



RECOGNITION OF RIFLE COMPANY BUTTERWORTH (RCB) SERVICE FROM 1970-1989 – THE WAY AHEAD

Background

Key Facts

There was a major strategic purpose for maintaining a significant Australian force in Malaya including at Air Base Butterworth (ABB) which relates back to the 1950s and Australia's geo-political strategic requirement (vide its international agreements) to defend South East Asia against communism's expansion in support for wars of National Liberation such as the Malayan Emergency.

With the onset of the Communist Insurgency/Second Malaysian Emergency (SME) (official dates being 17 Jun 68 – 2 Dec 89) and ABB's use by the Malaysian Armed Forces (MAF) as a forward operational base, the RAAF asset required additional protection from this enemy threat.

Numerous primary and secondary documents including diplomatic and military cables, signals, minutes, orders, reports etc amply demonstrate both the war and the RCB deployments were on warlike tasks to achieve the strategic goal.

Government's advisors dispute and obstruct every effort to have these facts recognised.

What we seek

We want a wrong righted, with RCB service in this time frame declared warlike qualifying service, thereby allowing troops access to their rightful entitlements of eligibility for a Service pension (at age 60) subject to income and assets tests, and upgrade of their Australian Service Medal to the Australian Active Service Medal.

Key Evidence

1. RCB was operationally deployed there, with clearly set operational tasks that make their service warlike.
2. There was a state of war (SME) existing in Malaysia, with an identified enemy.

3. ABB was a major operational support base for the MAF operations against its enemy – ABB was a potential target.
4. The RCB troops incurred danger in carrying out their operational tasks.

All four are disputed by the Government. The following Appendices to this Paper which represent the most complete set of data available to all parties, allow this evidence to be validated, despite government advisors' alternative methodologies of seeking to disprove them:

1. Chronology of Strategic and Operational Occurrences affecting Air Base Butterworth (ABB);
2. Comparison of Operational Service Entitlements and Awards – RCB;
3. RCB – A Visual Snapshot 1970-1989;
4. Rifle Company Butterworth (RCB) Tour of Duty Database; and
5. Historical Research Document Data Base – Air Base Butterworth.

These data have been assembled from national and international sources, some under Freedom Of Information requests, and analysed by members of the judiciary, academics, military historians professionally trained as researchers and both RAAF and Army veterans. It is most unfortunate that repeated deprecatory statements have been made in official correspondence and Government agency reports about the “low level” of applicants in an effort to diminish the effect of their submissions.

Examination of these data results in a ‘level playing field’.

Audit Trail of Key Events Affecting the RCB Claim

The pivotal block to a full and fair examination of the RCB Review Group's claim is the ***DHAAT Inquiry into Recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989.***

Before then, there were vital influencing documents and decisions that must be considered, including some material possibly not located by Government staff. Since then, there has been substantial compounding of the problem of contested data (on the Government advisors' side) caused through the four assertions stated in the covering letter to this Working Paper.

A fresh and professionally disinterested approach is essential to enable consideration of the full facts so that the rightful decision makers have the right and complete information; this has been missing throughout. To achieve this, it is necessary to review all key events chronologically. Identifying references for both dates and the date of publication of an informing document is the use of the convention YYYY/MM/DD (eg 19940301 means 1 March 1994) throughout this paper and its Appendices.

The following reviews/studies/inquiries and their key impacts map out the progress of this issue:

- 1994. *Report of the Committee of Inquiry into Defence and Defence Related Awards (CIDA) (Gration Report)* published, including the 10 key principles of fairness pertaining to awards (19940301)
- 2000. *Review of Service Entitlement Anomalies in Respect of South East Asian Service since 1955-1975 (Mohr Report)* published, including the key concept of ‘incurred danger’ (20000209)
- 2001. *Recommendations of the Review of Service Entitlement in respect of the RAAF and Army RCB Service 1971-1989* submitted to the Minister by CDF, and ASM subsequently awarded. Army data underpinning that submission is also short of the full facts (20010418)
- 2003. *Report of the Review of Veterans’ Entitlements (Clarke Review)* published, including (at the time) eligibility requirements, failing to include Mohr’s decisions pertaining to ‘incurred danger’ (20030106)
- 2006. *RCB Review Group Submission – Review of Australian Rifle Company’s Military Service as Warlike 1970-1989 Butterworth (RCB)*. This is the seminal submission and includes many references later ignored by the Department of Defence and their agencies (20060818)
- 2010. *DHAAT Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989 Terms of Reference* issued. This invites input to a DHAAT inquiry commissioned to examine 20060818 and other individual submissions
- 2010. *RCB Review Group Addendum to First Submission* submitted to DHAAT. This supplementary material builds on 20060818 and seeks to refute a range of incorrect/inadequate and incomplete components of responses to it (20100610)
- 2011. *DHAAT Inquiry into Recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989* is published (20110218); other major input comes from ADF (20100623) and Department of Defence including Nature of Service Branch (NOSB). Report denies RCB Review Group case. This result draws formal appeals and complaints. **This DHAAT outcome is addressed in more detail in the next section of this paper.**
- 2011. *LTCOL Dennis appeals DHAAT findings* to CDF and also to Directorate Honours and Awards (both 20110814)
- 2011. *NOSB publishes THREE similar documents* – two are titled *Report on Rifle Company Butterworth and ADF Nature of Service Classification*, and *2011 Nature of Service Branch Review - ADF Service at RAAF Butterworth – 1970-1989*, (20111014 and

20111014A) evidently the result of RCB Review Group challenges to the findings of the DHAAT 2011 Report. A *third* document also exists titled ***Background Information Paper Nature of Service Classification - ADF Service at RAAF Butterworth***, which has *identical* content to, but a different title from, 20111014. This third document is also stored as 20111014A. ONE of these two is later used to support Ministerial refusals. All three contain errors/contestables, and omissions of relevant facts and adversely influenced and therefore biased all subsequent Government/Defence/ADF senior decision maker capacity.

- 2013. ***LTCOL Dennis submits Official Complaints of Discrimination and Unacceptable Behaviour Complaint Handing in relation to Australian Defence Organisation and the Defence Honours and Awards Appeals Tribunal*** to seek procedural fairness (20130510)
- 2013. ***LTCOL Dennis submits Personal Account Submission*** case to the ***Defence Abuse Response Taskforce*** to seek redress (20130712)
- 2013. ***RCB Review Group submits a third submission to Minister for Defence*** to seek justice (20130919)
- 2014. ***RCB Review Group initiates a House of Representatives Petition*** (20140228) ***which was approved*** (20140303)
- 2014. ***LTCOL Dennis makes a Deathbed Request*** (effectively a *fourth* submission) to Minister of Defence's Office (20140304)
- 2014. ***NOSB produces Background Paper Parliamentary Petition dated 3 March 2014 Rifle Company Butterworth 1970-1989***. Inaccurate, refers to wrong date, further exacerbating the problem of an objective evidence-based consideration (20140428)
- 2014. ***Petition Hearing in Canberra*** (20141029) – Hansard Report - Government and NOSB evidence
- 2014. ***Petition Hearing in Brisbane*** (20141119) – Hansard Report - RCB Review Group evidence
- 2014. ***RCB's Rebuttal of Minister Roberts and others evidence given at the Petitions Canberra Hearing (20141029)*** submitted to Petition Secretariat (20141201)
- 2014. ***Petition – Reclassification of Service - RCB 1970-1989*** - Committee decision (20141203). Noted from the Secretariat (20151006A) that “ the Committee's role is a procedural one – to ensure that petitions which meet House Standing Orders are tabled in the House and to act as a conduit to House for the presentation of Ministerial Responses to petitions.”

- 2015 *Petition – Reclassification of Service- RCB 1970-1989*. Petitions Committee Secretariat apologises (20151006a) for its confusion over non-response to RCB Rebuttal (20141201) with their response (20141203) to an individual’s (Ken Marsh) submission (20140919).
- 2016. *RCB Group letter Recognition of Military Service as Warlike – Australian Army Rifle Company Butterworth 1970 – 1989 to the Prime Minister* seeking personal intervention or independent enquiry (20160120). No acknowledgement or response from the PM’s Office. Follow up personal contact reveals that the letter was passed to Defence for their action: they determine if the PM is to be advised.
- 2016. *The Royal Australian Regiment Corporation (RARC) sends an endorsement letter to the PM* (20160120). No acknowledgement or response from the PM’s Office. Follow up personal contact to PM’s Office Chief of Staff activates a response from the responsible Minister.
- 2016. *Reply to RCB’s first letter to PM from Michael McCormack Minister for Defence Personnel* (20160506) – Rejection of our request: “....No new evidence.. further correspondence is unwarranted”
- 2016. *RCB’s reply to Michael McCormack’s letter* (20160523) - A summary of the Government’s intransigence to accept our evidence and denial of the right to challenge the accuracy of their advisors’ advice. No response from The Minister.
- 2016. *RCB second letter on Recognition of Military Service as Warlike – Australian Army Rifle Company Butterworth 1970 – 1989* sent to the Prime Minister (20161107). No acknowledgement or response from the PM’s Office.
- 2016. *Complaint against Nature of Service Branch (NOSB)* sent to Department of Defence by Ken Marsh to address their control of government briefings and drafting of Ministerial responses (20161204). No response received as at mid Jul 2017
- 2017. *Senator Burston (PHONP) raises the matter in The Senate*. Minister for Defence Marise Payne offers a briefing from her Department. (20170321A)
- 2017. *Senator Burston in the Senate Question Time asks questions of the Minister for Defence Marise Payne* (20170327). She offers him a personal briefing on the matter
- 2017. *Senator Burston meets with DVA Minister Dan Tehan (standing in for Marise Payne)*. The DVA Minister grants right to RCB Review Group to resubmit a further Rebuttal of the 2011 DHAAT Report findings (20170619)

This sequence summarises the situation that needs conclusive attention. Resolution is achievable by an impartial and complete review supported by the Appendices.

The Invited RCB Rebuttal of 2011 DHAAT Inquiry into Recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989 (20110218)

The core of our rebuttal is based on the Tribunal's decision being effectively determined by data coming from the Government's advisory sources which we contest as being in error, incomplete and without consideration of all the relevant facts.

The RCB Review Group's position is based on the indisputable data collected and collated by it and unchallenged by the Government.

These data are offered to the Government in the spirit of collaboration to achieve a rightful outcome.

A succinct high level analysis of the 2011 DHAAT Inquiry Report follows to demonstrate some of the evidence errors and failings.

The following rebuttal uses the group headings of that Report.

Executive Summary

Comments/Correction

By definition, it is a summary (see below). The original request by the RCB Review Group for a specific medal (GSM 1962) is now redundant.

Conduct of the Inquiry (paras 1-21)

Comments/Correction

This superficial coverage of the historical background fails to refer to the seminal and many drivers evident in the primary data of WHY the RCB was deployed to ABB, and its true operational/warlike role.

There is virtually no mention at all past 1969 of the strategic basis for the deployment, the large volume of diplomatic and military traffic surrounding the validated threat to the base and how vital it was to protect the RAAF assets there.

Nor is there any mention of the masses of proof of an enemy, operational measures undertaken to counter them including the infamous deception (11 Jan 73 Defence Committee

recommendation – the ‘Training Lie’) when most of these data emanated from events post - 1969.

There is no consideration given to the plethora of military operational orders, tasks and other indicators of warlike operations (most once classified with many ex-SECRET) which a simple read of the chronological data offers in abundance.

Much of these data were in the RCB Review Group’s first TWO submissions, and since then repeated and reinforced with additional proofs. In effect, only 9 of 59 paragraphs purport to inform the reader of what was a nineteen year strategic operational deployment involving 80 Australian rifle company groups, a number not deployed to a single conflict outside of WW I and WW II.

Document/Source

20060818, 20100610, 19711201, 19730111, 19730814, and well over 100 further pieces of primary evidence including numerous operational orders and instructions which show conclusively that the deployment was warlike.

Summary of the arguments of the Claimants and the Submitters (paras 22-35)

Comments/Correction

This section is again over-simplified, misleading and makes erroneous assumptions based on the panel’s perception and not the evidence.

The RCB Review Group’s input is deprecated in a manner that belies the expectations of a professional inquiry.

No comment can be made about other submitters, other than that the Report also paints their input poorly.

On the other hand, highly selective reference is made to two senior government officers’ testimony of the nature of RCB service. In 2011, such officers, even of General rank would have been, at best, junior company officers in late 1989 and, lacking the same suppressed evidence, could not possibly give definitive input as claimed. Similarly the Department of Defence’s position was overwhelmingly based on the input of the NOSB, thereby also lacking key information.

Not being privy to the evidence/statements made by others we cannot make any direct rebuttal of it (unlike what was possible from the later 2014 House of Representatives Petition Committee Enquiry into RCB Service Recognition).

Document/Source

20060818, 20100610, 19711201, 19730111, 19730814, and especially 19710427, 19710501, 19711005, 19711130, 19711201, 19720420, 19730401, 19730725, 19730814, 19731011, 19741011, 19750101, 19751231, 19770101 and on

Medal Regulations (paras 36-43)

Comments/Correction

Not in need of refuting; this section simply states the current medallic awards.

Veterans' Entitlements (paras 44-46)

Comments/Correction

Paras 44-45 are not in need of refuting; in this section the Tribunal recites and quotes itself from an unrelated case.

Para 46 though gets to the core of the problem; the issue of 'warlike status' is addressed, *but without any discussion at all of the RCB's mass of evidence* that shows its service was indeed 'warlike'.

Document/Source

All assembled primary, secondary and procedural evidence from 19680617 to 20100623, especially the key ruling by Justice Mohr at 20000209 on 'incurred danger.'

Evidence (paras 47-58)

Comments/Correction

This section, where one might expect to find the crux of the analysis leading to the Tribunal's findings in paras 55-58, comprises a tiny *eight* paragraphs of 59 that constitute the entire Report.

It condescendingly starts with 'The evidence presented ... by and on behalf of the claimants is not substantial. It consists of the recollections of those who served with RCB'

The Report then proceeds to present a completely inadequate and blatantly imbalanced lead-in to its inevitable recommendations *despite* the mass of data formally presented to it.

It *also rejects* the expert testimony of two retired Lieutenant Colonels (one present, one by telephone).

The Tribunal spectacularly fails to even mention any of the data after 1971 that had been made available to them prior to and during the hearings, generating an extraordinarily biased product.

It is difficult to comprehend how such a travesty was accepted by those who commissioned the Tribunal. Yet, this Report forms the basis of all later Government rejections of repeated efforts by the RCB Review Group and others to seek redress.

Document/Source

All assembled primary, secondary and procedural evidence from 19680617 to 20100623, especially the key ruling by Justice Mohr at 20000209 on ‘incurred danger,’ noting especially 20110814, 20111014 (three different papers by NOSB dated same day), 20120916, 20130510, 20130712, 20130919, 20140228, 20140304 (a tragic piece of evidence; a deathbed appeal that was ignored), 20140813

Recommendations (para 59)

Comments/Correction

A foregone result.

This ‘rebuttal’ of the Tribunal’s Report should alert and alarm the reader - it will with any trained and competent researcher - that a travesty of justice has occurred.

That travesty started early when the first submission made by the RCB Review Group on 18 Aug 06 (20060818) was rejected without consideration of the facts presented or any rebuttal of them.

The evidence provided to the Tribunal by all parties was not available for examination and response/comment by them.

Instead, the Report was in our opinion a high-handed superficial exercise based on a lopsided consideration of the evidence presented to it and a failing to analyse all the facts available.

We contend that the more recent 2014 House of Representatives Petition Enquiry into the matter, reported in Hansard with the evidence presented by all parties, allows a clearer observation of differences and examination of all the facts discovered by the RCB Review Group and presented since the earlier 2011 DHAAT’s badly biased Report. **Therefore, we recommend the Minister review the RCB Review Group’s rebuttal submission (20141201A) as well.**

Resolution – The Way Ahead

The problem faced by Government is that on one hand, it is dependent largely on a bureaucracy that continues to compound the early inadequate supply of fair, balanced and full evidence-based advice. On the other hand, there are indisputable data provided in the Appendices that amply prove the RCB Review Group’s persistent submissions have been ignored by the Government’s advisors.

Unfortunately, extraordinary procedural blocks have continued to be emplaced as the RCB Review Group seeks justice. These blocks now include evidence supplied by the Government's advisors that place Ministers in a compromised position through contempt of Parliament charges (deliberate untruths to cover previous inadequate staff work on the part of its advisors). **We assert that underlying the Government's decision has been incorrect and incomplete evidence.**

Our primary, secondary and procedural evidence is provided in the Appendices. It is offered in its entirety to allow all parties to work together with the same opportunity to achieve a rightful decision. We have to date excluded the national and social media from access to it.

As stated in our letters to the PM we seek the Government's recognition of RCB Service as warlike and classification as qualifying service for veterans' entitlements. Failing that we seek the Parliament's appointment of an independent Government judicial enquiry into the matter.

The RCB Review Group reserves its right to appeal to the Australian Parliament and the Australian people.

Conclusions

There is no doubt that the troops who were deployed in RCB to protect the RAAF assets at ABB for the duration of the Communist Insurgency were on warlike service.

Following a change of Government a secret deception plan was devised to conceal the real purpose of the RCB deployment from the Australian public.

A plethora of evidence proves the diplomatic, political and then military contrivances and Government's decisions to give effect to this deployment.

The deployment's purpose was successful in that it achieved its strategic aim; the enemy (external and internal to Malaysia) were deterred from directly attacking a prime target. This fact should not be used to deny the troops their due by using it as a reason to reject the legitimate claim that they were in a state of incurred danger (at war); the 'best' wars are those where a shot does not need to be fired in anger and no soldier dies at the hand of an enemy.

The great tragedy, aside from the three fatalities and hundreds of injuries suffered by the RCB, is that over time, our own people in Defence have seen fit to oppose the presentation of hard evidence as it became available. This is an unconscionable event, made worse over the passing of time by successive staffs in both the ADF and the Department digging in on an early wrong decision rather than objectively and professionally evaluating all the evidence.

It is time for the current Government to correct this gross injustice.

Recommendation

The Government approves RCB Service as warlike and classification as qualifying service for veterans' entitlements.

Failing that approval, the RCB Review Group will seek the Australian Parliament's appointment of an independent-of-Government judicial enquiry into the matter.

Yours sincerely

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Appendices:

1. Chronology of Strategic and Operational Occurrences affecting Air Base Butterworth (ABB)
2. Comparison of Operational Service Entitlements and Awards - RCB
3. RCB – A Visual Snapshot 1970-1989
4. Rifle Company Butterworth (RCB) Tour of Duty Database
5. Historical Research Document Data Base - Air Base Butterworth