



## Australian Government

### Defence Honours and Awards Appeals Tribunal

#### **Hunt and the Department of Defence [2024] DHAAT 7 (21 August 2024)**

**File Number(s)** 2023/020

**Re** **Mr John Ward Hunt**  
Applicant

**And** **The Department of Defence**  
Respondent

**Tribunal** Mr Stephen Skehill (Presiding Member)  
Air Commodore Anthony Grady AM (Retd)  
Mr Jonathan Hyde

**Hearing Date** 26 June 2024

**Attendance** Mr John Hunt  
Mrs Maria Hunt

Mrs Allison Augustine, Acting Director, Directorate of Honours and Awards, Department of Defence

Mr Kevin Lawson, Director Nature of Service, Nature of Service Directorate, Department of Defence

Mr Brett Mitchell, Research Officer, Directorate of Honours and Awards, Department of Defence

#### **DECISION**

On 21 August 2024, the Tribunal decided:

- a) to affirm the decision that Mr John Hunt not be recommended for the Australian Active Service Medal 1945-1975; and
- b) to not recommend that service rendered by Mr Hunt be declared a warlike operation so as to render him eligible for the Australian Active Service Medal 1945-1975.

## CATCHWORDS

DEFENCE AWARD – Australian Active Service Medal 1945-1975 – service SE Asia - Thai/Malaya border patrols – Army service in South East Malaysia 1970-1971 – service previously recognised as ‘non-warlike’

## LEGISLATION

*Defence Act 1903* – Part VIIIIC – Sections 110T, 110V(1), 110VB(2), 110VB(6)

*Defence Regulation 2016*, Regulation 36

*Commonwealth of Australia Gazette*, S18, dated 19 January 1998, *Australian Active Service Medal 1945-1975 Letters Patent and Regulations*, dated 11 December 1997.

*Australian Active Service Medal 1945-1975 Regulations – Instrument of Delegation* dated 23 September 2018

*Commonwealth of Australia Gazette* S64, dated 28 February 2002, *Australian Active Service Medal 1945-1975, with Clasp ‘THAI-MALAYA’ Governor-General Declaration and Determination* dated 7 February 2002.

## Introduction

1. The Applicant, Mr John Hunt, seeks review of a decision dated 4 October 2023<sup>1</sup> of the Department of Defence to refuse to recommend him for the Australian Active Service Medal 1945-1975 (AASM 1945-1975) for service in Malaysia near the Thai/Malay border in 1970 and 1971.<sup>2</sup>

## Decision under review

2. On 21 September 2023, Mr Hunt submitted an application to the Directorate of Honours and Awards in the Department of Defence for an assessment of his eligibility for the AASM 1945-1975.<sup>3</sup> On 4 and 16 October 2023, the Directorate advised Mr Hunt in writing that Defence had no plans to make amendments to (the eligibility criteria for) the AASM 1945-1975 to recognise his service.<sup>4</sup>

3. On 16 October 2023, Mr Hunt made application to the Tribunal. Mr Hunt subsequently provided several supplementary submissions in support of his application.<sup>5</sup>

## Tribunal jurisdiction

4. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for a defence award in response to an application. Regulation 36 of the *Defence Regulation 2016* lists the defence awards that may be the subject of a reviewable decision. Included in the defence awards listed in Regulation 36 is the AASM 1945-1975. Therefore, the Tribunal has jurisdiction to review decisions in relation to this award.

## Conduct of the Review

5. Prior to the hearing held on 26 June 2024, the Tribunal circulated to Mr Hunt and Defence a number of significant documents of potential relevance to the matters raised by Mr Hunt's application to allow them to be considered prior to the hearing. At the hearing, wide-ranging discussions were held in relation to the entirety of all the material available to that time, and it was agreed that certain additional material, and the Tribunal's initial analysis of it, would be circulated by Mr Hunt and the Tribunal for consideration by the parties and any further comment they wish to make.

6. In addition, at the conclusion of the hearing when it appeared that nothing further could be achieved on the day, an invitation was extended to Mr Hunt to make any further submission in writing that he might wish to make after he had had an opportunity to further consider the discussions that had been held during the hearing. Mr Hunt took advantage of that invitation to make multiple further submissions in the following weeks. These were each circulated to Defence and all were very carefully considered in detail by the Tribunal

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<sup>1</sup> A further decision was communicated to Mr Hunt on 16 October 2023 and was considered in the course of this review.

<sup>2</sup> Application to the Tribunal from Mr Hunt dated 16 October 2023.

<sup>3</sup> Application to Defence for the award of the AASM 1945-1975 by Mr Hunt.

<sup>4</sup> Email, Defence to Mr Hunt dated 4 October 2022 and letter, Defence to Mr Hunt, dated 16 October 2022.

<sup>5</sup> Application to the Tribunal from Mr Hunt, dated 16 October 2023.

in reaching the analysis set out later in this report.

7. The Tribunal takes this opportunity to express its appreciation to Mr Hunt for his diligence and thoroughness in preparing material for consideration by the Tribunal, and for the honesty and candour he displayed at the hearing. In doing so, the Tribunal recognises that Mr Hunt's efforts over many years to achieve the medallic recognition which he believes is warranted for his service have taken a distressing toll on him. While that is a matter for considerable regret, it cannot override the duty of the Tribunal to arrive at the decision on his application that it believes, having regard to all relevant consideration, to be the correct and preferable decision in all the circumstances.

### **Mr Hunt's service**

8. Mr Hunt enlisted in the Australian Regular Army Supplement - National Service on 9 July 1969 and was discharged on 8 July 1971 having completed his National Service obligation. Upon completing his National Service obligation, Mr Hunt was placed in the Australian Regular Army Reserve component from 9 July 1971 for a period of three years. Mr Hunt had a further period of service in the Citizen Military Forces from 20 August 1977 to 14 October 1991.

9. Mr Hunt has been awarded the following for his service:

- a) the Australian Service Medal 1945-1975 with Clasp 'SE ASIA';
- b) the Australian Defence Medal; and
- c) the Anniversary of National Service 1951 -1972 Medal.<sup>6</sup>

10. This review concerns Mr Hunt's service between 15 January 1970 and 9 May 1971, during his posting to the 1<sup>st</sup> Battalion, Royal Australian Regiment, based at Selarang Barracks, Singapore as part of the Australian component of the 28<sup>th</sup> Commonwealth Infantry Brigade. In his application to the Tribunal, Mr Hunt refers to having spent *months of service on and near the Thailand/Malaysian border* during this time.<sup>7</sup>

### **Malayan emergency/FESR**

11. In 1948 the British colonial authorities in Malaya declared a state of emergency in order to combat a wave of violence and unrest which arose from a background of considerable political, racial and industrial conflict. For the next 12 years British, Malayan and Commonwealth forces fought against an insurgency led by the Malayan Communist Party (MCP). The state of emergency, which became generally known as the Malayan Emergency, was not fully lifted until 1960, by which time the Federation of Malaya had been independent for three years.<sup>8</sup>

12. Following the signing of the Korean Armistice Agreement in 1953, the British Chiefs of Staff considered the establishment of a standing Commonwealth Strategic Reserve to relieve the pressure on their hard-pressed and thinly spread force. This concept

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<sup>6</sup> Letter, Defence to the Tribunal, dated 30 November 2023.

<sup>7</sup> Application to the Tribunal from Mr Hunt, dated 16 October 2023.

<sup>8</sup> *Crises and Commitments*, the Politics and Diplomacy of Australia's Involvement in the South East Asian Conflicts 1948-1965, by Peter Edwards, Allen & Unwin in Association with Australian War Memorial, Sydney 1992. p 21.

was soon termed the Far East Strategic Reserve (FESR) and was intended to provide forces for the defence of Malaya and Singapore and their adjacent waters. These would be stationed in Malaya to be ready to respond at a moment's notice.<sup>9</sup> The FESR's primary role was, in accordance with the purposes of the South East Collective Defence Treaty, to provide a deterrent to, and to be available at short notice to assist in countering further communist aggression in South East Asia. Further, it formed part of the force for external defence of Malaya and Singapore. The secondary role of the Strategic Reserve was to assist in the maintenance of the security of Malaya by participating in operations against communist terrorists. Units of the Strategic Reserve were to be employed in its secondary role to the extent such employment did not prejudice the readiness of the Strategic Reserve to perform its primary role.<sup>10</sup>

13. The 28th Commonwealth Infantry Brigade Group was a Commonwealth formation of the FESR, based in Malaysia from 1955 to 1971, elements of which participated in the Malayan Emergency, Indonesia Confrontation and the Vietnam War.

14. From 1970 due to the changing winds of politics in London and Canberra, the Brigade started to wind down and units were either disbanded or moved to other locations and on 31 October 1971 the Brigade ceased to exist when it relocated to Singapore and was renamed 28 ANZUK Infantry Brigade on 1 November 1971.

15. On 3 April 1970, soldiers of 1st Battalion, The Royal Australian Regiment, gunners of 108 Battery and sappers of 2nd Field Troop combined in the Kota Tinggi training area in southern Malaya. Code-named 'KNUCKLE DOWN', this shakedown exercise was the first in which all Australian troops had taken part since the force moved to Singapore on 15 January 1970. The subsequent Exercise Bersatu Padu, staged in West Malaysia in June 1970, was designed to train and exercise combined forces of Australia, Malaysia, New Zealand, Singapore and the United Kingdom under conditions that would prevail after the United Kingdom withdrawal from the area.

### **Eligibility Criteria for the Australian Active Service Medal 1945-1975**

16. The AASM 1945-1975 was instituted by Letters Patent issued on 11 December 1997 for the purpose of 'according recognition to *Defence Force members and former members who have served in a declared warlike operation termed a 'prescribed operation' between 3 September 1945 and 13 February 1975*'.<sup>11</sup> The following clasps have been issued for the medal:

- a) KOREA (for service during the Korean War from 1 July 1950 to 27 July 1953);
- b) MALAYA (for service during the Malayan Emergency from 16 June 1948 to 31 July 1960);

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<sup>9</sup> *Malayan Emergency and Indonesian Confrontation*, Australian Military Operations in Malaya and Borneo 1950-1966, by Peter Dennis and Jeffrey Grey, Allen & Unwin in Association with Australian War Memorial, Sydney 1996, p 47.

<sup>10</sup> Nature of Service Responses to Claims by Mr Hunt regarding service in Malaysia contained in his Application for Review to the Tribunal – Defence Report, Attachment B.

<sup>11</sup> *Commonwealth of Australia Gazette S18*, dated 19 January 1998, *Australian Active Service Medal 1945-1975, Letters Patent and Regulations dated 11 December 1997*. Defence Report.

- c) MALAYSIA (for certain prescribed operations in Malaysia between 1962 and 1966);
- d) THAILAND (for service at Royal Thai Air Force Base Ubon between 25 June 1965 and 31 August 1968, and service on Operation CROWN between June and August 1968)
- e) THAI-MALAY (see below); and
- f) VIETNAM (for service during the Vietnam War)

**Eligibility Criteria for the Australian Active Service Medal 1945-1975 with Clasp ‘THAI-MALAY’**

17. The eligibility criteria for awarding the AASM 1945-1975 with Clasp ‘THAI-MALAY’, are contained in paragraphs (b) to (d)(v) of *Commonwealth of Australia Gazette No S64, Declaration and Determination under the Australian Active Service Medal 1945-1975 Regulations*, dated 28 February 2002 (the Determination) which declares that:

[...]

*(b) ... the following warlike operations in which members of the Australian Defence Force were engaged on the Thailand- Malaysia border and within the area described in paragraph (c) to be a prescribed operation for the purposes of the Regulations:*

- (i) land and air anti-terrorist operations during the period that commenced on 1 August 1960 and ended on 31 December 1964;*
- (ii) Royal Australian Air Force air operations during the period that commenced on 17 August 1964 and ended on 30 March 1966;*

*(c) the area of operations for eligibility for the Australian Active Service Medal 1945-1975 is all that part of the Federation of Malaya contained within the area bounded by a line commencing at the intersection of the western shore of the Federation of Malaya at high-water mark and the boundary between the States of Perlis and Kedah; thence proceeding generally north-easterly along that boundary to its intersection with the railway line from Arau to Penang Tunggal; thence following that railway line generally southerly to its intersection with the northern boundary between the States of Penang and Kedah; thence proceeding along the boundary between those States generally easterly, southerly and westerly to the intersection of the boundaries of the States of Penang, Kedah and Perak to its intersection with the railway line from Penang Tunggal to Taiping, thence following that railway line generally southerly, easterly and southerly to its intersection with the parallel 4 degrees 51 minutes north latitude; thence proceeding due south in a straight line to the intersection of that line with the parallel 4 degrees 30 minutes north latitude; thence proceeding along that parallel to its intersection with the eastern bank of the Perak River; thence following that bank of that river to its intersection with the parallel 4 degrees 47 minutes north latitude; thence proceeding in a straight line to the intersection of the boundaries of the States of Perak, Kelantan and Pahang; thence proceeding along the boundary between the States of Kelantan and Pahang to its intersection with the meridian 101 degrees 48 minutes east longitude; thence proceeding in a straight line to the intersection of the eastern bank of the Raya*



*River with the eastern bank of the Nenggiri River, thence following that bank of that river to its intersection with the western bank of the Galas River; thence proceeding in a straight line due east to the eastern bank of that river, thence following that bank of that river and the eastern bank of the Kelantan River to its intersection with the eastern shore of the Federation of Malaya at high-water mark, thence following that shore at high-water mark to its intersection with the boundary between the Federation of Malaya and Thailand; thence proceeding along that boundary to the western shore of the Federation of Malaya and Thailand at high-water mark; thence following that shore of the Federation of Malaya at high-water mark to the point of commencement; (as shown at Attachment B-05) and*

(d) **determine**, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Active Service Medal 1945-1975. Clasp 'THAI-MALAY' ("the Medal") for the prescribed operation are:

- (i) *the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while allotted and posted as a member of the Australian element assigned for duty to the prescribed operation;*
- (ii) *the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member as part of the contribution of a foreign Defence Force to the prescribed operation while on secondment or exchange with the foreign Defence Force;*
- (iii) *the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed one operational sortie within the duration of the prescribed operation;*
- (iv) *the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits, inspections or other occurrences of a temporary nature in connection with the military contribution in the prescribed operation;*
- (v) *the Medal may be awarded to a person who rendered service as part of the Australian element of the prescribed operation and who, in accordance with a determination made by the Minister under paragraph 4(l)(b) of the Regulations, is in a class of persons who may be awarded the Medal. [...]*

18. Given the timing of his service, there appears to be no dispute that Mr Hunt does not meet the eligibility criteria for the AASM 1945-75 with clasp 'THAI-MALAY' or any of the other clasps mentioned above. Rather, Mr Hunt sought an amendment to the eligibility criteria covering one of the existing clasps, or a new clasp, which would recognise his service (and any comparable service of his colleagues).

## Mr Hunt's application to Defence

19. In his application to Defence, Mr Hunt made reference to his and other submissions<sup>12</sup> to the Tribunal's *Inquiry into medallic recognition for service with Rifle Company Butterworth*, and asked that his service be 'elevated' to attract medallic recognition by way of the AASM. He observed that, in the course of that inquiry, the Tribunal's consideration of service at RCB focussed on degree of risk and expectation of casualties. He stated that the submissions to which he referred all explained that the risks and therefore the expectation of casualties were far higher, being unprotected in the jungle area at the Thai/Malay border.

20. Mr Hunt stated that in 2001, the then Policy Staff Officer with the Directorate of Honours and Awards, Mr Pat Clarke, referred to the northern border region of West Malaysia as *no go areas for ADF personnel* (in the context of RCB service). Mr Hunt argued that this provided a basis for his service on the Thai/Malay border to be classified as 'warlike'. He also argued that application of the New Zealand government's risk assessment matrix for the classification of Defence service would result in a higher degree of risk being demonstrated in his service.

## The Defence refusal

21. In response to Mr Hunt's application, Defence advised Mr Hunt that it believed that his service in South-East Asia was correctly recognised by way of the Australian Service Medal 1945-75 with Clasp 'SE ASIA', and that it had *reviewed* (his) *correspondence and* (his) *public submissions to the Inquiry into medallic recognition for Rifle Company Butterworth, and that there are no plans to make amendments to the AASM 1945-1975*.<sup>13</sup>

## Mr Hunt's application and further submissions to the Tribunal

22. In his application to the Tribunal, Mr Hunt confirmed that he sought that his level of recognition be elevated from the ASM to the AASM, following on from the Tribunal's inquiry into medallic recognition for service with Rifle Company Butterworth. Mr Hunt stated that, during his deployment to South East Asia, he completed *months of service on and near the Thailand/Malaysian border* and that, at the time, Communist Terrorists (CTs) were waging a very serious insurgency war against the Malaysian Security Forces.

23. Mr Hunt argued that at the time of his service, the Malaysian Peninsula was in a volatile and unstable state. A significant base of Mr Hunt's submission was that earlier service during the Malayan Emergency, where CTs were considered the enemy, had been recognised with the Australian Active Service Medal, while his service had not been so recognised. Mr Hunt relied on the third principle of the Committee of Inquiry into Defence Awards (CIDA) that, *in recognising the service by some, the comparable service of others is not overlooked or degraded*.<sup>14</sup>

24. In his initial and supplementary submissions, Mr Hunt relied heavily on Mr Clarke's statement regarding the conflict between Malaysian Security Forces and the CTs on the border area that:

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<sup>12</sup> See Submission 010 Mr Neville McDougall; Submission 075 Major John Danaher (Retd); Submission 116 Mr Craig Hannan; Submission 126 Mr Glenn Breedon.

<sup>13</sup> Letter, Defence to Mr Hunt, dated 16 October 2023.

<sup>14</sup> Application to the Tribunal from Mr Hunt, dated 16 October 2023.



*There are recorded incidents of ambushes on Malaysian troops, bombings and daily skirmishes with local military and police forces by the terrorists. Accordingly, due to these terrorist activities, the northern regions of the Malay Peninsula were 'no go' areas for Australian Defence Force personnel.<sup>15</sup>*

25. Mr Hunt argued that, as he was deployed into this 'no go' area, his service should be recognised with the AASM. Mr Hunt also stated that he and others were warned about the danger of this area at the time of his service:

*In the Butterworth auditorium, we were warned and told that there had been recent CT activity in the region we were going to, and there was a possibility that the CTs could contact us. We were also told, that if we were contacted, then we would be resupplied within 20 minutes, and the reason we were going to the border region was 'to be seen to be present as a deterrent to the CTs'.<sup>16</sup>*

26. Mr Hunt asked that the Tribunal recognise the additional danger associated with his role in the border zone, and in carrying out a 'deterrent' role by being 'seen to be present'.<sup>17</sup>

27. Mr Hunt contended that his service moved from 'non-warlike' to 'warlike' on the occasions that he moved to the 'no go' zone on the Thai-Malay border.

28. Mr Hunt provided statistics of the Malaysian Security Force's engagements and casualties in conflicts with the CTs and argued that those statistics illustrated a high likelihood of contact with the CTs, to the extent that there was a very high expectation of casualties among Australian forces.<sup>18</sup> Mr Hunt also provided submissions which emphasised what he believed was the anomalous nature of his service,<sup>19</sup> and research material which he believed to substantiate the claim that CTs in Malaysia and Thailand were considered an enemy by Australian authorities.<sup>20</sup>

### **The Defence report**

29. In its report to the Tribunal, Defence reviewed its decision from 2023 and re-assessed Mr Hunt's eligibility for the AASM 1945-1975. It concluded that:

- a) Mr Hunt did not render service during the qualifying period for the AASM 1945-1975 with Clasp 'THAI-MALAY', nor did he render service on another prescribed warlike operation; therefore he has not completed any service qualifying for an AASM 1945-1975;
- b) Mr Hunt's service in Singapore/Malaysia with 1RAR inclusive of the vicinity of the Thai/Malay border was, for the purpose of medallic recognition, rendered on a *declared non-warlike* operation, which was service qualifying for the ASM 1945-1975 with Clasp 'SE ASIA' that he has been awarded;
- c) or the purpose of medallic recognition, prescribed warlike operations in South East Asia ceased on 14 September 1966. More specifically, prescribed warlike

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

operations on the Thai-Malay border on land and air anti-terrorist operations ceased on 31 December 1964; and

- d) in relation to Mr Hunt's posting to 1RAR in Singapore, prescribed warlike operations on the Malay Peninsula/Singapore ceased on 11 August 1966.

30. On those bases, Defence recommended that the reviewable decision be affirmed.

31. In its request for the Defence report, the Tribunal sought all available records relating to Mr Hunt's service on the Thai-Malay border region. In response to this request, Defence provided a document setting out its response to Mr Hunt's various nature of service claims made in the course of this review, and lengthy commentary relating to numerous claims made by Mr Hunt in earlier correspondence.

32. Through this document, Defence submitted that the map provided with Mr Hunt's application, which he stated was a record of patrols, exercises and CT locations during his service in Malaysia, was not an official record, and that versions of the map submitted by Mr Hunt appear to have changed over time. However, it stopped short of submitting that Mr Hunt did not serve in the border area; rather it stated that 1RAR conducted training exercises on the Malay Peninsula, including northern Malaysia, but that these were not operational patrols, and that blank ammunition was carried.

33. Defence acknowledged that the primary role of the FESR was to *provide a deterrent to, and to be available at short notice to assist in countering further communist aggression in South East Asia*, and to form part of the force for external defence of Malaya and Singapore and that its secondary role was to *assist in the maintenance of the security of Malaya by participating in operations against CTs*. Defence stated however that the Australian Government had not authorised Australian forces to engage in any operations against hostile forces or dissident elements in response to internal or external threats in Malaysia after 1966. It said that the FESR, including Australian elements, continued training within Singapore and Malaysia after this time, including jungle training with Malaysian forces in Malaysia.

34. Concerning Mr Hunt's submissions about the 'no-go' zone in the border region of the Malay Peninsula, Defence explained that these were the words of a policy staff officer within the Directorate of Honours and Awards in background briefing material, and not found in other official correspondence.

35. Defence submitted that while intermittent CT activity continued during Mr Hunt's service, ADF personnel did not conduct offensive operations in Malaysia after 1966, and that there are no records of any attack on, or interference with, ADF forces by CTs or of any intent by the CTs to do so. While 1RAR commander's diaries were not included in the Defence report, it submitted that previous viewings of those diaries confirmed that they contain 'no record of concerns relating to communist terrorist activity'.

36. Concerning Mr Hunt's submissions about the Malaysian Security Council statistics (relating to Malaysian personnel), Defence submitted that the expectation of casualties, derived from threat assessments, that is considered for Australian Nature of Service purposes has regard to the expectation of ADF casualties.

37. In response to the Tribunal's request, Defence also provided official records in the form of copies of the Far East Land Forces Commander's Diary from January to December 1970 (with the exception of October 1970, which could not be located).

38. Defence advised the Tribunal that the 1RAR Commander's Diary for the same period could be located in the collection of the Australian War Memorial, but that Defence had not been able to view those records due to time constraints associated with the Australian War Memorial's reconstruction. Those diaries for January to December 1970 were subsequently accessed by the Tribunal's Secretariat and added to the review documents.

39. Concerning the Thai/Malay border area, the Far East Land Forces Commander's Diaries record irregular contact between small groups of CTs and Thai and Malay security forces during the period, and the infrequent detonation of booby traps, apparently laid by CTs, which on occasion resulted in civilian casualties. There are no recorded contacts between Australian forces and CTs.

### **Mr Hunt's comments on the Defence report**

40. On 15 December 2023, Mr Hunt provided an extensive commentary on the Defence report and, in doing so, disagreed with many of Defence's assertions and contentions, or dismissed them as 'obfuscation'. In the main, Mr Hunt submitted that his service (improperly) remains unrecognised warlike service and that, in developing the current suite of medallic recognition, Defence had failed to study the history, evidence and facts. He also indicated that official records in respect of his service lacked detail, and made several observations about the relationship between medallic recognition and repatriation benefits.

41. Mr Hunt stood by his submission concerning the incidence of Malaysian casualties, arguing that these supported a risk assessment *concerning the potential to be ambushed or the possibility of an ambush, and the expectation of casualties that would occur should an ambush take place*. Again, Mr Hunt attributed significant weight to the 'no-go' zone comment by Mr Clarke, reinforced that this was an official Defence position, and again submitted that the purpose of 1RAR's deployment to the Thai-Malay border region was *being seen to be present as a deterrent*. He argued that 1RAR's service *could very easily have turned into an offensive operation if we had been ambushed* and that, by being seen in the area, it was conducting operations against the CTs. Mr Hunt also argued that the existence of a 'no-go' zone supported his submission that the CTs had an intent to target ADF forces.

42. As to Defence's claim about the issuing of blank ammunition, Mr Hunt again referred to the briefing given in the Butterworth auditorium and indicated that in the event of attack Australian forces would be resupplied with live ammunition within 20 minutes, as per the briefing. At the conclusion of his comments, Mr Hunt helpfully provided a summary of what he contended were facts relevant to his application:

*1. After 31 Dec 1966, when the qualifying period ended to qualify for the AASM 45 to 75 THAI/MALAY (sic) border medal, it was very quiet on the border till mid-1969, when the CT's started their second emergency described by the Malaysians as "The Malaysian Communist Insurgency War 1969 to 1989.*

*2. I served in the border region between 1970 and 1971 under the FESR. Our role under the FESR was "to provide a **deterrent to**, and to be available at short notice in **countering further communist aggression**, also as a secondary role "to assist in the maintenance of the security of Malaya by **participating in operations against communist terrorists**. The Collins dictionary describes deterrent as "A*

*deterrent is something that prevents people from doing something by making them afraid of what will happen to them if they do it.”*

*3. We participated in operations against the CT's by being there in the border region, and making sure we were seen by the CT's as a “Deterrent by being seen to be present”*

*4. 1 RAR was the only battalion that carried out patrols in the border region during the second emergency's 20 years and that was till the end of the FESR in 1971.*

*5. Malaysia had no Parliament during my service and it was run by a nine man National Security Council who controlled all military and civil matters.*

*6. During our patrolling in the heavy jungle border region, there was no protection for us, and the opportunity for the CT's to ambush us was a definite possibility. To that event, we were warned of that possibility, at the Butterworth Auditorium.*

*7. The DOD considered the border region during the second emergency as a No Go Zone for ADF personnel, due to the actions of the Ct's, and clearly had concerns about the CT's intent towards us.*

43. Mr Hunt also provided a copy of information provided to him following a freedom of information request to the Department, and a copy of his submission to the 1999 Mohr review into service entitlement anomalies in respect of South-East Asian service.<sup>21</sup>

### **Tribunal analysis**

44. Award of the AASM is only available in respect of service rendered in the course of a ‘warlike operation’ prescribed by the Governor-General. There is no declaration by the Governor-General of any warlike operation in Malaya other than for service during the Malayan Emergency between 16 June 1948 and 31 July 1960, in Malaysia other than between 1962 and 1966, or on the Thai/Malay border other than between 1960 and 1966.

45. As a result and as things stand, Mr Hunt is not eligible to be awarded the AASM in respect of his service in Malaysia (and Singapore) during the period 15 January 1970 to May 1971. Accordingly, the decision by Defence to refuse to recommend him for the AASM for that service is undoubtedly correct and the Tribunal must affirm that decision. Mr Hunt indicated in his submissions and again at the hearing that he understood and accepted that situation.

46. However, Mr Hunt based his appeal to the Tribunal on the proposition that a declaration should be made by the Governor-General to cover at least the period of his service on the ground in Malaysia that he contended was ‘warlike’.

47. Under section 110VB(3) of the Act, the Tribunal does have the power to make any recommendation to the Minister that it considers appropriate arising out of a review of a decision to refuse to recommend a person for a defence award. It would therefore be possible for the Tribunal to recommend to the Minister that he should recommend to the

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<sup>21</sup> Mr Hunt's comments on the Defence report, dated 1 December 2023.

Governor-General that she should make a declaration under the Regulations that Mr Hunt's service or more generally the service of 1RAR during Mr Hunt's deployment was a warlike operation. It would of course be a matter for the Minister as to whether or not he should accept any such recommendation by the Tribunal.

48. However, before the Tribunal would be prepared to make such a recommendation, it considered that it would be necessary for it to be reasonably satisfied of the following:

- where the service in question was rendered;
- when that service was rendered;
- why that service was rendered; and
- whether that service was properly able to be classified as 'warlike'.

49. In the absence of satisfaction as to these matters, the Tribunal would not be able to appropriately formulate the terms of a recommendation to the Minister that could in turn be put to the Governor-General in terms appropriate for a declaration under the Regulations.

50. At the core of this review was the difficulty presented by the fact that Mr Hunt's service records and other contemporaneous records of ADF service in Malaysia at the relevant time provide virtually no detail that would support Mr Hunt's claim to have provided service on a warlike operation or, indeed, of the time he spent in Malaysia, what activities he undertook while there, and exactly where he was deployed at those times. This absence of contemporaneous records was not necessarily fatal to Mr Hunt's case. But it did make it incumbent on the Tribunal to assess with great care the claims that Mr Hunt made based on his recollections and the research conducted by both himself and the Tribunal to see whether it could reach a state of reasonable satisfaction as to the facts so as to justify the making of such a recommendation to the Minister.

51. It is important to stress at this point that the research undertaken by the Tribunal was conducted not for the purpose of supporting the Defence position or defeating the arguments made by Mr Hunt. Rather it was conducted from a neutral perspective, in an endeavour to find any factual material of relevance and without regard to whether or not the resultant material tended to support or contradict Mr Hunt's case.

### **Where and when the service in question was rendered**

52. Following its involvement in the Indonesian confrontation, 1RAR withdrew from Malaysia and were based at Selarang Barracks in Singapore from December 1969, forming part of the Far East Strategic Reserve.<sup>22</sup> While Mr Hunt's records show that he was on duty outside Australia between 15 January 1970 and 9 May 1971 with 1RAR, they do not record the time he spent in Malaysia rather than Singapore. For his part, Mr Hunt could say no more than that he was sent to Malaysia *on many occasions*, that he had rendered *months of service on and near the Thailand/Malaysia border*, and that one of these visits involved two two-week patrols with a few intervening days in-country on R&R between them.

53. Instead, Mr Hunt asked the Tribunal to make a recommendation to the Minister based on what he said were his clear memories of his service in Malaysia. The Tribunal

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<sup>22</sup>Website, *1st Battalion, The Royal Australian Regiment: A Brief History*

0090914185623/http://www.rar.org.au/documents/1RARComplete.pdf. Archived from the original (http://www.rar.org.au/documents/1RARComplete.pdf) on 14 September 2009. accessed on 23 November 2023.



had no doubt whatsoever that Mr Hunt was honest and sincere in relating his memories. They were, however, the recollections of a time long past when he was a very young man on his first military deployment as a national serviceman with little or no visibility at that time of the facts and considerations that were factored into command decisions at the time. No matter how conscientiously related by him, they were not necessarily factually correct – memories can be incomplete or distorted by the passage of time. To his great credit, Mr Hunt acknowledged that his memories might not necessarily be correct or accurate in all detail.

54. As an example of the problems that might arise in relying on his recollections without any corroboration, Mr Hunt originally stated that he had been on patrols as a trained medic throughout his periods in Malaysia. Mr Hunt, on being provided with that documentation, accepted that his original memory had been incorrect and that he could only have been on patrols in that capacity from that time. In this regard he said:

*It was not until I started reviewing the Hearing Pack, that I realised that the Field Medicine Course that I did was not early in 1970 but was in Sept 1970. ... Obviously, over the past 54 years, my recollection of the chronology of dates and times as to what happened became cloudy over all those years.*

*Previously, I thought I was the medic during the Ex Bersadu Padu exercises, but now this was not the case, due to the obvious evidence presented here with. This realisation has the effect of extending the period of time that my border patrols could have happened in. Previously, I thought that my border patrols were from April to Aug 1970 during the Bersadu Padu exercises. But as the Field Medicine Course was held in Sept 1970, I have to add the period of Sept 1970 to May 1971 also.*

55. Regardless, the Tribunal accepted that Mr Hunt was almost certainly involved, as a minimum, in each of the exercises in the lead-up to, and including, Exercise BERSATU PADU. These exercises included:

- a. Exercise KNUCKLE DOWN (15-26 March 1970)<sup>23</sup> which involved 1RAR, 108 Field Battery and engineers of 2nd Field Troop and was conducted in the Kota Tinggi training area in southern Malaya (See Annex A; Figure 1). Exercise KNUCKLE DOWN was a Battalion Group activity in preparation for Exercise BERSATU PADU and was the first exercise to involve all Australian troops since 1RAR personnel had moved to Singapore from Malaya in December 1969, three months prior.<sup>24</sup>
- b. Exercise BERSATU PADU,<sup>25</sup> the aim of which was to *train the combined forces of the five nations under the conditions likely to prevail after UK withdrawal, and to practice the setting up of an organisation necessary to introduce, support, and train forces from outside the theatre*. Exercise BERSATU PADU was comprised of four phases:
  - i. Phase 1: Deployment from Singapore (5 – 25 April 1970).

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<sup>23</sup> 1RAR Commanders' Diary Jan-Mar 1970, AWM370 DPRI-94-148.

<sup>24</sup> Ex KNUCKLE DOWN GENERAL INSTRUCTIONS, 1RAR Commanders' Diary Jan-Mar 1970, AWM370 DPRI-94-148.

<sup>25</sup> 1RAR Commanders' Diary Jan-Mar 1970-AWM370 DPRI-94-148 Part 2, pp47, 48.



- ii. Phase 2: Exercise SHORT GALLOP (26 April – 5 June 1970) which involved Australian, British and New Zealand soldiers in preparation for Exercise BERSATU PADU. Exercise SHORT GALLOP was conducted in the vicinity of Mersing.<sup>26</sup> (See Annex A) *The ten day exercise included a helicopter assault on a known enemy position within thick jungle undergrowth....Despite evidence of elephants, tigers and pigs in the exercise area, the only natural hazard encountered by troops were snakes ranging from coral snakes in the coastal areas to cobras inland.*<sup>27</sup>
- iii. Phase 3: Exercise GRANADA (13 – 30 June 1970) which consisted of two phases, the second of which featured a helicopter assault against an adversary position. From 1RAR's perspective, Exercise GRANADA involved the area defence of territory south of Kuala Dungun from a fictional adversary positioned immediately to the north. Helicopter support, including insertion into the exercise area, routine troop movement within the area, medevacs and air assaults were a central part of Exercise GRANADA.
- iv. Phase 4: Recovery to barracks (1 – 30 July 1970).

56. These activities might tend to validate Mr Hunt's memories of multiple deployments to West Malaysia, and explain the extended periods in which 1RAR was deployed in relatively remote Malaysian jungle. The Tribunal also considered it likely, given the relatively strong focus on helicopter support in the exercise plan, that Mr Hunt would have been relatively routinely exposed to RAF Wessex operations as part of Exercise GRANADA (given the proximity of the Wessex unit to 1RAR's location),<sup>28</sup> and potentially throughout Exercise SHORT GALLOP.

57. However, exercises aside, Mr Hunt also claimed to have spent *considerable time on patrol, in, and on, the Thailand/Malaysia border* where CTs were engaged in hostile activities against Malaysian and Thai forces. The duration and location of these patrols, and the reliance on rotary wing support, was set out the following statements made by him:

*When I was in Malaysia, pre Nov 1970, which was the precursor to the RCB rotations, the principle important difference is that we spent all our time north of ABB [Air Base Butterworth], in the jungle near the border, and not in the base itself. We were unprotected and a long way from support. We were moved often by British Wessex helicopters, up and down the border region to maximise the "Deterrent" theme and "To be seen to be present" .....I know this because on several occasions I accompanied injured soldiers back to base as Medivacs in the Wessex's and was told by the pilots these facts.*<sup>29</sup>

*My submission revolves primarily around my Malaysian Thai/Border service between Jan 70 and Nov 70.....On one occasion, I spent four weeks on a single patrol on the border, most were of one or two week duration.*<sup>30</sup>

<sup>26</sup> Attachments to the Commander's Diary Narrative HQ AAF FARELF April 1970, Defence report.

<sup>27</sup> "Short Gallop" comes to a halt. AWM short film DPR/TV/1288 Accession No F04449. Accessed 12 July 2024. <https://www.awm.gov.au/collection/C274423>

<sup>28</sup> The Tribunal notes that Wessex helicopters from No72 Squadron RAF were based north of Kuala Terengganu for the duration of BERSATU PADU.

<sup>29</sup> *Inquiry into medallic recognition for service with Rifle Company Butterworth*, Submission 18.

<sup>30</sup> Ibid.

*During the near eighteen months I spent in South East Asia, 1RAR was required to carry out protection duties at the Airforce base at Butterworth Malaysia. As I was a medic, I was sent with many different companies and other corps to Butterworth, and therefore spent a considerable time on patrol, in, and on, the Thailand/Malaysia border....These patrols lasted for generally two weeks each but some were for four weeks duration. The only resupplies we got were for food on a three to five day basis.....the patrols were a deterrent to hostile forces from entering Malaysia and the Airforce base, so we had to be seen in the area on a regular basis to achieve this aim. This meant covering the border region from one end to the other, so on times we were quite mobile and helicopters would pick us up and re deploy us in another location on the border.<sup>31</sup>*

*I served on the Malaysian peninsula, both in Singapore and Malaysia for 17 months, with months of service on and near the Thailand/Malaysian border.....To the best of my recollection we were in map numbers 013, 014, 022, 024, 025, 036, 037, 038, 047, 048, 049, 061, 062, from the L7010 series maps that we used at the time.<sup>32</sup> [See Annex A; Figure 2]*

58. In his 15 December 2023 response to Defence,<sup>33</sup> Mr Hunt also supplied Wessex performance data that sought to reconcile his recollection of flights in Wessex with geographic features to the north and north-east of Butterworth. This section also sought to ‘de-link’ the possibility that these missions might have been associated with Exercise BERSATU PADU. During the hearing, Mr Hunt was asked why he seemed so sure that the helicopters in which he flew were Wessex. In response, Mr Hunt described a number of key Wessex identification features in some detail, and subsequently added to these descriptions in a post-hearing letter.<sup>34</sup> The Tribunal therefore accepted that Mr Hunt’s recollection of the Wessex is such that he was unlikely to have mistaken the Wessex for another helicopter type.

59. However, although Mr Hunt claims that border patrols were supported by British Wessex, it is not clear to the Tribunal how this could have reasonably occurred, on the basis that the Tribunal has been unable to locate any evidence of:

- a. RAF Wessex operations in West Malaysia in the period 1970-1971 beyond participation in exercises;<sup>35</sup> or

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<sup>31</sup> Rifle Company Butterworth Submission from Mr Hunt, included in his application to the Tribunal (originally drafted as a submission to the South East Asia Review Committee), 20 August 1999.

<sup>32</sup> Mr Hunt’s application to the Tribunal dated 16 October 2023. As part of this submission, Mr Hunt revised (downwards) the numbers of map sheets he claims to have patrolled, but this does not fundamentally alter Mr Hunt’s claims in relation to having conducted patrols on the Thai border.

<sup>33</sup> Mr Hunt’s comments on the Defence report dated 18 December 2023.

<sup>34</sup> At the hearing, Mr Hunt described the Wessex exhausts as weird looking piece of equipment (the Tribunal agrees!). (Hearing audio recording 01:10:55 – 01:11:20). Subsequently Mr Hunt described undercarriage arrangements that are unique to the Wessex. Mr Hunt’s letter to Tribunal dated 27 June 2024.

<sup>35</sup> RAF Wessex were not permanently based in West Malaysia in the period 1970-1971. Wessex did not form part of the FEAF inventory until mid-1972 (roughly 12 months after Mr Hunt’s return to Australia), when the Whirlwinds of No 28 Squadron (Hong Kong) were replaced with Wessex. Similarly, Wessex replaced the Whirlwinds at 103 Squadron in Singapore in August 72.

- b. Royal Navy (RN) Wessex operations in West Malaysia in 1970-1971 beyond participation in Exercise Flying Fish (April 1970)<sup>36</sup> and flood relief operations around Kuala Lumpur in January 1971.<sup>37</sup>

60. Post-hearing, Mr Hunt suggested that RN Wessex might have been used in West Malaysia stating:

*The British Commando units operated out of special RN ships that could transport the Commando's with between 8 to 16 Wessex's aboard. These special RN vessels transported the Commando's and their Wessex's to training and hot spots all around the world. It appears that these vessels regularly visited Singapore and quite often disembarked the Commando's and the Wessex's at Changi air base for stints of months at a time.*<sup>38</sup>

61. The Tribunal did not disagree. The following extract points to the extended presence of Royal Navy (RN) Wessex in Singapore, having been deployed into theatre by commando carrier as Mr Hunt described for the duration of the 1962-1966 Borneo campaign:

*In the immediate aftermath of the suppression of the Brunei revolt, most helicopter tactical activity was concerned with moving the SAS patrols to and fro in the border areas. The RAF had, at this stage, only three Belvederes and three Sycamores in Borneo, based on Brunei Town airfield. The commando carrier HMS Albion was in the Far East and Royal Navy Whirlwinds Mk 7 and Wessex Mk 1 were pressed into service to assist. A naval helicopter presence was maintained thereafter in various locations from the commando carriers continually in transit between Singapore, Borneo, Hong Kong and Australia for the remainder of the Borneo campaign.*<sup>39</sup>

62. Post hearing, Mr Hunt also supplied a detailed breakdown of RN Wessex units that had operated in Singapore, principally from Changi and Sembawang, as part of the Far East Naval Support Base. Although this documentation pointed to the presence of Wessex in Singapore until 1971, it failed to provide any insight into the type or location of RN helicopter operations. Nor has any other research conducted by the Tribunal in relation to Far East Naval Support Base helicopter operations pointed to the possibility of rotary wing operations on, or in close proximity, to the Thai border.

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<sup>36</sup> 847 and 848 Naval Air Squadrons are mentioned in Exercise Flying Fish Exercise Instructions. (*1 RAR Commanders' Diary Apr 1970-AWM370 DPRI-94-149 Part 2, p102*).

<sup>37</sup> Websites [https://en.wikipedia.org/wiki/Westland\\_Wessex\\_Royal\\_Navy\\_Front\\_line\\_squadrons](https://en.wikipedia.org/wiki/Westland_Wessex_Royal_Navy_Front_line_squadrons); [https://en.wikipedia.org/wiki/847\\_Naval\\_Air\\_Squadron](https://en.wikipedia.org/wiki/847_Naval_Air_Squadron); [https://en.wikipedia.org/wiki/1971\\_Kuala\\_Lumpur\\_floods](https://en.wikipedia.org/wiki/1971_Kuala_Lumpur_floods) Accessed 23 July 2024.

<sup>38</sup> Mr Hunt's letter to the Tribunal dated 1 July 2024.

<sup>39</sup> *RAF Helicopters: The first twenty years*, Wing Commander J R Dowling for Ministry of Defence, Air Historical Branch, RAF 1987, p320. Both 845 and 848 Naval Air Squadrons are referenced in *RAF Helicopters: The first twenty years* in relation to Wessex operations in Borneo.

63. Although Mr Hunt took that view that it was:

*...not unreasonable to assume that the British Command Far East could have directed a chopper or choppers to be available to support the Deterrent Patrols on the border which they had sanctioned<sup>40</sup>*

and that:

*there were RAF Wirlwind [sic] and NAS Wessex's in Singapore and most probably Malaysia that could have been available<sup>41</sup>*

the Tribunal was not able to locate any evidence of RN Wessex operations in West Malaysia in the period 1970-1971, apart from Exercise Flying Fish and flood relief around Kuala Lumpur in January 1971.<sup>42</sup> The Tribunal was unable to find any evidence of British helicopter operations in the border region in the lead-up to 1RAR's deployment. Nor was the Tribunal able to locate any evidence that RN Wessex operated in West Malaysia for the extended periods that would have been necessary to support the border footprint described by Mr Hunt at paragraph 56. This was despite Mr Hunt's self-assessment that:

*...it would be hard to imagine that all these Wessex's, commandos etc, confined themselves to Singapore. Malaysia for the FESR forces was a primary training ground.<sup>43</sup>*

64. However, even if the Tribunal was to accept at face value the proposition that Wessex were routinely used throughout Malaysia, the absence of any evidence of rotary wing operations (by any type of helicopter) on or in close proximity to the border, or in any other operational context, prevented the Tribunal from reaching sufficient confidence that Mr Hunt's duties in rotary wing assets were in a context that exposed him to the elevated levels of risk that are essential to a classification of his service as 'warlike'.

65. The Tribunal noted the statement by Mr Hunt that:

*It was common knowledge, prior to our going to the Thai border region, for pre build up and participation in the Bursadu Padu masquerade, that the CT's (Communist Terrorists) were well and truly there, in the same area.<sup>44</sup>*

66. This statement seemed to suggest that Mr Hunt was of the view that the BERSATU PADU exercise area was adjacent to, or in close proximity to, the Thai border. This was clearly not the case. Further, analysis of 1RAR daily Situation Reports (SITREPs) from Exercise BERSATU PADU proves that 1RAR was consistently confined to a 15km by 25km 'box' located in Sheet 49 (See Annex A; Figure2), even further from the border than the shaded areas might suggest.<sup>45</sup> The Tribunal concluded that, in light of the above, 1RAR did not come within 200km of the Thai border at any stage during Exercise BERSATU PADU or any of the lead-in activities. This analysis also had the effect of limiting 1RAR's proximity to areas of communist insurgent activity in Kelantan.

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<sup>40</sup> Letter to the Tribunal from Mr Hunt dated 12 July 2024.

<sup>41</sup> Letter to the Tribunal from Mr Hunt dated 20 July 2024.

<sup>42</sup> These operations are also documented in Mr Hunt's letter to the Tribunal dated 12 July 2024.

<sup>43</sup> Letter to the Tribunal from Mr Hunt dated 12 July 2024.

<sup>44</sup> *Inquiry into medallic recognition for service with Rifle Company Butterworth*, Submission 18.

<sup>45</sup> This includes all of 1RAR's movements throughout Exercise GRANADA, including the helicopter assaults that were a central part of GRANADA, but excludes SHORT GALLOP conducted at Mersing roughly 250km further south.

67. The Tribunal contemplated conducting further research into RN helicopter operations to ascertain whether it was possible establish beyond any doubt the nature, extent and location of rotary wing operations in Malaysia. However, the Tribunal elected not to do so because, even if it enabled the Tribunal to be satisfied on the balance of probabilities that Mr Hunt undertook duty in helicopters in or closer to the border areas, that would not be sufficient to support the recommendation to the Minister he sought that, for the reasons set out further below.

68. Mr Hunt provided three statutory declarations in support of his assertion that he had been in the border areas:

- His wife swore a declaration on 15 April 2024 in which she said that she remembered that in correspondence with Mr Hunt while he was overseas he had told her on different occasions that he was going to or had returned from the Thai/Malay border;
- Mr Brian Share swore a declaration on 16 April 2024 in which he said that while he was serving in Vietnam he had received correspondence from Mr Hunt in which he had discussed Thai/Malay border patrols; and
- Mr James Foster swore a declaration on 22 April 2024 in which he said that he had served with Mr Hunt as a Medic and remembered being within 15 kilometres of the Thai/Malay border on one occasion and on other occasions being *quite close* to the border and having been issued live rounds.

69. The Tribunal noted that both Mrs Hunt and Mr Share were recounting statements made to them by Mr Hunt and had no first-hand knowledge of his location. For the reasons stated above, the Tribunal was not reasonably satisfied that Mr Hunt was in fact in the border areas and thus his statements to each of these people at the time may not have been correct. So far as Mr Foster's statement is concerned, the Tribunal noted that he did not claim to have been in the border areas with Mr Hunt and, more importantly, that there is no contemporaneous evidence that the Tribunal could find that any ADF personnel were deployed in those areas and thus Mr Foster's recollections may themselves not be correct. Further, his statement about being issued with live rounds may simply mean that he was one of the few issued with ammunition against the risk of attack by wild animals and thus does not advance Mr Hunt's case that his service was 'warlike'. Accordingly, while accepting that each of these people have honestly recounted their recollections of events long ago, the Tribunal did not find their statements to be sufficient to establish on the balance of probabilities that Mr Hunt was in fact deployed to the Thai/Malay border.

### **Why the service in question might have been rendered**

70. In addition to the doubts raised by the 'Wessex issue', there is no contemporaneous record to substantiate patrols by ADF troops in those border areas; nor do the commanders' diaries and other records that are available to the Tribunal suggest that there would have been any non-exercise related reason for ADF troops to be deployed into those areas at relevant times. By way of example, there is no mention of a coherent threat, or any training imperative that such a threat might imply, in the 1RAR Commanding Officer's Operational/Training Directive that covered the period January to June 1970.<sup>46</sup> Instead, this document tends to focus on promotion prospects, fitness and disappointment

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<sup>46</sup> 1RAR Commanders' Diary Jan-Mar 1970-AWM370 DPRI-94-148 Part 2, p7. The Tribunal was not able to locate the subsequent Directive that covered the second half of 1970, or 1971.



that the unit will not be proceeding to South Vietnam the following year. Although the document does mandate the need for improved weapons handling, this appears to be on the basis of *disrupted training*, the requirement to train *quite large numbers of reinforcements* and the lack of opportunity to *carry out co-ordinated training*, which had resulted in a loss of *operational efficiency and expertise*, as opposed to any operational imperative.<sup>47</sup>

71. When asked why he would have been required to undertake the patrols that he claimed to have undertaken in the Thai/Malaysia border areas, Mr Hunt stated that the patrols on which he took part were for the purpose of being seen to be present as a deterrent to CT attacks. The Tribunal had some considerable difficulty in accepting why, if patrols for this purpose were organised in those areas, there would be absolutely no contemporaneous record of any such operational activity. Moreover, the Tribunal considered that, if such patrols were organised for the purpose of 'being seen' by CTs in those areas, they would have been armed with live ammunition and provided with appropriate Rules of Engagement or other authorisation for the use of force if engaged by CTs who had seen them. And, in any event, actions undertaken by military forces as a 'deterrent' to potential hostile forces are not necessarily 'warlike' in themselves.

### **Tribunal conclusions on Mr Hunt's service in Malaysia**

72. Although Mr Hunt based much of his claim of warlike service on assertions that he was on patrols in the border areas between Malaysia and Thailand in which significant numbers of communist terrorists were engaged in hostile activities against Malaysian and Thai forces, the Tribunal had difficulty in accepting these claims of being in those areas on the balance of probability.

73. The Tribunal was prepared to accept that Mr Hunt participated in Exercise BERSATU PADU but that was conducted some 200+ kilometres from the Thai/Malay border and a contemporaneous British file clearly recorded that that exercise was *entirely fictitious. It is in no way related to the activities of small bands of Communist guerrillas along the Thai/Malay border, as alleged in some Press reports of 9 February*. The Tribunal could find or infer no basis for reasonable satisfaction as to the location of Mr Hunt's service while in Malaysia ***other than during Exercise BERSATU PADU and its associated work-up exercises***.

74. Despite the absence of contemporaneous records, the Tribunal had no reason to doubt that:

- Mr Hunt served in Malaysia at various times between 15 January 1970 and 9 May 1971;
- he and other ADF members were briefed in the auditorium at Air Base Butterworth about the activities of CTs in Malaysia, and particularly on the Thai/Malay border;
- that briefing would have included advice that, while ADF members deployed beyond Air Base Butterworth would not be issued with live ammunition (other than in minimal quantities issued to some in case threatened by tigers or other wild animals), they could be quickly supplied with ammunition if they were ever

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<sup>47</sup> 1RAR Commanders' Diary Jan-Mar 1970-AWM370 DPRI-94-148 Part 2, p7.



engaged by communist terrorists;

- the briefing would have included advice that the purpose of ADF deployments in Malaysia was *to be seen to be present as a deterrent to the CT's*; and
- Mr Hunt participated in Exercise BERSATU PADU and in the course of that and other training activities is likely to have flown in Wessex helicopters.

However, on other issues of fact about his activities in Malaysia, the Tribunal was not able to reach a state of reasonable satisfaction that Mr Hunt's recollections, no matter how vivid they were to him and no matter how sincerely his beliefs were held, were sufficiently accurate to enable it to make the recommendation to the Minister that he sought.

### **Whether such service could properly be classified as 'warlike'**

75. But, even if that were not the case and it was prepared to accept all of Mr Hunt's factual assertions, the Tribunal nevertheless concluded that it could not make such a recommendation for the reason that service rendered in accordance with those assertions could not meet the definition of 'warlike'.

76. As noted above, the AASM 1945-1975 can only be issued in respect of service rendered on an operation that has been declared by the Governor-General to be 'warlike'.

77. The exhaustive research conducted by the Tribunal in the course of the *Inquiry into medallic recognition for service with Rifle Company Butterworth* in 2023 established that:

- on 17 May 1993 Cabinet had agreed to definitions of 'warlike' and 'non-warlike' service that had been recommended by the Minister for Defence and the Minister for Industrial Relations;
- those definitions clearly recognised the existence of a third category of ADF service - 'normal peacetime duty';
- it was further decided by Cabinet on the recommendation of the Ministers that those definitions were to be applicable to recommendations for the award of medals;
- there has been no subsequent definition of any Cabinet that varied that decision;
- a 2018 restatement by the Minister for Defence of nature of service classifications, applicable only to future ADF service, expressly maintained the three separate categories of ADF service and the refined definitions were not markedly different in substance.

77. The definitions provide that:

*Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties.*

and:

*Non-warlike operations are defined as those military activities short of warlike operations where there is a risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected.*

78. The Tribunal noted that, in some of its earlier correspondence with Mr Hunt, Defence asserted that his service in Malaysia was *appropriately classified as normal peacetime service*. Clearly, that assertion is incorrect – by Defence’s own actions, that service had been classified as ‘non-warlike’ as reflected in the issue to Mr Hunt of his Australian Service Medal 1945-1975. Under the Cabinet-approved definitions, non-warlike activities expose individuals or units to a degree of hazard above and beyond that of normal peacetime duty.

79. The Tribunal’s conclusion that Mr Hunt’s service, even accepting that all his recollections were factually correct, was not ‘warlike’ reflects a number of considerations including, but not limited to the proximity to, and scale of, CT activity, and CT Intent.

80. **Proximity to CT activity.** Analysis of FARELF SITREPs (pictorially represented at Annex A; Figure 3) shows that, throughout Exercise BERSATU PADU, 1RAR was roughly 200km from any CT activity reported over the previous six months to the north, and over 250km from the nearest reported CT activity to the west and south-west. Similarly, during the preliminary exercises, no reported activity was within 125km of 1RAR’s location (Annex A; Figure 4).<sup>48</sup> Further, as far as the Tribunal can determine, 1RAR was not ever within 500km of any hostile action in Malaysia that resulted in the death or injury of any Malaysian security force member in 1970.<sup>49</sup>

81. **Scale of CT activity.** The number of CTs active in West Malaysia was much less than Mr Hunt had asserted (per Annex A Figure 2). While Tribunal research indicated that Mr Hunt’s own research had correctly identified the *Areas of Communist Insurgent Activity*,<sup>50</sup> particularly in Kelantan (the state closest to Exercise BERSATU PADU and preliminary exercises), it was apparent that he had misinterpreted United States Central Intelligence Agency (CIA) documentation estimating the number of communist terrorists south of the Thai border. The CIA documentation stated that *Within three years [of 1968 when the communists started to rebuild bases in Malaysia] they [the CTs] managed to emplace an estimated 200-300 armed guerrillas south of the border*,<sup>51</sup> as opposed to more than 3,000 as Mr Hunt’s own documentation implied.

82. Mr Hunt also acknowledged at the hearing that part of his claim was based on the proximity of the BERSATU PADU exercise area to Kelantan from which, Mr Hunt

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<sup>48</sup> The Tribunal acknowledged the limited reporting in Singapore and its relative proximity to the 1RAR garrison but noted that this activity was not central to Mr Hunt’s position.

<sup>49</sup> On 20 April 1970, seven Malaysian soldiers were killed, and two were wounded in action about four miles north of Klian Intan in Perak. (FARELF SITREP 17/70.) 1RAR was either Singapore, or had deployed to Mersing as part of Exercise SHORT GALLOP. On 3 June 1970, four Malaysian soldiers were killed, and 10 wounded, in the Kroh area of Perak. (FARELF SITREP 23/70) 1RAR was south of Mersing as part of Exercise SHORT GALLOP. On 9 June 1970, one Malaysian soldier was wounded five miles north of Kroh in Perak. (FARELF SITREP 27/70) 1RAR was still south of Mersing at that point. Although the Tribunal could not locate any operational reporting for 1971, it also noted that FARELF operational reporting slowed considerably from around November 1970 (from weekly to monthly). This may have been the result of a significant reduction in CT activity, and Malaysian casualties, in the second half of 1970, noting that all but one of the 38 Malaysian casualties that occurred in Malaysia happened in the first half of 1970.

<sup>50</sup> As they are labelled in the CIA report. *The Communist Insurgency in Malaysia*’ CIA Intelligence Memorandum, 27 February 1972 Mr Hunt’s letter to Tribunal dated 26 June 2024.

<sup>51</sup> *The Communist Insurgency in Malaysia*’ CIA Intelligence Memorandum, 27 February 1972, p 2.

asserted, the majority of CTs were based. The Tribunal was not able to find any reference to the claim embodied in Mr Hunt's map [Annex A, Figure 2] that *most CTs come from Kelantan*.<sup>52</sup>

83. Finally the scale of CT activity was such that, as far as the Tribunal could determine, with the exception of Butterworth, 1RAR was never deployed to an area in Malaysia where the security situation was sufficiently dire to warrant a curfew.<sup>53</sup>

84. **CT Intent.** Analysis of FARELF SITREPs<sup>54</sup> across the relevant period showed that CT activity in West Malaysia was confined to engagements with Malaysian and Thai Armed Forces, paramilitary forces or police forces in relatively close proximity to the Thai border. There was no suggestion in FARELF SITREPs of any concern in relation to the possibility of Commonwealth forces being targeted by CTs. This was largely consistent with other relevant assessments at the time, including the 1971 ANZUK Intelligence Group which broadly concluded that the CTs' intent *in West Malaysia* (emphasis added) was largely centred on recruiting, improving support amongst the local population and improving infrastructure, and that the *initiation of armed struggle throughout West Malaysia by the end of 1972 was unlikely*.<sup>55</sup>

85. The ANZUK assessment was subsequently reinforced by a 1972 CIA report which stated that *the insurgency [in Malaysia] was expected to remain developmental for another two years, during which time the insurgents will be carefully avoiding military action, building up food and supply caches, and fully developing a support system within the local population. There is indeed very little, if any, real fighting taking place in West Malaysia and now is obviously the time for the Government to blunt the Communists efforts....*<sup>56</sup>

86. Notwithstanding the above, while Malaysian and Thai forces did incur some casualties in the period 1970 to 1971, these were almost exclusively confined to the border region, and, at least throughout 1970, were in excess of 500km from 1RAR's location at the time. In the absence of evidence of FARELF/ADF operations in the border regions, the Tribunal could not be reasonably satisfied that that risk of hostile action to Australian forces was so great that casualties were expected, rather than simply being a possibility.

87. Regardless, the Tribunal readily accepted that Mr Hunt's service in Malaysia involved a risk that, wherever he might be, he and others with him could have been attacked by CTs or could have become collateral damage in a CT attack on Malaysian forces. The Tribunal also readily accepted that, in the event of such an attack, it was possible that casualties could occur. But such possibilities fall short of the degree of likelihood required for service to be classified as 'warlike' as opposed to 'non-warlike'.

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<sup>52</sup> The Tribunal hastens to add that (in the context of the conflict in question) although proximity to a threat does not automatically imply increased likelihood of hostile action, the likelihood of attack clearly does decrease with increased distance between protagonists.

<sup>53</sup> The relevant curfew states are articulated in FARELF SITREPs 04/70, 21/70 and 36/70, and are summarised at Annex A; Figure 2. Defence report Attachment E.

<sup>54</sup> Far East Land Forces (FARELF) Situation Reports (SITREPs) documented actual, as opposed to predicted, events thereby providing a relatively unambiguous indication of adversary intent.

<sup>55</sup> 'The Threat to ABB up to the end of 1972', ANZUK Intelligence Group, 30 November 1971, paragraph 43; as used in Thesis submission by Weichong Org to the University of Exeter, August 2010, included in Mr Hunt's letter to the Tribunal dated 26 June 2024.

<sup>56</sup> 'The Communist Insurgency in Malaysia', CIA Intelligence Memorandum, 27 February 1972, paragraph 23-24.

88. Mr Hunt could not direct the Tribunal to any contemporaneous risk assessment prepared in respect of his deployment.<sup>57</sup> In this regard, his deployment was markedly different to that of the members of Rifle Company Butterworth. In that case, there were a number of risk assessments concerning possible CT attacks on Air Base Butterworth. These were considered in detail in the Tribunal's inquiry referred to earlier. The conclusion then reached by the Tribunal was that the likelihood of a CT attack on Air Base Butterworth was never rated above 'possible', and the risk of attack on Butterworth was consistently assessed by Australian intelligence agencies as 'LOW'.

89. Further, if those in command of the FESR considered that there was a material risk to the troops under their command that they were deploying outside Air Base Butterworth, the reasonable expectation of the Tribunal was that this risk would have been assessed and the conditions of deployment amended accordingly.

90. In post-hearing correspondence, Mr Hunt attempted—using his own analysis—to draw a direct comparison between the threat posed by the CT to ADF personnel at the time of his service and the August 2024 update to Australia's National Terrorism Threat Level by the Director General of the Australian Security Intelligence Organisation (ASIO). Mr Hunt also stated:

*I contend that Defence, and possibly the Tribunal, always consider my border service in relation to armed conflict between foreign adversaries or external players and not as Terrorist Insurgents. Let me be clear in saying that the CPM and their CTO subsidiary were Terrorist's, not external adversaries to Malaya/Malaysia. The argument about the two definitions of Non Warlike and Warlike do not fit this Insurgency War. No-where in Mr Mike Burges's explanations of Terrorism, is there any other interpretation of the outcome of a Terrorist attack, as that of Death and the Expectation of Casualties as the outcome.*<sup>58</sup>

91. As to the contention that the Tribunal might have considered Mr Hunt's border service as *armed conflict between foreign adversaries or external players and not as Terrorist Insurgents*, that is simply not the case. The Tribunal has deliberately and purposefully confined its deliberations to only those elements relevant to whether Mr Hunt's service met the definitions for 'warlike' and 'non-warlike' service. These definitions are clearly, in the Tribunal's view, 'adversary agnostic', requiring only that the Tribunal satisfy itself that an adversary was capable of generating casualties. This was very clearly the case.

92. Nor did the Tribunal agree with Mr Hunt's assertion that the *two definitions of Non Warlike and Warlike do not fit this Insurgency War*. The definitions for 'warlike' and 'non-warlike' are, again in the Tribunal's view, drafted in such a way as to be universally applicable to any type of conflict, regular or otherwise.

93. Finally, in relation to the absence of *any...interpretation of the outcome of a Terrorist attack*, the Tribunal notes that the ASIO threat framework is deliberately confined to assessments of Likelihood, presumably on the basis that the Consequence of almost any attack will be casualties. This approach reflects both the methodology employed by the

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<sup>57</sup> Similarly, the Tribunal notes that key documents such as *IRAR Commanding Officer's Operational and Training Directive Jan–Jun 1970* make no mention of any coherent threat that would typically provide the basis for a training requirement. *IRAR Commanders' Diary Jan-Mar 1970-AWM370 DPRI-94-148 Part 2*, p7.

<sup>58</sup> Letter, Mr Hunt to the Tribunal, dated 13 August 2024.

Tribunal in the RCB Inquiry, in which the *expectation of casualties* was confined to the highest likelihoods of attack, and the view expressed at paragraph 87 that notwithstanding that ADF elements in Malaysia might have been attacked by CTs or become collateral damage in a CT attack on Malaysian forces, such possibilities fell short of the degree of likelihood required for service to be classified as ‘warlike’ as opposed to ‘non-warlike’.

94. Mr Hunt sought to argue that ADF personnel in any area in which CTs were active would have been at the same risk as Malaysian security and police personnel in those areas. The Tribunal had no doubt that Malaysian personnel were at such risk from CTs in such areas of activities that there may well have been an expectation that casualties could be suffered by those personnel. However, the Tribunal considered that this did not mean that ADF personnel, even if in the same area, would have been subject to the same risk or expectation. This is because the Tribunal found no evidence of any CT Intent against ADF personnel, as opposed to Malaysian personnel. In the view of the Tribunal, it is not justifiable to extrapolate risk to the latter as applicable to the former.

95. Mr Hunt theorised that Australian commanders in Malaysia at the time were directed by the British command structure and that the British did not undertake such risk assessments because they relied upon their long history of superiority over communist forces during the earlier Malayan Emergency. On this basis, he urged the Tribunal to ignore the absence of any documented contemporaneous risk assessment. He said *our deployment can only be seen as being frivolous with no regard for our lives*.

96. The Tribunal was not prepared to accept this theory without at least something by way of corroboration in contemporaneous records. While British commanders may have had some strong confidence that they could defeat a CT force if attacked, it was a step too far in the Tribunal’s view to conclude that such confidence led them to lack concern for the safety of the coalition forces they were directing. In the Tribunal’s view, it was more likely that British commanders rated the risk of a CT attack in the areas of deployment as so low as to not require a formal risk assessment. This stance is supported by observations such as the fact that BERSATU PADU Exercise Instructions defined expectations in relation to lost procedures and other contingencies such as snake bite, broken limbs, malaria, hornet stings and shock but did not ever make reference to the possibility of interaction with CT forces.<sup>59</sup>

97. Quite apart from speculation about the reasons for the lack of any contemporaneous formal written risk assessment, there are other issues of undisputed fact that act against any conclusion that Mr Hunt’s deployment was ‘warlike’. Mr Hunt stated that he and his colleagues were not issued with Rules of Engagement. That fact means Mr Hunt’s deployment cannot meet the requirement in the ‘warlike’ definition that the application of force is authorised to pursue specific military objectives, because such rules are the usual way in which such authorisation is issued. In the Tribunal’s view, the residual right of armed forces to act in self-defence if attacked even though not expressly authorised to use force is not sufficient to allow service to be classified as ‘warlike’ rather than ‘non-warlike’.

98. Mr Hunt also said that the only live ammunition issued was small amounts to some personnel for protection against wild animals. That fact also means that the use of force against a hostile antagonist cannot have been authorised because live ammunition would have been necessary that purpose. The fact that he and his colleagues were advised that they would be resupplied with ammunition within 20 minutes of CT contact does not

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<sup>59</sup> *IRAR Commanders' Diary Jun 1970*, p210.



change this situation. A deployment may move from ‘peacetime duty’ to ‘non-warlike’ or from ‘non-warlike’ to ‘warlike’ as circumstances change over time. That possibility does not mean that a higher classification of service must be accepted in the absence of a change of circumstances. Mr Hunt accepted that there was no CT contact during his service, and thus there was no change of circumstance that could have affected the reclassification of his service from ‘non-warlike’ to ‘warlike’.

99. Mr Hunt argued that there was greater risk in his deployment than in that of Rifle Company Butterworth because RCB members had the added protection of a perimeter fence around Air Base Butterworth whereas he had no such protection when in the Malaysian jungle. The Tribunal accepted that the lack of a perimeter fence, and other base defence arrangements (however limited) outside the fence at Butterworth, did not provide him with a degree of protection that was afforded RCB members. But that was not sufficient to convince the Tribunal to elevate the risk of his deployment beyond ‘non-warlike’. Air Base Butterworth was a joint facility, used also by Malaysian forces who were the direct target of the CTs and thus the CTs might conceivably have had motivation to attack Malaysian forces at the Base. In contrast, Mr Hunt’s deployment was not in a joint facility and there is no evidence of which the Tribunal was aware that the CTs intended to attack non-Malaysian forces such as 1RAR.

100. Mr Hunt relied heavily on the proposition that he and his colleagues were deployed as a deterrent to the CTs. The Tribunal accepted that position. But being a deterrent does not necessarily render associated service as ‘warlike’. The very fact that Australia has a defence force acts as a deterrent to a hostile force that might otherwise attack Australia. But that does not mean that all or any ADF personnel are thereby necessarily on warlike service.

101. Mr Hunt also placed heavy reliance on the 2001 statement by Mr Pat Clarke that the Thailand/Malaysian border zones were ‘no go’ areas. This statement was made in documentation submitted to Ministers in justification for the extension of the Australian Service Medal for Malaysian service. It was not a frivolous aside and the Tribunal accepted that it could not be lightly dismissed. While Mr Clarke was a Policy Staff Officer at the time, he later became Director of the Directorate of Honours and Awards. For this reason also, his statement cannot be lightly dismissed.

102. However, the very concept of ‘no go’ areas is perplexing:

- if the border areas were in fact ‘no go’, then Mr Hunt could not have been deployed into them; and
- conversely, if Mr Hunt was in fact deployed into the border areas, then they cannot have been ‘no go’.

103. Also relevant are the following:

- so far as the Tribunal could ascertain, ‘no go area’ was not and is not a technical term – it seems that it was term used by Mr Clarke alone;
- while Mr Clarke was a junior and later senior officer with the Directorate of Honours and Awards, the Directorate’s expertise is primarily directed to the eligibility criteria for honours and awards and those criteria are based on service classifications determined by others in the Nature of Service Directorate. There



is no evidence that the Nature of Service Directorate or any predecessor of it ever classified ADF service in Malaysia at any relevant time as 'warlike'.

104. The Tribunal therefore concluded that, whatever Mr Clarke meant by the term he used, his view could not be regarded as determinative of the nature of Mr Hunt's service.

105. Mr Hunt argued that if ADF personnel who were deployed in Malaya during the First Malaysian Emergency were properly issued with the AASM 1945-1975, then he too should be issued with that medal because the circumstances were not relevantly different – principally, that insurgent forces were seeking to overthrow the Malaysian government. In making this argument, he pointed out that the AASM was issued for the period 1960-1964 when there was a lull in insurgent activity and almost no contacts with ADF personnel. However, the Tribunal was not convinced by this argument. While there may have been a lull in activity over that period, this was a lull in a campaign in which Australian troops were directly authorised to engage with the insurgent forces. There was no such authorisation for Mr Hunt or other Australian forces to engage with the CTs in 1970-71. Indeed, the ADF was not authorised to engage in any operations against hostile forces or dissident terrorists in response to external or internal threats in Malaysia after 15 September 1966.

106. Mr Hunt also advised that he had been issued with, and trained in the use of, highly potent drugs such as morphine by the Regimental Medical Officer. He argued that this could only mean that the RMO believed there was an expectation of casualties. The Tribunal did not accept this argument. Such drugs could have been used to treat injuries inflicted by hostile forces; they could also have been used to treat injuries sustained by a range of non-combat accidents/incidents. Moreover, in the view of the Tribunal, the fact that hostile casualties were a possibility would have been sufficient for the RMO to be concerned that medics had to be able to deal with that possibility – the RMO might otherwise have been subject to extreme criticism if he had not acted in anticipation of such a possibility if it arose. The Tribunal considered that the RMO's decision was likely a sensible safeguard and one that was not consistent only with an expectation of casualties imposed by a hostile force.

107. Mr Hunt referred also to his classification as 'Whilst on War Service' or similar (such as 'warned for active service') but, as detailed in the RCB inquiry report, that arose because he was in the Army and posted overseas and its purpose was simply to facilitate the application disciplinary provisions different to those applicable to service within Australia. While it is a term that has caused misunderstanding over time, it was not a classification of service for purposes of medallic recognition.

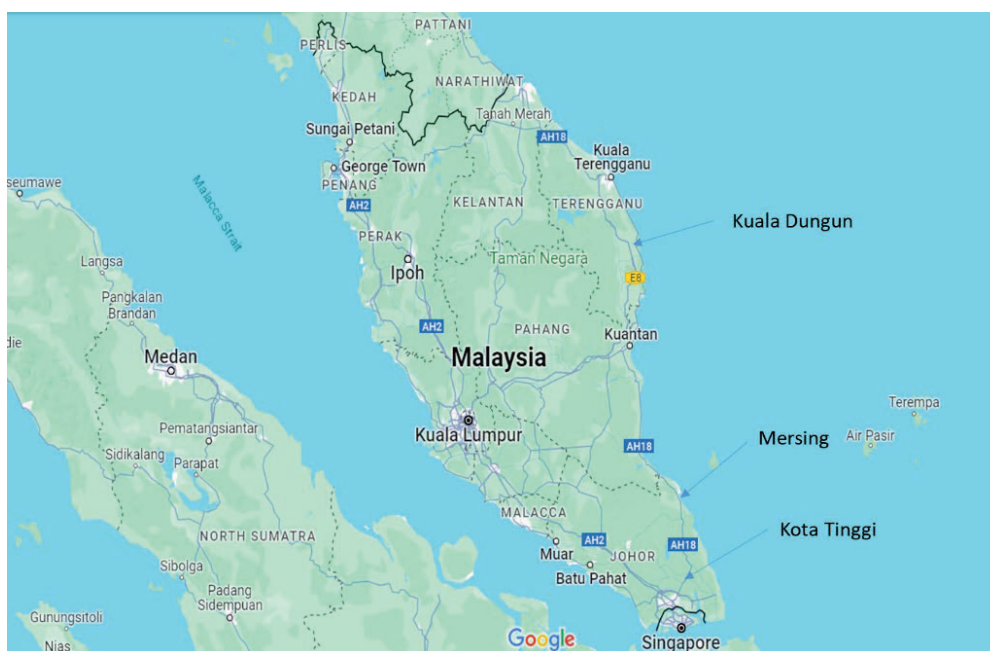
108. Finally, at various points in his correspondence over the years, Mr Hunt has made disparaging remarks about the Department of Defence, claiming for example that its officers they have obfuscated and gone out of their way to discredit his service. In these circumstances it is appropriate for the Tribunal to record that, in the course of this review and the hearing of it, the Tribunal detected nothing to suggest other than a good faith endeavour by departmental personnel to find the correct answer to Mr Hunt's claims. Defence may not always have been correct in its assertions in response to Mr Hunt's claims, but that implies no impropriety of its part or that of its officers.

## **Tribunal decision**

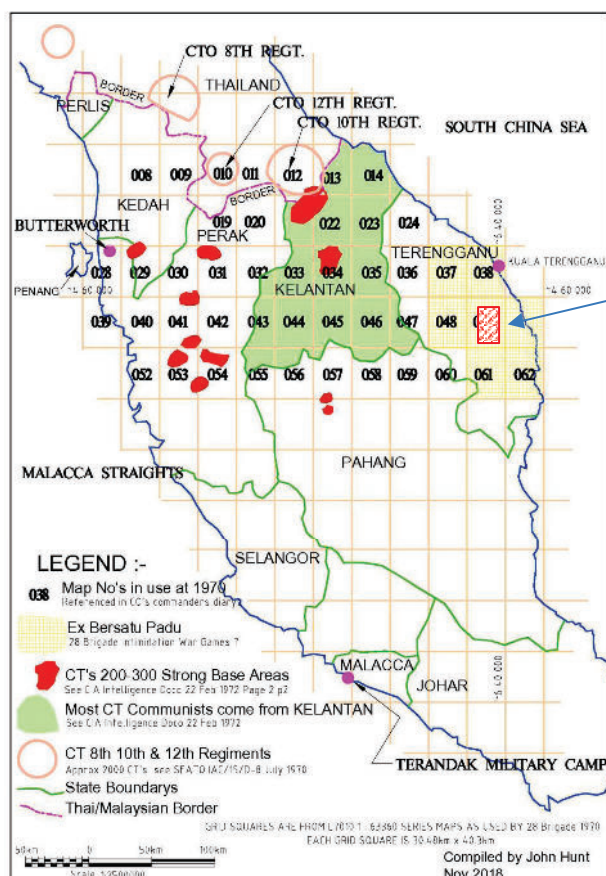
109. In light of all of the above, the Tribunal decided:

- that it was bound to affirm the Defence decision that Mr Hunt does not meet the present eligibility criteria for the Australian Active Service Medal 1945-1975; and
- that, even if it accepted as factually correct all of Mr Hunt's factual assertions as to his service in Malaysia in 1970-1971, that service would not meet the definition of 'warlike' and accordingly there was no justification to recommend to the Minister that he should ask the Governor-General to declare Mr Hunt's service as a 'warlike operation' for the purposes of the Australian Active Service Medal 1945-1975.

## 1RAR EXERCISE LOCATIONS JANUARY- JUNE 1970



**Figure 1: Key exercise locations**



Limit of 1RAR movement during Exercise BERSATU PADU Phase3.  
(Phase 1 and 2 locations are further south, as depicted in Annex A Figures 3 and 4.)

### **CURFEWS**

**From Jan 70:** 0300 to 0400 hrs in Perlis, Perak (except border area), Penang, Selangor, N Sembilan, Malacca and district of Bandar Bahru in Kedah. 24 hrs curfew along Kedah and Perak border.

**From 25 May 70:** 0300 to 0400 hrs in Perlis, Perak (except border area), Penang, Selangor, N Sembilan, Malacca and district of Bandar Bahru in Kedah. 2000 to 0800 hrs curfew along Kedah and Perak border.

**From 07 Sep 70:** All curfews lifted except in certain areas of Selangor and Kedah.

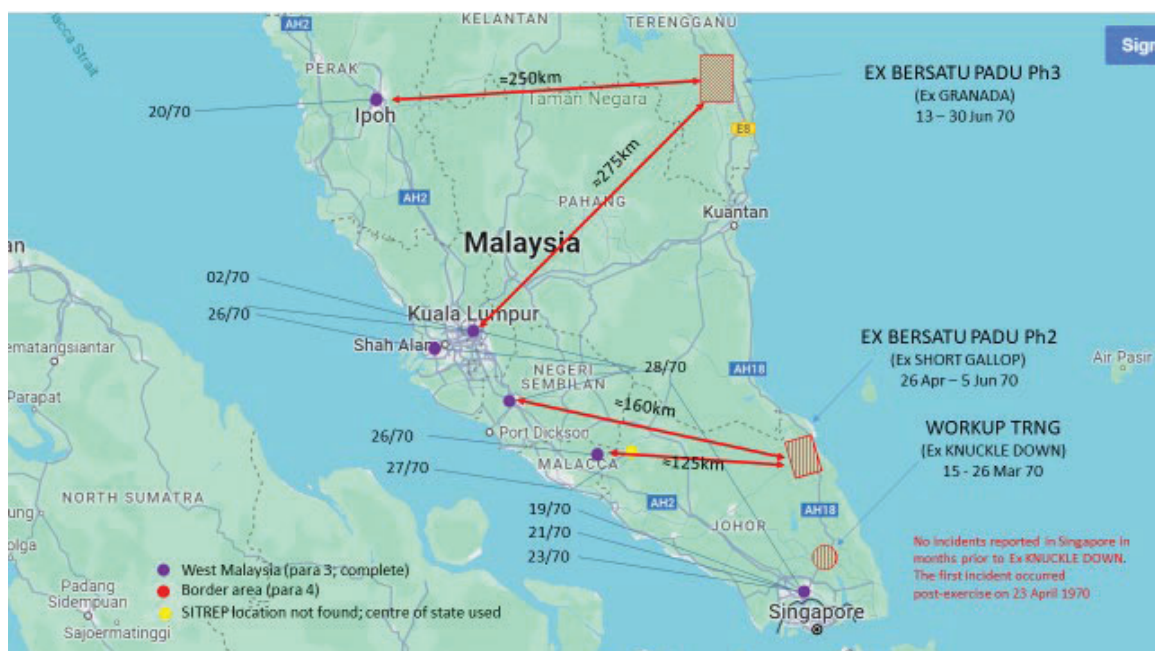
**Figure 2: Map provided by Mr Hunt**

(Annotated with 1RAR locations<sup>60</sup> during Exercise BERSATU PADU Phase 3, and curfew status)

<sup>60</sup> 1RAR locations during Exercise BERSATU PADU were derived from daily SITREPS, sourced at *1RAR Commanders' Diary June 1970-AWM370 DPRI-94-151-342pgs alias, pp 251-292, 328.*



**Figure 3: ACTIVITY (by FARELF SITREP #<sup>61</sup>) JAN – JUN 1970<sup>62</sup> (Northern peninsula)**



**Figure 4: ACTIVITY (by FARELF SITREP #) JAN – JUN 1970 (Southern peninsula/Singapore)**

<sup>61</sup> Figures 3 and 4 graphically depict reported activity in the period January 1970 to June 1970. The red dots correspond to the locations of reported activity in the *Malaysian/Thailand border region* (typically para 4 in the FARELF SITREP format); purple dots reflect reports from *West Malaysia* (para 3). The FARELF SITREP number in which each location is mentioned is provided. A number of locations feature in multiple SITREPs. (*Hunt review papers*, pp-129-257)

<sup>62</sup> In the period July 1970 to December 1970, there were just three significant activities reported, per the following: On 12 July 1970, CTs fired on a joint Thai/Malay police patrol about seven miles north of Betong. One Malaysian policeman was wounded. On the same day, about 10 CTs fired at a Malaysian unit in base camp about 10 miles NW of Sungei Padi in Veng District. There were no casualties. (SITREP 31/70). On 27 August 1970, a Malaysian ranger unit ambushed a group of about 50 CTs about 8 miles S of Klian Intan. Five CTs were killed; there were no Malaysian casualties. The Tribunal has not been able to locate any SITREPs for 1971.