

Previous Inquiries

1. The Tribunal's letter to me of 12 June 2019 requested that I provide any new evidence that was not available to the 2010 Inquiry into Rifle Company Butterworth (RCB). I did so in my paper to the Tribunal titled, *DHAAT appeal of 4 June 2019 – additional information*, and dated 4 July 2019. Your 12 June letter also advised that the Tribunal could dismiss an appeal if the Chair considered that the question "...has already been adequately reviewed (by the Tribunal or otherwise)". I am cognizant of the fact that the government and the Department of Defence maintain that RCB service has been adequately reviewed by five previous inquiries.
2. It may be useful for the Tribunal to critically consider those inquiries and appraise whether they do in fact represent an adequate review of RCB service. In doing so it is important to remember that RCB service went from 1970 to 1989, which begs the question of whether any inquiry that does not cover even ten per cent of that time can be considered 'adequate' in determining the nature of service over the whole period. This is especially so where subsequent evidence arising from periods beyond the inquiries' terms of reference is now available.
3. Key to the previous reviews is, as the Tribunal correctly points out, not merely the fact that they were conducted but rather whether or not they were *adequate*.
4. The Macquarie Concise Dictionary, Seventh Edition defines *adequate* thus:¹
 - equal to the requirement or occasion
 - fully sufficient
 - suitable
 - fit
5. The Tribunal may wish to consider whether the definitions can be properly applied to any of the previous inquiries relied on by Defence. I contend that they cannot.
6. To assist the Tribunal, I offer the following. There are five previous inquiries that are repeatedly cited by the government and Defence as proof that RCB service has been properly reviewed. They are:
 - The 1993 Report of the Committee of Inquiry into Defence Awards (CIDA)
 - The 2000 Review of Service Entitlement Anomalies in Respect of South-East Asia Service 1955 -1975 (Mohr Review)
 - *Report of the Review of Veteran's Entitlements*, January 2003 (Clarke Review)
 - The 2011 Defence Honours and Awards Appeals Tribunal *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989*
 - The NZ Government *Medallic Recognition Joint Working Group (JWG) on service in South-East Asia 1950-2011* published in 2013 (NZ Review)
7. I have already addressed the fourth inquiry cited, the 2011 DHAAT inquiry into RCB, at the request of the Tribunal in my 4 July paper *DHAAT appeal of 4 June 2019 –*

¹ *Macquarie Concise Dictionary, Seventh Edition*, 2017, p. 12.

additional information. I shall briefly address why each of the other inquiries cannot be relied on as adequate reviews of RCB service.

CIDA

8. The CIDA inquiry says very little about service at Butterworth, but what it does say indicates that it did not have access to the abundant evidence of the armed enemy threat posed by the Communist Terrorists to Butterworth contained in my appeal and accompanying documents. Concluding its two paragraphs on South-East Asia, including Butterworth, the Committee says "...therefore in terms of its Principle number 1, it does not recommend that this service be recognised through a medal".² Principle 1 says, in part, that "Recognition of service by medals ... should only occur when that service has been rendered beyond the normal requirements of peacetime. Normal duties such as training and garrison duties should not be recognised...". The Committee does not define what it means by "garrison duties" but the explanatory text following Principle 1 says medals should be "...reserved for those who have done something special", a fairly vague concept. Principle 1 also says that medals should be reserved for "...military activities clearly and markedly more demanding than normal peacetime service". Again, quite a vague formulation.
9. Significantly, the review of RCB service in 2001 that awarded *non-warlike* service for February 1975 to December 1989 to RCB did not find Principal 1 a barrier to an award for RCB service. One of the recommendations of the review was that:

"In view of the conditions that existed in Singapore and Malaysia after the Indonesian Confrontation on 11 Aug 66 and until the end of FESR on 31 Oct 71, it is considered that duties in Butterworth are equally deserving of an award due to the terrorist threat which existed and the purpose of regional security. This is in keeping with CIDA principles."³

10. That is, a later review with more evidence found that the CIDA principles favoured RCB service.

Mohr Review

11. The Mohr review did not examine service at Butterworth beyond 1970 whereas the period of claim for RCB service begins in 1970 and ends in 1989. As example I refer to Defence Department Minute ref 2000-34836 Pt 1 where Air Commodore R.K. McLennan advises in relation to the Mohr review that "Consequently, service at Butterworth between 1971 and 1989 was not considered".⁴ This limit to Mohr's investigation was confirmed by Defence in 2001 when it wrote that:

² Gratton, P, General, et al, *Report of the Committee of Inquiry into Defence Awards*, 1993, p. 45.

³ Australian Defence Headquarters, *Recommendations of the Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, PE 2000-34836 Pt 1, dot point 7.

⁴ McLennan, R.K., Minute to Chief of Defence Force, *Review of Service Entitlement in Respect of the Royal Australian Air Force and Army Rifle Company Butterworth Service 1971-1989*, 2000-34836 Pt 1, para 2.

“However, the review only made recommendations in respect of service up to and including 30 October 1971, the end date of the Commonwealth Far East Strategic Reserve (FESR) in South-East Asia.”⁵

12. Mohr’s comments on Butterworth are found in Chapter 3, *Far East Strategic Reserve - Malayan Emergency* which ceased operations on 31 October 1971. On RAAF service at Butterworth Mohr said:

“One of the specific areas of ADF service the Review was asked to advise on was service at ... Butterworth. I have found it difficult to comment in such specific terms as such service ranged over almost all of the period covered by the Review and in particular two major conflicts, the Malayan Emergency and the Indonesian Confrontation.”⁶

“Most, if not all, of the submissions received from personnel stationed at ... Butterworth concerned either their involvement in operations on the Thai/Malay border region or their non-allotment during the period of the Indonesian Confrontation. These sought either medal recognition for their service or repatriation benefits or a combination of both ...”⁷

13. Importantly “Most, if not all, of the submissions ... concerned either ... involvement in operations on the Thai/Malay border region or ... non-allotment during the period of the Indonesian Confrontation”. The Confrontation ended in August 1966. There is therefore no evidence that Mohr considered service by RCB at all.

Clarke Review

14. The Clarke Review’s bibliography has no reference to any of the primary documents provided by me to the Tribunal.⁸ This is unsurprising because such bodies rely primarily on public submissions, relevant private organisations (veterans’ groups), and briefings from government departments and entities to provide the evidence upon which to make a determination. This approach is detailed in both the Mohr and Clarke reviews.⁹ Realistically, a determined examination of archival documents by private bodies did not commence until the formation of the Rifle Company Butterworth Review Group (RCBRG) in 2006 so that the evidence uncovered by the RCBRG was unavailable at the time to the Clarke Review (or the Mohr Review or CIDA for that matter).

⁵ Department of Defence, *Award for Service in South-East Asia 1955-1989*, DEFGRAM No 233/2001, 2 July 2001, p. 1.

⁶ The Hon R.F. Mohr, *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000, p. 32.

⁷ *Ibid.*, p. 33.

⁸ Clarke, J, *Report of the Review of Veteran’s Entitlements*, January 2003, from p 869.

⁹ The Hon R.F. Mohr, *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*, February 2000, from p XXX; Clarke, J, *Report of the Review of Veteran’s Entitlements*, January 2003, from p 59.

15. In making its recommendation on Butterworth, the Clarke Review gave as part of its reason that "...no specific armed enemy threat was present..."¹⁰ and that there was no "...threat from enemy action",¹¹ yet Defence has since confirmed that such a threat was present in the form of Communist Terrorists – the very reason that RCB was deployed in the first place. It is clear that the Clarke Review did not have access to the abundant evidence of the armed enemy threat posed by the Communist Terrorists to Butterworth contained in my appeal and accompanying documents.

NZ Review

16. The NZ Review was not a review of the *Australian* Rifle Company Butterworth but of New Zealand's troops throughout SE Asia. It was a review of service under New Zealand not Australian legislation. As one submission to the review put it "*the two countries have separate medals systems and differ in their requirements for recognition*". It mentions RCB only once and that is in relation to New Zealanders posted to Butterworth in 1972-73. It provides no assessment of Australian service at Butterworth and so cannot be relied on as evidence of the nature of service of the *Australian* RCB.

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¹⁰ *Report of the Review of Veteran's Entitlements*, January 2003, para 14.138.

¹¹ *Ibid.*, para 14.137.