



## **RIFLE COMPANY BUTTERWORTH REVIEW GROUP (RCBRG)**

### **3/2018 - RCB E-NEWS UPDATE**

Since the last Update the Review Team has been actively involved in further evidence discoveries and representations to the Government's House of Representatives Petitions Committee, complaint and appeal to the Defence Ombudsman, letters to all Parliamentarians and meetings with Sen Jim Molan, Sen Fraser Anning and other Senators including a chance encounter with Minister Darren Chester.

Despite the evidence we have discovered and revealed to the Government that:

- proves the operational deployment was warlike service because it met the criteria;
- reveals a deception of the true nature of RCB service;
- shows the Parliament has knowingly or unknowingly been misled by a Minister;
- Ministers, and their advisors/staff, have erred in maintaining RCB service as peacetime when it's gazetted as operational non-warlike;
- Ministers and their advisors' decision- making process has been seriously flawed by subjectivity and selectivity in their selection of the facts;

Defence has bunkered down to behind a wall of silence ignoring our demands for an independent-of- Government public inquiry.

Yet there are cracks appearing from two sources: firstly, Minister Chester has agreed to a meeting with the Team and secondly, the Katter Australian Party leader Bob Katter's public announcement supports RCB recognition as warlike.

### **Meeting with the Minister**



Darren Chester, the Minister for Veterans' Affairs & Defence Personnel was the Guest Speaker at the RAR Association's National Council Meeting in Townsville on Monday 8<sup>th</sup> October 2018. After the meeting in a private discussion Ted Chitham asked the Minister to meet with the RCB RG. He accepted and referred Ted to his accompanying Defence Advisor to make

the arrangements. Since then we have sent a Brief of our claim with supporting evidence to his Advisor. We are encouraged by the fact that the Defence advisor is recently appointed and therefore believe will read our Brief and evidence with an open and enquiring mind.

We are willing to meet with the Minister anywhere in Australia as soon as possible and await details of the proposed meeting where we will press our case simply and clearly to the man with the most direct power to fix it once and for all.

In good faith we have deferred our campaigns direct action plans until after that meeting and the results are known.



### [Katter's Australian Party Support](#)

Bob Katter has included recognition of RCB service in his public “demands” on the PM for his support of the Government in a hung Parliament.



*Thanks Bob and the KAP for your public support in the Parliament, especially in the Senate, for recognition of RCB service as warlike, and other veterans' matters over many years.*

### Warlike Service – The Facts

For our critics, sceptics and doubters, the following will provide a basis for a factual assessment of the claim. Any consideration of the reason for RCB's deployment to protect the RAAF assets at Air base Butterworth (ABB) in 1970 must start with Australia's strategic commitment under SEATO and later under the [Five Power Defence Agreement \(FPDA\)](#) to defend Malaya against internal and external communist aggression coming south. A military arm of SEATO was the [British Commonwealth Far East Strategic Reserve \(FESR\)](#), of which all Australian military services were a part. The FESR deployed its troops into Malaysia and Singapore, initially on warlike service in the Malayan Emergency (1950 -1960) and then Confrontation with Indonesia (1964-1966).

In 1968 against a resurgent communist insurgent enemy, Malaysia declared its Counter Insurgency War (aka 2<sup>nd</sup> Malaysian Emergency).

In 1969 the British declared their intention to withdraw from the Far East by 1971.

In 1969, Prime Minister Gorton told the Parliament that Australia would deploy ground troops again into Malaysia at ABB, a strategic air base, for RAAF protection purposes against a perceived external strategic geo-political communist threat and an internal Malaysia Counter Insurgency War against communist insurgents who were aided by China and North Vietnam (The Domino Theory of Communist expansion in SE Asia).

RCBs commenced deployment to ABB from the 28<sup>th</sup> Commonwealth Brigade's Battalions based in Singapore until the elected 1972 Whitlam Labor Government brought all overseas Australian troops home except for the RAAF at ABB. The RAAF's strategic role had not changed and in fact had been increased by the creation of the Integrated Air Defence System under Australian control, and the internal insurgent threat was active especially since the MAF used ABB as a forward operational base for its offensive ground and air support actions against the insurgents in northern Malaysia. The insurgents did attack Security Force bases, including the Royal Malaysian Air Force (RMAF) bases in Sungai Besi on 31/03/74 and at Kuala Lumpur.

With the withdrawal of Australia's Singapore based units, the decision was made for the RAAF protection role to be provided from infantry battalions based in Australia with combat infantry company troops at DP1 Status armed and ready to perform their role.

The criteria for warlike classification were met, namely:

1. There was a military objective: the RAAF's protection at ABB, which was also the MAF's operational base for actions against the enemy, in a country that was at war against its insurgents;
2. There was a defined enemy threat;
3. There was a perceived and objective danger and an expectation of casualties;

4. The troops were armed with live ammunition and had plans to help defend the base, including Vital Point protection through the QRF counter-penetration and counter attack plans as necessary to achieve its role; and
5. The troops had Rules of Engagement that were in the end lethal.

**The RCB's role was successful because of its deterrent effect.**

**Has the Parliament been Misled?**



A look at the [Hansard report dated 16<sup>th</sup> June 2014](#) of Minister Robert's address to the House of Representatives on the RCB Petition, before the Petitions' Committee had conducted its Hearings on 28 October 2014 and 19 November 2014 makes these statements that are wrong:

- *"The Malaysian Government did not declare this period to be an Emergency."* - They did
- *"The RCB service is appropriately classified as peacetime service".* - It isn't and is gazetted as Non-warlike

And in doing so he either knowingly or unknowingly misled the Parliament.

By making those comments and others before the actual Committee's Hearings we believe he was prejudicial to our claim considering that the Petitions Committee is not a decision making authority but a referral to the appropriate Minister, in this case, Robert himself at the time.



Since 2006 we have now exhausted all avenues through the Government's process which includes submissions to the Defence Department, escalating to its various Ministers, (DVA, Assistant Defence Minister, Defence Minister) and Prime Ministers. Within that time frame we also went to the DHAAT, the House of Representatives Petitions Committee and the Defence Ombudsman. All of those engagements with the Defence Department have been characterised by denials, delays, a total reliance on impersonal 'cut and paste' responses from the earlier decisions, rejection of our newly discovered evidence, and avoidance of our requests for personal meetings with the Minister and advisors to validate each other's evidence and to challenge the factual basis of their rejections. Even the endorsements of the RCB claim by RARC, RAAFA and DFWA for an independent inquiry were acknowledged yet seemingly ignored.

**The engagement with the Petitions Committee in 2014** revealed that while not being a decision making body, it does hold public hearings (reported in Hansard). The Committee's responsibility is to pass all related submissions on to the subject decision maker, which in our case was the Assistant Defence Minister Stuart Robert; the very Department whose decision we were challenging. Later in 2018 we discovered that our rebuttal of Robert's

evidence given at the Public Hearing in Canberra, and sent to the Committee in December 2014 was not forwarded to Robert or his Department. We are in dispute with the Committee over that failure.

**The engagements with the Defence Ombudsman** through an electronic complaint and appeal was completely fruitless as they disregard all the evidence we provided, and would only look at evidence from the previous 12 months (which they didn't have) and demand from us proof of what the Minister didn't know. And again we found that there was no chance for an examination of our evidence with us in a personal meeting.

Why was there no personal meeting /mediation with us during the whole process? Perhaps they accepted Robert's statement to Parliament (14<sup>th</sup> June 2014) without question or knowledge of our challenges.

*"The previous submissions have generally relied on the research conducted by one or two individuals. Defence has examined all claims made in the submissions and sought to validate the evidence provided. However, Defence assess the information contained in the submissions to be selective and subjective. The submissions demonstrate a flawed understanding of the legislation, of the policies and processes governing overseas deployments and of Defence terminology.*

*This is understandable as most of the complainants were junior in rank at the time of their respective deployments, many having only recently completed basic training. Defence contends that to ensure training conducted at Butterworth was realistic as possible, the likelihood of hostile action may well have been overstated to the soldiers and this could explain the misconceptions and the role of the infantry company and the hazards faced."*

This is unfair, wrong, cruel and insulting to all RCB veterans and the Australian public whose Government sent them to war under a deception.

### **Peacetime v Non-Warlike v Warlike**

In 2001, on advice from the Department of Defence, the Defence Minister declared service in Malaysia between August 1966 and March 1975 to be *non-warlike*. This was extended in 2002 to cover the period February 1975 to December 1989, and again in 2007 to cover the period November 1970 to December 1989.

Service at RCB remains to this day gazetted as *non-warlike*. Yet Defence currently insists that the service is *peacetime*, relying on demonstrably, and embarrassingly, false or misleading "evidence" to do so.

The RCBRG has amassed a wealth of evidence, which if viewed with honesty and openness clearly demonstrates the *warlike* nature of the service.

How can Defence continue its claim of *peacetime* service when even they confirm the presence of an armed enemy, Rules of Engagement, operational tasks and lately begrudging

acceptance that there was a war being fought? In their seminal reports on nature of service and veteran entitlements both Clarke and Mohr considered that such factors ended all argument and favoured *warlike* status.



While we have strong support from RCB veterans we need greater involvement from those within the defence family and the Australian public who believe in the rightful recognition of military service and the protection of our service entitlements.



If you are already a registered supporter then we encourage you to recruit your family and friends to join us. But if you're not yet registered then we ask you to do it now.



Take another step and join our “boots on the ground” support network of volunteers who are willing to meet and engage with their local Federal MP. Mark Matthews, our Action Group Leader, will be advising and guiding your activities. In preparation for planned meetings with your local MPs visit the [Australian Parliament House web site here](#) to learn about them and their background. Just email Mark Mark [rcbaction@gmail.com](mailto:rcbaction@gmail.com) with your local Federal MP's name and your preferred contact details and he will contact you.

To stay in touch with developments follow us on our [website](#) and our [facebook site](#). And add your comments.

Thanks Team for all your support, suggestions and comments: they are greatly appreciated.

We remain resolute in our determination to pursue our claim if necessary beyond the Parliament.

**Remember our three Ps – Persistence, Patience and Perseverance**

Robert Cross RCB Service 1973, 1974/75, 1982

Group Leader

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