

RCB REVIEW GROUP

**INQUIRY INTO RECOGNITION FOR MEMBERS OF RIFLE
COMPANY BUTTERWORTH FOR SERVICE IN MALAYSIA
BETWEEN 1970 AND 1989**

ADDENDUM dated 10 JUNE 2010

**Submission
REVIEW OF
AUSTRALIAN ARMY RIFLE COMPANY'S
MILITARY SERVICE AS WARLIKE
1970 – 1989
BUTTERWORTH (RCB)**

Dated 18 AUGUST 2006



“To protect Australian assets at the Butterworth Air Base.”

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TO
SUBMISSION REVIEW OF AUSTRALIAN ARMY RIFLE
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References:

1. The Defence Honours and Awards Tribunal's Terms of Reference
2. Submission: Review of Australian Army Rifle Company's Military Service as Warlike (1970-1989) Butterworth (RCB) dated 18 August 2006
3. Covering Letter to Reference 2 - Request for Service Review Rifle Company Butterworth (RCB) from Mr. Robert Cross Chairman RCB Review Group to The Hon. Dr Brendan Nelson MP Minister for Defence dated 18 August 2006
4. Letter: The Hon Bruce Billson MP Minister for Veterans' Affairs, Minister Assisting the Minister for Defence to Mr. Robert Cross Chairman RCB Review Group dated October 2007.
5. Letter and Document: Defence Legal Freedom of Information Directorate to Mr. Robert Cross Chairman RCB Review Group dated 1 April 2008 ^[1]
6. Letter: The Hon Warren Snowdon MP Minister for Defence Science and Personnel to Mr. Robert Cross Chairman RCB Review Group dated 27 August 2008
7. Letter: Robert Cross Chairman RCB Review Group to The Hon Warren Snowdon MP Minister for Defence Science and Personnel dated 22 May 2009

[1] Document 2007/1157072/1 (32) FOI 090/07/08– Background to Review of Rifle Company Butterworth Nature of Service to Mr. Robert Cross Chairman RCB Review Group dated 1 April 2008

Background

References 2 & 3 were submitted to the then Minister for Defence, The Hon Dr Brendan Nelson MP.

Reference 4 advised that the Minister was not prepared to overturn the advice from Defence nor the advice from the Clarke Review regarding 'warlike' service. However, he was prepared to declare retrospectively the period of service as hazardous pursuant to section 120 of the Veterans' Entitlement Act and award the Australian Service Medal.

Reference 5 is the source advice document from the Nature of Service Review Team, for Minister Billson's letter (Reference 4)

Reference 6 advised us that our submission should have considered the repatriation legislation in force for the period in question, namely *The Repatriation (Special Overseas) Act 1962*. Because the Minister had decided under this Act that there was no basis on which RCB personnel could be allotted for special duty he could not support our claim.

Reference 7 is a notification of intent to respond to Reference 4 and seeking certification of the declaration for hazardous service.

Introduction

This submission seeks to determine our claim that RCB service was warlike and therefore its company members are eligible for the AASM and for qualifying service for VEA entitlements.

It is an addendum to Reference 2. It specifically addresses:

1. Reference 5. The three conditions required of the *The Repatriation (Special Overseas) Act 1962* within the strategic environment existing in South East Asia (SEA) at the time and Australia's involvement in it and
2. References 4 and 5 matters relating to its comments and rejection reasons.

We assert that the RCB was a strategic deployment by the Australian government under its Five Power Defence Arrangement (FPDA) to protect/defend the Australian assets at the RAAF Base Butterworth (which included the FPDA's HQ of the Integrated Air Defence System (IADS)) and was a strategic ready-reaction force on call for deployment by the Australian Government as required.

We contend that the RCB's deployment was covered by *The Repatriation (Special Overseas) Act 1962* because it was a deployment for a specific strategic role related to the FPDA. This involved a specific allotment for duty requiring it to defend the Air Base within a country that was at 'declared war' with internal

insurgents supported by external communist countries, and where the Base was being used by the Malaysian Armed Forces (air and ground forces) for offensive operations against its enemy.

We believe that the RCB's deployment must be considered within the context and perspective of: strategic events within the South East Asian (SEA) regional area, the existing security threats and consequent political and policy decisions made by the Australian Government at that time.

SEA Strategic Environment

After the Second World War, the growth of communism in SEA and particularly its revolutionary success in China 1949 created regional instability that was exacerbated by China's active involvement in the Korean War 1950 - 1953 and its fostered support of wars of national liberation in Vietnam and insurgencies in Malaya, Laos and elsewhere in SE Asia. This regional instability led to the belief in the Domino Theory: that unprotected nations would fall like dominoes to communism without external support from "free" nations.

Within this threat Australia's strategic alliances were formed with other nations to combat communism's spread. In the case of Australia's defence the alliance with the USA and NZ in the ANZUS Treaty became its cornerstone and "Forward Defence" strategy.

The French defeat in the Vietnam War and the subsequent Geneva Peace Declaration in 1954 created further instability with Vietnam's division into North and South Vietnam.

The SEATO Alliance was formed 1954 as protection or a defence shield for other nations in the region.

In Malaya, communist insurgent activity in 1948 led to the declaration of The Malayan Emergency (1948-1960). British Commonwealth Forces deployed under the Australian, New Zealand and Malaya (ANZAM) Agreement Treaty (1948) assisted the Malayan Armed Forces (MAF) against the Malayan National Liberation Army (MNLA). Australia's initial commitment was to coordinate service planning in defending air and sea communications but after the French defeat in Vietnam 1954 it was extended to include ground forces; an Infantry Battalion Royal Australian Regiment (RAR) and other supporting arms as part of the British Commonwealth Far East Strategic Reserve.

The directive for the Strategic Reserve, gave it two roles. The primary role was to provide *'a deterrent to further Communist aggression in South East Asia'*, The secondary role was *'to assist in the maintenance of the security of the Federation of Malaya by participating in operations against the Communist Terrorists'*, but this was not to occur to the prejudice of the primary role.

This ANZAM Agreement was incorporated into the Anglo-Malayan Defence Agreement (AMDA) shortly after Malayan independence in 1957.

Malaya "... had become the pivot of Australia's forward defence" [2]
This meant that for the first time Australian ground forces were to be deployed outside of its territorial limits in peace time.

With the establishment of the Malaysia Federation in 1963 Indonesia saw it as a threat and so began its policy of Confrontation against the new nation. Commonwealth Strategic Reserve (CSR) forces including an Australian Infantry Battalion were deployed to assist the Malaysians against Indonesian armed forces in Sabah and intruders on the mainland.

The Second Malaysian Emergency supported by China and North Vietnam began in 1968 and concluded in 1989. (RCB deployment 1970 – 1989)

Australia's forces commitment to the Vietnam War commenced with the deployment of the AATTV in 1962, increasing in size to a Task Force and Logistic Support Group before being withdrawn in 1972. RAAF Base Butterworth was used as a transit base for Vietnam support. This commitment was opposed vigorously by the then Opposition Labor Party who by 1970 had won support from many people and fostered protest marches throughout Australia against the war and conscription. Its 1972 election strategy was to see the end of conscription; the end Australia's involvement in the Vietnam War and the return all troops deployed overseas.

After the British Government's decision to withdraw its military forces from Malaysia and Singapore at the end of 1971, the Five Power Defence Arrangements (FPDA) between Malaysia, Singapore, New Zealand, Australia and the United Kingdom was concluded to ensure defense against external aggression. It replaced the earlier arrangements associated with the Anglo-Malaysian Defence Agreement (AMDA)

From 1971, a residual force of Commonwealth 'ANZUK' troops numbering some 7,000, remained in Singapore under bilateral arrangements.

The FPDA did not require the stationing of multinational forces in either Malaysia or Singapore except for those involved in the active operation of the Integrated Air Defence System (IADS) located in Butterworth, Malaysia, to be commanded by an Royal Australian Air Force Vice-Marshal, the RAAF squadrons already

[2] Stewart, Sir Alan, 1967, The Evolution of Australian Foreign Policy, 1938-1965. p167

based there and its infantry company protection, the RCB. The FPDA provided a psychological deterrence.

In Australia's Federal election (December 1972) a change of Government saw the Australian Labor Party elected. The new PM, The Hon. Gough Whitlam MP, legislated a change in Australia's defence strategy from "Forward Defence" to "Fortress Australia". This involved the withdrawal of all Australian combat forces in Vietnam and Singapore from overseas deployment. This included the decision to withdraw from the ANZUK Brigade.

However, the Australian Government under the FPDA retained the RAAF's presence at Butterworth Air Base for: command of the IADS and regional strategic security. The infantry rifle company (RCB) was deployed for its protection.

The Repatriation (Special Overseas) Act 1962. [3]

To qualify for repatriation benefits under this Act three conditions are required:

1. That a special area was prescribed;
2. That the personnel were serving in the special area; and
3. That the personnel were allotted for special duty within the special area.

A Prescribed Special Area?

Practically, YES: in all Directives for the RCB's deployment and operations the area was specifically stated as the area within the Air Base Butterworth.

Theoretically, in accordance with the Act, NO special area was gazetted by the Governor General for the RCB, even though the deployment was approved/noted by Parliament [4] and was directed by the Joint Chiefs of Staff Committee [5] and formalized in the Chief of the Defence Force Staff's Directive to the Chief of the General Staff and Chief of the Air Staff. [6]

We consider that by the very nature of the RCB's strategic role, deployment and command structure it should have been prescribed. Failure to do so can be attributed to the Labor Government's political sensitivity to any forward troop deployment overseas because it had campaigned successfully at the 1972 Election on a platform to bring all ground forces home to Australia and its decision via the Chiefs of Staff Committee (COSC) to "sell" the RCB's role to the public as a training deployment with the MAF.

[3] The Repatriation [Special Overseas] Act. 1962. p ???.

[4] Hansard 25th February 1969, pp 33-37: Australian PM John Gorton's announcement to parliament

[5] Review of Five Power and ANZUK Arrangements, Joint Chiefs of Staff Committee 11 Jan 73.

[6] CDFS Directive 13/73, File 566/2/148.

The RCB's Task

The RCB's operational deployment was authorised by the Australian Government [7] but not prescribed by the Governor General as an operational area at the time because of political sensitivities for both Australia and Malaysia. The specific area designated by the Five Power Defence Agreement (FPDA) and repeated in all Commanders' Directives to the Officer Commanding (OC) for RCB was the area within the Butterworth Air Base (BAB).

The deployment was defensive "to protect Australian assets at the Butterworth Air Base" in a country, Malaysia, that was actively involved in armed operations (2nd Malaysian Emergency 1968 –1989) against a real, clear and present danger from its enemy, the Communist Party Malaya/Communist Terrorist Organisation (CPM/CTO)'s terrorists who were being supported by China and North Vietnam.[8] The Malaysian Armed Forces (MAF), were fighting under their active service classification.[9]

Under the FPDA a fully operational active IADS was established, which further enhanced the strategic role of the RCB.

Although the RCB's role was "*to protect Australian assets at the Butterworth Air Base*" it was to be obscured to the public for sensitive political reasons (to Malaysia, Singapore and the Australia's Labor Government sensitivity to a forward deployment of troops) and was to be promoted "for training purposes." [10] No publicity was to be sought for RCB's deployments. [11] A report from the VCGS's Visit to Malaysia of the Butterworth Company (RCB) 1973, [12] confirms this position:

"The deployment of this Company to Butterworth has in recent years assumed a real importance because of somewhat increased concerns about possible threats to base security. Although the Malaysians may be expected to have assumed that this is the case, publicly and privately the position is maintained on both sides that the deployment is for exercise purposes."

For this reason service at Butterworth was not declared an active service area under the Defence Act or by notice in the Gazette. [13] We believe that by the very nature of the RCB's strategic role, deployment and command structure it should have been prescribed.

7. Hansard 25th February 1969, pages 33-37: Australian PM John Gorton's announcement to Parliament.

8. Chin Peng, My Side of History, 2003

9. Letter dated 11th October 2004 from Lim Kui Lee, The Legal Department Ministry of Defence Malaysia.

10. Document: Review of Five Power and ANZUK Arrangements prepared for the Defence Committee dated 11th January 1973, paragraph 28. (e).

11. Directives: Plan Asbestos files and CDFS Directive to CGS and CAS and Department of Air Organisation Directive 13/73, file 566/2/148, paragraph 15 dated 20th August 1973.

12. Report: VCGS to the Chiefs of Staff Committee Agendum No 47/1973 supplement No1 dated 16th October 1973, paragraph 3.

13. Signal: DEFARM Canberra to FIELDFOR Sydney 110355Z Sep1974

After 1972, the newly elected Labor Australian Government's Defence Minister confirmed;

"... we have emphasized our commitments to the security of our region. We will support the Five Power Agreement. The most effective way in which this can be done is by provision of assistance in training, logistics, technical assistance and through joint exercises – not by stationing combat troops overseas in the absence of treaty obligations and threat of external aggression". [14]

The RCB was retained at BAB with added emphasis on a combined training role with the MAF. In practice, this role was not achievable because of the MAF's intense operational commitments they had little if any time available for training "sometimes the Battalions would come out of the jungle to undergo three months retraining but usually go back into the jungle without having had time to do any".[15]

We consider that the RCB had an undeclared role as a Ready Reserve Force for the Australian Government's emergency needs in SEA. Support for this belief arises from the fact that RCB was a direct command unit of Army HQ and later Field Force Command who ordered its preparedness for specific tasks related to a hijacked aircraft's possible landing at Butterworth in 1973 and assistance to the evacuation of Australian Embassy staff and others from Saigon in 1975.

Personnel were serving in the special area?

YES. All deployments and administrative processes and procedures were correctly documented that personnel were serving in the BAB.

Personnel were allotted for special duty within the special area?

YES. All personnel in the RCB deployments were allotted for the special duty as tasked by the mounting authority and the relevant Directives. Their special duty was the defence of the BAB.

This is further supported by the fact that the administrative procedures that were required to be completed by the RCB personnel before deployment, suggested that the deployment was for more than 'training'. These were the same procedures required for embarkation to Vietnam.

14. Hansard: Ministerial Statement – Australian Defence Policy. by Mr Lance Barnard Minister of Defence 28th February 1973

15. Report: Australian Company at Butterworth by Group Captain L.J. Hoare, Services advisor Australian High Commission, Kuala Lumpur, dated 4th October 1973

Response to References 4 and 5– Defence Advice and Clarke Review

At Annex A we contest some comments made in the Nature of Service Review Teams recommendations [16] that were the source of Minister Billson’s letter (Reference 4).

Conclusions

The RCB was a strategic deployment approved by the Australian government under its Five Power Defence Arrangement (FPDA) to protect/defend the Australian assets at the RAAF Base Butterworth (which included FPDA’s HQ of its Integrated Air Defence System (IADS)) and was a strategic ready-reaction force on call for deployment as required.

The RCB’s deployment was authorised by the Australian Government [17] but not prescribed by the Governor General as an operational area at the time because of political sensitivities for both Australia and Malaysia. The specific area designated by the Five Power Defence Agreement (FPDA) and repeated in all Commanders’ Directives to the Officer Commanding (OC) RCB **was the area within the Butterworth Air Base (BAB).**

We contend that the RCB’s deployment was covered by *The Repatriation (Special Overseas) Act 1962* because it was a deployment for a specific strategic role related to the FPDA in a specific area. This involved a specific allotment for duty requiring it to defend the Air Base within a country that was at ‘declared war’ and where the Base was being used by the MAF (air force and ground forces) for forward operations against its enemy.

The deployment was defensive “to protect Australian assets at the Butterworth Air Base” in a country, Malaysia, that was actively involved in armed operations (2nd Malaysian Emergency 1968 –1989) against a real, clear and present danger from its enemy, the Communist Party Malaya/Communist Terrorist Organisation (CPM/CTO)’s terrorists who were being supported by China and North Vietnam.[18] The Malaysian Armed Forces (MAF), were fighting under their active service classification.[19]

Robert Cross
Chairman
RCB Group Committee,

10th June 2010

16. Document 2007/1157072/1 (32) FOI 090/07/08– Background to Review of Rifle Company Butterworth Nature of Op. Cit.

17. Hansard 25th February 1969, pages 33-37: Australian PM John Gorton’s announcement to Parliament.

18. Chin Peng, *My Side of History*, Op Cit

19. Letter dated 11th October 2004 from Lim Kui Lee, The Legal Department Ministry of Defence Malaysia.

RCB GROUP COMMITTEE

Robert Cross (1973, 1974/75, 1982)
Chris Duffield (1973)
Phil Oysten (1974/75)
Ken Rundell OAM (1979/80, 1987 and 2001)
Stan Hannaford (1974/75)
Padre Gary Stone (PI Comd1974/75)
Greg Decker (1974/75)
Russell Linwood (OC 1982)
Ted Chitham MC OAM, (CO 8/9 RAR Dec 1974 – Dec 1976 during which
two RCBs were deployed) and its
423 RCB contributors (names can be supplied on request)

Annexure: A. Response to the Nature Of Service Review Team's
Recommendations - Defence Advice and Clarke Review

Attachment: 1. Submission: Review of Australian Army Rifle Company's Military
Service as Warlike 1970 – 1989 Butterworth (RCB) dated 18
August 2006

Annex A

Response to the Nature Of Service Review Team's Recommendations - Defence Advice and Clarke Review

Having received Minister Billson's letter (Reference 4) we sought access on 23 November 2007 under Freedom of Information Act 1982 to:

“a full copy of the Nature of Service Review (NOSR) Teams Recommendations that were made to Government regarding classification of Military service with the Rifle Company Butterworth.”

An incomplete copy of it (Reference 5) was released to us on 1 April 2008 in a form that was authorized. We note that paragraphs 4, 5, parts of 6, 11, 12, 13, 18, 19, parts of 20, parts of 24, 25, parts of 26, parts of 30, 31, 32, parts of 37 et seq. were missing, **presumably unauthorized for no stated reason.**

We comment on the following matters contained in the NOSR referenced document.

Applicable Legislation - The Repatriation (Special Overseas) Act 1962.

The COSC recommended that

“the Services be directed that allotment for ‘special duty’ should only be made at a time when personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements; in the present circumstances allotment should therefore be confined to personnel specifically allotted for duty in relation to Indonesian infiltrators or communist terrorists in circumstances where there has been a specific request for the assistance of Australian forces and where the task has been clearly defined ...”

Cabinet's decision No 1048 of 7 July 1965 endorsed the recommendation.

We contend that the RCB was allotted for special duty as a protective force with the specific consent of the Malaysian government to protect the BAB and the IADS for the following reasons:

1. Regional Security. Under the FPDA the Base provided the Integrated Air Defence System (IADS) for Malaysia and Singapore in a threatened SEA region. The IADS was under the command of the resident Royal Australian Air Force Vice-Marshal.

2. Malaysia was at war with internal insurgents fostered by China and North Vietnam. The MAF were totally involved in operations against their insurgent enemy.
3. The BAB was a vital forward operational support base for MAF ground forces' deployment into the Malay/Thai border Area of Operations, logistic support and offensive air support. The BAB was perceived as a vulnerable target.
4. The RAAF had two squadrons and supporting elements at BAB for strategic reasons as part of the FPDA
5. The RCB was a ready reaction force capable of being deployed as a combat unit for any other tasks if directed by the Australian government.
6. To provide a psychological deterrent to a prospective enemy.

Australia's commitment to the defence of the BAB can be seen in the following chronology:

- November 1970. RCB deployed from the Commonwealth Strategic Reserve force in Singapore
- April 1971 FPDA signed
- September 1971 IADS established at BAB
- 1973 after Australian ground forces withdrawal from Singapore and the RCB deployed on rotation from Australia

Clarke Review 2003 – Incurred Danger

Cabinet's guidance in its 1965 statement to the notion of incurring danger said

“allotment for special duty should only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is continuing danger from activities of hostile forces or dissident elements...”

It is noted that this guidance was given in relation to Indonesian confrontation where troops were deployed on search and destroy offensive operations.

In the case of defensive operations, the initiative lies with the enemy who can choose their time, tactics and forces to attack. Defenders are alert within their base prepared with defence, counter penetration and counter attack plans waiting for the attackers. BAB was a potential target in the circumstances as outlined above.

That no attack of enemy ground forces occurred could be credited to the deterrent effect of the RCB's presence.

It would seem that the requirement to prove incurred danger for any defence role is for an attack to occur and that casualties result. If so then it would be interesting to know what would be the triggers and benchmarks (such as the type of attack, indirect mortaring and shelling or a ground assault, and the number of casualties required to be incurred) to invoke warlike service recognition.

Clarke Review 2003 – RCB Service

It is regrettable that the submissions made by a few individuals to that Review did not have the depth of knowledge to present the whole facts of the RCB's role and service.

Comparison with Other Operations

There is no denying that Vietnam was a 'hot' war. We do believe that in any Base defence role in an environment where a threat exists that battles may occur. That there was no attack should not penalize those who were deployed in defence and prepared to fight and die.

Other Relevant Decisions

We contend that the RCB was allotted for special duty at BAB in a threat environment.

It is noted that personnel deployed in Korea after the Armistice 1953 – 1956 in defensive positions have on review in 2009 been granted qualifying service for VEA entitlements.

Decision (Our comments are in blue)

The recommendation to deny the original submission was based on:

1. No special request from the Malaysian authorities for RCB to conduct operations against the CTs

The deployment of the RCB to BAB was under the FPDA agreed by the Malaysian signatories for the specific task (special duty) to defend the Base. The BAB was owned by the Malaysian Government and did not have the Forces to protect the Base while fighting their war against its enemy.

2. The BAB does not appear to have been declared a special area during the period 1970 -1989 and therefore, there does not appear to be any basis for allotting RCB for special duty,

The RCB's deployment was authorised by the Australian Government¹ but not prescribed by the Governor General as an operational area at the time because of political sensitivities for both Australia and Malaysia. The Australian Labor Government was very sensitive to a forward deployment of troops and had promoted it to the Australian public for training purposes.

We believe that by the very nature of the RCB's strategic role, deployment and command structure it should have been prescribed.

3. The overall level of threat faced by RCB is not considered to be such that their activities during the period in question warrant a warlike nature of service classification.

The MAF were at war with their enemy. The BAB was the MAF's major forward operational base for offensive air and logistic support to its ground forces. The threat to the Base was real.

We would suggest that the MAF would dispute this statement by the NOSR Team.