

RCBRG'S REBUTTAL OF THE GOVERNMENT'S DECISION



Dear Minister Chester and Vice Admiral Johnston,

Background and the real problem

I am one of 9,000 veterans who served with Rifle Company Butterworth (RCB) during the period 1 Nov 70 to 2 Dec 89 and I represent them with this reply to your recent spate of form letters sent out in response to our many representations.

The facts of the matter are long past needing detailed re-presentation here. The key issue now to hand is why I must write yet again on behalf of the RCB veterans who were subjected to a deliberate deployment deception due to a historical political and diplomatic expediency that is being unnecessarily maintained to this very day.

It is most unfortunate that a senior ADF member has now also been tasked to help cover the Government's indefensible position. As fellow past ADF Service personnel, we note with some sympathy that VADM Griggs has been delegated the task of replying on behalf of several Ministers when it is the Government that should be handling this.

Those who prepare both your briefs and draft replies continue to work from the same [selective](#) erroneous materials instead of examining the full evidence now available to them. It is time this stopped. There are three reasons.

Firstly, successive Governments have continued the deception of the Australian public, falsely representing RCB's real duties as only *peacetime* garrison and training duty when it was in fact a *warlike* deployment in an allied country during an insurgency war. There was an undeniable enemy *threat*, an expectation of *casualties*, live ammunition was carried and there were decisive *rules of engagement* to carry out *specified (but hidden) military objectives* being operational tasks associated with protecting RAAF assets and personnel and jointly defending Malaysia's forward operating airbase from communist incursion. These conditions only manifest during a state of war. Deliberate misfeasance by Defence bureaucrats in advice to the various Ministers responsible has worked to deny the RCB veterans their proper recognition and rights. HOW this started is almost lost in history; The Government of the day had to have instructed Defence to maintain the cover up for strategic reasons; today's Ministers and staff now seek to maintain the unsustainable when common decency, duty of care and ethical responsibility demands a correction of this state of affairs.

Secondly, responsible Ministers by complete and unquestioning reliance on their staffs' advice have not considered the evidence submitted by the RCB Review Group and others to them and have failed to hold their department accountable. We contend RCB veterans (and all other Australians) have been subjected to an official cover up, once protected by the 30-year non-release rule pertaining to Federal Government classified data, but now exposed as the ugly truth the data now available presents in the Secret Defence Committee Minute 2/1973 dated 11 Jan 1973. One only has to read the mass of primary evidence, as opposed to what the brief writers present to successive Ministers, to see the miscarriage of justice.

Thirdly, the unwillingness by Government to challenge its advisers, and to appoint an independent of Government public inquiry to consider ALL the evidence related to the RCB service and classification remains a mystery. Defence officials defend a seriously flawed and out-dated position instead of offering today's Ministers fearless and honest advice based on the real evidence. They present misleading and erroneous briefs/draft letters which put Ministers into an invidious position and at odds with the veterans they are supposed to protect and champion. **Everyone is entitled to their own opinions, but they are not entitled to their own facts.**

Why the Government's 2018 form letters "do not cut the mustard"

In the various form letters, up to six 'independent' reviews are cited as evidence that a bipartisan finding of *peacetime*, not *warlike*, service classification exists. No mention is made of the mound of evidence that actually exists and was formally presented to Government in August 2017.

The Minister's letter merely lists most of these and cites them as proof of a *peacetime* classification with no further justification.

The VCDF's letter expands on each Review cited and uses highly selective quotes to try to justify the *peacetime* classification. Please note the following observations about the 'value' of the cited Reports in both the Minister's and VCDF's letters, remembering that the period under contention is 1 Nov 70 to 2 Dec 89.

1993 - Committee of Inquiry into Defence Awards (CIDA) (Gration Report).

Under the 30-year release rule, back in **1963** the Second Malaysian Emergency had not even started, so it was *impossible* for that Report's findings to consider evidence arising from 1968 onwards. However, in 2001 the ADF actually used CIDA Principle 3 as justification for recommending the award of the current medal (ASM). This report CANNOT be used to justify a *peacetime* ruling.

2000 – Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975 (Mohr Report).

The same 30-year release rule means only real evidence hidden/suppressed evidence up to **1970** could possibly be considered. Further the Terms of Reference (TOR) only covered

1955-1975. Much happened after that which support the RCB case. Post-1970 evidence could therefore *not possibly be considered*.

Mohr's TOR only went so far as the end of 1971 and Defence's claim (Nature of Service Branch) to 1975 is exposed in the documents attached to VCDF's (LTGEN Hurley) 2010 submission to the Defence Honours and Award Administrative Tribunal (DHAAT) 2011 review. This Review could only consider material released up to **1973**, so it was *impossible* for that Report' findings to consider the full evidence after that year.

2003 - Review of Veterans' Entitlements (Clarke Review).

The same 30-year release rule means only real evidence hidden/suppressed evidence up to **1973** could possibly be considered. Key events including multiple classified directives that are not quoted anywhere in the Clarke report, thereby indicating that such evidence was not available in 2003, leading to limited conclusions. Therefore, it is *impossible* for that Report's findings to consider the full evidence after that year.

2011 – Defence Honours and Awards Appeals Tribunal – Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989 (DHAAT Report).

This 'report' is *infamous for its hyper-selective consideration* of biased data to deliver a pre-determined outcome. Only material up to 1975 was addressed, and then in only nine paragraphs, despite comprehensive submissions of hard evidence for the full period (1970-89) obtained under the 30-year Rule to that Inquiry.

Further, DHAAT had no authority to make a determination of the nature of service, but it still recommended what is clearly a pre-determined outcome.

Further, this Report cannot be used to support a *peacetime* service classification given both Hurley's submission to it and the shallowness of the Report itself; a great majority of the evidence presented to it was simply ignored. This has been exposed in later Submissions by the RCB Review Group yet still ignored.

2013 – New Zealand (NZ) Government Joint Working Group Review.

The NZ study had nothing to do with Australia, being a NZ study. It covered only the period **1970-73** when the NZ troops deployed, and it relied very heavily on a single 'expert' testimony by a Dr Peter Cooke, a testimony that is severely challenged for its accuracy and bias by RCB veterans and other historians.

Examination of the NZ report reveals similar extreme bias, with its publication coinciding with the Australian Government's efforts to stonewall the RCB veterans' efforts to challenge the 2011 DHAAT findings. International collusion by Governments/their officials is therefore probable, as both Governments sought to block the legitimate claims by RCB veterans.

It must be noted that Australian research has confirmed that the NZ RCB veterans were subject to the same initial deployment conditions as the Australians, but NOT the formal Jan 73 Australian secret Defence Committee deliberate deception that led to the deployment of Australian RCBs direct from Australia once the 28 ANZUK Brigade was withdrawn.

2014 Defence Review. There is *no publicly accessible Review as such.*

This must refer to the series of NOSB papers **drawn up in 2014** for briefing government and then used as the basis for the ministerial replies to everything since.

The various NOSB papers contain extraordinary formal statements, some now recorded in Hansard having been used during a House of Representatives Petitions Committee Hearing that we have demonstrated to be misleading, wrong, or blatant lies.

These known documents are rife with selectivity, errors, cover up and straight out lies as demonstrated by our subsequent presentation of the FULL documents relied on by NOSB, materials repeatedly ignored by Government without the chance to discuss and demonstrate the reality. They are clearly written to support a predetermined *peacetime*, not a *warlike* classification. We have rebutted these papers, only to again be ignored. This is NOT an independent review, rather a specific staff activity intended to try to counter the increasing array of evidence that reinforces the claim we make.

Summary

The spate of correspondence back to RCB veterans and their political representatives in 2018 illustrate further stonewalling and is misleading, citing a series of reports and 'reviews' that do not, and could not, do what is claimed.

Not mentioned are other official communications in which we have demonstrated repeatedly the limitations, errors and deficiencies with the data upon which these reports have been made. In more recent times, we have even demonstrated deliberate obstruction as Government advisors seek to cover their research and briefing and deficiencies, simply telling you that 'there is no new evidence' and drafting letters that simply tell us that the case is closed.

Only an independent public inquiry will determine the truth.

We would not have persisted with our request for reclassification if we did not think the evidence to be irrefutable if examined by an unbiased authority. This denial of proper recognition and the manner in which it has been implemented to date is a shameful betrayal of the RCB veterans.

It seems that public servants/ministerial staffers are really controlling the process; the only issue is WHY.

- Are they under **specific political direction** to maintain the deception at all cost including the risk of some politicians being found out?
- Is it simply inept research (not possible given the mass of data provided by us in 2017) resulting in another rejection out of hand without even the courtesy of an informed face to face discussion?

- Or is this a case of public servants seeking to **avoid being caught out themselves** in the act of **deliberately misleading their political masters and the Parliament (and now the VCDF as well)**?

If the Government's advisors will not properly examine the **full and overwhelming facts** of the case, then we ask you to:

- Direct an independent-of-Government inquiry to help resolve this sorry saga;
- Appoint professional arbiters supported by research-capable staff not in the Government's employ to examine the full evidence to hand; and
- Allow all parties to participate in an open and ethically managed forum.

We believe that an independent inquiry will find in favour of our claim for recognition of service with RCB from 1 Nov 70 - 2 Dec 89 as being warlike.

We look forward to all politicians' taking responsibility to determine the truth of the matter by making their own comparative assessment of all the facts.

We believe that the Parliament has been misled and that a deliberate deception to deprive the RCB troops of a legal right has been perpetrated on them.

Yours Sincerely,



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