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24 February, 2023

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Submission to Inquiry - Mr Barry Alexander Albrighton

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 *

Barry Alexander

Surname *

Albrighton

Post-nominals (if applicable)

MMgt (ANU)

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State *

[Redacted]

Email Address: *

[Redacted]

Primary Contact Number *

[Redacted]

Secondary Contact Number

[Redacted]

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

No

Part 3 – Desired outcome

Provide a summary of your submission:

This submission is in response to Defense Submission 096b.

Part 4 - Your submission and Supporting Documentation

File Attached: Albrighton-Defence-Sub-96b-Comments-v1.0.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

Barry Albrighton

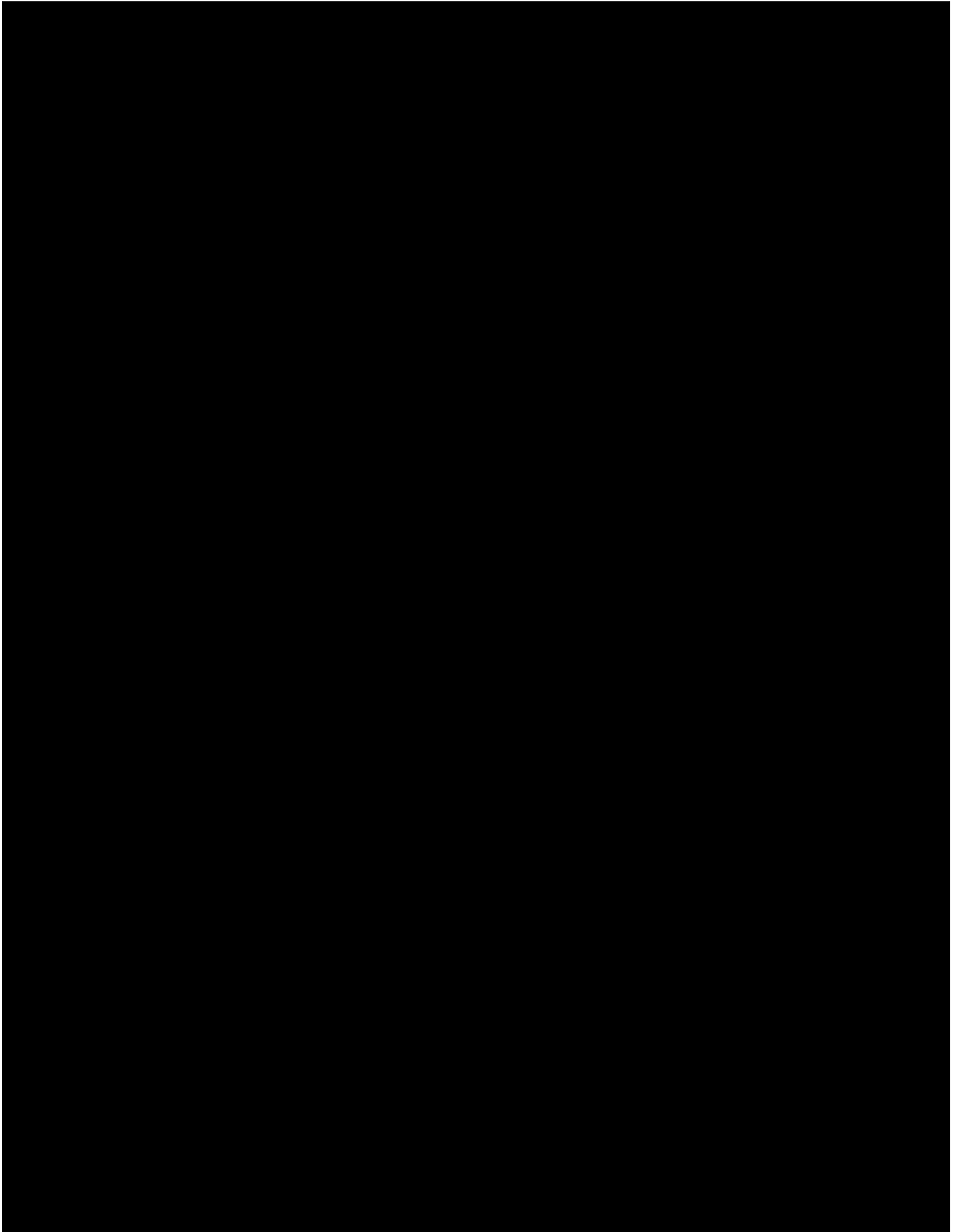
Date

24/02/2023

*Mr Barry Alexander
Albrighton*

Signed by Mr Barry Alexander Albrighton

Signed on: 24 February, 2023



27 February 2023

Mr Stephen Skehill
Chair
Defence Honours and Awards Appeals Tribunal
Locked Bag 7765
Canberra BC ACT 2610

Enquiry - Medallic Recognition for Service with Rifle Company Butterworth

Comments on the Defence Submission to the Enquiry 96b

Dear Sir,

Thank you for providing an opportunity to submit feedback on the submissions of others. I appreciate the continued professional efforts of the Defence Honours and Awards Appeals Tribunal in responding to this and earlier review requests. This supplementary submission contains my views on the Defence submission, Submission No 96b.

Once again, I would like to thank Defence for their continued professional efforts during this enquiry. I recognise and appreciate the extensive efforts of those involved in developing this submission.

My intention in this document is to support this enquiry by responding to some assertions made by Defences in their submission and by raising issues that could be regarded as omissions.

Nature of Service Deliberation and Context

The conflict in Malaysia during the Rifle Company Butterworth service during 1972-1989 is referred to by a number of names including:

- The Resurgence of the Communist Insurgency (Malaysia's Chief of Defence).
- The Second Malayan Emergency
- The Communist Insurgency in Malaysia
- Perang insurgensi melawan penganas komunis, or
- Darurat Kedua

Despite the Defence submission being 896 pages, I was unable to locate any reference to any of the names of the conflict in their submission. I would suggest that any nature of service consideration that does not include the name and the nature of the conflict is lacking, because in my view, the nature of the conflict provides the context upon which nature of service considerations should be made.

Note: Defence states, 'A state of declared war.' Australia did not declare or recognise that a state of war existed in Malaysia'. Perhaps Defence could answer the following question, Does Australia now recognise that a state of declared war existed in Malaysia during the period in question?

The Role of Rifle Company Butterworth and the Risk of Casualties

The security of Air Base Butterworth was the responsibility of the Malaysian Security Forces. Initially the role was performed by the;

- Malaysian General Operations Force (formally known as)
- The Police Field Force (PFF), and
- The Jungle Squad,

These Malaysian Security Forces soldiers made significant contributions combatting the spread of communism across Malaysia for many decades. Having battled communist insurgents in Malaysia for so long, the Malaysian PFF knew who the enemy were and did their best to protect Air Base Butterworth.

I have been unable to locate any record of the enemy being notified that the Quick Response Role was to be transferred from Malaysian Security Forces to Australian soldiers, so one might reasonably suggest that the risk of casualties was transferred to RCB along with the role.

The Defence submission does not describe how the role performed by Rifle Company Butterworth was very different from that performed by our RAAF and RAN comrades and appears to suggest that we lived, worked and trained closely together when that was not the case.

Expectation of Casualties

There were many casualties incurred during the Communist Insurgency in Malaysia and whilst there were no Rifle Company Butterworth soldiers reported killed in action, 155 Malaysian Security Forces soldiers were killed and 854 soldiers were wounded. One would expect that when the Quick Reaction Force role was being performed by Malaysian Security Forces throughout the country, those soldiers killed, wounded or injured and those becoming ill were recorded as casualties.

Australia does not appear to have maintained records related to Rifle Company Butterworth soldiers being injured or becoming ill as a result of their providing a Quick Reaction Force at Air Base Butterworth against those same hostile forces.

It is worth noting that whilst some roles performed by soldiers in Malaysia had a higher likelihood of suffering casualties than others, all soldiers involved in the fight against communist terrorism were at risk of becoming casualties as a direct result of hostile forces and no-one knew who the next casualty might be.

Defence asserts that, "There was no record of an expectation of casualties". I would suggest that on the basis of the evidence available at the time and logic, there are five information sources available that on examination would suggest casualties were expected by Rifle Company Butterworth during the Communist Insurgency in Malaysia:

1. The Malayan Emergency Records and Experience.
2. The Communist Insurgency Casualty and Operational Records.
3. The Role of Rifle Company Butterworth.
4. The Operational Duties of the Malaysian PFF Quick Reaction Forces-
5. The Operational Duties of Rifle Company Butterworth.

RCB Duties Were not Defensive in Nature

Defence suggests the application of force was defensive in nature and refer to the Rules of Engagement, yet these rules do not include the words defend or defensive. In addition, we know that given the dimensions of Air Base Butterworth it would require two battalions of soldiers to defend the base.

In lieu of a defensive and expensive posture, a mobile Quick Response Force was formed by the Malaysian Security Forces and adopted by Rifle Company Butterworth that would respond immediately with arms to any report of a possible incursion. On arrival the force would seek out the enemy and deal with the situation. Of course, if the enemy was not found at the location reported, the QRF would search nearby locations as required.

Had RCB been performing a defensive role they would have adopted a defensive posture i.e., posted on sentry duty in static locations, in firing pits, behind sandbags and other defensive structures. There's nothing defensive about soldiers leaping from vehicles in the dark, taking cover wherever they can find it and seeking out armed enemy insurgents by patrolling.

Rules of Engagement and Nature of Service

Defence suggests that the Rules of Engagement references to 'If in doubt, do not shoot' and the presence of friendly forces and civilians reinforces that no armed adversary was expected and that there is no intent to use the ammunition unless absolutely necessary for defensive purposes.

I am surprised by this statement because this is a common instruction given to all soldiers on operations. A soldier operating in an area that does not contain friendly forces or civilians would treat anyone encountered as the enemy. When a soldier is advised that their area of operations contains friendly forces and civilians along with enemy forces, extra care needs to be taken in order to avoid shooting persons other than the enemy.

The presence of these friendly forces and civilians at Air Base Butterworth increased the risk of death or injury to members of the Quick Reaction Force because the extra consideration necessary, could result in a fatal delay in responding to an armed adversary.

Pre-deployment Training Issues

The pre-deployment training completed by Rifle Company Butterworth included soldiers demonstrating an "Appreciation of the Enemy Threat". Rifle Company Butterworth were required to demonstrate an understanding of the enemy threat prior to deployment. This Defence submission does not adequately outline the enemy threat.

Soldiers being deployed to undertake a new role are trained and drilled before deployment. Rifle Company Butterworth soldiers were required to successfully complete extensive role-specific pre-deployment training as detailed in the Defence Submission. This training was necessary because the role to be performed was not the same as garrison duties in Australia for the following reasons:

- There were around 2000 armed insurgents operating in Malaysia, there were none in Australia.
- There were 27,000 civilians supporting insurgents in Malaysia, some of whom were thought to be employed within Air Base Butterworth. There were no insurgents and no supporters in Australia.
- The insurgents in Malaysia were being supported by China, Thailand and Vietnam. There were no insurgents in Australia being supported by other countries.
- The likelihood of soldiers in Australia being ambushed by armed terrorists whilst on garrison duties was nil.
- The duties performed were not the same as garrison duties in Australia.

Defence submission contains the enabling objectives for RCB. These are not defensive enablers and do not reflect garrison duties in Australia.

- Patrol an Urban Street
- Cordon a Building
- Search a Building
- Set up and Conduct a Road Block
- Conduct Mobile Patrols
- Control Crowd

Nature of Service and Medallic Recognition

The Cabinet decision JH00/0088, 'the awarding of medals is not a suitable test for repatriation entitlements and, where appropriate, any such nexus be removed from the [Veterans' Entitlements] Act [1986]' appears unfair to veterans because, the operational duties have been successfully carried out, recognition has been delivered but there is no related compensation for death, injury or illness.

Perhaps the Department of Veterans Affairs could explain why this nexus is deemed inappropriate when it appears to be a logical progression, and given their role in the support of veterans, what they are doing/have done about addressing the situation?

Implied Military Objectives

Rifle Company Butterworth military objectives were very clear in that there was an armed insurgency in Malaysia that threatened the whole country. Military installations were targeted by the insurgents and Butterworth Air Base was a prime target. RCB's military objectives directly related to the activities of the hostile forces who were attempting to use arms to overthrow the government. Should these insurgents threaten Air Base Butterworth, RCB's objective was to clearly to thwart any incursion by force. In addition, RCB's professionalism and military expertise provided a much greater deterrent than their predecessors who were not as well trained or experienced.

As an operational arm within Air Base Butterworth, the Ready Reaction Force implied military objectives were clearly to;

Seek out, intercept, challenge, arrest and open fire if necessary on persons who by their nature, location and purpose were attempting to or in the process of making an effective contribution to the military action of the Communist Insurgents operating in Malaysia, by firing upon or entering a Protected Place being Airbase Butterworth and:

1. Threatening to destroy or damage by fire or explosives a building, vehicle, aircraft or tent or the property therein.
2. Threatening the security of friendly forces by attacking a person or persons in such a way as to give reason to believe that death or grave bodily injury will result.

Rifle Company Butterworth soldiers were not in place to deal with trespassers and petty thieves.

Pre-deployment Readiness and Active Service Assertions

A number of Rifle Company Butterworth veteran submissions made assertions like DP1 status, the carriage of ammunition, making a Last Will and Testament, receiving briefings about the Communist Insurgency in Malaysia and specific pre-deployment training etc. indicate that the service should be considered warlike.

Defence have elected to address each of these assertions separately, whereas I would suggest that they should reasonably have been assessed collectively. Separately, each assertion on its own could appear less significant, whilst collectively they present a more complete representation of the situation under review.

Direct Threat to Australian Military from Communist Insurgents

Defence makes many assertions that Australian soldiers were never targeted by the communist insurgents. It would be impossible to know what was in the minds of these insurgents in relation to Australian military forces over an 18-year period.

On 11 April 1975 Maj. Barry Petersen, an Australian Army Officer working with the Malaysian School of Training for the Land Army, reported being telephoned by Communist Terrorists who demanded he provide military information in return for his life (Petersen Tiger Men p212 1988). Clearly the Insurgents did not regard the Australian military operating in Malaysia as off limits.

Please feel free to contact me if you would like to discuss this submission.

Yours Sincerely

Barry Albrighton

Barry Albrighton MMgt (ANU)
RCB Veteran 1976-77 & 1979

