



STANDING COMMITTEE ON PETITIONS

Petition on reclassification of service by the Rifle Company Butterworth

1970-89

RCB GROUP'S COMMENTS AND REBUTTAL OF STATEMENTS

[MADE AT THE HEARING ON 29 OCTOBER 2014](#)

Note: In this document the RCB Group's comments are in italics and coloured blue.

Extract from the [Hansard Report](#)

Today we will be hearing from representatives from the Department of Defence to discuss a petition which calls for the reclassification of the military service of Rifle Company Butterworth between 1970 and 1989. I now invite representatives from the Department of Defence to discuss the petition. I remind witnesses that, although the committee does not require you to give evidence under oath, this hearing is a legal proceeding of parliament and therefore has the same standing as proceedings of the chambers themselves. The evidence given today will be recorded by Hansard and will attract parliamentary privilege.

If you would like to make a brief opening statement, we can then go straight to questions.

Mr Robert: Thanks Chair, and thank you for the opportunity to come along as the responsible minister and to bring Colonel Thompson, Director General of Military Strategic Commitments, and Ms Cooper.

It was interesting speaking to Colonel Thompson before; he actually spent three years of his life—I think you said as a 'RAAF brat', Colonel—

Col. Thompson: I did.

Mr Robert: on RAAF Base Butterworth in the 1970s. It is good that we can bring someone along who is not only a military professional but who can also speak firsthand on what it was like there at the time, with mum and dad, at Butterworth.

Comment 1. We question the relevance of a witness who was a child at the time and whose experience of Butterworth was no more than three years of what was a 21 year Insurgency. This witness has no firsthand experience of the RCB deployment and the Communist Insurgency War also known as the Second Malayan Emergency (SME).

It is unfortunate that the Minister would claim that a senior Army officer, a Colonel, who was a child at the time he says he lived in the area, could provide 'firsthand' competent commentary from any experience on military operations for the period under review. At best, he might have some theoretical knowledge; unless he was there as an adult Serviceman, AND has studied the full range of now de-classified data and intelligence – he has done neither - it is impossible for him to be proffered as an "expert" witness by the Minister. This is evident in some of the Colonel's later comments.

I would like to make an opening statement. I thank the committee for its interest in the matter of the nature of service classification for Army's Rifle Company Butterworth, and for the opportunity to address you.

On 3 March, the committee referred to me a petition seeking reclassification of the service of Rifle Company Butterworth between 1970 and 1989. The petition contends that because those troops were deployed to provide a protective and quick reaction force, this service should be reclassified from 'peacetime' to 'warlike'.

In preparing a response to the petition, a senior research officer with no prior involvement in earlier Defence reviews of Rifle Company Butterworth's service has reviewed and extended prior research.

Comment 2. We question the objectivity and competence of the Senior Research Officer. We have sourced a wide range of primary source documents that show the real nature of affairs on the ground at Butterworth. Not only have many of these been ignored by this Research Officer, we believe we have demonstrated where the Researcher has actually ignored context to present a picture that differs from that revealed in those source documents. This approach reflects either significant research incompetence, or directed actions to achieve an official position that is not supported by all the facts. The Petition Group on the other hand, has several skilled researchers who have identified and presented irrefutable evidence from the same literature available to the Government's Team, which has been shown to ignore or try to "outmanoeuvre" the petitioners, a disastrous state of affairs given the availability of the hard evidence.

The research undertaken has been considerable and it has been thorough, including re-examining all available official documentation held at the War Memorial and the National Archives of Australia, encompassing opened, closed and not-yet-examined documents.

Defence records were also examined, including RAAF Base Butterworth commanding officer reports, RAAF unit history records, and commanders' diaries for those Australian battalions which provided an infantry Rifle Company for rotation through Butterworth.

Comment 3. We question why the researcher been unable to locate high level documents, both in terms of security classification and origin, which reveal the training role was used to hide the real reason for the RCB deployment. For example, the letter of the Secretary of the Department of Defence of 2 March 1972 in which he states:

“In addition, Malaysian reluctance having been overcome, the ANZUK force will now provide an infantry company on rotation through Butterworth on a full-time basis, ostensibly for training, flag-showing and a change of scene. The presence of this company will provide the Commander with a ready-reaction force which he can use inter alia to supplement the elements available to him under the joint Malaysia-RAAF Plan, but short of an actual overt breach of security the Commander cannot use these troops for guard or other security duties.”

We have a significant range of documents from these same sources showing Communist Terrorists (CTs) were active close to the Butterworth Air Base, that military authorities had real concerns over the possibility of mortar and rocket attacks, and that security levels were increased from time-to-time in response to possible ground threats. All were sourced from National Archives/AWM. The NOSB researchers have either NOT looked at some of them, or they have engaged in deliberate deception, thereby placing the Minister in a most embarrassing position. These documents are now readily accessible; some have already featured in our submissions and been ignored.

This research sought to define roles and responsibilities of the infantry rifle company which rotated through Royal Australian Air Force Base Butterworth, and the environment in which members of the Australian Defence Force served, including the level of exposure to the risk of harm.

By way of background, approximately 9,000 Australian Defence Force personnel served on infantry rifle company rotations between 1970 and 1989. It is estimated that up to 19,000 members of the Royal Australian Air Force also served at Butterworth during the same period. In addition, there were Australian public servants and teachers working at or near the base. For RAAF personnel, these were accompanied postings, with families living in married quarters located outside the base perimeter fence in the nearby area and on Penang. There were no restrictions placed on movement by car, taxi or bus in the Butterworth area, or on travel via ferry to Penang Island.

Comment 4. *During both the 1948-1960 Emergency and the Indonesian Confrontation Australian military members were accompanied by their families to Peninsular Malaya/Malaysia. A draft document from 1975 sourced by veterans reveals not only concerns for the safety of families but also shows concern that if families were withdrawn it could give the CTs a psychological advantage and damage Australia's prestige in S.E. Asia.*

In September 1975 a curfew was imposed on three districts of Butterworth and in 1971 travel restrictions existed in the Kulim area, approximately 15 miles from the Base.

As the Malaysian Government gained the ascendancy in the 1948-1960 Emergency 'white areas' were increasingly declared commencing in 1953. Emergency restrictions were lifted in these areas. The area around Butterworth was declared white in 1954, however during the Second Malaysian Emergency, the same threat of CTs attack existed. Specific operations plans including protection and evacuation of civilian dependants were in place.

During the Vietnam conflict, which ended in 1972, Penang was a formal rest and recuperation leave centre.

Comment 5. *We contend that this is completely irrelevant.*

Vung Tau and Saigon were likewise rest and recreation areas during the Vietnam War yet both were inside the war zone. Similarly, Penang has been described as a popular recreational area from at least 1955 during the Emergency, with servicemen either driving or travelling by rail from Kuala Lumpur as well. The evidence shows similar conditions existed in the Butterworth area during the Second Malaysian Emergency as in earlier 'active service' periods. Just as London and Berlin were R & R centres during World War II.

While Australian forces remained in Malaysia following the confrontation ceasefire on 11 August 1966, no state of war or emergency existed and, accordingly, the Malaysian government made no further requests for assistance in security operations.

Comment 6. *We refute this totally.*

Multiple sources exist showing the Second Malaysian Emergency occurred. We have hard military and government evidence from Australia and Malaysia, academic papers and newspaper articles that show this.

The Australian presence at Butterworth was a response to Malaysian and Singaporean concerns regarding their vulnerability to acts of external aggression.

The Mirage squadrons were the backbone of an integrated air defence system for both nations. These forces incurred danger from armed communist forces and, because of concerns regarding the ability of the Malaysian forces to provide adequate security, an

Australian Rifle Company was rotated through Butterworth to provide a specialist ground defence role.

This all occurred during what the Malaysian Government itself formally called an emergency and published an entire book about, listing all of their campaigns, casualty figures, and maps.

The RCB's role as an armed force capable of fighting to protect the RAAF assets was a subterfuge revealed by the "training" cover up role directed in Defence Committee Minute 2 dated 11 Jan 73, a vital document now available to all. This is repeated down both the RAAF and Army chains of command in official documents to prove it.

Therefore, there were no allotments of Australian forces for special duty in Malaysia after 14 September 1966, and Australian forces were not engaged in any operations against hostile forces or dissident elements.

Comment 7. *We contend that this is a cover-up as well as an erroneous statement.*

A declaration of a special duty area would have meant those serving at Butterworth prior to the introduction of Australian awards in 1975 would have become eligible for the 1962 General Service Medal for service in minor conflicts. This would have exposed the real reason for the deployment.

Allotment for special duty is a non-concept. The hard evidence is that the troops were deployed on DP1 (war ready) status, under Army Mounting Instructions that repeated the 'training lie'.

The practical instructions regarding tasks and the operational command relationships between Army and RAAF, while the Rifle Company was at Butterworth were prescribed – these were clearly active service. We have an audit trail of Army and RAAF documents that show this. An example, even though it perpetuates the 1973 Defence Committee order to lie about the operational deployment by officially stating it to be one for "training purposes" is the Army Field Force Command Mounting Instruction 2/79. Every RCB deployment did so under such a Mounting Instruction.

Ownership of the Butterworth Air Base was transferred to the Malaysian government on 31 March 1970. Until 1970, security at Butterworth was provided by the Royal Air Force, but responsibility transferred to the Malaysian authorities with the transfer of ownership.

The program for rotating an infantry rifle company to Butterworth was implemented on 15 November 1970 by the Australian, New Zealand and British battalions from the 28th

Commonwealth Brigade, which was located in Singapore. Interestingly, New Zealand also deployed a company on rotation from 1971 to 1973.

With the withdrawal of the Australian battalion from Singapore in September 1973, a company group was provided from the Australian base battalion, deploying on three-month rotations. It was around January 1980 that the infantry rifle company located at Butterworth on rotation assumed the title of 'Australian Army Rifle Company Butterworth', or RCB.

Comment 8. We agree with this general record but it does not tell the full story.

History shows the deployment of an ANZUK Rifle Company to Butterworth did not initially provide a permanent presence. In 1971 the ANZUK Intelligence Group discussed the increased communist activity in the Butterworth area and the communist capability concluding that there was a 'definite risk' of small scale, isolated attack against the Base at any time and without warning.

Unsurprisingly, this occurred due to the increase in CT activity that led to the ramping up of counter-insurgency operations (the reason for the start of the Second Malaysian Emergency (SME)) and the greatly increased risk to the Butterworth Air Base. So much so that the Australian government was forced to make a key and secret decision, especially with the withdrawal of the battalion group and supporting gun battery from Singapore. There is now a large amount of evidence to this effect in RAAF intelligence material and it may not be denied.

Government awareness of this heightened state of risk to the RAAF assets in Butterworth was evidenced by a letter from the Secretary, Department of Defence, Sir Arthur Tange, to the Secretary, Department of Air, dated 2 March 1972 which confirmed that, in response to the significantly increased potential level of threat assessment, and the 'Malaysian reluctance having been overcome, the ANZUK force will now provide one infantry company on rotation through Butterworth on a full-time basis ...', the action so quoted was put into effect.

The RCB was duly deployed direct from Australia, as a combat force to work under command of the RAAF Commander for defence of RAAF assets inside the perimeter, as well as local protection of dependents in an emergency. This occurred continuously for the entire remainder of the SME, with the RCB armed in a manner and subject to Rules Of Engagement (ROE) that can only occur in warlike conditions. Defence Committee Minute 2 dated 11 Jan 73 provided the supreme "head of power" for this to occur.

The date of the naming of the company is irrelevant.

The roles of the infantry rifle company were to provide a ground force presence in Malaysia; to conduct training; and, as claimed in the petition, to assist in the security of Butterworth, if required, and to provide a quick reaction force, if required.

Comment 9. We contend that Defence failed to even acknowledge, and therefore address, high level documents showing the real reason for the deployment.

For example, the letter from the Secretary, Department of Defence, cited above. ‘...the ANZUK force will now provide one infantry company on rotation through Butterworth ostensibly for training, flag-showing and a change of scene. The presence of this company will provide the Commander with a ready-reaction force which he can use inter alia to supplement the elements available to him under the joint Malaysia-RAAF Plan, but short of an actual overt breach of security the Commander cannot use these troops for guard or other security duties.’

Then there is the Defence Committee Minute of 11 Jan 73: ‘...when the Australian battalion is withdrawn, the requirement for a company for security duties at Butterworth will be met by providing the unit on rotation from Australia. This could be presented publicly as being for training purposes.’ This, we further contend, is the official pre-emptory cover up for the real reason for RCB’s deployment, and the means to keep it covered up.

Other evidence also available to Defence, we believe, supports our contention. Further, we contend, emphasising ‘ground force presence’ and ‘training’ in lower order documents cited by Defence was part of the way in which the real purpose was hidden. All lower order documents repeat this “lie”, however, the then-SECRET Defence Committee minute and supporting intelligence prove that RCB was in fact deployed on operational duty.

However, importantly the infantry rifle company was not to be involved in local civil disturbances or to be employed in operations outside the perimeter of the air base.

Comment 10. We agree with this simplistic statement; however, it again fails to tell the full story.

The purpose of the Australian presence at Butterworth during the SME was to provide a deterrent to both internal and external aggression. The correspondence of Sir Arthur Tange, cited above, shows Australia had real concerns over the ability of the Malaysians to provide adequate protection, stating that this exposed the RAAF to a ‘higher degree of risk’ than would be the case if the Base were under Australian control.

Faced with the ‘objective danger’ faced by Australian personnel and assets, an infantry company was deployed to Butterworth to provide security of RAAF assets at a level acceptable to Australia.

RCBs actually trained for this task before they were deployed as directed in formal Army Directives (all available on file), but only to be carried out ON the base, unless ordered to go outside the perimeter by the RAAF commander. The latter possibility appears in the (now-declassified) "Air Directives" file which contain RAAF Directives to that officer.

*OC RAAF **was ordered not to** deploy RCB outside, but he also had a written directive that in an operational emergency, he could seek clearance to do so; one document authorises him to act alone if necessary.*

The Malaysian armed forces were responsible for the security of the base, and RAAF personnel had primary responsibility for internal base security.

Comment 11. We concur with this statement; it was part of a shared defence arrangement with the RAAF Commander documents reflecting his duties and obligations, including having RCB under operational control.

*The Base was Malaysian property and they controlled the perimeter and area outside the wire. However, the Australian military personnel employed on security duties, including the RCB, were responsible for the protection of shared assets and those points considered vital to the operations **of both nations**, including the shared Integrated Air Defence System, **inside the wire**. This meant Australian forces were protecting and defending Malaysian as well as RAAF property from attacks by Malaysia's armed CT enemy. This was a constant focus for both sides to avoid the potential for a clash of friendly forces, exacerbated by the fact that both had live ammunition and ROEs, made more difficult by the fact that the Malaysians were clearly engaged in combat operations from the base for much of the time.*

The infantry rifle company provided a quick reaction force, normally a section size of 10 diggers, outside of normal weekday working hours—1800 hours at night through to 0600 hours.

Comment 12. We can prove that this is an understatement and is written to make the operation sound like peacetime garrison duty.

This was the minimum requirement; depending on the time and potential threat.

The QRF was sometimes three times that size, armed with machine guns and full complement of live ammunition, around the clock and not "overnight".

Some RCBs were also required by the RAAF commander, depending on the threat level at the time, to require the RCB commander OR his second in command to be on the base AS WELL in case of attack.

Evidence in our possession also shows that the RCB was at times assigned other security roles, such as piquet duty and standing patrols as considered necessary at the time.

RAAF property and assets were not guarded during normal working hours when they were under surveillance of air force personnel working on the flight line or elsewhere on the air base.

Comment 13. *We contend that while this statement is basically true it again fails to tell the real story.*

The presence of RAAF members on flight lines and other places in normal working hours would, by itself, be a deterrent of sorts to subversive activities.

Many RCBs were required to patrol the base in daylight as well as after hours in combat order (meaning ready to fight), and conduct counter-penetration and counter attack rehearsals as well as other combat defensive tasks. Photographic evidence confirms this to be the case with daily training and other activities carried out by the rifle company carrying weapons in daylight hours providing additional deterrence.

We contend that one of the major reasons why the base was not overtly attacked was in large part because of the overt size and regular exposure of heavily armed Australian soldiers who could, and did, appear very quickly at any point inside the airfield, ready to fight.

The rules of engagement and the orders for opening fire for the infantry rifle company, which also applied to all RAAF personnel, were defensive in nature and were to be applied within the air base only.

Comment 14. *We argue that the writer of this statement does not understand the fundamentals of military operations.*

Rules of engagement authorise the conditions under which lethal force can be used by a military force. Their application, all documented in detail and not contested for RCB, can only mean one thing - there was an 'objective danger' faced by those at Butterworth who were authorised under certain conditions to use that lethal force.

And the mounting authorities knew that. Defence is an integral part of military conflict (also known as a phase of war in all military doctrine). Personnel armed with weapons and live ammunition, including while outside the base on exercises (documents actually list the threat

there as both wild animals and armed belligerents (CTS)) will, if called upon to do defend themselves or others, be exposed to as high a risk of harm as any other in a field of conflict when applying their rules of engagement.

In the event of a security emergency being declared, the infantry rifle company was to assist with the protection of facilities, personnel and families under the direction of the officer in command in the air base.

Comment 15. We contend that the necessity to provide an infantry company to assist in this way supports our view that military authorities considered it likely that an attack could take place. As Justice Clarke said in 2003, if authorities believe a place is vulnerable to attack and send forces to that place, they are placing those forces in harm's way. This was not normal peacetime service as Defence maintain; the RCB was placed under the operational control of the RAAF commander. That is a war-fighting relationship, not a training activity.

The ground defence operations centre was established to manage all emergencies at the air base, including security related emergencies. While this operation centre was manned on a regular basis, such as during air defence exercises, simulations of a declared emergency and during the movement of highly flammable material as a precaution in response to local disturbance or potential threat, no security emergency was ever declared at RAAF Base Butterworth.

Comment 16. We contend that this is statement is a clear attempt to mislead and challenge its veracity.

We have pages of documents that show increased security levels were implemented when considered necessary because of the expectation of attack and that the GDOC was often activated to be able to direct operations should such be necessary to defend the base.

The long-established principle in Australian legislation regarding veterans' entitlements is that it is the expectation at the time that determines entitlements, not what history determines retrospectively.

Defence rely on retrospective assessments to deny proper entitlements. Even then, as is the case here, the assertion that there was no security emergency declared (whatever that means) is palpably false; hard evidence lists shows that the GDOC was activated for real threats.

No attempt has been made by Defence to conceal the fact that there was a level of threat to RAAF Base Butterworth, but the level of threat was assessed as low.

Comment 17. *We reject this effort to mislead.*

In fact, we have multiple official military security assessments that say otherwise.

The Defence Committee Minute No 2 dated 11 Jan 73 accepts there was sufficient threat to necessitate a reinforced rifle company, which can defend against three times its size. RCB carried its full war establishment of heavy weapons and was provided with on-base live ammunition for them. This was a very powerful deterrent to the CTs, and also a force that could be used elsewhere if needed under the Five Power Defence Agreement.

As Justice Clarke said in 2003, attempts to add further descriptors to 'danger' have only resulted in inconsistencies in service recognition. All that is required is 'that injury from hostile action was conceivable and might reasonably have been regarded as an existing risk ...'

Injury from the action of the enemy was both conceivable and a reasonable expectation at the time. Claims of 'low risk' appear to be designed to mislead by implying only high risk deployments should receive active, or war-like recognition. There are several other groups who faced a lesser threat that have received recognition eg Ubon, East Timor.

To give you some credence, the level of threat in Iraq for combat operations now is assessed as high.

Comment 18. *We have never contended that the threat at Butterworth was at the same level as that in places such Iraq, Afghanistan and Vietnam.*

*We do contend that the threat at Butterworth was at least equivalent to that which applied across the Malaysian Peninsular during the Emergency (1948-60), higher than that faced by naval personnel in ships off the Malayan coast **at any time**, and similar to that at Ubon in the late 1960s.*

As stated by CIDA (Committee of Inquiry into Defence Awards, 1994), Principle 3: 'To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or degraded'.

Rather than make unfair comparisons to places such as Iraq as Defence does, we request that comparison be made to other places comparable to that existing at Butterworth during the SME.

Defence has acknowledged that there were instances of elevated concern over possible threats to the base from communist terrorists, as they were known at the time, and local racial disturbances that gave cause to the GDOC, which is the Ground Defence Operations Centre, to be manned at times and for security practices to be changed. However, the daily routine of the air base continued unabated throughout the period.

Comment 19. We contend that this statement is misleading and dismisses statements to the contrary in documents cited by Defence.

CO Base Squadron Butterworth's monthly reports from the beginning of 1976 to Sept 1978 clearly show the GDOC was activated regularly to cover possible ground threats. These activations are shown under the heading 'Operational' whereas training activities are under the heading 'Training'.

Further, documents also available to Defence but ignored by them show that at least one stage aircraft were dispersed to different points around the Base as a safeguard against possible rocket or mortar attacks, tightened control of access and search of civilian vehicles were in place, there was increased patrolling and the dispatch of an additional nine RAAF Police from Australia occurred to assist with security duties. This was not a continuation of normal routine. Many veterans have provided consistent statements that reflect the variation in the nature and level of RCB security activity.

Reference to a 'period of tension' in one of these documents further supports our claim that this was not normal peacetime service. The fact that "business as usual" was achieved for most of the time is due to the deterrent success of the RCB's presence.

Whilst communist terrorists were active at various times and in various parts of the Malaysian Peninsula, life continued as normal for the local population, as well as those posted to Butterworth and their families who lived outside the wire.

Comment 20. We assert that this is a "so what?" question and irrelevant statement. Nor is it correct.

There were documented threats such as attacks recorded in the intelligence summaries including on Penang, and plans existed for the protection of dependents, none of whom lived inside the airfield wire. Veterans' statements also record periodic incidents that indicate there were threats off-base as well as to the base itself.

Further, Noel Barber's 'The War of the Running Dogs', a history of the Malayan Emergency (1948-60), shows that the Communists recognised early in that war the futility of terrorising

the civilian population and destroying the infrastructure they relied on for their income. Subsequently they restricted their attacks to security forces and security force installations. "White areas" were introduced to Malaya in 1953 with all restrictions in those areas lifted. As control was achieved across Malaya to the extent that more areas could be so designated, life returned to normal for most of the Malaysian population.

*In a departure from the doctrine followed by Chin Peng in the (first) Emergency, during the Second Malaysian Emergency the CTs embarked on urban terrorism, targeting security force personnel. The Malaysian Government's official publication **The Malaysian Army's Battle Against Communist Insurgency in Peninsular Malaysia 1968 – 1989** provides a good coverage of the CT operations and the Malaysians massive expansion of their Armed Forces to deal with it, including where, and how, and the 1000+ casualties incurred during that campaign. Note the title: Army Battle ... That is war. And it included Butterworth as a prime base of operations.*

Subsequent restrictions, such as curfews and road blocks in the Butterworth area during the 1970s, would not have been seen in the area since 1954.

Instances of the perimeter fence being cut were not attributed at the time to communist terrorists, but considered to be done for the purpose of petty theft.

Comment 21. *We assert that this statement merely seeks to denigrate and undermine our claim. The fact that the fence was found cut at times and evidence of unauthorised entry only helps highlight the vulnerability of the Base to penetration by one or more insurgents with ill-intent. Whether it may have been petty criminals or not is academic.*

There was never an attack on RAAF Base Butterworth by communist terrorists.

Comment 22. *We contend that a long standing legal principle precludes retrospective assessment. Justice Mohr in 2000 said in effect that if a veteran incurs danger from the hostile forces of an enemy he or she is entitled to repatriation benefits – or what is now called war-like service recognition. Mohr further stated that this test it met when veterans face an 'objective danger.'*

We contend that the evidence we have proves Butterworth veterans faced an objective danger, both by the fact of proven communist activities in the near vicinity of the base and the warnings given to service personnel.

Deterrence is a great way to succeed in operational deployment where the best battle fought is one where the enemy's centre of gravity is circumvented so that he is defeated without a shot fired. If the presence of the RCB at Butterworth deterred communist attacks then its presence actively aided the Malaysian security forces by enabling them to continue

their operations from Butterworth unabated. Ubon, for example, was recognised as being 'warlike' service but Mohr found there was no record of any attack.

While the period of 1966 to 1989 has been referred to as the second emergency, this title appears to have been applied retrospectively—there is no historical record of the Malaysian government ever declaring a second emergency.

Comment 23. *We contend that this is an astonishing failure to accept publically available historical records and publications.*

Aside from the official Malaysian government publication already quoted, and another in Defence libraries, the expression 'new emergency' appears in a range of publications including an article in The Straits Times dated 4 Sep 75 attributed to the Malaysian Prime Minister Tun Razak.

The 1977 Summer edition of the journal 'Pacific Affairs' published an article by Richard Stubbs 'Peninsular Malaysia: the "New Emergency"'. This is readily accessible on the internet. A nation-wide emergency was declared in 1969 following race riots and emergency regulations toughened in 1975. Several academic theses and papers examine and document the second emergency.

Submissions seeking review of a nature of service classification of past service are considered in the context of the legislation and policies that applied at the time of the service under review. The applicable legislation was for the period of RCB service, 1970 to 1989, was the Repatriation (Special Overseas Service) Act 1962.

Comment 24. *We contend that forces at Butterworth incurred danger from the hostile forces of an enemy, namely the military and underground operatives of the Malayan Communist Party and their sympathisers.*

If, as Defence maintain, review of past service is considered against the legislation and policies at the time, why did Clarke in 2003 apply warlike and non-warlike criteria when reviewing service that was rendered against former legislation?

Special overseas service, which is equivalent to the contemporary classification of warlike service, required that personnel be allocated for special duty within a declared special area.

Comment 25. *We contend that this is singling out RCB veterans unfairly.*

Justice Mohr, in 2000, considered it unfair that veterans should be denied proper recognition of service because the right procedures for their deployment to a particular area were not followed by their commanders at the time – that is, the allocation to a declared area for special duty.

Special duty was defined under that legislation as ‘duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the specific or the special areas was made’.

Comment 26. We contend that this is singling out RCB veterans unfairly.

Justice Mohr, in 2000, considered it unfair that veterans should be denied proper recognition of service because the right procedures for their deployment to a particular area were not followed by their commanders at the time – that is, the allocation to a declared area for special duty.

Because no state of war or emergency existed in Malaysia after the end of confrontation on 11 August 1966 and because the Malaysian government made no request to the Australian government for military assistance after this date, ADF personnel were not engaged in duty relating to warlike operations or a state of disturbance in Malaysia between 1970 and 1989.

Comment 27. We contend that this is not correct.

The RAAF presence at Butterworth was to provide an Integrated Air Defence System for Malaysia and Singapore because of their perceived vulnerability to external aggression. We would not have been there if we were not invited.

Australia also had a clearly defined role in the broader defence of Malaysia under the Five Power Defence Arrangements.

During the SME, there was a clearly defined threat to the base from which Malaysian forces were launching operations against the enemy. ADF personnel, including and especially RCB, were clearly engaged in warlike operations defending RAAF/shared assets at Butterworth, a state of affairs that had to have been accepted by the politicians of both countries of the day, otherwise the Australian Defence Committee Minute 2/73 would never have been put into effect. Reading that full document is most illuminating in that it also outlines the political rationale for deploying RCB to Butterworth.

Evidence presented elsewhere in this document clearly proves a state of undeclared war existed in Malaysia at the time.

As a result, ADF service, including those at Butterworth, cannot be considered to be the special service under this act at the time, the Repatriation (Special Overseas Service) Act 1962.

Comment 28. We contend, given the fact of previous reclassifications of service against current criteria that this statement by Defence is meant to mislead.

Therefore, instead of seeking reclassification of their service under the Special Overseas Service Act, Butterworth claimants are seeking a warlike classification under the current framework, which was incorporated into the Veterans' Entitlements Act 1986, and they were seeking this in 1997.

Comment 29. We proffer the fact that Justice Clarke used the warlike criteria when assessing service conditions going back to the early 1950s.

Warlike operations under this current framework, since 1997, are defined as 'those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties'.

These operations can encompass, but are not limited to, a state of declared war, conventional combat operations against an armed adversary, and peace enforcement operations, which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat and activities.

Comment 30. We welcome the use of the correct criteria for warlike service in this instance and question why it was not used in the Nature of Service Branch report to the Committee, dated 28 April 2014?

At paragraph 122 NOSB stated: 'Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and (the degree of exposure to the risk of harm is such that) there is an expectation of casualties. Warlike operations include a state of declared war, conventional combat operations against an armed adversary and peace enforcement operations.' Was this another attempt to mislead?

No ADF service at Butterworth through the period 1970-1989 including those of Butterworth meets any of these criteria.

Comment 31. We challenge this claim by Defence; the evidence we have presented demonstrates conclusively that the RCB meet all of these criteria as is argued throughout this document. See further material below.

If necessary, the matter may need independent analysis as clearly the Government depends on flawed advice from its advisors.

The Butterworth—or the RCB, the Rifle Company Butterworth—were not pursuing any specific military objectives, were not authorised to use force beyond the minimum required for self-defence and there was definitely no expectation of any casualties.

Comment 32. We contend that this is incorrect. Australia provided two Mirage squadrons to Butterworth under the Five Power Defence Arrangement as the major contributor to an Integrated Air Defence System for Malaysia and Singapore. This became operative on 1 September 1971.

The air defence of these nations was a military objective.

In order to achieve this objective it was necessary to defend Australian assets at Butterworth from the objective danger presented by the presence of communist insurgents. This objective was achieved, following the withdrawal of the Australian Battalion from Singapore in 1973, by the rotation of an Australian Rifle Company from Australia (RCB) for security duties, sold publicly as for training purposes owing to the political sensitivities of the time.

We contend that rules of engagement extended well ‘beyond the minimum required for self-defence’. NOSB acknowledged in their April 2014 document that the ROE were for ‘the protection of facilities, personnel and families under the direction of the OC RAAF Butterworth.’ One does not use live ammunition to apply ROE in training/peacetime.

Regarding casualties, the expectation of possible rocket and mortar attack, ‘sabotage by the planting of delayed-action explosives, booby-traps and other similar devices designed to ... injure personnel ...’ must, by nature, be accompanied by an expectation of casualties. Casualties were expected through the scaling of two medics per RCB with access to a RAAF hospital and rotor medevac. RCB troops were fully trained in battlefield casualty emergency first aid.

Throughout the 68-89 SME, Malaysian security forces suffered 1009 casualties, 155 killed and 854 wounded. RCB suffered several Fatal Non-Battle Casualties and numerous injured as a result of being deployed.

We contend it is illogical to state ‘there was definitely no expectation of any casualties’ and certainly most disrespectful to the actual casualties on all sides.

Importantly, at no time throughout the period 1970 to 1989 did any Australian government consider it necessary or appropriate to reconsider or reclassify the Rifle Company Butterworth or any ADF service at Butterworth. As advised earlier, 28,000 ADF personnel or there about served at Butterworth during the period.

Comment 33. *We contend that it was not possible when the rifle company was initially deployed from Australia to comply with the policies and procedures surrounding deployment at the time owing to the political sensitivities and secret nature of the deployment.*

The history of previous reviews of military service shows that the Australian Government and Military hierarchy have not always ‘done the right thing’ for the troops.

This, we believe, is another example, and it needs to be corrected rather than used as a cynical excuse for failure to act decently now.

Mentioning the larger number of ADF personnel is not relevant to the specific RCB case, if anything, it underscores the Government’s real concern, the potential size of other groups who might have a similar claim that it wishes to prevent by denying the concrete case placed by RCB group.

Since 2006, Defence has provided responses to 40 submissions from 17 claimants seeking reclassification of this service from 1970 to 1989 and one claimant for the reclassification of other ADF services at RMAF Base Butterworth. Many of these claims have been form letters generated by simply one or two individuals.

There is no evidence to suggest that the views of the 17 individual claimants seeking reclassification of Butterworth service are supported by the majority of the estimated 28,000 personnel who served at Butterworth between 1970 and 1989.

Comment 34. *We contend that the Australian Government has a moral and legal obligation to its veterans irrespective of the number and nature of submissions.*

This means correcting anomalies if and when they become apparent. This obligation should not rest on the number of veterans from a particular time and place ‘making a noise’ about the issue. To infer that small groups with vested interest is insulting; this case is actually supported by huge numbers of veterans. including the Royal Australian Regiment Association

which represents the great majority of RCB veterans, and an increasing number of former RAAF veterans are becoming aware of the Government's deception at the time, and now, the evidence to hand that demonstrates that they actually were in danger. If anything, the number of applications to date underscores the continued denial of those veterans getting a fair hearing when they made it.

The true nature of the RCB deployment was, as has already been stated, shrouded in secrecy. There is evidence that not all RCB members were aware of the real nature of their deployment.

Commanders had to follow orders to maintain the deception of "training". We also have evidence that the true nature of affairs on the ground was kept from RAAF members because of the possibility that families would seek repatriation to Australia. This could well have caused political embarrassment to Australia in South East Asia and provided a psychological advantage to the communists.

Most ADF members are not aware of the conditions surrounding deployments and service classification and rely on Defence to 'do the right thing'.

RCB service has been considered by several independent reviews, which have consistently found it to be peacetime service.

Comment 35. *We contend that much of the evidence we now hold was, in all probability, not made available to these previous independent reviews.*

Our Defence and related records relate to the 1970s. Until 2010, Australian Government records were withheld from public access for 30 years, which means they were not necessarily accessible to us until the last 10 years. Some are still embargoed. Without access to these documents we have been handicapped in our ability to present our case and consider it most likely that the 'several independent reviews' were not provided with all relevant evidence upon which to make a judgement either.

This simply means that their failure to agree our case is one of lack of hard evidence. This is now to hand.

The 1994 Committee of Inquiry into Defence and Defence Related Awards concluded that: Neither does the Committee consider that service at Butterworth was clearly and markedly more demanding than normal peacetime service...

Despite noting that service at Butterworth in Malaysia was one of the specific areas of ADF service that the review was asked to advise on, the Review of service entitlement anomalies

in respect of South-East Asian service by Justice Mohr in 1999 made no recommendation of the reclassification of service at Butterworth.

Comment 36. Justice Mohr, in 2000, found that 'although there was still some danger abroad, this danger was remote from activities at RAAF Butterworth'. Defence quote this line in order to downplay the risk at Butterworth when evidence in documents referred to by them show that the risk was in the Butterworth region. This fact, we believe, supports our contention that Defence are selective and misleading in their presentation of 'facts'.

Given both the confirmed presence of terrorists in the near location of the Base, the expectation at the time, and the briefings given to servicemen on the ground, Mohr's judgment of normal peacetime service at Butterworth would be inconsistent with his statements on 'objective danger' if he had been made aware of these facts.

We contend that relevant facts were deliberately withheld. Why?, is the real issue. Evidence available today to all parties would in all likelihood result in a different decision by the 1994 Committee.

The 2003 Review of veterans' entitlements by a committee led by Justice Clarke stated that training and protection of Australian assets are normal peacetime garrison duties. The committee considered that peacetime service, whether rendered in Australia or overseas, can be arduous and even hazardous. But these factors alone do. But these factors alone do not warrant consideration of that duty as operational or qualifying service for veterans under the Veterans' Entitlement Act 1986.

The Clarke committee concluded that no evidence was found that service at South-East Asia currently established as peacetime service should be considered warlike. No operational area was prescribed, no specific armed threat was present and there were no rules of engagement to pursue specific military objectives.

Comment 37. We contend that the evidence we have presented to the Minister and Defence, including that outlined in this response, clearly refute the assertion that there was 'no specific armed threat ... present and ... no rules of engagement to pursue specific military objectives'.

Surprisingly, Clarke found that armed patrolling took place at Butterworth but stated that this was part of normal peacetime service. Where is the evidence of this? Defence veterans know that armed patrolling is not normal peacetime service. So does any military member of NOSB, even the Minister himself who is an ex- Army officer.

The 2011 Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989, concluded by the Defence Honours and Awards Appeals

Tribunal, recommended that no change be made to the current medallic entitlements, as there was no convincing evidence that the service of the RCB was warlike.

Comment 38. Again, we contest this finding.

Members of the RCB Review Group in attendance at that hearing had no opportunity to present evidence that supported their case. Nor was the evidence now to hand available at the time.

These tightly controlled forums are not conducive to full objective assessment if the panellist do not have a properly arbitrated process to consider all the evidence – they become one sided contests where the unsupported appellants are likely to get out-manoeuvred. That is neither fair nor naturally just.

A nature of service review board in 2011 considered RCB service and found that it was appropriately classified as peacetime service. The board—consisting of senior executive service band 2 representatives in the Department of the Prime Minister and Cabinet, Department of Veterans' Affairs, Department of Finance and Department of Defence—was established to consider claims for the reclassification of past service.

Comment 39. We contest this finding.

We contend that the evidence we have collected has not been evaluated by any independent review. In fact, it cannot possibly have been given the mass we have accumulated in 2014 alone.

The final report by Medallic Recognition Joint Working Group: Service in South-East Asia 1950-2011 in 2013, sponsored by the New Zealand government, stated that the service of its rifle infantry company between those three years—which served similarly to the RCB at Butterworth—was not operational service.

The New Zealand JWG, joint working group, found that the communist terrorist activity was of very slight significance to the New Zealand deployment to Butterworth and did not characterise the tours in anyway.

Comment 40. We question the relevance of New Zealand enquiries regarding this matter and are unable to comment on the rules surrounding service recognition in that country. That country did not commit a RCB under the conditions or for the reasons stated in the Australian Defence Committee Minute 2/73.

I do not that the petition contends that Defence, in assessing the claims, has not apply consistent standards, been misleading with its facts, not considered key data provided,

denied natural justice, rewritten history in retrospect and based decisions on budgetary constraints rather than recognising service at the appropriate level.

Comment 41. We are forced to conclude that the Minister cannot possibly have read our petition and supporting plethora of new evidence, or he would not have stated this.

The evidence of written interaction between us and the relevant Minister of the time shows that NOSB has been severely wanting in the quality of their staff support to him.

Defence has comprehensively examined and re-examined the available official documentation to confirm the roles of the infantry rifle companies that rotated through Butterworth and to assess the extent of exposure to the risk of harm.

*Comment 42. We question the integrity, competence and objectivity and **currency** of Defence's research.*

Why, for example, have they continually failed to address high level, secret documents showing training was a cover for the real reason for the deployment and ignore evidence from Australia and Malaysia showing the real nature of the SME?

We note, for example, this quote from the NOSB April 2014 report prepared for the Committee.

The 1968-89 Insurgency has been described as ... a low-intensity campaign of subversion and counter-subversion in Singapore and sporadic jungle skirmishes in Malaysia.

Aside from the fact that such a statement in itself admits there WAS a SME when the repeated position as that there was no such thing (see earlier statement by Minister), why did NOSB not also reveal the fact that the article they have quoted from refers to '... a serious security threat that required the combined efforts and resources of the Malaysia, Thai and Singapore governments to resolve ... sabotage and bombings against government installations and personnel of both sides of the Causeway ... [and] open bloody battles with the Malaysian government ...'?

The complete sentence quoted above reads: 'The Second Emergency gradually developed into a low-intensity campaign of subversion and counter-subversion in Singapore and sporadic jungle skirmishes in Malaysia'.

Such gaffes underscore poor research and glaring deficiencies in logic consistent with a loss of direction as the truth becomes hard to refute.

Defence is confident that all records and other evidence provided by claimants has also been considered. No attempt has been made to conceal the fact that there was a level of threat to RMAF Base Butterworth, but the levels assessed as low. The daily routine of the air base continued unabated throughout the period. Service personnel and their accompanying families had no restrictions on movements and nearby Penang was a popular tourist destination.

Comment 43. We contend the evidence shows this to be untrue.

At no stage has Defence commented on all the evidence that we have presented that challenges their assertions – evidence that has been referred to in this document.

2014 interchanges are remarkable for their lack of currency of the data on the part of NOSB, and the persistent holding of a particular line irrespective of the increasing and overwhelming evidence.

I acknowledge that the roles of the Rifle Company Butterworth were to provide a ground-force presence in Malaysia to conduct training to assist in the security of Butterworth if required and to provide a quick reaction force if required. However, these roles in themselves do not constitute a warlike classification.

Comment 44. We contend that this is indicative of grasping at straws.

We repeat the references to the ample evidence including the Defence Committee Minute 2/73, all which emanates from it including the ‘... ostensibly for training, flag-showing and a change of scene.’ (Sir Arthur Tange, Secretary, Department of Defence, 2 March 1972.

Mr Robert: It is a fact that RCB service does not meet the essential criteria for classification as special overseas service or as warlike service, because Australian forces were not engaged in any operations against hostile forces or dissident elements after the end of confrontation on 11 August 1966. The Defence review is consistent with several independent reviews that considered RCB service, including the external New Zealand review.

Comment 45. We contend otherwise and believe the evidence supports our case, hence the request to have our service reviewed.

I also note that at no time throughout the period 1970 to 1989 did any Australian government consider it appropriate to change the classification of any ADF service at Butterworth from peacetime service.

Comment 46. As stated earlier, the purpose is to have RCB’s service classification changed.

Objections to the statement that the government have not considered it appropriate to change our service classification, has been addressed above.

The decision not to retrospectively reclassify RCB service is not based on budgetary constraints. Whereas all matters presented to government, including those dealing with past ADF service, must include consideration of any costs associated with the proposal, the decision to maintain the peacetime classification is based on the review of the nature of RCB service.

Comment 47. *We certainly hope that cost has not been a determining factor. Without discovery of documents we cannot comment.*

In conclusion, the service of Rifle Company Butterworth has been reviewed comprehensively by Defence and by several independent reviews, including a review by New Zealand.

Reviews of service have found consistently that this service does not meet the essential criteria for reclassification as special overseas service or as warlike service.

The role and responsibilities of the RCB, and all evidence of the exposure to the risk of harm, support the extant peacetime classification.

At no time throughout the period 1970 to 1989 did any Australian government consider it necessary or appropriate to reconsider or change the classification of RCB or any other ADF service at RMAF Base Butterworth.

Comment 48. *We believe we have effectively rebutted the above claims and that the time has come to rectify this injustice and to finally be honest with the Australian people about the true nature of the RCB's role in Malaysia during the SME.*

Should somehow the Government be unable to reach the fair decision alone then perhaps it will need an independent arbiter with the historical analysis skills to conduct a hearing that is binding.

I take this opportunity to acknowledge the valuable contribution of all ADF service at Butterworth, including that of the Rifle Company Butterworth. The peacetime classification in no way denigrates the sometimes difficult and arduous nature of these deployments.

Comment 48. *We contend that this is gratuitous, and believe that peacetime service recognition in no way is a fair representation of RCB service at Butterworth.*

It denies the true history of RCB service and the SME that took the lives of 155 Malaysian Security Force personnel. Until such time as proper recognition is granted the true value of the RCB's role can never be acknowledged and recorded.

Once again, I am grateful for the opportunity to address you on this matter and am happy for me or the Defence team to take any questions that the committee may have.

CHAIR: First, in response to this petition, which states that no state of war emergency existed in Malaysia between 1970 and 1989, how would you characterise the activities of communist insurgents from Sarawak or the official peace between the Malaysian government and Malaysian communists?

Mr Robert: I will pass that to Colonel Thompson (a) because he is the subject matter expert and (b) because he was a child growing up there at the time.

Comment 49. We seriously question the relevance and accuracy/validity of the recollection of childhood memories from around 40 years ago.

We can, if asked, provide recollections of many service personnel, both Army and RAAF, plus RAAF family members who were there as adults, experienced the vagaries of that operational service that differ to the recollections of a youth who is now Colonel Thompson.

Col. Thompson: There was a communist insurgency, but it was extremely low level. It was actually along the border areas of what is now Thailand, and certainly by the mid-seventies it would be characterised as banditry more than a comprehensive insurgency.

Comment 50. This statement is clearly refuted by evidence we have presented and reflects an embarrassing lack of knowledge by a so-called expert as presented by the Minister.

There were very limited attacks on any Malaysian constabulary, because it was a police action.

Comment 51. An official history of the war published by the Malaysian Army records a total of 1009 Malaysian Security Force casualties, including 155 deaths. Both police and military were involved. We contend these statistics do not support the statement 'very limited attacks ...'

Nor was it a police action. This statement is simply wrong. Malaysia's own official history must not be denied; it was a long military-led campaign with over a thousand soldiers killed and wounded, and numerous bravery decorations awarded.

The military were not deployed against them—only very occasionally.

Comment 52. *We contend that this is completely wrong.*

The Malaysian official history lists, by chapter, what massive army expansion occurred, supported by Air Force, Navy and Police to deal with the SME.

It is internationally embarrassing if not insulting, to now say their Army was only occasionally involved. Further, the NOSB document of April 2014 acknowledges DAFI's view that:

Continued use of the [sic] Butterworth as a base for ground-attack against the CT can only increase its attractiveness as a target ... From this point of view, the threat to the Air Base Butterworth must be considered to be slowly increasing.

This is clear reference to a military, not police, action.

Further, the Malaysian army, in their official history of the war, show the army was on operations throughout the Malaysian Peninsular throughout the period of the war. One history accessed by our Research Group showed that 20% of Malaysia's 1976 budget was allocated to defence.

By 1989 it had ended. The communist terrorist Chin Peng, who had been living the jungle, was an old man and he finally came out and effectively ended the communist insurgency.

Comment 53. *We agree. In 1989, what was considered at the time to be a serious insurgency threat came to an end. Here, the inconsistency of the NOSB/Ministerial line is exposed – both the SME and the fact it ended is actually stated.*

CHAIR: Former RCB personnel have stated that they and their families expected that combat would occur and that casualties would be sustained and have argued that it is not relevant whether actual combat occurred if there was an expectation that combat would occur. Is that consistent with the practice during the period 1970 to 1989?

Col. Thompson: It is all a matter of perspective. There were certainly no orders given and, although certain orders to Rifle Company Butterworth may well have heightened the risk in their order of training and raising people's awareness, I can tell you firsthand that the everyday expectation, especially of families, was one of an idyllic and peaceful lifestyle rather than any threat ever. I will pass to Ms Cooper, who can categorise some of those.

Comment 54. *We again question the relevance of boyhood memories from around 40 years ago.*

NOSB state in their April report:

Defence also contended that the likelihood of hostile action may well have been overstated to the soldiers in order to ensure that training was as realistic as possible, and that this may be the cause of the misconceptions about the role of the infantry company and the hazards faced.

Compare this with the statement of Justice Mohr in 2000:

On the assumption that we are dealing with rational people in a disciplined armed service (i.e. both the person perceiving danger and those in authority at the time), then if a serviceman is told there is an enemy and that he will be in danger, then that member will not only perceive danger, but to him or her it will be an objective danger on rational and reasonable grounds. If called upon, the member will face that objective danger. The member's experience of the objective danger at the time will not be removed by 'hindsight' showing that no actual enemy operations eventuated

If the troops were made to believe they could face an enemy by their commanders, they, in fact, faced an objective danger.

We further contend that Colonel Thompson's statement, and that of Defence, is irrational. The troops were armed. They were 'training', so Defence would have us believe, on an operational air force base in a foreign country, adjacent to the busy north/south Highway between Butterworth and the Thai border. The Base was surrounded by Malaysian civilians. Would a rational commander take the risk of an accidental weapon discharge in such an environment by creating unnecessary fear in the minds of the troops? Such a scenario could lead to an embarrassing and unwanted diplomatic incident.

We have in our possession a December 1978 document, recently discovered, authored by the then OC Rifle Company at Butterworth including, among other things, recommended training objectives for future deployments. He recommended that most objectives should be attained before departure from Australia, but acknowledged some things could not be done until the Company arrived on Base.

On base instruction and familiarisation included 'appreciation of the enemy threat and likely approaches'.

We also have a copy of Standing Orders that cover the operation of the QRF, handling of ammunition, Rules of Engagement and the like. Clearly, orders were in place, as would be expected in any military operation.

Ms Cooper: The point the claimants are making is the concept of perception of harm, which was discussed by Justice Moore when he did his review. It has also been tested in the courts. Many people have claimed they have warlike service, because they perceived danger

and they all felt danger; however, the conclusion from the courts was that there had to be a real and objective danger, not just a perception of danger.

Comment 55. We contend, consistent with Justice Mohr's comments on 'objective danger', that we faced such a danger. Evidence from the time shows that communist insurgents were active in the area and that veterans were warned of such danger and prepared to meet it if it realised.

Mr Robert: Chair, if you look through the commanders' diaries and look to the evidence of government and military at the time, there was never an expectation of casualties occurring.

Comment 56. We refute this claim and have presented ample evidence to support our claim. This has been outlined above.

If I look at my time as a military officer in 1998 in Bougainville during the crisis there, we were unarmed—the first unarmed mission. It was seen as a peace-making operation and while there was an Australian Service Medal issued, not an Active Service Medal—no-one was claiming it was war-like, but it was quite common for us to be confronted by weapons and knives and weapons in faces, there were confronting issues in reconciliation and disarming rebels, but no-one was claiming that Bougainville should be increased to war-like service.

Comment 56. We state that RCB's deployment was never a peace making operation.

We were not impartial, neutral players. We were allied with Malaysia, sharing a base from which military operations were being conducted against armed insurgents close by.

RCB members had an active role in defending the Base against these insurgents using armed force.

The Minister's comparison is not relevant; the group he served with was an unarmed peace monitoring entity. It is most unfortunate that he chose to use it to devalue the RCB claim.

Mrs PRENTICE: So Bougainville was non-war-like?

Mr Robert: Absolutely. It is a peace-monitoring group which comes under deployment allowance as opposed as opposed to international campaign allowance. We faced consistent

issues in danger, engaging with hostile rebel groups, challenging banditry and theft across the area and helicopters engaged by weapons fire. And that is a peace monitoring arrangement.

Mr BUCHHOLZ: To your knowledge, have the petitioners sought an audience with you or with the Department of Defence?

Mr Robert: I cannot remember offhand. It would not surprise me if they had. Most claimants who want me to exercise ministerial discretion on these issues always want to come to present their case. As a general rule, I do not do it because we have established processes in place—notwithstanding the Defence Honours and Awards Appeals Tribunal, the professional body which seeks to explain that. It is a bit like me getting involved in a court case which we would not do. Because we have DHAAT as a tribunal which sits on these matters, I tend not to entertain discussion outside of—

[Comment 57.](#) We highlight an embarrassing omission, the purpose of which is unclear.

We have in our possession a letter dated 27 Sep 13, congratulating Minister Robert on his appointment to his current position and reminding him of his promise (when in opposition) to Ted Chitham and Stan Hannaford on 12 Nov 12 present in his Fadden Office to review the decision of Minister Feeney to overturn the 2007 decision of Minister Bilson to reclassify RCB service as non-warlike.

Following the release of the April 2014 NOSB report approaches by Ken Marsh were made to Minister Robert in an attempt to alert him to the possibility that the report was inaccurate and had resulted in him inadvertently misleading the Parliament. It would seem these approaches were ignored.

Mr BUCHHOLZ: Is there any way that the defence force could see any light of this being reclassified? Is the evidence you have given us conclusive?

Mr Robert: Yes.

[Comment 58.](#) We contend otherwise and believe the evidence supports our case.

Mr BUCHHOLZ: I am just asking for the Hansard record, because I have no doubt our petitioners will troll through Hansard looking to make sure that we have gone as hard as we can.

Mr Robert: That is a question the government should answer. Based on all the available evidence we have, written and otherwise, there is nothing that would at present indicate that the risk level would move from low.

Comment 59. We contend this statement proves the Minister is not aware of the legal underpinning of the nature of service. As Justice Clarke said in 2003, attempts to add further descriptors to 'danger' have only resulted in inconsistencies in service recognition. All that is required is 'that injury from hostile action was conceivable and might reasonably have been regarded as an existing risk ...'

We maintain the evidence provided by Defence to the Committee demonstrate that injury from the action of communist forces was both conceivable and a reasonable expectation at the time. Evidence in our possession which has been presented to the Minister clearly shows injuries were 'conceivable and might reasonably have been regarded as an existing risk' at the time.

CHAIR: Former RCB personnel have likened their service to that undertaken by Defence Force personnel in East Timor between 1999 and 2003. Is this a reasonable comparison? If not, how does the service of RCB differ from that undertaken by Australians in East Timor?

Col. Thompson: I would say that the nature of service was considerable. East Timor was an armed operation with an expectation of casualties, with a real threat from the insurgents at the time. Combat patrols were extensively taken and force protection measures—which you would expect in a warlike circumstance—were undertaken. The Rifle Company Butterworth—it would be difficult to draw any comparisons with what went on in East Timor.

Comment 60. We understand that in East Timor there were no battle casualties and that most troops had NO contact with the enemy, even during aggressive patrolling. We also understand that Army and RAAF personnel at Dili airfield had NO contact with the enemy.

Compare this to Butterworth where there were confirmed incidents involving Malaysian security forces and insurgents adjacent to Butterworth Base and in excess of 1000 Malaysian battle casualties.

This indicates that if Butterworth is seen within a 'whole nation' or 'whole of conflict zone', context rather than an island remote from what was going on around it; Butterworth was a significantly higher risk than East Timor.
