

From: [Ray Fulcher](#)
To: [Kopplemann, Jay MR](#); [Hayes, Tammy MS](#)
Subject: OP CATALYST & RCB
Date: Monday, 10 July 2023 6:42:13 AM
Attachments: [FOI 746 22 23 - Documents for release.pdf](#)

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Jay & Tammy

Please pass this on to the Tribunal. We believe it will be of assistance to the Tribunal when considering matters of threat and expectation of casualties.

At the April hearings in Brisbane Brigadier Holmes assured the Tribunal that the expectation of casualties was always included in the nature of service recommendation to the Minister in relation to Australian operations.

Attached is a heavily redacted copy of the nature of service recommendation for OP CATALYST, recently acquired by RCBRG through FOI. Under the heading OVERVIEW at dot point 4, Defence states that "...**specific threat levels**..." were "...**difficult to predict**..." even though a military threat assessment had been conducted and a summary included with the brief.

The Tribunal will recall that a risk assessment conducted by RCBRG using the Operational Risk Management (ORM) Process, as detailed in ADFP 5.0.1, assessed the likelihood of an attack on Air Base Butterworth as PROBABLE and the risk of casualties as VERY HIGH. That assessment was reviewed by an industry risk management professional who was also a former Army Lieutenant Colonel with first-hand experience of using the ORM process in Iraq where OP CATALYST was conducted.

The brief does not advise the Minister that there was an expectation of casualties for OP CATALYST. Instead, Defence recommended a warlike determination based on: current threat assessments [which were "difficult to predict"], the expected ROE [authority to use force], tasks [pursuit of military objectives] and the **potential for casualties** (OVERVIEW at dot point 4).

We believe that the last, highlighted, point reinforces our argument that the potential risk of harm from hostile forces has been the threshold for warlike service since 1914.

Please confirm receipt

Yours

Ray Fulcher

Chair RCBRG

~~SECRET REL: AS/UK/US~~

A 3119

63526



AUSTRALIAN DEFENCE HEADQUARTERS
Chief of the Defence Force
MINUTE



B267916
CDF 758/03

Minister for Defence

For Action By: 16 May 2003

OP CATALYST – NATURE OF SERVICE

RECOMMENDATIONS

- That you
 - **approve** service on Operation CATALYST as Warlike, effective 30 May 2003.
 - **sign** the attached letter to the Prime Minister seeking his agreement to the nature of service (**FLAG A**). A suggested response from the PM is included at **FLAG B**.
 - subject to agreement from the Prime Minister, **sign** the attached declaration (**FLAG C**) for service on Operation CATALYST to be warlike for the purposes of the *Income Tax Assessment Act*.

s22

OVERVIEW

- OP CATALYST is the codename for an ADF participation in s33(a)(iii) operations in Iraq in order to support the Australian Whole-Of-Government effort to assist with the rehabilitation of Iraq and to remove the threat posed to global security by Iraq's WMD capability.

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~~SECRET REL: AS/UK/US~~

16-05-2003 10:46 FROM-

T-190 P-025/030 F-333

~~SECRET REL: AS/UK/US~~

- A Determination of Service matrix for Operation CATALYST has been developed (FLAG D). ADF personnel committed to the operation will be targets for terrorists or Iraqi asymmetric action with the range of terrorist responses making specific threat levels difficult to predict. Warlike service is recommended based on the current threat assessments, expected Rules of Engagement (ROE), tasks and the potential for casualties.
- ADF forces deployed on OP CATALYST will be based in a number of different countries in the MEAO and will be employed in a variety of roles, exposing them to differing levels of threat.

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AUTHORISED:

APPROVED/NOT APPROVED

SIGNED / NOT SIGNED

SIGNED / NOT SIGNED

NOTED

s22

P.J. COSGROVE
GEN
CDF

13 May 03

Contact: s47E(d)

Copies: MINASSIST, Secretary, VCDF, HSO, CA, CN, CAF, COMAST, DEPSEC SP, HDPE, FASBS Slipper would

I can't see how those in Operation Catalyst operating outside of Iraq can be said to be operating in a warlike environment. Those contributing to Slipper would still be warlike. For Catalyst in Iraq I agree that for the time being it is arguable although we are not expecting casualties & our forces are not there in a combat role. I think this needs further thought.

Robert Hill

/ /

I can't see how those in Operation Catalyst operating outside of Iraq can be said to be operating in a warlike environment. Those contributing to

Slipper would still be warlike.

For Catalyst in Iraq I agree that for the time being it is arguable although we are not expecting casualties & our forces are not there in a combat role. I think this needs further thought

Rm 11.6 P.25
18/5/03

~~SECRET REL: AS/UK/US~~

05-16-03 11:41

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16-05-2003 10:47 FROM-

T-190 P.026/030 F-333

~~SECRET REL: AS/UK/US~~

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BACKGROUND

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ISSUES

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~~SECRET REL: AS/UK/US~~

05-16-03 11:42

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16-05-2003 10:48 FROM

T-190 P.027/030 F-333

~~SECRET REL: AS/UK/US~~

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The operation
code name for Iraq transition and reconstruction is OPERATION CATALYST.

- The process of establishing OPERATION CATALYST as a new operation will take some weeks to achieve, including the determination of the Nature of Service and subsequent Conditions of Service. s22

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~~SECRET REL: AS/UK/US~~

05-16-03 11:43

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~~SECRET REL: AS/UK/US~~

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SPECIFIED AREA

- As the final location of ADF elements is yet to be determined, the specified area for OPERATION CATALYST s22 the total land areas, territorial waters and superjacent airspace boundaries of Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Saudi Arabia, Jordan, Yemen, the Arabian Gulf, the Strait of Hormuz, the Gulf of Oman, those portions of the Arabian Sea bounded by 68 degrees East and 12 degrees North, the Gulf of Aden, the Bab el Mandeb, the Red Sea, the Gulf of Suez, and the Gulf of Aqaba.

NATURE OF SERVICE

- A Nature of Service declaration is now required for Operation CATALYST, effective from 30 May 2003. This declaration will ensure that ADF personnel deployed on Operation CATALYST are adequately covered for their activities, and informed of their conditions of service.
- A Determination of Service matrix for Operation CATALYST has been developed (FLAG D). ADF personnel committed to the operation will be targets for terrorists or Iraqi asymmetric action. Whilst some individual assessments do vary, on balance WARLIKE service is recommended based on the current threat assessments, expected Rules of Engagement (ROE), tasks and the potential for casualties.

~~SECRET REL: AS/UK/US~~

16-05-2003 10:49 FROM-

T-190 P.029/030 F-333

~~SECRET REL: AS/UK/US~~

- A separate submission will be provided regarding the International Campaign Allowance and other conditions of services based on the outcome of this submission.

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~~SECRET REL: AS/UK/US~~

05-16-03 11:44

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P. 29

16-05-2003 10:50 FROM-

T-190 P.030/030 F-333

Senator the Hon Robert Hill
Minister for Defence
Parliament House
CANBERRA ACT 2600

My dear Minister,

Thank you for your letter of *[insert date]* regarding the declaration of the nature of service for operational service on Operation CATALYST as 'warlike' on and from 30 May 2003.

Based on the existing threat levels, Rules of Engagement, tasks and the potential for casualties, a declaration of 'warlike' nature of service appears entirely appropriate.

Most importantly, the 'warlike' declaration ensures ADF personnel deployed are provided with appropriate conditions of service commensurate with the threat levels and hardships faced.

Yours sincerely

(John Howard)

05-16-03 11:44

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Senator the Hon Robert Hill
Leader of the Government in the Senate
Minister for Defence

The Hon John Howard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

I write to seek your agreement to declare the Nature of Service for the Australian Defence Force (ADF) personnel deployed on Operation CATALYST as warlike effective from 30 May 2003.

Operation CATALYST is the codename for the ADF contribution to an Australian whole-of-government effort to assist with the rehabilitation of Iraq.

The specified area for Operation CATALYST is defined by the total land areas, territorial waters and superjacent airspace boundaries of Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Saudi Arabia, Jordan, Yemen, the Arabian Gulf, the Strait of Hormuz, the Gulf of Oman, those portions of the Arabian Sea bounded by 68 degrees East and 12 degrees North, the Gulf of Aden, the Bab el Mandeb, the Red Sea, the Gulf of Suez, and the Gulf of Aqaba.

As you are aware, Third Country Deployments will also take place involving the deployment to the specified area of ADF personnel on exchange with Coalition forces. These personnel will be assigned for Operation CATALYST conditions of service purposes in the same way as they have previously been treated under Operations SLIPPER and FALCONER.

Following the Government's decision to commit ADF forces to rehabilitation operations in Iraq, warlike service is recommended based on the current threat assessments, expected Rules of Engagement, tasks and the potential for casualties.

This proposed declaration is a key element for the continuation of appropriate conditions of service package for all ADF personnel deployed.

Yours sincerely

Robert Hill

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1 of 1

Determination of Nature of Service - Operation CATALYST

F-334

P.001

T-101

Issuance: OP CATALYST is the codename for an ADF participation in US-led coalition operations in Iraq in order to support the Australian Whole-Of-Government effort to assist with the rehabilitation of Iraq and to remove the threat posed to global security by Iraq's WMD capability.

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Initial Components of Strategic Guidance

Operational Policy Statement (draft)

Definition of AO/AOs

The Middle East Area of Operation for OPERATION CATALYST is defined by the total land areas, territorial waters and superjacent airspace boundaries of Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Saudi Arabia, Jordan, Yemen, the Arabian Gulf, the Strait of Hormuz, the Gulf of Oman, those portions of the Arabian Sea bounded by 68 degrees East and 12 degrees North, the Gulf of Aden, the Bab el Mandeb, the Red Sea, the Gulf of Suez and the Gulf of Aqaba.

Date assessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Coalition Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
s38									The Nature of Service for OP CATALYST is assessed as IVARLIKE.

16-05-2003

~~SECRET-REL-NOFORN~~

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~~SECRET REL. 10/11/08~~
2 of 1

F-334

Apr-03 P. 002/010

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Date ssessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Collision Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
Apr-03	s38						s38		
Feb-03							s38		

FROM-

10:52

16-05-2003

~~SECRET REL. 10/11/08~~

Date Assessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Coalition Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
14-Feb-03	s38							s38	
14-Feb-03									
8-May-03									
28-Feb-03									

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~~SECRET REL: AS/UK/US~~



AUSTRALIAN DEFENCE HEADQUARTERS
Chief of the Defence Force

MINUTE

COF/ 1034/03
B274911

Minister for Defence



For Action By: As soon as convenient to enable execution of decisions by the nominated effective date.

OPERATION CATALYST - NATURE OF SERVICE

RECOMMENDATIONS

- That you:
 1. **approve** service on Operation CATALYST as Warlike, effective 16 July 2003.
 2. **sign** the attached letter to the Prime Minister seeking his agreement to the nature of service (**FLAG A**). A suggested response from the PM is included at **FLAG B**.
 3. subject to agreement from the Prime Minister, **sign** the attached declaration (**FLAG C**) for service on Operation CATALYST to be warlike for the purposes of the *Income Tax Assessment Act*.
 4. **note** that the nature of service will be reviewed again in December 2003 or earlier if significant improvements in the military threat occur.
 5. **note** the conditions of service that will be applicable if service on Operation CATALYST is declared warlike.

6. s22

7. s22

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OVERVIEW

- MINSUB B267916 CDF 758/03 of 13 May 2003 initially sought approval of a warlike nature of service for Operation CATALYST. The MINSUB was returned for further justification of the nature of service sought.

~~SECRET REL: AS/UK/US~~

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- MINSUB B272285 CDF 969/03 of 26 June 2003 sought approval of a warlike nature of service for Operation CATALYST. The MINSUB was returned with the following comment: *"The specified area is too large. For example the Gulf of Oman has nothing to do with Iraq. Neither has the whole of Saudi Arabia. Please reconsider."*
- This MINSUB addresses issues raised in B272285 and seeks approval of a warlike nature of service for Operation CATALYST effective 16 July 2003.

- The specified area has been redefined in this submission to exclude Oman, the Gulf of Oman and those parts of Saudi Arabia south of 23 degrees N. s38

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- A Determination of Service matrix for Operation CATALYST has been developed (FLAG D). ADF personnel committed to the operation will be targets for terrorists or Iraqi asymmetric action with the range of terrorist responses making specific threat levels difficult to predict. Warlike service is recommended based on the current threat assessments, expected Rules of Engagement (ROE), tasks and the potential for casualties.

- s22

- The nature of service for Operation CATALYST will be reviewed in December 2003 or earlier if significant improvements in the military threat are evident.

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~~SECRET REL: AS/UK/US~~

~~SECRET REL: AS/UK/US~~

3

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AUTHORISED:

1. APPROVED/~~NOT APPROVED~~

2. SIGNED / NOT SIGNED *Not signed following Mrs Hill 7/7/03*

3. SIGNED / ~~NOT SIGNED~~

4. NOTED

5. NOTED

6. APPROVED/NOT APPROVED

7. NOTED

s22



✓ **R.E. SHALDERS**
VADM, RAN
A/CDF

9 July 2003

s22



Robert Hill

14/7/03

Contact: s47E(d)

Copies: Minister Assisting the Minister for Defence, Secretary, VCDF, HSO, CA, CN, CAF, COMAST, DEPSEC SP, HDPE, FASBFP, DGPPEC.

~~SECRET REL: AS/UK/US~~

Minister for Defence



Income Tax Assessment Act 1936 (ITAA 1936)

Determination of Warlike Service (OPERATION CATALYST)

I, Robert Hill, Minister for Defence, having consulted with the Prime Minister, determine that service rendered as a member of the Australian Defence Force (ADF) serving on Operation CATALYST effective 16 July 2003 in the specified area below is warlike service for the purposes of Section 23AD of the *Income Tax Assessment Act 1936*.

The specified area for Operation CATALYST is defined by the total land areas, territorial waters, internal waterways and superjacent airspace boundaries of Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Saudi Arabia north of 23 degrees N, the Persian Gulf, and the Strait of Hormuz.

Dated this 14 day of July 2003

s22

ROBERT HILL
Minister for Defence

Determination of Nature of Service - Operation CATALYST

Mission:		OP CATALYST is the codename for an ADF participation in s33(a)(iii) operations in Iraq in order to support the Australian Whole-Of-Government effort to assist with the rehabilitation of Iraq and to remove the threat posed to global security by Iraq's WMD capability.							
Critical Components of Strategic Guidance		s38							
National Policy Statement (draft)									
Definition of AO/AOs		The Middle East Area of Operation for OPERATION CATALYST is defined by the total land areas, territorial waters and superjacent airspace boundaries of Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Saudi Arabia north of 23 degrees N, the Persian Gulf, and the Strait of Hormuz.							
Date Assessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Coalition Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
	s38						Direction on the specific rights and obligations of ADF members under international and domestic law are to be provided as a supplement to the Rules of Engagement.	s38	The Nature of Service for OP CATALYST is assessed as WARLIKE.

Date Assessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Coalition Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
16-Apr-03	s38							s38	
14-Feb-03									

Date Assessed	Force Element Assessed and Task	Rules of Engagement		Military Threat Assessment (including casualty assessment)		Degree of Support from Local Authorities	UN or Coalition Mission Details	Other Issues	Assessment
		Peacetime Unarmed Armed	Self Defence Limited Offensive Action Offensive Action	Operational Threat	Environmental Threat				
14-Feb-03	s38							s38	
14-Feb-03									
08-May-03									
28-Feb-03									