



Australian Government
Department of Defence

UNCLASSIFIED

Robert: MA14-000953
Ref: R17643348

MINISTERIAL ADVICE

Date for action by:

Reason:

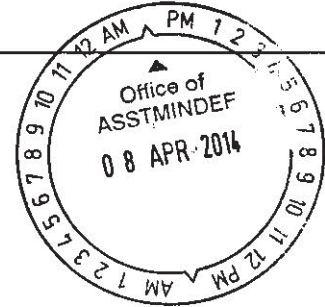
FOR ACTION: PARLIAMENT SECRETARY.

Info.

For Action: Chief of Staff to the Assistant Minister.

For Info: Parliamentary Secretary

Copies to: VCDF, HMSC, FASMECC



Rifle Company Butterworth - Interim responses

Purpose:

To provide an interim response to current correspondents requesting that service with Rifle Company Butterworth (RCB) in Malaysia during the period 1970 to 1989 be recognised as warlike service.

Key Points:

1. The classification of RCB service at Air Base Butterworth, Malaysia between 1970 and 1989 has been the subject of many Ministerial Representations in recent years. Successive Governments have determined that service at Butterworth does not meet the requirements for classification as warlike service. However, submissions seeking warlike service continue to be received from former RCB members.
2. Ex-members of RCB have submitted a petition seeking a review to enable reclassification of RCB service for the consideration of the Standing Committee on Petitions. This petition has been referred to the Hon. Stuart Robert MP and Nature of Service Branch is currently preparing a response for the Minister's consideration.
3. Therefore, and as requested by the Office of the Assistant Minister for Defence, draft interim replies have been prepared for all current RCB correspondence tasks for the consideration of the Chief of Staff to the Assistant Minister for Defence. The draft interim replies will advise correspondents that responses to their submissions will be sent out after the Standing Committee on Petitions has considered Minister Robert's response to the petition.
4. A draft interim response to all current correspondents is at Attachment A.

Recommendation:

That you:

- i. **Sign** the draft letter to various correspondents.

Signed / Not Signed

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Robert: MC14-000953
Ref: R17643348

Approved By:

s22

AIRCDRE J.M. McGARRY

Director General Military Strategic Commitments

27 March 2014

Contact Officer: Mrs Jacqueline Cooper

Phone: 02 6266-7268

s22

Robert McKellar

9 14 14

Comments / Supplementary tasking:

Resources:

5. N/A.

Consultation:

6. N/A.

Attachments:

A. Draft letter to Correspondents.

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Robert: MA14-003043
Ref: ASMIM/OUT/2014/87



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Department of Defence

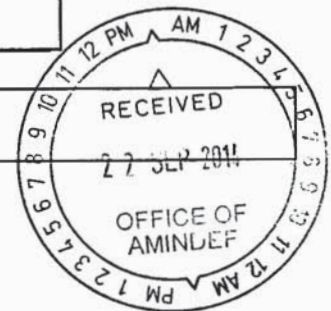
MINISTERIAL ADVICE

Date for action by: Reason:

For Action: Assistant Minister

For Info: Minister for Defence / Parliamentary Secretary

Copies to: Secretary, CDF, VCDF, HMSC and FASMECC.



Standing Committee on Petitions - Petition No. 873/1341 - A review to enable reclassification of service by the Rifle Company Butterworth 1970-1989 – roundtable discussion

Purpose:

To advise you that the committee is holding a roundtable discussion on 1 October 2014 and has requested witnesses from Defence attend.

Key Points:

1. As you are aware, on 3 March 2014, the Standing Committee on Petitions referred a petition seeking classification of service of Rifle Company Butterworth 1970 to 1989 to the Minister for Veterans' Affairs, which, as the matter falls within your portfolio responsibilities, was forwarded to you for response [MC14-000632 at Attachment A refers].
2. Since 2006, Defence has responded to 33 submissions to Government seeking reclassification of ADF service at RAAF Base Butterworth from 12 separate claimants.
3. On 29 May 2014, you provided a response to the committee in which you note that the ADF service at RAAF Base Butterworth is appropriately classified as peacetime service. This is consistent with independent Australian and New Zealand reviews and enquiries. Your response covered a background paper from Defence, which provided a comprehensive overview of ADF service at RAAF Base Butterworth.
4. The committee has written to Defence requesting attendance at a roundtable to discuss petition number 873/1314 on 1 October 2014 [Attachment B refers]. Defence will be the only witness attending the roundtable. The roundtable will take a form very similar to a public hearing, in that the Committee will ask questions of Defence's representative, it will be transcribed by Hansard, and the resultant transcript will be published on the Petitions Committee website. The committee may choose to hold roundtable discussions with other parties at their discretion.
5. Defence intend to send COL Murray Thompson, Acting Director-General Military Strategic Commitments to the roundtable.

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Robert: MA14-003043
Ref: ASMIM/OUT/2014/87

Recommendation:

That you **note** Defence witnesses will attend the roundtable on 1 October 2014.

Noted / Please Discuss

Approved By Damien Chifley A/ASMIM 19 September 2014	<div>s22</div>
Contact Officer: Jacqueline Brittain	Phone: (02) 6266 3707
<div>s22</div> Stuart Robert <i>20/9</i> Comments / Supplementary tasking:	<i>No. I will attend Col Thompson will accompany me. Thanks</i>
David Johnston / /	Darren Chester / /

Resources:

6. NA

Consultation:

7. Col Murray Thompson, acting Director General Military Strategic Commitments.

Attachments:

- A. MC14-000632 - Reclassification of service by the Rifle Company Butterworth 1970-89 - Standing Committee on Petitions
- B. Standing Committee on Petitions, invitation to attend Roundtable dated 8 September 2014



Australian Government
Department of Defence

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Robert: MC14-000632
Ref: R17785070

MINISTERIAL CORRESPONDENCE

Date for action by: 31 May 2014	Reason: Date required to meet statutory response deadline to the Standing Committee on Petitions of 1 June 2014
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For Action: Assistant Minister

Through: VODF
22/5/14

Copies to: HMSC, FASMECC



Reclassification of service by the Rifle Company Butterworth (RCB) 1970-89 - Standing Committee on Petitions

Purpose:

To provide a response to a petition submitted for the consideration of the Standing Committee on Petitions regarding a review to enable reclassification of service by the Rifle Company Butterworth 1970 – 1989.

Key Points:

1. On 3 March 2014, the Standing Committee on Petitions referred a petition seeking reclassification of service of Rifle Company Butterworth 1970 – 1989 to you for response (Attachment A).
2. In 2011 an extensive review of RCB service conducted by Defence found no evidence to support reclassification as warlike service. Defence has again reviewed and extended the research previously undertaken, and has prepared a revised Background Paper which provides a comprehensive overview of RCB service (Attachment B).
3. The programme for rotating an infantry rifle company to Butterworth was implemented on 15 November 1970 by the Australian, New Zealand and British battalions located in Singapore. After September 1973, a company group was provided from an Australian-based battalion. It was around January 1980, that the infantry rifle company on rotation at Royal Australian Air Force (RAAF) Base Butterworth assumed the title of Australian Army Rifle Company Butterworth and, in 1987, became known as Rifle Company Butterworth.
4. The roles of the infantry company were to provide a ground force presence in Malaysia, to conduct training, to assist in the security of RAAF Butterworth if required and to provide a quick reaction force if required.
5. In preparing a response to the petition, a senior research officer with no prior involvement in the subject in question has reviewed earlier Defence reviews and extended the research previously undertaken, and re-examined all submissions from claimants. The research officer conducted a thorough examination of available official documentation held at the Australian War Memorial and the National Archives of Australia; encompassing 'Open', 'Closed' and 'Not Yet Examined' documents; and Defence records, including RAAF Butterworth Commanding Officer Reports, RAAF Unit History Records and Commanders' Diaries for those Australian battalions which provided infantry companies for the rotation. Information freely available on the Internet, in published books and journals, Australian Parliament Hansard, and the recently published NZ Government Joint Working Group Report on Service in South-East Asia 1950-2011 were also reviewed.
6. Importantly, the infantry rifle company was not to be involved in local civil disturbances or to be employed on operations outside the air base perimeter. Rules of Engagement (ROE) and Orders for Opening Fire for the company, and also for all RAAF personnel who had primary responsibility for

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Robert: MC14-000632
Ref: R17785070

internal base security, were defensive in nature and to be applied within the air base only. In the event of a security emergency being declared, the infantry rifle company was to assist with the protection of facilities, personnel and families under the direction of the Officer Commanding RAAF Butterworth.

7. No documented evidence has been identified that the infantry rifle company was ever required in an emergency ground defence capacity, other than for exercise purposes. The Air Force History Unit advises that there is no record of any ground defence emergency occurring. The brief history of the RAR battalions (which provided rifle companies on rotation) records no events of significance, or noteworthy activity from a battalion historical perspective, of the service of the companies which rotated through Butterworth.
8. The petition posits that the RCB served during the period of a Second Malaysian Emergency. While some authors have referred to the activities of the Communist Party of Malaysia during this period as a 'Second Emergency', the title appears to have been applied retrospectively and is not reflected in any official history records of Malaysia. The Malaysian Government did not declare this period to be an emergency.
9. Approximately 9000 personnel served on RCB rotations between 1970 and 1989. It is estimated that up to 19,000 members of the RAAF served at the Butterworth base during the same period. In addition there were Australian public servants and teachers located at the base. For RAAF service personnel this was an accompanied posting with families living across the road from the base, in married quarters located approximately 30 metres from the Base perimeter fence. There were no restrictions placed on movement by car, taxi or bus in the Butterworth area, or on travel via ferry to Penang Island. During the Vietnam conflict, which ended in 1972, Penang was a formal Rest and Recuperation leave centre. Also, at least from the 1960s to now, Penang has been an unrestricted international holiday destination.
10. While Australian forces remained in Malaysia following the Confrontation ceasefire on 11 August 1966, the Malaysian Government made no further requests for assistance in security operations. Accordingly, Australian forces were not engaged in any operations against hostile forces or dissident elements.
11. Therefore, it is considered that the level of risk associated with ADF service at Butterworth from 1966 (post-Confrontation) does not justify a warlike classification, and that RCB service is appropriately classified as peacetime service.
12. Since 2006, Defence has responded to 33 submissions to Government seeking reclassification of RCB service from 12 separate claimants, a number of whom served with an infantry company on rotation through Butterworth. The Nature of Service Directorate within Defence has responded to only one claim for reclassification of service at Butterworth from an ex-member of the RAAF.
13. The previous submissions have generally relied on the research conducted by one or two individuals. Defence has examined all claims made in the submissions and sought to validate the evidence provided. However, Defence assesses the information contained in the submissions to be selective and subjective. The submissions demonstrate a flawed understanding of the legislation, of the policies and processes governing overseas deployments and of Defence terminology. This is understandable as most of the claimants were junior in rank at the time, many having only recently completed basic training around the time of their respective deployments. Defence contends that, in order to ensure that training conducted at Butterworth was as realistic as possible, the likelihood of hostile action may well have been overstated to the soldiers and that this could explain the misconceptions about the role of the infantry company and the hazards faced.

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Robert: MC14-000632
Ref: R17785070

14. The peacetime classification of RCB service is supported by the Department of the Prime Minister and Cabinet, the Department of Veterans' Affairs and the Department of Finance, and is consistent with independent Australian and New Zealand reviews and inquiries, namely the *Committee of Inquiry into Defence and Defence Related Awards (1993)*, the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service* (the Mohr Report dated 1999) the *Review of Veterans' Entitlements* (Clarke Report dated 2003), the *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989* (by the Defence Honours and Awards Appeals Tribunal dated 2011) and the *Final Report by The Medallic Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011* (sponsored by the New Zealand Government dated 2013).
15. A draft letter to Dr Dennis Jensen MP, Chair of the Standing Committee on Petitions is at Attachment C.

Recommendations:

That you:

- i. **Agree** that the service of Rifle Company Butterworth in Malaysia between 1970 and 1989 is appropriately classified as peacetime service.
Agreed / Not Agreed
- ii. **Sign** the attached draft response to Dr Dennis Jensen MP, Chair of the Standing Committee on Petitions.
Signed / Not Signed

<p>Approved By</p> <p>T.N. JONES RADM, RAN HMSC 20 May 2014</p>	<p>s22</p> 
<p>Contact Officer: Mrs Jacqueline Cooner s22</p>	<p>Phone: 02 6266 7268</p>
<p>Stuart Robert / / 25/5/14</p> <p>Comments / Supplementary tasking:</p>	<p><i>This is a good piece of work. Well done, well written</i></p>

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Robert: MC14-000632
Ref: R17785070

Resources:

16. N/A.

Consultation:

17. The Nature of Service Review Board, comprising of SES Band 2 representatives from the Department of the Prime Minister and Cabinet, the Department of Finance and the Department of Veterans' Affairs considered the classification of RCB service in May 2011 and did not support reclassification as warlike, non-warlike or hazardous service. The NOSRB agreed the Defence recommendation that RCB service remain classified as peacetime in Aug 2011.

Attachments:

- A. Original Correspondence.
- B. Background Paper – Rifle Company Butterworth 1970-1989.
- C. Draft letter to Dr Dennis Jensen MP, Chair of the Standing Committee on Petitions.

From: [Bunce, James \(REPS\)](#)
To: [Peios, Stephen MR](#)
Cc: [Butler, Jessica \(REPS\)](#)
Subject: Petitions Committee - roundtable invitation
Date: Monday, 8 September 2014 10:12:13

Dear Stephen,

As discussed, the Standing Committee on Petitions would like to invite representatives of the Department of Defence to a roundtable to discuss a petition regarding the service classification of Rifle Company Butterworth (Petition No. 873/1341), and the Assistant Minister's response.

The roundtable is scheduled to take place on Wednesday 24 September 2014, from 10.45-11.00am, in Committee Room 1R3 at Parliament House, Canberra.

If you could make the necessary arrangements at your end, I will send through some more information later this week.

Thanks and regards,
James

James Bunce

Inquiry Secretary

Standing Committee on Petitions

Department of the House of Representatives

PO Box 6021, Parliament House, Canberra ACT 2600

Tel: +61 2 6277 2152 | Fax: +61 2 6277 4627

Email: petitions.committee.reps@aph.gov.au

Web: www.aph.gov.au/petitions



Australian Government
Department of Defence

ASSISTANT MINISTER FOR DEFENCE SPEECH COVERSHEET

Robert: MA14-003280

Rifle Company Butterworth – Nature of Service Classification

Event Arrangements:

Date/Time: Wednesday 29 October 2014 at 10.45 – 11.30am
Venue: Parliament House, Committee Room 1R3
Related to: MA14-003043, MC14-000632
Embargo Until: n/a

Group/Division Contact Officer:

Name: COL Murray Thompson
Title: Director General Military Strategic Commitments
Phone: (02) 6266 7530

Speech prepared by:

Name: Mrs Jacqueline Cooper
Title: Director Nature of Service
Phone: (02) 6266 7268

Speech approved by:

Name: Mark Jeffries
Title: A/ASMCS
Phone: 02 626 57897

Date: 24 October 2014

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**The Hon Stuart Robert MP
ASSISTANT MINISTER FOR DEFENCE**

STANDING COMMITTEE ON PETITIONS

**ROUNDTABLE DISCUSSION ON THE NATURE OF
SERVICE CLASSIFICATION OF RIFLE COMPANY
BUTTERWORTH**

OPENING STATEMENT

**COMMITTEE ROOM 1R3
WEDNESDAY 29 OCTOBER 2014
1045 – 11.30AM**

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- I thank the Committee for its interest in matter of the nature of service classification for Army's Rifle Company Butterworth and for the opportunity to address you about this issue today.

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- On 3 March 2014, the ~~Standing~~ Committee ~~on~~ Petitions referred to me a Petition seeking reclassification of the service of the Rifle Company Butterworth, between 1970 and 1989. The Petition contends that, because these troops were deployed to provide a protective and quick reaction force, this service should be reclassified from peacetime to warlike.

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- In preparing a response to the Petition, a senior research officer with no prior involvement in earlier Defence reviews of Rifle Company Butterworth service reviewed and extended prior research. The research undertaken has been considerable and thorough, including re-examination of available official documentation held at the Australian War Memorial and the National Archives of Australia, encompassing 'Open', 'Closed' and 'Not Yet Examined' documents. Defence records were also examined, including RAAF Base Butterworth Commanding Officer Reports,

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RAAF Unit History Records and Commanders' Diaries for those Australian battalions which provided an infantry rifle company for rotation through Butterworth.

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- This research sought to define roles and responsibilities of the infantry rifle company which rotated through Royal Australian Air Force Base Butterworth, and the environment in which members of the Australian Defence Force served, including the level of exposure to the risk of harm.

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Background

- Approximately 9000 Australian Defence Force (ADF) personnel served on infantry rifle company rotations between 1970 and 1989. It is estimated that up to 19,000 members of the Royal Australian Air Force (RAAF) also served at RAAF Base Butterworth (Butterworth) during the same period. In addition there were Australian public servants and teachers working at and near the base. For RAAF service personnel this was an accompanied posting with families living in married quarters located outside the Base perimeter fence, in the nearby area and on Penang. There were no restrictions placed on movement by car, taxi or bus in the Butterworth area, or on travel via ferry to Penang Island. During the Vietnam conflict, which ended in 1972, Penang was a formal Rest and Recuperation leave

Page 4 of 23

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centre. Also, at least from the 1960s to now, Penang has been an unrestricted international holiday destination.

- While Australian forces remained in Malaysia following the Confrontation ceasefire on 11 August 1966, no state of war or emergency existed and, accordingly, the Malaysian Government made no further requests for assistance in security operations. Therefore, there were no allotments of Australian forces for special duty in Malaysia after 14 September 1966, and Australian forces were not engaged in any operations against hostile forces or dissident elements.
- Ownership of the Butterworth Air Base was transferred to the Malaysian government on 31 March 1970. Until 1970, security at the Butterworth Air Base was provided by the Royal Air Force, but responsibility transferred to the Malaysian authorities with the transfer of ownership.
- The programme for rotating an infantry rifle company to RAAF Base Butterworth was implemented on 15 November 1970 by the Australian, New Zealand and British battalions from the 28th Commonwealth Brigade, which was located in Singapore. New Zealand also deployed a company on

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rotation from March 1971 to July 1973. After the withdrawal of the Australian battalion from Singapore in September 1973, a company group was provided from an Australian-based battalion, deploying on three-month rotations.

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- It was around January 1980 that the infantry rifle company located at RAAF Base Butterworth on rotation assumed the title of Australian Army Rifle Company Butterworth, or RCB.

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- The roles of the infantry rifle company were to provide a ground force presence in Malaysia, to conduct training and, as claimed in the Petition, to assist in the security of RAAF Base Butterworth if required, and to provide a quick reaction force if required. However, importantly, the infantry rifle company was not to be involved in local civil disturbances or to be employed on operations outside the perimeter of the air base.

- The Malaysian Armed Forces were responsible for the security of the base, and RAAF personnel had primary responsibility for internal base security. The infantry rifle company provided a quick reaction force, normally section size (10 soldiers), outside of normal weekday working hours (1800-0600). RAAF property and assets were not guarded during normal working hours when they were under

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surveillance of Air Force personnel working on the flight line, or elsewhere on the air base.

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- The Rules of Engagement and Orders for Opening Fire for the infantry rifle company, which also applied to all RAAF personnel, were defensive in nature and were to be applied within the air base only. In the event of a security emergency being declared, the infantry rifle company was to assist with the protection of facilities, personnel and families under the direction of the Officer Commanding RAAF Base Butterworth.

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- A Ground Defence Operations Centre (GDOC) was established to manage all types of emergencies at the air base, including security related emergencies. While this Operations Centre was manned on a regular basis, such as during air defence exercises, simulation of a declared emergency, movement of highly flammable material, as a precaution in response to local disturbance or potential threat, no security emergency was ever declared at RAAF Base Butterworth.

Exposure to the risk of harm

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- No attempt has been made by Defence to conceal the fact that there was a level of threat to RAAF Base Butterworth, but the level of threat was assessed as LOW.
- Defence has acknowledges that there were instances of elevated concern over possible threats to the base from communist terrorists (as they were known as at that time) and local racial disturbances that gave cause for the GDOC to be manned at times, and for security practices to be changed. However, the daily routine of the air base continued unabated throughout the period.
- While communist terrorists were active at various times and in various parts of the Malaysian Peninsula, life continued as normal for the local population, as well as for those posted to Butterworth and their families.
- Instances of the perimeter fence being cut were not attributed at the time to communist terrorists but considered to be done for the purpose of theft.

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- There was never an attack on RAAF Base Butterworth by communist terrorists.
- While the period 1966 to 1989 has been referred to as a 'Second Emergency', this title appears to have been applied retrospectively. There is no historical record of the Malaysian Government ever declaring a Second Emergency.

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Nature of service classification

- Submissions seeking review of a nature of service classification of past service are considered in the context of the legislation and policies that applied at the time of the service under review. The applicable legislation for most of the period of RCB service (1970-1989) was the *Repatriation (Special Overseas Service) Act 1962*.
- Special overseas service, which is equivalent to warlike service, required that personnel be allotted for *special duty* within a declared *special area*. Special duty is defined as *...duty relating directly to the warlike operations or state of disturbance by reason of which the declaration in respect of the special area was made...*
- Because no state of war or emergency existed in Malaysia after the end of Confrontation on 11 August 1966, and because the Malaysian Government made no requests to the Australian Government for military assistance after this date, ADF personnel were not engaged in duty relating to warlike operations or state of disturbance in Malaysia between 1970 and 1989.

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- As a result, ADF service, including that of the RCB, cannot be considered to be special service under the *Repatriation (Special Overseas Service) Act 1962*.
- Therefore, instead of seeking reclassification of their service under the Special Overseas Service Act, RCB claimants are seeking a warlike classification under the current framework which was incorporated into the *Veterans' Entitlements Act 1986* (VEA) in 1997.
- Warlike operations under this current framework are defined as those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:
 - a state of declared war;
 - conventional combat operations against an armed adversary; and
 - Peace Enforcement operations, which are military operations in support of diplomatic efforts to restore peace between belligerents who may not

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be consenting to intervention and may be engaged in combat activities.

- No ADF service at Butterworth through the period 1970 to 1989, including that of the RCB, meets these criteria.

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- The RCB were not pursuing any specific military objectives, were not authorised to use force beyond the minimum required for self-defence, and there was no expectation of casualties.

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- Importantly, at no time throughout the period 1970 to 1989 did any Australian Government consider it necessary or appropriate to reconsider or reclassification RCB or any other ADF service at RAAF Base Butterworth.

Submissions seeking reclassification of RCB service

- As I advised earlier, it is estimated that approximately 28,000 ADF personnel served at RAAF Base Butterworth throughout this period.

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- Since 2006, Defence has provided responses to 40 submissions from 17 individual claimants seeking reclassification of RCB service between 1970 and 1989, and one claim for reclassification of other ADF service at RAAF Base Butterworth. Many of these claims have been in the form of form letters generated by just one or two individuals.

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- There is no evidence to suggest that the views of the 17 individual claimants seeking reclassification of RCB service are supported by the majority of the estimated 28,000 personnel who served at Butterworth between 1970 and 1989.

Independent reviews of RCB service.

- RCB service has been considered by several independent reviews which have consistently found it to be peacetime service.
- The 1993 *Committee of Inquiry into Defence and Defence Related Awards* concluded that:
Neither does the Committee consider that service at Butterworth was clearly and markedly more demanding than normal peacetime service...
- Despite noting that service at RAAF Base Butterworth in Malaysia was one of the specific areas of ADF service that the Review was asked to advise on, the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service* by Justice Mohr in 1999 made no recommendation for the reclassification of service at Butterworth.

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- In the 2003 *Review of Veterans' Entitlements* by a committee led by Justice Clarke, stated that training and the protection of Australian assets are normal peacetime garrison duties. The Committee considered that peacetime service, whether rendered in Australia or overseas, can be arduous and even hazardous but that these factors alone do warrant consideration of that duty as operational or qualifying service for benefits under the Veterans' Entitlements Act 1986.
- The Clarke Committee concluded that:
...no evidence was found that service in South-East Asia currently established as peacetime service should be considered warlike. No operational area was prescribed, no specific armed threat was present and there were no rules of engagement to pursue specific military objectives.
- The 2011 *Inquiry into Recognition for Members of Rifle Company Butterworth for Service in Malaysia between 1970 and 1989*, conducted by the Defence Honours and Awards Appeals Tribunal, recommended that no change be made to

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the current medallic entitlements as there was no convincing evidence that the service of the RCB was warlike.

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- The Nature of Service Review Board considered RCB service in 2011 and found that it was appropriately classified as peacetime service. The Board, consisting of Senior Executive Service Band Two representatives from the Department of the Prime Minister and Cabinet, the Department of Veterans' Affairs, the Department of Finance and Defence, was established to consider claims for reclassification of past Defence service.
- The *Final Report by The Medallic Recognition Joint Working Group (JWG) on Service in South-East Asia 1950-2011* (2013), sponsored by the New Zealand Government, stated that the service of its infantry rifle company, which served similarly to the RCB at Butterworth, was not operational service. The JWG found that that Communist Terrorist (CT) activity was of very slight significance to the New Zealand deployments to Butterworth, and did not characterise the tours there in any way.

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Claims made against Defence in the Petition

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- I note that the Petition contends that Defence, in assessing the claims, has not applied consistent standards, been misleading with its facts, not considered key data provided, denied natural justice, rewritten history in retrospect and based decisions on budgetary constraints rather than recognition of service at the appropriate level.
- Defence has comprehensively examined and re-examined available official documentation to confirm the roles of the infantry rifle company which rotated through RAAF Base Butterworth, and to assess the extent of exposure to the risk of harm. Defence is confident that all records and other evidence provided by claimants have also been considered.
- No attempt has been made to conceal the fact that there was a level of threat to RAAF Base Butterworth, but the level of threat was assessed as LOW.
- The daily routine of the air base continued unabated throughout the period. Service personnel and their accompanying families had no restrictions on movements, and nearby Penang was a popular tourist destination.

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- I acknowledge that the roles of the infantry rifle company, which became known as Rifle Company Butterworth, were to provide a ground force presence in Malaysia, to conduct training, to assist in the security of Butterworth if required and to provide a quick reaction force if required. However, these roles in themselves do not constitute a warlike classification.
- It is a fact that RCB service does not meet the essential criteria for classification as special overseas service, or as warlike service, because Australian forces were not engaged in any operations against hostile forces or dissident elements after the end of Confrontation on 11 August 1966.
- The Defence review is consistent with several independent reviews which considered RCB service.
- I also note that at no time throughout the period 1970 to 1989 did any Australian Government consider it appropriate to change the classification of any ADF service at RAAF Base Butterworth from peacetime service.

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- The decision not to retrospectively reclassify RCB service is not based on budgetary constraints. Whereas as all matters presented to Government, including those dealing with past ADF service, must include consideration of any costs associated with a proposal, the decision to maintain the peacetime classification is based on the review of the nature of RCB service.

Conclusion

- The service of the Rifle Company Butterworth has been reviewed comprehensively by Defence, and by several independent reviews.
- Reviews of RCB service have found consistently that this service does not meet the essential criteria for reclassification as special overseas service, or as warlike service.
- The roles and responsibilities of the RCB, and all evidence of the exposure to the risk of harm, support the extant peacetime classification.
- At no time throughout the period 1970 to 1989 did any Australian Government consider it necessary or appropriate

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to reconsider or to change the classification of RCB, or any other ADF service at RAAF Base Butterworth.

- I take this opportunity to acknowledge the valuable contribution of all ADF service at RAAF Base Butterworth, including that of the Rifle Company Butterworth. The peacetime classification in no way denigrates the sometimes difficult and arduous nature of these deployments.
- Once again, I am grateful for the opportunity to address you on this matter today and address any further questions you may have.
- ~~I also thank the Committee for the opportunity to address you about this issue today and I am more than happy to address any further questions you may have about this matter.~~

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END

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Robert: MA14-003886

Email Advice

Can you please task the Department (NOS Branch etc) with checking the attached *Hansard* transcript from the House of Reps Petitions Committee?

Following AMINDEF appearance before the Committee on 29 Oct, the petitioners have had their say in their own hearing held in Brisbane on 19 November.

In additional to general advice about whether there is anything that significantly changes the weighting of RCB Butterworth warlike service claims, it would be appreciated if the Department could please provide advice as appropriate for the sections highlighted in yellow. Happy for the Department's response to come in the form of Email Advice.

The Department's advice will be factored into the response AMINDEF provides back to Parliamentary Secretary Fletcher (obo Mr Ken Marsh) in MC14-002857.

Response:

The Nature of Service Directorate has reviewed the Hansard Transcript of the Standing Committee on Petitions Public Hearing held in Brisbane on 19 November 2014 regarding the reclassification of the service of Rifle Company Butterworth (RCB).

No new information or evidence was presented which significantly changes the weighting of the RCB Group claims that RCB service be reclassified as warlike service.

As requested, advice in response to the relevant highlighted sections of the Hansard transcript has been provided at Attachment A for consideration.

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UNCLASSIFIED

Attachment A – Background Information

MA14-003886 - Email advice on matters raised in Standing Committee on Petitions 19 Nov 14 hearing in Brisbane regarding reclassification of the service of Rifle Company Butterworth (RCB)

Page 1

In stating that ‘one of the warlike operations I deployed on was Rifle Company Butterworth’, Mr Stone was providing a personal opinion. RCB’s service is not classified as warlike.

Note: Nature of Service Directorate and Defence Honours & Awards do not have any knowledge of the 18 August 2010 submission.

Page 2

Mr Stone has again expressed a personal opinion that ‘*Definitely, the service I had in Butterworth in 1974-75 was absolutely comparable to the service of the Air Force defence guards at Comoro airport throughout that period*’.

Service in Timor on Operation CITADEL had different mission-specific rules of engagement (ROE) to the standing peacetime ROE which applied to RCB service.

Mr Stone is incorrect. RCB is not classified as a warlike operation. They were not engaged in operations against hostile forces or belligerent elements.

Page 4

Detachment and mounting instruction: It remains standard practice for units on lengthy training deployments to be detached under command of the mounting Head Quarters (HQ). e.g. sub-units deployed recently on Exercise Croix de Sud to New Caledonia were detached to the mounting HQ. A mounting instruction is always provided.

DP1 status = Draft Priority 1

DP1 status describes an individual’s readiness for deployment. This remains a requirement for all Army field units, and is usually managed and monitored at the unit level. A member’s readiness encompasses a list of equipment he / she will deploy with on exercise or operation.

Intelligence Briefings: Regular intelligence briefings are conducted in Army units that deploy to the field for exercises, training, and operations.

Page 5

Manning of the Ground Defence Operations Centre (GDOC)

- The GDOC was established to manage all types of emergencies at the air base, including security related emergencies. While there may well have been threats, NO security emergency was ever declared.
- The Commanding Officer's Reports for Base Squadron – Air Base Butterworth, detail the manning of the GDOC for various reasons including:
 - Possible ground threat
 - During local anniversaries and festivals – civil unrest?
 - In order to make available facilities and briefings;
 - For conferences
 - Exercises such as Major Adex 4/78
- However, the Reports also noted that training as well as sporting and social activities continued.
- The fact that the GDOC was manned due to possible ground threat to F111 aircraft or the base there is no evidence to suggest that these prevented normal day-to-day operation of the base or the rifle company conducting training. Note: F111 aircraft were not permanently based at Butterworth.
- It is reasonable that an operations centre would be manned in instances of possible threat to the base.
- Note that the manning was on the basis of 'possible ground threat' and not 'expected attack'. If attacks were expected then it is reasonable to presume that a greater level of security of assets and personnel would have been implemented - there is no evidence that I have been able to locate which suggests that this did occur.

Rules of Engagement (ROE)

ROE for the RCB were defensive (peacetime) only and specific on 'Orders to Open Fire' if threatened and security was breached, but were applied within Air Base Butterworth only, regardless of curfew, periods of increased security, air defence exercises or time of day or night. These ROE applied not just to RCB but also to all Royal Australian Air Force (RAAF) personnel who had primary responsibility for internal base security.

Note: All Australian Defence Force (ADF) members have an inherent right to use force in self defence including within bases in Australia, but only the minimum force necessary. When using force in individual or unit self-defence, ADF members and units may use the minimum force necessary for so long as is necessary to deter or neutralise the attacker or potential attacker, or, if necessary, to remove the threat. Force must be limited in its intensity and duration to that which is reasonably necessary to achieve the objective. This means that the level of force used must be appropriate to the level of threat faced. The use of force is always to be graduated where the circumstances permit. This does not prevent the immediate use of lethal force in self-defence if the threat to life or threat of serious bodily injury is imminent and there is no alternative to the immediate use of lethal force to remove those threats.

Criteria for warlike service

The definition of warlike service as provided by Government in 1993 is:

Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- *a declared state of war;*
- *conventional combat operations against an armed adversary; and*
- *Peace Enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities. Normally but not necessarily always they will be conducted under Chapter VII or the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.*

For service with the infantry rifle companies which rotated through Butterworth;

- The application of force was authorised in self defence only, not to pursue specific military objectives.
- There was no specific military objective. Training and the provision of ground force security support are not military objectives.
- The threat was LOW. By definition, according to the Defence threat assessment criteria, there was no expectation of casualties.

Comparison with Ubon

In both cases service was performed at Air Bases in South East Asia, however at different periods.

RAAF Base Ubon

Service at RAAF Base Ubon is classified as qualifying service (equivalent to warlike service) under the Veterans' Entitlements Act 1986 (VEA) for the following periods:

31 May 1962 – 27 June 1962

Australia's commitment to Ubon in May 1962 was the result of concerns at the instability on the Thai border with Laos. SEATO members deployed forces to meet the growing crisis and there was a very real expectation of an outbreak of fighting along the Thai-Lao border. The RAAF contingent was deployed at short notice, was placed on an immediate operational footing and tasked to respond to any threat.

25 June 1962 – 31 August 1968

Assessed threat to the Ubon base increased, and the contingent's role, and the command and control arrangements were revised. Aircraft were held on a heightened Alert Status and the ROEt were upgraded.

In respect of this later period from 25 Jun 65, the potential threat to the Ubon base increased, and the contingent's role, and the command and control arrangements were revised. Aircraft were held on a heightened Alert Status and the ROE were upgraded.

In regard to base security...First, there was security within the base itself...at

Ubon...within the base itself the RAAF contingent had prepared defensive protection and arms had been issued for use if needs be. Second, the ADG's patrolled both day and night outside the perimeter of the base and in so doing saw evidence of terrorist activity. So far as is known they were never engaged in an exchange of fire, but the danger of terrorist activity in the general area was known and precautions taken. These patrols were armed and authorized to fire if the situation called for fire. The Rules of Engagement for the RAAF contingent from 1965 onwards signified that contact with hostile forces of an enemy should be expected and that these hostile forces were to be engaged in armed combat with the aim of destroying them. In these circumstances there was an expectation of casualties.¹

- At Butterworth the ADF did not patrol outside the perimeter of the base and the ROE were defensive (peacetime) in nature.

Page 6

Expectation of Casualties

An attack on Air Base Butterworth was considered by the threat assessments to be unlikely. The overall level of threat was considered to be LOW. As such, there was no expectation of casualties.

Responses to Submissions to Defence and Freedom Of Information (FOI) Requests

The Nature of Service Review was established within Defence in 2001 to research and review past service in order to support the consideration of the large number of claims for reclassification of past service. RCB service was one of many past service matters that were addressed by the Nature of Service Review. As it took many years to work through large number of outstanding claims, many claimants faced delays in receiving the outcome of the Review Teams findings.

Since 2011, most submissions to Government on nature of service matters have been responded to within the timeframe designated by the relevant Minister or Senator.

¹ *Review of Service Entitlement Anomalies in Respect of South-East Asian Service* (Mohr Report dated 1999)

Responses to FOI requests involving the Nature of Service Review during the period 2001 to 2010 could also have been delayed. The Department of Defence has specific responsibilities and obligations contained in the *Freedom of Information Act 1982* (the FOI Act). All responses to FOI requests are governed by the FOI Act.

The claim that Defence has been “*selective to the extent that they have used data or facts that support the rejection without looking at the totality. It is almost like lying by omission*” is incorrect.

Whereas excerpts only have been provided in documents by Defence (as is also the practice of the claimants in their submissions), all information is considered and evaluated objectively.

The Nature of Service Directorate is committed to ensuring that the service of current and past serving members of the ADF is appropriately recognised. The primary role of the Nature of Service Directorate is to provide accurate and timely advice to the Minister for Defence, through the Chief of the Defence Force, on the nature of service for current ADF operational deployments.

The Directorate also conducts research in response to representations to Ministers, to the Chief of the Defence Force or to the Service Chiefs for reconsideration of the Nature Of Service classification of past service. The Nature of Service Review Board (NOSRB) is an interdepartmental committee that was established to ensure the consistency, transparency and the rigour applied to the consideration of claims relating to the classification of past military operations and other hazardous service. The Nature Of Service Review Board have agreed that RCB service was peacetime service.

Page 8

There was no expectation of an attack. Threat assessments concluded that, while an attack was possible it was unlikely. In the history of our basing at RAAF Butterworth during the period there were no specific threats or attacks. No ADF personnel were casualties as a result of hostile action.

Additional Information

1. Another perspective of RCB service

“In my first rotation with RCB between Nov 78 and Feb 79 (four months) we spent the first month at Alor Setar exercising with 9 Royal Malaysian Regiment (RMR). This training included a 10 day field exercise up near the Thai border. Each man carried one magazine of live rounds, which was taped over and carried in the top left pouch of our big packs. We were told not to load with live rounds unless ordered to do so. That order was never given. The exercise was the very first of the Harrangaroo series of exercises. I have some great photos of this exercise if you ever want to see them.

The reason for carrying live rounds was explained that, yes there may have been CT's in the area, but we were not to engaged unless fired on first. Each platoon had one 9 RMR member attached who carried live rounds all the time. We were told he had to be the first to fire before we could open up. This was more of a precaution then offensive operations, which it was not. We carried blank ammo and exercised as per normal. Funny looking back on these

instructions now, but at the time they all made sense. Another reason for us carrying live rounds was the possibility of elephants and tigers in the area. Again, we were only to fire live rounds if ordered to do so. Though we never saw any CT's, we were later informed that our platoon had been followed for 3 days and observed.

The next three months of this rotation was spent at Butterworth. Each section of the company (9 in total) took turns in doing a 'duty week'. During duty week, you were either on a 24 hours Quick Reaction Force roster, sitting the armoury (very boring) or any other duty the CSM could dream up. If not actually doing duty, we trained locally. When not undertaking a 'duty week', we trained. Sometime away from Butterworth. All said and done, one of the real benefits of RCB was that 12 months worth of training could be undertaken in 3 months as we didn't have the normal distracts of back home. We, trained, ate, played together, 24/7. Great stuff for any young man.

The QRF duty was spent in a guard room. There was an open back truck with a spot light on it and boxes of live rounds were kept in the guard room, just in case. We were not permitted to leave the guard room other than to eat, shower etc. Once, in every 24 hours duty, the Duty Officer would 'react' the guard. This was done via a phone call to the guard room. The DO would give a location and the guard had to turn out and meet the 'threat'. Each building on the base had a number, as did some other assets such as radars etc. We would all tumble out of bed, the call never came during the day, load the ammo boxes onto the back of the truck, start the spot light (portable generator) and navigate to the chosen site. Once there, the section commander would conduct a mock attack to 'clear the area'. This was done under the watchful eye of the DO. Once back in the guard room the DO would give us a brief on how we went. If we went well, that was the end of it and back to bed. If we stuffed up, we would get a 2nd call out. That's it.

Every morning before dismounting QRF duty, we had to do a patrol of the base perimeter. This involved a foot patrol along the back fence of the golf course as there was no road. After about 800m, we would meet the truck, mount up, and drive around the perimeter road looking for cuts in the fence. We never found any evidence of entry. From memory, the ammo always remained on the truck, even when we were doing the foot patrol. Guess if we ever found something, we would have radioed for the truck.

My second rotation (1985) was about the same, less the first month in Alor Setar. Just the three months in Butterworth. This time around I was the company clerk and spent my days in the orderly room. I did not have to do QRF duty as I was a Corporal Clerk, not a Section Commander and any duty I did do was limited to running the soldiers canteen; barman for the night."

2. <http://penangpage.com/tgbungah/hside.html>