

14 April 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 Enquiry Hearings Issues of Brisbane 4-5 April 2023

Dear Sir,

Thank you for providing an opportunity to submit feedback on the issues raised during these hearings. Unfortunately, I was unable to attend the Brisbane hearings due to prior commitments with Marine Rescue NSW. I appreciate the continued professional efforts of the Defence Honours and Awards Appeals Tribunal in this enquiry. This submission contains my views on some of the issues discussed during the hearings.

My intention in this document is to support this enquiry by stating some of the core issues of the hearing and providing input from my personal experience as a Rifle Company Butterworth veteran of two deployments and someone who has conducted significant research on the subject at hand.

Introduction

The core issues from the Brisbane hearings I would like to address in this submission are:

1. Defining the Conflict and the Role of Dept of Defence during these enquiries.
2. The expectation of casualties.
3. Australian Defence Personnel Targeted by Communist Insurgents in Malaysia.
4. Shoot to wound not to kill (Rules of Engagement).
5. The authority to shoot ceased at the Air Base boundary fence.
6. Taped Ammunition Magazines.
7. The relevance of GDOC Code Red in relation to casualties.
8. What if Scenario – What if Australia Had a Similar Communist Incursion 2003-2023?

I would appreciate the DHAAT Panel taking the time to explore and consider these issues in the context of a large-scale conflict based on terrorism where casualties were extensive and regular. I would suggest that the very nature of terrorism suggests that no-one would know where the next casualties would be inflicted, so it was critical that Rifle Company Butterworth did their best to deter enemy attack and be prepared to thwart enemy terrorist incursions at Air Base Butterworth at a moment's notice.

Defining the Conflict and the Role of Dept of Defence During These Enquiries

Despite this conflict being close to Australia and resulting in so many casualties over many years, In Submission 96b, Defence states, 'A state of declared war.' Australia did not declare or recognise that a state of war existed in Malaysia'. I would have expected Defence to have presented themselves as an expert witness in relation to the Communist Insurgency in Malaysia, perhaps providing a well-researched definition of this conflict that all stakeholders could refer to throughout the enquiry.

Defence appears to be refusing to accept that this significant conflict existed in our region, despite extensive evidence to the contrary. They appear to be defending a position rather than objectively seeking out and analysing the available evidence in order to review a decision they made earlier.

With respect to the extensive amount of effort applied by representatives from Defence, I believe Defence should reconsider their approach to these enquiries.

Expectation of Casualties

A reasonable person would expect casualties to be incurred during a conflict after considering a number of factors like; historical information, the environment, the nature and state of the conflict, the roles performed, the availability of arms and ammunition, the success or otherwise of Security Forces, the ability of enemy forces to cause casualties, the availability of support for enemy forces etc. I would suggest that the situation we faced in Malaysia met all of these characteristics. The result being that everyone in Malaysia expected further casualties until the conflict came to an end in 1989.

I thought it might be useful to define what a casualty is during wartime in order to point out how RCB must have incurred casualties. The following definition is from Vietnam Casualty Code Definitions Taken from Marine Corps Casualty Procedures Manual dated February 1973.

"Casualty (CAS): Any person lost to his organization be reason of having been declared dead, wounded, injured, diseased, interned, captured, missing; or a person whose whereabouts or status has not been determined, provided it can reasonably be determined he is not in an unauthorized absence status. Minor injuries sustained in battle or hostile actions not involving loss of services of personnel are also casualties for reporting and record purposes"

<https://www.usmcu.edu/Portals/218/HD/Casualty%20Card/Vietnam%20Casualty%20Code%20Definitions.pdf?ver=2019-03-11-140840-890> accessed 14 April 2023.

I believe RCB soldiers who were injured or diseased during their operational service during the Communist Insurgency in Malaysia, should reasonably be considered as casualties because their operations were directly related to the activities of hostile forces.

I would like to remind you of my earlier submission to this enquiry 'Submission 25C' that focused on the expectation of casualties. Unfortunately, the casualty expectation issues I raised in my submission (listed below) were not explored or debated during the Brisbane hearings as I would have liked:

1. The Malayan Emergency Records and Experience suggest that casualties would be expected by everyone in Malaysia at the commencement of the 2nd Malayan Emergency (AKA Communist Insurgency).
2. The Communist Insurgency Casualty and Operational Records (attached), clearly demonstrate the severity, high numbers and regularity of casualties throughout the Communist Insurgency. These ongoing casualty reports would result in everyone in Malaysia expecting further casualties.
3. The role of Rifle Company Butterworth and its direct relationship to the hostile forces of the Communist Insurgency in relation to our intelligence gathering, training, strategies, tactics and operations.

4. The operational Duties of the Malaysian PFF Quick Reaction Forces in the protection of military installations across Malaysia were probably the same as those carried out by RCB soldiers.
5. The operational Duties of Rifle Company Butterworth and how our levels of readiness were reviewed and increased in response to up-to-date intelligence from Malaysian Security Forces and other intelligence sources concerning the activities of hostile forces.

In addition to my earlier submission (Submission 25C), I would add that;

1. It was clear that the two RAAF Ground Defence Operation Centre (GDOC) Commanders who gave evidence were regularly and thoroughly briefed on the activities of the Communist Terrorists and the associated operations and risks, apparently by Malaysian, Thai, Australian, United States and possibly British intelligence agencies and armed forces. It was also clear that they had well-founded concerns around the security of Air Base Butterworth and the likelihood and consequences of an attack on the base. I would have liked these witnesses to have been asked if they had expected casualties during their tour of duty.
2. Rifle Company Butterworth Commanders received their security briefings directly from RAAF GDOC Commanders, so one might expect that RCB soldiers had the same well-founded concerns around the security of Air Base Butterworth and the likelihood and consequences of an attack on the base. The effect of these briefings was that RCB Commanders adjusted the Company's state of readiness accordingly.

Australian Defence Personnel Targeted by Communist Insurgents in Malaysia

As stated in my earlier submission (25C) it would be impossible to know how many times Air Base Butterworth was targeted by insurgents over an 18-year period. The only information we have is that the CIA suggested our air base was a prime target and we knew other military installations (some close to Butterworth) were subjected to attacks by communist insurgents. I recall reading in one strategic intelligence report that the basis of the recommendations made in the report was generally by assumption (or something similar).

During the Insurgency, 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 <https://captbarrypeterson.weebly.com/operational-experiences.html>.

These same Communist Insurgents targeted Australians during the Malayan Emergency and never to my knowledge did they announce that they were not targeting Australians during the Communist Insurgency. I believe 15 Australian soldiers died and 27 were wounded during the Malayan Emergency.

Shoot to Wound not to Kill (Rules of Engagement)

There were a number of assertions that shooting to wound was not possible with the weapons we carried because the weapons were too powerful and that infantry soldiers are trained to target the centre of the seen mass. There were also comments suggesting soldiers should have escalated this issue to senior commanders for review. When I asked this question of my Section Commander he said, just do your best Baz, and quite frankly it is a common-sense approach to do so. No enemy should be killed unless absolutely necessary.

The decision to attempt to wound an insurgent would depend on the circumstances of the engagement and might be made for a number of reasons i.e., attempting to escape from arrest, reaching for a firearm, in the process of damaging property etc. There may be time to select a less fatal weapon like one of our 9mm automatic pistols. We were professional soldiers and we knew the

capabilities of our weapons and our level of expertise. Some of our soldiers were excellent marksmen and in my own group, one became a sniper commander whilst myself and another competed for the Queens Medal as members of the top 20 rifle marksmen in the Australian Army.

I'm sure all RCB soldiers would have done their best to meet this ROE rule if called upon to open fire on an insurgent and I am certain that some of us had the expertise to do so given the right circumstances and with the weapons we were issued. In addition, we were all trained in First Aid and there was a military hospital nearby where wounded insurgents could receive urgent medical attention.

The Authority to Shoot Ceased at the Air Base Boundary Fence

The right to shoot did not cease at the base boundary fence. Whilst Section 8 of the ROE states that you are not to shoot at a person on the other side of the fence, Section 11 of the ROE clearly contains caveats that provide RCB with authority to shoot outside the base boundary fence.

Whilst there are few different versions of the ROE, they always authorise soldiers to shoot outside the fence under specific conditions like when their life or that of another person is threatened, when the person outside the fence is attempting to destroy Air Base assets and when they have received specific orders to do so.

8. You are to take careful note of the fact that your right to shoot ceases at the Air Base boundary fence. You are not to shoot at a person on the other side of the fence.

11. You are to take careful note of the fact that your right to shoot ceases if the person you challenge leaves the Protected Place, whether escaping from arrest or not. You must not shoot at such a person or any other at any time when they are outside the boundaries of the Protected Place, except within the provision of paragraphs 5 to 7.

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

- a. If you are ordered to guard any building, vehicle, aircraft, tent being used as a dwelling or as a place of storage, or you are ordered to guard the occupants of, or any property contained in such building, vehicle, aircraft or tent, you may open fire at any person who is in the act of destroying or damaging by fire or explosives the building, vehicle, aircraft or tent, or the property contained therein PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ACT OF DESTRUCTION OR DAMAGE.

Any suggestion that RCB soldiers were required under their ROE to stand by and watch someone outside the fence firing upon themselves, Air Base personnel and/or assets without return fire are untrue, inconsistent with the ROE, clearly at odds with the role of RCB and foolish.

Taped Ammunition Magazines

Soldiers are used to unreasonable restrictions being placed upon them in the form of red tape and RCB service was no different (excuse the pun). I recall that when we were undergoing jungle warfare training in southern Malaysia (using blank ammunition) I had a magazine of live ammunition kept quite separate from my blank ammunition, and held in my left shirt pocket. In my recollection the tape on my live ammunition magazine was white and similar to the medical tape found in First Aid Kits. No tape was placed on the magazines containing blank ammunition and these magazines were kept in my basic pouches.

The reasons we were issued a magazine of live ammunition was in the event that we encountered dangerous wild animals i.e., tigers, bears and elephants etc, or encountered belligerents i.e., Communist Terrorists. I was led to believe in 1979, our Platoon Commander only carried live ammunition whilst in the jungle.

In my recollection, taped magazines of ammunition were issued to RCB soldiers along with their weapons by our armourer, generally one of our private soldiers who was locked inside the armoury. When soldiers were assigned to a Quick Response callout or placed in a higher level of readiness, their local commanders would decide the state of weapons readiness to be adopted depending upon the circumstances i.e.,

- Unloaded – Magazines carried in basic pouches with tape affixed.
- Loaded – Tape removed and affixed to the butt of the rifle. Magazine inserted into rifle.
- Action - Tape removed and affixed to the butt of the rifle. Magazine inserted into rifle, rifle cocked, a cartridge in the chamber and the safety catch applied (set to safe).
- Instant - tape removed and affixed to the butt of the rifle. Magazine inserted into the rifle, rifle cocked, a cartridge in the chamber and the safety catch off (ready to fire).

At the completion of duty, the weapon would be unloaded, tape refixed to the magazine, the weapon and magazines inspected. Armourers would replace the magazine tape should it become unserviceable.

I don't recall seeing tape on the M60 machine gun belt of ammunition. Late one evening whilst out jogging in dim light, I heard an M60 loaded and cocked just before I was challenged by our QRF, so I guess the tape (if any) was easily removed.

[The Relevance of GDOC Code Red in Relation to Casualties](#)

I understand that in the event of serious incursion, the Ground Defence Operations Centre would escalate the level of readiness to Code Red. Given that there was no record of a Code Red escalation, it was proposed that there could not be an expectation of casualties.

It is reasonable to assume that the likelihood of casualties 'locally' during a Code Red level of readiness, would be greater than that of Code Amber etc., however a Code Red in itself issued by the GDOC does not preclude the constant well-founded expectation of casualties throughout Malaysia during the Communist Insurgency.

When we consider how the expectation of casualties was perceived by the RCB Quick Reaction Force, we need to realize that all callouts were treated the same i.e., as Code Red until otherwise advised. In addition, whilst these callouts provided the base with a visible deterrent to attack by Communist Insurgents who were watching the Base, they also exposed our RCB soldiers to the risk of;

- taking enemy fire from outside the base,
- taking friendly fire from RMAF and RAAF forces inside the base, and
- injuries, illnesses and disease.

[What if Scenario – What if Australia Had a Similar Communist Incursion 2003-2023?](#)

Despite the Malaysia's published operational statistics (attached) and the availability of countless sources of official information, our Dept of Defence have continued to assert that Rifle Company Butterworth service in Malaysia was similar to peacetime garrison service in Australia and casualties were not expected.

To assist the DHAAT Panel to appreciate the insurgency environment we faced in Malaysia, the following Estimated Operational Statistics Scenario outline how the situation would be in Australia today if we were undergoing a similar insurgency:

The table below provides an estimate of the Counter Insurgency Operations Statistics Australia would have suffered if we had a similar incursion for the past 20 years. The numbers are based upon Malaysia's population of about 10,000,000 during 1970s, and scaled to Australia's current population of about 25,000,000.

Counter Insurgency Operation Statistics in Australia <u>Scenario</u> 2003-2023 (Estimated)	
Armed Terrorists	6,250
Terrorist Sympathisers	65,000
Casualties	3,720
Australian Security Forces Killed	388
Terrorists Killed	295
Terrorists Captured/Surrendered	667
Reports of Terrorist Movements	11,920
Terrorist Incidents	1,990
Caches of Weapons and Ammunition Found	1097
Terrorist Camps Found	1,350

When we consider the expectation of casualties in these circumstances, all Australians would expect a large number of casualties comprising of civilian, police, military and terrorists throughout the insurgency. In addition, were Australia to suffer a similar insurgency in the future, led by those same belligerents, of course all Australians would expect casualties and no-one would feel safe and immune to suffering casualties.

Consider what the expectation of casualties would be in the City of Sydney today, if there were 1,250 armed terrorists in the city, with a demonstrated history of violent uprising, intent on overthrowing the government? Add to that none of the information and communications technology that we have available today.

Please take a moment to consider how all Australians felt when the most recent terrorist incident occurred in Australia at the Lindt Café in Sydney. Now consider how you might feel in a country that had suffered 1,990 such incidents over 20 years and how everyone could reasonably expect further casualties until the conflict ended.

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



Attachments

COUNTER INSURGENCY OPERATIONS														
Year	CY DESTROYED				SF CASUALTIES			ACTIVITIES						
	Killed	Captured	Surrendered	Total	Killed	Wounded	Total	Clashes	Incidents	Movements	FINDINGS			
											Camps	Resting Places	Food Dumps	Total
1969	-	-	1	1	6	22	28	-	5	83	-	18	-	18
1970	9	2	5	16	13	28	41	11	18	192	6	25	2	33
1971	9	1	3	13	9	35	44	17	13	316	7	46	12	65
1972	1	1	2	4	4	17	21	8	11	18	14	34	37	85
1973	8	-	1	9	4	19	23	16	22	181	17	50	76	143
1974	41	8	10	59	3	38	41	34	63	377	25	86	48	159
1975	7	1	5	13	33	150	183	22	76	323	34	117	35	186
1976	16	10	19	45	3	6	9	41	168	571	25	83	53	161
1977	23	28	27	78	13	85	98	31	35	285	17	58	32	107
1978	15	5	8	28	14	124	138	60	116	396	89	84	36	209
1979	26	7	9	42	15	80	95	54	64	449	58	102	52	212
1980	17	-	1	18	12	27	39	36	33	362	53	81	32	166
1981	6	3	18	27	9	34	43	16	32	314	18	28	11	57
1982	4	-	1	5	2	38	40	36	42	249	19	32	9	60
1983	10	-	3	13	5	23	28	15	34	171	22	43	20	85
1984	5	-	1	6	5	40	45	18	32	105	18	36	11	65
1985	-	-	-	-	3	23	26	3	14	142	18	45	10	73
1986	6	-	2	8	1	28	29	9	3	136	38	56	68	162
1987	7	2	-	9	1	28	29	10	6	35	40	73	40	153
1988	2	82	1	85	-	8	8	2	7	55	12	34	13	59
1989	-	-	-	-	-	1	-	-	2	8	10	21	4	35
Total	212	150	117	479	155	854	1009	439	796	4768	540	1152	601	2293

Figure 4.42 Statistics of Operational Achievement in Peninsular Malaysia from 1969 until 1989. Source: National Security Council.

RCB Rules of Engagement uploaded separately.