DEFENCE FORCE JOURNAL
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Contributors are urged to ensure the accuracy of information
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no responsibility for errors of fact.
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author. Any reproduced articles should bear an acknowledge­
ment of source.
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should not be construed as official opinion or policy.
This issue records the retirement of the Chairman of the Board of Management of Defence Force Journal, Air Commodore R. C. Rowell, after 38 years in the Royal Australian Air Force.

Air Commodore Rowell was a schoolteacher at the age of only 16 in Queensland before joining the Air Force in 1944. He enlisted as a wireless/navigator aircrew trainee. The course was abolished with the end of World War Two. After the war he recommenced his studies and completed a science degree.

He rejoined the Air Force as an education officer. The next four-and-a-half years were spent at the School of Radio, Ballarat, Victoria where he tutored in electrical technology including science, mathematics and radar theory. In 1956, he was transferred to the Engineering Branch.

Since then he has served in a variety of postings, mostly in the field of radio and radar. Aircraft equipment engineering was another area in which he was deeply involved, and he also served on the directing staff at the Royal Australian Air Force Staff College.

He has been with the Melbourne Telecommunications Unit, which until 1976 had its home at RAAF Frognall, he also has commanded at Frognall, as well as going on exchange duty with the Royal Air Force in the United Kingdom.

Senior appointments in Canberra have included Director of Telecommunications Engineering (Air Force) and Director of Communications Electronics (Air Force). He took up the appointment of Director-General of Joint Communications-Electronics, Department of Defence, in December 1978. This is the senior communications-electronics appointment in the Defence Force.


The success of the journal was always foremost in his mind and believed strongly that its main role was to promote and stimulate professional discussion in all facets of military matters.

Before his retirement Air Commodore Rowell said he believed the Journal had firmly established itself in accordance with its charter and that the level of contributions were constantly improving. He had been disappointed at not being able to bring it to a monthly publication during his time as chairman but believed this could be done during the months to come. Finally, he thanked all members of the Board of Management for their contribution to board business during the past three years.

I wish to express my personal thanks to Air Commodore Rowell for his help and advice, especially during my early days as editor; and for his encouragement when I was devising the journal's new design format.

On behalf of the members of the board of management I wish him a long and happy retirement.

Air Commodore R. C. Rowell, RAAF

We welcome Commodore H. J. P. Adams as the new Chairman of the Board of Management and look forward to a long and happy working relationship with him as we did with his predecessor.
EDITORS NOTE

It is Defence Force Journal policy to give the author of an article the right to reply to letters of a critical nature. In some cases, however, it is impossible to contact all of these people. I have therefore decided to publish some of the letters in this section without the author's reply.

PEACETIME PROFESSIONALS

WAR TIME AMATEURS

Dear Sir,

The article “Peacetime Professionals War­time Amateurs” seems to misunderstand the intended role of Australian citizen-soldiers in the formation of the First and Second Australian Imperial Forces.

In the absence of an established and effective scheme of compulsory military training, the citizen forces can be intended only to supply-in war a large pool of Officers and NCOs sufficient to produce a sudden wartime force from the civil population.

The immediate and urgent need then is for well-trained private soldiers, NCOs and, at least, platoon commanders. It is much more difficult to produce soldiers at these extremely technical levels than to introduce intelligent civilians with administrative experience to the higher levels of military staff work.

Liddell Hart, that most notable wartime amateur and peacetime professional makes the point that at army command level the decisions are taken on generalities rather than technicalities and that “generals need to be truly general in their understanding. Otherwise the best professional soldier may be no more than an amateur of war”.

Liddell Hart also lists personal experience of fighting and the effects of fire as a requisite for high command and states that this was “only vouchsafed in the Dominion Forces . . . It is to be inferred that a non-professional soldier, who proved himself barely the equal of many regulars as a battalion or brigade commander, might prove outstanding when, and if, he reached a higher command. That reference was confirmed by actual experience in the Dominion Forces”.

It was nice that General Sir John Monash should be awarded the accolade “a professional soldier in all but name”. This near transformation is said to have occurred when he “rose to corps command”.

Monash joined the University Company of the Victorian Rifles at 22 and was commissioned shortly after, in the Garrison Artillery. Eight years a lieutenant, two a captain, as a major he commanded his battery for eleven years before being promoted to command the Victorian element of the Australian Intelligence Corps (the progenitor of the General Staff). After five years he was again promoted, to command 13 Infantry Brigade.

In the meantime, he had graduated in Engineering, Arts and Law, as well as working on the construction of important bridges and railways in Victoria. With this background, he had also twenty-seven years of part-time military service in senior command and staff positions.

How would he compare with professional soldiers “in name” with this background of training, experience and actual work? How would he compare for professional training with the graduates of the Royal Military College who served in World War I (or II)?

Certainly, he was not treated as a professional soldier after the war, but his military fate was no worse than that of the permanent members who were treated so cavalierly by the Government. Monash was fortunate in that he received the civilian equivalent of a corps command to exercise his abilities further.

The article started with a peculiar demonstration of a profound lack of leadership in Bill and Tom, who were so short on both taste and sense as to bore their subordinate captive audience into insensibility by trying to discuss military philosophy over beer in the mess.

There is no “citizen soldier argument” that the vast mass of leaders came from the Militia (presumably in World War II). Possibly the majority did, many followed after direct entry into the A.I.F. and others, particularly at general officer level, came from the Permanent Military Forces.

There is no need to wonder “how successful some commanders would have been” without good staffs. The two are complementary, and notable examples are not limited to the recent wars. No one argues for incompetent staffs to be carried by genius commanders.
The suggested example, "the battle of the Nek, is one particular instance that springs readily to mind" — could spring readily to the mind only of one who had recently seen (and believed) the film *Gallipoli*.

In fact, on 7 August 1915, on the Nek, 3 Light Horse Brigade was to attack, immediately after a bombardment, the very strong Turkish position.

The first error was that the barrage stopped, according to the watches of the assaulting regiments, seven minutes before they were to attack. The Official Historian says the evidence seems to point to an error in the timing of the watches — a command error?

In the seven remaining minutes higher command might possibly have been able to act. However, Commander 3 Light Horse Brigade was "an elderly (58) citizen officer belonging to leading social circles in Victoria", "and Birdwood had little confidence in the brigade commander, but ... was averse to removing his subordinate outright, although he endeavoured to do so afterwards by invaliding" — certainly a command error here.

CO 8 Light Horse Regiment erred in fatalistically saying goodbye to the Brigade-Major and leading the first line, but he hurt no one but himself.

Meanwhile, back at the Nek, CO 10 Light Horse Regiment received a report from OC third wave that "success was impossible". He had also seen 8 Light Horse Regiment lying on the ground. A staff officer inevitably arrived to ask why the third wave had not gone forward. CO 10 Light Horse Regiment found the BM 3 Light Horse Brigade and put the facts before him. The BM had heard that some of 8 Light Horse Regiment had reached the enemy trenches and "replied therefore, that the 10th Regiment must push on at once".

When the third wave had been killed, CO 10 Light Horse Regiment again approached the BM and again "was ordered to advance". He then spoke to the Brigade commander, who indicated a flank approach. (However, in an "obscure incident", the last wave went over in bits and pieces.)

3 Light Horse Brigade "had been given a well known Australian permanent officer of South African War fame who, although very senior for this position, had been straining every nerve to get away in some capacity". At 49 he was elderly for a brigade major but soon received a further brevet promotion.

What "particular instance" on the Nek illustrated what point in Tom's "dull" mind?

The three Light Horse Brigades illustrate the obvious importance of both good leaders and good staff officers. 1 Light Horse Brigade was commanded by the incomparable Chauvel and "had two permanent Australian Officers on its staff". One went on to command, the other to a senior appointment.

2 Light Horse Brigade was commanded by Ryrie, a pastoralist and citizen officer "with strong commonsense and great affection for his men, but with little love for military forms and text-books. His BM was a trained and skilful soldier, and between them they made of the 2 Light Horse Brigade one of the most trusted corps on Gallipoli".

3 Light Horse Brigade was, as said before, commanded by the elderly socialite who had the elderly "straining" BM.

The first lesson is that officers should be well trained, carefully selected and well teamed — regardless of their origins.

The second lesson is that serving soldiers should not attend the film *Gallipoli* unless accompanied by their parents.

B. CLEREHAN, E.D. (RL)
Colonel

*From *King Henry V. This title was used by the late Brigadier John Field, DSO, ED, Comd 7 Australian Infantry Brigade 1942-1945, for an unfinished autobiography.*

**AUTHOR'S REPLY**

Dear Sir,

Thank you for the opportunity to reply to Colonel Clerehan's criticisms of my article. My answer is confined to two points. First, he has ascribed opinions to me which I did not state, thus giving himself the opportunity to wander from the point. Second, he has descended to a personal level by implying that my apparent youth bars me from worthwhile comment. I would like to confirm for Colonel Clerehan that I did see the film Gallipoli — twice as it happens. And I saw it with my mother the second time as he suggested I should. Unfortunately, for his thesis I saw it at least six months after I wrote the article.
and neither time did I ‘believe’ the story line. You see, like him I also have read Dr Bean’s History.

In passing, it might interest the Colonel to know that the title ‘Warriors For The Working Day’ was used for a novel by Peter Elstob about a tank crew’s experiences in 1943-45. It was a favourite amongst the tank crews of C Squadron First Armoured Regiment in 1965/66 — where I first read it.

C. R. PRICKETT
Major

AUSTRALIA’S STRATEGIC ENVIRONMENT

Dear Sir,

I have read with great frustration and confusion the potentially important paper by LtCol Wood in your Nov/Dec 81 edition (Australia’s Strategic Environment: A Wider Perspective). This paper addresses an important subject and makes several significant assertions but the text is so badly written (or edited) that it is difficult to understand much of the argument or to determine any substantial basis for the assertions.

For example, what is the reader to make of such pieces as:

‘To this end Australia could find itself now at that time when other potential allies are similarly (sic) placed . . .’

That which precedes and follows this piece of obfuscation fails to throw any light on its meaning.

Some other examples are more subtle but equally meaningless:

‘It would be foolish for Australia to rest too confidently upon such an assumption and it would demonstrate a too often seen confidence it is did so.’

Unfortunately the author failed to state the assumption to which he refers but it appears to be related to ‘a fairly unusual rapport’ - whatever that means.

While much of this carelessness of expression and argument is simply frustrating for the reader at some points it is positively confusing to the author’s argument. For example, where the author appears to attribute a long history of military power to Australia:

‘Australia has had close links with a number of important influences especially Japan and the US and within the region Indonesia, and despite its long history of military power’ (my italics).

I point out these problems with the paper because they illustrate the difficulties the reader must overcome in order to come to grips with the author’s arguments.

It is difficult to accuse the author of wandering away from the aim of the paper because it is difficult to determine his aim. From the title we might expect a wide ranging discussion of Australia’s strategic environment — beyond our normal South East Asian, South West Pacific and Indian Ocean concerns. Certainly the arguments extend to Korea, Japan, the Middle East and beyond. But incredibly the author bogs down in a description of what sort of ship Australian ‘intermediaries’ (sic) might build in conjunction with ‘likeminded organizations in Japan’, yet treats China largely and superficially in terms of Australian attitudes to that country and the certainty that ‘Australian curiosity will be magnetized by Chinese ebbs and flows.’ Australia, it seems, should try to focus ‘on the consequences for Australia’s environment should China take off as a latter day Soviet Union’. The author does not elaborate on this vague statement.

The term ‘latter day Soviet Union’ implies the Soviet Union is history; and it might as well be as far as the author is concerned. The Soviet Union gets an even more superficial treatment than China — it is only discussed in its relation to other matters, not as having any strategic significance to Australia itself.

The author has presented us with a very uneven paper. He presents practical suggestions for Australian contributions to regional alliances on one hand and yet provides superficial and glib analysis of international relationships on the other.

I could go on. Having been attracted to the article by the title and by one of the few concise and significant statements in the paper, namely:

‘. . . Australia must plan for the day when Japan once more emerges as a significant and active military power . . .’

I soon found myself, to paraphrase the author, entangled in the trip wires of his wider difficulties.

D. J. O’Neill
Lt. Col.
INTRODUCTION

Nocitura toga, nocitura petuntur militia — Juvenal

Before dealing with the local forces in Australia it is necessary to outline what the terms 'Militia' and 'Volunteers' meant during the late eighteenth and early nineteenth Centuries.

The Militia of England was the constitutional force of the country — an instrument of defence for the preservation of internal order and to repel invasion. Its origins lay in the reign of Edward I (1272-1307) when it was decreed that every free man between the ages of fifteen and sixty years was to be available to preserve the peace within his own county or shire, which he was not called on to leave 'save upon the coming of strange enemies into the realm'.

The first use of the term ‘militia’ appears to have been made in the 1640s. Addressing the Commons on 1 March 1641 Whitelocke heartily wished 'that this great word — this new word — the militia — this harsh word, might never have come within these walls'. Nevertheless in the main the old ‘trained bands’ disappeared and the Militia became established on a firm footing in 1662, enjoying the confidence of Parliament and the public. Whereas originally the obligation was individual it now rested on property owners, who were required in proportion to the value of their property to furnish horses, horsemen, footsoldiers and arms. Control was vested in the Lord Lieutenant of the country, originally a military officer, but by the early Nineteenth Century often the head of the Justices of the Peace. In 1757 the obligations of property owners were removed and the duty imposed on counties and parishes under an obligatory service by ballot.

In 1808 Castlereagh introduced the concept of a Local or Sedentary Militia in addition to the General Militia, whereby it was envisaged that between both types of Militia and the Volunteers the whole male population would be gradually trained in organized regiments over the course of four years. The Local Militia were restricted to training within five miles of their homes, although by 1813 the Crown could accept voluntary offers to serve up to forty days a year outside a particular county until 25 March 1815. With the coming of peace the Militia, both Local and General, virtually ceased to exist and it was not until the early 1850s that Francophobia once more brought the Militia to the Nation's attentions, leading in 1852 to the downfall of Russell's Ministry at the hands of Palmerston, over the issue whether Russell's proposed Militia should be 'Local' or 'General'; 'local' by this time having a much wider application.

Because of its origins and organisation the Militia could not be used by the Crown to violate the Constitution or abridge the liberty of the subject. It was very much a family
affair covering most of the population who had a fixed abode and status, and who were not dependent on the Crown for subsistence or advancement. It drew its officers from the land-owning families or their relatives. In contrast the regular force belonged to the Crown, under the control of Parliament, and the troops were hirelings, although it was not unknown for them to be conscripted from vagrants. The Militia, therefore, enjoyed a much higher social status than the regular army. Moreover ‘in an England where the Tories remembered the military despotism of Cromwell and the Whigs the large personal forces of the Stuarts, a Standing Army was not destined to be politically popular’.

The early history of the Volunteers can be traced to times of national emergency. On the threat of insurrection or invasion, noblemen, gentlemen and the corporate towns raised regiments which were supplied with arms and tents from the Ordnance Stores. When the danger ceased members went back to their civil occupations. Consequently these units simply ‘grow’d’; they were not closely knit, and there were many local variations.

From 1802 various Acts were passed which formalised the concept, which was largely local in character for the defence of a particular town or district. By 1804 the services of all Volunteers were tendered to the Crown through the Lord Lieutenant of the county, the pleasure of the Sovereign being the sole criterion of their acceptance and of their continuance, there being no other limit either in peace or war to their number or existence. They had express permission to resign, and to enter either the Regular or Militia force without the sanction of their commanding officer. Being unpaid they were drawn from a higher social class than the Militia; no property qualifications were required for commissions, which were not purchased but granted by the Lord Lieu-tenant. They formed their own Courts-Martial for the trial of officers and soldiers.

When Windham introduced his Training Act in 1806 he stated as his wish ‘that the Volunteer Corps should consist of a higher class of life, of a better condition, of such a description as it would not be proper to mix with soldiers of the Line, and whom no one would want to see obliged to serve in the condition of a Common Soldier in a Regular Regiment, but that the great body of the peasantry, that description of men from whom the Regular Army ought to be recruited, should not be shut up in those Volunteer Corps.’

He therefore announced the policy that in future nothing was to exempt any man from the general training but his becoming a Volunteer at his own expense. While the Act was passed its ideas were not adopted by Castleragh, who as already stated introduced the concept of a Local or Sedentary Militia conceiving it possible that ‘Volunteer Corps might, in many instances, wish to change the terms of their engagements, and . . . become corps of Local Militia’. Like the Militia the Volunteers disappeared with the end of the Napoleonic Wars.

The Volunteers therefore, can be likened to voluntary social clubs, which, while open to the general public, control membership by appropriate rules and regulations. Often they were sustained by private subscriptions and partially directed by committees of subscribers, who were not necessarily commissioned officers. Conflict could easily arise between the commander and these committees, or between members themselves. Officers were usually elected by popular vote and there was little discipline during training and exercises, although this appears to have been imposed during times of invasion and rebellion.

The cavalry arm of the Volunteers was known as Yeomanry since its members were drawn from the yeoman class with nobleman and gentleman as officers. They were often used to aid the civil power, although such action hardly appealed to the lower classes since Peterloo, which was still clearly remembered. Although reduced in strength in 1828, and again in 1838, unlike the other citizen forces they never ceased to exist. As Wellington said in 1828,
It was more desirable to employ cavalry for the purposes of police than infantry; for this reason, cavalry inspires more terror at the same time that it does much less mischief. A body of twenty or thirty horse will disperse a mob with the utmost filicity, whereas 400 or 500 infantry will not effect the same object without the use of their firearms and a great deal of mischief may be done.  

The Militia and the Volunteers were thus two distinct forces. The Militia belonged to the people and was better organised, administered and controlled to meet what was generally regarded as a compulsory obligation. The Volunteers were somewhat conscious of class, operated largely at no expense to the state, and were consequently granted certain privileges such as limited service, election of their own officers, exemption from certain taxes, and for the most part exempt from Militia service. Australia was to produce its own mutations on these two basic ideas.  

NOTES


In addition the following Master's Theses cover wide aspects of colonial defence, including Australian colonial forces.


1. 'Our prayers are put up for what will injure us in peace, and injure us in war' — Satires, x, 8.


3. In August 1819, at St Peter's Fields, Manchester (Peterloo) eleven unarmed civilians were killed and some 400 to 600 injured; Clode op.cit, Vol 1, pp320-321, quotes 'Finance Com., 1828, p4'.

AWARD: ISSUE No. 32 (January/February, 1982)

The Board of Management has awarded the prize of $30 for the best original article in the January/February issue (No. 32) of the Defence Force Journal to Lieutenant Colonel J.P.F. Dixon for his article, An Alternative Reserve Force.
THE SOLDIER AS A CITIZEN

By Colonel S. Miller, Deputy Director Army Legal Services

Introduction

ANY discussion of the rights of soldiers is facilitated by reference to military history where it can be seen that the recipients of the "Kings Shilling" had long been held in some form of contempt by his civilian counterpart and subjected to draconian discipline. To enlist as a private soldier was considered an insult to the recruit's family and reflected on his erstwhile employer. It may be noted that a Royal Commission of 1836 limited the award of lashes by a general court martial to 200, that by a district court to 150 and that by a regimental court to 100. The slave trade abroad was abolished in the middle of the nineteenth century through humanitarian outcry, but flogging continued to be the rule in the services long after the liberation of black slaves. In 1879 a proposal in the house of commons for the abolition of corporal punishment was defeated by a 106 votes and it was only after a long and bitter struggle that flogging was abolished by Parliament in 1881.

The relevance of the foregoing is legislation of that year is still extant, for the British Army Act of 1881 as modified and adapted for the Australian military forces is still with us today. It can be observed that as with the English "Common Law" the British articles of war and military law has influenced the armies of all Commonwealth countries and indeed, the Army of the United States.

Paragraph 20 of "An Introduction to Army Law" states:

"A man who joins the army, whether as an officer or a soldier, does not cease to be a citizen. With few exceptions his position under the ordinary law of the land remains unaffected. It he commits an offence against the civil law he can be tried and punished for it by the civil courts. In respect of civil rights, duties and liabilities, the ordinary law in general also applies to him, although a few privileges are granted to him and certain restrictions are imposed upon him for the purpose of enabling him the better to fulfil his military duties."

This statement appears to be founded on the observations of Starke J. in Pirrie — V — McFarlane where he said quoting case law...
and military regulations' that "a soldier or a member of the Air-Force does not cease to be a citizen; if he commits an offence against the ordinary criminal law, he can be tried and punished as if he were a civilian. The command of an officer cannot justify a breach of the law".

The purpose of this article is to explore whether or not a soldiers position as an individual under the law, indeed, "remains unaffected", or can the conclusion be drawn, that he is in fact, at a disadvantage when compared with John Citizen.

To answer this question I intend to examine some of the areas that can shed light on the matter, namely — Application of State Laws to the Defence Force and to individual soldiers: The contract of service; aid to the civil power; the soldiers right to sue; avenues of appeal and civil rights.

Application of State Laws to the Defence Force and to the Soldier

Any analysis concerning the effect of a State Statute on a Commonwealth authority must involve a consideration of both the common law and the statutory position. It is generally regarded that in determining whether the Crown is bound by a statute, the primary rule is a common law presumption that the Crown is not bound except by express mention or by necessary implication. This presumption is based on the notion that if it was intended that the Crown should be bound, nothing is easier than to say so in plain words.

The courts in Australia strictly apply the common law presumption. Although an Act itself imposes certain obligations on public authorities and municipalities, they do not go so far as to bind the Crown.

In Australia the question whether the Crown is bound by statutes raises special problems because of the existence of a federal system. The High Court in the important case of The Commonwealth — v — Bogle considered this matter. There the question was whether the Commonwealth was bound by a price-fixing legislation of New South Wales, Victoria and South Australia which was not expressed to bind the Crown. By a majority the Court expressed the opinion that the Commonwealth was not bound. The question whether a particular State Act binds the Crown in right of a State is a pure question of construction, and the constitutional question is susceptible of only one answer, and that is that the State Parliament has no power over the Commonwealth. The Court upheld the view that the Crown is prima facie not bound by statute unless this is provided for expressly or by necessary implication. See also The Commonwealth — v — Rhind and The Commonwealth — v — Cigamatic Pty Ltd.

A Territory law whose application to the Commonwealth would prejudice the interests of the Commonwealth must be construed as not purporting to apply to the Commonwealth, or to its servants or agents (including members of the Defence Force) in the performance of their duties, unless a contrary intention is expressed or necessarily implied in any legislation Bradken Consolidated Limited — v — Broken Hill Proprietary Ltd (1979) (53 A.L.J.R. 452).

Benjafield and Whitmore (footnote 7) sum up the common law position by concluding that the presumption should be against the statute binding the Crown where it would interfere with the governmental functions outlined by the prerogatives of the Queen, notably those relating to Defence, Foreign Affairs, Treaty-making, but the presumption should be the other way where the statute concerns activities which put the Crown on the level of the ordinary citizen, such as industrial, commercial and managerial functions.

The only "exceptions" that I can find (apart from privileged wills) in my view, operates in favour of the Army as an institution and not the individual soldier in that a member of the military forces shall not be required under or by reason of any ordinance applicable to a territory or any law of a State to obtain or have any licence or permission for doing anything in the performance of his duties as a member of the military forces. I also note that this regulation was passed to overcome the problem uncovered by the decision in Pirrie — v — McFarlane of soldiers requiring state driving licences to drive military vehicles on the various states roads and thus created, in Mr Justice Starkes words, the necessary "express provision of the laws of the Commonwealth", which previously had not existed.

It seems clear to me that the Defence Act confers authority in relation to defence establishments which would permit the invalidation of any State law affecting such matters as
traffic control or planning control on such establishments. In some specific instances, the
Defence Act or regulations expressly grant exemption from State laws; see, for example,
Section 123A of the Defence Act regarding licences for intoxicating liquor, and as men-
tioned before Australian Military Regulation 201 which grants exemption from State laws in
a wide variety of matters, including certain traffic laws, More generally Section 124 of the
Defence Act permits the making of regulations necessary or convenient for securing the
discipline and good government of the Defence Force, and in particular in relation to military
property (see for example S 124, Sub-sections na, nb, o and oa).

The policy position of the Defence Force is that the relationship between the Army and
State authorities cannot depend on an entirely legalistic approach, in that, while there may
be no obligation at law to comply with State or Local Government acts or regulations, it
has always been Commonwealth policy to abide by such acts and regulations, and this is
so, particularly where they relate to matters touching safety or health. However, clearly at
times the practical needs of the armed forces would entirely preclude compliance with State
or Territory law.

The application of the drug laws to members of the Defence Force in the performance of
their duties would clearly prejudicially affect the interests of the Commonwealth. For exam-
ple, one has only to consider the administration of drugs during Army manoeuvres or in remote
camps where access to a registered medical practitioner, pharmacist or other person spec-
ified in the relevant drugs law might not be available to treat or provide drugs to a member
of the Army. Accordingly, there is a presumption that the drug laws are not intended to
apply to members of the Defence Force in the performance of their duties.

As far as the individual soldier is concerned if he commits a civil offence while on duty, he
is personally liable for the penalties involved, however, if the member was acting in the
course of his employment in a bona fide manner it is usual for the Commonwealth Crown Solicitor to be briefed in his defence, although whether or not he will in fact be represented depends on the discretion of that officer.

The Contract of Service

Section 13 of The Defence Act (1903) states: “No appointment or promotion of an
officer under this act shall create a civil contract between the Crown or Australia
and the person appointed or promoted.”

By the common law no engagement between the Crown and any member of the forces in
respect of services past, present or future can be enforced in any court of law. A member
holds his position at the pleasure of the Sovereign: he can be dismissed at any time13 he
can bring no action for damages for wrongful dismissal, nor can he claim to be discharged
from his obligations by reason of any alleged breach of duty on the part of the Crown. As a
result of the High Court case of The Commonwealth — v — Quince14 and other
cases, it is clear that the relationship between the Crown and a member of the Defence Force
is not contractual, but: is a special statutory relationship. This relationship is characterised
by several distinctive features. For example a soldier cannot sue the Commonwealth for his
pay while he remains a member of the Defence Force.

Section 16 of The Defence Act recites that: “Officers of the Army shall hold their
appointments during the pleasure of the Governor-General, but the commission of
an officer shall not be cancelled without the holder thereof being notified in writing of
any complaint or charge made and of any action proposed to be taken against
him nor without his being called upon to show cause in relation thereto. Provided
that no such notification shall be necessary in the case of an officer absent from duty
without leave for a period of three months or upwards.”

Apart from statute the Crown may dispense with the services of an officer at any time
without assigning any reason15.

Section 16 preserves the right of the Crown to dismiss at pleasure. In Cross — v — The
Commonwealth (1921) (29 CLR 219, 224) the Chief Justice expressed the opinion that the
provision that an officer shall be notified in writing and called upon to show cause is
directory only. Regarding the provision as directory, a failure to comply with it would
not prevent a dismissal taking effect, but the direction will be complied with whenever pos-
sible. The direction is sufficiently complied
with if an officer is called upon, in writing, to give any explanation of the specific conduct alleged against him which he may be able to give or to assign any reason why his commission should not be cancelled in consequence of such conduct. It is not necessary that he be called upon to appear personally or allowed an opportunity of doing so: (Cross — v — The Commonwealth). There is no legal objection to hearing an officer personally.

An officer’s commission may be cancelled by the Governor-General without giving him trial by court martial. He has no right to ask for a court martial before his commission is cancelled or his appointment is terminated.

Section 16 of the Defence Act confers on the Governor-General a right of termination of appointment whether or not the officer’s commission is also cancelled and that right is not derogated from by Sec. 108(2) of the Act (request for court martial election).

Cross — v — The Commonwealth was a case which dealt with the cancellation of a commission by the Governor-General and a claim for salary, on the ground that the commission had not been validly cancelled. One of the grounds taken on behalf of the officer was that there had not been sufficient compliance with the provisions of Sec 16. The officer sought a court martial when asked to show cause why his commission should not be cancelled. At page 224 Knox, C.J. said:

“The fact that he then asked for a court martial to which it is now admitted he was not entitled, in no way affects the question whether the notice to him was sufficient.”

Section 17 of the Defence Act is equally unequivocal in setting out the Crowns absolute discretion to hire, fire, and retain. By Section 17(5) the Governor-General may accept or refuse to accept the resignation of an officer.

As Nettheim says “the power of the Crown to dismiss him at pleasure might seem less unfair if the serviceman himself had a reciprocal right to terminate his services at will”. Warrant officers and non-commissioned officers of the Army are appointed and hold their offices as prescribed by the regulations, all other-ranks are enlisted and discharged in accordance with the regulations which invest superior military authority with powers similar to those exercised by the Governor-General in respect of officers. In short a soldier may be discharged at any time by such authority for such reasons as are prescribed notwithstanding that he has not completed the period of service for which he has engaged or reached the age for compulsory retirement. It may be noted that one of the reasons for discharge set out in Australian Military Regulation 176 is “that the soldier cannot be usefully employed in the Army because of retrenchment in the Army”. I offer the comment that in a professional soldiers view it is just as well for him that armies and armaments are an international growth industry.

The almost draconian powers of dismissal appear to be based on the constitutional aversion that Britain traditionally showed to standing armies. The common law is stated in Clode:

“But to revert to the soldier’s enlistment though the engagement is made for a term certain, the Crown is under no obligation to retain the soldier either in pay or in arms for that period, but may discharge him at any time. It is an essential principle that the Crown should not only have, but exercise the power without question or controversy. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and equally that the cause of such dismissal shall not at the time be disclosed by the responsible Minister of the Crown.”

The above statement is supported by a long line of authorities ending with Learman — v — R.

A perusal of the authorities cited leads to the conclusion that unlike the citizen the soldier has little or no protection in employment and his career depends on the international situation and the politics of the party in power.

From the point of view of the involved serviceman he may well perceive a disadvantage to himself viz-a-viz his civilian or public service colleague who can, when in dispute with his employer, usually rely on so-called “industrial action”.

Call-out in Aid of the Civil Power — The Rights and Duties of Soldiers Call-out is the Governor-General’s decision making the Defence Force available to engage in law enforcement of this nature. Call-out may take place at the request of a State or on the initiative of the Commonwealth for the protection of its
security, or property or the safeguarding of its interests.

The legal basis for military call-out is established in several key sections of the Commonwealth Constitution, and in case law.

There is little judicial exposition of the rights and duties of members of the armed forces of the Crown when acting in Aid of the Civil Power. Most of what there is relates to the duties of soldiers when troops are called upon to assist in controlling a riotous assembly, but general statements of some authority may be found.

Thus Lord Haldane (then The Right Honourable R.H. Haldane, KC) said in evidence given to a Select Committee on Employment of Military in cases of disturbance (Parl. paper 1908 H.C. 236):

"Broadly stated, there are two principles which form part of the common law of this country. The one is that every citizen is bound to come to the assistance of the civil authority when the civil authority requires his assistance to enforce law and order. That applies to the soldier, who is in no different position from anybody else. But there is a second principle which does not bear upon the duty of the soldier, and that is that when you do come to the assistance of the civil authority which has requisitioned you, neither you, nor for that matter the civil authority is entitled to use more force than is necessary in order to assert the cause of law and order."

Professor O. Hood Phillips, (Constitutional and Administrative Law (1973) 5th Ed., at pp 321-314) in discussing the common law principles applicable to the use of armed forces, refers to the report of a special commission appointed to report on certain coal strike disturbances in 1893. The special commission (which) consisted of Lord Justice Bowen, the then Mr Haldane and Sir Albert Rollett, (MP) reported as follows:

"Officers and soldiers are under no special privileges and subject to no special responsibilities as regards this principle of the law. A soldier for the purpose of establishing civil order is only a citizen armed in a particular manner."

In Dicey's Law of the Constitution (1959) 10th Ed., at p. 289, the principle is stated as follows:

"It is also clear that a soldier has, as such, no exemption from liability to the law for his conduct in restoring order. Officers, magistrates, soldiers, policemen, ordinary citizens, all occupy in the eye of the law the same position. They are, each and all of them, bound to withstand and put down breaches of the peace, such as riots and other disturbances. They are, each and all of them, authorised to employ so much force, even to the taking of life, as may be necessary for that purpose, and they are none of them entitled to use more. They are, each and all of them, liable to be called to account before a jury for the use of excessive, that is of unnecessary force."

A problem for a soldier particularly in a peacetime situation is the dichotomy between the need for a disciplined force to obey orders unhesitatingly and the proposition that the obedience of unlawful orders provides no defence to the soldier carrying out such orders.

A view commonly expressed to support the proposition that obedience to orders will provide a defence to a soldier unless they are manifestly unlawful is that a principle that no unlawful orders provide a defence "would be subversive of all military discipline". A colourful statement of this view is attributed to Sir Charles Napier in Clode's The Military Forces of The Crown:

"Such a principle dissolves the army at once. It reduces the soldier to a choice between the hanging — awarded to him by the local law — for obeying his officer, and the shooting — awarded him by the military law — for disobeying his officer. In such law there is neither sense nor justice, and (being one of those unlucky red-coated gents thus agreeably placed between shooting and hanging) I beg to enter my protest against this choice of deaths. If such is law, the army must become a deliberative body, and ought to be composed of attorneys, and The Lord Chancellor should be made Commander-in-Chief."

Both judges and academics find the question of what is manifestly unlawful a difficult question. Russell on Crime points out the difficulty of applying the test as to whether an order is manifestly unlawful and Willes J. in Keighly — v — Bell said "I hope I may never
have to determine that difficult question, how far the orders of a superior are a justification". In his comprehensive examination of the subject of "superior orders not manifestly unlawful" Mr Justice Hope concludes:

"Whatever the correct view about this difficult question, a reasonable belief in the lawfulness of orders which are carried out may exclude an inference of wrongful intent or malice . . . ."

It is apparent that the soldier in the anti­terrorist or civil disturbance situation will have little opportunity to give proper consideration to an order before carrying it out. The Army and the soldier should be given properly defined powers applicable uniformly throughout Australia. At least the soldier should be afforded similar statutory cover as is given by Section 71 of the New Zealand Criminal Code which protects a soldier who suppresses a riot in good faith, under orders. It may be noted that both the Queensland and Western Australia criminal codes contain the following provisions:

31 A person is not criminally responsible for an act or omission if he does or omits to do the act under any of the following circumstances.

(2) In obedience to the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful.

Despite the Hilton/Bowral experience, as at time of writing, the soldiers ambivalent status has not been resolved as his predicament in the circumstances commented upon have not been abated by the application of either civil or military law.

However, in relation to the future I note that the "draft" Defence Discipline Bill 1981 at Part two, (criminal liability) Section 13 if passed into law would alleviate the problem viz:

Act of Omission in Execution of Law etc

13 A member of the Defence Force (i) that the member knew, or ought reasonably to have known was unlawful.

(ii) that the member believed, or ought reasonably to have believed, that the order was lawful.

The Soldiers Right to Sue the Commonwealth or a Fellow Serviceman

While this question is whether, as a matter of law, a soldier personally injured in the course of his employment can recover in common law damages from the Commonwealth for its failure or default or that of any of its servants, it must be noted that the High Court decision in Shaw Savill and Albion Coy — v — Commonwealth makes it clear that no action based upon something done or omitted in the course of actual operations of war can be brought. As Windeyer J. put it, in Parker — v — Commonwealth "such acts are not justifiable in the civil courts", and he felt bound to express the obiter dictum that the law does not permit a serving member of any of Her Majesty's forces to recover damages from a fellow member because acts done by him in the course of his duty were negligently done.

Windeyer J's. view has found its critics. Crawford has argued that the common law provides no solution and that, a standing army being unknown to the common law but a creation of the legislature, the special privileges and liabilities of servicemen can only be determined by reference to legislation. It has always been assumed, so the argument runs, that members of the armed forces, although subject to military law, are not thereby divested of the civil rights and duties of citizens. Thus, the right of a member to sue another for negligence could only be removed by legislation. There is no legislative enactment to this effect in Australia. Ashton says in his article "Commonwealth Liability to Soldiers injured on Duty" that the Commonwealth's role and abetment of this by State courts is at best unbecoming and perhaps conducive to bad law; "a kind of collaborative abuse of process". In Ashton's opinion the ultimate end, preservation of the soldiers common law rights is noble enough and if a problem has been raised by Parkers case, then it ought to be resolved by Parliament.

As at time of writing (8 Sep 81) the question has been posed to the High Court in the case of Groves — v — Commonwealth (unre-
ported). In this action all seven Judges of the High Court have been asked by the Commonwealth Government to determine its liability for injury arising from such accidents.

The Federal Solicitor-General, Mr M.H. Byers, QC, told the court the Commonwealth was advancing the proposition that it was not liable for damages where service personnel were injured.

"But the Commonwealth wishes to know if it is liable," Mr Byers said. "What is desired from the public interest point of view is that the High Court should definitely say whether one serviceman may sue another for acts arising during the course of duty, and whether the Commonwealth is liable."

It is the first time the Commonwealth has allowed the question to proceed to litigation because it wants a final answer on the issue. After the Voyager disaster in 1964 (Parkers case) the Commonwealth made a large number of out-of-court settlements without the question of liability ever being contested.

The present action arises from an accident involving an RAAF airman, Peter James Groves, who is now 34, at Mount Isa in 1973. Mr Groves was injured after falling from a RAAF VIP aircraft because a ladder had allegedly not been correctly fixed to the plane. In 1979 he instituted an action for damages against the Commonwealth as his employer.

The counsel for Mr Groves, Mr M.B. Grove, QC, submitted that members of the armed forces were not divested of their rights, and nor were they relieved of their duties as citizens by reason of their being in the armed forces. He said the notion that a soldier remained a citizen was entirely consistent with the history of Australia's military services.

The Commonwealth Solicitor-General appears to rely on a long line of cases giving immunity to the Crown and the individual soldier tortfeasor based on the "prerogative" and the nature of military service, especially in the area of the doctrine of obedience to orders. The problem as I see it is that all the cases that can be cited refer to the question of "discipline" not "negligence" and advance a proposition that there is some undermining of morale, or other concept of military discipline, simply because there would be a capacity to resort to the civil courts. I find it difficult to reconcile this view with the present ability of servicemen to approach the civil courts under such legislation as the Air Accidents Australian Government Liability Act 1963, The Compensation (Commonwealth Employees) Compensation Act and the various Repatriation Acts. There is also the reality that there has been a great change in the Defence Force over the years as many members are engaged not in actual involvement in war-like operations but in logistic functions and industrial activity. In this regard some of the considerations referred to in the earlier (old) cases seem quite inappropriate.

Judgement was reserved in Grove's case and is still awaited.

In other countries the question of a soldier's recovery from the Government of common law damages has been settled by statute. In the United Kingdom, New Zealand, Canada and the United States the soldier will fail being barred on the grounds that he can obtain a military pension or compensation in the United States the soldier is defeated by a combination of legislation and what has become known as the Feres Doctrine. The Court in Feres found that a serviceman cannot recover from the Government for injury sustained "incident to service" in which case he would, of course, receive statutory compensation. This decision was not based wholly on the existence of a statutory compensation scheme, reference being made to such matters as service morale and discipline. Any doubt as to the validity of the Feres Doctrine was laid to rest in Stencel Aero Engineering Corp — v — United States (431 US 666 1977) which extended the reach of the well established doctrine of Feres — v — US to third party claims against the Government. It is relevant to note that on 26 December 1980 George C. Pratt a United States District Judge of the Eastern District of New York in re "Agent Orange" Product Liability Litigation in pretrial order No 26 allowed "class action" proceedings to continue against the chemical companies (subject to conditions as to procedures and principles) but rule "The Government's notion to dismiss is granted, and the third party complaints against the Government deemed to have been made in all actions and MDL 381 are dismissed".

From the foregoing it can be seen that a soldier is seriously disadvantaged before the civil law of the land. It is to be hoped that the
High Court will rectify the matter in its judgement in Grove's case.

Should such be the case it may have bearing, even if only "obiter", on the pending Australian case of Fulton and others – v – Commonwealth in which ex-soldier Fulton seeks damages for himself in respect of illness and for his children. In respect of deformity, arising from his exposure to various herbicides (agent orange, blue and white) during his service in Vietnam in 1967. This case appears to be presently stalled while the plaintiff's Attorney submits better and further particulars in amendment of the statement of claim. As I understand it the Commonwealth is not committing itself, until the results of its commissioned Commonwealth Institute of Health Study into "agent orange" is completed, but (dependent on "Groves" case) it is evident it may plead that the matter is not justiciable or rely on the effluxion of time under the statute of limitations.

The Army Redress of Wrongs System

Pursuant to Australian Military Regulation 194 a soldier may complain in succession to:-

His Commanding Officer,
His Formation Commander,
any Superior Formation Commander, and
The Chief of the General Staff.

If an officer is dissatisfied with the decision of the Chief of the General Staff he may require his complaint to be referred to the Governor-General in council.

Australian Military Regulations and Orders 291 states members have the same rights as other citizens to make representations to their local Member of Parliament or to the Minister. They should, however, have recourse first to their rights under AMR 194. Australian Military Order 293 forbids unauthorised methods of complaint and makes a combined complaint by several not permissible and goes on to say "...but should not be treated as mutinous where the object is to procure the redress of a real or supposed grievance and there is no collective insubordination or combination to resist lawful military authority."

In the modern Army where much of the administration of soldiers is dependent on public servants, it is my view that an inherent flaw arises in this ancient system of redressing military grievances, namely that decisions of superior authority in many cases, certainly financial ones, can now only be effected by a bureaucrat. In certain matters this reduces the role of the military authority to that of merely making a recommendation which may or may not be acceptable. In the event the individual soldier is disadvantaged, even if only by delay.

It is interesting to note in regard to career progression and the system of annual confidential reports that communications between reporting officers and superior military authority unless there is proof of malice attract privilege. This has been demonstrated by a line of defamation cases.”

The Ombudsman

Where a member of the Australian Defence Force has exhausted all service channels of "redress of wrongs" and is still dissatisfied, he may submit his complaint to the office of the Defence Force Ombudsman. A member may also approach the Ombudsman after 28 days has elapsed since his last submission if he is concerned at delay. The Ombudsman is able to examine files and other records held by a department or an authority relative to a complaint. Where the Ombudsman finds that a complaint is justified and he considers that some remedial action should be taken, he reports accordingly to the department concerned. That department then has an onus to take remedial action to the satisfaction of the Ombudsman, although it is not compelled as a matter of law to accept his recommendations or to take any action at all. If it does not take action to the satisfaction of the Ombudsman, however, the Ombudsman may report accordingly to the Prime Minister and then to the Parliament. It should be noted that the Ombudsman is not authorised to investigate action taken by way of, or in connection with, proceedings against a member of the Defence Force in respect of military offences and disciplinary proceedings.

Courts Martial Appeal Tribunal

The tribunal is constituted by The Courts Martial Appeals Act 1955. It consists of a president, a deputy president and such other members as may be appointed. The persons appointed president and deputy president must be or have been a Justice or Judge of a Federal Court, or of a Supreme Court of a State or Territory — or a Queens Council, members must have relevant legal experience. The tri-
bunals powers are wide. It may quash, vary or substitute findings and sentence imposed by court martial provided it is appealed to. Its existence prevents any "Star Chamber" approach by military tribunals as is evidenced by its published court martial appeals decisions.

The Administrative Appeals Tribunals
This tribunal was established by the Administrative Appeals Tribunal Act 1975. The tribunal has jurisdiction to review on the merits certain decisions made by Ministers, public servants and various tribunals. The Administrative Appeals Tribunal only has jurisdiction where it is specifically authorised by legislation to review decisions. The Defence Act 1903 is not an enactment subject to the jurisdiction of the tribunal.

Judicial Review
The Administrative (Judicial Review) Act 1977 came into operation on the 1 October 1980. It applies to decisions of an administrative character made under an enactment, other than certain excluded decisions. The excluded decisions are decisions made by the Governor-General and decisions included in any class of decisions set out in schedule 1 to the Act. Paragraph (0) of schedule 1 sets out decisions under Naval law, Military law or Air Force law that are not decisions to which the Act applies. In my experience these are the very decisions where soldiers rights may be overridden.

No cases directly involving the Army have yet come before the Administrative Appeals Tribunal or under the Administrative Decisions (Judicial Review) Act. Recourse to the Ombudsman by serving officers is infrequent and concerns problems associated with pay, allowances, and general conditions of service.

Civil Rights
On the 13th August 1980 Australia ratified The International Covenant on Civil and Political Rights and by directive of the Attorney General his department established a "Human Rights Bureau" to monitor observance by the Commonwealth and its authorities of the provisions of the International Covenant. It may be noted that this latter initiative was necessary to accord with the article 40 report required to be furnished by the signatories. In the respect that the Covenant was indeed being complied with, the Human Rights Bureau is now superseded by The Human Rights Commission Act 1981. It received the Royal Assent on 14 April and the Government has now (26 September 1981) announced the members of the Commission. Its functions are to inquire into any Act or Practice inconsistent with or contrary to any human rights.

On examination it is my view that the covenant articles of general tenor are adhered to by the Defence Force. I make particular comment hereunder in respect of certain definitive articles. Adherence to many articles is self-evident, e.g. article 8 — slavery.

Article 6, clause 2 — Death Penalty
Section 98 of the Defence Act 1903 provides:
"No member of the Defence Force shall be sentenced to death by court martial".

Article 7 — Cruel and Unusual Punishment
Punishments for military offences are illegal and forbidden unless as prescribed by regulations made under the Defence Act (Australian Military Regulation 215 refers).

Article 9 — The Right to Liberty
Military arrest adopts civil safeguards. The lawful arrest of a soldier involves reasons and notice of charges made against him. Australian Military Regulation 223 ensures that a soldier is released from custody within 48 hours if a written charge report is not delivered to the guard commander within that time.

Article 14, Clause 2 — Innocent until proved Guilty
The presumption of innocence applies to courts martial and other military disciplinary tribunals (Rules of Procedure — Army Law Manual Volume 2).

Article 17 — Privacy
The privacy of a soldier’s military history is protected by provisions of the Australian Military Regulations and the Manual of Personnel Administration. (Australian Military Regulation 770 and Chapter 101 of Volume 3 of the MPA).
Article 19 — Freedom of Expression
Members of the Defence Force may write letters to newspapers expressing the member's personal view of public issues. They may express their personal opinion on a political party, candidate or issue, but not as a member of the Defence Force (Defence Instructions General).

Article 25 — The Right to Vote
Soldiers exercise the right to vote and are not prohibited from being a member of a political party provided they do not use their rank or identify the Defence Force or any part of it with political activity (Defence Instructions General).

Australia is also a signatory to the Universal Declaration of Human Rights. While the declaration is not a legally binding instrument as such it is interesting to note that Article 23 states (inter-alia) that everyone is entitled to protection against unemployment and everyone has the right to form and to join trade-unions for the protection of his interests. In the latter regard I find no agitation on the part of servicemen to form trade union type associations, but note that Mr Barnard when Minister for Defence in the Whitlam ministry canvassed the issue of soldiers associations. The issue has lain dormant since.

I have not found an English or Australian case which traverses the civil rights of soldiers but the recent (1980) Canadian Case of Mackay — v — The Queen considered whether trial by court martial under the National Defence Act of Canada constituted a breach of civil right by constituting a denial of equality before the law.

The accused, a member of the Canadian Armed Forces stationed in Canada, was tried by a standing court martial on seven charges under S. 129 (AM 1972, c. 13, s. 73) of the National Defence Act, R.S.C. 1970, C. N-4. The charges related to trafficking in a narcotic contrary to S. 4(1) of the Narcotic control Act, R.S.C. 1979, c. N-1, and possession of a narcotic contrary to S. 3 of the Act. The offences of which the accused was convicted involved other members of the armed forces and the majority of the offences took place in Army barracks. The accused was convicted of several of the offences and on appeal to the Court Martial Appeal court argued that the prosecution, trial and conviction under the Narcotic control Act through S. 120 of the National Defence Act offended x. 1(b) of the Canadian Bill of Rights in that being charged with a criminal offence he was denied equality before the law. His appeal was dismissed and on further appeal by the accused to the Supreme Court of Canada, held, Laskin, C.J.C. and Estey, J., dissenting, the appeal should be dismissed.

It was stated that the necessity for recognizing a separate code of law administered within the services as an essential ingredient of service life has been appreciated since the earliest days. There are many factors which make it apparent that a separate code of discipline administered within the service is an essential ingredient of service life. The creation of military law and its courts was undertaken in pursuit of a constitutional federal objective and it has been done rationally, not arbitrarily or capriciously, and no ulterior motive has been shown which could be construed as an assault upon any of the rights, liberties, and freedoms protected by the Canadian Bill of Rights.

It was further said that the offences involved in this case were sufficiently connected with the service to come within the jurisdiction of the military courts. Trafficking and possession of narcotics in a military establishment can have no other tendency than to attack the standards of discipline and efficiency of the service and must clearly come within the jurisdiction of the military courts.

Per Laskin, C.J.C., Estey, J. dissenting: "the provisions of the National Defence Act providing for trial of offences against the ordinary law by service tribunals are inoperative as being a denial of equality before the law contrary to X. 1(b) of the Canadian Bill of Rights. There cannot be two disparate ways of trying offences against the ordinary law, depending solely on whether the accused is a member of the armed forces or not. The effect of the provisions of the National Defence Act is to place members of the armed forces under disabilities so that they are treated differently than other persons in respect of the application to them of the same law".

At the least this case demonstrates that the matter is arguable.
Conclusion

The social order which supported Army methods of training and discipline in the past have changed. There has also been a change in self-identity and social concept among members of the Army which reflects community attitudes as to individual human and civil rights. In essence the military interest may now be seen as a vested interest which does not always equate with the public interest, particularly in the allocation of scarce resources. While the military institution finds it very difficult to adopt the changes necessary to give individual justice as high a priority as "Operations" and "the Exigencies of the Service", the realities of its need, in a democracy, to obtain social legitimacy means that members of a volunteer Army, if such are to be enlisted, and retained must carry with them the common-law rights and civil liberties which accrued to them as civilians.

Common-place military offences in some cases are not criminal offences in civilian life. The majority are AWOL cases. Other offences not considered crimes in civilian life are supported to military discipline and social control. Some of them are refusal to obey an order and insubordination to a superior officer. That there are no civilian equivalents for these disciplinary offences is seen by some as a diminution of civil rights.

The problem is the dichotomy of role. The armed services have always had the task of training individuals to be more disciplined than their civilian contemporaries. This concept is supported by a 1974 United States Supreme Court decision which held that civilian standards do not necessarily apply to military law. The court said that the military is a "specialized society separate from civilian life" and therefore entitled to its own judicial process. This view in my opinion is a straight denial that the soldier can be equated with the civilian in respect of rights.

There is no doubt that the soldiers financial conditions of service, physical well-being, opportunities for education and career progression, have never been more favourable and on the question of "civil rights" most motivated soldiers, would see nothing untoward in the status quo, however, the fact remains that while the Army as an organization has by prerogative right a privileged position before the law the soldiers position as an individual under the civil law is disadvantaged in at least three substantial areas, namely protection in employment, inability to sue a fellow service-man and a court procedure which is said to be not an independent instrument of justice, but a specialized part of the military mechanism by which discipline is preserved.

Reform is in the air, much will depend on Groves case as to whether or not it materializes. This is one important aspect which not only embraces the serviceeman but also his dependents. It may well be a landmark case in reform of the law.

NOTES

2. 44 and 45 Vict. C. 58
4. (1925) 36 CLR 170
6. The Commonwealth Places (Application of Laws) Act 1970 is not discussed in this article
7. See, Benjafield and Whitmore, Australian Administrative Law, 4th Ed. (1971) 265
9. (1953) 89 CLR 229
10. (1966) 40 ALJR 407
11. (1963) 108 CLR 372
12. Australian Military Regulation 2011(a)
14. (1944) 68 CLR 277
16. See Marks-v-The Commonwealth 111 CLR 549
18. Section 44 Defence Act 1903
20. Legal basis for military call-out is Constitution S61, S61(vi) & S119. Defence Act 51, 63 & 124 and Parts v of the Australian Military Regulations
22. 12th Edition pp 89-90
23. (1860) 176 ER 781
25. Both re-enacted in 1913
26. (1940) 66 CLR 344
27. (1915) 112 CLR 295, 301
29. University of Queensland Law Journal Vol 10 No 2
30. Connel-v-The Commonwealth (1973 Supreme Court of NSW — Begg J.) (1979) 1 NSWLR 653
32. Feres-v-US, 28 USCA 2671 ET SEQ
33. MDL No 381 (all cases)
36. General form of writ of summons and statement of claim lodged in Brisbane registry 3 Dec 80
37. Dawkins-v-Lord Paulet (1869) LR, 5QB 94 and Givons-v-Duffell 47 CLR 520
38. Note the exceptional status of military courts (courts martial) in that they stand outside the judicial system established under the Constitution being based on special legislative provisions peculiar to the forces, the Defence Power, Sect 69 and the Incidental Power R-v-Bevan and others 66 CLR 452.
39. 6th Australian Army Legal Corps Conference 16 Jan 73
40. 54 Canadian Criminal Cases (2d) at page 129
41. Similarly the United States Supreme Court in the decision of O'Callahan-v-Parker (1969) hold that the military cannot try a soldier for a wholly civilian crime when the soldier was on leave and out of uniform
42. Parker-v-Levy (1974)

BOOKS IN REVIEW

The following books reviewed in this issue of the Defence Force Journal are available in various Defence libraries.
Grinsell, Robert; Sweetnan, Bill and Rikyu Watanabe (illustrators) *Spitfire, Focke-Wulf 190, Mustang, Messerschmitt Bf 109*, Melbourne, Thomas Nelson, 1981.
THE wide communication achieved by a movie good enough to initiate a national legend can produce the most unlikely associations. There is no obvious link between the trial of Breaker Morant and the adoption by Australia in 1942 of the Statute of Westminster.

That Act of the British Parliament gave effect in 1931 to the concept of Dominion status evolved by the 1926 Imperial Conference: 'They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.' The Statute gave the Irish Free State, the Union of South Africa and Canada their legal independence. However, the Parliament of Australia, New Zealand and Newfoundland had to adopt the Statute before they gained theirs. The mechanics had been worked out at a special conference on Dominion legislation and endorsed by the 1930 Imperial Conference. An adopting Bill was twice introduced in the late 1930s in the House of Representatives by Sir Robert Menzies during his days as Attorney-General. Both lapsed for want of time.

The enactment of the Statute of Westminster Adoption Act in 1942 has long been a mystery. There was an obvious aversion to cutting the country's legislative ties with Britain in the dark days of the war. Public misgivings led to a heated debate. The determination of the Government to secure the passage of the Bill, coupled with the indication given in the debates by Dr. Evatt, the then Attorney-General, that all the facts could not be disclosed, inevitably attracted interest. It has long been suspected that differences of opinion between London and Canberra about Australia's defence when Japan entered the war were a precipitating cause.

Both in the debates and in a monograph circulated to Members of Parliament, the Attorney-General voiced the Government's concern about the by-passing of Section 98 of the Defence Act. That section provided that no sentence of death awarded by a court-martial would be carried out unless the sentence was approved by the Governor-General. Two RAN sailors were tried by a naval court-martial at a port in the Pacific, convicted of a murder committed on an RAN cruiser and sentenced to death. The case came before the High Court on a writ of habeas corpus because the proceedings had not been referred to the Governor-General. The action was initiated by a Melbourne barrister, Trevor Rapke, a naval officer during the war and later the Judge Advocate-General of the RAN. The Court found that the RAN had, at the outset of the Second World War, as in the First, been transferred to the RN. In that event, the law was clear. The British Naval Discipline Act applied without modification. Section 98 had no application to the case.
The monograph elaborated the Government’s concern. It had asked the British Government to take action under the Emergency Powers Act to cure the situation and, when the request was refused with the intimation that the King should be asked to commute the sentences, the prerogative of mercy overcame the immediate difficulty. What the monograph did not mention, for it would have been impolitic to do so, was the clash between the British and Australian Governments about Section 98 during the 1914-1918 war.

The British generals who commanded the Australian and New Zealand Force in France until the representations of Murdoch and Bean bore fruit late in the war became concerned about the restrictions placed on the death penalty by Australian and New Zealand law. Section 98 limited capital punishment to the offences of desertion to the enemy, treachery and mutiny. It was then the practice in the British Army to shoot soldiers for the offences of insubordination in the trenches and desertion to the rear. The British Government endorsed the request of the War Office for equality of treatment and sought an amendment of the legislation. New Zealand capitulated to British pressure. The Australian Government felt unable to give an immediate answer because of the anti-conscription campaign. A later request was refused. There was no secret about the matters. Details had been included in the Official War History. It is inconceivable that Dr. Evatt and his Departmental and other advisers were unaware of them.

The provisions of Section 98 date from 1903 when the Defence Act superseded State Defence Legislation. They were obviously based on Section 10 of the New South Wales Military and Naval Forces Regulation Act which said nothing, however, about the approval of sentences by the Governor. The addition, no doubt, stemmed from the high-handed attitude of British military authorities and their contempt for colonials during the Boer War. The case of Breaker Morant was not unique. Three Victorian troopers were convicted by field general court-martial of incitement to mutiny, sentenced to death and sent to England to serve a commuted sentence of imprisonment before their fate was known in Australia. It is inconceivable that the Commonwealth’s earliest politicians had not cared to correct the situation.

Other factors may have contributed to the adoption of the Statute of Westminster. None does greater justice to Australia’s sense of values.

NOTES

2. A copy is available at the War Memorial Library.
3. (1942) 66, C.L.R. 452.
5. Ibid, p. 25.

My Lord,

If I did attempt to answer the mass of futile correspondence that surrounds me, I should be debarred from all serious business of campaigning.

I must remind your Lordship for the last time, that so long as I retain an independent position I shall see that no officer under my command is debarred, by attending to the futile drizzling of mere quill driving clerks in your Lordship’s office, from attending to his first duty which is, and always has been, to train the private men under his command that they may, without question, beat any force opposed to them in the field.

I am, My Lord,
Your Obedient Servant,

Wellington
THE corporals know it; the captains know it; the colonels know it! Even Washington has got the message. The armed forces are in trouble. The Soviet Union and its allies can deploy a vastly greater number of troops, tanks, guns, planes and ships than the U.S. and its NATO allies. But unfortunately, the U.S. armed forces also have serious problems with regard to organization, pay, morale, and social esteem. Reform is urgent and must be supported and paid for by the nation as a whole. Reform will be expensive, but a citizenry unwilling to draft its sons must at least be willing to pay a living wage to those who volunteer to put on a uniform.

At present, a young woman who decides to marry a private soldier dedicates herself to a life of poverty for herself and her family. Her troubles are not lightened by the dislike for the armed forces found among some intellectuals and media managers.

Consequently we have to upgrade the soldiers' and sailors' pay, their housing, their base facilities. If we refuse to make those changes — and pay for them — our armed forces risk becoming like the French army before World War II, a force whose morale and quality had long been seriously undermined by inflation, by the erosion of pay, by declining morale, and by the resultant exodus of able and dedicated men. We must also limit the obligations for overseas or sea service at present placed on soldiers and, even more so, on sailors. If we expect sailors to serve two-thirds of their enlistment time afloat, we shall wreck the navy as surely as if we decided to sink our own ships.

But the problems of the armed forces cannot be solved just by equipment and by money — important though they are. We need a professional army in every sense of the word. We would do well to look at the old Reichswehr, the army of the German Weimar Republic, an elite force, highly paid, trained, and endowed with social prestige — an army in which every soldier, non-commissioned, and commissioned officer had to prove his fitness for promotion to at least one, possibly two ranks higher than his substantive rank.

Given present pay scales, we have difficulty in attracting well-educated men into the services, men capable of handling the ever more complex weapons turned out by modern industry. We must also cope with serious organizational disabilities. American servicemen have all too often been trained as interchangeable cogs in a vast industrial enterprise. The rapid build-up of the American forces, the Americans' insistence that no enlisted man should serve more than one year in Vietnam, gave rise to a supposedly "cost efficient" and "fair" system of training and manpower allocation. Draftees and volunteers alike were trained in large camps by officers and NCO's who would not lead them into battle. After training, the young soldiers were dispatched to overseas units for specified periods. The constant coming and going disrupted morale and destroyed unit cohesion.

We need to change this system. Long-time camaraderie formed in one unit does wonders for its esprit de corps. Lengthy duty tours in the same unit leads to improved teamwork; a spirit of unit solidarity begins to cut across the dividing line of color, class, and religion. The
know-it-alls, the idlers, the connoisseurs of drugs cease to be culture heroes; the barrack room lawyers lose their clientele.

We should also return to distinctive headgear and perhaps distinctive uniforms for designated units, especially the fighting formations of the army. It is time to stop American fighting men from looking like park rangers and postmen. Soldiers serve for pay, but they do not serve for pay alone. They need a sense of self esteem, a sense of pride in their unit, and a sense of recognition both on the part of their peers and the public at large.

We face an equally important problem in upgrading the reserves. This is partly a matter of improving financial rewards; but again, money alone will not do the trick. The reserves need to be furnished with the most modern equipment in our arsenals. Their mobilization period must be shortened. They must be trained to the standard of Israeli reservists, a task entirely within the National Guardsman's and reservist's capability. We also need to enlarge our reserves. The United States is fortunate in having a vast reservoir of men skilled in every kind of specialized job and of men having seen active service in Vietnam and elsewhere. Given adequate incentives in terms of cash, prestige, and proficiency, we should be able to turn the reserves into an important instrument of national might.

In order to accomplish these assignments, the armed forces need to upgrade especially their non-commissioned officers. Under modern battle conditions, more and more responsibility falls on small-unit commanders who must be enabled to make rapid decisions of their own, even when the officer in charge has been disabled or killed. At present we are too much inclined to throw the sergeants’ work on junior officers while underpaying and under-valuing the non-comm. We have a surplus of generals; we need more sergeants paid — and paid well — to think for themselves. In order to bring our armed forces up to strength, we should not be afraid of recruiting older men and older women for specialized jobs that need no special degree of physical fitness. Infantrymen should be superb athletes; linguists, wireless operators, computer experts, on the other hand, can do excellent work even when they are not at the peak of their physical condition.

As regards wider problems of world strategy, we have a great many lessons to learn from the Soviet Union. The Soviets have made great efforts to preposition arms and equipment in advanced bases such as Libya and South Yemen, in equipping proxy forces such as the Cubans, and in providing their overseas allies with technicians, specialists and advisers. In this manner, the Soviets are able to plan future expansion in advance at a minimum of political risk. We should do likewise. Instead of seeking permanent bases in the Middle East, instead of trying to station large American forces in distant lands, we should preposition arms and supplies in overseas depots, possibly in the Sinai Peninsula, possibly in Israel’s Negev, and Oman and Somalia. We should provide additional arms and training to friendly Third World states like Morocco and Egypt. Egyptians could become our Cubans. We should expand special service forces; we should enlarge our capability of supplying arms to anti-Soviet guerillas in Afghanistan, Angola and elsewhere. We need counter-terrorist forces, capable of dealing with any underground offensive that the KGB and its allies may choose to launch against the United States at home or abroad.

These tasks cannot be accomplished without a reordering of our national priorities. This will be a hard lesson to learn for many bureaucrats. The United States has been unusual among the great powers in actually spending the taxpayer’s money on bureaucratic entities such as the U.S. Arms Control and Disarmament Agency and AID, lobbies that have a vested interest in reducing America’s armed strength. Hopefully, the new Administration will change the bureaucratic pecking order as presently established, giving more weight to agencies concerned with national defence. Health, education and welfare administrators must be persuaded to take heed of the country’s military, more than its social needs. For instance, we should use federally-subsidized college scholarships as an inducement to recruitment in the armed services; we should give preferential employment in civil administration to ex-servicemen.

The arms control lobbies and the liberal academicians notwithstanding, there is no conflict between peace, prosperity, and freedom on the one hand and military on the other. For without the military, we shall preserve neither freedom, prosperity, nor peace.
THE AUSTRALIAN GOVERNMENT, JAPAN, AND THE APPROACH OF WAR

By Lieutenant Colonel G. Hellyer, RAE.

The years leading up to the outbreak of a major war may be imagined as a period of steadily worsening threat accompanied by a steadily increasing cause of unity between oneself and one's allies. Examination of the years leading up to the outbreak of war between Australia and Japan produces a much more complicated picture. It shows the Government of the day caught between the changing realities of allied strategic capabilities and inclinations, conflicting economic interests, and a public opinion which complicated its diplomacy. Reassessing its traditional dependence on Britain, the Government, whilst playing down the threat, began to take the initiative in conducting its own foreign relations. Throughout this period the threat, at least as it was perceived, waxed and waned. That the Government's confidence in the support of our potential allies did likewise, but not in synchronization, contributed to the oscillation between unconcern and near panic. This article will examine the way in which the Japanese threat in the years preceding World War II influenced the policies of the Australian Government: particularly during those years when Australia was governed by the United Australia Party under Robert Gordon Menzies.

Japan did not suddenly emerge as a threat to Australia in the years immediately preceding World War II. For Australia, an isolated Anglo-Saxon community believing strongly in its White Australia Policy, the emergence of Japan in 1904 as a major power — and particularly as a major naval power — was in itself cause for concern. When Japan seized what it believed to be its share of the German Pacific possessions in World War I Australia was not entirely happy, particularly as some of the islands had been administered from Rabaul (which had been captured by Australian troops). Japan's subsequent attempt to obtain a dominating position in China while the western nations were embroiled in Europe was foiled by firm joint opposition from Britain, France and the United States. Nevertheless it was a warning of Japan's ambition and opportunism.

In spite of Japan's strength Australia showed a little sensitivity in its relations with her after World War I. At Versailles 'Billy' Hughes showed no concern for Japanese feelings in his insistence on a 'C' Class mandate over New Guinea — which allowed full control over immigration — and was quite insulting in his refusal to accept a racial equality clause, requested by Japan, in the Covenant of the League of Nations.

In the interwar years relations improved as trade expanded, and there appears to have been little concern in Australia over the invasion of Manchuria in 1933, except in intellectual circles. An Australian goodwill mission headed by Sir John Latham in 1934 apparently created a good impression in Japan and shortly after the visit the Nippon Mining Company began negotiations to exploit the Yampi Sound iron ore deposits. In May 1936 however,
Australia adopted the trade diversion policy, described by Malcom Booker as ‘one of those mindless actions which Australian governments often undertook in their relations with Asian countries.’ The following month Japan promulgated a retaliatory ordinance and it quickly became apparent that although Britain might gain by trade diversion Australia would certainly lose. Although a new trade agreement was soon concluded between Australia and Japan, Australia’s exports to Japan declined from £17.6 million in 1935/36 to £9.7 million in 1936/37, reaching a low of £4.8 million in 1938/39. Between then and the outbreak of war in the Pacific these figures increased only marginally.

Following the seizure of Manchuria and her subsequent withdrawal from the League of Nations Japan indicated clearly that she was not prepared to have her role in the world dictated by the western nations. In 1934 she denounced the Washington Treaty of 1922 which had limited the size of her navy and prevented the fortification of her island territories. During the conference held in 1935 to renegotiate the London Naval Treaty of 1930 the Japanese delegate walked out when his demands for naval parity were rejected.

By early 1937 Joseph Lyons, the Australian Prime Minister, was urging the British Government to establish better relations with Japan ‘along the lines of the recent Anglo-Italian’ pact. Lyons felt that this would help to dispel fears in Australia about Japan. He showed his serious concern by introducing as a major item at the Imperial Conference in 1937 a proposal for a regional non-aggression pact in the Pacific. The proposal was accepted by the United Kingdom but was overtaken by the Japanese offensive against China. With two of the major parties who would be involved in such an agreement at war, the idea of a treaty was put aside.

With the almost simultaneous deterioration of the situation in Europe and the Far East, the British Chiefs of Staff realised that British naval strength was being seriously overstretched. The First Lord of the Admiralty admitted at the Imperial Conference that after 1940 ‘the dispatch of a fleet to the Far East would be a most hazardous undertaking unless our battleship strength is increased above the number of 15 ships.’ Britain was finding her current naval programme such a burden that he suggested the dominions commence to build their own capital ships. Hughes had remarked as early as 1933 that the ‘British fleet’s backwardness shows that despite all the goodwill in the world, the British Navy is no longer in a position to come immediately to our aid.’ British defence strategy in the Far East was based upon the defence of Singapore for long enough to allow a battle fleet dispatched from European waters to relieve it. The likelihood of the dispatch of this fleet became a key concern of the Australian Government over the following years. When Chamberlain announced Britain’s defence priorities in March 1938 and placed protection of overseas possessions third, Lyons advised him of ‘misgivings’ in the minds of the Australian people and asked for a ‘supplementary and reassuring statement.’

An indication of the growing concern of the Lyons Government was the progressive increase in defence expenditure. Its first budget, that for 1932/33 was very much a depression budget and defence was actually allocated slightly less than the Labour Government had spent on it the previous year. The 1933/34 budget, however, increased defence expenditure by £1 million to over £4 million and expenditure increased steadily to almost £17 million in 1938/39. (Although Hasluck has commented adversely on the contrast between the defence allocation and the actual achievements of the Lyons Government in its development of Australia’s defence capabilities). The most noticeable change in foreign policy in the first half of 1939 was the decision to establish separate diplomatic representation abroad rather than rely on Britain. The sudden change in Menzies’ attitude at the time he became Prime Minister was particularly striking. In January while Attorney-General he had advised Lyons ‘that if each Dominion begins separately to accredit diplomatic representatives to foreign powers, grave divisions in our foreign policies will begin to appear and a serious blow will have been delivered to British unity’. There were signs of a change in attitude in a public broadcast on 28 March. He pointed out that Australia had interest both in Europe and in the Pacific. In the latter, Australia should develop a policy which would bring about a more diplomatic position with the two great nations — the United States and Japan. Australia’s defence was
largely a Pacific problem because, whereas the British frontier was on the Rhine, that of Australia was centred on Singapore or New Guinea. It is interesting to note that F.K. Officer, the Australian Counsellor at the British Embassy in Washington had written to Casey, at the latter’s request, in January giving his views on the establishment of a separate legation in Washington. In his words, “the question boils down to this — what do we want? Merely information, or do we wish to play a more important part?” It was clear that Menzies was now thinking of playing a more important part. Officer had given as his main reason for supporting the idea of a legation a reason which would have appealed strongly to Menzies: “in these times of stress an Australian Legation co-operating closely with the British Embassy would be some use to British prestige an influence in this country”. It is quite likely that Casey put these views forward during cabinet discussions or privately to Menzies.

On 30 March 39 Lyons officially informed Sir Thomas Inskip, the Secretary of State for Dominion Affairs, of his desire to establish direct diplomatic representation in Washington — giving as the sole reason “the necessity to improve and cement Australian-American relations which we believe might be valuable to the cause of improved Anglo-American relations”. In addition he noted that he believed it would be necessary to simultaneously establish a Mission in Tokyo to avoid appearing to deliberately slight Japan. In his inaugural address to the people as Prime Minister, Menzies enthusiastically propounded the new role for Australia in the Pacific:

In the Pacific we have what I might call primary responsibilities and primary risks...

The problems of the Pacific are different [to those of Europe]. What Great Britain calls the Far East is to us the Near North. Little given as I am to encouraging exaggerated ideas of Dominion independence and separatism which exist is some minds I have become convinced that in the Pacific Australia must regard herself as a principal.

His enthusiasm for the Japanese post was temporarily dampened when the British replied that they disagreed with the opening of a mission because it would be used by the Japanese “as evidence that Australia did not share the views of the United Kingdom on the present happenings in China.” However ten days later he decided to go ahead anyway because of the vital need to keep Japan out of the war if it should come. This rejection of the British request is one of the clearest indications of the extent of the Government’s concern to improve relations with Japan.

The decision to establish Australian Missions — which can be seen both as an attempt to improve relations with Japan and as taking a step closer to America — coincided closely with a weakening of one of the props upon which Australia had always relied: further doubt had been cast on the dispatch of a British fleet in the event of a war with Japan. On 16 March a copy of the minutes of the Committee of Imperial Defence was accidently passed to the Australian Acting High Commissioner. The minutes, of a meeting on 24 January, referred to an appreciation prepared by the Chiefs of Staff which suggested that the nature and size of the fleet which could be dispatched to the Far East in the event of Japan coming into a war in which the Empire was engaged with Germany and Italy would depend upon the situation in the Middle East. The First Lord of the Admiralty pointed out, prophetically, that it might only be possible to dispatch two large ships. J.S. Duncan, the Acting High Commissioner, immediately took it up with Maj. Gen. Ismay, the Secretary of the Committee. Ismay was shocked to discover that Australia knew of the discussions. After assuring Duncan that all references to the matter were only “tentative opinions” he extracted an assurance that Duncan would not inform his Government. However in view of the deteriorating situation in Europe following the invasion of Czechoslovakia, such opinions coming from the military experts were not encouraging. It is not clear how Australia learnt of the pessimistic appreciation, but an exchange of telephone conversations followed between Lyons and Chamberlain which resulted in Chamberlain sending an Immediate cablegram to Lyons confirming that it was still British policy to dispatch a fleet to Singapore should Japan join in a future war. However he added the ominous warning:

If we were fighting against such a combination never envisaged in our previous plans, the size of the fleet would necessarily be dependent on (a) the moment when Japan
entered the war and (b) what losses if any our opponents or ourselves had previously sustained.22

Immediately prior to this Lyons had received a very disturbing letter from the Japanese Consul-General, Wakamatsu. The Consul-General gave lengthy details of what he considered to be biased articles from the popular newspapers and magazines, indoctrination of schoolchildren with anti-Japanese feelings, and sensational newsreels of the Sino-Japanese war. He concluded the letter with the clear warning that ‘the combined results of anti-Japanese education, propaganda and boycotting in China were the fundamental factors which led to the present Sino-Japanese hostilities’.23 That this letter was taken seriously was shown by the fact that the reply was prepared by a special sub-committee of Cabinet consisting of Lyons, Casey, Menzies and Page.24 The Government was so intent on conciliating the Japanese that Hughes, who was still Minister for Foreign Affairs, walked out of the discussions on the draft reply. The reply emphasized that the Australian Government had been so impartial in its attitude to the Sino-Japanese dispute that it had in many instances been regarded as pro-Japanese and inimical to China. The Far Eastern Department of the Foreign Office also thought that Australia was being too conciliatory and told Stirling, the External Affairs Officer in London, that Wakamatsu’s letter was merely part of the Japanese plan ‘to make people’s flesh creep’.25 In spite of the attempt at conciliation, Wakamatsu was not placated, and quoted in detail the Regulations empowering the Government to prohibit the importation of films ‘likely to be offensive to the people of a foreign nation’.26

In the circumstances, closer ties with America were highly desirable. The President had already declared that America would intervene if Canada was threatened. It would be very reassuring if this assurance could be extended to Australia. On 2 May Menzies said that Australia should get to know the United States better, and the United States should become more interested in Australia — the two nations had almost everything in common.27 However it would take some time to develop the sort of ties which could give Australia any confidence. While Menzies was expressing his hopes Bruce was in America sounding out the President and his advisers. Bruce put the best possible interpretation on the discussions, advising Menzies that America would have to intervene in a war in the Pacific, but he had to add that there had been no binding undertaking. In fact the President had likened public opinion to the view of a member of Cabinet when the matter had been raised some years previously: ‘Australia is a hell of a way off’.28

Australia, with British guarantees looking more and more doubtful and none forthcoming from America, had no intention of being anything but conciliatory towards Japan — and was not impressed by British firmness if such firmness brought war closer. At the Sydney Town Hall in May Menzies said of the Japanese:

You do not keep the peace by exhibiting prejudices or passion in relation to those who might be our friends. We make no contribution to peace in the Pacific by hostile action towards Japan.

This he added was the reason for his attitude to the Port Kembla waterside workers (who had refused to load pig iron for export to Japan).29 When the Tientsin incident in June brought Anglo-Japanese relations to a critical point Bruce told Chamberlain, not very diplomatically, that the Australian Government thought that Britain had bungled the affair, and should have handed over the Chinese who had sought refuge from the Japanese in the British settlement.30 Hood, at the Department of External Affairs indignantly remarked when he heard that the United Kingdom had criticized Australia’s conciliatory approach to Japan that the United Kingdom’s own methods of dealing with Tokyo in the last year or two had not given the impression of being particularly effective.31 In referring to the Tientsin incident Menzies avoided criticising the Japanese by adopting an unusual note:

The treatment of British subjects at Tientsin has had an unfortunate effect on Japanese prestige throughout Australia and the Empire . . . Australia has enjoyed a long and unbroken friendship with Japan. I profoundly hope that nothing will be allowed to disturb that relationship.32

Sir Henry Gullett, the new Minister for External Affairs, in speaking of the situation in Parliament restricted his criticism to the ‘Japanese military authorities who control Tientsin’.33
While the Government was doing its best to gloss over the situation, the press, unaware of Britain's naval dilemma, were showing much more bravado. The Argus printed a leading article headed 'Britain Stands Firm' which confidently stated:

To fight a powerful, resolute, and well-equipped foe like the British Empire [as opposed to the Chinese], even if it were hampered by commitments elsewhere would not suit Japan's books.

It may well be asked whether the Government's policy of playing down the danger from Japan, coupled with the over-confident attitude of the newspapers, was not counter-productive in a period when the Government was trying to build up Australia's defences. In spite of assurances such as Gullett's to Akiyama, the new Consul-General, that 'there was not the least hostility in this country towards Japan, apart from some feeling over the Sino-Japanese war', it is unlikely that there was any feeling of friendship towards Japan. Wakamatsu had referred to pictures of alleged atrocities in Pix, but even a newspaper such as The Argus, at the height of the Tientsin crisis, printed an instalment of John Gunther's Inside Asia which referred to thousands of civilians in Nanking being burned alive or tied in bundles and used for bayonet practice. In the circumstances statements such as the following coming from the Government begin to appear quite bizarre:

I venture also to believe that strong in the Japanese mind is the reflection that its closest and most trusted friends from the date of its famous revolution and all through its marvellous rise to greatness until very recent years, were the peoples and governments of the British Empire ... Not without some confidence does the Commonwealth Government ... look forward to a nearer and more auspicious relationship with the great Japanese people than which prevails today.

Malcolm Booker wrote that at the outbreak of war 'there seemed to be even less public awareness of the danger to Australia which would arise in its own region than before the World War I'. The responsibility for this state clearly lay with the Government. When the Government was not pretending that any present difficulties with Japan were just a temporary aberration in a long and close friendship it was careful to keep any information at all on Australian-Japanese relations from the Parliament and the public. Parliamentary questions were answered with one sentence replies — and even these tended to be misleading. Menzies announced on 2 May that he intended to introduce a system of regular foreign affairs debates. The first such debate, in which the statement in the previous paragraph occurred, produced no concrete information on the situation relating to Japan — and the Government showed that it had no intention of adding any between Ministerial Statements. (The 'system' of debates does not seem to have eventuated). For example, when Gullett was questioned on the Governments attitude to the Japanese seizure of Amoy he refused to reply on both the 18th and 19th May. Finally, on 23 May, he replied simply that Australia was not involved and had 'no direct grievance'.

In spite of the Government's efforts to avoid arousing the public there were signs that the people were becoming concerned. A letter to the Sydney Morning Herald from a 'Returned Soldier' referred to a propaganda film shown in Japan which indicated with broad arrows the areas Japan intended to acquire: the arrows covered all of Australia.

As the outbreak of war in Europe began to appear imminent at the end of August, the Cabinet developed a sudden concern at the unresolved differences between Britain and Japan. On 29 August Spender urged Menzies to ask Chamberlain to contact the Japanese and come to an arrangement. The following day Cabinet again urged 'that everything possible should be done immediately to arrive at an understanding with Japan'.

While publicly supporting Britain, Menzies was privately showing further signs of a marked lack of confidence in British judgement. A few days after Britain's declaration of war Anthony Eden sent Menzies lengthy and detailed suggestions for defence co-operation by the Dominions — all based on the assumption that Japan would remain neutral. Menzies reply included the terse request: 'I should like to receive from you if possible by tomorrow your reasons for this assumption'. On the same day he wrote to Bruce: 'I have not been impressed with British diplomacy of late.' Britain had been fooled over the Russo-German pact and should have spoken more firmly to France about improving relations with Italy.
A comparison between this letter, which he himself described as 'gloomy,' and his reply to Eden, indicates how deeply the outbreak of war had disturbed Menzies. To Eden he insisted on the importance of standing up to Japan, and expressed concern that too high a price might be paid for a settlement, while to Bruce he indicated that almost any price was worth paying in Europe to avoid 'three years of carnage and ruin,' and that 'nobody really cares a damn about Poland.' The war he implied was the fault of Woodrow Wilson and 'this wretched Corridor.' Of particular concern was his 'growing feeling' that 'though the Far East is a major problem to us, it is a relatively minor one to Whitehall.'

His concern about excessive concessions to Japan is an aberration in his normal attitude and may have been inspired by the sudden fear that Britain would sacrifice all in the Pacific for the sake of Europe. He quickly proposed that an Australian Minister should sit in the United Kingdom War Cabinet, telling the U.K. High Commissioner of his concern that discussions in which Australia had no part might commit her in matters vital to her existence — for example 'your present discussion between United Kingdom, France and United States as to Sino-Japanese situation'.

As the situation seemed to stabilize following the declaration of war, the Government became more confident. It was given two optimistic appreciations by the British Government. The first, on the Far East, supported the view of the Ambassador to Japan that 'Japan has [her] hands far too full in China and is too apprehensive of the United States in present mood to think seriously of any move involving danger to Australia or New Zealand'; as well as the view of the Ambassador to the United States that 'America would be at war long before Japanese action threatened Australia and New Zealand'. The other appreciation concluded that with Italy neutral the British fleet could remain mobile with the capacity to place a squadron of battleships at Singapore. The Admiralty accepted full responsibility for the defence of Singapore and Australia.

The Government still hesitated to send the 6th Division to Europe for the somewhat conflicting reasons that the situation in Europe did not seem to warrant additional manpower, and that the seizure of the Netherlands by Germany might tempt Japan to seize the Netherlands East Indies. There was also some petulance at the speed with which Britain had offered to provide shipping to move a division when none could be found for Australian exports. However the Government was pre-empted by the New Zealand announcement to dispatch troops and, not wishing to appear less patriotic than the New Zealand Government, decided to follow suit. Clearly concern for the Japanese threat had begun to ebb.

During the period of the 'phony war' the Government put its fear of Japan to one side and turned to the more mundane but nationally and politically important topic of trade. Britain's policy of buying from the closest markets in order to make the most effective use of the available shipping had seriously affected Australia's exports. Australia was therefore anxious to make the most of the Japanese market. This, however, brought her into conflict with both the United Kingdom and the United States. The former did not want goods to reach Germany via Japan, and was also unprepared to allow any crossbred wool, which was in short supply, to be sold to Japan. As the inclusion of a proportion of crossbred was a condition insisted upon by Japan before she would buy any Merino, there was a serious conflict of interest. In addition the United States had discouraged American firms from extending credit to Japan and was concerned at reports that Australia was doing so. The United Kingdom, in the process of courting the United States, was anxious that no part of the Empire should offend America. In fact Bruce felt that the latter was a more important consideration with Britain than whether the wool might find its way to Germany. He assumed that Australia would agree to put 'the maintenance of closest co-operation with the United States on all questions concerning the Far East' ahead of 'our individual relations with Japan and future well-being of Australian wool industry'. On the same day Eden was informing the British High Commissioner that due to an alarming shortage of crossbred Britain could not allow any to be released to neutrals after February.

Menzies was exasperated by Britain's attitude to Australia's economic situation and this attitude seems to have somewhat soured his attitude towards Britain and America. On 21 February he wrote to Bruce on the wool question:
There is a rapidly growing dissatisfaction at this end... where it is also felt that immediate post-war period will leave us with unsold surplus to depress English market and our own markets to Japan and America gathered by others or closed by substitutes. The following day he wrote a lengthy and illuminating letter to Bruce in which he unburdened himself of his doubts concerning the attitude of Britain and America towards Japan. It also showed the extent to which his fear of Japan had faded.

One cannot, of course, shut one's eyes to the fact that the latent fear in our minds in Australia is that when this war has been finished we will need to prepare for another and defensive war against Japan. Personally I do not rate this possibility very high, but I would feel more satisfied about it if I really believed that the British Foreign Office had a practical and realistic view of the Far Eastern position. One's instinctive judgement is that the Japanese have a marked inferiority complex and that a real gesture of friendship with some real assistance in the settlement of the Chinese question, accompanied by a proper recognition of Japanese trading ambitions, might very easily produce peace in the Far East, particularly if Japan was, by that time, feeling the impact of Russian Bolshevism.

Speaking without much knowledge I have had a feeling that America's approach to these matters has been over-sentimental... a generous understanding would be more effective than prejudice and a series of somewhat pontifical reproofs.

Menzies also showed his optimism towards the war in Europe by expressing his concern that the allies should show Germany 'conspicuous generosity following conspicuous defeat'. In April he informed Bruce that the United Kingdom's policy in regard to Economic Warfare appeared to be working more and more to Australia's detriment, and that Australia 'must now take a strong stand or find our economic interests increasingly ignored'. In February the Government had informed America that it had not 'encouraged or authorised' negotiations which led to sales of 200,000 tons of wheat to Japan on 18 months credit. However by April the Government was negotiating again with Japan for large sales of wheat and barley to Japan and North China on the basis of 50 per cent cash and 50 per cent credit. The concern of farming interests was shown as late as August by the Member for Wimmera, and coincidentally an ex-President of the Victorian Wheatgrowers Association, who suggested the introduction of censorship to stop the papers stirring up differences between Australia and Japan.

Menzies also dug his heels in again on the question of appointing an Ambassador to Japan. Although Bruce told him that the Secretary of State for Foreign Affairs felt that, in view of the 'current economic difficulties' and 'friction,' the appointment might be construed as an 'indication of [a] break in Empire-diplomatic and economic fronts', Menzies decided that the 'increasing significance of the Far East to Australia appears to outweigh other considerations'.

Although the Government believed strongly in its right to continue to trade with Japan it also felt that it had nothing to gain by advertising the fact. When the Minister for Commerce was asked whether reports in the press of flour sales to Japan meant there were prospects of an expanding flour trade with Japan, he merely replied, 'All I can say is that Japanese buyers were in the market to the extent of buying 100,000 tons of flour'. The following day Menzies was asked whether he approved of sending supplies to aggressor nations. He replied: 'Failing concerted action by a group of nations, I favour the continuation of trading relations with countries with which Australia is on terms of peace'. This cynical attitude was displayed with an irony, which was not obvious at the time, during a Ministerial Statement on 'The War and International Relations'. McEwen, after referring to the establishment of a new Government in Central China by Japan, expressed the hope for 'the establishment of Anglo-Japanese relations on the basis of increased and lasting friendship'. He immediately followed this with the statement that 'Germany's ruthless invasion of its small and inoffensive northern neighbours' had shaken America's confidence in its policy of neutrality.

During this period Britain carried on a policy of overt appeasement towards Japan in the
face of an increasingly aggressive attitude. Although Britain had refused to hand over the Chinese suspects at Tientsin the subsequent humiliating treatment of British nationals provoked no retaliation, the German sailors taken off the Asama Maru by the Royal Navy were handed back following protests by Japan. But at the same time the Government of Admiral Yonai was careful not to go too far. Although the Foreign Minister Arita blamed conflict on ‘the insistence of some nations in trying to maintain an irrational and unjust status quo in regard to race, religion, territory, resources, trade and immigration’, he also corrected a member of the Diet who suggested that the countries full of undeveloped resources to the south should be included in the ‘New Order in Asia’.

The changed strategic balance following the fall of France made Japan even bolder. At the end of June, Japan showed its confidence by demanding the immediate closure of the Burma Road to China. Britain felt in an awkward situation because most of the traffic carried by the road was American. At the same time Casey in America advised Menzies that, in the current domestic situation, ‘The United States would not fight’. Menzies advised the Secretary of State for the Dominions that the concessions to be offered to Japan should go to the limit at the outset ‘rather than raise the stakes when it is too late’. On July 17 Britain agreed to a three month closure of the road over the wet season to enable negotiations to take place. On the same day Cordell Hull stated that the United States ‘considers that such actions as the closing of the Burma Road, if taken . . . constitute unwarranted interpositions of obstacles to world trade’. However, as Professor Stephen Roberts pointed out in one of his regular newspaper articles. It was unreasonable for the United States to criticize Britain unless they had been prepared to step in with support during the negotiations. This must have also been apparent to many Americans. Casey noted that ‘The American Administration appreciated the reasons for this action, but publicly found itself obliged to disagree with it.’ The incident probably had a beneficial effect on American public opinion from great Britain’s point of view.

On 5 August Britain made its first stand when it arrested some Japanese businessmen in England in retaliation for the arrest of alleged British spies in Japan — one of whom died in suspicious circumstances. The most concrete sign of growing American support was the agreement to provide Britain with destroyers in return for bases in the Caribbean. Menzies remarked that that agreement ‘Might be the turning point of the war’. Increased United States support undoubtedly played a major part in Britain’s decision to reopen the Burma Road when the agreement with Japan expired on 18 October. In the face of firm American support the Japanese Foreign Ministry announced that it would not retaliate, and the Japanese papers attempted to minimize the usefulness of the road. In Australia every indication of American support for the Empire was eagerly seized on and publicized by the press.

In the dark days of June Menzies had sent a rather melodramatic appeal to Roosevelt stating that ‘In certain events we in Australia may have to fight for our own lives, and I want to tell you that with all the defects of our equipment we will fight for them to the end.’ The same week the Chief of Naval Staff told the War Cabinet that ‘if Japan comes in and the U.S.A. should not, there would be no point in holding Darwin’. The following day the War Cabinet decided ‘that immediate action should be taken to arrange an Australian Legation at Tokyo . . . before the international situation deteriorated further to the disadvantage of the British Empire’. When McEwen made his next Ministerial Statement on International Relations to Parliament he attempted to play down the arrest of the British nationals in Japan (who included one Australian) and the subsequent Australian expression of concern, but he did speak approvingly of the moral embargo imposed by the United States and of its firm attitude at Shanghai.

There were signs, however, that the people were becoming dissatisfied with the ‘two bob each way’ attitude of the Government and expected a firmer attitude towards Japan. In October the Sydney Morning Herald suggested in a leading article that the sending of a Minister to Japan might be misinterpreted in the circumstances, and on 5 December it ran another on ‘The Courage of China’. On 16 January the new Minister for External Affairs, Sir Frederick Stewart, made a statement in which he said that Australia’s relations with
Japan were ‘cordial’. The Sydney Morning Herald found this too much and cast doubts on Stewart’s fitness to hold his portfolio. A few days later it published two letters criticizing both Stewart’s statement and an earlier one by Spender, the Minister for Defence. The author of one letter said the statements had made him ‘wonder whether these Ministers are expressing the opinions of the people or are made for some ulterior motive.’

During his visit to England Menzies made the same mistake. On 21 February he said in a speech that Australia’s one clear ambition was that the Pacific should remain at peace and expressed hopes of achieving a friendly relationship with Japan. The Advisory War Council was concerned at the tenor of the speech as they were currently trying, in response to urging by Curtin, to arouse public awareness to the danger facing Australia. Although this speech attracted little criticism outside political circles, Menzies made another speech less than a fortnight later which brought loud cries of ‘appeasement’. He said that ‘Australia wanted to get closer to Japan’ and that ‘nothing disturbs me more than to encounter that type of unresponsiveness which appears to assume that because Japan has made an agreement with the Axis, we should drift into an atmosphere with Japan which is dubious and could be dangerous.’

The tone was similar to his previous statements on Japan, but he had not allowed for popular feeling. The following day the Sydney Morning Herald criticized him for minimizing the seriousness of the situation ‘to the bewilderment of public opinion in Australia’. On the 5th and 6th he had to deny that he believed in a policy of appeasement. The War Cabinet felt obliged to send him a cable asking him to clarify his speech, and there was a spate of critical letters to the newspapers.

For the rest of his term Menzies appears to have adopted a policy of avoiding offending both the public and Japan by saying nothing at all in public on the subject of Japan. In his statement to the House on his return from England he made no mention at all of the Far East although he later wrote: ‘The whole reason I went to England was to discuss the Japanese menace and to urge the strengthening of the defences of Singapore’. There can be little doubt that Menzies was aware of the danger of Japan but was torn between the desire to remove the danger by improving relations, his most common tendency, and the occasional urge to stand up and act boldly. Following his discussions in Singapore en route for London he noted:

We must tell Japan where she gets off. Appeasement is no good. The peg must be driven somewhere. I must make a great effort in London to clarify this position. However it was clear that he did not feel that Australia should take the lead in this respect, and he found Britain unwilling to give any warning to Japan in the absence of a guaranteed American commitment. Following discussions at the Foreign Office he noted that Britain was letting matters ‘drift’, while the situation called for ‘firmness, definition and friendliness’. The latter was now politically impossible even in Australia. The Anglo-Japanese clashes had around anti-Japanese feeling and produces a belated sympathy for China. It was not possible to play upon German aggression in Europe and expect the people who were the target of that propaganda to ignore the fact that Germany’s formal ally in the Pacific was waging its own war of aggression. ‘Friendliness’ was out of the question. Strangely enough, the Ambassador who Menzies had sent to Japan to improve relations, Sir John Latham, was being much more forthright. In his first public speech after his arrival he told the Japanese that they ‘should get their Geography books right’, Australia was not part of Asia.

The war in Europe, and in particular the Australian participation in Greece and North Africa, naturally attracted public attention and assisted the Government in pushing the Pacific into the background. The lack of Government concern for the Far East was even commented on by Hasluck, who in general tended to portray the Government's actions in the most favourable light. Following the stimulus provided by Curtin in February, Stewart made a long broadcast, largely on the Far East, in which he praised China and criticized the ‘New Order’. However from then on the Far East and Japan were given only a slight mention at the end of speeches and statements. When the Japanese occupied bases in southern Indo-China Anthony Eden called it premeditated aggression. On the same day Stewart concluded a long speech on the war with the
It is extremely doubtful whether Japan's war. It is extremely doubtful whether Japan's was already a major influence for peace or Australia should begin to play a major role in eye to wars of aggression involving Central European or Asian nations, but Britain's declaration of war, committing as it did Australia, brought the extreme reaction and bitter recriminations noted above.

Shortly before his resignation at the end of August Menzies did state in Parliament: 'It is Japan's acts not ours, that have created tension', but, once again, felt obliged to soften the impact by explaining:

There is a long history, and indeed tradition, of friendship between Japan and Australia, but occasionally it is a good thing for even friends to talk plainly and honestly to each other.65

It was not a bold speech for the leader of a nation at war.

Why did the Government go to such lengths to avoid giving offence to Japan? To say, as one may, that it was merely a continuation of the policy of appeasement which they had urged on Britain in relation to Germany, is only begging the question. There were, perhaps, three predominant factors.

Firstly, Menzies, like Lyons before him, had an over-riding fear of war. Or more particularly, war involving Australia. He was, with little compunction, prepared to turn a blind eye to wars of aggression involving Central European or Asian nations, but Britain's declaration of war, committing as it did Australia, brought the extreme reaction and bitter recriminations noted above.

Secondly, he apparently felt not only that Australia should begin to play a major role in the Pacific, but that what she did and said was already a major influence for peace or war. It is extremely doubtful whether Japan's decision on whether, and when, to declare war would really have been affected by Australia's attitude. Indeed some would have argued that a firm stance would have gained more respect.

Both the above factors played a large part in persuading the Government to seek a more active role in international affairs, initially by establishing representation in Washington and Tokyo. Although this role was not intended to be a completely independent one, it was inevitable that Australia would view certain of her interests, as she had in the past, differently from Britain. The development of an independent attitude to international affairs was given impetus by a third factor. This was Menzies' optimism which at times replaced, and at others seemed to co-exist with, the fear of war. At such times Australia's economic outlook was given priority over Britain's strategic and diplomatic policies.

The common catalyst acting on all these factors was Japan. As a threat she had to be placated or American protection sought. As a trading partner she could fill a gap left by the loss of other markets. If all this could not be reconciled in the current internal and international climate-then the best policy was silence.66

NOTES
1. L.F. Fitzhardinge, The Little Digger, 1979, pp. 158-62. This incident also illustrates the way in which Britain, although representing Australia's diplomatic interests, was prepared to mislead her when it was considered necessary. Britain's understanding with Japan over the Pacific Islands was not revealed to the Australian Government.
4. The subsequent decision to prohibit the export of iron ore because of the limited quantity of economically exploitable ore was to prove a source of contention in the following years. The decision was taken both because of a shortage of ore and because of fear of the consequences of the establishment of a Japanese enterprise in North West Australia. (Documents on Australian Foreign Policy, R.G. Neale, ed, Vol I, Canberra, 1975, Doc No 181, pp 318-19, 7 Apr 38, Lyons to Bruce and Page). The report of the Commonwealth Geological Adviser was attached to Lyon's notification to Wakamatsu, Japanese Consul-General (Doc No 203, pp 349-52).
5. Booker, p. 25.
8. Lyons to Bruce, loc. cit.
14. Documents, II, p. 5, 5 Jan 39. Menzies was commenting on a proposal by Professor A.C.V. Melbourne that Minister should be appointed to Tokyo and Washington.
19. Documents, II, No 76, p. 102, 29 Apr 39.
24. Ibid, Note 4 to No 34, p. 57, the sub-committee was formed on 2 March and the reply sent the following day.
27. The Argus, 2 May 39, p. 2.
32. The Argus, 31 July 39, p. 9, speech to the Journalist Club.
33. Commonwealth Parliamentary Debates, 168, p. 1927, 15 June 39, there was however a certain amount of truth in the allegation because of the practice of the military authorities in China initiating action and then presenting the Japanese Government with a fait accompli.
34. The Argus, 19 June 39, Leading Article.
38. Booker, p. 128.
40. C.P.D., 159, 23 May 39, p. 605.
41. S.M.H., 25 May 39, p. 4.
42. Documents, II, No 162, p. 199, & No 166, pp 202-203.
43. Ibid, No 214, pp 249-51, 8 Sep 39.
44. Ibid, No 219, pp 258-60, 11 Sep 39.
47. Ibid, No 371, pp 415-17, 17 Nov 39.
48. Ibid, No 372, pp 417-19, 17 Nov 39. The optimism of these appreciations may have been influenced by the fact that they were requested by the Australian Government to help it decide whether to send troops to the European theatre.
51. Documents, III, No 53, p. 74, 10 Feb 40, F.K. Officer to Department of External Affairs.
52. Ibid, No 65, pp 91-92, 17 Feb 40.
55. It also clearly public opinion and Menzies on the subject of Japan.
56. Ibid, No 70, pp 99-103, 22 Feb 40.
57. Ibid, No 129, pp 180-81, 9 Apr 40.
58. Ibid, No 59, p. 80, 15 Feb 40, it even added that it had 'rejected other proposals for further wheat sales on credit.'
60. C.P.D., 164, p. 199, 27 Aug 40, Mr. Alex Wilson.
61. Documents, III, No 42, pp 61, 5 Feb 40.
62. Ibid, No 89, p. 125, 4 Mar 40.
63. C.P.D., 163, p. 293, 22 Apr 40.
64. Ibid, p. 388, 23 Apr 40.
66. C.P.D., 163, pp 207-8, 19 Apr 40.
67. Britain was hoping to weaken Japan by indirect economic action.
68. S.M.H., 2 Feb 40, p. 9.
69. Ibid, 14 Feb 40, p. 15.
70. Documents, III, No 446, pp 505-7, 25 June 40.
71. Ibid, No 452, pp 511-12, 27 June 40.
73. S.M.H., 18 July 40, p. 7.
75. S.M.H., 6 Sep 40, p. 8.
76. Ibid, 10 Oct 40, p. 7.
78. Ibid, No 399, p. 451, 18 June 40, Minute No 314.
79. Ibid, No 405, p. 458, 19 June 40, Minute No 358.
81. Ibid, 18 Jan 41, p. 12, L.A.
82. Ibid, 21 Jan 41.
83. Ibid, 22 Feb 41, p. 13, see also Hasluck, p. 321.
84. Hasluck, p. 321.
85. S.M.H., 4 Mar 41, p. 9.
86. Ibid, 5 Mar 41, p. 9.
89. Ibid, p. 22.
90. Ibid, p. 31.
91. S.M.H., 21 Jan 41, p. 8. The leading article claimed: 'He said what the great majority of Australians would want him to say to the Japanese people'.
92. Hasluck, pp 354-55.
95. Ibid, Vol 11, No 2, 22 July 41, p. 49.

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QUALITY CONTROL FOR THE ARMY RESERVE

By Dr. Phillip Guthrie

INTRODUCTION:
The Australian defence tradition has been to maintain a very small but efficient Regular Army backed by a part-time reserve to supplement it in time of need and to act as a nucleus for mobilisation. This system has worked well in the past enabling the nation to spend less on defence than would otherwise be the case but it does place a great deal of responsibility on the Army Reserve attaining the necessary levels of professionalism.

Modern warfare has now evolved to the point where warning times have decreased sharply and a decisive stage is likely to be reached much more rapidly than in the past. If the warning period is reasonably long or the action is of low intensity then there will be time to upgrade the capability of the Army Reserve but if the warning time is short and the activity is intense, as is more likely the case, there will be little time for such improvements and circumstances could dictate that the Army Reserve be committed either in part, or whole, virtually “as is”. In any event there is unlikely to be the luxury of the very long lead time necessary to properly recruit, train, and equip a large Army from raw civilian recruits that we have enjoyed in the past.

It is as an aid for increasing professionalism within the Army Reserve that this plan for ongoing assessment is put forward. Assessment is central to advancement of knowledge and skills in all forms of human endeavour. Without it there is no real knowledge of capability and therefore little incentive for improvement and absence of that esprit d'corps which is derived from knowing that the unit one is a part of is rated highly. Whilst Army schools and courses do at present provide some assessment at the individual level there is little routine assessment of Army Reserve Units being carried out with the notable exception of field artillery units. Hence current knowledge on operational readiness must be based mostly on subjective opinion or estimates which could be misleading.

If we were in possession of such detailed accurate information unit-by-unit then a valuable forecast could be made of the time and type of training needed to ready each unit for the type of service required. Trends within the Army Reserve could be better interpreted and unit training programmes could be drawn up with more confidence that areas of greatest need were being covered adequately. Also there would be the opportunity to assess the effectiveness of varying training techniques and equipment at the unit level. Areas of common failing may suggest basic problems in the system which could then be eliminated.

The Plan
War games have long been the choice for effective preparation and assessment for armies and it is suggested that the proposed assessment be carried out by way of field exercises to be held in some part of northern Australia. A suitable location could probably be found in the region south of Darwin. It would need to be large enough to house a task force and allow mobile operations. Ideally it should have enough variation of terrain to allow differing
roles to be exercised and it would be necessary to include a live firing artillery range.

By choosing an area in the north of Australia a sense of purpose and realism would be injected into Army Reserve training as under our present policies this is the most likely area in which the Army Reserve would be committed. Working in a tropical climate would be a new and valuable experience for most while the long distances from home areas would create a sense of realism. Relative isolation would help to avoid any conflict with civilian interests and this area would also have the advantage of being roughly an equally long distance from all the major Australian centres of population.

It is proposed that initially every major Army Reserve Unit and at a later stage every Army Reserve Unit would undergo this form of assessment during annual camp every third year. This would be appropriate as the Army Reserve is loosely aligned along a three year cycle. C.O.'s are appointed for this length of time and it would be desirable that assessment be carried out in the last year of a C.O.'s term so that maximum benefit from a continuity of policy could be reflected in the result.

Whilst for some units this scheme may add further training burdens in order to meet upgraded standards, with proper utilisation of a three year cycle this should be realistically achievable.

The actual assessment would need to be done by a specially raised Regular Army team working with appropriate corps representatives and containing an army reserve component at all levels.

By having a basic full-time team with no other regular duties this would help to achieve unbiased, objective, and reproducible results with a continuity of standards. By having Army Reserve participation at all levels there would be enhanced rapport and balance of outlook so important for the concept of “one army”. The presence of an Army Reserve element would also ensure that a realistic standard was set applicable to a part-time training situation. Special problems such as a recent influx of recruits into a unit may have to be allowed for.

Loss of training time for units should not present a problem because the whole exercise would in itself provide some of the most realistic and valuable activities of the unit and lessons learnt the hard way are liable to be remembered for a long time indeed. Also the incentive to perform well at assessment would ensure maximum gain during lead-up training cycles and for those officers allotted to the assessment team there would also be very valuable experience to be gained. The end result should be a gain in the esprit d'corps that comes from a job well done or if the result is not a good one then the motivation to perform better in the future.

The Process

The following outline is offered as a suggestion only as the finer details may need to be varied considerably from unit-to-unit and are not as important as the overall concept.

Preparation and Movement

The unit prepares for a major move by air of all personnel and minor unit equipment. Movement is by service aircraft to the training area and occurs on day one.

Comment

Considering our geography unit movement by air should form a basic part of our training. Efficiency of preparation would be the first item of assessment followed by the actual move itself. All levels of command would be exercised but the majority of the burden would fall on the Q. staff and the unit emplanning officers.

Starting quite some time before the move individual members of the unit would need to be brought as close to the D.P.I. standard as limitations imposed by service in the Army Reserve will allow. For instance vaccinations could be made current but dental fitness could only be checked, not enforced. Such a move would highlight any equipment deficiencies and hopefully expedite the necessary solutions.

Physical fitness should play an important part in unit preparation both from the point of view of unit preparedness and acclimatisation for a tropical environment. It is envisaged that there be a preparatory physical fitness programme.

The percentage of the unit judged fit would be an important scoring point. Other scoring points should take into account the accuracy of records and performance of both and administration and Q. functions of the unit. The effective unit strength, the proportion
deemed D.P.I. (ARES) and the percentage attending the exercise should also attract scores as these figures are basic to a units real worth.

Equipment and Facilities
After arrival at the base installation airfield the unit would collect its “war stores”, which would include all heavy items of equipment not readily air transportable, to bring the unit up to its full war-time equipment entitlement. The unit would then move out to a base bivouac site where it would spend one day marrying up with its equipment.

Comment
If all Army Reserve Units were to be processed in this fashion then quite a large and diverse pool of equipment would be needed. This should however not be considered a drawback to the scheme but bonus in favour of our whole defence preparedness. There would have to be an incremental margin to meet the maintenance load as it would be vitally important that each unit receive exactly its war scale entitlement in working order so that the test be accurate and uniform. As there would be a need to exercise units concurrently it would be desirable to have equipment for a task force available which would allow for task force sized exercises.

One facet of such exercises would be to highlight deficiencies and excesses of equipment and to expose all units periodically to new equipment which may not have yet been available for general training use.

The logistic element needed at the base installation would be quite large and would have to be manned by ARA personnel. However from time to time some of the work load could be taken over by ARES workshop units, medical units, and other service units themselves undergoing tests.

Individual and Unit Assessment
A suggested format is as follows:
Individual assessment for personnel of all units over a period of two days.
Sub-unit assessment over a period of two days.
Unit assessment over a period of six days.

Comment
Individual assessment would include physical fitness testing, weapon handling, and range qualification. Scores would be awarded individually.

Sub-unit testing would cover tactical and logistic skills, team work and should include a battle efficiency course in a non-tactical setting. Service units would require a technical testing element by corps examiners.

Unit assessment would involve the unit moving out into the exercise area proper in co-ordination with other units. The exercise should be as realistic as possible and this would require the use of a small “enemy” element which would be part of the assessment centre staff.

At least one and preferably two phases of war would be covered and scoring should take into account effective support to other units. The ultimate would be a full task force manoeuvre allowing for individual and collective unit actions. Service units being more diverse in function would require other units to support and their assessment during this period would be largely technical although their handling of tactical requirements would need to be scored heavily. As with the arms units time and staff limitations would not allow a full range of skills to be tested but a useful cross sectional view of a units capability would be obtained.

Post Assessment
The unit returns to the base area and spends two days returning stores, attending a detailed critique which would include notification of scoring. It would be helpful for the critique and for ongoing unit instruction if very good points and very bad points of the units performance could be filmed and shown at the critique and then presented to the unit audio visual library for future use.

On the fifteenth day the unit would return home by service aircraft and the 16th day would be spent in its home depot performing administrative duties.

Discussion
While it would be difficult to estimate the cost of such a scheme accurately without a proper feasibility study it is obvious that the major costs would be of a capital nature such as the acquisition of land and the construction of buildings and logistic facilities.

Quite an amount of field equipment would also need to be purchased and perhaps some extra transport aircraft for the R.A.A.F. to enable it to meet the transport demands.
However when consideration is made of cost effectiveness and expected life the scheme should be very competitive cost wise against other major procurement projects.

One can justify the outlay on base construction by pointing out that there are at present no such facilities available in this tactically important area and the purchase of the envisaged pool of field equipment would form a major part of the war stores needed to equip the Army Reserve for operational duties in time of conflict. There is not a lot to be gained by training reserve troops if we do not have the necessary equipment for them and the equipment reserves that are currently available presumably are likely to be required by the expanded Regular Army on a war footing. Perhaps we should place as much emphasis on having basic equipment in reserve as we place on having men in reserve as procurement overseas and transport here in time of war could prove very difficult or impossible. Generally speaking there is little chance of Australian industry being able to meet such requirements in the short term. Any expanded transport capability for the R.A.A.F. could only be viewed as a bonus from all points of view in time of conflict.

Running costs while likely to be substantial should not prove prohibitive. The major expenditure would be on maintenance of equipment and the installation. The assessment team salaries should not be a hurdle as the overall numbers would not be great.

Transport costs for moving Army Reserve Units likewise should be reasonable as long as service aircraft are used. One of the greatest costs would be that of salaries and logistic expenditure to keep the units in camp and this is a cost which would be little different wherever the units went to camp.

Admittedly the plan envisaged is ambitious and no doubt somewhat expensive but then so are all forms of realistic training for war and what we should be looking for most of all is cost effectiveness rather than blind economy. In some regards the plan is similar to the third yearly annual camp visit to Europe carried out by units of the British Territorial Army and Volunteer Reserve (T.A.V.R.) which is the equivalent of our Army Reserve. Under this scheme British Reserve Units visit their area of operational responsibility to study of first hand the terrain and local problems. There is however no formal process of assessment as envisaged here. Needless to say it is the highlight of many British Reservists' army careers as well as stimulating operational readiness and as a spin off recruitment and retention.

Any assessment would of course need to be strictly objective and should be designed to test the unit as a whole rather than just the officers and N.C.O.'s. Assessment would have to be reproducibly uniform so that a common standard could be set throughout the Army Reserve and pitched at a realistic level. It is however inevitable that some assessment would be made of officers and N.C.O.'s indirectly or directly but as long as a constructive approach is adopted this group stand to gain most as far as their Army careers are concerned.

Units could also be graded against appropriate A.R.A. standards by 'calibrating' the system for time to time with appropriate Regular Army Units. While Army Reserve Units by and large can never hope to achieve full Regular Army standards in the training time available the incentive would be there and any raising of standards reduces reaction time from call to go.

Conclusion

At present information regarding the state of readiness of Army Reserve Units is largely subjective and is likely to be incomplete. As it is vital to our current doctrine that the Army Reserve can be counted on to fulfill its role with the minimum of retraining time a system of assessment has been outlined to enable accurate data on battle preparedness to be obtained in a manner that will enhance rather than hinder training. The attainment of such data would allow for better planning of training and more rapid and effective utilization of the Army Reserve in time of need as well as increasing professionalism and boosting retention.
Having read your journal for some time I have noticed the paucity of contributions by financial administrators — a breed which comes under regular criticism from the non-financial sector. I thought therefore that I may, in a helpful way, attempt to explain that the financial system of the Commonwealth has a legal base and, for those who have doubts or further difficulties after reading this article, offer a follow-up article should they care to send me any queries.

I might mention for the military reader that as a member of the Defence Force from 1952-71 I firmly believed all the false notions I now see evident in some non-finance civilian and service elements of the unified Department of Defence (and other Departments and Authorities for that matter). Having worked in Treasury/Department of Finance from 1971/77 before returning to Defence I think I have an affinity for the position of both sides.

Perhaps the first thing that needs to be explained is the concept of civilian control, particularly in relation to the military. I have found no argument with the concept underlying our Westminster system, as provided in our Constitution, of checks and balances which provide for three heads of power viz the Executive, the Parliament and the Judiciary. The last might be seen as a "referee" so I will concentrate mostly on the first two.

The Executive power is exercisable by the Governor-General (Constitution S61) with the assistance of an Executive Council (ie Senior Cabinet Ministers — S62). And we all know that the Governor-General is Commander-in-Chief of the Defence Force vide S68 of the Constitution — whilst that has significance for Command, other constitutional provisions are relevant to financial management. The Houses of Parliament, of course, contain our elected representatives and have the power under the Constitution to make laws (the Judiciary, of course, has the right to determine if any are eg illegal/unconstitutional).

From the previous two paragraphs we see the basis of civilian control of the military (Governor-General/Parliament). When Parliament makes Acts, and they are approved by the Governor-General, the contents become the law of the land (subject to appeal to and possible overturn by the Judiciary). It therefore follows that all citizens, including the military and civilians, are required to comply with such laws or suffer the prescribed penalty.

In the field of financial administration the Governor-General and Parliament have approved laws and regulations including the following Acts:

**The Audit Act** — Section 2AB of which requires the Permanent Head (Secretary) of a Department to make appropriate arrangements for implementing the provisions of the Act in his Department.

**The Public Service Act** — Section 25(2) of which makes the Permanent Head of a Department responsible for the general administration of a Department.

**The Defence Act** — Section 8 of which gives the Minister the power of general control and administration of the Defence Force.

Pursuant to para 7.c. above, the Minister has issued Directives to inter alia the Secretary, CDFS, and the three Chiefs of Staff. Each
Chief is directed to ensure "that officers under command are responsive to the requirements of the Secretary acting within his responsibility".

Paras 3 to 8 make it crystal clear that the financial requirements prescribed by the Secretary, Department of Defence result from legal requirements imposed on him (as with other Permanent Heads) by the laws of the land, ie, as authorised by Parliament, the Governor-General and validated in the negative sense by the Judiciary. He and his finance officers only have some flexibility to vary administrative methods and only to the extent that they ensure compliance with the law.

I do not intend to bore readers with a plethora of legalities since Defence has financial staff, who can provide specialist advice, in all regions and in Canberra. It is, however, necessary to cite a Finance Regulation made by the Governor-General, and allowed by Parliament, under the Audit Act, which applies equally to all civilian and military personnel:

"93(1) All officers who incur or authorise expenditure shall exercise due economy.".

This also leads me to the topic of accountability for resource usage.

ACCOUNTABILITY

In 1215 at Runnymede the citizen-taxpayers of that time wrested control of the public purse from King John. The Magna Carta proclaimed two inalienable rights of free men — trial by a jury of peers and no taxation without representation — in 20th century language — control of the public purse by our elected representatives i.e. Parliament.

In defining accountability, the Canadian Royal Commission on Financial Management and Accountability said:

"We see accountability as the activating, but fragile, element permeating a complex network connecting the government upward to Parliament and downward and outward to a geographically dispersed bureaucracy grouped in an array of departments, corporations, boards, and commissions. Accountability, like electricity, is difficult to define but possesses qualities that make its presence in a system immediately detectable. To touch a live wire in a circuit is enough to establish the presence of electricity without further need of definition."

The idea of accountability is probably as ancient as organized government itself. In democratic or republican systems, it is an important, though often neglected, principle that managers be held accountable for their public actions directly, or indirectly, to the public (represented by Parliament).

There seem always to have been three essential elements of accountability:

- **INFORMATION**: Information about the decisions and actions of those individuals and organizations who are held accountable to those others who are holding them to account. So the nature and usefulness of the information provided — its honesty and accuracy, completeness, specificity, relevance, adequacy, and timeliness — have always been critical attributes of accountability.

- **OUTSIDE RECEIVERS** and/or **DISCOVERERS** of the information; the existence of people or organisations who are able and willing to examine it, investigate it if necessary, digest it, and report it or initiate appropriate action based upon it.

- **RE COURSE** on the basis of such information to correct deficiencies and improve performance and/or to reward honourable and effective performance or penalize dishonesty, concealment, fraud, inefficiency, or ineffectiveness.

The key to accountability is thus, quite simply, **INFORMATION** — the openness with which an individual or agency operates and the access to information by persons outside who are in a position to do something about it, if necessary, and the ways in which relevant information is selected, processed, and utilized. One rule of thumb for management use is "would I be comfortable defending this decision and its costs in an open forum?" Another is "would I consider this proposal excessively costly if I owned a business and my own financial resources had to bear the cost of the proposal?"

ENEMIES OF ACCOUNTABILITY

Let us now look at why accountability to Parliament — and thus to the taxpayers — for economical, efficient and effective use and management of public funds and resources — in other words effective control of the
public purse is sometimes overlooked. This is

demonstrably so as a reading of reports of the
Auditor-General will show. One reason is non-
application of tests such as those proposed in
para 15; another is ignorance of the law; but
the main reason I believe is the way in which
some managers regard public moneys at the
Federal level.

One has only to contrast the keen personal
interest taken by municipal taxpayers in the
annual budget of their municipality and the
rates they pay, with the almost complete
indifference most display to budget informa­
tion at the Federal level. The exception of
course is the direct impact of changes affecting
taxpayers' pockets eg levels of income tax.

In some people's mind tax dollars undergo
somewhat of a transformation when they reach
Federal coffers. They do not appear to be the
same sort of dollars as those that public
servants — or military personnel — spend eg
at the grocery store, or use to buy petrol, for
their personal needs.

Some managers appear to see tax dollars as
virtually inexhaustible; there will always be
more where they came from. And if not
enough was asked for in the beginning more
must always be provided to take care of
shortfalls in original estimating or to meet the
cost of new and “essential” activities. The
first consideration some managers seem to
apply to problem solving seems to be “can I
fix it by more expenditure?”.

RESTORING ACCOUNTABILITY

Having painted a rather gloomy picture
concerning lack of accountability as it at times
exists at the Federal level let me now suggest
that a positive response to this article will

Financial Controls — over revenues, expend­
itures, assets and obligations which require
the organization of the financial function and
its place in the general management structure;

Reporting — adequate and reliable disclosure
of the nature and content of financial matters
to management and Parliament. The principal
formal report to Parliament on financial
matters is the Auditor-General’s annual
Report. Other activities include Estimates
Committees and the Parliamentary Accounts
Committee hearings.

Management Controls — to evaluate the
system of management information and
controls, including the internal audit/evaluation/review function, so as to ensure
there is due regard to economy and efficiency.
In short — value-for-money criteria.

CONCLUSION

It is a naive fallacy to think that the
managerial skills of executives in the private
sector are invariably superior to those of public
sector executives. It's not necessarily so! How­
ever, there is one big difference between a
profit-motivated activity in the private sector
and a program-oriented activity in the public
sector. In the private sector there is an inex­
orable standard called ‘return on investment’
against which results can be measured. And so
in the long run management skills can be
judged objectively.

No such simple tool exists in the public
sector. So we need effective procedures and
skills for managing resources. This is the
reason why the Parliament on behalf of the
taxpayers requires justification, recording,
demonstration, etc of management decisions.
Thus I exhort managers to have patience with
the procedures in use which are necessary to
demonstrate accountability. We must observe
these procedures if fair and equitable public
expenditure is to be assured.

I hope this article serves to shed further light
on the process of financial administration. To
the extent that it fails to do so, or some aspects
require more detailed explanation, I repeat the
offer in the opening paragraph.
MAJOR David Horner in a recent article in the Defence Force Journal detailed the rivalry between the Regular Army and the Militia prior to, and during World War II. His study concentrated on the rivalry at an officer level, whereas this article will provide a more general examination of the Militia from 1930 to the outbreak of war in 1939. It will concentrate upon the Militia expansion of 1938 when many of the deficiencies inherent in the Militia system become more evident. It will be suggested, in contrast to Major Horner’s article, that the derisory views exhibited by the Staff Corps towards the Militia officers were in keeping with the general perception of the Militia. The article will demonstrate that throughout this period the combination of ineffective training procedures, obsolete equipment, inadequate facilities and insufficient recruits ensured that the Militia remained in the “Dad’s Army” class.

The Militia was formed in 1930 under the supervision of the Scullin government and was based upon a plan formulated by the Defence Council. The plan called for a voluntary militia of 35,000 men which would form, along with the depleted permanent force, the nucleus of Australia’s Defence Force. The Militia was based upon the units of the first Australian Imperial Force, with the exception that five infantry battalions and two light horse regiments were abolished by linking pairs of units. In addition it was planned to form a senior cadet force of 7,000 youths.

During the first four months of 1930 a recruiting campaign was conducted to raise the necessary number of militiamen. Despite the earnest efforts of the recruiters only 24,000 men volunteered for the militia and 5,300 youths (aged 14-17) for the senior cadets. The size of the Militia rose to 26,000 in 1931 and over the following seven years the Militia experienced a considerable turnover of volunteers and an increase in numbers. (See Table 1.) So that by September 1938 the Militia had on paper a strength of 35,242. This figure was only slightly more than that of the volunteer forces of the States when they were amalgamated into the Commonwealth force in 1901, when Australia’s population was nearly half what it was in 1938.

<table>
<thead>
<tr>
<th>Year Ended</th>
<th>Total Enlistments</th>
<th>Discharged</th>
<th>Percentage Discharged</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td>27,855</td>
<td>11,573</td>
<td>37%</td>
</tr>
<tr>
<td>1931</td>
<td>27,078</td>
<td>10,073</td>
<td>37%</td>
</tr>
<tr>
<td>1932</td>
<td>26,295</td>
<td>9,916</td>
<td>37%</td>
</tr>
<tr>
<td>1933</td>
<td>35,266</td>
<td>18,327</td>
<td>37%</td>
</tr>
<tr>
<td>1934</td>
<td>25,157</td>
<td>10,005</td>
<td>37%</td>
</tr>
</tbody>
</table>

When the Militia was formed in 1930 there had been talk of providing the force with modern weaponry and equipment. This proved to be only talk. The Militia was equipped almost totally throughout this period with the equipment the A.I.F. had brought back in 1919. Not only was the equipment dated, or in the case of the signal equipment totally obsolete, it was also supplied in insufficient numbers to enable adequate training.
The training the Militiamen underwent was also inadequate, consisting as it did of only six days continuous training in camp and six separate days of home training per year. The value and experience that could have been derived from the camp training was mitigated by the low attendance rate, only about 60 per cent of a unit’s paper strength actually attended, and the short duration of the camps. Half of the six days were spent getting there, settling in, tidying up to leave and the trip back. The large turnover of volunteers meant that a high degree of advanced training was not possible at the camps because each year there was a significant proportion of new recruits. The inadequacy of the training was also compounded by the lack of efficient junior officers and trained instructors.

From 1930 to 1938 there were no serious attempts made to improve the efficiency or the fighting capacity of the Militia. It tended to be neglected by the Lyons, and later the Menzies, government and was spasmodically attacked by the Labour opposition over its inadequacies. The Opposition frequently referred to the Militia as being a “paper force” because most of its members only appeared on paper and not on parade grounds or at camps. Memoirs and contemporary accounts would suggest that the general public also exhibited very little interest in or respect for the Militia. As one account recalls, the Militiamen “prepared themselves during long years in the face of public apathy and even ridicule and open hostility”.

The problems associated with the Militia did not attract much newspaper or public comment during this period, however, when the Government announced its plans to expand the Militia, in late 1938, many of the problems erupted to the surface and were subject to public scrutiny and comment. The Government first announced its intention to increase the size of the Militia on 4 October, saying that it would be expanded to 42,000 men. A month later, on 10 November, it was decided to further increase the size of the expansion to 75,000. The Government’s decision was greeted with criticism from army officers. They claimed that the inadequacy of the Militia was not due to its numbers but rather to:

“Lack of efficient junior officers with the power of leadership, lack of adequate equipment for training, and lack of enough regular officers and instructions”. They pointed out that the present facilities were generally insufficient to deal with the training of 35,000 men and were definitely incapable of training a force double that size. Improvement rather than expansion was advocated by many officers as being the best way to increase the efficiency and fighting capacity of the Militia. The Army officers claimed that the present deficiencies “too often convinced the best type of militiamen that he is wasting his time fumbling in the dark at night parades”.

Probably the worst deficiency in the system was the inadequate provision of drill halls. The majority of drill halls were over twenty-five years old and usually lacked sufficient lighting for satisfactory night drill. They tended to be inadequate in size and generally of such a poor standard that efficient drilling was virtually impossible. Many battalions had no parade ground incorporated into their drill hall, while some like the 18th Battalion (NSW) had never even had a drill hall:

“This battalion has its headquarters in three small rooms on the first floor of a building at Willoughby, with a flat roof on which temporary storerooms have been built, leaving an open roof area of about 30ft by 20ft on which training is supposed to be carried out. In consequence, the regiment has to parade in the street”.

Despite the obvious deficiencies in the system the Government went ahead with its plans. The recruiting campaign was launched in late October with the Government offering a series of incentives to attract recruits. The rate of pay was increased from five shillings to eight shillings a day when in camp and Commonwealth Public Servants were granted special provisions which allowed them to have leave to attend camps and parades without losing pay or forfeiting any privileges. In addition, if a volunteer completed three years of satisfactory training he was given an efficiency grant of £12. A new attractive uniform based on the service dress type with distinctive colour patches and distinguishing unit badges was instituted to attract recruits. As well, distinguishing badges for the volunteers to wear on their civilian garb were issued.
In addition to the incentives the Government launched a colourful recruiting campaign led by William Morris Hughes, who had been Prime Minister during World War I. The campaign reached to country areas previously neglected by recruiters and new training bases were established there. Pamphlets and posters abounded and even a recruiting song was composed. In the major cities recruiting rallies were conducted, complete with brass bands and speeches by war veterans and prominent citizens urging “the young men to fit themselves to defend their country”. In Sydney an intensive metropolitan campaign was conducted, which included the utilisation of cars fitted with loudspeakers. From these cars, addresses were delivered at suburban shopping centres on Friday nights. An innovative idea, but one which was not always appreciated: “at Ashfield the stentorian tones of the loudspeaker brought a protest from the local picture theatre in which the audience was unable to hear the dialogue above the sound of the recruiting appeal. The loudspeakers were toned down”.12

The campaign tended to rely heavily upon the oratorical ability and enthusiasm of William Morris Hughes. The “Little Digger” (Hughes) strode across the country giving forth with stirring speeches, beguiling the public into believing that, “War is thundering at our gates”.13 Although the Labor politicians protested against his appointment as recruiting director, one of them described him as a “anathema to the labour men and women of Australia”, it was principally due to his efforts that the campaign eventually succeeded.

The campaign was launched with much colour and enthusiasm, yet it had little effect. Military officers reported that after a fortnight the numbers attracted by the recruiting campaign were “no greater than the normal enlistment”.14 The first four weeks of the campaign produced only 1,651 men and military officers expressed doubt as to whether it would be possible to raise the objective of 35,000. The campaign dragged on, finally gathering momentum by the end of December (See Tables 2 & 3). The improved response was due to the worsening situation in Europe (the Munich Crisis), and the interest generated by the extensive recruiting campaign. An editorial in the A.I.F. orientated weekly, The Smith's Weekly, claimed that recruiting would pick up, “. . . now that more parade and flourish have been introduced into the campaign . . . but it is not a very great effort to provide 70,000 zealous citizen soldiers, completely effective in every way, from a population of 7,000,000”.15

This weekly later commented that, “a whoop was sent up for the Militia recruiting campaign today, because it showed 113 volunteers in one day! . . . this should have been a fair allowance for five minutes”.16 Recruiting had improved considerably by the new year and the desired strength of 70,000 was finally reached in March 1939. Despite the campaign and the incentives

| TABLE 2 |
| **Increase in absolute size of the Militia** |
| **STATE** | **DATE** | **30/9/38** | **18/11/38** | **30/12/38** | **27/1/39** | **24/2/39** | **3/3/39** |
| New South Wales | 12730 | 13592 | 15450 | 18873 | 23662 | 24622 |
| Victoria | 11356 | 11679 | 13976 | 16645 | 19127 | 19731 |
| Queensland | 4351 | 4550 | 5149 | 6538 | 8643 | 8990 |
| South Australia | 2708 | 2893 | 4085 | 4568 | 5192 | 5279 |
| Western Australia | 2604 | 2674 | 3017 | 3616 | 4478 | 4531 |
| Tasmania | 1488 | 1499 | 1589 | 1859 | 2281 | 2352 |
| **TOTAL** | 35237 | 36888 | 43266 | 52099 | 63383 | 65505 |

| TABLE 3 |
| **Increase in Enlistments** |
| **STATE** | **18/1/38** | **2/12/38** | **16/12/38** | **30/12/38** | **13/1/39** | **20/1/39** | **3/2/39** | **24/2/39** | **3/3/39** | **QUOTA** |
| New South Wales | 863 | 992 | 2171 | 2720 | 3871 | 4847 | 6902 | 10932 | 11892 | 11395 |
| Victoria | 223 | 365 | 1840 | 2620 | 3774 | 4314 | 5857 | 7771 | 8375 | 10290 |
| Queensland | 199 | 226 | 569 | 798 | 1164 | 1444 | 2795 | 4292 | 4639 | 5158 |
| South Australia | 185 | 210 | 971 | 1337 | 1483 | 1699 | 2001 | 2484 | 2571 | 2650 |
| Western Australia | 70 | 78 | 334 | 413 | 696 | 823 | 1278 | 1874 | 1927 | 1656 |
| Tasmania | 11 | 13 | 89 | 101 | 180 | 245 | 567 | 793 | 832 | 2200 |
| **TOTAL** | 1651 | 1884 | 5974 | 8029 | 11078 | 13372 | 19400 | 28146 | 30236 | 3334 |
offered the public seemed indifferent to joining the Militia. With a population of approximately seven million it was anticipated that it would take about two months to raise the necessary men, instead it took nearer to six.

Apart from increasing its numbers, very little else was done to improve the efficiency and fighting capacity of the Militia. Most of the money allocated by the Government to the Militia was spent on the supplying new stylish uniforms and in paying the increased allowances. Only token gestures were made to train more instructors and provide well trained junior officers. Likewise, only minor improvements were made in the supply of equipment and the upgrading of facilities. For most recruits it was still a matter of fumbling around in the dark with outmoded equipment.

Some attempt was made to improve training by increasing the period of camp training to twelve days per year, however, this was still too short a time to effectively train a unit. Especially as much of the time was spent perfecting parade formations. World War I veterans viewing the training dismissed it as being: "A formula of form fours, right turn, present arms, fingers brushing the trouser-seam, and similar rubbish fit only for half-wits". On the whole A.I.F. veterans were scornful of the Militia and, apart from some officers, very few veterans attempted to join it. They claimed that the Militia was basically a social club for 'Toy Soldiers' and that, "the bulk of the fit male population of fighting age would not join the Militia because of inept control and inefficient training".

Comments of this type paint an unfavourable picture of the Militiamen and their motives for enlisting. Obviously many Militiamen, particularly the officers, were very enthusiastic and competent and had enlisted out of a desire to serve their country. Likewise there would have been a large contingent who had enlisted because of the incentives or because it was a 'lark' and a chance to play at being soldiers. As one new recruit in the 2nd A.I.F. said of his colleagues still in the Militia; "they were only playing soldiers". Certainly the large turnover of recruits when coupled with the poor attendance rates prior to 1938, and the low transfer of men from the Militia to the 2nd A.I.F. in 1939, would suggest that a significant percentage of Militiamen belonged to this later category.

Certainly it was this category which attracted the most public comment and coloured the public's perception of the Militia. The majority of people did not treat militia recruits with the respect they might have expected. The Militiamen were frequently treated as a joke and were rarely accorded the respect usually reserved for men doing their duty. As suggested earlier in the article, earnest Militiamen had to persevere in their training in the face of public ridicule and even hostility. One recruit recalled that while in the Militia he had to be, "tolerant towards friends who considered me a fool, and equally unperturbed by the sneers and audible gibes I encountered when in uniform".

The veterans of the 1st A.I.F. and the general public would seem to have shared the Staff Corps disparagement of the Militia.

It is somewhat surprising to find on the eve of war such negative views being exhibited towards the force which the politicians saw as being the principal component of Australia's defence. Yet after nine years of existence the Militia had not evolved into a efficient fighting force. Some selected units had taken part in complex exercises, but on the whole this was not the case. At the outbreak of the World War II over half of the Militia had less than a years' experience behind them, that is less than eighteen days actual training, and the majority of recruits would have had less than thirty days training. This training consisted of brief stays in camp and one night every two months drilling at a local hall. The training tended to be preoccupied with perfecting parade formations and the practical training they did receive was hampered by the dated nature of the equipment, which was in limited supply anyhow; the large turnover of recruits; and the lack of trained instructors.

So it would seem that at the outbreak of war the Militia was very much in the 'Dads Army' class. This is not a reflection on the age of the recruits but rather on the level of efficiency that was attained. It would also appear that Major Horner's comments on the Staff Corps-Militia rivalry, despite his disclaimer, are applicable to Australian society as a whole and that the Militia had very few friends in the period 1930-39.
NOTES


2. Ibid, p. 13. It will also be suggested towards the end of the article that the A.I.F.-Militia rivalry was prevalent as early as October 1939 rather than 1941 as postulated by Horner.


5. Many militia officers were not content with this limited training and the more enthusiastic of them gave much additional time to weekend and evening classes, to tactical exercises without troops and to reading.

6. There are two principal reasons for this low attendance rate. First, leave was not usually granted for militia men to attend camps and therefore not many men were prepared to sacrifice either their holidays or wages to attend. Secondly, many militiamen considered the camps a waste of time.


10. Sydney Morning Herald, 7 November 1938.

11. Sydney Morning Herald, 8 November 1938.

12. Sydney Morning Herald, 8 November 1938.


15. Commonwealth Debates, 8 December 1938, Vol. 158, p. 2935. The choice of W. H. Hughes as recruiting director was a curious one. Although he was highly thought of in some sectors of the community, particularly among the ex-Diggers, he was detested by Labor Supporters. His appointment had the effect of once again splitting the community and denying the campaign the support of the Labor Party.

16. Figures from Sydney Morning Herald, 4 October 1938-7 March 1939.

17. Table 2 records the number of new recruits drawn to the militia, presumably as the result of the recruiting campaign. It demonstrates the initial slow progress made in each state towards fulfilling its quota. Although recruiting commenced in mid-October, no noticeable increase in new recruits was recorded until 18 November 1938. It is significant that in the following weeks only an additional 233 men were enlisted indicating how little impact the campaign was having at this stage. The figures are drawn from those released by the military authorities and reprinted in the Sydney Morning Herald 4 October 1938 — 7 March 1939. These figures had to be sorted out from the more enthusiastic, but inaccurate, approximations appearing in the paper as being correct. The figures used have been checked, where possible, against those appearing in Commonwealth Debates, Vol. 158, pp. 136ff.


22. This is in stark contrast to the efforts of these men to enlist in the 2nd A.I.F. in 1939 and 1940. Although they were over-age they went to considerable lengths to enlist and quite a large number succeeded in getting in. The high number of such men in the 2nd A.I.F. is commented upon in all battalion histories, in particular see: M. Uren, A Thousand Men at War: The Story of the 2/16 Battalion, A.I.F., Adelaide, 1959, pp. 11-12 and E. F. Aitken, The 2/2nd Australian Pioneer Battalion, A.I.F., Melbourne 1953, pp. 3-4. See also; Jeff Popple, A very Temperate Reaction: A study of the first nine months of the Second World War in Australasia, with particular emphasis on enlistment in the 2nd A.I.F., unpublished Honours Thesis, University of New South Wales, 1980, pp. 66-67.


25. When the 6th Division was formed the main problem confronting the recruiters was the reluctance of Militiamen to transfer to it. It had been planned that recruits from the Militia would constitute fifty percent of the Division, however, they were to only provide between twenty to twenty-five percent of the Division. A repeat of this occurred when the 7th Division was formed in 1940. The low transfer of militia recruits generated a feeling throughout the 2nd A.I.F. that the Militia had let them down and that they were only 'Toy Soldiers'. J. Popple, opcit, pp. 24-26, 51-54, 69-70.


27. For example, in October 1938 the 1st Brigade and later the 8th engaged in a demanding and complex coast defence exercise north of Newcastle.

28. In September 1939 the Militia had 75,000 recruits of which 50,000 had enlisted since 1937. (Refer tables 1, 2 & 3).

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APPEAL FOR PHYSICALLY HANDICAPPED CHILDREN

Two Central Office public servants, entrants in the Queen of Canberra Quest, are hoping to raise more than $60,000 for Canberra's Hartley House and Hartley Street Centre. These are non-profit organisations established to provide for the care and welfare of physically handicapped children in the ACT.

Lyn Fairlie and Genelle Mills entered the Quest to help raise money for the centres, whose running costs exceeded $100,000 in 1981.

The Hartley Street Centre, located at an ACT primary school, provides educational and paramedical facilities for physically handicapped children of the ACT and surrounding areas.

Hartley House provides accommodation for physically handicapped children. Plans for a second hostel are well advanced.

Donations can be sent to:
Queen of Canberra Entrants,
C-4-32
RUSSELL OFFICES ACT 2600
Cheques should be made payable to "Hartley House".
The role of Menzies in the Suez affair

By Bernadette McAAlary, South Australian Health Commission.

There is little doubt that Robert Gordon Menzies was one of Australia’s most brilliant politicians. In spite of the humiliating circumstances of his overthrow in 1941, Menzies regained and maintained his status as Australia’s leading political figure for some seventeen years.

This was largely due to the fact that Menzies’ past was incorporated as part of the role of the Liberal Party leader. In this, Menzies proved he was a good strategist and tactician. What he did was to give the leader unlimited authority to appoint and dismiss ministers and to determine policy. He created a position for the leader, whereby the leader was a winner. While this formulation was decidedly a recipe for leadership success nationally, the possession of unlimited authority heavily impregnated Menzies’ character and intruded on his role in the Suez affair. He acted as a powerful politician rather than a leader appointed as a diplomat to facilitate and liaise in a delicate international crisis.

What became an international crisis was sparked off by economic considerations in Egypt. Nasser, faced with considerable poverty in Egypt, wished to utilise the Nile. To do this he embarked on the building of the Aswan Dam which was to be financed by American funds through the World Bank.

In adopting a policy of active neutrality, Nasser believed he could take aid from Russia, as well as America, and abstain from identifying with either side. In 1955, Nasser’s acceptance of Russian aid for military weapons triggered off the crisis in which America viewed Egypt’s acceptance of Russian aid as a move of non-alliance and subsequently cut off American funds for the building of the Aswan Dam. This left Nasser to consider other sources of funds to ensure continuation of the dam project.

On 21st July, 1956, Nasser nationalized and assumed control of the Suez Canal following the American and British decisions not to underwrite construction of the Aswan Dam. Nasser, faced with the realism of international politics, nationalization of the Canal Company served as a last resort tactic, a bargaining point, to ensure the provision of foreign funds for Egypt’s economic development and to prevent degradation of Egypt’s sovereignty and emerging nationalism. This instigated ‘the Suez Crisis’, what was seen as Nasser’s arbitrary, unilateral, and abrupt seizure of the Suez Canal.

Legally, Nasser had a fairly strong case. He could produce substantial evidence to support his contention that the Canal Company was an Egyptian company subject to Egyptian law. The Canal itself was, as he claimed, indisputably an inseparable part of Egyptian territory, it had been built by Egyptians, some of whom had died on its construction. He firmly adhered to the fact that it was an established precedent in international law that a state could nationalize a private enterprise under its jurisdiction, provided it paid adequate compensation. He had broken no agreement except the
Company’s concession, which was not an international treaty but a contract between a private company and the Egyptian Government. Nasser further declared any attempt to confuse the Company and freedom of navigation was only intended to find an excuse for interfering in Egypt’s internal affairs. The proposal to set up an international authority for the Canal was ‘nothing but a polite form of international colonialism’. Nasser stressed Egypt’s intention to guarantee freedom of navigation and proposed a conference of the signatories of the 1888 Convention and of Canal-users to reconsider the Convention. Nasser behaved with circumspection in order to avoid any further provocation. “His aim was to impress on the world that it was ‘business as usual’ at the Suez Canal despite the change of management.”

The legal aspect was not seen as clear cut by the Consortium. While the legality of the nationalization of the Company as such was, in fact, scarcely questioned by the British and French, the Consortium could not agree Nasser’s action was illegal.

The main legal argument employed by the Western Powers was a more sophisticated echo of a widespread public confusion between the Canal Company and the Canal itself. This argument was that the Canal Company was ‘an international agency’ with rights beyond its concession, the rights being rooted in the Constantinople Convention of 1888 which guaranteed freedom of navigation at all times. The convention, it was argued, set up a system of operating the Canal so as to ensure freedom of navigation, and the Canal Company was intended as its prime instrument.

Nasser did point out that there was no connection between the operation of the Canal and the obligations of the 1888 Convention: while the Company’s concession would in any case have ended and reverted to the Egyptian Government in 1968, the Constantinople Convention, with no time limit, would have continued. The Suez Canal Company had never been at any time responsible for freedom of navigation through the Canal. This had been legally the responsibility of the Egyptian Government since recognition of Egypt’s sovereignty in 1922.

Since the departure of British troops, Egypt had been in sole physical control of the Canal; even while the British troops were there she had exercised this control. The only international treaty governing the Canal was the 1888 Convention and Egypt had reaffirmed her intention of observing it. This situation had in no way been changed, in the Egyptian view, by the nationalization of the Canal Company.

Knowing themselves to be weak on the legal side, the British, particularly, supported their arguments for an international authority to control the Canal on technical and financial grounds. This was motivated by Britain’s concern, that with the seizure of the Suez Canal, she was at risk of losing her oil interests in the Middle East and also that blockage of the Canal would have dire effects on the already shaky position of Sterling. Only this way, they argued, could they be sure that the Canal would be operated efficiently and would neither break down under Egypt’s inexperienced management nor have its tolls raised excessively and its revenue exorbitantly milked for the development of the Egyptian economy.

However, when the British and French pilots of the Canal Company were withdrawn on 15 September, Nasser proved that Egypt could run the Canal efficiently without them. On the financial side, he offered to negotiate an agreement with the Canal-users on the fixing of tolls and on guarantees for the use of a fair share of the revenue for development.

Nasser did not insist that all ships pay their Canal dues to the new Egyptian authority. When the British and French ordered their shipowners not to pay dues to Egypt but into the accounts of the old Company in London or Paris, he continued to allow British and French ships to pass through the Canal. In spite of the threatening British and French troop movements and the freezing of Egyptian assets, there was no molestation of British or French nationals in Egypt or interference with their property.

In the aftermath of Hitler, another issue surrounding Nasser’s actions was political. Eden saw the Canal Company nationalization as one step in a vast programme of conquest by an ambitious dictator. Nasser had been a military commander, as President, he initially operated from a military power base but quickly
established firm ties with the Egyptian people and the Moslem faith. In the wake of World War II, it can be understood how Eden struck the analogy between Hitler and Nasser. In Eden’s mind old fears were revitalised: if you didn’t stop him in the first instance, you’d never be able to stop him. To get in quickly was to prevent a major conflict.

This vision assumed nightmare proportions as the crisis wore on, until Eden saw Nasser not only dominating the Middle East but also setting out in league with Russia to control the destiny of all industrial Western Europe by cutting off the oil supplies. “In Eden’s mind, Nasser was like Hitler and the Canal was the Rhineland. He had to be stopped now, by force if necessary.”

Conquering Egypt, of course, would simply have been reverting to the days of British occupation, “a quagmire from which Britain had only just extricated herself through the 1954 Canal Zone agreement.”

In the United States, Eisenhower from the outset considered the future of the Canal and the problem of Nasser’s influence in the Arab world as two separate issues, neither of which could be solved by rushing to war. Dulles’ action over the High Dam had been first moved towards ‘cutting Nasser down to size’ by economic pressure and diplomatic isolation. Eisenhower was not convinced by Eden’s panic picture of Nasser bringing European industry grinding to a halt. A study by American experts soon revealed that, by a combination of rerouting round the Cape and increasing supplies from the Western hemisphere, Western European oil supplies could be maintained. The cost was burdensome but not catastrophic. The most important points about the Suez Canal for the United States were that it should be operated efficiently and that navigation through it should be free to all nations in accordance with the 1888 Convention. “Recognizing that an adequate solution must, on the one hand, respect the sovereign rights of Egypt, including its rights to just and fair compensation for the use of the Canal, and, on the other hand, safeguard the Suez Canal as an international waterway in accordance with the Suez Canal Convention of 29 October 1888.”

To achieve these results on a permanent and reliable basis the Conference thought it was necessary to establish: a Suez Canal Board to operate, maintain and develop the Canal, an Arbitral Commission to settle disputes and an appropriate association with the United Na-
tions for review if necessary. It was ultimately decided that a Committee chosen by the Conference should approach the Government of Egypt to place before it the views of the represented governments, to explain their purposes and objectives, and to find out if Egypt would agree to negotiate a Convention on the basis of those views. The Committee was chosen unanimously and Menzies was designated as Chairman. Menzies understood his brief and stated it clearly in his own words, "it was clear that we were not to negotiate a treaty but only to secure such agreement in broad principle as would enable later negotiations for a treaty to proceed."

As Chairman of the committee, Menzies confessed he was not optimistic as to the outcome of the negotiations, however, "we had no desire that our talks would fail on some point of pride".

This last sentiment seems posed, in view of the facts, that the Committee failed to show goodwill and proposed that Nasser travel to Geneva for their meeting. When Nasser further proposed to meet the Committee in Cairo, Menzies' true colours began to become evident. "We agreed. We decided that, to avoid all difficulties, we would acquiesce and interview him on his own ground and among his own people."

Menzies' arrogance and disdain towards Nasser are well documented by Menzies himself: "We had a first meeting with the President. We moved in through a barrage of photographers, whose craft and presence seem to be rather more important to dictators than to elected people; and that is saying a good deal."

Menzies' attitude was a matter of concern, for Casey takes time to point out in his diary: "Contacts between people of European blood and Asian peoples in general are frequently bedevilled by a feeling of superiority on the part of the Europeans. If you have a feeling like this in the back of your mind, it is practically impossible, some time or other, to stop the impression being made known to Asians with whom you are talking. As intelligent, sensitive human beings, they get the evidence."

Perhaps the last laugh was on Menzies because of his racism. Having patronizingly asked Nasser if he preferred to have the case put in some other language other than English, Menzies must have been at some degree of pain to learn Nasser spoke fluent English. Menzies' total distinterest in Nasser, as a person, precluded his finding out that Nasser had been educated at Cambridge University. Even this British 'add in' didn't allow Menzies to excuse Nasser's "irritating mannerisms".

Having presented the proposals as formulated at the London Conference, Menzies asked when the meeting adjourned, if he could have a private talk with Nasser. Menzies admits, "I decided...to do something which was not within my terms of reference". Because the Cairo press on the previous day had reported Nasser's announcement that the proposed Franco-British mobilization moves were bluff, Menzies went to some length to dissuade Nasser in his view — "There seems to be a general assumption in the Egyptian press that the London Conference decided against force. This is not so."

Menzies was certainly not empowered to make any such statement and clearly had exceeded his brief.

The next day when President Eisenhower rejected the use of force in Egypt completely and unconditionally, Menzies accused Eisenhower of giving the "final power into the hands of Nasser". It is ironical when Menzies had threatened force with diminishing odds of "100 to 1" that he should, in this instance, reprimand the U.S., "with unfeigned respect, I cannot regard it as an element in statesmanship to relieve one's opponent of anxiety. In great matters, nations do not commonly commit themselves in advance, in absolute terms, to anything". It is more the point that Menzies' pride and self-esteem were injured, "my friendly warning of the previous evening about the possibilities of force could be ignored".

'Friendly' warning of force is an obvious contradiction. It serves to indicate Menzies' deficit in commitment to pursue a policy of peaceful co-operation with Nasser. Menzies literally forced the issue in an attempt to ensure he came out of the negotiations, in what had become a set pattern for him — the winner. There seems little doubt that placed in the international spotlight, Menzies felt an overriding compulsion to be successful. This end precluded reticence to use the threat of force as a ploy.

In summing up Nasser's reactions after the meeting, Menzies says: "Nasser thought he had a great advantage, and was not slow to make capital of it. If what he had done was lawful, if the Canal belonged to Egypt free of any contractual obligations, then all that the eighteen
powers were doing was to ask him graciously to make concessions at his own will."(22)

It is taken from this statement that Menzies still denied the facts which were agreed by the concensus. Apparently, Menzies never admitted the possibility of a compromise to which the Egyptians could agree. Worse than this, he continued to maintain the unbalanced belief, "that Nasser had been left in possession of the field, and there was no room left for negotiation".(23) — it became an all or nothing campaign, a choice between force or surrender.

There was little point in Menzies trying to regain ground by reiterating that "the proposals put to Nasser were introduced and expounded to the London Conference by the United States Secretary with, one is bound to assume, the full backing of President Eisenhower".(24) As mentioned earlier, in the U.S., Eisenhower from the outset considered the future of the Canal could not be solved by rushing to war! Having occupied the chairmanship of the Committee, Menzies was foolish to plead ignorance of this point. Failure to examine all facets of the argument was no excuse.

Menzies' diplomatic acumen was not aided by holding the United Nations in contempt, "it is, I suppose, unwise to be too positive about that strange melange of disunited nations known as the United Nations".(25) This further statement highlights Menzies' negative disposition towards the United Nations. "Force can never be employed except by and pursuant to a decision of the United Nations Security Council. This I would regard as a suicidal doctrine for, having regard to the existence of the veto, it would mean that no force could ever be exercised against any friend of the Soviet Union except with the approval of the Soviet Union, which is absurd."(26)

One cannot omit Menzies' inflexibility and stubbornness as contributing factors of his rejection of the United Nations as a tool for negotiation. While Menzies endured, keen to applaud police action by the French and British in Egypt, he seemed unreasonably quick to heavily criticise any suggestion that police action be taken by the United Nations. Menzies again ignored the facts in denying use of the U.N. in an international dispute. The United Nations was the correct body through which negotiation should have proceeded in an international dispute. When Menzies rebuked those who opposed the use of force he confirmed his use of negative foreign policy which was inappropriate and out of step with the current diplomatic philosophy of the time. Australia's role in international affairs had shifted from a traditional role that was centred around Britain. With the emergence of dominant states in Asia, the contemporary role of Australia in international affairs should have reflected a primary focus in the Pacific. Strategies had also changed; "gunboat" tactics were no longer appropriate; the current view in the mid 50's revolved around diplomacy. Menzies' doctrine of meeting what he saw as foreseeable seizure of the Canal with force was an antiquated tenant. While Menzies received criticism he took no heed to be "neutral and temporizing".(27)

No real debate on the issues surrounding the Suez Canal ever took place in Australia. This strongly suggests that Menzies' rebuke of those who were opposed to the use of force was effective in squashing the possibility of public debate. In spite of the lack of debate, Menzies did receive critical and astute analyses on several occasions from his Foreign Minister, Casey.

With the advantage of hindsight, Casey seems to be one of the few Australians who had a realistic appreciation of the influencing factors of the Canal affair. Certainly his perception was acute and in many ways seems to have been superior to Menzies. He understood the magnitude of the delicacy and patience required in the negotiations. He outlined what can now be reviewed as a very appropriate strategy.

Casey was concerned that, in the first instance, the Committee show goodwill by deferring to Nasser, as regards the place of the conference and that it be made formally clear that the Conference would discuss arrangements without pre-conditions. On this point, Casey confessed, "The Egyptians were quite capable of pulling the house down about their ears rather than submit to being rough handled".(28)

If the objective was Egyptian agreement to an arrangement, in order to prevent rough handling, Casey foresaw that a long period should have been envisaged for discussion and the process of negotiation. As history has revealed, Menzies, as the negotiator, did not pay heed to any of these considerations.

Casey saw no point at all in threatening force: "Whatever restraint was imposed on Egypt by the presence of British forces in the
Canal disappeared with those forces in 1954. The forcible re-entry of troops or the use of persuasion, is unlikely to achieve any more definite assurance of Egyptian performance than prevailed when there were 80,000 British troops on the Canal.**

He saw that there was no doubt that America would not provide forces for any offensive and was adamant that Britain do an appreciation of the military and political effects of their proposed use of force.

He, unlike Menzies, weighed the consequences for Australia, should Australia become a party to the threat of force. “I wonder if the U.K. Government realises the inevitable implications of the use of force. If and when the first round is fired, the merits of the Suez Canal dispute will be forgotten, and the fact that a great Power has used force on a small Afro-Asian nation to deal with a political problem will dominate the minds of the majority of the countries of the world. World opinion would be overwhelmingly against the U.K. and inferentially against Australia.”

Casey also foreshadowed what might be done if the negotiations broke down. Although he anticipated a Russian veto, he urged recourse to the Security Council and the General Assembly. He pointed out it was not a matter of a promise of any positive result but a matter of demonstrating a desire to enhance all means of achieving a peaceful settlement.

The truth about Menzies’ role in the Suez affair is that Menzies was not the best choice for the diplomatic mission. While he was a shrewd and successful lawyer and an assertive and powerful politician, he lacked an unbiased, wholistic view of the issues. He failed to see that political tactics applicable in Australian Government would not ensure the same success and were, indeed, inappropriate in diplomatic negotiation.

Menzies did receive other and more professional advice. No one, with the benefits of the historical record, can deny the accuracy of Casey’s insight into the issues or the accuracy of his suggested strategies. It seems obvious that Menzies’ failure to negotiate successfully in the Suez Affair was not only due to personal traits which dictated his biased approach in the negotiations, but in large part, to his ignoring that advice of his experienced Foreign Affairs Minister, Casey. On this last count, Menzies, therefore, could not plead ignorance.

NOTES
(2) ibid., p. 207.
(3) op. cit., p. 208.
(4) op. cit., p. 203.
(6) op. cit., p. 204.
(7) Menzies, R., ‘AFTERNOON LIGHT’, p. 150
(Cassell, Australia).
(8) ibid., p. 151.
(9) op. cit., p. 153.
(10) op. cit., p. 155.
(11) op. cit., p. 161.
(12) op. cit., p. 161.
(13) op. cit., p. 162.
(15) Menzies, R., ‘AFTERNOON LIGHT’, p. 163
(Cassell, Australia).
(16) ibid., p. 164.
(17) op. cit., p. 164.
(18) op. cit., p. 165.
(19) op. cit., p. 165.
(20) op. cit., p. 166.
(21) op. cit., p. 166.
(22) op. cit., p. 166.
(23) op. cit., p. 168.
(24) op. cit., p. 175.
(25) op. cit., p. 174.
(26) op. cit., p. 174.
(27) op. cit., p. 177.
(29) ibid., p. 244.
(30) op. cit., p. 244.

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AUSTRALIA AT WAR 1939-1945, by John Robertson, William Heineman; Melbourne, 1981. 269 pp. $27.50.
Reviewed by Jeff Popple. Dept. of Defence

World War II has yet to receive the same attention from Australian historians that World War I has experienced. While numerous unit histories, war memoirs and accounts of the various battles have been written, analytical studies and general histories of the Australian war effort from 1939-45 are virtually non-existent. The works by L. L. Robson, Bill Gammage and Michael McKernan on World War I are yet to have their World War II counterparts. Apart from the Official War Histories, which tend to deal mainly with the organisational aspects of the war effort, there has been little attempt to put Australia's contribution into perspective and virtually no attempt to analyse the effect of the War upon the Australian home front or upon post-war society. These gaps in Australian historiography are reflected in John Robertson's study on Australia At War.

In his book Robertson has attempted to synthesize the literature on Australia's contribution to the Allied war effort into a relatively short survey. In a sense Robertson's book details the 'state of the art' of Australian historical writings on the War. Unfortunately, his account was written too early to include comments on two recent controversial books; Timothy Hall's account of the bombing of Darwin and Michael Montgomery's book on the sinking of the HMAS SYDNEY. Australia At War is designed to serve as an introduction for general readers and students to the major wartime issues and to direct them to publications which deal more specifically with these issues. To achieve this latter goal an extensive bibliography is provided at the end of the book. The bibliography contains the Official War Histories of the Allies; some memoirs and autobiographies; accounts of the various campaigns and battles; books on specialist war topics and analyses of the Australian-American alliance. However, it fails to list the numerous excellent Australian unit histories which exist and it also neglects. C. E. Dornbusch's Australian Military Bibliography.

The bias in the bibliography towards Official War Histories and books of Australia's changing foreign relations, is also reflected in Robertson's text. Australia At War deals with the planning and execution of the Australian contribution to the Allied war effort at its highest level only. The ordinary Australian serviceman is hardly accorded a mention, instead Robertson concentrates on the politicians, the public servants and the service chiefs who formulated Australia's war policy. He details the politics of the War and the changing relationship between Australia and its dominating Allies, Britain and America. He charts the deterioration of the armed forces during the inter-war years, the initial reactions to the War and the dispatching of the three infantry divisions to the Middle-East. From there he examines the role played by the Australians in the desert campaign and the 6th Division's participation in the disastrous Greek campaign, for which he equally blames both Blamey and Menzies. (Interestingly, Robertson points out that despite the recent sweeping claims for the importance of Ultra to the Allies, that it was of little value to the Australians in the Mediterranean: "It did not save the AIF from the disasters of Greece and Crete, the retreat in Libya in April and the premature invasion of Syria.")

Following the entry of Japan into the War the book concentrates on Australia's attempt to starve off invasion and counter the Japanese threat. Australia turned desperately to America for help, in what Curtin saw as being 'Australia's gravest hour.' Robertson emphasises the complete willingness by Australia to place herself and her Army under American control. "American officers worked out the plans, decided strategy and issued orders to the service commanders in which most of the troops for the time being (1942) were Australian." Once the threat of invasion passed Australia downgraded her war efforts slightly, but remained in the fighting for political and moral reasons and to preserve her sphere of interest in the
Pacific. Robertson concludes his book with four general chapters on *Australia at War*, including a token chapter on the Australian home front.

For the war historian and the specialist reader, Robertson's book will probably prove to be both useful and frustrating. It does provide a useful general summary of the Government's response to the War, and of the main historiographical issues. At the same time, however, this summary approach means that most issues are not dealt with in significant detail and many are glossed over. For instance, Robertson ignores the recruitment and morale problems which arose in 1939, and continued throughout the war, due to the Government's two army policy.

Although inaccuracies are hard to spot they do occasionally occur, especially when Robertson relies upon secondary sources rather than investigating the primary sources available. His claim (p. 18) that "the Government had no trouble in obtaining volunteers for the 6th Division", creates a wrong impression of the period and is refutable by referral to primary sources. The Government had anticipated that it would take less than a week to raise the necessary troops for the Division, instead it took nearly six weeks. The response to the recruiting campaign for the 6th Division was far from overwhelming and the Government was sufficiently concerned about the response as to extensively discuss it at a meeting of the War Cabinet on 28 October 1939.

Robertson's account is largely abstracted from the actual fighting of the War and the experience of living in war-time Australia. His account deals with the battles fought in the War Cabinet and between the service commanders, rather than with those personal conflicts in and with the desert and the jungle. Apart from one brief chapter there is no attempt to analyse the effect of the war on Australian society. There is no consideration of the massive mobilisation of women into the workforce, of the fate of non-enlisters, or of the response and gradual disaffection with the 'Yankee Invasion' of Australia. To a large degree this is because World War II has yet to be subjected to investigation like Michael McKernan's study on the *Australian People And the Great War*.

Regardless of these deficiencies, those with a keen interest in Australian war history will find the book useful, especially for the bibliography. The student and the general reader will probably find the book rather heavy going. The formality of the writing is matched by the presentation of the book, which is reminiscent of an old text-book. It has a plain cover, no photographs and a couple of very simple black and white maps. At $27.50 the only thing not austere about this book is the price.

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Reviewed by Major G. L. Cheeseman, R.A. Sigs.

The impact of technological change on our social, economic and political environment is a question of growing concern where the spectrum of views taken ranges from the belief that technology is the panacea for all ills in society to the view that technological change will result in large-scale unemployment, the dehumanising of work and the ultimate destruction of mankind.

In this last respect, the developments in military technology and its effect on both the likelihood of war and the social and economic costs of preparing for war, are particularly important. In 1979, the United States spent over $15 billion or 12 per cent of its total defence budget on military research and development. Such disproportionately large expenditure on military R & D (most private firms spend only 2 to 5 per cent of their sales output on R & D) is justified in terms of ensuring technological superiority over the U.S.S.R. In the light of the Soviet's ability to absorb U.S. developments in technology, however, the policy of maintaining technological superiority seems to result only in the continuation of the arms race and an increase in the likelihood of superpower conflict. In this latter respect, the development of new generation weapons like the Russian SS-20 and the U.S. Pershing missile systems upsets the balance of power by providing, in the minds of part of the military at least, the notion of first strike capabilities and "winnable" nuclear wars. In addition, the sale of older generation weapons to other countries (the international arms trade has grown by 60 per cent since the mid-1960s...
to a total of some $US13 billion per annum where most of the increase has been concentrated in the Middle East) increases the chances, and global consequences, of regional conflict.

The fact that in the longer term technological change may seriously undermine the level of national security it is intended to provide, raises a number of important questions. Is the policy of pursuing technological superiority worthwhile? If it is, given the increasing cost of staying abreast of technological change, how can we be sure that the money invested in defence is being spent wisely? Will the development of new technologies always provide corresponding increases in military capability? And does the drive for technological superiority stem from a reasoned and genuine concern for national survival or does it really reflect the economic, political and bureaucratic environment in which the R & D and the broader defence planning processes are imbedded?

These types of issues are the continuing concern of the Peace Studies Program at Cornell University. The book, *The Genesis of New Weapons: Decision Making for Military R & D*, is based on the proceedings of a workshop that was held at Cornell in 1979 on the U.S. program of military R & D. A detailed knowledge of these programs and the chief actors involved is seen by the editors as an essential first step in examining the broader relationship between technology and national security.

The book comprises articles written by authors with a variety of backgrounds ranging from serving officers through civilian analysts and representatives of defence industries to members of congressional-committee staffs. As might be expected, the book's contents contain a range of often conflicting views on the value and conduct of R & D in the U.S. The editors have minimised the confusion that can arise from such an approach by providing an excellent introductory overview and by grouping like articles under broad subject headings (the problems of the present system of R & D, a detailed description of the U.S. process, a comparison of the R & D processes in the U.S. and the U.S.S.R. and the political oversight of military R & D).

The major issues that arise are certainly not new. There is the familiar concern that R & D in the U.S. (like force development in Australia) follows an incremental rather than a rational model. This is said to be due to the hierarchical organisational structure that supports the R & D process, with its requirement for extensive consultation and review at all stages of a project. Such a system can result in considerable delays in project implementation as well as compromises over desired system components in order to get the project approved. A tendency to overspecify military requirements also means higher design and production costs which in turn precludes smaller, more innovative firms from entering the defence market. On the other hand, any attempt to streamline the R & D process may increase the overall cost of R & D because more projects would advance beyond the project definition stage.

A second, important theme is the lack of external control over military R & D. While Congress has, over recent years, taken an increasingly active part in overseeing the programs and budgets of the U.S. Department of Defense, its political concerns have prevented it from being fully effective. As a result, the weapons systems that are developed tend to reflect the internal interests of the services and other organisations involved in the R & D process rather than meet the overall security needs of the nation. This type of problem can be expected to be even more acute in Australia where our Westminster style of Government, with the location of legislative and executive powers within Cabinet, its strict two-party divisions and trend towards greater prime ministerial control, leave little scope for independent and effective parliamentary scrutiny of departmental objectives and programs.

In the case of the U.S., these types of institutional and political constraints are said to be reducing the efficiency and effectiveness of the system of military R & D. As a result, the natural advantages that an open and competitive society like the U.S. provides in the fields of science and technology generally is lost and so the Soviets are able to remain in step with U.S. military development. In the editors' view, the solution to these problems lies in adopting a more rational and more innovative approach to military R & D, where the suitability of options should be measured in terms of overall national security considerations rather than narrow parochial interests. This in turn requires a better understanding of
the structure of the U.S. military forces and their role in foreign affairs as well as the most appropriate emphasis to place on new military technology.

The Genesis of New Weapons provides both a handy reference to the process of military R & D in the U.S. and an interesting insight into its aims and effectiveness. It highlights the fact that the current debate in Australia over the suitability of our approach to defence planning is not unique and that the lessons derived from an analysis of the U.S. R & D process may be appropriate in the broader context here.


Reviewed by Major D. M. Horner, RAINF.

This monograph was originally delivered as the Daniel Mannix Memorial Lecture to the Newman College Students’ Club, University of Melbourne, in June 1980. It does not, of course, pretend to be in any way definitive. Nonetheless it provides a fresh and balanced approach to the life of Sir John Monash.

Sir Bernard Callinan is well placed to write this monograph, for like Monash, he is a distinguished soldier, engineer and knight. And with those qualifications he writes with equal authority about Monash’s achievements as an engineer, both in the period of almost thirty years practice before the First World War, and in the period eleven years after the war as Chairman and General Manager of the State Electricity Commission, and also of his five years of command during the war.

In Callinan’s view Monash did not have a powerfully original mind, but it did have a quite extraordinary range. His engineering was sound, and, of necessity, wide ranging, but he had little opportunity to show great distinction in it. As a soldier, nearly everything he did was done superbly; but he did not have the opportunity to excel at the highest level of generalship. Callinan concludes that if genius is the extraordinary use of extraordinary gifts, and greatness the extraordinary use of ordinary gifts, Monash can truly be described as great.

Much of the new material in this monograph has been taken from an early draft of Geoffrey Serle’s forthcoming biography of Monash to be published by the Melbourne University Press in 1982. Sir Bernard Callinan’s account serves to whet the reader’s appetite for the longer work. In the meantime, for a concise, challenging and thought provoking analysis of one of Australia’s greatest servants, this book well rewards forty minutes’ reading.


Reviewed by Chris Coulthard-Clark, Dept. of Defence

In his 1978 book entitled Die Like the Carp, Harry Gordon wrote of an Italian POW at Cowra, Private “Vito” Vivaleccia, whose experience of a farm employment scheme for his countrymen in captivity ended in 1944 in a rather pathetic emotional (and sexual) tangle with the Australian couple who employed him. The chapter dealing with the episode was wholly irrelevant to Gordon’s account of the mass breakout by Japanese POWs from the Cowra camp — it can only be presumed he was indulging a newspaperman’s reluctance to pass up a good story — but it was one of the few things published regarding the Italians held as POWs in the country during the Second World War, until the appearance of the work under review.

To be fair, Fitzgerald also devotes Chapter 10 in his book to recounting the exploits of Latin lovers among the POWs, but in this case the inclusion of such material is not so transparently prurient in motive. It is, however, something of a reflection on the thoroughness of Fitzgerald’s search for sources that Vivaleccia’s case, undoubtedly one of the more bizarre, does not receive a mention, this reader also found one of the author’s more perceptive observations regarding such liaisons not in the context of Chapter 10 but during discussion of a different aspect in Chapter 6; Fitzgerald writes: ‘The traditional fear of a ruling caste that its women would be violated by the lower orders, seen in fears about the potency of blacks in the American South, was reflected in the Australian Army’s direction that particular attention should be paid to the POWs’ association with Australian women’.

The author’s allusion to America’s pre-Civil War system of slavery very much sprang to
this reviewer’s mind when reading other parts of the book. The idyllic picture of POW’s rural life in the area of Orbost, described on page 36, was one instance. Here we see the Italians strolling along country roads by the river, singing songs of home. ‘Some of the men had very good voices and the harmonies were a delight to listen to in the evenings at the PWCC (Prisoner of War Control Centre), especially as the repertoire was very varied’. This tendency at times to romanticise the situation of the prisoners perhaps owes something to Fitzgerald’s childhood meeting of his first Italian POW, walking the roads of Coonabarabran in a dyed cast-off Australian Army uniform. It was, he states in the introduction, the ‘memory of that lonely magenta-suited figure in that hot and dusty Australian town thirty-six years ago’ which led him to undertake the book.

All in all the author achieves his goal of describing what it was like to be an Italian POW in this country. His account of the incredible factionalism within the POW camps, his citing of the appallingly crude expression of racist prejudice which appeared in a Queensland Protestant newspaper called the Clarion in 1944, and the portrayal of such figures as the legendary escaper, Lieut. Edgardo Simoni, and the sly and troublesome Gatti team of father and son, makes interesting reading. While the organisation of material sometimes reduces the readability of the book, being very fragmented and episodic particularly in chapters 8-10, one must concede that there exists a considerable problem in presenting much of the information in any other way. One may be more inclined to question, however, some of the perspectives the author brings to his subject. Multiculturalism may be fashionable today, but enthusiasm for it has led the author to produce a number of distorted views of events in the 1940s.

One significant example which can be cited is Fitzgerald’s attitude towards the role of the wartime Security Service and his treatment of its director, Brigadier W.B. Simpson. It may have been that the approach adopted by Security was narrow and prejudiced, even comical in a sad way, but one wonders how the decisions taken looked when viewed from the perspective of the times. Moreover, Fitzgerald’s view of Simpson seems somewhat inconsistent, being critical of him as Director-General of Security but markedly less questioning of him as the judge called on to enquire into the killing of an Italian POW by an Army officer at Rowville Camp in 1946, when Mr Justice Simpson’s findings suit the author’s case that the Army ‘looks after its own’ in such situations. Fitzgerald clearly did not make the connexion that the two men were one and the same, not that Simpson’s claims to judicial impartiality in the Rowville case predated his Security appointment. He was Deputy Judge Advocate-General of the Australian Army in the Middle East before becoming Director-General of Security; he was appointed from the Security post to be Justice of the ACT Supreme Court in October 1945.

The evidence produced does support the author’s main conclusions and contentions regarding the farm employment scheme. It was, as he states at pp. 35-36, ‘one of the most innovative responses of Australian Government and its military forces to an unusual opportunity in wartime, although the scheme had an historical precedent in the allocation of assigned convicts to landholders’. Proposed extensions of the scheme were sometimes inclined to be on a grandiose scale, but there can be little doubt that the seven million manhours provided for Australia’s war effort by the POWs was a significant benefit. For the rest, it can be said that despite some high and some low points the association was an education for both the POWs and Australians.

MEDICAL STORES, by Rob Nash. Published by R. W. Nash, R.M.B. 255, Gundaroo Road, Bungendore, N.S.W., 2621. 296 pp. $15.50.* Reviewed by Colonel E. W. Pretty (R.L.), Royal Australian Army Medical Corps.

This book is the co-operative effort of some ninety persons and institutions who are or have been, associated with Army Medical Stores — be that association long or brief — intimate or remote; who were cajoled by Lieutenant Colonel Robert Nash psc qtc, during almost all the seventies into sending to him their collected memorabilia relating to the Army Medical Stores Service.

Bob Nash had the unenviable task of searching through Army archives for whatever official information he could uncover; then coordinating, editing and presenting the many
fragmented contributions into a readable chronological history of the amazing doings in a frequently forgotten, often abused, but very necessary minority service, firstly of the Australian Army; then, as the Single Manager of a Combined Defence Medical Supply Service and, more recently as part of a total supply service under the Director General of Supply.

This soft covered book, with its inexpensive typewriter-like face, with its lines set jagged right, is in itself a monument to the type of unsuitable accommodation and the financial situation in which the Medical stores organisation so often found itself, and is described with almost monotonous regularity throughout the volume. The cost of producing a hard covered traditionally typeset book was far beyond the capacity of the author and his financial backers.

The book, however, is in the opinion of this reviewer, clearly printed. The copious footnotes give credit to the sources of information; although it may be claimed this “slows the pace and disrupts continuity”, it does not really detract from the main narrative.

Of the thirty-five chapters in the book — the first fifteen deal with the history of the supply of medical stores and equipment — primarily to the Army, from as far back as Wellington's Peninsula Army, when Medical Officers purchased their own supplies. The remaining chapters are devoted to the histories of the twenty-three individual Medical Stores which are known to have been on the Order of Battle. The flow charts of these depots and the controversial “A” Scales, indicate graphically the strange journeyings of these units and their equipments.

The first records of Medical Stores for use of the Military Forces in Australia are dated 1838. In 1840, an event occurred which was more or less duplicated during the TET Offensive in Vietnam, some 130 years later. A requisition had been sent to England from New South Wales, for the supply of Medical Stores. It was returned to Sydney for reconsideration. The approving Officer had decided that the demand was excessive. We read on page 264, that due to the TET Offensive, stocks of emergency medical stores of both the United States and Australian Forces engaged in the operation became exhausted. Priority ONE demands were sent to Australia for resupply of the items, by air. It is reported that this Reviewer, who at the time was “sitting in the chair”, was influenced by the Australian press reports and the advice of a visiting U.S. Medical Stores Officer from Vietnam that the reports were exaggerated. The reason for this urgent demand was queried. Fortunately, communications were somewhat faster than in 1840, so that an explanatory signal from Vietnam received urgent attention.

One is impressed with references throughout the book to the Accounting systems in use in WWII — described once as “The infernal Army system of Accounting”, which apparently constantly plagued depot commanders (and Auditors). The method of issue of stores in Vietnam seems to throw some light on the problem, particularly in the TET Offensive, when several weeks' stores were issued in as many days. It would seem that it is not possible to predict the use of Medical Stores; a subject of much discussion between Maj.-Gen. W. D. Refshauge, then DGMS, and his Equipment Officer Lt. Col. Gay. Stores were issued on word of mouth, scraps of paper and accounting was left until ‘later’; these periods were the bane of the life of all, but they were part of the exigencies of the service. Let the ledgers sort themselves out later! A task too often inherited by future generations of stores personnel and auditors.

The futility of being “prepared for war” by holding stores packed for immediate issue was a lesson which was not learned until the Korean War involved Australian troops. Most of the time of the skeleton staffs of the Depots was occupied in this thankless task. When it was finally learnt that it was better to pack from scratch than to open, check, replace and repack, all the packed stores were unpacked. This was still the pattern when Vietnam came and it was found that what stores were packed were not those which were wanted anyway.

When Cyclone Tracy reduced Darwin to rubble in 1974, the wisdom of the new procedure was adequately proven. For perhaps the first time in the history of the Medical Stores, the call for unprecedented quantities of Medical stores were purchased, supplied from stock, packed and dispatched within 24 hours — in contrast, we read, “to some chapters, later in this book”.

The almost impossible situation which arose when Integration, Machine Accounting and the move to the new, especially designed —
for the first time — depot in Sydney, is told in Chapter 12. This amply illustrates the old adage, quoted therein, “Garbage In — Garbage Out”.

Occasionally, Rob Nash has forgotten his Staff Duties and has quoted unofficial abbreviations, such as appear on page 155. However, this reviewer, with the benefit of considerably more hindsight than the author, believes the mystical alphanumerical groups probably refer to various types of expendable medical stores for issue to specific units or groups. It would seem than CS6 probably indicated that there were to be six “C” Scales of Equipment issued. Such “C” scales were intended to last 5,000 men for 90 days.

One obvious error was discovered on page 253. In line 7 of paragraph 4, it appears that the word ‘non’ has been omitted before ‘expendable’, the first word of the 8th line. The remainder of the text would indicate that to be correct.

This volume has, perhaps unconsciously, become a reference book, liberally laced with personal recollections. Photographs of some of the personalities and of the location of many of the establishments, give ‘life’ to the text.

Rob Nash spent a whole decade gathering together the myriad threads of the tangled web of the medical stores supply service — threads which lead back to many activities — which hopefully will never occur again.

The book clearly demonstrates how a minor, but essential part of the Defence Forces could be overlooked and frequently ignored by those in high places, used to dealing with multitudes and not “the few” who were usually there when required.

Now, as part of the Directorate of Supply, this may produce an efficient service, but none the less, one in which part of the esprit de corps, so evident in the book, may be lost. The individual is no longer as important as he was.

It is now history, a story told within these soft covers, how much depended on the personnel manning these depots — men who literally became part of their depot, men who were frequently called upon to go far beyond the call of duty to maintain the lines of communication between the depot and the user — men who were sometimes unfit for the more dangerous part of war.

The Royal Australian Army Medical Corps should be grateful to Rob Nash for this book. At least, I am.

Also available through DMS H.Q. 2MD, Victoria Barracks, Paddington, N.S.W., 2021.


Reviewed by Brigadier F. W. Speed

A n instructive and very readable book, with a dual attraction.

The officer looking for relaxation not too far removed from his normal role, will be interested in the clarity with which the author states the problems of intelligence and deception, with the stupidity and intrigue that characterised the German defence arrangements, and the amount of thought given to Allied intelligence gathering and deception. The planner, potential planner, and academic will probably read quickly for the book’s general value, hopefully with pencil at hand to mark lightly those portions worthy of further study and suggestive of research elsewhere.

The nub of it is the proposition that in any major offensive ‘secrecy and surprise are essential; without them it is better to call the whole thing off’. Secrecy and surprise can be achieved with good intelligence and well planned deception.

The author is a little naive about the Principles of War. He says they are by definition immutable, without, apparently, realising that for years there has been argument as to which precepts warrant listing as principles. He names eleven and mentions a twelfth, but he defines them only partially, so that the serious reader, unless he is familiar with those listed, needs to go elsewhere for enlightenment.

He also seems to accept without qualification the statement by Field Marshal Montgomery that the making of war resolves itself into very simple issues, the simplest being; what is possible and what is not possible?

He is on firmer ground when he says that Intelligence is knowing where the enemy is and what his capabilities are. He is also good where he says that Deception has two facets: persuading the enemy to do something which you can exploit; and providing him with informa-
tion he has been expecting while in reality you do something quite different.

The author does moreover explain clearly, with numerous examples, the importance of surprise and the need for secrecy without which defeat, or at least serious losses, will be inescapable. On another plane, his thoughts on the selection and handling of double agents, as an aid to deception, are interesting indeed.

As the title indicates, the body of the book is set specifically in the lead up to D-Day in Europe 1944; but it has many references to events in other theatres and at very different times, all of which have their lessons. The sketch maps and the glossary are most useful. It is therefore a very good primer.

However, the author makes it clear that, although he is a member of the RUSI, with access to the libraries of that Institution and the Ministry of Defence London, the book is based entirely upon resources freely available to any one. The serious enquirer therefore must go on to other sources to find material that has been declassified but not yet published, also of course for that which is still classified, and that of recent origin.

One would hope that Australians will not be deflected by the title. It is not just the story of what happened on the other side of the world over thirty years ago. It is indeed a fascinating examination of the planning and decision making that must go into the preparations for any major military operation, joint or combined. It is particularly striking about the amount of truth that must be mixed into the flow of false information directed to the enemy: and with the sort of sacrifice that needs to be made, yet will probably never be admitted or acknowledged.


Reviewed by Major M. P. J. O’Brien, Army Office

This is the first of three volumes of the British official history on the influence of intelligence on strategy and operations in World War Two. As for each of the official histories this group of authors have been allowed unfettered access to official documents many of which are ‘closed’ and will remain so for much longer than the thirty year rule. The authors have been able to use these documents. They have remained silent only in specific cases concerning intelligence techniques and the identity of some individuals. By any standard, they have operated under minimal constraints.

This war volume covers the period from before the outbreak of war to the summer of 1941. Introductory chapters review the organization and state of intelligence before the war. The campaigns from Norway and the fall of France to the opening of Operation Barbarossa are covered. The subjects of counter intelligence, security and deception are not discussed in any detail. Australian readers will be disappointed that the war in the Far East will not be covered in the subsequent volumes because it was so much more a matter for the United States. However, the African campaign against the Italians and the operations in Greece, Crete and Syria are in this volume.

Such recent books as Winterbotham’s ‘The Ultra Secret’ and Cave-Brown’s ‘Bodyguard of Lies’ have explored the interesting field of code-breaking during the war. This official history, because of its wide access, provides the most authentic account of the background to, use of and results of breaking the German Enigma and other codes. Two of the authors worked at the Government Code and Cypher School at Bletchley Park during the war. Experience and access have combined to produce a most worthwhile account. Of particular interest is the extent to which cryptography governed the development of the organizations for assessment and promulgation of intelligence. Here, I believe, are the major lessons of this book. It was not fully realised at an early stage that intelligence of interdepartmental importance should be assessed at interdepartmental level. Nor was the necessity for centralized control of signal intelligence appreciated. The development of the means of dissemination of intelligence at higher levels was by no means smooth. Though the authors have mildly apologised for their examination of ‘the arid paths of organization and methods’ their journey has been most important. These lessons have direct application to Australian intelligence — I hope we apply them.
In matters of intelligence there are always many interesting side issues. The account in an appendix to this volume of the pioneering role of that remarkable Australian, Sidney Cotton, in air strategic air reconnaissance is well worth reading. Amusing notes, such as the fact that the location of the Long-Range Desert Group could only be found at one stage by decryption of enemy transmissions, abound. The remark that the British intelligence assessment that the German invasion of Norway would take some twenty five to thirty divisions (six were used) may serve as a stern reminder to overestimators.

This book must be considered as a basic text for those who need to organize intelligence bodies. It also provides the interesting and important background to an understanding of the earlier campaigns of the war which will attract a much wider audience. The subsequent volumes are likely to be equally important and eagerly awaited.


Reviewed by Peter Dennis, Senior Lecturer in History, University of New South Wales at Duntroon.

The heart of Michael Sexton's book lies in his claim (p. 1) that the initiative behind the Australian announcement in April 1965 that it would send a battalion of troops to Vietnam came not from the United States but from the Australian Government itself, which was determined one way or another to get involved in the military action even if that meant that the US Government had to pressure South Vietnam into extending an invitation to Australia that the latter was unwilling to offer of its own accord. Quite apart from the intrinsic interest of the circumstances surrounding the decision, Sexton suggests that his study sheds light on dangers that still confront Australian decision-makers and which indeed have intensified, since "the risks inherent in foreign policy decisions have increased substantially since 1965, not least because of the presence in Australia of a number of vital links in America's nuclear defence communications networks." (pp. viii-ix)

Diplomatic history, or more correctly the history of foreign policy decision-making, has often been derided as nothing more than what one Foreign Office functionary wrote to another. The best writers of diplomatic history have of course been far more wide-ranging in their use of evidence and in the reach of their explanations, but the fact remains that to some extent a study of the process as decision-making must in the final analysis concern itself with what one person says or writes or implies to another up and down the ladders of political, military and bureaucratic power. Access to archival material is therefore essential, and one test of the reliability of any work of diplomatic history is the range of sources that have been employed. Judged against this standard War For the Asking does not come off well.

An author cannot be held responsible for claims which the publisher makes for his book, but Michael Sexton's subtitle, Australia's Vietnam Secrets, suggest that he would not demur from the cover description of the book as a "probing examination of the secret machinery that will shock many Australians." But what is the nature of the "probing examination" which, the author implies in his "Note on Sources", owes much to material made available under the US Freedom of Information Act? Of the sixty-two references in the text, fifteen cite Australian newspapers, eight cite Commonwealth Parliamentary Debates, and ten draw on material in the Pentagon Papers published in 1971. It is not at all clear what records have been made accessible to the author through the Freedom of Information Act. In chapter six, for example, where Sexton details the exchanges between Washington and Canberra, he quotes extensively from what appear to be Australian diplomatic cables. Yet in twenty pages he provides only three references, two from the Pentagon Papers and one from a letter written in 1980. Where are the sources for the statements attributed to various Australian diplomats and Government ministers? The author provides none, and all the publishers can offer in an extraordinary appendix is a statement that legal proceedings on the matter of copyright prevented the planned publication of "the full text of some of the documents referred to in this book." Instead we are shown "a sample of the documents
with the contents deleted” (my italics). This is imposing on the reader’s faith in the publisher’s good name, and does nothing to enhance the credibility of the author’s arguments.

The book is somewhat reminiscent of David Halberstam’s massive indictment of American involvement in Vietnam, *The Best and the Brightest*. But Sexton’s book lacks the richness of detail and background that made Halberstam’s account so interesting if not entirely convincing. Instead of the rounded portraits of his characters that Halberstam provided, Sexton offers us potted biographies wedged in between the narrative of events written in a slightly breathless style. It is quite impossible to judge Sexton’s central thesis and to decide whether to accept or reject it, because there is no substantial balance of evidence on which to base such an assessment. The book does not “expose” Australia’s Vietnam secrets, it merely claims that they exist. This is hardly a shattering conclusion.

**SPITFIRE, FOCKE-WULF 190, MUSTANG, MESSERSCHMITT Bf 109. Illustrations by Rikyu Watanabe, authors Robert Grinsell, Bill Sweetman, Thomas Nelson, Melbourne, (Rec. price $9.95).**

Reviewed by Jack Docherty, Editor RAAF News and Triad

A CROSS my desk have just passed four slim volumes that must rank among the best value-for-money books around today.

They come from the master publisher on military subjects, Jane’s, and are an object lesson in how to combine quality and low cost. *Spitfire, Mustang, Focke-Wulf 190 and Messerschmitt Bf 109* are each a brief 48 pages.

But the pages are packed with exhaustive detail and the beautiful diagrams and colour illustrations of aircraft artist Rikyu Watanabe.

Large, clear type is used for the text, which in each book covers the development and history of all marques of each aircraft — including a background piece with illustration, in the *Messerschmitt* book, of the highly unusual Bf 109Z.

This aircraft was intended first as a high-speed bomber and was based on two airframes, with the pilot seated in the left-hand one, the one on the right being blanked out.

The first and only Bf 109Z prototype was assembled from two Bf 109F-4 airframes and was completed in 1943. But it was damaged in an Allied air raid and never flown.

The paper used for the books is almost ridiculously excellent in its quality and texture, considering these publications are so inexpensive.

Each book has a triple-page foldout for instance, a Spitfire Mk 1A on one whole side, and a keyed cutaway of a Mk 5b on the other.

The books also have several double-page foldouts, one of which depicts 36 Mustangs in various liveries, all superbly executed in full colour and using special luminiscent inks where applicable.

There are another two books in this series — *Zero* and *F6F Hellcat* — which I have not yet seen. But I am sure they will be of the same high standard.

I showed the first four books to a senior RAAF pilot who is a self-confessed vintage aircraft fanatic, and indeed is in the process of restoring one at the moment.

After only a cursory flip through he told me he certainly would be buying them. But he reckons the publisher is almost giving them away at $9.95. I agree with him.

**COPIES OF BACK ISSUES**

Copies of back issues of the *Defence Force Journal* are available for distribution on request to the Editor.