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20 February, 2023

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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 *

[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:

No

Part 3 – Desired outcome

Provide a summary of your submission:

As for previous submissions.

Part 4 - Your submission and Supporting Documentation

File Attached: RCB-Fifth-Submission-Tribunal-Copy.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 William Arthur

Date

20/02/2023

Mr Sean William

ARTHUR

Signed by Mr Sean William ARTHUR

Signed on: 20 February, 2023

[REDACTED]

[REDACTED]

Fifth Submission – Rifle Company Butterworth (RCB) – Sean ARTHUR

Ex Bravo Company, 1 RAR - Australian Army Rifle Company Butterworth, Malaysia 1977-78

“If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are against you, pound the table and yell like hell” - Carl Sandburg

1. Once more, I would like to thank the Tribunal for providing an opportunity to respond to the Defence Department’s submissions. Whichever way the result goes, it would be difficult to say that the process hasn't been thorough nor fair. It has been both. In this submission I shall refer to the Department of Defence as either the “Department” or “Defence” interchangeably.
2. It would be also fair to say that a degree of exhaustion has set in. I, for one, do not completely understand the Defence’s tone in its submissions. However, in some ways, I do understand it, but rather wish I didn’t. For a brief moment in time, even the most humble ex-private soldier has the same standing before the Tribunal as one of the country’s most powerful institutions - Australian Defence Department. The very gall of us to request an explanation of them, and have them take the request seriously. I will go through many of their points illustrating this belief lest I be accused of an unwarranted *ad hominem* attack.
3. Firstly, in their covering letter, Defence complains of not having enough time to provide some very ordinary responses to questions asked. They cite pressure caused due to the Christmas period - *a time of respite*.¹ According to available records, this Tribunal was summoned into being by the Minister, Andrew Gee on, or about, 7 April 2022, some eight months before Christmas.² In the intervening time, and also at the Hearing of the 23rd November 2022, the Department had been making unsupported statements concerning the nature of our service at Rifle Company Butterworth (RCB). Defence had also access to the RCB representative veteran submissions, as well as approximately 100 individual submissions - most of these have been available for many, many months. Yet, only at the point of being asked to provide evidence for their particular assertions does Defence complain of a critical time shortage. The veterans also made assertions, but these were backed with hard data and completed in the stipulated time period. If the Department originally had no evidence for their claims, one wonders why they fought so hard to make such apparent ‘baseless’ assertions part of their narrative? I would suggest that if the Department had taken the process more seriously at the very beginning, the allowed time may have proven sufficient. After all, the Department obviously has resources beyond the reach of ordinary ex-Diggers.

¹ By way of coincidence, my service in RCB also covered the entire period of ‘respite’ during Christmas 1977.

² <https://www.minister.defence.gov.au/media-releases/2022-04-07/independent-tribunal-reconsider-medallic-recognition-rifle-company-butterworth>

4. The Defence claims, in part, to address '*responses to assertions of fact made in individual and representative group submission to this inquiry.*'³ In this it does so directly only very rarely, and at other times only very generally, such as the significance of being armed at all times on duty, and the 'true' meaning Rule of Engagement (ROE). In one case it goes into a great deal of detail of a particular submission concerning an alleged rescue flight into Saigon in the dying days of the Vietnam War. **Among the veterans, this particular submission was a cause of concern for our cause because of the fantastical nature of the claim and our associated general disbelief that it ever happened.** It was to be expected that the Department would jump on this one submission in an attempt to taint all the rest. Of course they did do so, it was an easy goal. This is completely fair. However, as far as I am concerned, all Defence points are now, likewise, open to being challenged directly.
5. In a couple of others cases Defence challenged veteran version of events because no records could be found to support them. They can't say it didn't happen, but the submitter could not provide direct evidence. That's the way it goes sometimes. An event from 50 years ago was either never originally recorded, or the evidence destroyed, or perhaps it was lost in the intervening years. If the Department wishes to discount all unsupported assertions on both sides and just agree with documented evidence I doubt that the veterans would object given that we are the only side apparently holding the majority of critical data (which of course, mostly originated with them). I would point out that the Department is particularly emphatic about its own interpretation of unsupported circumstances. Yet they hold the RCB to a much higher standard when no documentation can be found to support our position. What should one make of that line of reasoning?
6. The Department's covering letter also mentions the strange case surrounding the recommendation of RCB with hazardous service status, and the subsequent undoing of such status due to what I suspect to be secret departmental and/or political skulduggery. I will address this case further down as the matter is certainly intriguing.
7. Lastly, the Department's covering letter raises the issue of the Tribunal's Terms of Reference (TOR) in paying less heed to the NZ precedent as it might. I confess to not having a great understanding of the reasons for the Tribunal taking this path, nor possibly my legal competence for even making sensible comment on the subject. To the layperson, I can't see a problem with it. While the TOR (to my mind) specifically mentions the NZ result in regard to the Tribunal, it also says a lot more than that:⁴

8.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference. In this regard, the Tribunal may conduct its own research, interview such persons as it considers appropriate and consider material that is relevant to these Terms of Reference.

³ https://defence-honours-tribunal.gov.au/wp-content/uploads/2023/02/SUBMISSION-096b-Dr-Paul-Robards-AM-Acting-First-Assistant-Secretary-People-Services-obo-Department-of-Defence.-Public-version_RedactedA.pdf

⁴ <https://defence-honours-tribunal.gov.au/wp-content/uploads/2022/04/RCB-2-TOR.pdf>

9. Obviously the Tribunal has the resident powers to pursue all material and any subjects in conducting its inquiry in the interests of procedural fairness. To confirm this belief I consulted with Minister Gee's associated press release.⁵ Minister Gee said - and I quote:

“The New Zealand Government recently broadened eligibility for the New Zealand Operational Service Medal for veterans who served in Malaysia and Singapore between 1959 and 1974. Given this, and the concerns raised directly with me by the veteran community, it is timely that this issue is re-examined.”

10. The concerns raised by the veteran community have never been limited to just the single NZ precedent. The record of the many RCB appeals demonstrates fact this going back many years. It is my contention that the Tribunal's TOR allows for this, and Minister Gees' actual words in explaining the cause for the inquiry are ample grounds for having a more open investigation. The Department has always pursued a more limited and closed enquiry because they would have less awkward facts to try and explain away. They have a strong motivation for sitting on the lid, the veterans don't and welcome all relevant facts.
11. In the first page of the Defence Response, they immediately make a very curious comment; to wit:

*Defence notes that over the period 1970 to 1989 many thousands of individuals including members of the Australian Army and the Royal Australian Air Force, and Air Force families spent time at Butterworth. **While acknowledging the experiences of those who have provided submissions received, and that any individual had the opportunity to make a submission, Defence notes there are many voices unheard and in particular there is a lack of views from Air Force members and their families.** Mathew Radcliffe's book 'Kampong Australia: the RAAF at Butterworth' provides relevant insight to the experiences of others at Butterworth.*

12. There is a bit to unpack here, and the Department's central point is not very clear. As far as can be seen, the Tribunal has been extraordinarily open to submissions from any quarter. In fact, many of the submissions have been from RAAF personal, and some of them holding high rank and many sitting in significant positions at the time. I cannot see how their views, as RAAF airmen, have differed in any way from those of the RCB veterans. In fact, there is hardly any daylight between the RAAF and RCB experiences in our assertions of warlike service. What is being implied by Defence? There have been approximately 9000 RCB veterans passing through Butterworth and only about 100 of them have made submissions to the Tribunal.
13. One could equally say that there are many “unheard voices” amongst RCB veteran numbers too – about 8900 at least. **And, is it any wonder that the majority of submissions into a RCB inquiry are from former members of the RCB?** Is this really to be wondered at? In any case, speaking for myself, I would welcome further RAAF contribution as increased scrutiny into all aspects of the CT insurgency can only provide more critical data. Veterans are not afraid of such investigations and the RAAF operated under identical warlike conditions as any who served at the time readily knows - although most not in a tactical posture. If the Department is proposing to widen the scope of the inquiry, speaking for myself, I would personally support it. Though in practice it would blow time-frames to pieces.

⁵ <https://www.minister.defence.gov.au/media-releases/2022-04-07/independent-tribunal-reconsider-medallic-recognition-rifle-company-butterworth>

14. I have not read Matthew Radcliffe's book, "Kampong Australia", but will make efforts to track down a copy. I have read a couple of reviews, which suggest that it mainly concerns Butterworth Air Base as a historical and social community. I understand (not having read it) that it barely mentions the CT insurgency (1968-1989) if at all. If this is true, I can readily understand why Defence wishes to push this publication to the forefront given that the Department's stated position is that the war didn't exist and therefore we didn't exist in a warlike situation. I will therefore offer a counterpoint to Mr Radcliffe's likely view that BAB was a typical rifle company deployment.
15. First of all, RCB was only remotely a part of the RAAF community. We existed on the same real estate, and we had protective responsibilities to its people, property and other assets, but we were as far away from the RAAF family as it was possible to be. I can be reasonably confident in dismissing "Kampong Australia" as a worthwhile reference because if the aim of that book was to explain the RAAF experience in Malaysia, I am positive that whatever lessons it might contain, it had little to do with RCB. The RCB was physically located in an extreme South-Western corner of the airbase. In fact, unlike the rest of the RAAF, we were located right next to an actual Kampong. You might say, Kampong RCB. As a general rule, we had little or nothing to do with RAAF personal or RAAF operations. The only direct contact the army company had with the RAAF was that we ate at the airman's mess. Even that small association required, three times a day, the rifle company had to be taken to the mess for meals by truck because we were located very far away from the kitchens. If, for some reason, one missed the truck, then sadly, one missed that particular meal because there was no other option available. I can't recall even a single conversation with an airman during my entire deployment, although it is possible that it may have happened. We were completely self-contained in our little remote outpost, excepting meals. The officers may have socialised or had professional relationships with their RAAF counterparts, and probably did so. The Other Ranks (ORs) had no sense of community with our fellow RAAF servicemen, sitting, as we were, in our little enclave at BAB's extreme SW boundary.
16. Because of our remote location we tended not to leave our assigned area. We were discouraged from roaming the airbase when not on duty. The Malaysian guards were said to be trigger happy and any attempt at communication failed at the first language barrier. Whatever familiarity we had about the airbase was due to the Quick Reaction Force (QRF) turnouts and nightly security piquets. Nor were we accompanied by families, nor did we have official mess nights, or other social occasions with RAAF personal. If "Kampong Australia" does not record this type of experience then it does not describe our deployment in any way and perhaps has little relevance as a general reference. I'll not know for sure until I read the book. Our time was spent on operational duty, boredom, anxiety and all too brief escapes into Penang, hopping bars for a couple of hours before returning to another cycle of duties. My enduring memory of RCB service is simple tiredness.
17. The next section from Defence concerns the legal technicalities, including definitions, etc. These matters involve complex legal argument, so excuse me if I don't stray outside of my direct knowledge. I would say that it is my understanding that the Tribunal made a ruling on 23rd November 2022, that the status of "peacetime" service for RCB was not applicable. If I am correct on this point, I would ask why the Department has climbed upon this merry-go-round once more? I would note that **par 2.9** is a doozy:

2.9 This assessment against the nature of service classification will not consider the Royal Malaysian Air Force personnel, security and supporting civilian staff, and Royal Australian Air Force personnel located concurrently with Rifle Company Butterworth on Air Base Butterworth.

18. The par above is a mystery. In Defence's covering letter, all the Australian services were in the friendly Kampong Australia circle together, and we need to include RAAF "unheard voices". In this paragraph, the Department wants to exclude the RAAF nature of service altogether. Why is that? Is it because both the Malaysian and Australian air forces were both deeply embedded in supporting the fight against the insurgency in various ways, if not necessarily kinetically?⁶ Is it because that inquiring too deeply into the historical record for the RAAF and MAL Air Force that our involvement in a 'war that never was' may be better exposed? Are we to accept the proposition that Butterworth Air Base (BAB) operated under differing and alternative strategic and tactical realities depending upon the service, branch or the nation that one belonged? If so, Butterworth occupied a universe not previously encountered by physics. It is my contention that we were all service people together and the strategic realities did not start nor finish at the RCB lines.
19. Par 2.13 Defence states, amongst other things, that auxiliary supporting activities give no indication as to warlike status;

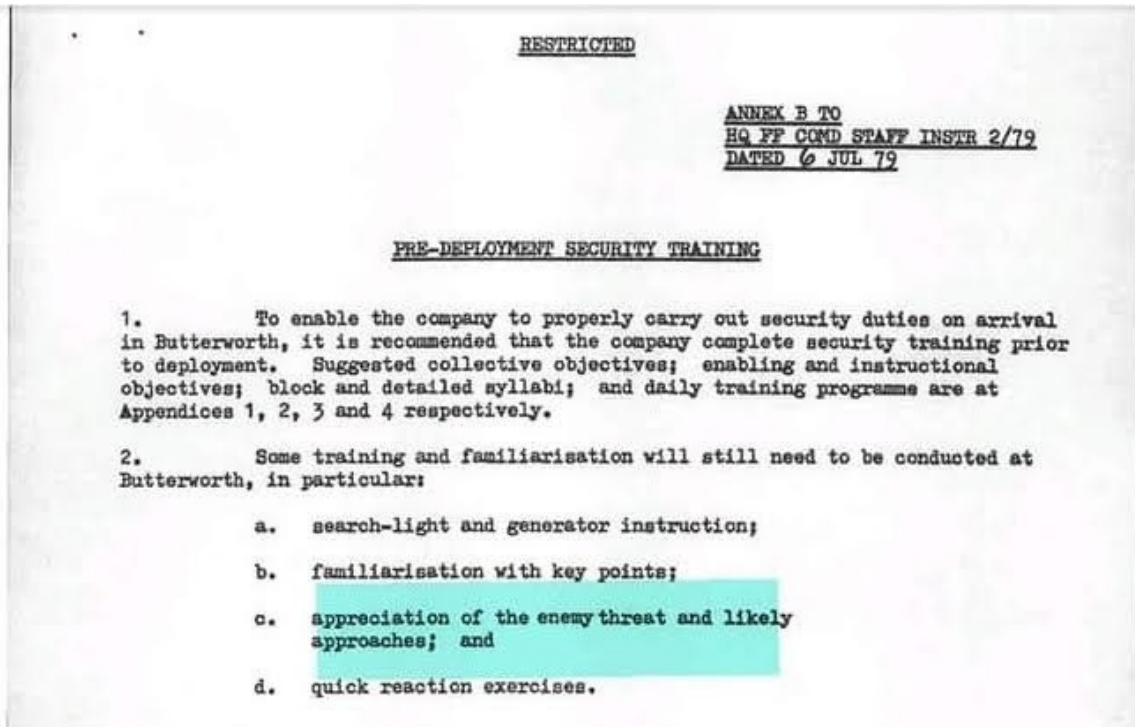
"DP1 status, preparing a Will, pre-deployment and arrival briefings, are used in a variety of situations and there is nothing about these that infer non-warlike or warlike service."

20. The above can be categorically denied. All the above requirements were standard for war service and had been for a long time. For instance, no soldier was permitted to go to the Vietnam theatre (as infantry) unless he first attended Canungra Jungle Training.⁷ This was a strict rule, and so too every soldier was offered assistance in preparing a will as a standard feature for pre-deployment into the Vietnam war zone.
21. Every soldier deployed to RCB, likewise, attended identical jungle training at Canungra, and all the other things mentioned in this par (2.13) were the same as for Vietnam's active service. These activities were mandatory for Vietnam and still in place for Malaysian active service.
22. Contrary to defence's assertions, due to long-standing practice of war pre-deployment such training and associated activities, typical pre-deployment activity absolutely **infers** warlike service. In fact, not undergoing these specific, and combined, practices are more indicative of peacetime service (at the time). The paragraph 2.13 is just plain wrong under the time-frame of RCB service. If it has changed since that time, it has no bearing on RCB service as it was then. The idea that pre-deployment briefings advising of the enemy situation or threats does not infer warlike service is a novel suggestion in the least.

⁶ I can't help but wonder what a thorough search of RAAF aircraft operations at Butterworth would unearth. If even a single covert reconnaissance sortie was conducted by the RAAF against the insurgency, this inquiry could pack up early.

⁷ This pre-deployment practice first started, for Vietnam, with the very first battalion deployment when 6 RAR attended Canungra in March 1966, three months before their deployment. See, "*Vietnam – The Complete History of the Australian War*", Bruce Davies, Allen & Unwin, 2012, page 239.

23. In particular under this paragraph (2.13) Defence specifically states that there is nothing about pre-deployment and arrival briefings that infer non-warlike or warlike service [see above in red bold]. **Defence's statement is categorically, emphatically and demonstratively incorrect.** Please see below, a pre-deployment staff training instruction from Head Quarters, Field Force Command dated 6 July 1979:



24. Since the early 2000s, RCB veterans have been making the simple and ordinary claim that we were continually briefed and received training for active service in Malaysia. However, whatever the political considerations and false statements made by politicians, including parliamentary statements recorded in Hansard, the army had to prepare its soldiers for the real situation on the peninsula. It had no choice, because setting us up for a fairy tale could go terribly wrong, as can be imagined.
25. For approximately 20 years, RCB veterans have been mocked for making such claims, or told that the Diggers were simply over-excited. Or, perhaps, that a rogue commanding officer may have geed up the troops with exaggerated stories? The possibility that many thousands of troops who experienced such briefings and attended such active service training just might be telling the truth was discounted out of hand by many official reviews. In the early days, the RCB veterans had nothing to back up our claims. After many years, and much scholarship (and very hard work) by the veteran organisations, documentary evidence has been slowly accumulating. RCB claims have never wavered over the years because it is the truth. Defence's denials have never ceased because their view had always been accepted on face value.

26. A casual reading of the above training instruction gives lie to Defence claims. **This pre-deployment training instruction confirms explicitly - no inference is required – that not only does RCB have an enemy confronting them in Butterworth, but likely avenues of enemy attack have been identified. RCB representative groups have previously submitted to the Tribunal a map overlay identifying the probable avenues of insurgent attack on BAB.** We have reached the point where asking the Department what further proof of warlike service is required seems a waste of time. No proof will ever be sufficient, even solid documentary evidence originating from army records is ignored, if inconvenient.
27. **Par 2.14** and **2.15** describe the **current practice** of classifying a particular operational service. Whilst interesting in itself, this information has no bearing on what did, or what did not happen, during the Malaysian CT Insurgency (1968-1989). The problem of classifying historical operational service against contemporary legalisation and regulations is that it is often unfair, and even unworkable. It is our experience that due to the Cold War sensitivities, domestic political considerations at the time and scarcity of available records, historically, such comparisons usually work against RCB veterans.
28. **Par 2.17** advises that the Department made its assessment into the nature of RCB service in what is actually an extremely limiting way, in that it and only includes data which supports its stated viewpoint. For instance, it only includes the very problematic Joint Intelligence Organisation (JIO) strategic threat assessment and ignores every other intelligence document that it has access to. It also includes material such as “soldiers clubs” and accommodation outside BAB. **In fact, the list of inclusions is as odd as its list of exclusions.** It is patently obvious that the list of Defence chosen ‘essential ingredients for service’ was carefully curated so to arrive at only one conclusion, namely the one that supports their stated position. From our point of view, this little exercise in rigging the result is so transparent that an impartial judge can see it for what it is. I would say further that as an ex-defence analyst myself, the analysis provided is offensive from a professional perspective. There are so many available data points that could be included to assess a nature of service, why limit yourself to such an odd assortment? What is a “soldier’s club” as it might pertain to RCB service? I never attended one in BAB. And, how is off-site accommodation relevant to RCB, given that we lived on-site for the entire tour of deployment? Is it because RAAF service families lived in Penang? If so, the Vietnam conflict must also **not have been a war** because many logistical personal and high-ranking officers resided in apartments in Saigon and Vung Tau instead of dirt bunkers in Nui Dat.
29. **Par 2.19** comes into play, once more, with Defence’s same odd interpretation for the Rules of Engagement (ROE). This tiresome rendition keeps coming up as some sort of power move by the Department when, as has been explained a dozen times beforehand, that specifying **“If in doubt, do not shoot”** is beyond redundant. Let’s address this tired point once more.

30. For a start, this version is dated 1978, so it postdates eight years of already existing RCB deployments (including mine).⁸ Pretending to take this ROE version seriously - prior to 1978, RCB soldiers were, apparently, at perfect liberty in shooting a person to death **even if the shooter was in doubt?** Only after 1978 was doubt a factor? I would put it to the Tribunal, that the special caution that Defence assures us, was a major component promoting peacetime service during an armed insurgency in a foreign country is six words informing us that doubtful shooting is a no-no? In any case, an instruction, dated Feb 1982, outlying essential principals for QRF deployment throws doubt as a factor straight out the window. See section D on page 319 of Defence's submission:

d. **Decisive Action** - The fact that there are many RAAF and civilian personnel working in the KPs it is difficult to determine friend or foe. To avoid confusion, and the opportunity for an intruder to escape, ALL personnel within a reacted area must be considered unfriendly until identification proves them otherwise. QRF members must be firm in their actions when dealing with these personnel and must not be intimidated.

31. This instruction, very implicitly, demands that, **all personal... must be considered unfriendly. This instruction to RCB rifleman does not allow for doubt, in fact, doubt is to be rejected. Intruders are to be considered unfriendly until confirmation for believing otherwise is received.** This is the very aggressive posture for security that all veterans of RCB recall and I am grateful that the Department was able to produce documentation proving same. I should also record that as no 'friendly' was ever shot during the entire period, soldiers stuck very carefully to the ROE in the broader sense that shooting at somebody was a matter of last resort regardless of circumstances, which included official heightened suspicion, as the above indicates.
32. I could make further arguments describing this as pure nonsense, but instead ask where else has a ROE permitted the shooting of persons during peacetime garrison duties by Australian soldiers - whether the shooter be in a state of doubt or not? ROE are not only a serious precondition to shooting at someone, it can also render the shooter in legal jeopardy. ROE is also a procedural defence against unlawful killing. Including the stipulated six words is neither here nor there, and in any case, largely not provable, if the shooter maintains that at the time he was in no doubt. Doubt is a state of mind that a court is reliably unable to access. Perhaps the question might be explicitly addressed at the next Tribunal hearing and a ruling obtained indicating the status of doubtless shooting as a pertinent fact.
33. **Par 2.19** (further down) the Defence's argument appears to be that an expectation of casualties is adequately addressed, because there is no specific record to be found addressing an expectation of casualties. This rather neat and simple argument is only supported only by a negative. I would suggest that perhaps during the demonstrated ad hoc formation of an infantry presence in Butterworth c1968-1970, an officer may not have been tasked with drafting the required document stating that there was an expectation of casualties? Perhaps there is another way of making an assessment?

⁸ In its submission the Department assumes that a single ROE document, dated for a single year, can stand in for the other 18 years of RCB service. Defence appears to be very generous towards itself in accepting such a loose evidently standard and it is a pity that it doesn't allow RCB veterans the same position when records are lacking. I reject the assumption that the only version of ROE to be found was identical and in place for 19 years.

34. Perhaps we might look at the situation on the ground at the time, the enemy threat, their demonstrated capabilities, the enemy's known rivalries, enemy ambitions, the enemy's geopolitical cooperation with other communist regimes, enemy weapons, their strategic posture, the cold war political climate of the times, the CT's aggressive military actions elsewhere on the peninsular, the combat deaths to our MAF allies, aggressive Australian infantry tactics, the vulnerability of the airbase, intelligence reports of platoon sized enemy in the vicinity of BAB, etc. In other words, one might consider the entire context of our service during the CT insurgency in Malaysia during the period 1970 to 1978, and not just look for things to cherry-pick in order to manufacture a result.
35. **Par 2.19** – Defence states that “*No. 4 RAAF Hospital was not established because of an increased external threat from an Australian adversary.*”. I fail to see how the original establishment of a medical facility in 1965 is germane to any argument concerning the Second Malaysian Emergency at all. The establishment of the Royal Australian Regiment (RAR) was originally raised as an occupation force in Japan following the Second World War. Yet, all those years later, elements of the RAR found themselves defending an Air Base in Northern Malaysia. To be blunt, a hospital... is a hospital... is a hospital. And as such, had surgical suites and was perfectly capable of handling mass casualties in the event of a hostile contact with insurgents. The historical original founding of the hospital by the British would be of little interest to wounded Australian Diggers in the event of a military situation against RCB troops going sideways.

State of Declared War

36. This has been covered in many other submissions. Australia did not declare war against Vietnam in 1965 either. Nor did we declare war against North Korea in 1950. Nor in Afghanistan, or in Iraq, nor in Indonesia during Konfrontasi in the mid-1960s, etc. Instead, we “commit troops” to a conflict. Since the mid-1940s war declarations stopped being a thing. Why the Defence Department insists that RCB service fail a requirement for war service that veterans of other conflicts do not face might be explored further.

Combat Operations

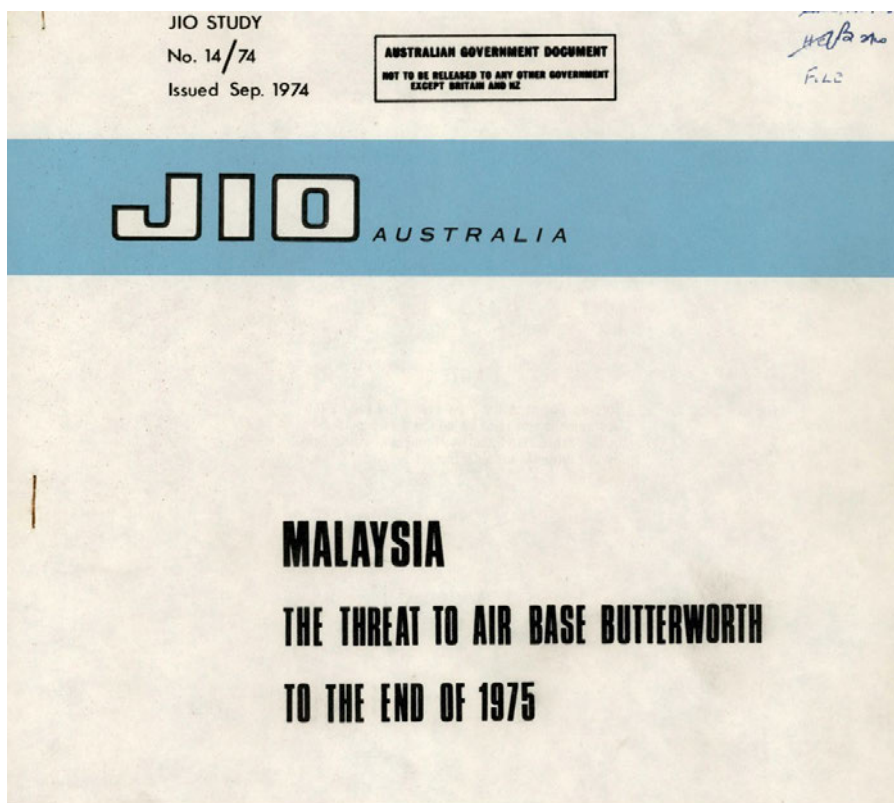
37. Given the stipulated conditions of remaining inside the wire, RCB surrendered the certainty of combat operations to the insurgents. The single limitation was that we could not attack the enemy first. In every other respect we were combat committed and armed, able and prepared to repel an attack or breach on the air base as per our stated mission expected us to do. We willingly put our lives on the line to that task. There was an armed adversary opposing us who had repeatedly attacked other military installations. Is it that only veterans who faced actual combat that are to be recognised? Is that the Department's new position? That those who conducted war operations - but not engaged in actual combat - are now to be denied recognition? I sincerely hope that is not the case, as Defence appears to be making this a new condition in their submission.

Garrison Duties

38. It has been requested many times now, but as it keeps coming up, veterans would be pleased to see evidence by the Department where RCB service has been rendered exactly as it was in Malaysia, replicated anywhere in the world, but not in a warlike service. Anywhere in the world? If they cannot pass this simple test, it is requested that they be challenged as to why RCB service must be viewed a commonplace garrison duty. **According to their submission, Defence cannot provide evidence that our service at Butterworth was like any other service in Australia, nor anywhere else in peacetime service in the world. Therefore, defence is making an unsupported claim and it should be treated as such.**

JIO Threat Assessments

39. The Department throws around Joint Intelligence Organisation (JIO) threat assessments as 'continually low', quite a bit. However, in their latest submission, consisting of a massive 896 pages, they, once again, failed to produce even one of those JIO assessments for perusal. How many are there? Given that the period was almost 20 years, which periods of assessment were covered? I could go on with many questions, but I have already made an assessment of general JIO product in my last submission, as well as reasons for not rating them with extraordinarily value.⁹ The thing is, I have located only a single JIO intelligence assessment, one that was written in 1974, and was only rated valid to the end of 1975:¹⁰



40. I shall quote from this, the only JIO Threat Assessment I have been able to locate.

⁹ https://defence-honours-tribunal.gov.au/wp-content/uploads/2022/12/SUBMISSION-008c-Mr-Sean-Arthur_Redacted.pdf

¹⁰ See *National Archives of Australia* - NAA: A13883, 213/1/9/5/1 PART 2

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

41. The JIO document (above) does not give training the same prominence as Defence obviously does. Training did happen, but just as the veterans maintain, it was secondary to the operational role of armed protection. Or, as the JIO assessment puts it, "*may be engaged in local training **from time to time***". The JIO then details the potential threat to the air base in very particular terms:

THE THREAT FROM THE COMMUNIST PARTY OF MALAYA

Capability

16. There is a potential threat to the Butterworth Base from the Communist Party of Malaya (CPM) and its military arm, the Malayan National Liberation Army (MNLA), which is generally referred to as the Communist Terrorist Organization (CTO). The CTO controls areas along the Thai-Malaysian border and has been developing a widespread infrastructure throughout Peninsular Malaysia. Most members of the CPM are Chinese, but there are Thai Muslim and Malay members concentrated in

the border area of the east coast. In May 1974 official figures of the Thai-Malaysian Border Committee indicated that there were between 1500 and 2000 armed communist terrorists in southern Thailand and Peninsular Malaysia. The calculation of more exact figures is made difficult by the lack of knowledge of numbers recruited by the terrorists. There are four regiments in the CTO:

- (a) 5th Regiment, in central Perak State;
- (b) 8th Regiment, in the Sadao area of Thailand;
- (c) 10th Regiment, in the Weng area of Thailand, opposite Kelantan; and
- (d) 12th Regiment, in the Betong Salient (where the Central Committee of the CPM is also).

A CTO attempt to re-establish the 6th Regiment in Pahang State during January 1974 was frustrated by the Security Forces.

17. The armed terrorists are supported by several front organizations in southern Thailand and Peninsular Malaysia. The Malayan Communist Youth League (MCYL) is based mainly in southern Thailand and has between 3000 and 6000 members. It is particularly active in the Betong Salient, where members supply the communist terrorists with food and act as their agents among the local population. The Malaysian authorities consider the Malayan National Liberation Front (MNLF) to be the best organized and most effective of the communist front organizations operating in support of the CTO throughout Peninsular Malaysia (including Singapore). The MNLF has a strength of about 900 and has demonstrated a capability for coordinated acts of minor sabotage and terrorism on the anniversaries of events important to the CTO. Other communist organizations are the Malayan Patriotic Front (MPF), the All-Pinang Revolutionary Youth League, the Selangor National Liberation League, the National Liberation League, the Kelantan Communist League, and the National Communist League; they have a role similar to that of the MNLF.

42. The JIO report shows the complexity of the CT formations, their numbers, their activities and their political strategic advantages and their natural constraints. Altogether the JIO analysts are giving quite a lot of detail because it would be foolish to make a definitive prediction, because that is not what professional intelligence analysts do. War is unpredictable, and they are not so much hedging their bets as including as much data as they can to assist the war fighter of the day.

21. The CTO has well-established armed units in the Thai border region and in central Perak State, but would probably want to have armed units operating effectively throughout the length of Peninsular Malaysia and to firmly establish its infrastructure (for example, the MNLF) before proceeding to the second phase of insurgency (openly contesting control of the rural areas with the Government). Nevertheless, the CTO has sufficient numbers to greatly increase armed activity in some areas of northern Malaysia if it chooses to do so. Such increased conflict would, however, be likely to be localized; it would not result in a country-wide emergency, paralyzing the Security Forces, or in the creation of conditions immediately favourable to a revolutionary victory, unless it were coupled with other factors such as widespread public disorder. It has been reported that, in December 1973 and January 1974, a group of 58 terrorists from the 6th Assault Unit moved to Pahang from the Thai border area in an attempt to re-establish the nucleus of the 6th Regiment in the base area the Regiment used during the First Emergency. It seems, however, that the terrorists were frustrated by Security Forces' operations and were forced to retreat north. Nevertheless, the CTO can be expected to renew its efforts to redeploy armed units to areas of former influence throughout Peninsular Malaysia.

22. A secondary factor influencing the conduct of the CTO campaign is the desire to maintain a presence in the public eye in order to prevent the Government from claiming that it has the situation completely under control. Accordingly, any successful government operation is usually followed by a CTO reprisal. Since April 1973 there have been five definite

43. The report continues:

would definitely contribute to that legitimacy. The terrorists have shown that they will attack government outposts and individual officials in retaliation for reverses suffered as the result of government operations, and will attempt to maintain the impression that their influence is steadily expanding and is working towards the overthrow of the Government. In May 1974 more than 100 terrorists from the 12th Regiment destroyed road plant used on the construction of the East-West Highway near Gerik. This was the largest and possibly the most successful operation conducted by the CTO since the end of the First Emergency in 1960, and it demonstrated a formidable capability to conduct large-scale sabotage operations — a factor that is very relevant to the point of this report. The CTO has demonstrated a willingness to clash with Security Forces who penetrate its base areas, but not to the point of protracted defence of those areas.

44. The JIO assessment contains many pages of detail, and not much of it is reassuring.

CTO Activities in Butterworth Area

29. The nearest major CTO unit to Butterworth is the 8th Assault Unit in the Kulim area, about 25 kilometres east. This was declared a "black area" (an area of strong terrorist activity) during the First Emergency, and the return of an armed unit logically follows the CTO pattern for expanding its influence throughout Peninsular Malaysia. The unit has been involved in contacts with Security Forces in the area since January 1971, but all have been within Kedah State. (A list of recent sightings and contacts is at Annex A.) Captured documents indicate, however, that the unit intended to establish contact with supporters in villages inside Province Wellesley. There have been reports of sightings of armed terrorists within the Province, but we do not know the extent of their support among the peasants in the area. The appearance of booby-trapped red flags in Pinang and Butterworth on several occasions since 1970 indicates the presence of elements of the MNLF or other subversive organizations. In November 1971 the Malaysian Special Branch reported that the MCYL also intended to establish groups in Selama and the town of Butterworth.

SITUATIONS IN WHICH AIR BASE BUTTERWORTH MIGHT BE ATTACKED

36. If the CTO succeeded in substantially expanding its infrastructure and area of influence in Peninsular Malaysia to the point at which a widespread campaign of attacks on prominent installations was launched as an introduction to the second phase of revolutionary warfare, Air Base Butterworth might be included as one of the targets; we consider, however, that CTO development to this stage is unlikely in the period under review.

37. The CTO might see advantage in mounting an attack on the Base in the event of large-scale civil disturbances or major industrial unrest, perhaps involving the diversion of Security Forces. We do not, however, consider such developments likely during the period under review.

38. The CTO might decide to attack the Base if it believed it would gain a significant psychological or propaganda result. This might occur as retaliation for a major success against the terrorists by the

45.

inconvenience or hardship on the local population. A successful attack on an RMAF installation would gain a great deal of publicity for the CTO and would considerably weaken Government claims that it is winning the campaign against the terrorists. We do not believe that the presence of Australian aircraft or the Five-Power Defence Arrangements are issues of major importance to the CTO, which is therefore unlikely to attack the Base solely, or mainly, because of the Australian presence. In the advent of an attack, however, it is unlikely that the terrorists would try to discriminate between RAAF and RMAF targets; both Australian personnel and equipment would obviously be endangered. The large-scale destruction of RMAF aircraft and equipment would be attractive propaganda, and this possibility must be considered.

39. Although we assume that Australian aircraft will not be deployed from Butterworth in an anti-terrorist role, the use of the Base as an airfield from which RMAF anti-terrorist air operations were being flown might prompt CTO reaction. For example, the RMAF has one squadron of Sabre Fighters and a detachment of four Alouette helicopters stationed at Butterworth, and if these aircraft were used extensively in operations against the terrorists, especially against the 8th Assault Unit near Kulim, there might be a reaction attack to destroy the aircraft and to achieve a propaganda victory.

44. In the past attention has been drawn to serious weaknesses in the defences, including the ineffective performance and inexperience of the SSP, the possible absence of the ARA company, deficiencies in the static defences, and the parking of Mirages in a straight line without the protection of revetments. Cases of theft have shown that unauthorized persons have been able to gain access to areas within the base, including Vital Points.

46. This JIO report does not paint the picture that Defence would have us believe. It does suggest that an immediate attack upon the base *may be unlikely for the next 12 months*, but it also contains many qualifiers as any good assessment should. Defence just says that the threat was continually assessed "as low". **I would say, that it is always better to go to the source because the document is rich in nuance of the type that the Department has chosen to skate over.** See point (a) below as an example. It qualifies that an **external** threat to BAB is unlikely (ie: foreign incursions) however point (b) immediately after identifies a potential **internal** threat. Points [c] through to (f) are all ambiguous, at best. All highlight the confusing grey areas in base security. This is the difficulty in relying upon strategic analysis, there is an overload in potential outcomes. It is for this reason that a reinforced and heavily-armed rifle company was in situ for 20 years to repel an attack, if it was necessary for them to do so. Whether such an attack was to eventuate, or not, RCB was committed to BAB armed defence either way. That was the mission.

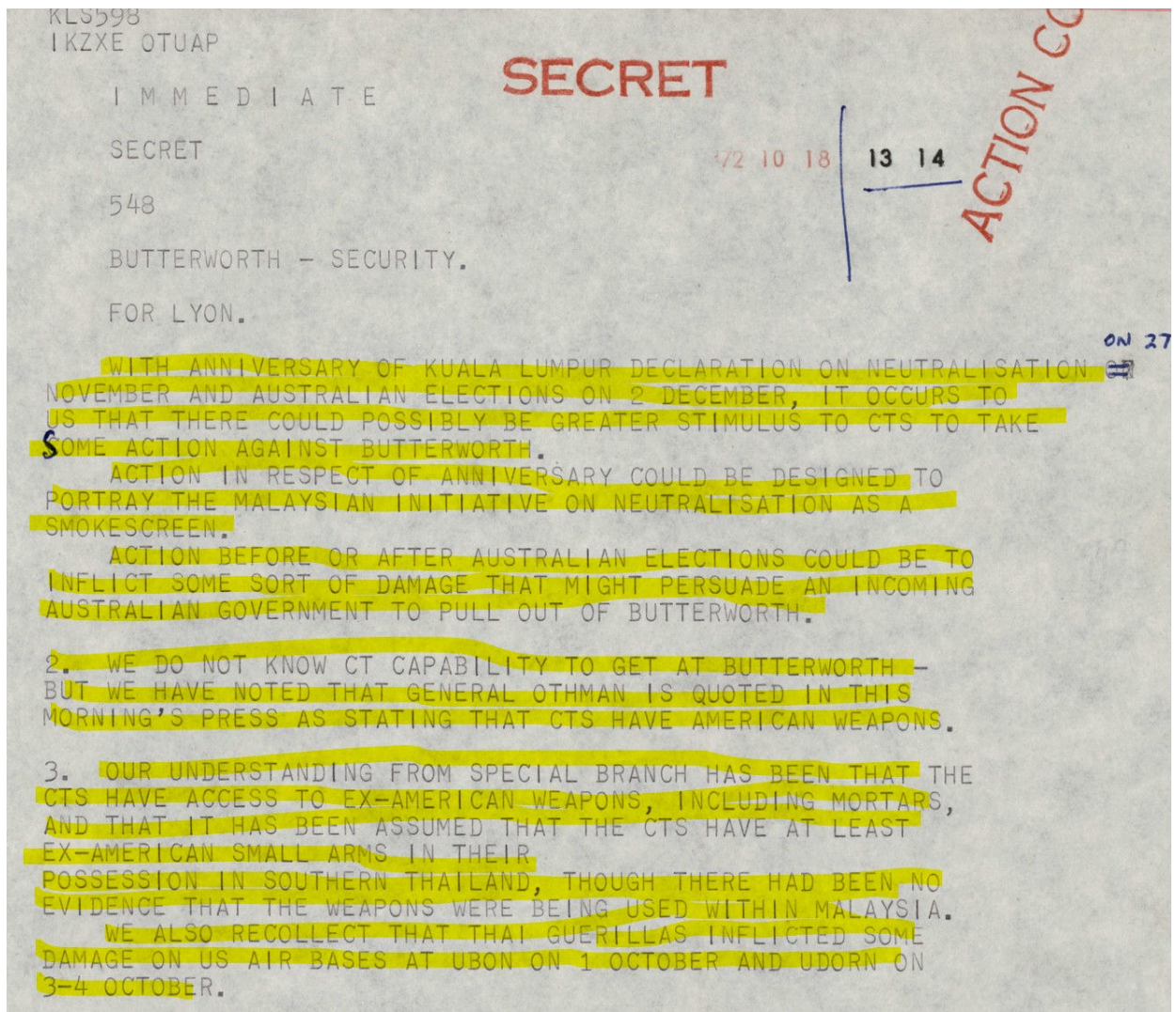
The Threat Assessment

48. Likelihood of Attack. We assess that, during the period under review:

- (a) It is unlikely that any threat to Air Base Butterworth will arise from an external overt military attack on Malaysia.
- (b) There is a potential threat to the Base from the CPM, the CTO, and related communist subversive organizations. The CPM/CTO have an estimated 150 terrorists armed with rifles, machine-guns and explosives in the Kulim and nearby forest areas about 40 kilometres from the Base.
- (c) CPM/CTO policy will be directed towards the consolidation of its infrastructure within Peninsular Malaysia, and this will not be advanced to the point at which a decision will be taken to launch armed struggle. It is therefore unlikely that the CPM/CTO will, as a deliberate act of policy, attempt an attack on Air Base Butterworth.
- (d) It is possible, but still unlikely, that the CPM/CTO could decide to attack the Base if there were large-scale civil disturbances or major industrial unrest.
- (e) There is a danger that the CTO may decide to attack the Base in order to achieve a psychological and propaganda victory over the Government in retaliation for a major success by the Security Forces. Such an attack may also be encouraged by any use of the Base by RMAF strike aircraft against the communist terrorists.
- (f) There is some risk that members of subversive groups could, regardless of CPM/CTO policy, or acting on their own initiative, attempt an isolated attack on or within the Base at any time.

47. Rather than reassure the RAAF and army command, this JIO assessment actually created a minor panic for the Australians (as the records plainly show) and caused funds to be quickly made available for protective revetments for fighter aircraft in the event of mortar or rocket attack. Also the following signal highlights great uncertainty:

48.



49. This is RCB deployment in a nutshell. There was a war going on outside the wire, and any CT anniversary, insurgent event or political date in Australia created a lot of anxiety, concern and worry, not only for the military commanders but also for the Australian embassy. A CT attack - even without the loss of life or material - would cause unfettered political trouble for the Australian government and also increased instability for the region currently experiencing serious aftershocks following the fall of Saigon. All this information can be read in this JIO document, and also in the following pages where the establishment scrambles to take preventive action. At the other end of all this strategic manoeuvring are consecutive deployments of Australian rifleman, fully armed, waiting for whatever a possible breach in the wire may bring. On the other hand, we have Defence's assertion that the threat was assessed by JIO as "continually low" - whatever that means? Perhaps the Department has a series of JIO assessments on hand that might further explain their position? Defence certainly asserts a different security posture supposedly contained inside a JIO document that is different to this one.

50. Most significantly, I have yet to see anywhere in this particular JIO document a risk assessment describing the horribly complex situation at Butterworth Air base as “low”. At best, it says (paraphrasing) that an open attack is unlikely for the immediate period, but even then it gives plenty of qualifiers. I recommend that the Tribunal reads the entire intelligence product for themselves to confirm my assessment.

51. In the last part of **par 2.19**, Defence says the following:

Rifle Company Butterworth was not authorised to conduct offensive operations or to use force to achieve a military objective. Rifle Company Butterworth was not to be involved in internal Malaysian affairs, local civil disturbances, or to be employed in security operations outside the gazetted area of the Air Base.

52. This is correct only in the last part, RCB ordinarily was not permitted to conduct independent operations outside the wire. This is something which is not in dispute. However, under the tripwire conditions of our ROE, where the base was attacked by CT forces, (the primary reason of the infantry company’s presence), in the RCB’s armed retaliation in recovering base security, we would automatically be involved in internal Malaysian affairs by virtue of an authorised *fait accompli*. The first part is most definitely incorrect. The RCB was authorised to conduct offensive operations once certain conditions were met. The company did not carry belt-fed medium machine guns with live munitions as a fashion accessory.

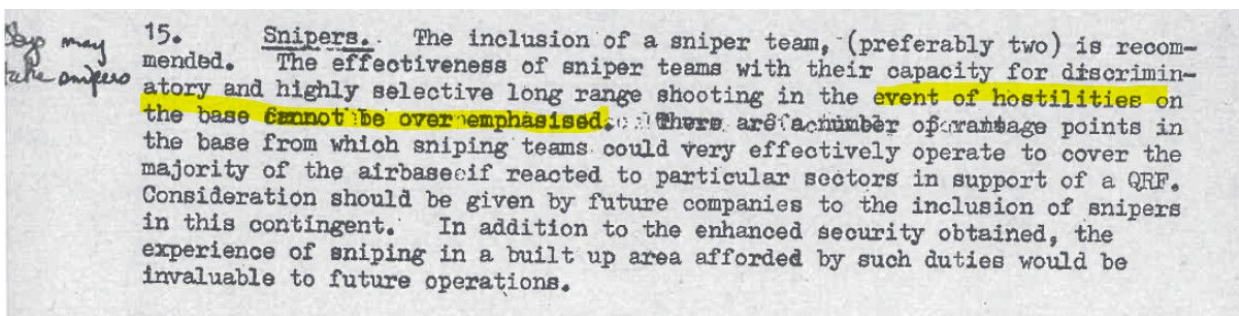
53. **Par 2.19** – The RCB veterans are in complete agreement with the Defence’s point about Peace Enforcement Operations not being a feature of our service. The RCB was there on active service and were responsible for repelling attack and securing the base as required. Neither of which involved a peacekeeping role.

54. **Par 2.20** – The Department asserts that the carriage of live ammunition at all times is not an indicator of warlike service. It has shown reluctance to advise where else this supposedly routine ‘peacetime’ garrison practice occurred.

55. **Par 2.20** – Records do indicate that one of the reasons live ammunition was carried was in case of attack by wild animals. This is not in dispute for training activities in the jungle. However, most training occurred for only a day or two outside the Air Base perimeter, but **soldiers were also fully armed at all times whilst on duty inside the air base**. If this is an important factor in making a determination, can Defence please outline the nature or threat of attack by wild animals within BAB?

56. **Par 2.20** – Concerning the designation “Whilst on War Service” for military charges, I have no expertise in making a comment as it appears to be one of those legal questions almost designed to trip-up non-lawyers. Others may be able to better address this matter.

57. **Par 2.27 – End of Tour Reports.** These reports were of a standard proforma document prepared by a company commander detailing the general tour, health and safety issues, soldier behaviour, education/promotion courses, troop morale and other admin issues. It is disingenuous to include documents designed for a very mundane purpose by implying that it might be a document akin to a war diary. The proof of that is the ordinary reporting of heat rashes, broken limbs and cases of the clap amongst the soldiery, along with notable sporting events during the tour. This inclusion is designed to trivialise our deployment as hardly any detailed operational material is included in such reports, as the Department well knows. Such tactics are a sad reflection of the Departments attitude to its veterans.¹¹
58. Before we leave End of Tour reporting and all the implications of non-operational activity, I would like to include a snippet from B Coy, 1 RAR report and dated 17 Feb 1982. It seems that the company OC's battleground appreciation recommended sniper teams for future deployments as a necessary and sensible precaution in what the Department maintains was only peacetime service:



15. Snipers. The inclusion of a sniper team, (preferably two) is recommended. The effectiveness of sniper teams with their capacity for discriminatory and highly selective long range shooting in the event of hostilities on the base cannot be overemphasised. There are a number of vantage points in the base from which sniping teams could very effectively operate to cover the majority of the airbase if reacted to particular sectors in support of a QRF. Consideration should be given by future companies to the inclusion of snipers in this contingent. In addition to the enhanced security obtained, the experience of sniping in a built up area afforded by such duties would be invaluable to future operations.

59. **Par 2.27 – Hazardous Service** - I shall address this point further separately further down.
60. **RAAF Accommodation Off Base.** Defence appears to have difficulty in maintaining a definitive position in regard to our RAAF comrades. In their **par 2.9** they insist that:

2.9 This assessment against the nature of service classification will not consider the Royal Malaysian Air Force personnel, security and supporting civilian staff, and Royal Australian Air Force personnel located concurrently with Rifle Company Butterworth on Air Base Butterworth.

61. So, in **par 2.9** the Department explicitly pushes the RAAF off the table for assessment considerations. However whenever it suits their argument they bring them back into play. It would be helpful if we were to have an understanding what rules the Department is trying to set for the sake of consistency. Anyway, I have no problem having the RAAF being seen as serving under the same warlike conditions that RCB experienced. It is a nonsense to pretend otherwise. I cannot account for the RAAF living off base, nor can I account for service families living in Penang. Perhaps a risk assessment was conducted suggesting that civilians were relatively safe, living as they were a long way from military installations?

¹¹ It is interesting to note that out of approximately 80 RCB deployments, one of the few End of Tour reports offered for examination was prepared by Lt Col LINWOOD. It was probably a coincidence that this same officer submitted a particularly effective document to the Tribunal that was extraordinarily packed with evidence describing the warlike conditions at BAB during the entire period of RCB rotations. Coincidences do happen.

62. As for RAAF servicemen living off base, well, their deployments were for two years at a time. This is vastly different to RCB deployments. The aforementioned JIO document so beloved by the Department alludes to the insurgents treating the Malaysians as their primary adversary and Australians being a target only by virtue that we were ‘puppet forces’ blocking their access to getting at the Malaysians. As an entity, the insurgent forces probably had no particular independent or national quarrel with us. As an armed force defending Malaysian military assets, we were most definitely a threat. The JIO assessment reports that an attacking force would probably not discriminate between the destruction of any military aircraft on BAB. It was all the same to them no matter what the attached tail flag might display. That being the case, Australian military and civilians living across the water in Penang were probably viewed as non-combatants. Australians residing at BAB were targets because they were armed and actively supporting their Malaysian allies. Hence RCB presence.

63. **Enclosure 4. Change of role to RCB deployments post 1989** – This major role change to RCB operations at end of hostilities is mostly significant by its almost complete lack of record or primary sourced evidence. A change of role not marked by, apparently, anything? The Department was reduced to quoting open-source reporting. I find this incredible. Apparently, the entire change of role was decided administratively for no reason? This brings me to a point made earlier on. The beginnings of RCB’s combat role were probably just as haphazardly organic as its end.¹² The army stumbled into the insurgency and it just decided, coincidentally, that the air base was safe again on the same date that hostilities ended. The Tribunal might draw its own conclusions whenever the Defence Department finds significance in no originating documents alluding to RCB war service. Apparently the RCB service role can change arbitrarily at the same date that Chin Peng surrendered and there is to be found no paperwork describing how this came to be, given that we supposedly played no role in the war? When the insurgents quit, we just handed back our bullets, but we were never involved in an armed conflict? Really?

64. **Enclosure 4C – Legal rights and obligations for the ADF to protect Air Base Butterworth, its personnel and assets. The Defence has not identified any documents that would answer this question?** I have been mystified many times by the Department’s responses in their submission, but perhaps none more than this one. That the same Department that finds so much significance in six words recommending doubtless shooting in a ROE, and yet, is unable to unearth a legal basis for our rights and obligations on Butterworth base itself. Truly astounding!

¹² Including the impromptu rearranging of infantry units from Singapore rather than directly bringing them in from Australia as they eventually would. Looking back, it strikes the reader as a bit chaotic. Why the rush, given, there was supposedly little threat?

RCB Training

65. As training keeps getting thrown around as an item of pertinence as to our role in RCB, it is time to introduce a bit of context. For a while such a sticking point confused me as well, because, to an infantryman, training is so inseparable to our everyday role it stops being an activity of note. If I may, it is like highlighting the features of a new car to a prospective customer by advertising that it has a parking brake. Of course, a car should have a parking brake, and of course the infantry trains, all the time, every day. This happens on operations, at home, at sport, informally as well as on formal military exercises. In 1 RAR, Townsville, our company commander would sometimes, and without warning, cancel the trucks for the ride home after a day at the rifle range. This totally unnecessary act would result in us completing an unanticipated 16 km forced march back to Lavarack Barracks in the tropical heat of summer. Why? Because it was a training opportunity. Any rifleman would be extremely familiar with that phrase.
66. The infantry is in no way special. It is, however, unique. Out of approximately 25,000 soldiers, Australia has seven rifle battalions. Very loosely, this works out, approximately that the infantry is only about 10% of the army. Or, to put it another way, 90% of the army are not infantryman, and more importantly, most soldiers have 'real jobs' besides being soldiers. Non-infantry soldiers in the main, have "day jobs"; they are medics, storemen, mechanics, musicians, dental technicians, lawyers, police officers, clerks, drivers, signallers and cooks. Soldiers are what they are, but they are employed in host of primary roles that do not necessarily involve tactical operations. In the infantry, our role is seizing and holding ground, and closing with and killing the enemy. If we are not doing that, we are training. Infantry are always training.
67. Training is a regular component on operations as well. In the world wars, infantry on active service were pulled out of the line for training. In the Vietnam war, Australian replacement reinforcements underwent operational training deployments around Vung Tau in what was considered a safer learning environment. They had live ammunition and conducted armed patrols where potentially they still might run into the resident VC unit, the D445 Battalion. In the SASR their specialised infantry training is so complex that it is considered perishable so therefore have to continuously keep it "current". If their signals, medical, weapons, or other critical training lapses or needs updating, they cannot be deployed. Training is so integrated into an infantryman's thinking that the very week before I was discharged from the army I was still attending weapons training. It never occurred to me, or anybody else, that it was inherently a waste of time at that point. So, when Defence breathlessly reports that the RCB was also in Malaysia "for training", it really is true, but then again, so what? Our primary role was the armed defence of the air base - that has been well established. We also trained when not on operational QRF duty or security patrols. This fact isn't as momentous as you are being led to believe. - one can exist in the same dimension as the other.

68. **Enclosure 5e** the Tribunal poses the question to Defence – **Apart from major exercises, at any Royal Australian Air Force base in Australia, from 1970 to date, has the Australian Army provided protection for Royal Australian Air Force assets and personnel?** To the great surprise of no RCB veteran, the Defence Department reports:

“Defence has not identified any information that this has occurred.”

69. So, the absolutely routine, or garrison duty, that the Rifle Company performed in Butterworth was not only peacetime service, but (according to Defence) it also was the equivalent to any other like service in Australia - with the exception that they cannot identify where this has actually occurred anywhere else in the world?

70. **Enclosure 6b – The comparison of historical service with that to contemporary service.** This is really at the crux of the RCB question. Just how exactly are we to successfully force a historical set of circumstances into today’s service.

Defence acknowledges the Tribunal would be appreciative if it could provide a Military Threat Assessment that it considers would be issued today in circumstances where Australian Defence Force personnel were subject to the same likelihood of harm as evidenced by those historical documents.

*Defence commands responsible for conducting Military Threat Assessments (the Defence Intelligence Group, Joint Operations Command and Joint Health Command) conduct the assessments on current Australian Defence Force operational service. **Defence is not able to provide the Tribunal with a hypothetical modern day Military Threat Assessment based on service described in historical documents.***

71. I can’t say that I blame the Department at baulking at this barrier. The historical and contemporary periods are two different worlds. Any comparisons must be carefully made and a full context of that service employed. However, the Department has shown huge flexibility in its approach. In some ways it positively leaps into the fray and has no apparent difficulty in making historical-contemporary comparisons when it suits them to do it. If one were to return to the many and varied Definitions of Service (1993 and 2018) you will see that the Department has no difficulty in proposing, and in great detail, that it has successfully managed to bridge the historical gap of more than half a century. In this case, however, RCB, according to them consistently fails because the task is apparently impossible. In any case, the varying sets of service definitions and interpretations of same are contested by the veteran groups.

72. **Section 7(a)** – what pre-deployment instructions were provided to the rifle company. The Department reports that it cannot answer the question. A document has in fact been identified – it gives instructions about the “enemy” in explicit terms and the likely approaches that this enemy might take in an attack on the air base (see above).

73. **Sections 7b to 7e** are not able to be answered by the Department. The RCB veteran groups are able to answer these questions and, in most cases have evidence to support them, or can direct the Tribunal to common and well-established practices, such as attending jungle training as a mandatory pre-deployment requirement for service in Malaysia.

74. **Section 8** – for the most part, the Department is unable to answer the questions. **Section 8d** mentions that one time in 1980, five wives of the RCB company made a temporary indulgence visit. While this is unusual, it is supposed that the army spouses resided on Penang Island for the term of their holiday and therefore were not part of the Butterworth establishment, even temporarily. Given that RCB were not normally permitted to take family to Butterworth, these five army spouses represent 0.0005% accompaniments out of the approximate 9000 infantry soldiers who served at RCB. I'm not sure why this is relevant?

75. There are other points I could make, all are, I believe, valid. For instance, **Question 8(aj)** - *Is the extent to which the Rifle Company Butterworth was (permanently) armed a fair indication of the direct threat to the base? If not, why not?* Defence's reply departs from the its previous, and typical, noncommittal script. It says:

Defence Response:

Defence has **not identified any information to support the assertion** that Rifle Company Butterworth was permanently armed.

76. Defence's response (above) is subtle. **It is equally correct to say that, Defence has not identified any information to negate the assertion that Rifle Company Butterworth was permanently armed.** Words have meaning, and carefully selecting words also projects meaning. If defence has no information on a question, then it has no information. Is it necessary to inject a certain implication into a negative response?

RCB Leave as an Indicator for Peacetime Service

77. Defence has sprinkled the word 'leave' throughout its submission in an attempt to create a subliminal impression that taking leave during a period of armed conflict is an oxymoron. This wrongful impression needs to be addressed. Taking a break during periods of prolonged operational duty has been part of Australian military life since at least the Boer War in 1899. In fact, the physiological harm, in not taking sufficient breaks, to a person's mental well-being in times of high stress has resulted in abnormally high suicide rates as the recent Royal Commission has uncovered. In particular, the use of SASR troops in repeated deployments has led to, allegedly, an almost complete breakdown of discipline in the regiment. Whilst not comparing our RCB service to that of Afghanistan or Iraq, it must be recognised that repeated cycles of stressful duty in protecting the airbase must have a release, either in a semi-controlled way through leave or through harmful and unintentional ways.

78. I would estimate that most RCB soldiers would have at least one day off in Penang per fortnight. Some of the more hardy Diggers would try for a mid-week blast, but that would entail two ferry rides and at least four taxi/trishaw trips, each diluting the precious few available hours permitted. Each transportation trip consumed a significant chunk of your few hours of leave. Diggers had to be back on base before mid-night and ready to roll the next day at 6.00 am. The reader might do the maths. The security concerns stipulated that Diggers were never permitted to go to town by themselves. With one rifle section detailed for QRF operations, and another for all night security piquets, and a prohibition of at least 12 hours alcohol-free before duty, even with leave technically available, most Diggers preferred to sleep instead.

79. The leave itself, was spent-bar hopping and an abnormally excessive alcohol binge. I was never much of a drinker myself, but the alcohol consumption during these, so called 'rest periods' bordered on the dangerous. I also saw many young diggers start experimenting with hard drugs, which were freely available. As a young man I was appalled, but not equipped in knowing how to deal with any of it.¹³ I was still a teenager. In Malaysia, drugs in these amounts carried the death penalty. RCB were certainly not in Malaysia as tourists.
80. The End of Tour reports so thoughtfully supplied by the Department also reminded me of another unintended feature of our warlike service. Discipline almost always started to break down the longer the deployment continued. Fights in the lines would often break out over trivial mishaps. Tempers were frayed. The officers or senior NCOs would never know about them, because it was in nobody's interest in reporting such things. However, as the End of Tour Report does show, there were many quite serious breaches of discipline at Butterworth, such as open insubordination and even assault against superior officers. While these sorts of offences were not unheard of in Australia, the sheer number of such charges by random rifle companies in country should be surprising; but given our stressful duties, they aren't. The Defence Department, now 50 years later, paints a picture of a happy holiday atmosphere, but in reality, it was anything but that.
81. So, is access to leave a determining factor for peacetime service anyway? I would remind the reader of the 18 August 1966, Nui Dat, Vietnam. One of the problems for Lt Col Townsend, the Commanding Officer of the 6th Battalion RAR, was that an intensive operational program was grinding down the Diggers. So a progressive rest program was instituted allowing soldiers a few days in Vung Tau on leave. This caused unintended difficulties when Delta Company came under regimental assault at Long Tan and the CO was unable to call on these Battalion elements in time for assistance. Once again, I am not comparing our service to that of Vietnam veterans, but I do want to negate the false impression that soldier's access to periods of rest is a contradiction to warlike service. It isn't, and never has been.

Recommendation for Hazardous Service

82. I will make reference to this matter only briefly. I confess that I do not understand any of the circumstances surrounding how RCB veterans could be recommended for Hazardous Service, and have that status revoked, seemingly in secret, and veterans not receiving explanatory advice as to the circumstances. I don't understand any of this, and to me, it looks very shady, and against procedural fairness. Did the veterans get a right of appeal or was it a done deal at a bureaucratic/political level behind shut doors? Given that I don't understand how the reversal occurred, and don't want to make unfounded accusations (beyond asking the question), could the Tribunal please explain what happened? *See page 333 of Defence's 96b submission.*

¹³ I personally did not indulge in alcohol much, and never in drugs. I was at constant loss as to how I might assist my mates.

Conclusions

83. My submission primarily addresses information supplied by the Department of Defence. In doing so, I have encountered a great many falsehoods, mistakes, exaggerations, leaps of faith, innuendo, unwarranted extensions in argument and misreading of the documentary record. In almost every case, I have tried to provide primary evidence where such evidence exists. In particular, I have tried to introduce context, because, as always, context is rarely seen.
84. The Department is sticking to its brief, that RCB was peacetime service, no matter how much contradictory proof is presented by the veteran representatives as well as in individual submissions. **So be it - no proof will ever satisfy Defence.** The Department has proven to be just as obstinate as their mocking accusation to RCB veterans that we will never give up in their quest to be recognised. The question remains, why should we? If our cause is just, and we not only believe this to be the case, but we have supplied an extraordinary amount of proof, why would we just roll over? The Department has massive institutionalised power and authority. We veterans are now a bunch of old men – but we once wore our county's uniform and we stood in the breach when asked to do so. Even more, we accepted a great deal of complicating operational and political preconditions that only made our task harder. If the Department was really curious as to reasons for all the obstinacy, they might imagine a time in their lives where they were asked to perform a certain job, a potentially dangerous job, and years later their former employer now tells them it never happened. If the Department could wear our boots for a bit, they might gain some understanding as to our attitude.
85. I would also like to address the implication that our fight is only an army fight. I believe that the RAAF at the time served under identical warlike service. Just by operating on the base they put themselves in harm's way. I personally make no distinction as to the colour of one's uniform. In fact, they served on deployments for two years, so of course they deserve proper recognition for having done so. To appreciate RAAF service, I don't need to read Kampong Australia, particularly for aircrew who ran the risk of getting shot out of the sky.
86. **I also acknowledge the Defence Department's researchers.** They did the best that they could do to advance their brief under circumstances beyond their control. The fact is, they had a lot of difficulty in attempting to create the impression of a peaceful situation in Butterworth, 1970-1989. The available data has not been kind to them and the great majority of evidence ran counter to their argument. Their own procurement of historical records was also helpful because they also contains a great deal of evidence for warlike service. I don't think that we have yet to plumb those depths in those hundreds of pages.
87. Continuing with the Defence Department's effort as a whole, I believe that they simply got lazy. For so many inquiries over the years, they had their view taken on face value. For our own part, our veteran representatives were forced into multiple years of extensive research. Only one side had their unsupported claims recognised. The veteran groups had to show cause every time. And, if I am correct in my suspicions, we might have even had a previous recommendation overturned behind closed doors.¹⁴ I would be quite relieved if this is proven not to be the case. If it happened once, it will probably happen again.

¹⁴ If I am proven wrong I will happily retract this statement.

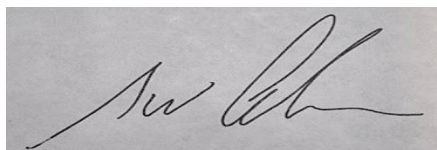
88. I would also like to acknowledge the 100 or so submissions from all RCB veterans who have detailed their experiences. For the most part our experiences have proven to be remarkably indistinguishable despite the entire coverage of RCB service going back 19 years. While admitting that such personal statements, unless backed by evidence, is hearsay, I find it incredible that all the veteran's statements are tracking a near perfect line. The conclusion must be drawn, that either many, many dozens of us are in some type of conspiracy, all colluding together to say the exactly same thing - or that perhaps, we are just telling the truth? I don't quite get it when Defence says it acknowledges the experiences in RCB submissions, and then negates all meaning behind those experiences.
89. In closing I would like to offer a very general perspective on the systematic process for considering military recognition in this country. Defence makes the perfectly reasonable preposition that awards must not be watered down by unsupported inclusions. Our military history demands that broad scrutiny must be applied before open acceptance of any claims lest the integrity of the awards system be called into question. A case must be proven and evidence provided. Nothing could be more agreeable. However, even a very casual investigation of Australian military history makes Defence's amplified voice very problematic. The Australian Defence Department has a shocking history of simply getting it wrong - not just once, but repeatedly. To name a famous example, having an awards "quota" during the Vietnam War so that some deserving soldiers were not recognised for decades, if at all.¹⁵ If the Defence Department can successfully suppress the awarding of a gallantry medal to a survivor of the Battle of Long Tan - someone who was recognised for bravery by his own Officer Commanding, in the field, then perhaps Defence shouldn't necessarily have such a dominating opinion.¹⁶ Even appearing before an Independent Tribunal, such as this one, it must be recognised that Defence wears two hats. This isn't being contemptuous, it is a simple reality. The Department provides the necessary records for the applicable service, and it also, supposedly, offers "expert" advice. More troublesomely, the Defence Department also often has "established policy" and it represents the government, and so by extension, the treasury. How does having "policy" not conflict when weighing judgement **on its own merit**? That's two hurdles against the appellant - firstly making a supported case, and secondly, overcoming an institutionalised opinion - arguably, perhaps, an unconscious opinion? I have serious concerns when there are so many departmental conflicted motivations to negotiate, particularly when budget implications are openly proffered as they were on the 23rd November 2022.
90. For justice to be defined as such, it must be universally held. Australian military conflicts do not come out of a cookie cutter. Likewise, Australian military service in responding to conflict must sometimes follow unorthodox paths, unavoidably, as the geopolitical situation dictates. It is now apparent today that international tensions with certain other countries are on the rise and it is likely that Australian service people may be committed to a cold war situation once again. If we are to commit young service men and women into a potentially dangerous situation once more, will it be a repeat of the RCB situation - it never happened if no declaration of war is forthcoming? That armed soldiers are dispatched into a warlike situation and are officially held to be on an innocent training mission, all evidence to the contrary.

15 https://defence-honours-tribunal.gov.au/wp-content/uploads/2016/08/2016_DHAAT_19_Smith-Grimes-Decision-Report.pdf

16 I'm not making this suggestion personal to the defence officials involved in this process, but historically the Department has maintained long-held positions that are eventually overturned by appeal, mostly many years later.

91. I would like to, once again, thank the Tribunal for keeping submissions open so as to allow for responses to be made challenging differing viewpoints. This submission remains my own position and may not reflect the perspective of other veterans or representative veteran groups. Naturally this submission was made in particular haste, so I would apologise in advance if errors of fact have slipped in. **I would like to continue to be represented by the RCB veteran organisations, however I am also prepared to defend my statements under oath if called upon to do so.**

Sincere regards,

A handwritten signature in black ink, appearing to read 'Sean Arthur', written on a light-colored background.

Sean Arthur, ex-Private, 5 Platoon, Bravo Company, 1st Battalion, the Royal Australian Regiment, and Rifle Company Butterworth.

20 February 2023, Brisbane