



**The Hon Stuart Robert MP
Assistant Minister for Defence**

MC14-000632

Reference: 873/1341

Dr Dennis Jensen MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

29 MAY 2014

Dear Dr Jensen

Thank you for your letter of 3 March 2014 to the Minister for Veterans' Affairs, Senator the Hon Michael Ronaldson regarding a petition seeking a review to enable reclassification of service by Rifle Company Butterworth (RCB) 1970 - 1989. As this matter falls within my portfolio responsibilities, your correspondence has been passed to me for response.

The program for rotating an infantry rifle company to Butterworth was implemented on 15 November 1970 by the Australian, New Zealand and British Battalions located in Singapore. After September 1973, a company group was provided from an Australian-based battalion. It was around January 1980, that the infantry rifle company located at Royal Australian Air Force (RAAF) Base Butterworth on rotation assumed the title of Australian Army Rifle Company Butterworth, it became known as Rifle Company Butterworth in 1987.

In preparing a response to the petition, a senior research officer reviewed previous Department of Defence reviews, and extended the research previously undertaken and re-examined all submissions from claimants. The research officer conducted a thorough examination of available official documentation held at the Australian War Memorial and the National Archives of Australia.

This encompassed 'Open', 'Closed' and 'Not Yet Examined' documents and Defence records. These Defence records included:

- RAAF Base Butterworth's Commanding Officer Reports;
- RAAF Unit History Records; and
- Commanders' diaries for those Australian battalions, which provided infantry companies for the rotation.

Information freely available on the internet, in published books and journals, Australian Parliament Hansard, and the recently published New Zealand Government Joint Working Group Report on Service in South-East Asia 1950-2011 was also reviewed.

The Government and Defence documents from the period clearly indicate the roles of the infantry company were to:

- provide a ground force presence in Malaysia;
- to conduct training;
- to assist in the security of RAAF Butterworth if required; and
- to provide a quick reaction force if required.

The infantry rifle company was not to be involved in local civil disturbances or to be employed in operations outside the gazetted area of the air base. Rules of Engagement and Orders for Opening Fire for the company, and also for the RAAF personnel who had primary responsibility for internal base security, were defensive in nature and to be applied within the air base only. In the event of a security emergency being declared, the infantry rifle company was to assist with the protection of facilities, personnel and families under the direction of the Officer Commanding RAAF Butterworth.

No documented evidence has identified the infantry rifle company was ever required in an emergency ground defence capacity, other than for exercise purposes. The Air Force History Unit advises there is no record of any ground defence emergency occurring. The brief history of the Royal Australian Regiment battalions (which provided rifle companies on rotation) records no events of significance, or noteworthy activity from a battalion historical perspective of the service of the companies which rotated through Butterworth.

The petition posits the RCB served during the period of a Second Malaysian Emergency. While some authors have referred to the activities of the Communist Party of Malaysia during this period as a 'Second Emergency', this title appears to have been applied retrospectively. It is not reflected in any official history records of Malaysia. The Malaysian Government did not declare this period to be an emergency.

While Australian forces remained in Malaysia following the Confrontation ceasefire on 11 August 1966, the Malaysian Government made no further requests for assistance in security operations. Accordingly, Australian forces were not engaged in any operations against hostile forces or dissident elements.

Therefore, it is considered that the level of risk associated with Australian Defence Force service at Butterworth from 1966 (post-Confrontation) does not justify a warlike classification. The RCB service is appropriately classified as peacetime service.

Since 2006, the Department of Defence has responded to 33 submissions to Government seeking reclassification of RCB service from 12 separate claimants, a number of whom served with an infantry company on rotation through Butterworth. The Nature of Service Directorate has responded to only one claim for reclassification of service at Butterworth from an ex-member of the RAAF.

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 assesses 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 claimants 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 as realistic as possible, the likelihood of hostile action may well have been overstated to the soldiers and this could explain the misconceptions about the role of the infantry company and the hazards faced.

The peacetime classification of RCB service is supported by the Department of the Prime Minister and Cabinet, the Department of Veterans' Affairs and the Department of Finance and Deregulation. It is consistent with independent Australian and New Zealand reviews and inquiries, namely:

- the *Committee of Inquiry into Defence and Defence Related Awards (1993)*;
- the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service* (the Mohr Report dated 1999);
- the *Review of Veterans' Entitlements* (Clarke Report dated 2003);
- the *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989* (by the Defence Honours and Awards Appeals Tribunal dated 2011); and
- the *Final Report by The Medallic Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011* (sponsored by the New Zealand Government and dated 2013).

A background paper is enclosed which provides a comprehensive overview of RCB service for the consideration of the Committee.

Yours sincerely

Stuart Robert
Encl

BACKGROUND PAPER
PARLIAMENTARY PETITION DATED 3 MARCH 2014
RIFLE COMPANY BUTTERWORTH 1970-1989

INTRODUCTION

Background

1. Australia has maintained a presence at Butterworth in Malaysia since shortly after World War II, with RAAF aircraft based at Butterworth playing an active role during the Malayan Emergency¹ and Confrontation with Indonesia².

2. On 25 February 1969 the then Australian Prime Minister addressed the House of Representatives in relation to what the Australian Government was prepared to do militarily in Malaysia-Singapore after the planned British withdrawal from Malaysia-Singapore.

3. Extracts of the speech pertinent to the consideration of the operation and service of ADF forces generally, and the infantry company at Butterworth in particular, in Malaysia and Singapore after 1969, noted that the Army battalion:

...on military grounds, and because of the considerable financial savings involved will be based in Singapore, although one company will be detached in rotation to Butterworth except on occasions when the whole force is training either at the Jungle Warfare School or elsewhere in Malaysia... no matter in what part of the Peninsula (including Singapore) our forces are stationed, we regard them as being there in order to assist the security and the stability of the whole of that Peninsula.

...I wish to indicate the conditions under which they will be there and the role which we envisage they will fulfil.

...While there, they are not intended for use, and will not be used, for the maintenance of internal civil law and order which is the responsibility of the government concerned.

...Their presence in Malaya (sic) and Singapore and their participation in training and military exercises with Malaysian and Singaporean troops will we believe have value in helping to build the indigenous defence capacity of both Malaysia and Singapore, will provide additional security while that indigenous defence capacity is built up, and will make it more possible for Malaysian troops to be assigned to other parts of Malaysia...

...They will be available – our troops – subject to the usual requirement for the Australian Government's prior consent for the use against externally promoted and inspired Communist infiltration and subversion... these forces will be available to oppose any insurgency which is externally promoted, which is a threat to the security of the region and which is beyond the capacity of the forces of Malaysia and Singapore to handle.³

¹ Declared at an end on 31 July 1960

² Concluded on 11 August 1966 with the signing of a peace treaty between Malaysia and Indonesia

³ Speech by The Rt Hon. J.G. Gorton, MP on Defence (Ministerial Statement) [From the 'Parliamentary Debates,' 25 February 1969

PURPOSE

4. This paper will consider the appropriate Nature of Service (NOS) classification for ADF service at RAAF Butterworth from 1970 to 1989.

REVIEW METHODOLOGY

5. It is policy that all submissions seeking review of a NOS classification of past service are considered in the context of the legislation and policies that applied at the time of the service under review. This paper adopts that methodology.

RESEARCH

6. In completing this Background Paper research has included reviewing:
- Previous papers written on the subject by Defence (Nature of Service Branch).
 - RAAF Butterworth Commanding Officer Reports and Unit History Records from 1970 to 1988 available from the RAAF History Unit and the National Archives of Australia (NAA).
 - Available records at the NAA in addition to the above, including records which are 'Closed' or 'Not Yet Examined', including DFAT controlled records for which access approval has been obtained from DFAT.
 - Available unit, headquarters, and other associated records at the Australian War Memorial (AWM)⁴, including those which are 'Closed' or 'Not Yet Examined'.
 - Commanders' Diaries held at the AWM for the battalions which provided company rotations to RAAF Base Butterworth.
 - Available records located at Defence Corporate Records.
 - Australian Parliament Hansard.
 - External reviews and inquiries referred to in the paper.
 - Information available on the World Wide Web (WWW), including information contained on the Royal Australian Regiment (RAR) Association web sites⁵ including submissions by former members or representative organisation for the Rifle Company Butterworth
 - A selection of books and journals on the subject.
 - Responses to requests to the Australian Defence Attaché, Kuala Lumpur, Malaysia, the Army History Unit and the RAAF History Unit.

STRATEGIC BASIS OF AUSTRALIAN DEFENCE POLICY

7. The Strategic Basis for Australian Defence Policy (1971)⁶ reflects an environment in which:

The Australian military presence has political significance as an indication of continuing Australian interest in peaceful co-operation between Malaysia and Singapore. It contributes to confidence by providing the local Chinese with a small measure of reassurance that the presence of allied forces will inhibit Malay extremism...The presence also provides the Malaysian Government with some military re-assurance against the contingencies of external attack and externally promoted insurgency...It further provides a basis on which to improve the efficiency

⁴ Series AWM121, AWM122, AWM200, AWM206, AWM207, AWM216, AWM370

⁵ <http://rarasa.org.au/>. <http://www.rar.org.au/>

⁶ Strategic Basis for Australian Defence Policy (1971), March 1971 <http://www.defence.gov.au/strategicbasis>

*of Malaysian and Singaporean forces by participation in training programmes and combined exercises.*⁷

8. The 1975 Basis Document⁸ notes that any significant armed attack on either Malaysia or Singapore would be likely to involve substantial security operations. In this regard the Document noted that any Australian contribution to such operations:

*... would be contrary to the policy of non-involvement in internal security operations declared by successive Australian governments, and to long-established policy for Australia to avoid operational commitment in the region independently of a substantial power.*⁹

9. The 1976 Australian Strategic Analysis and Defence Policy Objectives¹⁰ continue to reflect the importance of Australian military presence in Malaysia:

*Australian activities that contribute to Malaysia's security and to stable relations between Singapore and Malaysia are valuable also to Indonesia, with prospect of benefit to Indonesian dealings with Australia regarding bilateral and neighbourhood affairs. Australian withdrawal from Malaysia would be seen by Indonesia as expressing Australia's indifference or incapacity regarding matters in which the present Indonesian Government has looked to Australia to take an active interest.*¹¹

HISTORY – RAAF BASE BUTTERWORTH

Air Base History

10. RAF Butterworth was commissioned in October 1941 as a Royal Air Force station as part of the British defence plan for the Malayan Peninsula against the threat of invasion by Japanese forces during World War II. The air base was captured by units of the advancing Japanese Army on 20 December 1941 and the control of the air base remained in Japanese hands until the end of hostilities in September 1945, whereupon the RAF resumed control of the base.

11. During the Malayan Emergency from 1948 to 1960, RAF, RAAF and RNZAF units stationed at the air base played an active role by attacking suspected hideouts and harassing the communist guerrillas. The air base also served as a vital front-line airfield for various other units on rotation from other air bases.

12. In 1955 the airfield was refurbished and in 1958 Air Base Butterworth was placed under RAAF control. Shortly thereafter No 78 Fighter Wing, RAAF, comprising No 3 and No 77 Squadrons flying Sabre aircraft, and No 2 Squadron flying Canberra bombers, was established at Butterworth. The air base became the home to numerous Australian fighter and bomber squadrons stationed in Malaya during the Cold War era, during the Malayan Emergency and through to Confrontation with Indonesia from 1962 to 1966.

13. Ownership of Air Base Butterworth was formally transferred from the RAF to the Malaysian Government on 31 March 1970. At that time, the Royal Malaysian Armed Forces (RMAF) was still in its infancy and therefore not in a position to fully take over the air defence role or utilise the facilities at Butterworth. Subsequently, two RAAF fighter squadrons of Mirage aircraft were deployed to the air base, thus marking the start of the RAAF presence as the primary contributor to the air defence of Malaysia.

⁷ Ibid. Strategic Basis 1971

⁸ Strategic Basis for Australian Defence Policy (1975), October 1975 <http://www.defence.gov.au/strategicbasis>

⁹ Ibid. Strategic Basis 1975

¹⁰ Australian Strategic Analysis and Defence Policy Objectives (1976), September 1976

¹¹ Ibid. Defence Policy Objectives 1976

14. The RAAF deployment was under the ambit of the Five Power Defence Arrangements (FPDA) between Australia, Malaysia, New Zealand, Singapore and the United Kingdom.¹² It was in accordance with these arrangements that the Integrated Air Defence System (IADS) was established with the headquarters located at Butterworth.

15. Between 1965 and 1983, the RAAF presence at Butterworth had peak strength of approximately 1,400 RAAF service personnel.¹³ The composition and numbers of personnel serving at Butterworth varied over time, including approximately 1700 Malaysian service personnel¹⁴ and approximately 130 Australian infantry rifle company personnel. In addition there were Australian public servants and teachers located at the base. For RAAF service personnel this was an accompanied posting with families living across the road from the base, in married quarters located approximately 30 metres from the Base perimeter fence. There were no restrictions placed on movement by car, taxi or bus in the Butterworth area, or on travel via ferry to Penang Island.

16. During the Vietnam conflict, which ended in 1972, Penang was a formal Rest and Recuperation leave centre. Also, at least from the 1960s to now, Penang has been an unrestricted international holiday destination.

17. Until 1970 security at the Butterworth Air Base was provided by the RAF Regiment, however responsibility transferred to the Malaysian authorities with the transfer of ownership on 31 March 1970.

18. In February 1988, in consultation with the Malaysian and Singaporean Governments, the Australian Minister for Defence announced a reduction of the RAAF presence at Butterworth.

19. In December 1989, Chin Peng, the leader of the Malaysian Communist Party signed a peace accord with the Malaysian Government, bringing to an end what is sometimes called the Second Emergency and has been described as:

*...a low-intensity campaign of subversion and counter-subversion in Singapore and sporadic jungle skirmishes in Malaysia.*¹⁵

The Threat

20. HQ RAAF Air Base Butterworth Operation Order No 1/71 issued in September 1971 notes in regard to the threat to the base:

...There is a threat to the security of the air base and damage to property arising from:

- (a) a resurgence of militant communist activity both overt and covert;*
- (b) sabotage or malicious damage; and*
- (c) industrial disputes.*¹⁶

21. The Shared Defence Plan under Operation Order No 1/71 was drawn up to counter the threat to the base.¹⁷ The Shared Defence Plan superseded the HQ Butterworth Operation Order No 1/70.¹⁸

¹² The FPDA was established in 1971

¹³ This number started to decrease from 1984 - in this year there were approximately 800 RAAF service personnel

¹⁴ Increased over the years from approximately 880 in the early 1970s

¹⁵ <http://www.themalaysianinsider.com/sideviews/article/the-forgotten-insurgency-that-failed-ong-weichong-and-kumar-ramakrishna>

¹⁶ HQ RAAF Air Base Butterworth Operation Order No 1/71 dated 8 September 1971

22. The Operation Order No 1/71 notes that the maintenance of law and order is the responsibility of the Malaysian Government and that in a shared defence situation the RAAF and RMAF are jointly responsible for security and the protection of assets within the base.

23. This Order, however did not specifically refer to the rifle company group, although in Annex B to the Order, the company commander of the infantry company group is identified as someone who will be on the Ground Defence Adviser roster. The Order specifies that the Ground Defence Operations Centre (GDOC) is not activated until the second of three level states of alert is declared.¹⁹

24. In accordance with the Operation Order No 1/71, the infantry company was to come under the operational control of the Ground Defence Commander once an elevated alert level is declared for the air base. If away on training or exercise the company was to return immediately to the base. Also the infantry company at this time is not listed as being responsible for any 'Vital Point'.²⁰

25. Operation Order No 1/71 also confirms that during shared defence operations, only personal weapons were to be used and each soldier would be issued with 20 rounds of ammunition, presumably this was to apply to RAAF personnel. It is not clear from the Order at which point the company was to carry live ammunition.²¹

26. A Family Protection Plan was issued in May 1972 under HQ RAAF Butterworth Operation Order No 2/72.²² The threat in the Protection Plan was identified as:

*...racial communal disturbances to families resident in Butterworth Married Quarters.*²³

27. Interestingly the infantry rifle company was not included on the Protection Plan distribution list and was not assigned any specific responsibilities for the protection of the married quarters. The Plan noted that responsibility in this regard rested with the RAAF Police, a Warden Organisation and that other forces may be made available, which presumably could have included the infantry rifle company had this been necessary.

28. The ANZUK Intelligence Group Threat Assessment up until the end of 1972 notes that it was unlikely that any threat would arise from external overt military attack on Malaysia. While there was a potential threat to the Base from the Communist Party of Malaysia (CPM), the Communist Terrorist Organisation (CTO), and other related subversive organisations:

*It is unlikely therefore, that the CPM/CTO will, as a deliberate act of policy, attempt an attack on Air Base Butterworth....it is possible, but we consider still unlikely, that the CPM/CTO could take a decision to attack the Base in certain circumstance...there is definitely a risk that one or more CTs, or members of subversive groups...could, regardless of...policy attempt an isolated attack on or within the Base at any time.*²⁴

¹⁷ Counter Measures To Security Threat To Air Base Butterworth Until End 1972 dated 24 December 1971 File 6/1/Air Part 3

¹⁸ File HQ12/49/Air located on NAA A703 Series565/19/21

¹⁹ Ibid. Operation Order No 1/71

²⁰ Ibid. Operation Order No 1/71 Appendix 2 to Annex C

²¹ Ibid. Operation Order No 1/71 Appendix 6 to Annex C

²² HQ RAAF Butterworth Operation Order No2/72 dated 8 May 1972

²³ Ibid. Family Protection Plan

²⁴ ANZUK Intelligence Group (Singapore) Note No. 1/1971 -The Threat to Air Base Butterworth up to the end of 1972 dated 30 November 1971

29. The ANZUK Threat Assessment also notes that the infantry rifle company provided a quick-reaction force, normally section size, outside of normal weekday working hours (1800-0600). The fact that the infantry company was not available on base at all times was seen, at the time, as a weakness by OC RAAF Butterworth.

30. To address concerns regarding the security of the air base, HQ RAAF Butterworth in April 1972 published Operation Order No 1/72 'Fail-Safe Plan for Operation Order 1/71'.²⁵ The Plan's Mission was:

*To protect ANZUK operational assets, property and personnel of Air Base Butterworth.*²⁶

31. Under this Fail-Safe Plan the infantry company was assigned responsibility for the protection of a number of Vital Points²⁷ in accordance with Annex B to the Plan and was to establish its headquarters in the GDOC.

32. In October 1973 a brief prepared for the Vice Chief of the General Staff visit to the infantry rifle company at Butterworth noted:

*The deployment of the company to Butterworth has in recent years assumed a real importance because of the somewhat increased concern about possible threat to base security. Although Malaysia may be expecting to have assumed that this is the case, publicly and privately the position is maintained that the deployment is for exercise purpose.*²⁸

33. A review of the Directorate of Air Force Intelligence (DAFI) assessments of the security situation at RAAF Base Butterworth during the period August 1973 to April 1975 indicate that the threat to the air base was unchanged over the period, and was assessed as **low**.²⁹

34. On 3 April 1975 Chief of the Air Staff (CAS) provided advice to the Minister regarding the state of security at the air base as a result of rocket attacks at RMAF Base Sempang (Kuala Lumpur) and at a military base at Penang on 31 March and 1 April 1975 respectively. The advice noted that increased security arrangements had been implemented at the air base, however there is no specific mention of the infantry company and its role in the advice.³⁰ It is reasonable to presume, however that in accordance with Directives issued, the infantry rifle company would have been integrated into the increased security measures implemented at the air base.

35. A subsequent CAS Minute to the Minister on 7 April 1975 included detail on the increased measures at the air base which included the use of the Australian infantry company personnel on picket duty.³¹

36. In 1975 while OC RAAF Base Butterworth believed that there is little threat to the base. DAFI Report No 33 on security at Butterworth in July 1975 notes that:

²⁵ Headquarters RAAF Air Base Butterworth HQ 12/49/Air Fail-Safe Plan for Operation Order 1/71 dated 20 April 1972

²⁶ Ibid. Fail-Safe Plan

²⁷ 14C - Helicopters, 21- Explosive Area, 26 - Transmitter Station, 31- Marker Beacon and Emergency Power, 32 - TACAN

²⁸ AWM 209-H-2 folio 140 Brief VCGS Visit to Malaysia - The Butterworth Company dated 12 October 1973

²⁹ DAFI Minutes INT 8/10/3 from 31 August 1973 to 30 April 1975 Reports 15 to 32

³⁰ CAS Minute to the Minister - Butterworth Base Security, 418/4/12 dated 3 April 1975

³¹ Department of Defence (Air Office) Ministerial Advice, Butterworth Base Security and Security of C130 Aircraft in Vietnam, dated 7 April 1975

*The possibility of the CT possessing operational mortars adds to the threat against Air Base Butterworth. However, it is most likely that warning of an impending attack would be received prior to the attack taking place.*³²

37. DAFI also saw a threat from indirect weapons such as 81/82mm mortars as expressed in DAFI Report No 34.³³

38. On 23 July 1975 the Joint Intelligence Organisation (JIO) advised that it could not confirm the CTs had mortars without further substantial evidence, although the advice did discuss the likely challenge faced by a defending force if it was to seek to prevent their use.³⁴

39. DAFI considered that as a result of increased use of the base by RMAF for airstrikes against CT targets, the base faced a greater chance of becoming a target:

*Continued use of the Butterworth as a base for ground-attack against the CT can only increase its attractiveness as a target...From this point of view, the threat to the Air Base Butterworth must be considered to be slowly increasing.*³⁵

40. The JIO assessment in October 1975 confirmed that it would be unlikely that a threat to the air base would arise from an external threat on Malaysia, but acknowledged that there is a potential threat to the base from CTO and related communist organisations. They also assessed that it is unlikely that the CTO will as a deliberate policy attack the air base, although acknowledged that a group could do this on their own initiative.³⁶ This assessment is very similar to that expressed in the 1972 ANZUK assessment in paragraph 28 above.

Base Protection

41. While responsibility for the overall security to the base rested with the OC RMAF, OC RAAF Butterworth was responsible for the protection of Australian, property, assets and personnel, including the protection of RAAF families.

42. The October 1970 Directive from the CAS to OC RAAF Butterworth notes that:

*The present situation within Malaysia is considered to be within the capability of the Malaysian forces and in fact assistance has not been sought from the Australian Government. Therefore there can be no authority for our forces to be engaged directly in counter insurgency operations.*³⁷

43. In addition to local RAAF personnel and the infantry rifle company being available for the protection of Australian personnel and RAAF assets, in August 1971, a contingent of RAAF dog handlers arrived at Butterworth to replace the Malaysian auxiliary dog handlers.

44. RAAF property and assets were not guarded during normal working hours when they were under the surveillance of RAAF personnel working on the flight line, or elsewhere on the air base. As noted earlier in the paper, outside of normal working hours the infantry company provided a quick-reaction force, normally of section strength.

45. RAAF Base Squadron Commanding Officer Reports for the period 1970 to 1988 record that weapons training and range practices were conducted monthly for the Mobile Flight Reserve (later Ground Defence Section), RAAF Police and Base Security Guards, and on an irregular basis for other RAAF personnel. Ground defence courses were also a regular

³² DAFI Minute INT 8/10/3 Security Situation- Air Base Butterworth Report No 33 dated 3 July 1975

³³ SRGD-AF Minute 564/8/28(73) dated 16 July 1975 to DGOR-AF

³⁴ JIO JSI/85 Security - Butterworth Air Base dated 23 July 1975, to DAFI

³⁵ DAFI Minute INT 8/10/3(150) Security Situation- Air Base Butterworth Report No 34 dated 4 August 1975

³⁶ Annex A to 554/9/33(87) dated 2 October 1975

³⁷ Department of Air 565/1/2 dated 2 October 1970. NAA 696/6/4/5/1 Part 6

training activity at the base to ensure that RAAF personnel were aware of their responsibility in regard to the security of the base.³⁸

46. The GDOC was established to manage all types of emergencies at the air base, including security related emergencies. OC RAAF Base Butterworth was responsible for the command of the GDOC and the OC of the infantry rifle company was appointed as one of the ground defence advisers to support the operation of the Operations Centre. While the GDOC was exercised on a regular basis, especially during air defence exercises, simulation of a declared emergency or in the movement of highly inflammable material, no security emergency was ever declared at RAAF Base Butterworth.³⁹

47. On 31 May 1977 in responding to a question on whether the then Minister for Defence was satisfied with the arrangements made by the Malaysian armed forces for the physical security of the base, the Minister responded 'yes'. The Minister also noted that the rifle company stationed at Butterworth did not conduct reconnaissance activities outside the perimeter of the base.⁴⁰

48. In 1980 overall responsibility for the operational control of all forces within the perimeter of the air base was passed to the OC RAAF Base Butterworth.

Infantry Rifle Company

49. In discussing the role of the company at Butterworth the then Deputy Chief of the General Staff (DCGS) in 1969 advised the then Deputy Chief of the Air Staff (DCAS), that when not on training or exercises, operational tasks associated with local defence should be rehearsed. In an emergency the necessary ground forces would be made available and placed at the disposal of the OC RAAF Butterworth. Such training would be undertaken in the general area based on Butterworth. Apart from any operation tasks associated with local defence, the company would remain under command of Commander ANZAC Army Force.⁴¹

50. That same year, communication between the then Secretary of the Army to the then Secretary of Defence confirms that:

...the general Government intention underlying the detachment of a company to Butterworth is to provide a real sense of ground force presence in Malaysia for most of the year.⁴²

51. The same letter also confirms that there was no requirement during this early consideration stage for the infantry company group to be permanently located at the air base:

As indicated in the graph there will be periods during which detachments to Butterworth will not be required (ie. major exercises involving the combined battalion group).⁴³

52. Training was also a major consideration to maintain operational effectiveness:

Training is a major consideration bearing in mind not only the Roles of the Forces but the requirement of maintaining a state of operation readiness. We see companies detached to Butterworth taking advantage of every opportunity to use the training

³⁸ Commanding Officers Report Base Squadron RAAF Base Butterworth Unit History Sheets from 1970 - 1988

³⁹ Ibid. CO Reports Unit History Sheets from 1970 - 1988

⁴⁰ House of representatives Answers to Questions Upon Notice, Australian Forces at Butterworth, Malaysia (Questions N0. 748), Tuesday 31 may 1977

⁴¹ Minute DCGS to DCAS No 124/169 dated 7 March 1969

⁴² 19 May 1969 letter Secretary of the Army to the Secretary of Defence

⁴³ Ibid. Secretary of the Army letter

*areas and facilities of Butterworth...develop further cooperation with the Malaysian forces.*⁴⁴

53. The letter confirmed that should an emergency arise the infantry company group was to be placed at the disposal of the OC RAAF Butterworth.⁴⁵

54. The infantry rifle company was not to be involved in local civil disturbances or to be employed in operations outside the gazetted area of the air base. Rules of Engagement (ROE) and Orders for Opening Fire for the company and also for all RAAF who had primary responsibility for internal base security were defensive in nature and to be applied within the air base only. In the event of a security emergency being declared, the infantry rifle company was to assist with the protection of facilities, personnel and families under the direction of the OC RAAF Butterworth.

55. The programme for rotating an infantry rifle company to Butterworth was implemented on 15 November 1970⁴⁶ by the Australian, New Zealand and British battalions from the 28 Commonwealth Brigade located in Singapore.⁴⁷

56. A letter between the Secretary of Defence and the Secretary of the Army on 29 October 1970 reflects that the company advance party will arrive on 10 November 1970 and the balance on 16 November 1970. The letter also reflects that due to family separations which had already occurred during 1970, that the company would not be deployed at Butterworth during the period 20 December 1970 and 4 January 1971.⁴⁸

57. A subsequent letter from the Secretary of Defence to the Secretary of Army in January 1971 notes the Interim Directive to the infantry rifle company officer commanding. Appendix 1 to Annex A to the Interim Directive provides a sample order for sentries, including challenge and use of force, and when the sentries may open fire. These reflect a graduated response to threats from incursions on the air base, culminating in the authority of the sentry to open fire to wound the intruder(s) if necessary.⁴⁹

58. On 7 October 1971 in a speech to Parliament the then Minister for the Army, in responding to a question regarding press reports that Australian troops had been involved in action against communists forces in Malaysia near the Thai border, and if Australian forces had been used in internal police operations in Malaysia, commented that:

*...companies would rotate solely for training purposes around the vicinity of Butterworth and be stationed there...*⁵⁰

59. The rotation of an infantry rifle company from 28 ANZUK Brigade ceased on 1 September 1973 with the withdrawal of the Australian battalion to Australia. A company group was from this time provided from an Australian-based battalion, and deployed in accordance with the Australian national policy of deploying overseas for training tasks. NZ contributed a company on rotation as part of the ANZUK rotation plan from March 1971 to July 1973.

⁴⁴ Ibid. Secretary of the Army letter

⁴⁵ Ibid. Secretary of the Army letter

⁴⁶ There were occasions where Support Company was used on rotation, as were field batteries from the Royal Australian Artillery Regiments, a company from the Royal Highland Fusiliers' (UK) and companies from 1RNZIR

⁴⁷ At this stage the company was not referred to as Rifle Company Butterworth (RCB)

⁴⁸ Secretary of Defence letter 69/792 dated 29 October 1970

⁴⁹ Department of Defence 70/2898 dated 4 January 1971, Letter from the Secretary of Defence to the Secretary of the Department of the Army

⁵⁰ House of Representatives Question Australian Troop Involvement in Malaysia, Thursday 7 October 1971

60. Initially the infantry rifle company was tasked:
- (a) to provide a real sense of ground force presence in Malaysia for most of the year;
 - (b) to assist RAAF in contingency plans for security and safety of RAAF Base and dependents; and
 - (c) when not so employed the company will continue training under the direction of Commander 28 Brigade.⁵¹

61. Subsequently, the infantry rifle company was to be deployed in accordance with *Australian Joint Service Plan (AJSP) No 1/1973, Plan ASBESTOS*.⁵² As the company was to be placed under command of the OC RAAF Butterworth while attached to the air base, 65th Ground Liaison Section (65GL Section) was established at RAAF Base Butterworth. The Directive by the CAS to the OC RAAF Butterworth noted that as in the past:

*In addition to training tasks, troops deployed to Butterworth will as in the past, be available to assist in the protection of Australian assets, property and personnel at Air Base Butterworth.*⁵³

62. **Plan ASBESTOS Established.** In 1973, AJSP No 1/1973 Plan ASBESTOS was established and advised of the new infantry rifle company rotation arrangements to RAAF Base Butterworth. This Plan identified that a company would be provided from an Australian-based battalion on a three monthly rotational basis. The Plan noted that in addition to training tasks to be undertaken in accordance with Army Headquarters requirements, the infantry rifle company, if needs be, would assist in the protection of Australian assets, property and personnel at the Air Base Butterworth:

*Subject to agreement by OC Butterworth, such training is to be undertaken as the opportunity occurs and in areas mutually agreed by the Malaysian Ministry of Defence and the Australian Services Adviser, Kuala Lumpur. These areas are to be well clear of any area in which counter-insurgency operations are being carried out.*⁵⁴

63. D Coy 6RAR General Instruction relating to the deployment of the company to Butterworth in January/February 1973 confirms the role of the company to:

Provide an Australian Army presence in Malaysia...Supplement normal protective security of the Air Base Butterworth and RAAF families as approved by 28 ANZUK Bde...Carry out training as directed by CO 6 RAR...

Orderly duties will be mounted on a 24 hr basis. The following duties will be maintained...

*d. Standby Section for local airfield security.*⁵⁵

⁵¹ Formal Message AUSTARM Singapore to Army Canberra OPS 2383 dated 8 May 1970 (File R579-1-17(G)). See also HQ AAF FARELF Letter R57/1/17(G) dated 12 August 1970 to 28 COMWEL Inf Bde

⁵² Department of Air Directive 565/1/2, Directive by the Chief of Air Staff to the Officer Commanding RAAF Butterworth, dated 4 October 1973

⁵³ Ibid. Air Directive para 3

⁵⁴ Chiefs Of Staff Committee AJSP No 1/1973 Plan ASBESTOS dated 22 August 1973

⁵⁵ D Coy 6RAR R841/4/2 - Deployment of D Coy 6RAR Group to Butterworth - General Instruction, dated December 1973

64. The CAS Directive to the OC RAAF Base Butterworth in 1973 and a draft Directive in 1975, in addressing the employment of the infantry rifle company directed that:

Training. On arrival each company is to prepare for its role as required by the Butterworth Defence Plan...

Security. Under your direction, the company is to assist in the protection of Australian assets, property and personnel at Air Base Butterworth.

Civil Assistance. You may use personnel from the company to aid civil authorities...are not to be used to assist on the control of disturbances, such as looting or rioting...⁵⁶

65. The 1973 Directive and the draft 1975 Directive also provided direction on limitations for employing the company:

b. Unless authorized by the Australian Government, you are not to use the company in aid to the civil power in civil disturbances.

c. The company is not to be employed operationally outside the perimeter of the Air Base Butterworth, except that in an emergency you may use any part of it to escort Australian assets, property, personnel and their dependents from installations in Penang and Province Wellesley to Air Base Butterworth.

d. Unless specifically authorized you are not to engage in contingency planning with the Malaysians for the employment of the rifle company other than for the defence of shared areas within the perimeter of Air Base Butterworth...⁵⁷

66. **Plan ASBESTOS Cancelled.** Plan ASBESTOS (Issue 2) was cancelled in 1977 and replaced by a Directive from the Chief of the Defence Force Staff (CDFS) to both the CGS and the CAS.⁵⁸ This CDFS Directive notes that the:

...company is deployed on a rotational basis to provide an opportunity for training and to develop cooperation between the Malaysian Armed Forces and the Australian Defence Forces...the rifle company will participate in exercises and training and if necessary be available to assist on the projection of Australian personnel, assets and property at Air Base Butterworth.⁵⁹

67. **Naming of Rifle Company Butterworth (RCB).** It was around January 1980, that the infantry rifle company which was located at RAAF Base Butterworth on rotation assumed the title of Australian Army Rifle Company Butterworth.⁶⁰

68. A Directive from CAS to the Air Operations Commander Operational Command in November 1982 restated this intention that the company participate in training and be available to assist with the security of the air base:

The rifle company, will participate in training and exercises, and if necessary be available to assist in the protection of Australian personnel, assets and property at Air Base Butterworth.

...The company, designated Australian Army Rifle Company Butterworth...

⁵⁶ Ibid. Air Directive para 12. See also DGORG-AF Minute 565/1/2 dated 14 April 1975, Directive-Officer Commanding RAAF Butterworth

⁵⁷ Ibid. Air Directive para 12

⁵⁸ CDFS Directive to Chief of the General Staff and Chief of the Air Staff - Rotation of An Australian Rifle Company at Air Base Butterworth, Malaysia, dated 29 November 1977. File 696/6/4/5 Part 5

⁵⁹ Ibid. CDFS Directive to Chief of the General Staff and Chief of the Air Staff

⁶⁰ RAAF Butterworth Unit History Sheet December 1980/January 1981

By CDFS Directive, the company is to operate under the operational command of the Officer Commanding (OC) RAAF Butterworth.

*The company will conduct training and participate in exercises in accordance with instructions issued by Army Office. The exercises will, where possible, include exercises with units of the Royal Malaysian Armed Forces.*⁶¹

69. An examination of the RAAF Base Butterworth Unit History Sheets from 1970 - 1988, reveal that the infantry rifle company generally completed its training independently in accordance with higher direction or its own company training program. This often resulted in two platoons being away from the air base completing jungle warfare training.⁶²

70. 65GL Section was disbanded in 1987 and the Liaison Section Butterworth established in 1988, and the infantry company assumed the title 'Rifle Company Butterworth (RCB)'. With the announcement by the Australian Minister for Defence on the reduction of the RAAF presence at Butterworth and signing of the peace accord in December 1989, the quick-reaction role of RCB was no longer a designated task. On 11 October 2007, 2nd/30th Training Group was established and RCB was placed under command.⁶³

71. On 11 October 2007 the 2nd/30th Training Group, Butterworth assumed the mantle from RCB and has since conducted a variety of training activities, including bi-lateral exercises with the armies of Brunei, Malaysia, Thailand and Singapore. RAAF presence continues at Butterworth with No 324 Combat Support Squadron and a regular detachment of Orion aircraft from No 92 Wing under Operation GATEWAY. The FPDA Headquarters remains, but since 2000, as Headquarters IADS.

Company Routine

72. During the period 1970 to 1989, the infantry rifle company which rotated through RAAF Base Butterworth conducted its own training program and participated in training with the Malaysian Army. When not involved in training it was also tasked with providing ground security support to OC RAAF Base Butterworth and was available as a quick-reaction force to meet any security threats to the base. As indicated above, outside of normal working hours it provided a permanent quick-reaction force.

73. In the early 1970s the hours of duty for the rifle company group were stated in the Administrative Instruction issued by HQ 28 Commonwealth Infantry Brigade as 0800-1200 and 1300-1615, when employed on base on weekdays. The rifle company group was also directed to establish orderly duties on a seven day basis. At this time also all weapons were to be secured in a company armoury when established and until then in the Base armoury, when not required for training.⁶⁴

74. 1RAR Rifle Company Group Butterworth Standing Orders, forwarded under cover of a letter from the CO 1RAR in December 1970, reflects that the Company daily routine was to conform to the timings above except when the infantry company undertook night training from 1930-2100. The Standing Orders also stated that all weapons were to be returned to the armoury during the time period 1535-1600. Leave parade commenced at 1630.⁶⁵

⁶¹ Chief of Air Staff Directive to Air Officer Commanding Operational Command, DGPF-AF 2063, Reference No 24/82 dated 29 November 1982

⁶² Ibid. CO Reports and Unit History Sheets from 1970 -1988

⁶³ The History of the 2/30th Training Group Butterworth

⁶⁴ HQ 28 COMWEL Inf Bde Administrative Instruction AS NZ Company Group, CB 578-2-7 dated 30 October 1970

⁶⁵ 1RAR letter R722-1-12 dated 16 December 1970

75. On 9 April 1972 HQ 28 ANZUK Brigade advised COMANZUKFOR, with information copies to both 6RAR and 1RNZIR, via formal message, concerning the May 1972 rotation between the AS and NZ companies, in seeking clearance for the company rotation, that company weapons would be for 'training purposes' only.⁶⁶

76. The HQ Field Force Command Staff Instruction issued on 18 February 1974 notes that the security for the base is a Malaysian responsibility and that the infantry rifle company daily routine was to be in accordance with Base Squadron Standing Orders.⁶⁷

77. An examination of the brief history of the RAR battalions (which provided rifle companies on rotation) available on the WWW, record no events of significance or even noteworthy from a battalion historical perspective of the service of the companies which rotated through Butterworth.⁶⁸

Carriage of Ball Ammunition

78. In regard to the carriage of ball ammunition on exercises, 6RAR Routine Orders issued in 19 August 1971 notes that:

*...Coys are to carry ball ammo on exercises for protection against wild animals...CSMs and Pl Sgts are the only members authorised to carry magazines loaded with live rounds...the mouth of the magazine is to be adequately taped to prevent the magazine feeding rounds if inadvertently placed in a weapon at night...Coy comds are to ensure that the above is strictly adhered to.*⁶⁹

79. Again a 5/7RAR Company Group Mounting Instruction for an exercise issued on 24 April 1974 notes in paragraph 4 that:

*...no live ammunition or explosives are to be carried.*⁷⁰

The 'Second Emergency'

80. Part of the argument presented in submissions for a reclassification is that there was a 'Second Malaysian Emergency' from 1966 to 1989. While some authors have referred to this period as a 'Second Emergency', the title appears to have been applied retrospectively and is not reflected in any official history records of Malaysia.

81. A letter from the Army History Unit to Mr Robert Cross on 11 February 2004, notes that:

*No state of 'war' or emergency has existed in the Federated States of Malaysia since the establishment of the need in 1970 to deploy a duty rifle company at BUTTERWORTH. Professor David Horner at the Australian National University agrees that no military threat against the national interests of Malaysia has emerged since the cessation of hostilities with Indonesia (since Confrontation ended on 11 Aug 66).*⁷¹

⁶⁶ 28 ANZUK Bde formal message dated 9 April 1972 (File 587/F3/1)

⁶⁷ AWM209-H-3, 722/K11/1, HQ Field Force Command Staff Instruction No 1/74, General Instruction for the Butterworth Company, dated 18 February 1974

⁶⁸ <http://www.rar.org.au/>

⁶⁹ 6RAR Routine Orders Part 1, Serial 6, No 64, Carriage of Ball Ammo on Exercises, dated 19 August 1971

⁷⁰ 5/7RAR Company Group Mounting Instruction 1/74 Exercise Pulada dated 24 April 1974

⁷¹ Letter R755-1-20 AHU:05-005 Army History Unit to Mr Robert Cross dated 11 February 2004

FORMAL EXTERNAL REVIEWS

82. ADF service at RAAF Base Butterworth has been the subject of previous external reviews, both in Australian and in New Zealand.

Report of the Committee of Inquiry into Defence Awards (CIDA)

83. In March 1993, the committee considered a number of submissions seeking medallic recognition for service at RAAF Base Butterworth. Some of these submissions argued that a low-level communist terrorist threat against the base continued until the surrender of Chin Penh in 1989, and that security patrols and deployments around the base throughout the 1970s were active with live ammunition.

84. Other submissions argued that RAAF Butterworth played a support role to Australian Forces in Vietnam, and service in Butterworth should be recognised through the award of the Vietnam Logistic Support Medal (VLSM).

85. The Committee noted that the VLSM applied only to service in the declared area of Vietnam and considered that this was appropriate. The Committee did not support an extension of the VLSM to those serving in other areas.

86. In considering service at RAAF Base Butterworth after Confrontation the Committee concluded that:

Neither does the Committee consider that service at Butterworth was clearly and markedly more demanding than normal peacetime service, and therefore in terms of its Principle number 1, it does not recommend that this service be recognised through a medal.⁷²

Mohr Report

87. The *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975*⁷³ Terms of Reference (TOR) tasked the Committee to review and:

...provide advice about relevant matters that should be taken into account for subsequent assessment by the Government of entitlements to repatriation benefits and service medals flowing from service during this period.⁷⁴

88. The review was to produce a written report which will have regard to:

- ...
- *RAAF Butterworth in Malaysia;*
- *...; and*
- *other service in South-East Asia during the period 1955-75, where prima facie evidence is presented to the review of possible anomalies regarding this service.⁷⁵*

The TOR were sufficiently broad to include consideration of all ADF forces at RAAF Butterworth during the period 1955 to 1975 - the infantry rifle company was on rotation to RAAF Base Butterworth for the latter part of the period under review.

89. In the Report presented to the then Minister for Veterans' Affairs in February 2000, Major General Justice R.H. Mohr discussed ADF service at RAAF Base Butterworth up to 1975. He noted that the Malayan Emergency formally came to an end on 31 July 1960 and

⁷² Report of the Committee of Inquiry into Defence Awards, March 1993, pp 44 and 45

⁷³ The Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975, dated February 2000 (Mohr Review)

⁷⁴ Mohr Review Annex D

⁷⁵ Ibid. Mohr Review, Annex D, para 3

activity from communist terrorists was then effectively being contained in the Thai/Malay border region.

90. Justice Mohr noted that, although there was still some danger abroad, this danger was remote from activities at RAAF Base Butterworth. Consequently, with the exception of service in the Thai/Malay border region, he considered that 31 July 1960 was a suitable date to signify the end of the period of qualifying service for the service pension during the Malayan Emergency.

91. However, as there was still some remote danger throughout the Malayan peninsular, Justice Mohr stated that the nature of service from 31 July 1960 until the end of the operational period on 27 May 1963 would still satisfy the conditions for it to be classified as operational service.

92. He recommended that eligibility for qualifying service for the service pension during the Malayan Emergency should be restricted to those personnel allotted for service up to and including 31 July 1960, and that the period from 1 August 1960 to 27 May 1963 inclusive remain as operational service.

93. In December 2000, service in Malaysia (including Butterworth), Singapore and Brunei from 17 August 1964 to 14 September 1966 was retrospectively allotted for duty to the Confrontation operational area.

94. Despite noting that service at RAAF Butterworth in Malaysia was one of the specific areas of ADF service the Review was asked to advise on, Justice Mohr did not make specific reference or recommendations regarding service by the infantry rifle company or any other ADF elements serving at Butterworth after 1966.

95. However, in considering service overseas generally, the Report recommends that no further action be taken to reclassify deployments overseas to take part in exercises, or for extended periods of garrison type duty with associated training, which do not involve any hazard outside of normal peacetime training in Australia.

2000 Report - Senate Foreign Affairs, Defence and Trade Legislative Committee

96. The Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000 and the Veterans' Affairs Legislation Amendment Bill (No. 1) 2000 were introduced into the House of Representatives on 29 June 2000. Both Bills proposed amendments to the *Veterans' Entitlements Act 1986* (the Act). On the same day, the Senate referred the Bills to the Committee for inquiry and report by 30 August 2000.⁷⁶

97. The purpose of the Senate Inquiry was primarily to give veterans and veterans' organisations an opportunity to comment on the Bills so that issues in relation to the Bills, which were raised in the inquiry, could be taken into account during consideration of the Bills in the Senate.

98. The inquiry into these Bills provided an opportunity for individuals or representative organisations to contribute to or provide comment on the Bills to the Inquiry Committee. There is no evidence in the section of the report 'South East Asian Service Entitlement Anomalies 1955-1975' that any submissions were received by the Committee covering any period of ADF service at RAAF Base Butterworth between 1970 and 1989.

⁷⁶ Report of Foreign Affairs, Defence and Trade Legislative Committee - Inquiry into Veterans' Affairs Legislative Amendment Bill (No.1) and Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000

Clarke Review

99. In the 2003 *Review of Veterans' Entitlements* (Clarke Report)⁷⁷ Justice Clarke describes the RCB's tasks as:

...infantry training and after-hours patrolling of the perimeter of the base, thereby contributing to base security in conjunction with the Malaysian security forces, the RAAF Airfield Defence Guards and RAAF Police dogs (sic – dog handlers). Its rules of engagement were protective only. Although there is no doubt that the RCB was involved in armed patrolling to protect Australian assets, it is clear that training and the protection of Australian assets are normal peacetime garrison duties.

100. The Clarke Committee concluded that:

...no evidence was found that service in South-East Asia currently established as peacetime service should be considered warlike. No operational area was prescribed, no specific armed threat was present and there were no rules of engagement to pursue specific military objectives. Although the service occurred overseas, it could equally well have been performed as part of peacetime activities in Australia.

The Committee understands that peacetime service, whether rendered in Australia or overseas, can at times be arduous and even hazardous. However, on its own, this is not enough to warrant its consideration as operational or qualifying service for benefits under the VEA.⁷⁸

101. The Clarke Committee found that neither *warlike* nor *non-warlike* service was rendered in Malaysia or Singapore immediately following the cessation of Confrontation on 11 August 1966, or subsequently in Butterworth under the FPDA or ANZUK.

102. The Committee recommended that no further action be taken in respect of *peacetime* service at Butterworth after the cessation of Confrontation.

Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970

103. In considering the claims of members of RCB for medallic recognition of their service in Malaysia between 1970 and 1989, the Defence Honours and Awards Appeals Tribunal stated that:

The Tribunal could find no convincing evidence from the material submitted to it that the service of the RCB was warlike.⁷⁹

New Zealand Government Joint Working Group Review

104. In responding to the Final Report by The Medallic Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011 published in December 2013,⁸⁰ the NZ Government agreed with the JWG's report that military personnel who served in South-East Asia have been appropriately recognised and additional medallic recognition is not justified.

105. To support the work of the JWG, the NZ Government engaged the services of an independent historian Peter Cooke to assess examples of military service that did not

⁷⁷ Report of the Review of Veterans' Entitlements January 2003 (Clarke Review)

⁷⁸ Ibid. Clarke Review, Volume 2, Chapter 14, pp. 333 and 334

⁷⁹ The Report of the Defence Honours and Awards Appeals Tribunal on the Inquiry into Recognition for Members of the Rifle Company Butterworth for Service in Malaysia between 1970 and 1989 dated 18 February 2011

⁸⁰ Report on Medallic Recognition of New Zealand Military Service in South-East Asia 1950-1975 by Peter Cooke, Independent Historian, 1 July 2011

currently qualify for medallic recognition, and to assess whether that service should qualify under current criteria for 'operational service'. Service with the 1RNZIR rifle company on rotation to RAAF Base Butterworth was one such example which was examined.

106. While not specifically mentioned in the Report recommendations, the report to JWG by independent historian, Peter Cooke, recommended to the JWG that in regard to service in Malaysia/Singapore, including RAAF Base Butterworth:

*Service in Malaysia and Singapore, aside from the service which has already received medallic recognition, does not constitute operational service and therefore does not warrant medallic recognition.*⁸¹

107. However the Summary Consultation Document which was prepared by the JWG and published in July 2011, concluded that:

So while New Zealand military presence in South-East Asia from 1950 to 1989 was part of our contribution to strategic forward defence, only operational service in relation to the conflicts in Malaya/Malaysia, Borneo, Thailand and Vietnam qualifies for medallic recognition.

*The independent historian found no examples of service that should have been recognised under the existing guidelines.*⁸²

NATURE OF SERVICE

Policy

108. All nature of service reviews are considered in the context of the legislation and policies that applied at the time of the activity or operation under review. In the case of ADF service at RAAF Base Butterworth from the end of Confrontation in 1966 to the end of the infantry rifle company's quick-reaction role in December 1989, the applicable legislation is the *Repatriation (Special Overseas Service) Act 1962* (Act) and the *Veterans' Entitlements Act 1986* (VEA).

Special Overseas Service

109. Special overseas service (which is equivalent to *warlike* service) was achieved when three conditions were met:

- that a special area has been prescribed;
- that the personnel were serving in the special area; and
- that personnel were allotted for special duty within the special area⁸³.

110. Special duty is defined in the Act as:

...duty relating directly to the warlike operations or a state of disturbance by reason of which the declaration in respect of the area was made...

111. Further direction on allotment for special duty was provided in Cabinet Decision No 1048, dated 7 July 1965, which stated:

...that the Services be directed that allotment for "special duty" should only be made at a time when the personnel are exposed to potential risk by reason of the fact that there is a continuing danger from activities of hostile forces or dissident elements; in

⁸¹ Ibid

⁸² Ibid

⁸³ Special duty is defined in the Act as '...duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the area was made...'

the present circumstances, allotment should therefore be confined to personnel specifically allotted for duty in relation to Indonesian infiltrators or communist terrorists in circumstances where there has been a specific request for the assistance of Australian forces and where the task has been clearly defined...

112. ADF service at RAAF Butterworth from the end of Confrontation in 1966 to the end of the infantry rifle company's quick-reaction role in December 1989 does not meet the essential criteria for allotment for special duty in a proscribed special area for the purposes of the Act. There were no requests from the Malaysian Government to the Australian Government for military assistance after 14 September 1966.

Veterans' Entitlements Act 1986 (VEA)

113. Under section 5C(1) of the VEA, *warlike* service is defined as service in the Defence Force of a kind determined in writing by the Minister for Defence to be *warlike* service. *Warlike* service provides qualifying service under the VEA.

114. Under section 5C(1) of the VEA, *non-warlike* service is defined as service in the Defence Force of a kind determined in writing by the Minister for Defence to be *non-warlike* service. *Non-warlike* service provides consideration of disability pension claims using the more beneficial reverse criminal standard of proof. *Non-warlike* service also includes eligibility for the occurrence test, but does not provide qualifying service under the VEA for the purposes of the Service pension or the automatic Gold Card at age 70 years.

115. *Hazardous* service is defined in section 120(7) of the VEA as:

...service in the Defence force, before the MRCA commencement date [1 Jul 04], that is of a kind determined in writing by the Minister administering section 1 of the Defence Act 1903 [Minister for Defence] to be hazardous service for the purposes of this section.

116. When *hazardous* service was introduced into the Repatriation Act 1920 (section 107J) it was intended to cover service that was substantially more dangerous than normal *peacetime* service but could not be classified as *peacekeeping* service although it attracted a similar degree of physical danger. *Peacekeeping* service generally involves interposing the peacekeeping force between opposing forces.

117. Later, after 1993, *hazardous* service became a subset of the *non-warlike* service classification.

118. It is assessed that ADF service at RAAF Butterworth does not meet the level of risk or exposure to harm associated with a classification of *hazardous* service.

1993 Framework

119. On 17 May 1993, the Government established a 'conditions of service' framework for ADF personnel deployed overseas and agreed to definitions of the terms '*warlike*' and '*non-warlike*' operations in order to provide guidance to the Minister for Defence when classifying operations.⁸⁴

120. Under this framework, ADF service is classified as either *warlike* or *non-warlike* service. Service that does not meet the criteria for classification as either *warlike* or *non-warlike* service defaults to a *peacetime* classification. On 13 May 1997, the definitions of *warlike* and *non-warlike* service were inserted into the VEA.⁸⁵

⁸⁴ Cabinet Minute No. 1691 dated 17 May 93

⁸⁵ By the *Veterans' Affairs Legislation (Budget and Compensation Measures) Act 1997 (No 157/1997)*

121. Under section 5C(1) of the VEA, *warlike* service is defined as service in the Defence Force of a kind determined in writing by the Minister for Defence to be *warlike* service. *Warlike* service provides qualifying service under the VEA.

122. *Warlike* operations are those military activities where the application of force is authorised to pursue specific military objectives and (the degree of exposure to the risk of harm is such that) there is an expectation of casualties. *Warlike* operations include a state of declared war, conventional combat operations against an armed adversary and peace enforcement operations.

123. Irrespective of any other considerations, ADF service at RAAF Base Butterworth from the end of Confrontation in 1966 to the end of the infantry rifle company's quick-reaction role in December 1989 does not meet the essential criteria for reclassification as *warlike* service under the VEA.

124. Under section 5C(1) of the VEA, *non-warlike* service is defined as service in the Defence Force of a kind determined in writing by the Minister for Defence to be *non-warlike* service. *Non-warlike* service provides consideration of disability pension claims using the more beneficial reverse criminal standard of proof. *Non-warlike* service also includes eligibility for the occurrence test, but does not provide qualifying service under the VEA for the purposes of the Service pension or the automatic Gold Card at age 70 years.

125. *Non-warlike* operations were defined in 1993 as:

...those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected.

These operations encompass but are not limited to hazardous operations that expose individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities; and peacekeeping.

126. It remains open to the Minister for Defence to make a determination of *non-warlike* service for any period of Defence service, including during World War II.

127. As previously indicated above, it is policy that all nature of service reviews are considered in the context of the legislation and policies that applied at the time of the activity or operation under review. Advice from DVA is that the 1993 *warlike/non-warlike* framework is taken to have commenced on 13 May 1997.

128. However, there no legislative impediment to applying the *warlike/non-warlike* framework retrospectively.

129. It is assessed that the operational risks associated with ADF service at Butterworth from 1970 to 1989 do not meet the level of risk required for reclassification as *non-warlike* service.

Nature of Service Classification

130. The Malayan Peninsular has had a long and varied history of being an operational area for the ADF since World War II. The area of Butterworth was a designated an operational area from 29 June 1950 to 31 July 1960 during the Malayan Emergency with the Malay/Thai border area remaining an operational area until 16 August 1964.

131. With the commencement of the Confrontation with Indonesia, the Malayan peninsular was again declared an operational area from 1 August 1960 to 27 May 1963; however this does not confer eligibility for qualifying service under the VEA. Subsequently Malaysia, Singapore and Brunei were declared an operational area with eligibility for qualifying service from 17 August 1964 to 30 September 1967. As Confrontation ended in 1966 there were no allotments of ADF personnel in Malaysia after 14 September 1966.

132. Essentially, from 1966 all ADF service at Butterworth has been classified as *peacetime* service.

133. Since 2006 Defence has responded to 33 submissions seeking reclassification of RCB service from 12 separate claimants, a number of who served with an infantry company which rotated through RAAF Butterworth. Of note, only one submission has been received from an ex-member of the RAAF who served at Butterworth during the relevant period. A listing of all submissions received by Defence is at Enclosure 1.

2007 Defence Review

134. As a result of representations seeking reclassification of RCB service, a 2007 Defence Review rejected the claim for *warlike* service but recommended that there were grounds for a *hazardous* classification under section 120 (7) of the *Veterans' Entitlements Act 1986* (VEA). The then Minister for Veterans' Affairs, The Hon. Bruce Billson MP, accepted the Defence recommendation and on 18 September 2007 signed separate Instruments of Determination of *non-warlike* service from 15 November 1970 to 6 December 1972, and *hazardous* service from 6 December 1972 to 31 December 1989.

135. The 2007 Defence Review also discussed the RAAF Police, Air Defence Guard (ADG) and dog handlers whose primary responsibility was the security of RAAF Base Butterworth, its assets including personnel and dependents. The Review assessed that these personnel also incurred a similar level of danger or exposure to the risk of harm and should therefore have their service classified as either *hazardous* or *non-warlike*. The 2007 Review did not specifically consider the exposure to the risk of harm of any other RAAF personnel posted to RAAF Butterworth.

136. Following the signing of the Instruments, Minister Billson wrote to Mr Robert Cross, Chairman of the RCB Review Group on 4 October 2007⁸⁶, advising him that service with RCB could not be classified as *special duty* or *warlike* service as the:

...degree of exposure to the risk of harm was not sufficient to warrant the full package of repatriation benefits.

The Minister further advised that he was:

...prepared to declare retrospectively this period of service [1970 to 1989] as hazardous pursuant to section 120 of the Veterans' Entitlement [sic] Act.

Further Representation

137. On 22 May 2009, Mr Cross wrote to the then Minister for Defence Science and Personnel, The Hon. Warren Snowdon MP,⁸⁷ referring to the 4 October 2007 letter from Minister Billson, advising that the retrospective declaration of hazardous service did not appear to have been followed through. Further, Mr Cross advised that the RCB Review Group was preparing a detailed response to Minister Billson's letter of refusal of their claim for war service.

⁸⁶ Letter The Hon. Bruce Billson MP to Mr Robert Cross dated 4 October 2007

⁸⁷ Letter Mr Robert Cross to The Hon. Warren Snowdon MP, Minister for Defence, Science and Personnel dated 22 May 2009

138. In his letter Mr Cross also sought confirmation on whether the retrospective classification of *hazardous* service referred:

...only to the soldiers who were actually deployed at the Airbase Butterworth in this security role or in fact does rightly extend to the RAAF personnel who were also at the base during these communist terrorist dominated years across Malaysia.

139. Mr Cross also advised that any reply would be incorporated into the detailed response which the Group was preparing for the Defence Honours and Awards Appeals Tribunal.

Nature of Service Review Board Consideration

140. In considering Mr Cross's 2009 correspondence, Defence discovered there were significant errors and omissions in the current Instruments. There is a one day overlap in the dates, and the RAAF Police, Air Defence Guard (ADG) and dog handlers who also served in the defence of the Air Base were inexplicably omitted from the recommendations in the relevant MINSUB and consequently were not included in the Instruments of Determination signed by Minister Billson.

141. Further, and more significantly, the Instruments were never registered on the Federal Register of Legislative Instruments (FRLI) and are therefore not enforceable.

142. In early 2010, Defence attempted to redress this situation by redrafting and resubmitting the Instruments, however this proposal was not supported by DVA.

143. Accordingly, Defence submitted the matter to the Nature of Service Review Board (NOSRB)⁸⁸ on 3 May 2011 for the Board's consideration. The NOSRB was established in response to the direction of then Prime Minister Rudd that resolution of outstanding claims for reclassification of past service be agreed between Defence, the Department of Prime Minister and Cabinet, the Department of Veterans' Affairs, and the Department of Finance and Deregulation, and consists of Senior Executive Service Band Two representatives from each of the agencies.

144. The Board did not support re-classification of this service as *warlike*, *non-warlike* or *hazardous* service and directed Defence (NOS Branch) to review the matter from first principles and report back. The Board agreed the outcome of this 2011 Defence Review, namely that RCB service was peacetime service, on 30 August 2011.

The 2011 Defence Review

145. The 2011 Defence Review, and subsequent consideration by the NOSRB, of the service by RCB and other ADF personnel who served at RAAF Base Butterworth in the period 1970 - 1989, determined that the reclassification of *hazardous* service was not appropriate. The key considerations relating to this review are addressed in the following paragraphs.

146. It appears that the Defence Review conducted in 2007 relied mostly on the information and claims contained in the RCB Review Group submission. At best, the information provided by the RCB Review Group was selective and lacked objectivity. There is no clear evidence that the 2007 Defence Review sought to either corroborate or disprove the claims made by the RCB Review Group.

147. The 2007 Defence Review does not appear to have been based on detailed research, particularly in light of the many documents that have recently been discovered that tend to

⁸⁸ A Board comprised Band 2 (equivalent) from Defence, PM&C, Finance and DVA

contradict much of the information and observations made in the earlier 2007 Defence Review and subsequent MINREP.

148. The 2011 Defence Review found that official documents generally indicated that the role of the infantry rifle company/RCB was to provide an Army ground presence, to conduct training and, if required, to assist in the ground defence of RAAF Base Butterworth. File references to the role of the RCB differ in detail but are consistent with these tasks, while not always in this priority order. The documentary evidence does not support the RCB Review Group claim that the infantry company located at RAAF Base Butterworth on rotation, was an operational deployment and that its primary role was to protect Australian assets at the air base.

149. Plans and Directives for the defence of RAAF Base Butterworth during the period 1970 - 1989 show that the primary ground defence force external to the RAAF Base was the Malaysian military, primarily the 6th Malaysian Infantry Brigade, while inside the base security and ground defence remained a shared responsibility. In the mid-1970s while on the air base, the infantry rifle company was placed under operational control of OC RAAF Butterworth, including for matters related to the security of the air base.

150. In practice, the infantry rifle company was mostly involved in independent infantry training activities, and the quick-reaction and ground defence tasks were secondary. Notably, in the 19 years from 1970 - 1989, there is no formal documented evidence which could be found which confirmed that the infantry rifle company was ever required in an emergency ground defence capacity, other than for exercise purposes.

151. In the event of a security crisis, the service of the RAAF personnel directly involved in security of the air base would have been at least as *hazardous* as that of the infantry company and would be equally deserving of any reclassification, as contained in the relevant MINREP.⁸⁹ As all RAAF personnel on the base had responsibilities in the event of a ground defence emergency situation, arguably the service of all RAAF personnel at RAAF Base Butterworth could be included along with the infantry company personnel in any NOS reclassification.

152. Approximately 9000 personnel served on infantry company rotations to RAAF Base Butterworth between 1970 and 1989. It is estimated that up to 19,000 members of the RAAF served at RAAF Butterworth during the same period. In addition to the Service personnel there were also Australian public servants and civilian teachers located at the base.

153. The 2011 Review assessed the information provided in support of claims for reclassification to be selective and subjective; demonstrated a flawed understanding of the legislation and the policies and processes governing overseas deployments and of Defence terminology. This is understandable as the ten claimants who actually served with the infantry companies at Butterworth were junior ranks. Defence also contended that the likelihood of hostile action may well have been overstated to the soldiers in order to ensure that training was as realistic as possible, and that this may be the cause of the misconceptions about the role of the infantry company and the hazards faced.

154. As a result of this 2011 Review, it was considered that the level of risk associated with ADF service between 1970 and 1989, including the service of the infantry companies that rotated through RAAF Base Butterworth, did not meet the essential criteria for classification as *warlike* or *non-warlike* service. Further, ADF service at RAAF Base Butterworth during this period did not meet the intent of the *hazardous* service classification,

⁸⁹ MINREP 91229

in that it could not be shown to be substantially more dangerous than normal *peacetime* service or that it attracted a similar degree of physical danger as *peacekeeping* service.

Present-Day Review

155. As already noted above, since 2006 Defence has received 33 submissions seeking reclassification of RCB service from 12 separate claimants, a number of who served with an infantry company which rotated through RAAF Base Butterworth.

156. As a consequence of the receipt of the Petition a senior research officer who has not previously been involved in research associated with Rifle Company Butterworth was tasked to undertake a thorough examination of previous Defence reviews and submissions by claimants. The officer extended the research previously undertaken and has completed a thorough examination of available official documentation located at the AWM and the NAA; encompassing 'Open', 'Closed' and 'Not Yet Examined' documents; and Defence records, including RAAF Butterworth Commanding Officer Reports, RAAF Unit History Records and Commanders' Diaries for those Australian battalions who provided infantry companies for the rotation. The research officer has also reviewed information freely available on the Internet, in published books and journals, Australian Parliament Hansard, and the recently published NZ Government Joint Working Group Report on Service in South-East Asia 1950-2011.

157. Available official documentation reviewed demonstrates consistently and irrefutably that the roles of the RCB were to provide a ground force presence in Malaysia, to conduct training, to assist in the security of RAAF Base Butterworth if required and to provide a quick-reaction force if required. In the 19 years from 1970 - 1989, there is no formal documented evidence which could be found that the infantry rifle company was ever required in an emergency ground defence capacity, other than for exercise purposes.

158. Therefore, the present-day review confirms that service of all ADF personnel at RAAF Butterworth between 1970 and 1989 is appropriately classified as peacetime service.

CONCLUSION

159. On balance, having completed an expanded and more comprehensive review of the available information encompassing previous reviews undertaken by Defence, submissions by claimants, previous independent reviews, and available official and unofficial records and writings, it is clear that:

- (a) No state of war or emergency existed in Malaysia during the period 1970 to 1989.
- (b) That the Malaysian Government made no requests to the Australian Government for military assistance in security operations after 14 September 1966.
- (c) The roles of the RCB were to provide a ground force presence in Malaysia, to conduct training, to assist in the security of RAAF Base Butterworth, including providing a quick-reaction force.
- (d) ADF service at Butterworth between 1970 and 1989 does not meet the essential criteria for classification as *special duty*, as *warlike* or *non-warlike* service, or as *hazardous* service.
- (e) The submissions by the RCB claimants have not provided any compelling evidence or documents to support their subjective and narrative arguments.

- (f) The present-day Review re-affirms the view that the basis of the claims made by those seeking reclassification of RCB service are invalid.

160. The Defence position that all ADF service at RAAF Butterworth during the period 1970-1989 is appropriately classified as peacetime service is supported by the Department of the Prime Minister and Cabinet, the Department of Veterans' Affairs and the Department of Finance and Deregulation, and is consistent with independent Australian and New Zealand reviews and inquiries.

Nature of Service Branch
28 April 2014