

SUBMISSION TO INQUIRY

This form must cover a submission to the Inquiry

Name of Inquiry

Medallic Recognition for Service by the Rifle Company Butterworth

About the Submitter

Title or Rank: Mr

Surname: Earley

Given Names: Jeffrey Paul

Postal Address:

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Preferred contact number:

Home or other:

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

NA

Desired Outcome

In relation to Recognition of Australian Army Rifle Company Butterworth's 1970-1989 Military Service as Warlike. My military history includes time served in the Second Malayan Emergency from 31st May, 1988 to 2nd September, 1988 (three months - being a full rotation) in which my company (8/9 RAR Charlie Company - Australian Infantry Battalion under the command of MAJ Dittmar) was deployed as ground troops into Malaysia at Butterworth Air Base. Our normal weapon was an L1A1 SLR (Self Loading Rifle) while the rest of the company carried their normal arms weapons required for operational service, we also had available in which we were all trained in using being heavy machine guns MAG 58, light machine guns M16's, grenade launchers, 66's and claymore mines. The company's heavy weapons were also readily available along with ammunition on base for all these weapons. Our company's deployment role was a "Quick Reaction Force". This was for protection purposes against a perceived external strategic geo-political communist threat and an internal Malaysia Communist Insurgency both supported by China and North Vietnam. We were to protect RAAF assets (aircraft, facilities, servicemen and women and their families).

To this date Rifle Company Butterworth (RCB) troops have been repeatedly denied, by successive Governments, recognition of their service in the period 1970 to 1989 at RAAF Butterworth Air Base as warlike. I back the current petitions in place seeking a review to enable reclassification of service by Rifle Company Butterworth (RCB 1970 - 1989).

From the outset we were informed that the enemy was the Communist Terrorists in the area and that we would carry out the security and quick reaction duties in order to protect Australian and Malay assets at the Airbase Butterworth. We were under no illusion that we were going into a hostile area and would be in danger; this was reinforced when we arrived.

Current Definition: 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.

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

1. **The Mission.** *"Warlike operations are those military activities where the application of force is required to pursue specific military objectives, such as a declared war, conventional combat operations against an armed adversary and peace enforcement operations in support of diplomatic efforts to restore peace between belligerents....."* The RCB deployment of a combat infantry rifle company (reinforced) was a **conventional defence 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 a QRF to defend against an enemy attack. Its size was to be a deterrent to the enemy's action. 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 counter attack role (to repel, kill and/or capture the enemy). At ABB the RCB QRF was that equivalent. **The QRF was NOT a front-line deployment for sentry duties.**
2. **"The Rules of Engagement.** *In warlike operations, the application of lethal force is authorised, within defined parameters, to achieve the mission.* At ABB the Shared Defence Plan had the MAF providing the 'front-line' perimeter defence with sentries and both the MAF and the RAAF providing patrols inside their own dedicated areas within the Base. The QRF was the reserve force to be deployed to action in its designated role (counter penetration and counter attack) as ordered by the Ground Defence Operations Centre as necessary to stop penetration into the Base area and to counter attack to repel, kill and/or capture the enemy. **At that point the QRF's ROE/OFOF became lethal.**
3. **The Threat to ADF Personnel.** *"In warlike operations there is an expectation of casualties.* The mere act of putting personnel into 'harm's way' creates the expectation of casualties, that is clear even in more recent definitions of 'warlike'. The threat from communist insurgents' actions were as reported in various intelligence reports from various sources such as: Secret: The Australian JIO Secret Report No 13/75 dated 1 October 1975 – The Security of Air Base Butterworth, and Secret: Butterworth Security Report to the Minister from AVM N.P. McNamara Deputy Chief of Air Staff dated

14 October 1975. There are numerous references to the insurgents regarding who, how many, where, their capacity, tactics, indirect weapons, confirmed attacks and other activities that constituted a warlike threat to ABB. Attacks did occur on other MAF Air Force bases in Sungai Besi on 31 Mar 74 and at Kuala Lumpur in 1975.

Pre-deployment, the RCB troops were fully briefed on their combat role, the enemy threat and the expectation of combat casualties. All troops were required to be DP1 status (ready for combat in war) before deployment: the same requirement as for Vietnam service.

RCB's deterrence was successful with no insurgent attacks. However, during the RCB deployment there were a number of real 'Amber' (defence situation imminent) alerts activating the Ground Defence Operations Centre to deploy the RCB's QRF

What I believe those RCB deserve are:-

1. Qualifying service for VEA entitlements, and have the BAB declared under the Defence Act an active service area.
2. Australian Active Service Medal (AASM) with clasp Malaysia.
3. Returned from Active Service Badge (RASB), and
4. General Service Medal 1962, with clasp Malaysia for those who served in RCB until 14th February 1975.

Please attach your submission and any supporting documentation

Consent and Declaration

1. I **consent** to the Defence Honours and Awards Appeals Tribunal making my submission publicly available.
2. I also **consent** to the Defence Honours and Awards Appeals Tribunal:
 - a. using information contained in my submission to conduct research;
 - b. providing a copy of my submission to a person or organisation considered by the Tribunal to be appropriate;
 - c. providing a copy of my submission to a person or organisation the subject of adverse comment in the submission; and
 - d. using content in my submission in its report to Government.

The Tribunal will decide which person or organisation is appropriate, and this may include: a. persons or organisations required to assist with the inquiry; and
b. persons or organisations with an interest in the inquiry.

I declare that the information I have provided is correct.

Signature:



Print name: Jeffrey Paul Earley

Date: 30th January 2023

Lodging your submission

Futher information, incuding the inquiry's Terms of Reference can be found at

www.defence-honours-tribunal.gov.au

Once you are satisfied with your submission, return this form and all supporting documents

By Post:

Defence Honours and Awards Appeals Tribunal
Level 1, 5 Tennant Street, Fyshwick Locked Bag 7765

By Email:

dha.tribunal@defence.gov.au

CANBERRA BC ACT 2600

If you wish to speak with someone regarding your submission phone **02 6266 1019**