaysia immediately became an emerging problem, even as Vietnam was drawing to a close. Malaysia had a nasty, nascent, insurgent trouble brewing and the largest Air Force base on the peninsula was exceedingly close to the main CT base of operations.

3 See <https://www.smh.com.au/national/from-the-archives-1971-our-troops-home-by-christmas-says-pm-20210812-p58i7q.html>

18. On 13th November 1972, Mr Whitlam made his famous election stump speech, which included notable references to the Five Power Arrangements (FPA) commitments.⁴ Whitlam was elected on this very platform.

Five-Power Arrangements

The Australian Labor Party supports these propositions. Pending neutralisation, we will honour the full terms of the Five-Power Arrangements, under which Australia agrees to provide Malaysia and Singapore with personnel, facilities and courses for training their forces and assistance in operational and technical matters and the supply of equipment...

19. By the time of Whitlam's election in 1972, the RCB had already been in situ and providing armed security in BAB for almost two years. However, a protective force presence was in place even four years before this. Four years previously, the Malaysian Communist Party (MCP) began the new insurgency on 17 June 1968, with an ambush of the Malaysian Armed Forces, killing 17 Malaysian troops, in Kroh-Betong, Kedah. The site of the Betong ambush is less than 100km due East of Butterworth Air Base. This battle was the opening gambit of the resurgence of the CT forces and as one might suppose, the result can be considered something like a Malaysian 'Long Tan.'⁵ The scale of the insurgent attacks must have been a very worrying development for Australia and Malaysia. Bloody jungle contacts against the MAF kept on happening with a great deal of success. Yet Whitlam was elected on the basis of deescalation of Australian troops in South East Asia, but both political parties also made a definitive commitment to supporting the Five-Power Arrangements which was supposed to support military protection for Malaysia and Singapore. This is obviously a contradictory set of promises, and ones that were a major difficulty for both the McMahon and Whitlam governments. One just can't, sensibly, remove armed Australian troops from a South East Asian conflict zone, and still simultaneously support armed Australian troops in a slightly different part of South East Asia in the name of deescalation. This was all very awkward, particularly against the old political communist enemy once more.
20. Whitlam, with his election win, was boxed in completely by the end of 1972 and needed a way out. His government was elected on the promise of repatriation for Australian troops, now he had to deliver on that promise. While he couldn't end a civil war in Malaysia, it was well within his power to reach certain arrangements whereby a foot in each camp might be accommodated. The government's official position insisted that there was no war in Malaysia, **and armed Australian troops in what was a very active theatre of war wasn't, somehow, involved in war.** The subsequent governments, and oppositions, went along with the fiction, because both sides were of one mind in believing that the times for open foreign military activism by Australia had now passed. The Australian public was done with war.

4 <https://electionspeeches.moadoph.gov.au/speeches/1972-gough-whitlam>

5 17 Malaysians killed as compared to Long Tan's 18 Australians killed. .

21. If we could transport ourselves to 1970, we can see how the whole situation played itself out. The previous Liberal government was watching, with increasing dismay, as its policies and military commitments in South East Asia were unravelling. Vietnam war was spiralling out of control and the South Vietnamese regime seemed helpless. The Vietnam War was lost several years before the final chopper evacuation from Saigon roof tops. The Americans under Nixon were back-peddling away from the Vietnam War and Australia was once again appearing isolated. In Malaysia, the MCP had reactivated itself after long years re-training in the jungle and were proving to be adept at killing Malaysian forces.⁶ Yet Australia had unavoidable military commitments to Malaysia, and Whitlam had reaffirmed those same commitments at part of his election promises.
22. In the end, Whitlam, like McMahon before him, temporised, and invoked *casus fœderis*, but with a slight difference of a shadow involvement. Even though Malaysia was undoubtedly at war with CT forces, and Australia was operating from a forward air base, and one that was a very attractive and legitimate enemy target, according to the RAAF's own reading of the situation - it was yet, **somehow**, still not at war. That was the public deception, anyway. The troops were told the actual truth, because it is untenable for the diggers in-country to believe otherwise. Not only that, RCB training, RCB actions, RCB weaponry, RCB tactics and RCB ROE were unmistakably warlike. This whitewash was to continue for the next 50 years and even continues to this day. Successive Australian Governments sent troops into an unacknowledged war, preserved the FPA and the gamble paid off. I would argue that it was the lives and dedication of Australian RCB troops that tipped things in the positive direction. Not only was the Malaysian situation warlike, we were actually at war with a recognised enemy and we faced them down. To this the Australian Defence Department gives its soldiers absolutely no credit, and its refusal to acknowledge its *own documentation attesting to warlike service* is an insult and a stain on its honour.

Rules Of Engagement (ROE)

23. The understanding of the ROE in this argument never seems to reach the depth of complexity that it truly deserves (in my opinion). Both sides tend to skate upon the very uppermost level of what is a legal authority to take lives should certain conditions be met. The veterans argue, correctly in our view, that only a warlike setting can a person be lawfully shot to death. This is a very straightforward reading of the ROE and I would like the Defence Department to propose another example of 'peacetime service' where our soldiers can shoot uncompliant 'trespassers'. However, the layers are almost endless in the complexity, as I will demonstrate by taking the reader in a deep dive into what Australian soldiers had to deal with during their armed operations, often performed in the dark of night, on a flat airbase devoid of cover.

⁶ Also of note, the 1968 MCP recommencement of hostilities only began a couple of months after the opening of the North Vietnamese Tet Offensive – suggesting that the MCP was taking its war cues, and encouragement, from communist successes in other theatres.

24. Of all the bewildering artefacts concerning our status the ROE remains the most fundamental and significant example of warlike service. Nothing could be more obvious and straightforward. The ROE were so simple and easy to comprehend that even the least experienced private soldier was able to easily understand it.⁷ On encountering a suspected BAB intruder, the ROE had three parts.
25. The RCB soldier had to:
- a. Say the Malay phrase “***Berhenti, atau saya akan tembak***” three times (***Stop, or I’ll shoot***).⁸
 - b. If the intruder/s complied with the direction to stop, you were to disarm/detain him/them.
 - c. If the intruder fails to stop, you are to permitted to stop them by any available means including shooting them to death.
26. That was it; nothing else was required. I have seen this very basic ROE twisted into so many convoluted shapes but it was really very straightforward, deliberately so for very good reasons. Soldiers were required to patrol the airbase both in daytime and in the dead of night.⁹ The night-time patrols included the aircraft flight line and also the wire perimeter. In any part of the air base the soldiers might encounter an intruder and therefore had to adopt an instant response to a possible threat. We certainly were not accompanied by military lawyers on these patrols. Usually we were only a rifle section armed only the most basic of learned Malay phrases. We were left to act on our own initiative, so the rules were incredibly simple, and provided we followed them to the letter, we were legally covered from any repercussions that might follow a shooting death of an intruder.
27. In addition to the ROE, every individual also has the ordinary right of self defence; so as soldiers we well understood our basic rights in regard to defending ourselves if seriously threatened. Therefore, the only scenarios available upon encountering a suspect included:
- a) An intruder complying with our directions, and us detaining them.
 - b) An intruder ignoring our directions and them being likely shot; or,
 - c) An intruder raising a weapon at us causing us to defend ourselves by shooting the suspect.
28. Previous reviews of RCB service included the Defence Department (*apparently successfully*) promoting a qualifying and softer version of BAB ROE by arguing that “restraint was encouraged”. I have seen such a version of the ROE dating from 1971 where one of the dot points includes that the soldier must “*shoot to wound and not to kill*”. I’ll attach this ANZUK document as ‘Annex A’ at the end of this submission.

⁷ I am, for the sake of my submission, referring to myself as the inexperienced Digger in question.

⁸ I understand that some deployments may have had slight variations in language, but all included “stop or I’ll shoot”

⁹ This patrol duty was detailed separately from QRF duty and was an additional, though secondary, component of security.

29. It is my evidence that I, myself, never operated under a “shoot to wound” restraint by our ROE on my deployment. The very idea that such a thing was even possible is ludicrous. I’ll offer some very basic reasons why:

- The thought that one could calmly take careful aim at a distance, and in darkness, and hit a likely moving target in a non-fatal area of the human body is absurd.
- The ballistic effects of both the 7.62mm NATO rimless and the 5.56mm rounds make survivability a coin flip. The larger 7.62 round makes a bigger and weightier punch and a bigger hole in the human body. The smaller 5.56 hits with a higher velocity and tends to tumble in flight (over distance) and sheds much of its metal jacket upon impact. All infantry soldiers were well acquainted with the effects of ballistic damage to the human body at the time.
- Today’s Australian police officers are intimately involved with the community they serve. Naturally they have a much higher legal oversight in situations where they have to use their service weapons in the line of duty. This legal oversight is to a much higher degree than soldiers serving overseas in war. It is an absolute fact that in no part of Australian police firearm’s training are police officers taught to “shoot to wound” as it is just not possible to achieve this capability.
- From their first day in the army soldiers are taught to aim “*centre of the seen mass*” on man-sized ‘figure 11 targets’. Generally speaking, at the time of RCB, a trained infantry soldier could hit a man-sized target, anywhere, at a range of 300m. That is, anywhere on the human body is considered an acceptable hit. The average grunt is not a Hollywood marksman.
- If a lucky wound shot did occur, and of course, it could happen – it just cannot be summoned on order - the wounded person may still remain a very dangerous threat. A wounded enemy may still be capable of killing the shooter. That’s why even the police service teaches shooting ‘centre mass’ just like the infantry does.
- The standard infantry weapons of the day were perfectly acceptable for the time, but they cannot be compared to today’s rifles in terms of accuracy. In every case we used iron sights, not glass.

30. There are so many other things are wrong with this “shoot to wound” restraint version of the ROE, one hardly knows where to begin.

- By what principal was the soldier to apply restraint. A warning shot, perhaps? To attempt disarming first without shooting? Keep talking without taking action?
- How do you actually “apply restraint” when it is in direct opposition to the stated ROE? It wasn’t part of the ROE on my tour, in fact the idea is a direct contravention in terms of our ROE.
- If after having “applied restraint” and the intruder were to successfully escape and thereafter commits some act of harm, where does the soldier stand in having failed in his duty to protect the base, the base’s significant assets and/or his fellow soldiers?

- If the intruder was compliant, then the “encouragement for restraint” is automatically rendered unnecessary, therefore such encouragement is only to be adopted with non-compliant suspects. This is a complicating and unnecessary legal burden for a soldier to have to work around in what would be an already stressful situation.
31. Under the BAB ROE I would certainly have shot a suspect if they had ignored the legal direction to stop. I would also have shot the suspect if I felt under threat, or if my fellow soldier’s life was threatened, exactly in accordance with the ROE. I am not confident of a great many things, but of this I am very confident. In a Quick Reaction Force (QRF) situation on encountering an enemy the result would have been completely automatic (depending upon the situation) given that the enemy carried arms and once again the results would be fairly drastic and unpleasant. In any case, shooting to wound with a GPMG M60 will lead to disappointing results.
 32. Having ROE can only exist in a war setting. You are at war, you have an enemy, and if the enemy is not compliant and declines to follow your simple directions, you are required to shoot him. I have spent literally years and years performing guard duty in Australia, and in two different battalions. But, naturally, my service in Australia wasn’t warlike, so ROE was never contemplated. The requirement for lethal engagement rightfully only belongs in a war setting. Outside of a war, the idea is a dangerous nonsense.
 33. Supposing the QRF met with an armed intruder during a challenge, this is the very essence of an infantry encounter contact. **There is no more certain expectation of casualties than an encounter contact.** Both parties are surprised by the other and a firefight is likely to be exchanged based upon pure instinct and training. An infantryman who fails to respond instantly and aggressively is a dead infantryman.¹⁰
 34. Lastly, before moving onto other topics. The roving patrols nor QRF did not happen without further context. We were often briefed on the prevailing circumstances around the air base - certain things of note that might affect our duty. Sometimes this took the shape of base security updates; strange lights in the darkness; a hole recently discovered in the boundary fence; intelligence reports of nearby CT movements, or Kampung villagers observed loitering on the outside of the fence. Sometimes it was typical “red letter” CT anniversaries, because the communists were fond of creating havoc to celebrate special days.¹¹ In general, we would be told of any unusual occurrences, or things to be watchful about. Thus warned, we commenced our patrol usually looking for trouble before trouble found us. This is how you operate in a war zone.

10 It would be illustrative to put to the Defence representative what the warnings “*contact front*” immediately initiates to Australian infantryman, and the speed in which the response takes place.

11 In fact, the opening of renewed insurgent hostilities in June 1968, as mentioned above, in [Kroh-Betong](#) happened on the 20th anniversary of the MCP’s armed struggle against the Malaysian Government. Any communist anniversary was a heightened period for RCB. The insurgents had a lot of them.

Possibility of Attack

35. If one were to put on blinkers and ignore every other characteristic of RCB service, this argument might well be a short one. *BAB was not attacked therefore the threat must have been slight or nonexistent.*
36. Apart from a particular interpretation of several legal assumptions, many of which are being disputed by RCB veterans, the Defence Department appears to rely, *principally*, on nine factors for classifying the threat risk at BAB at the time as of a low probability.¹² Of these nine points, many have already been addressed in the previous (approximately 150) RCB submissions made to the Tribunal. It is my submission that most of the department's points, (a) through to (i), such as the non-declaration of war, Hansard statements, etc, are not in any way compelling arguments for warlike service.
37. Nations largely stopped declaring hostilities against each other by the end of the 1940s. Also, for several post WW2 conflicts we have seen a number of war euphemisms arise, such as "*Malaysian Emergency*" for the original communist war in the region (1948-1960); "*Konfrontasi*" for the Indo-Malayan War (1963-1966) even "*Police Action*" when referring to the Korean War (1950-1953). Call such conflicts what you will - *or even pretend that they don't exist* - the Second Malaysian Communist Insurgency (1968-1989) is still an actuality. Have we experienced no undeclared wars in the last 80 years? In any case, the Defence Department has demonstrated a predilection for three types of argument.
- Hindsight – the knowledge, acquired only after the fact, that the base was never attacked. This certain psychological feature should be considered privileged information, only obtained and available once hostilities had ended at the end of 1989. It was information denied to troops and commanders on the ground at the time and therefore fairness demands that it be voided as a critical factor in determining war service.¹³ We didn't know that the BAB would not be attacked, and nor would we know until the cessation of hostilities.
 - The Presence of Service Families. - I have addressed this question earlier, but the presence of civilians on the air base can equally be an artefact of overconfidence and guarantees nothing in the way of their (or our) safety from military hostilities. Far from it, families could become a major problem and distraction as they were in February 1942, Singapore.
 - Cherry-Picking Intelligence Products - the Defence Department is fond of certain Joint Intelligence Organisation (JIO) reporting and the whole topic requires some examination in detail by explaining just how misleading this kind of reliance is.

¹² See [Submission 096 – Chief of the Defence Force on behalf of Defence](#), page 16, par 3.29,

¹³ It would be easy to make money by backing a horse if you had the certain knowledge which one would win.

38. I will now address the matter of Defence's selective intelligence reporting. In the Department's recent response to the tribunal questions, 'Question Four', the department stated in a dot point that:
- *Threat Assessments for Air Base Butterworth over the period 1971 to 1989 were continually assessed as LOW.*¹⁴
39. This appears to be a bald repeat of its earlier assertion in the Defence Department's Submission (096) referring to the risk assessment made by the JIO that the threat risk was assessed continually as low for the entire period of RCB service.¹⁵ Defence does not provide the JIO document/s, so we can't test its assumptions, its supporting data, its methodologies nor its caveats. It is just another bald assertion like any other.
40. Before I continue, I will offer my credentials supporting the following statements. I have previously avoided doing so in detail because I did not want to be seen as making an appeal from authority. I firmly believe that the facts of RCB war service support themselves. However, as the Department has been making claims purporting to be evidence, many of these claims require challenging.
41. I have been a civilian intelligence analyst for about 30 years. I have worked as an Intelligence Analyst in National Security (Defence Department) and also in the field of Criminal Intelligence, for both state and commonwealth agencies.¹⁶
42. I have admitted several times during my several submissions that I am not a lawyer and have no legal qualifications. I rely on both the RCB Review Group and the legal expertise from the Tribunal itself to provide judicial expertise. Because of my lack of legal qualifications, I have avoided tackling legal matters. However, I do understand the intelligence processes very well.
43. In repeating the claim that RCB service was continually assessed by the JIO as being of low risk, one must first understand why Defence is making such a claim. The reason being, to an outside party it looks very damaging to the RCB position. In actual fact, it is nothing of the sort. I'll explain why.
44. As stated earlier I used to work for the Defence Intelligence Organisation (DIO). The DIO was the successor to the JIO and performed a near identical function, although the actual make up of its departments is a moving feast, and probably remains so. The JIO was an all-source intelligence agency producing very high level intelligence reports accessed from a great many sources. The sources might be anything from SIGINT, human source, photo imagery, satellite, subject experts, foreign embassies, foreign intelligence agencies, other domestic government agencies (including the spook variety) and even information from troops on the ground. The prime audience for all this collated and refined information was

14 In response to Question Four - Defence - Enclosure 1 to EC22-004607

15 See [Submission 096 – Chief of the Defence Force on behalf of Defence](#) , op.cit 3.29, sub par e.

16 In total, during the last three decades I have worked in the Defence Signals Directorate (DSD), Defence Intelligence Organisation (DIO), Joint Defence Facility Pine Gap (JDFPG), Queensland Crime Commission (QCC,) Australian Crime Commission (ACC), Queensland Crime and Misconduct Commission (QCMC), and the Queensland Crime and Corruption Commission (QCCC) *formally QCMC* . In every position I have been employed as either an Intelligence Analyst, Senior Intelligence Analyst or Intelligence Manager

residing at a very high level. I mean, specifically, Prime Minister and Cabinet, DFAT and like agencies.

45. JIO was generally a Top Secret analysis and publishing house, and “all-source” meant that even “open source”, or unclassified products, like newspaper reporting or academic papers may be included if it had relevance to a subject at hand. That is not to say that readership was confined to the high table exclusively, lesser commands did receive JIO product, which usually did include general threat assessments. JIO product was meant to inform high level policy, military and government decisions. It was not a reliable indicator of a tactical threat posture on a day-to-day basis, as I will demonstrate further down with actual examples that were.
46. When the Defence Department quotes JIO reports (*it doesn't actually provide a copy*) they do not explain that such threat assessments are really long-term strategic reports. Any JIO threat assessment is generally an “over the horizon” likelihood based upon what has been reported in the last several months. As can be imagined, it takes weeks and weeks - mostly many months - of work to collect, collate, analyse and report on such a mass of disparate intelligence products. The reason why the fall of the Soviet Union in 1991 was considered an intelligence failure in the West was because this type of strategic ongoing analysis was grinding along and could not keep up with the pace of events on the ground.
47. JIO intelligence products were important, and provided insight, however they are by no means accurate indicators of whatever may happen tomorrow night, next week or even next month. No military unit commander has ever gone to sleep at night reassured that a JIO report has cleared them from the possibility of an actual threat.
48. The RCB Review Group, on the other hand, has many intelligence products that it can quote, and they are mostly of a tactical nature.¹⁷ These products are based on extremely recent events (at the time) and in terms of relevance, they are of critical importance when considering local threats to the airbase.
49. The Defence Department knows about these incriminating intelligence documents too – they originate with that same department after all, but Defence ignores them, perhaps pretending that they don't exist? However, they do exist. To quote some typical examples, from, I believe 1975:

¹⁷ I refer the reader to Lt Col Linwood's exhaustive list of intelligence reporting in his 066 Submission (Intelligence Sources Enemy – Annex J). These reports tended to be tactical in nature and paint a detailed picture that would be of terrible concern to RAAF security staff. Even a layperson, upon reading through the extremely long lists of reports, and their particularly threatening nature, would be in no doubt that RCB was surrounded by a very active enemy.

Subject BRIEF FOR DCAS CONCERNING SECURITY OF BUTTERWORTH

DCAS

FIRST DRAFT ONLY

- References:
- A. FAS SIP D58/4/1 of 29th May 1975
 - B. MPO Minute 312/1975 of 3rd June 1975
 - C. MPO Minute 574/1975 of 21 August 1975
 - D. DEFAIR 564/8/28 of 18th September 1975

M BAB

1. Following a series of rocket attacks in Malaysia against Minden Barracks Penang and RMAF Kuala Lumpur, FAS SIP proposed to DJS at Reference A that 'Defence Central take a lively interest in the security of (RAAF) aircraft and arrangements'. In summary, FAS SIP recommended that:

" recent developments and incidents, must significantly reduce confidence in the security of aircraft, especially against rocket attack from outside the base. We need authoritative advice on the situation and prospects so that policy consideration may be fully informed."

2. At Reference B and C DJS supported the proposal to review the threat to the security of Butterworth and the arrangements for the protection of aircraft. Subsequently, a draft revised assessment of the threat to Butterworth was prepared by JIO and circulated for comment. Both DAPI and SRGD expressed concern / regarding

SECRET

50. This first document was a draft 1975 briefing that plainly calls for a “lively interest” in upgrading its security posture at BAB.¹⁸ It gives supporting reasons that are completely at odds with the single line that has repeatedly appeared in Defence submissions claiming a continual low threat by JIO.
51. The next BAB document is even more alarming in terms of threats given that a stated solution for total protection (including outside the wire) might be the security requirement for at least **two battalions**.¹⁹ You would already know that two battalions are approximately 10 to 12 times the standing strength of RCB. They would also have a stand-by indirect fire support capability denied to the sole company at BAB.

¹⁸ *Draft briefing for DCAS, formally classified as SECRET concerning reduced confidence for security at BAB in 1975. (See Lt Col Linwood’s Annex J, 19750915 and 19750915A, page 5)*

¹⁹ The document actually hints at a requirement for a **full infantry brigade**, but accepts that two battalions would do the job in a pinch. Yet, a single reinforced rifle company held the line by itself for all those years instead. This is damning to the Department’s unsupported claims.

BRIEF

- 13 -

27. 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.

Families Protection

28. Families protection arrangements are adequate, but may need to be reconsidered if attacks by CT occur.

29. Plans for the partial or complete evacuation of dependants; including their dispersal in Australia, should be reviewed.

Summary of Defence Arrangements

30. The defence and security of the base involves:

- a. On-base police security functions and a capacity to react quickly to and counter attacks by small groups of armed CTs. Close defence of facilities and assets is provided by unit personnel and the ARA company fulfills the military Quick Reaction Force role. On-base security arrangements are satisfactory.
- b. Off-base Police field force and Army activity to deny the CTO access to the base, to mortar and rocket firing positions and positions from which to launch assaults. The area involved would require several battalions secure in detail, but a deterrent presence conducting a reasonably aggressive patrol programme could be provided by two battalions. 6MIB units are responsible / for an

SECRET

52. The RCB Review group will be able to provide many other like examples.²⁰

53. We need to highlight the actual situation on the ground at the time of hostilities. If I could be permitted to offer a choice of scenarios to the DHAAT tribunal, what would they consider to carry the greater weight when making an accurate threat assessment on the ground?
- a. *A JIO assessment listing the strategic threat situation at BAB as “low”. The report was dated some four months previous; or,*
 - b. *A tactical intelligence report from the MAF indicating that **last night** a suspected armed CT force, numbering about 20 men, was observed 10 KM from BAB and heading in the general direction of the airbase.²¹*
39. The BAB Operations and Intelligence officers passed this sort of raw intelligence to the RCB command on a regular basis. The idea that the occasional strategic, all-source, threat assessments from Canberra, situated almost 7000 km from the theatre of operations, as being more reliable than tactical information channelled directly to the command by local forces is farcical.
40. The reality is that RCB service was totally warlike, and the troops at the time did not suffer under any illusions that it wasn't. That the Defence Department has yet to detail proof of their contrary claims is illustrative of the fact. If Defence continues to make assertions without the benefit of real evidence, or if they cannot counter supplied RCB evidence, I submit that their claims of non-warlike status for RCB veterans be treated accordingly.

Expectation of casualties

41. An expectation of casualties, naturally is directly related to warlike service. As is already known, RCB servicemen have actually given their lives as part of their service. This important fact is rarely even a consideration. Our view is that these RCB men died, whilst not in combat, they were still war-related casualties. These men were not at Butterworth for training nor were they on holidays.
42. Like many other facts concerning RCB service, our infantry operations were hampered by the odd nature of the rules applied to us. By this, I do not refer to the ROE, I mean to our operational straitjacket. An Australian infantry battalion operates on the principal of forward defence. Ordinarily, even in a defensive posture we just don't sit on a hill and allow the enemy the initiative to act against us. Once a battalion, or one of its sub-units, occupies a piece of land it immediately sends out patrols. The battalion wants to dominate all the surrounding territory and deny the enemy any foothold. Reconnaissance patrols, fighting patrols and clearing patrols are constantly dispatched and all crisscross each other with a view to coming to grips with the enemy. Because of the sizeable number of soldiers patrolling the local Area of Operations (AO) encounter actions are not only a possibility, but also a desired outcome. Infantry patrolling remains a reliable form of intelligence collection, but also an excellent form of psychological dominance. It informs the enemy that this territory does not belong to him and that any intrusion will be vigorously challenged. Alas, with encounter contacts there is no better way of collecting casualties apart from direct infantry assaults against a defended position.

21 This is a hypothetical, but typical example based on reporting found throughout the RCB veteran submissions.

43. However, with RCB operations, we were not generally permitted outside the wire.²² This happenstance surrendered almost all the initiative over to the enemy. For a rifle company in the field, it felt like we were being deliberately blinded by circumstances beyond our control. Whatever happened during a QRF turnout - if push came to shove - was a total surprise that awaited us at the sharp end. Whatever the enemy forces were planning, then that was the thing that would most likely happen. The Australian and Malaysian governments had set-up a situation where RCB force always had to respond to an inflicted threat because there was little we could do to prevent or ameliorate one. QRF was always going to be involved in an unpleasant surprise in the event of a real contact. Always! And, if the enemy was permitted to call the shots, why would they plan an ambush not to their advantage? Ambushing was their special demonstrated skill.

44. I'll offer a typical, hypothetical, example where RCB casualties would be unavoidable. This isn't an extreme or unlikely scenario; nothing could have been simpler.

Late one night, CT forces pick an isolated part of the perimeter fence, but not too far from a known VP. They fire a few shots to attract attention. The QRF are roused, they board their truck and race to the area at speed. As the QRF are approaching, and about a 100 metres from the VP, they drive into a carefully selected killing zone, unavoidably springing the CT ambush. It is likely that there would be many Australian casualties, and not inconceivable that the entire QRF would be wiped out.

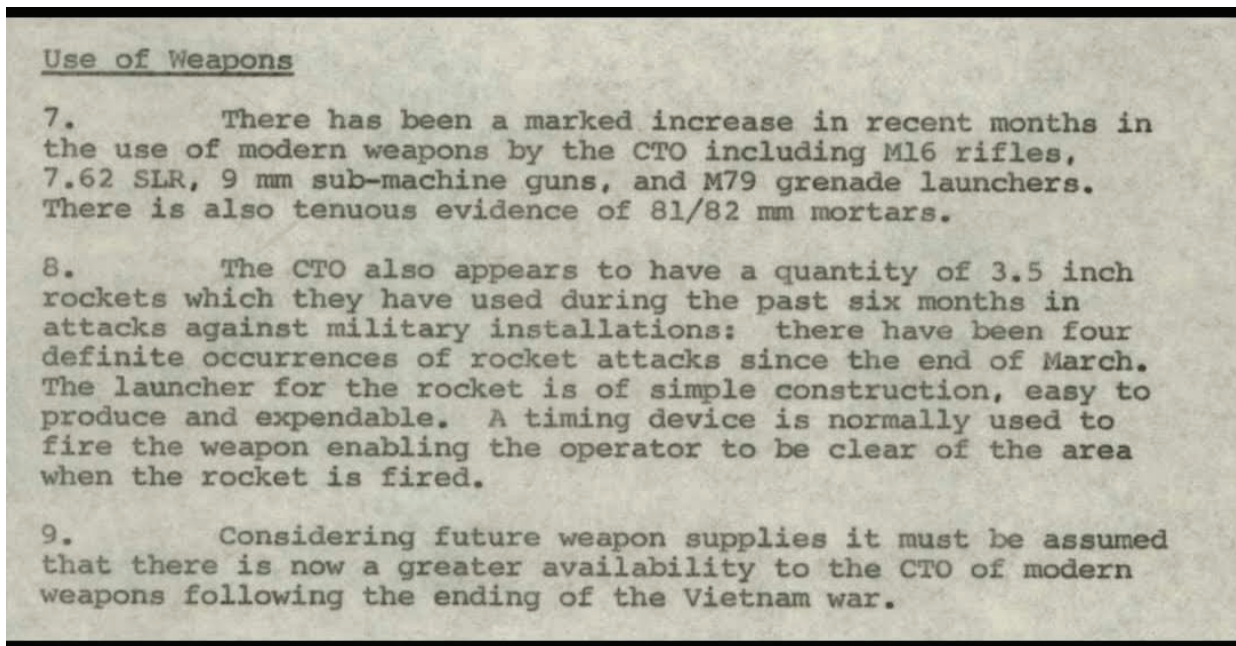
45. If you break down the above scenario into its constituent elements everything falls into place. A typical QRF call-out, the known capability of the enemy, the vulnerability of an unprotected and solitary truck, the prohibition against patrolling outside the wire in order to deny access to the CT forces and the inability of the Australians to adequately return fire in time. In fact, with the example of 1968, incident at Kroh-Betong, made earlier, that's exactly how so many Malaysians died. An unsophisticated vehicle ambush by communist forces against the MAF. The fact that something like this *did not happen* is a marvellous thing in itself. No doubt the Defence Department would argue that the above scenario is simply speculation. True, but it is speculation based upon fact. Also, isn't every single military exercise a speculative and hypothetical proposal? Should Defence abandon the concept of military exercises on those grounds?

46. RCB service was war service, for all the reasons already explained. However it was not typical war service and that is what our opponents keep hiding behind. The very atypical nature of our war and the government's denial of RCB to conduct infantry operations in a normal and conventional way, is the cause of this review. At the time, if the political handcuffs were removed, we would not be having this debate right now. If RCB were permitted to move outside the wire we would undoubtedly have had encounter contacts. The enemy were always close by. There would undoubtedly have been ambushes by both sides but we would have kept our AO relatively clear of CT forces. There would also undoubtedly be casualties, and probably Australians killed.

²² Although *other* RCB soldiers in other deployments have made submissions that operations outside the wire did indeed happen.

47. By locking the RCB behind the wire, some of this risk was removed, however it introduced new risks such as leaving all the warlike menace to the CT forces ranged against us. The RCB soldiers were information-blind outside the base, and reliant upon externally sourced intelligence. The infantry company must always only react to threats and never be comfortably in charge of our own situation. We were responsible for solving the political dilemma for many governments but at the risk of being sitting ducks in a war zone.

48. I'll say one last thing about expectation of casualties. The RCB record is replete with documents such as the one below²³:



49. The government sent us to protect the BAB against a known enemy who was armed with a host of modern weapons. We did our job to the best of our ability, even whilst acting under what was an obvious subterfuge.²⁴ Given all these demonstrated facts, why is it supposed that casualties was not to be expected? I mean, hindsight is a difficult concept to overcome, but if the reader had all these facts at the time that they were happening, why would that person be so confident that casualties were only a *possibility*? At the time, we firmly believed that it might happen, given what we were doing, the way we were performing our duties and the demonstrated threat facing us. It seemed to us that the longer it didn't happen, the more likely that it might soon be our turn.

²³ op.cit Linwood, page 105 (doc 19751121)

²⁴ Truth be told, I remained unaware of the extent of Defence's "training" lie until well after 2006. Until then I hadn't even heard of it. I simply accepted the reality of our BAB warlike service because no training was performed apart from two days spent on Langkawi Island. Even for that very limited training we were armed with live ammunition.

Warlike Vs Non-Warlike Service

50. At the beginning of the 23 November 2022, hearing, the panel suggested that the issue facing us was not necessarily a binary proposition. The chair said that after close examination, peacetime service for RCB could be ruled out of the equation.²⁵ The chair then invited all parties to consider a third option – that of ‘non-warlike’ as well as warlike service.

51. For myself, I didn’t want have a closed mind to the suggestion and was willing to give it some serious consideration. So, I searched for answers as to what non-warlike service might actually look like. Going to the Department of Veterans Affairs (DVA) website I located the following:²⁶

What kinds of service are declared Non-Warlike?

The types of service that the Minister has determined to be non-warlike operations are generally those military activities short of warlike operations where there is a risk associated with the assigned tasks and where the application of force is limited to self-defence. Casualties could occur but are not expected. These operations encompass but are not limited to hazardous activities that involve a higher degree of hazard than normal peacetime duty (for example, mine clearance), Peacekeeping operations in which military personnel help restore and maintain peace with the consent of all parties but do not have the power of enforcement, and activities involving the provision of humanitarian relief other than normal peacetime operations such as cyclone or earthquake relief flights or assistance.

52. I immediately had trouble fitting RCB into ‘non-warlike’ service using any of those examples. None of them explained RCB duty the way some 9000 servicemen experienced it.

53. The overarching elements describing our RCB service was that they were collectively entirely warlike in nature. While there was certainly risk and hazard attached to our service, it was more of the garden variety infantry risks, including the possibility of undergoing indirect fire from enemy mortar and rocket attacks. Also, of course, from encountering an armed CT penetration of BAB.

- RCB were not in Malaysia for humanitarian relief.
- RCB were not in Malaysia for peacekeeping (quite the opposite, in fact).
- The application of force was in no way limited to self-defence. We could use lethal force as part of our ROE and the QRF’s role was to either kill or repel an enemy seeking to intrude into the airbase.
- We had the power to force any party to follow our legal directions – in particular, their consent was neither sought nor required.

25 If my understanding on the tribunal’s position is clear?

26 <https://clik.dva.gov.au/service-eligibility-assistant/additional-information/understanding-service-eligibility-instruments/non-warlike-service>

- There was an on-going civil war in Malaysia that had recommenced in 1968 and did not end until December 1989. The Malaysians acknowledge this self-evident fact, even if the Australian Defence Department are unable to do so for their own reasons.
- We had a recognised enemy that had many times attacked **other** military installations on the peninsula causing death and destruction. For some reason this incredible fact never gets the attention it deserves. The CTs were on record for attacking **other MAF installations**. How is this not a prime factor for warlike service in the minds of anybody?
- Casualties are always to be expected in warlike service. We had medics attached to treat combat casualties if and when they occurred. *There was also a Base Plan for dealing with mass battle casualties*. The enemy were heavily armed with automatic and semi-automatic weapons. The enemy also had indirect explosive area-type weapons. All these items of military hardware tend to cause horrific casualties.
- Our weapons, our use of live ammunition, our pre-deployment activities, our training and tactics were all entirely consistent with normal infantry warlike operations. The only difference was that for political - *but not sound military reasons* - we had restrictions about securing our wider AO beyond the wire. Obviously, RCB had no control over this.

53. Therefore, I would, respectfully, submit that RCB qualifies only for warlike service as we meet the normal warlike threshold, despite the unusual nature of our operations in not making us a “typical” war deployment. That the political machinations of the times should no longer bind us to what was then, and what always has been, a lie.

Conclusions

54. When I flew out of Butterworth at my tour’s end at the beginning of 1978, I genuinely accepted that I had undergone a war tour. It wasn’t based upon a “fantasy,” as Defence would have the Tribunal rule. All our operations were conducted on a war footing. My Section Commander, my Platoon Sergeant, my Company Sergeant Major (CSM) and my Company Second in Command (2IC) were all Vietnam veterans and had impressed upon us the value of our work in Malaysia and how we had successfully kept the enemy at bay for another tour (at least). I was glad that nothing bad had happened, and a lot of things could have gone bad, but they hadn’t. RCB service had changed me forever as a soldier, and yet I was still a teenager.
55. At the time I suspected that our service would never be formally recognised, nor would medals follow. Not because we did not earn recognition, it was just that there were no medals for that service. There were just none to be had, and furthermore there was no agency or official mechanism in place that one might appeal to. There was no such thing as a DHAAT, and civilians did not even know that we had such responsibilities in Malaysia. Surprisingly, even many fellow soldiers at the time did not really understand RCB service, if they had not deployed over there themselves. It wasn’t even that the “training” lie had taken full currency at that time. It is more a case that the army didn’t know how to classify us. I can remember, a couple of years later, a new platoon commander was giving me my annual review. He saw RCB

service on my personal records and asked me what that was all about. He was my officer, though a new one, and yet he had never even heard of RCB. When my own family asked about my service I just could never get into RCB with them.

56. In the years following Vietnam everybody knew that in a real war one must shoot the enemy from helicopters.
57. As a result, I never talked about that aspect of my service. Inwardly it was the most important element of my military career, but outwardly I just never talked about it. It wasn't until the creation of an honour review agency that I took heart that recognition *may* be a possibility. It was only at *that* point that I observed Defence pushing the "training" lie very hard. I saw Defence's selective use of available evidence and the happy acceptance of their version by the different reviews, without Defence ever meaningfully being tested on their assertions.
58. At the risk of boring repetition, I will ask again. Is it really a case that the enemy ignored Butterworth Air Base as a valuable military target for no good reason at all? Considering that this same airbase was the largest and nearest military installation to their home base of operations, why the reluctance? That during the entire period the same CT enemy repeatedly attacked Malaysian Government security forces and installations yet, inexplicably, chose to leave this one prize target untouched? That the same airbase that regularly launched aircraft that destroyed and hunted them down in the jungle wasn't worthy of reprisal? The tribunal might ask why?
59. **I submit the only compelling difference between Butterworth as a target and all the others, was that Butterworth was being defended by Australian bayonets and the others weren't.**
60. I am well aware that I have gone down a few rabbit holes in this submission. But I have never gone down a hole that hadn't first been marked out by the Defence Department's scratchings. If the tribunal is interested in some insight - and for the first time in our collective experience it seems that a Tribunal seriously might be - RCB and RAAF veterans feel locked out of time and place. Nowadays there is a genuine community respect for servicemen and service women. Governments may not always have done the right thing by them, but nowadays the community genuinely supports sailors, soldiers and airmen²⁷. However, to a military generation in close proximity with the Vietnam War, I can honestly say that we generally did not witness such civilian affection. In the 1970-1980s, recruitment numbers were always a struggle, equipment was poor and often unavailable, the pay was low in what was a time of high civilian employment. Every single military activity was done on the cheap.²⁸ In reality, a soldier's life at the time was designed for young men with few other options. In the infantry, even more so.

²⁷ And airwomen too – the modern nomenclature sometimes confuses me.

²⁸ To save on maintenance costs, the new Leopard tanks had to conserve track miles so were only rarely permitted out on exercise beyond their little home training area.

61. I don't remember being given a special invitation to go overseas and defend a foreign airbase. Possibly I may have signed a paper, but really I was simply in the nominated rifle company which was allocated for such duty. There exists an ancient convention of social contract between a soldier and their country. We do whatever that is necessary; in fact, we do whatever that is asked of us without judgement. We accept hardships that a civilian will never know. We surrender the right to normal democratic prerogatives every single day. Even our mistakes were punished in a way that general society would not even understand let alone tolerate. And sometimes, for the sake of our country, we may have to take another person's life, and endure the uncertain risk that our own life may be removed in our country's service. I'm not being melodramatic, that is the devil's bargain for accepting the Queen's shilling as every serviceman well knows.
62. However, Australia did not honour the social contract this time. We were sent overseas, under arms and under false pretences, The cause was honourable, but the cover was purely political. Successive governments discovered that they rather liked the lie, and as it seemed to be working well, they kept to it.
63. According to the Australian Defence Department, a war that never happened only ended in 1989, and then peace broke out anew from an already existing peace! Even now, trying to make a logical sense out of this invented narrative hurts the brain. But there was a war and we were part of it, and all claims to the contrary are an obvious, deliberate and provable nonsense. The excuse is as self-serving as it is empty.
64. Over the years, soldiers from other conflicts came home and their service was acknowledged. Sometimes only just that - such was the case of the Vietnam veterans. Those vets had a host of other and newer fights in store, and some of those fights took many decades. But at the very least - and it was the very least - they did their duty and marched home wearing ribbons demonstrating their country's acknowledgement of their service. That never happened to those who took part in our war. Firstly we were we ignored by simple silence. Then, when we had the opportunity to raise service acknowledgement of our service as a question, we were deliberately denied with a ridiculous "training" lie. We are still being denied, and by those who know better. Originally it was denial for political reasons, some fifty years ago, but the suspicions are hardening that we are now being denied for economic reasons. No amount of solid evidence for warlike service was ever good enough for the Department. And when we produce detailed evidence, they never bothered to address the glaring holes in their own claims, because, well, they can't.
65. I contend that it is not the case that RCB's warlike service was written out of the history books. Even worse, it is for the sake of political expediency our story was never written into the pages in the first place.
66. As a RCB veteran, I am more than happy to continue to be represented by the RCB Review Group in further hearings. I am also happy to defend my submission under oath should the Tribunal think it necessary.

67. Thank you for the opportunity to make further contributions.

Regards,

Sean Arthur

Annex A – Butterworth ROE

Note point three, which in my submission, is a motherhood statement that is simply unachievable. This document was dated post my deployment and I don't recall having this particular burden as part of my ROE. In any event, there is no requirement restricting shooting to self defence only, as is the case for non-warlike service. *It clearly states that you could kill somebody discovered in the act of destroying a tent.*

Rules Of Engagement: Butterworth Air Base

41. The Officer Commanding RAAF Butterworth Directive to Officer Commanding Australian Rifle company Butterworth dated 4 Apr 1978 attached as **Reference 2.2. Flag 11 stated:**

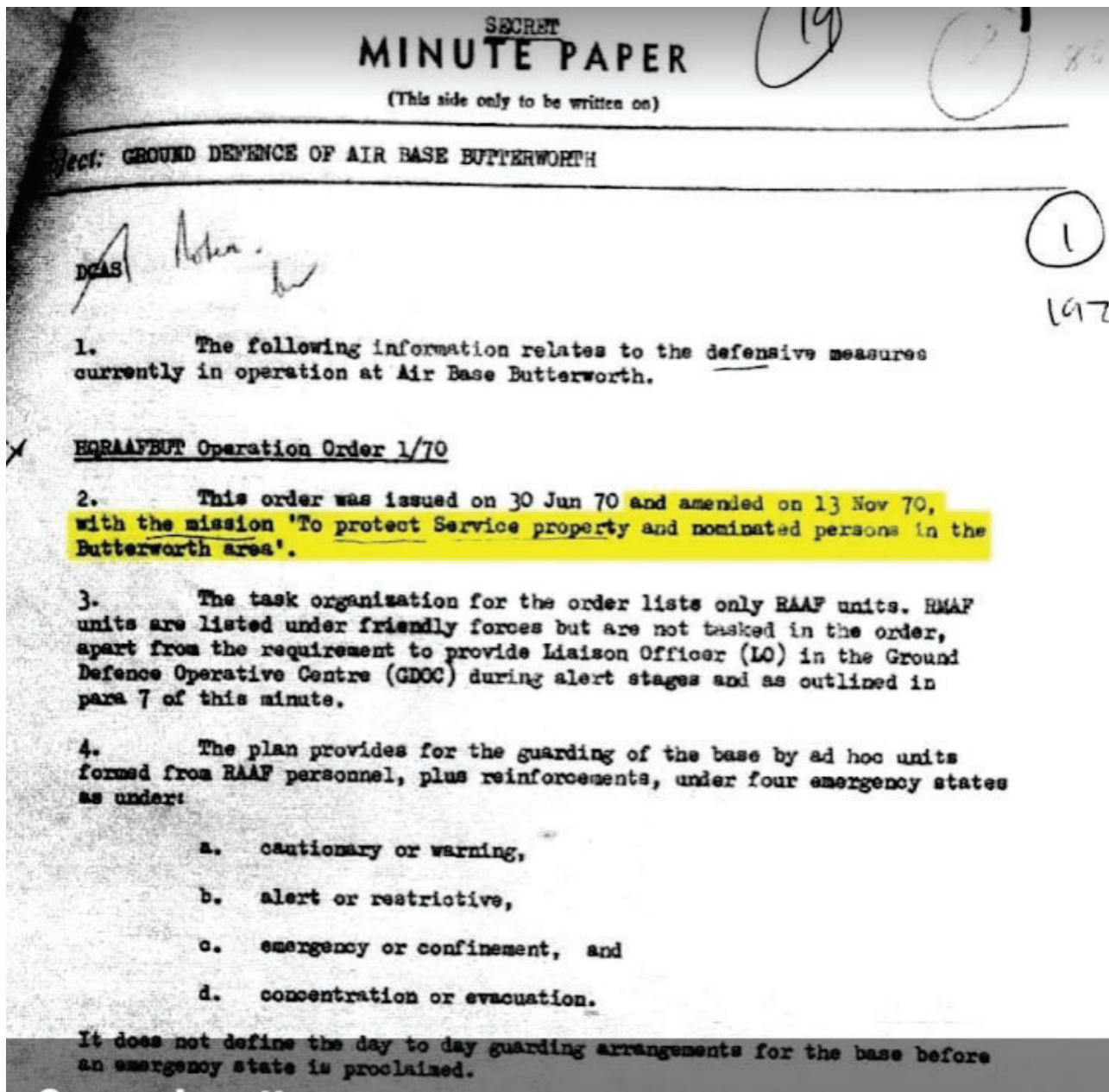
Orders for Opening Fire You may open fire at a person or persons only in the following circumstances:

- If you are ordered to guard any building, vehicle, aircraft, tent being used as a dwelling or a place of storage, or you are ordered to guard the occupants of, or any property contained in such building, vehicle, aircraft or tent, you may open fire at any person who is in the act of destroying or damaging by fire or explosives the building, vehicle, aircraft or tent, or the property contained therein PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ACT OF DESTRUCTION OR DAMAGE.
- If you or any other person is illegally attacked in such a way as to give you reason to fear that death or grave bodily injury will result, you may open fire on the person carrying out the attack PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ATTACK.
- Before opening fire you are to warn the person whom you intend to shoot of your intention to open fire unless he ceases his illegal act. You should use the challenge 'HALT OR I FIRE-BERHENTI ATAU SAYA TEMBAK' repeated three times.
- At all times, before opening fire you must remember:
 1. If in doubt do not shoot
 2. You must not fire unless this is the least force necessary to enable you to carry out the orders you have been given.
 3. Shoot to wound and not to kill.
 4. Use the minimum number of rounds necessary.
 5. Your right to shoot ceases as soon as the necessity for protection has passed, ie, if your first round wounds the person so that he can no longer continue the act which caused you to open fire, you are not to shoot him again.
- You are to take careful note of the fact that you're right to shoot ceases at the Air Base boundary fence. You are not to shoot at a person on the other side of the fence.

Nine times out of ten they would most likely shoot first.

Annex B – Op Order 1-70 – Butterworth Mission Detailing Ground Defence Mission

This is where it all began. Note the lack of training motif? This was very early days in the deployment cycle and highlights the “defensive” concerns. Defending against what? Back in Australia at this time the government was making public commentary about removing ourselves from SE Asian conflicts.



Annex C – BAB Intelligence Report c-mid-1970s

Possibility of an assault force numbering 60 CTs armed with explosives and automatic weapons. How are exactly are causalities not an expectation given our defence against this stated threat? May I remind the reader that every enemy AK47 has a fully automatic capability. Sixty armed intruders with such weapons against an Australian Rifle Company will certainly cause casualties.

