

Mr Kenneth N. Marsh
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Vice Admiral R.J. Griggs, AO, CSC
Vice Chief of the Defence Force
R1-5-B025
PO Box 7902
Department of Defence
Canberra BC ACT 2610

Dear Sir,

I refer to a series of letters bearing your signature that have come to my attention via social media regarding service at Butterworth and in particular that of the Rifle Company Butterworth during the period 1970-1989.

Are you aware Sir of the submission by your predecessor Lieutenant General D.J. Hurley AC, DSC to the Defence Honours and Awards Tribunal *Inquiry into the Recognition of Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989* dated 23rd June 2010?

Documents attached to this submission provide the background to the decision in 2001 to recognise service in Malaysia with the Australian Service Medal and the Australian Service Medal 1945 - 1975. These contradict statements you have recently made. You should note from these documents:

- 21 Mar 01, Air Commodore McLennan minuted the CDF regarding a review of service at Butterworth and a recommendation for the award of ASM/ASM 1945-74. He stated the submission accorded with 'the recommendations at paragraph 27 of the recent paper ... "ADF Medals Policy - Where We Have Been And Where We Are Going" recently approved by yourself and the three Service Chiefs.' At paragraph 28 of the paper Chiefs absolutely excluded the award for 'normal overseas service in ... training or Defence cooperation activities ...' CLEARLY then, Butterworth was acknowledged as service above and beyond normal peacetime service.
- 28 Mar 01, Air Commodore McLennan to CDF, noted '... the extension of recognition [for ADF service at Butterworth] is based on the principle established by MAJGEN Mohr ... that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat by ... Intelligence agencies, it has to be considered

operational ... regardless of whether that threat is realised or not.' AGAIN, not peacetime service.

- McLennan also noted 'the recommendations are consistent with CIDA Principle No 3 which states inter alia, *care must be taken that in recognising service by some, the comparable service of others is not overlooked or degraded*. NOTE that CIDA was not used as a precedent to deny recognition of service but rather as a precedent for the opposite.
- Also noted; 'In summary, this review has been conducted in accordance with Government policy that the concerns of the ex-Service community are taken into account with regard to past service, and where a clear or manifest anomaly is identified, it be resolved,' COMPARE this with your statement regarding review of past service being considered in the context of the legislation then in place. HAS Government policy changed since 2001?
- 5 April 01, Air Commodore McLennan to CDF. Regarding Mohr (2000 Review SEAsia) 'service at Butterworth between 1971 and 1989 was not considered' - AGAIN a direct contradiction of your statement.
- Regarding the 2011 DHAAT review, the Tribunal's report makes it clear at paragraphs 10b and 57b that it has no authority to make nature of service determinations. Why then refer to it. And contrary to your claim it found 'service rendered by members of the RCB in the period 1970 to 1989 is properly recognised by the award of the Australian Service Medal with Clasp 'SE ASIA' (paragraphs 10a, 57a.) - in other words, an acceptance that it was not peacetime service.
- On 18 May 2001 the then Minister Assisting the Minister for Defence, the Hon. Bruce Scott MP, accepted the recommendation of the then CDF Admiral C.A. Barrie, that service in Malaysia till the end of 1989 be recognised by the award ASM. In addition to facts already noted above, the recommendation recognised the following:
 - The RCB 'was raised *to provide a quick reaction force* [italics added] to meet the communist terrorist threat and provide internal security and protection for Australian assets within the perimeter of ... Butterworth'.
 - The ready reaction force was maintained at Butterworth following the disbandment of ANZUK in 1975.
 - 'The communist threat was proven to be real with recorded clashes on a number of occasions within its borders ...'
 - The RCB devoted more time to training with Malaysian and Singaporean forces following the signing of the Peace Accord in 1989.

While the Nature of Service Branch try and dismiss the 2007 submission made by the RCB Review Group as being poorly researched the same cannot be said of the above. This decision is ignored by NOSB, as is much other evidence supporting warlike service.

I served five years at Butterworth with 75 Sqn RAAF during the 1970s. While not fully aware of the security situation I remember being warned of the threat of booby traps and of roadblocks in the town of Butterworth. I was also aware the Malaysian Air Force were using Butterworth to launch attacks on the communists and of media reports on communist activity and actions against them by the security forces.

I also fail to understand the conclusion that there was no expectation of casualties. I have a copy of the 1975 Joint Intelligence Organisation's 1975 document 'The Security of Air Base Butterworth'.

At para 48 (d) it is states 'the use of booby-traps and minor acts of sabotage by subversive groups are relatively common throughout Peninsular Malaysia and pose a distinct threat, both to the Base and to Australian personnel and their dependants.'

Para 48 (e) identified as a potential target '... RAAF married quarters adjacent to the Base (Tan Sai Gin and Rubina Park)'.

It is therefore appropriate to ask, 'If an attack was made on the Base or the adjacent married quarters that resulted in casualties could it be realistically argued after the event that casualties were not expected?'

Risk management is based on the principle of reasonable foreseeability. If a reasonable person could reasonably foresee an event that could cause harm or loss then that person is expected to take reasonable action to prevent or mitigate the potential loss or harm.

I ask you Sir to give proper consideration to all the evidence available regarding Butterworth during the period known as the Second Malaysian Emergency or 1968-89 Communist Insurgency War. All we ask for is proper recognition of our Service - and that of our families who accompanied us to a place where they also incurred an identified danger from the enemy.

Part of your service legacy Sir could be to rectify this injustice that has been inflicted upon something like 30,000 Australian Veterans and their families, using figures suggested by Defence.

Yours Sincerely

Kenneth Marsh