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13 December, 2022

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## Submission to Inquiry - Mr Peter John Mills

### 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 \***

Peter John

**Surname \***

Mills

**Post-nominals (if applicable)**

**Street Number and Name \***

[REDACTED]

**Suburb \***

[REDACTED]

**Postcode \***

[REDACTED]

**State \***

[REDACTED]

**Email Address: \***

[REDACTED]

**Primary Contact Number \***

[REDACTED]

**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:**

That service at RAAF Base Butterworth, as part of the Rifle Company Rotations, between 1970 and 1989 be classified as warlike service under the Veterans' Entitlement Act 1986. That service at RAAF Base Butterworth, as part of the Rifle company rotations, between 1970 and 1898 are awarded the AASM with clasp Malaysia.

### Part 4 - Your submission and Supporting Documentation

**File Attached:** Peter-John-Mills-Submission-to-DHAAT.pdf

## Part 5 – Consent and declaration

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

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

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

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

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

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

**Name**

Peter John Mills

**Date**

13/12/2022

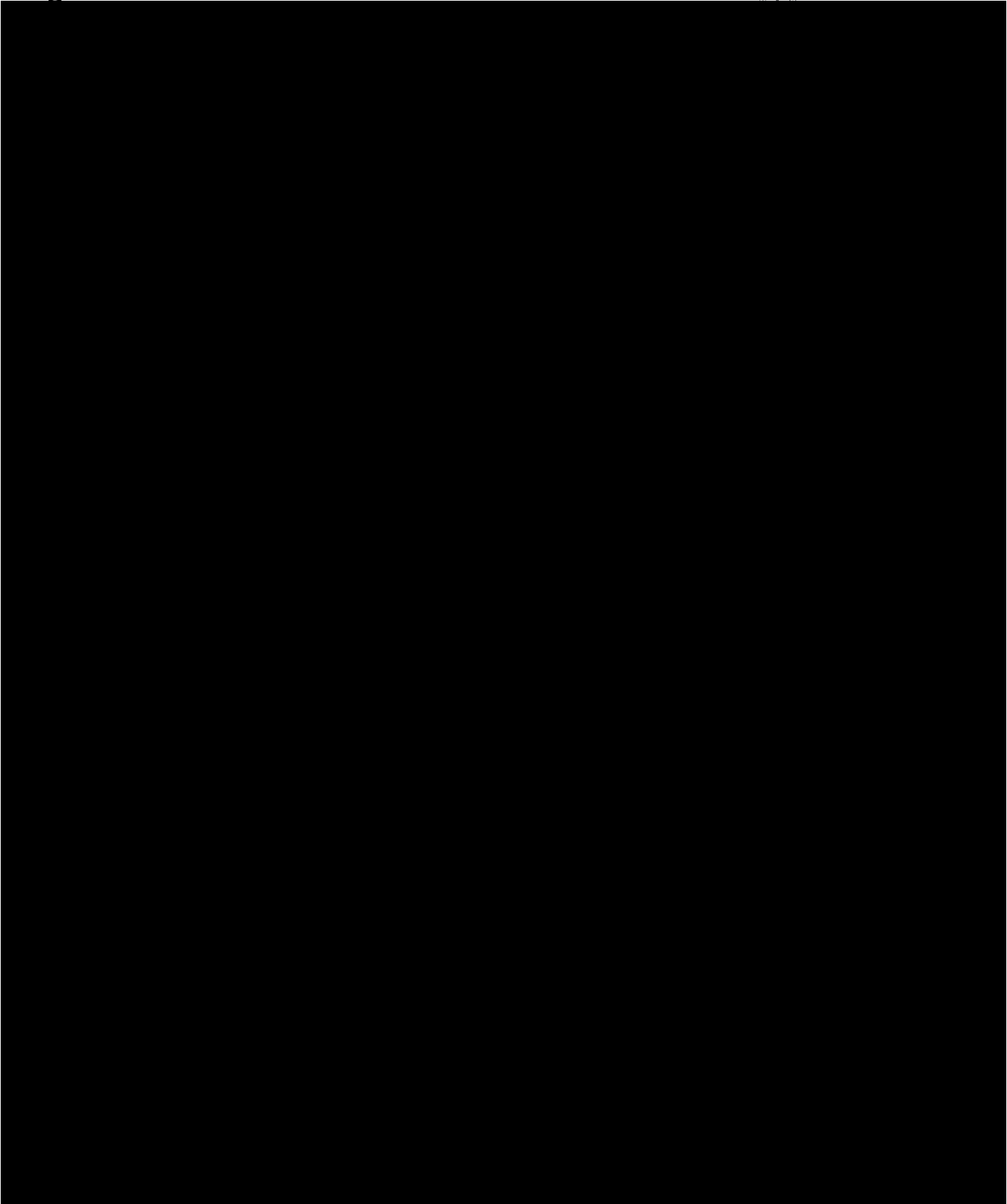
*Mr Peter John Mills*

Signed by Mr Peter John Mills

Signed on: 13 December, 2022

# Signature Certificate

 LEGALLY SIGNED USING



## Introduction

My name is Peter John Mills. I enlisted in the Australian Army on 5 January 1972 and discharged from full-time service on 21 June 1993 at the rank of Sergeant. I then worked for the Australian Public Service (Department of Defence and Australian Customs and Border Protection Service) until I retired.

This is my submission to the Defence Honours and Awards Appeal Tribunal in relation to 'Medallic recognition for service with Rifle Company Butterworth' (RCB) for service in Malaysia between 1970 and 1989.

I am a veteran who was deployed to RAAF Butterworth as a member of "A" Coy, 2/4RAR from 11 March 1975 to 3 June 1975 and as a member of "B" Coy, 2/4RAR from 3 December 1980 to 3 March 1981.

I would like to say that I support the submissions to the tribunal from the Rifle Company Butterworth Review Group, the Australian Rifle Group Veterans and the individuals who served in this role who have already provided submissions. We are all looking for recognition of warlike service for the deployments to RAAF Butterworth which have been denied in the past. While I only have my recollection of the deployments, the submissions already provided to the Tribunal have documents/information supporting this claim.

## Predeployment

Prior to deployment to RCB I was fully briefed on the role I was to perform (Quick Reaction Force), the enemy threat and the expectation of casualties. I was also informed that any offences would be dealt with and charged Whilst on War Service under the Defence Act. This allowed for more substantial penalties to be applied than peacetime.

I was required to be at DP1 (combat war readiness) before deployment, the same requirement for Vietnam Service. This included jungle warfare training prior to deployment.

I was required to complete a will, prior to departure, in the event of my death.

## Role in RCB

The primary role of the RCB was to provide a Quick Reaction Force (QRF) to defend against an enemy attack. I was never employed to perform the role of sentry duties as this was a role assigned to the Malaysian military and Police.

We were regularly briefed on the communist insurgent threat and the base was brought to higher levels of alert based the threat level at the time.

My role at RCB included the following:

- I was a forward scout of a full section comprising of 10 personnel.
- I was issued a M16 rifle as part of my equipment while the rest of the company carried the normal small arms for operational service. The company's heavy weapons were also readily available along with ammunition on base.
- My role in the QRF was to respond to communist insurgent breaches within the Airbase Butterworth.
- This was a 24-hour duty.

- The QRF were regularly activated, both in the daytime and night time, to respond to attack by insurgents; where we carried live ammunition; with Rules of Engagement which did allow the use of deadly force without seeking approval from a higher authority.
- When undertaking these callouts we treated each call-out as real.
- During this deployment, due to the heightened communist insurgent threat, a second infantry section was activated to patrol and provide protection to the aircraft flight line both during the day and after dark.
  - As part of this section, we also carried live ammunition with the same Rules of Engagement.
- When we travelled to the off base rifle range we passed through Malaysian Army roadblocks. On the one occasion I went to the range in 1975 I was aware of the following incidents:
  - Whilst we were conducting our range practice, we noticed flashes of light that appeared to emanate from binoculars located at the end of the range. We surmised that this was a possible observation post for an unknown element.
  - On the same day while driving through a Malaysian army checkpoint, I observed a covered body, with blood on the road, and an overturned step-through scooter. At the time we discussed this amongst ourselves and assumed that the person had tried to drive through the checkpoint and didn't stop when challenged.
  - After we returned to the base, we learnt that the road we travelled along was a planned ambush site. We also learnt that a Malaysian convoy following behind us was the subject of a CT ambush which resulted in heavy casualties that day. At the time we all thought we were lucky we were not ambushed by the CT's and suffer the same fate.
- I am also aware that the base was infiltrated due to the finding of barbed wire across the air base runway.

On my second deployment I was one of the QRF drivers and was issued a 9mm pistol as my weapon. However, the role of the QRF was the same and the Rules of Engagement had not changed.

During my deployments our company did not undertake any training with the Malaysian Armed Forces as they were at war.

## Rules of Engagement

Company members deployed to RCB were issued with Rules of Engagement (ROE). We carried live ammunition during the activation of the QRF.

The ROE provided everyone with details on when they could fire their weapon, as follows:

- If a person fails to halt or stop his efforts to enter the Protected place and there was no other effective way of stopping him; or
- If a person who has been arrested within the Protected place attempts to escape and there is no other means of stopping him; or
- If a person is carrying out an action of destruction or damage; or
- If a person is carrying out a deadly attack.

In the first three scenarios above, we were required to provide 3 verbal warnings in English and Malaysian prior to opening fire.

We were in a foreign country which was fighting a Communist terrorist threat and our rules of engagement allowed us to apply lethal force.

## Expectation of Casualties

I refer to the submission number 025a from Mr Barry Albrighton and the document at page 9 titled "Figure 4.42: Statistics of Operational Achievement in Peninsular Malaysia from 1969 to 1989. Source: National Security Council."

During this period the Malaysian Security Forces incurred a total of 1009 casualties; 155 killed and 854 wounded. During this same period the Communist Terrorists had 212 killed, 150 captured and 117 surrendered, for a total of 479.

I was deployed to RAAF Base Butterworth from 11 March 1975 to 3 June 1975. It is reasonable to conclude that there was an expectation of Australian military casualties during this period due to the heightened tensions within Southeast Asia with the fall of Cambodia and the fall of Saigon in Vietnam (which occurred during this deployment) and the significant increase in communist terrorist activities at this time within Malaysia.

The figures reveal that there was an average of 3.5 Malaysian Security Force personnel either killed or wounded every week during 1975. There were 22 reported clashes, 76 incidents and 323 movements. The Malaysian Security Forces located 34 CT camps, 117 CT resting places and 35 CT food dumps. These figures reveal that the Malaysian Security Forces were busy engaging with CT's on a daily basis in 1975. There is no reason to assume that the CT's would not attack the ABB.

CIA reports estimated approximately 2400 Communist insurgents operating in Peninsular Malaysia during 1975. The insurgents were armed with mortars, small arms rocket propelled grenades, explosives and were skilled in setting booby traps.

If an Intelligence Agency issues a threat assessment regarding ABB then it stands to reason that there would be an expectation of casualties if the specific threat eventuated.

All this information when viewed holistically based on the circumstances on the ground at the time constituted a warlike threat to ABB. There were direct attacks by CT's on the Malaysian Air force bases in 1974 and 1975. There was also a mortar attack on the Malaysian Army base located on Penang Island while we were at ABB. There was no reason to believe there was no threat of a similar attack on ABB.

These statistics show that there was a specific threat associated with service for RCB personnel during this time frame and the preceding and following years. Given the nature of the role of the QRF which was deployed every night, sometimes more than once, where it was not known if we were responding to a CT incursion on the base, I believe the expectation of casualties was real with death being the ultimate sacrifice.

When comparing the circumstances on the ground at the time, I believe the expectation of casualties should be high. We did not have armoured vehicles; they were open sided trucks where it was easy for someone to be shot. We wore basic military uniforms and the only protection was the field dressing each individual was required to carry and the medic who would be on hand in the event of any incident.

## Conclusion

The criteria to be met for 'warlike service' for the period of RCB service is contained in Cabinet Directive 1048 of 1965 and simply requires that ADF personnel were exposed to the possible risk of harm from the ongoing actions of hostile forces or dissident elements.

The current definition used by the Department of Defence in relation to warlike service is:

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

The RCB deployment of a combat infantry rifle company was a conventional combat operation to protect the RAAF assets in a Shared Defence Plan with the Malaysian Armed Forces (MAF) within the air base. Specifically, RCB's primary role, was to provide a QRF to deliver counter-penetration/attack of breach of the ABB perimeter, plus any other duties at the request of the Base commander.

Defence is a conventional phase of war where a military force is deployed for a specific defensive/protective/security mission to a specific defended area. Elements of that defence force deploy into 'front-line' positions while others are designated as a reserve force for a counter penetration role (to stop the enemy's penetration through the front-line defences into the defended area) and counterattack role (to repel, kill and/or capture the enemy). At ABB the RCB QRF was that equivalent.

Apart from my RCB deployments at no other time in 22 years of military service was I ever required to carry live ammunition with Rules of Engagement that allowed me to apply lethal force. This is unheard of within Australia but was allowed in a foreign country.

## Recommendation

That the Tribunal confirms that RCB service (1970-1989) met the criteria for warlike service applicable at that time based on the evidence provided.

The Tribunal confirms that the RCB Service met the requirements for the issue of the Australian Active Service Medal.

The fact that the Whitlam government of the day was deceptive to the public regarding this service in South-East Asia; the proper administrative instruments were not enacted; and successive governments/Department of Defence officials have failed to address the inaccuracies in their own submissions should not mean that the RCB veterans should be denied recognition of their service in an environment that met the criteria for war-like service.

The Defence submission appears to be in breach of the Australian Public Service Code of Conduct principles.