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Senator the Hon Marise Payne
Senator for NSW
Minister for Defence
2-12 Macquarie Street
Parramatta, NSW, 2150

Dear Senator Payne

For reasons I hope are obvious in this letter and its attachments I request you consider the contents without passing this material on to the Department of Defence. Frankly, I do not trust them to consider the matter in an honest and objective manner.

First, I draw your attention to your response to Senator Burston in the Senate on 27 March 2017. Part of Senator Burston's question referred to the Mohr Report of 2000 in addition to that of Clarke in 2002. In your response you said, in part:

I would say through you, Mr President, to the senator that the two reviews which are referred to in his question were unrelated in scope. The Mohr review ... looked at claimed anomalies in respect of South-East Asian service from 1955 to 1975 with a focus on medallic recognition ... the Clarke review ... encompassed a review of repatriation legislation and some perceived anomalies in the entitlements legislation.

I now draw your attention to Mohr's Terms of Reference. These included:

1. The Australian Government intends to review possible ***anomalies in the service entitlements*** [emphasis supplied] affecting those members of the Australian Defence Force who served in South-East Asia during the period 1955 to 1975.
2. This review will provide advice about relevant matters that should be taken into account for subsequent assessment by the Government ***of entitlement to repatriation benefits*** [emphasis supplied] and service medals flowing from service during this period.

Clearly Minister Justice Mohr was required to consider and make recommendations regarding repatriation benefits as well as service medals. This is reinforced by his recommendations with regards to the service pension and operational service (see attached). Your statement to the Senate on 27 March is shown to be incorrect.

I have no doubt Senator that you reported as advised by your Department. This does not surprise me. Attached you will find a copy of a complaint I sent to the previous Secretary, Department of Defence regarding a history of misleading statements and failure to apply legal precedence regarding Butterworth service. The Minister refused to consider the complaint.

I believe any fair assessment of the evidence will show that since 2010 reports prepared by Defence's Nature of Service Branch regarding service in Malaysia to the end of 1989:

- Do not address the 'very significant principle established by MAJGEN Mohr ...'that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat made by Australian Government Intelligence agencies it has to be considered operational service. This regardless of whether that threat is realised or not'.
- Fail to acknowledge the 2001 decision to recognise non-warlike operational service at Butterworth to the end of 1989 and the evidence on which that decision was made.
- Makes selective use of documents to support the claim that service during the period was nothing more than peacetime service.
- Support their case by lifting statements out of context.
- Ignore key documents that show the real reason a Rifle Company was deployed to Butterworth between 1970-1989.
- Deny fair treatment to veterans seeking to have the classification of their service reviewed.
- Deny veterans access to repatriation benefits that they should be entitled to.
- Have misled Ministers of the Crown, the Parliamentary Petitions Committee and, therefore, the Parliament.
- Devalue the Australian Service Medal 1945-75 and Australian Service Medal as an award recognising operational service. At the time the decision was made to recognise service at Butterworth with the appropriate version of these medals Service Chiefs were agreed that they should not be awarded for peacetime service, regardless of how hazardous that may have been¹.
- Fail to answer the one question that really matters - 'Did Australian Forces in Malaysia during the period 1968 to 1989 incur danger from the hostile forces of an enemy'.

Minister, I ask that you consider the evidence with referring this to Defence because I know full well they will continue to obfuscate the matter. I am more than happy to supply copies of

¹ *ADF Medals Policy - Where We Have Been and Where We Are Going*. Copy obtained under Freedom of Information Act at:
<http://ramnational.org.au/wp-content/uploads/2011/11/CDF-Policy-Medals-1991.pdf>. Accessed 28 Nov 2016

documents sourced from the National Australian Archives, academic papers, journal articles, newspaper reports and official Malaysian and Singaporean Government sources verifying the fact of the Second Malaysian Emergency and the serious threat it posed to those nations.

Yours Sincerely

K.N. Marsh

Attachments:

- Extract, Senate Hansard, 27 March 2017.
- Extract, *Review of Service Entitlements Anomalies in Respect of South-East Asian Service 1955-75*, (Mohr Report)
- Complaint, Secretary Department of Defence, 4 Dec 2016
- *The "forgotten" insurgency that failed*, Ong Weichong and Kumar Ramakrishna
- Defence documents relating to the decision to award the ASM/ASM 1945-75 for service in Malaysia till the end of 1989. These show that Mohr did not consider the post 1971 period contrary to claims made by NOSB.
- *ADF Medals Policy - Where We Have Been and Where Are We Going*, 28 June 01.
- *Peninsular Malaysia: Peacetime service 1966to 1989?* (Pt 1, pp. 1-14, Pt 2, pp 15-35)
- USB Drive containing files from the National Australian Archives relevant to the matter.

