

**SUBMISSION
REVIEW OF
AUSTRALIAN ARMY RIFLE COMPANY'S
MILITARY SERVICE AS WARLIKE
1970 – 1989
BUTTERWORTH (RCB)**



“To protect Australian assets at the Butterworth Air Base.”

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Cover photograph is of the Butterworth Air Base 2005. The Base area is as it was in 1970.

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**PART 1
OVERVIEW**

From our detailed research we assert that previous Reviews, the latest being the 2003 – Review of Veterans' Entitlements - (Clarke Report), were flawed because in applying the criteria for determining warlike service they inadvertently did not consider all the relevant facts and therefore incorrectly concluded that RCB service was peacetime service. Accordingly, we request that a further review be conducted to consider all the relevant facts as detailed in this submission.

From an analysis of all the data released to us on the subject, including that provided under the FOI Act from national sources, from international sources and applying that data to the Australian Government's criteria for warlike service; the role, threat, rules of engagement and the expectation of casualties, we contend that RCB service was warlike and not peacetime service for the following reasons which are detailed in the following Parts of this submission:

1. The RCB's operational deployment was authorised by the Australian Government¹ but not prescribed by the Governor General as an operational area at the time because of political sensitivities for both Australia and Malaysia. The specific area designated by the Five Power Defence Agreement (FPDA) and repeated in all Commanders' Directives to the Officer Commanding (OC) RCB was the area within the Butterworth Air Base (BAB).
2. The deployment was defensive "to protect Australian assets at the Butterworth Air Base" in a country, Malaysia, that was actively involved in armed operations (2nd Malaysian Emergency 1968 – 1989) against a real, clear and present danger from its enemy, the Communist Party Malaya/Communist Terrorist Organisation (CPM/CTO)'s terrorists who were being supported by China and North Vietnam.² The Malaysian Armed Forces (MAF), were fighting under their active service classification.³
3. The RCB's security role in a military application is Defence. Defence is a specific phase of war, requiring specific deployments,

¹ Hansard 25th February 1969, pages 33-37: Australian PM John Gorton's announcement to Parliament.

² Book: My Side of History by Chin Peng - 2003

³ Letter dated 11th October 2004 from Lim Kui Lee, The Legal Department Ministry of Defence Malaysia.

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degrees of readiness and counter penetration and counter attack plans, rules of engagement and a mental attitude of constant alertness because the enemy has the initiative to decide its time and place of attack.

4. Contingency plans existed for the RCB to be used in the evacuation of Australians and the RAAF assets and to be used in any action required arising from hi-jacked aircraft landing at Butterworth.
5. Although the RCB's role was "*to protect Australian assets at the Butterworth Air Base*" it was to be obscured to the public for sensitive political reasons (to Malaysia, Singapore and Australia) and was to be promoted "for training purposes."⁴ No publicity was to be sought for RCB's deployments.⁵ A report from the VCGS's Visit to Malaysia of the Butterworth Company (RCB) 1973,⁶ confirms this position:

"The deployment of this Company to Butterworth has in recent years assumed a real importance because of somewhat increased concerns about possible threats to base security. Although the Malaysians may be expected to have assumed that this is the case, publicly and privately the position is maintained on both sides that the deployment is for exercise purposes."

For this reason service at Butterworth was not declared an active service area under the Defence Act or by notice in the Gazette.⁷

6. After 1972, the newly elected Labour Australian Government's Defence Minister confirmed;
"... we have emphasized our commitments to the security of our region. We will support the Five Power Agreement. The most effective way in which this can be done is by provision of assistance in training, logistics, technical assistance and through joint exercises – not by stationing combat troops overseas in the absence of treaty obligations and threat of external aggression".⁸

The RCB was retained at BAB with added emphasis on a combined training role with the MAF. In practice, this role was not achievable because of the MAF's intense operational commitments they had little if any time available for training "sometimes the Battalions would come out of the jungle to undergo three months retraining but usually go back into the jungle without having had time to do any".⁹

⁴ Document: Review of Five Power and ANZUK Arrangements prepared for the Defence Committee dated 11th January 1973, paragraph 28. (e).

⁵ Directives: Plan Asbestos files and CDFS Directive to CGS and CAS and Department of Air Organisation Directive 13/73, file 566/2/148, paragraph 15 dated 20th August 1973.

⁶ Report: VCGS to the Chiefs of Staff Committee Agendum No 47/1973 supplement No1 dated 16th October 1973, paragraph 3.

⁷ Signal: DEFARM Canberra to FIELDFOR Sydney 110355Z Sep1974

⁸ Hansard: Ministerial Statement – Australian Defence Policy. by Mr Lance Barnard Minister of Defence 28th February 1973

⁹ Report: Australian Company at Butterworth by Group Captain L.J. Hoare, Services advisor Australian High Commission, Kuala Lumpur, dated 4th October 1973

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7. The threat and objective danger from enemy action was real as evidenced by:
 - The real role of the RCB.
 - The ANZUK Intelligence Report.¹⁰ which gave a detailed analysis of the CPM/CTO's capabilities and potential threats to the Air Base.
 - The MAF's operations as detailed in their Army's book.¹¹
 - The CPM/CTO leader Chin Peng's recorded history.¹²
 - Operational intelligence briefings from superiors to RCB troops prior to deployment in Australia, at deployment in Butterworth and thereafter at regular intervals.
 - Reported terrorists activities.
 - The RCB troops perception.
8. The CPM/CTO had the intent and the capacity (supported by both the Chinese and North Vietnamese Governments) to achieve its aim to overthrow the Malaysian Government.
9. The Australian Government realised that a dangerous situation existed and accordingly authorised that the RCB be deployed, organised for its task, armed for combat and held in readiness able to meet any threat with very little notice.
10. Ownership of the BAB was transferred from the British to the MAF at which the RAAF were joint occupants.^{13 14}
11. The BAB was the MAF's major support base for operations (troop deployments, air support and logistic support) of its ground forces against the enemy in the northern peninsula Malaysia States and border areas with Thailand. For this reason it was potentially a prime target for the enemy and by association our RAAF assets co-located with the MAF at BAB and its protective force (RCB) were also a target. A mortar attack on the MAF Air Base at Sungai Besi near Kuala Lumpur on 31 March 1974 gave credence to the threat.
12. As with Ubon, the BAB was used to support operations in South Vietnam however this was never publicly disclosed, because Malaysia did not want to be seen as having any involvement in that conflict.¹⁵
13. There was an incurred danger to the RCB deployment from enemy action against the MAF at Butterworth and by its associated

¹⁰ Document: ANZUK Intelligence Group 1/1971 – The Threat to Air Base Butterworth up to the End of 1972 dated 30th November 1971.

¹¹ Book: The Malaysian Army's Battle Against Communist Insurgency in Peninsular Malaysia 1968 - 1989

¹² Book: My Side of History by Chin Peng - 2003.

¹³ Document: D21 Part 1 Defence of Shared Military Installations in Malaysia and Singapore dated 17th October 1973, COSC Minutes.

¹⁴ Operation Order: Shared Defence of Air Base Butterworth 1/71 dated 8th September 1971.

¹⁵ Letter: Mr J.R. Rowland, Australian High Commissioner Malaysia to Secretaries of Department of Foreign Affairs and Department of Defence dated 21st July 1971, paragraph 6.

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presence, against the RCB. Any enemy attack on the BAB itself would not have distinguished between the different nations' forces. All troops faced an objective danger and all incurred danger due to the nature of their role.

14. Incidents did occur in the areas external to the Base, which increased the RCB's degrees of readiness.
15. There were specific Rules of Engagement (ROE) issued for the defence task that did provide for a lethal response if necessary.
16. There was an inherent expectation from its security role that casualties would occur from enemy actions against the BAB.
17. Although the deployment had an incurred danger and expectation of casualties the fact that no attack occurred on the BAB can be attributed to the RCB 's presence as a deterrent on the enemy.

Even though the BAB never came under a direct attack it does not negate the fact that the RCB was deployed under active service conditions to provide security (defence of Australian assets) at the BAB from potential attacks. Its presence was a successful deterrent to any planned deliberate attack.



RCB - B Company 8/9 RAR Butterworth 1974-1975

PART 2

BACKGROUND

AUSTRALIA'S COMMITMENT

The RCB's genesis began in 1969 when the Australian PM, The Hon. John Gorton announced in Parliament that after the British withdrawal from Malaysia & Singapore by the end of 1971 that the Australian Forces would remain deployed in the region to provide visible military assistance, for which Malaysia & Singapore had asked, and an assurance that together we have a common purpose to combat the communist inspired military subversion which posed the major threat to the region.

Australian forces deployed included the RAAF at Butterworth (Malaysia) and Tengah (Singapore), a RAN ship and with NZ of a two Battalion organisation together with a UK battalion formed the 28th ANZUK Brigade, of ground troops based in Singapore, with one company detached in rotation to Butterworth.

In making this commitment Australia took the view that while a capacity for swift additional assistance should be maintained within Australia, it was essential for some forces to be stationed within Malaysia – Singapore itself without setting any specific terminal date.

The forces were to remain only as desired by the Malaysian and Singapore Governments. While there they were:

- Not to be used for the maintenance of internal civil law and order.
- Not to be directed against any other country within the region.
- To participate in training with the Malaysia & Singapore to help build the indigenous defence capacity thereby allowing Malaysian troops to be assigned to other parts of Malaysia.
- To be available, subject to the usual requirements for the Australian Government's prior consent, for use against externally promoted and inspired communist infiltration and subversion of the kind which became familiar during the Emergency and which was judged by our military advisors to be the most likely form of aggression in the area.

The greatest threat to stability and security was that arising from the possibility of insurgency in South East Asian (SEA) countries, which could ultimately expose Australia to threat by the spread of communism in an insecure and unstable Asia. These forces were to be available to oppose any insurgency, which is externally promoted, which is a threat to the security of the region and which is beyond the capacity of the Malaysian and Singapore Forces to handle.

In reaching its decision the Government rejected the options of:

- Withdrawing completely at the same time as Britain,
 - Withdrawing but remaining on call from Australia to support Malaysia and Singapore's request for assistance,
- and decided on the principle that:

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“It is much easier to despatch ground forces to an area if, in that area, there is a securely held base and the Headquarters and command and signals and supply complex is already set up and operating and needing only expansion instead of construction de novo. And of course, it is much easier for a country that is to be assisted to believe that it will be assisted it forces from the country which may provide such help are there and are visible.”¹⁶

In 1970 the British Government transferred ownership of the Butterworth Air Base to the Malaysian Government at which the RAAF became joint occupants with the Royal Malaysian Air Force (RMAF).¹⁷

The security of the Butterworth base was primarily the responsibility of the Malaysian Army. Additional security arrangements were implemented under national arrangements for the protection of Australian personnel and RAAF assets at Butterworth. Sector security was put in place by the RAAF through the employment of Air Defence Guards (ADGs, RAAF Service Police, and Police Guard Dogs). In his report, ‘Counter Measures to Security Threat to Air Base Butterworth Until End 1972’,¹⁸ the OC Air Commodore Parker concluded in paragraph 26 that, “... *there is a significant deficiency to oppose or even contain any attack or attempted sabotage. Thus, the inadequacies of effective security measures are a cause for concern.*” The overall protection of the RAAF sector at Butterworth was boosted with the implementation of arrangements for the deployment of an infantry rifle company on rotation to be employed on perimeter security duties (known as RINGFENCE duties), and to undertake military training opportunities.¹⁹

The first program for rotating a rifle company to Butterworth was instituted prior to the establishment of the ANZUK force, when commencing on 15 Nov 70, the AS, NZ and UK infantry battalions that were part of 28 COMWEL INF BDE (i.e. 1 RAR, 1 RNZIR and 1 RHF) began temporary deployments to RAAF Butterworth. This arrangement continued in 1971 after ANZUK Force was raised, and continued after the disbandment of ANZUK in 1975 by providing the duty rifle company for Butterworth (RCB) from an Australian based Battalion of the Royal Australian Regiment.²⁰

The OC of the first RCB deployment from the ANZUK Force, Major B Selleck reported:

“With the then CT threat in Peninsular Malaysia, particularly in areas north of Butterworth to the border, our role was:

- *Vital asset protection,*
- *Services assisted evacuation of Australian personnel stationed at Butterworth and on Penang Island,*

¹⁶ Hansard 25th February 1969, pages 33-37: Australian PM John Gorton’s announcement to Parliament.

¹⁷ Document: D21 Part 1 Defence of Shared Military Installations in Malaysia and Singapore dated 16th September 1973, COSC Minutes and Operation Order: Shared Defence of Air Base Butterworth 1/71 dated 8th September 1971.

¹⁸ Report from OC Air Base Butterworth, Air Commodore I.S. Parker dated 24th December 1971

¹⁹ Letter: From Major John Tilbrook AHU, to Mr Robert Cross dated 11th February 2004 – AHU file 755-1-20.

²⁰ Ibid.

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- *Provision of a quick reaction force to meet the local communist terrorist threat.*

As well as undertaking training to meet these objectives, normal platoon and company training continued.

I returned for a second tour in June 1971, Butterworth was then a RMAF base... The CT threat was more serious on this occasion, with training activity limited to the Base and Penang. The CTs were very active, blowing up a bridge five miles north of the Base, and daily minor skirmishes with the local military and police forces.”²¹

With the election of the Australian Labour Party to Government in December 1972 the new PM, The Hon. Gough Whitlam, moved quickly to withdraw Australian combat forces in Vietnam and Singapore from overseas deployment and to disband National Service. This also included the decision to disband the ANZUK Brigade. However, the Australian Government under the Five Power Defence Agreement (FPDA) agreed for regional security reasons, to retain the RAAF's presence at Butterworth with its RCB protection because of the continuing and increased internal threat from the Communist Party Malaya and Communist Terrorist Organisation (CPM/CTO).²² The RCB was to be provided from Royal Australian Regiment (RAR) Battalions in Australia on a three-month rotational basis.²³

This decision was made at the time when:

- The MAF, on active service²⁴ were becoming increasingly involved in prosecuting its operations (the 2nd Malaysian Emergency (1968 - 1989) against a resurgent CPM/CTO who, with China and North Vietnamese support, had re-commenced its armed insurgency to overthrow the Malaysian government.²⁵
- North Vietnam's success in the Vietnam War was most likely with its consequent effect on increasing instability (the Domino Effect) in the SEA region.

RCB OPERATIONAL DEPLOYMENT FROM AUSTRALIA

Arising from Plan Asbestos the Chief of the General Staff issued his Directive to the Officer Commanding, Butterworth Company, Malaysia (Major Guy Bagot 8th Battalion RAR based at Enoggera) establishing the RCB's operational responsibilities, including its tasks, restrictions and a summary of sentries rights and responsibilities.²⁶ RCB's role was to:

²¹ Paper: "A History of the Deployment of an Australian Rifle Company to Butterworth" –by Lt Col A.H. Maple at Annex B. AHU: 03-092, file 755-1-20 dated 12th December 2003.

²² Document: ASJSP No 1/1973 – Plan 'Asbestos'

²³ Minute: DOP 548/73 – Security Butterworth: Provision Of Infantry Company dated 8th June 1973, paragraphs 1 and 3.f.

²⁴ Letter dated 11th October 2004 from Lim Kui Lee, The Legal Department Ministry of Defence Malaysia.

²⁵ Book: My Side of History by Chin Peng - 2003.

²⁶ Directive: Chief of the General Staff to OC Butterworth Company Malaysia dated 6th August 1973.

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1. *“To carry out training in West Malaysia where possible with the Malaysian Armed Forces*
2. *To provide ground forces support for the RAAF component at Butterworth.*
3. *In the event of a state of emergency being declared and on the direct orders of Officer Commanding (OC) RAAF Butterworth, who will be guided by the Butterworth Security directive (issued separately), you are to:*
 - a. *To assist with the protection of Australian personnel, property and shared facilities within the perimeter of Air Base Butterworth.*
 - b. *To assist with the protection and security of Australian Force families within the area of Air Base Butterworth.*
 - c. *To assist in the evacuation of Australian Force families (including those on Penang Island) to the security of Air base Butterworth should the Malaysian authorities be unable to afford them adequate protection.”*

The OC RCB was under the operational command of the OC RAAF Butterworth ²⁷ and his administrative control for local administration. For all other matters the RCB was under the command of Army Headquarters. Our attempt to obtain access to Australian Secret Document (ASD) 235 dated 1973, a reference in Note 27, has been denied by Air Force Headquarters (letters dated 26th July 2005 and 5th September 2005) because it “remains current and contains information the sensitivity of which may compromise the security of the Commonwealth”.

The OC RAAF Butterworth Directive ²⁸ to the OC RCB detailed the operational command structure and the RCB’s tasks, limitations and its rules of engagement (ROE). RCB’s tasks were:

3. *“ Your company is to be capable of conducting the following tasks in relation to security duties at Air Base Butterworth and training in these tasks is to be completed to my satisfaction before the company participates in other exercises:*
 - a. *Cordon and search*
 - b. *Internal Base patrolling*
 - c. *Protection of RAAF Service police/SSP at established road blocks*
 - d. *Protection of key points*
 - e. *Crowd dispersal*
 - f. *Providing a quick reaction force (QRF) of section strength (on immediate stand-by on a 24 hour a day basis*
 - g. *Providing a reserve force to be activated on deployment of the QRF*
 - h. *Operating mobile tactical lights on likely penetration points*

²⁷ Directive: Chief of Air Staff to the Officer Commanding RAAF Butterworth dated 4th October 1973 File 565/1/2

²⁸ Directive: OC RAAF Butterworth to OC RCB dated 4th April 1978.

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- i. *Manning of listening posts and standing patrols by night, including the use of image intensifiers*
- j. *Operating TOBIAS intruder detection equipment.”*

The Base Defence Plan's Key Points are shown in the Base Layout diagram attached as Annex A.

This Directive was to be read in conjunction with HQ Field Force Command instruction 722/k11/11 dated 6th March 1978.

Contingency plans existed for the RCB to be used:

1. In the evacuation of Australians citizens including military staff and dependents from Butterworth and Penang,²⁹ and
2. In any security actions required arising from hi-jacked aircraft landing at Butterworth.³⁰

A recent letter from the DVA Minister's Office³¹ re-affirmed the RCB's role:

“The RCB was established in 1970 as a quick reaction force to provide protection for Australian assets within the perimeter of RMAF Base Butterworth, due to the continued threat of communist terrorism within Malaysia. Besides securing protection for the two fighter squadrons within the perimeter of RMAF Base Butterworth, the role of the RCB was to provide a quick reaction force to meet the communist terrorist threat, and be responsible for internal security within the Air Base. The RCB was not to be involved in local civil disturbances or to be employed in operations outside the gazetted area of the Air Base. ROE for the RCB were specific on “orders to open fire” if threatened and security was breached. Although it may have involved patrolling within the RMAF Base perimeter its ROE was defensive only”.

To achieve its security role and tasks the RCB's *modus operandi* was for its Platoons to rotate every three days through the following activities:

- One stand-by Platoon providing:
 - The Quick Reaction Force (QRF) of Section strength based in the Guard Room on immediate standby on a 24 hour a day basis with weapons and ammunition ready for deployment as required by the OC. At night the QRF, with radio communications, patrolled at irregular times and routes to the vital points and other areas as directed by the Duty Officer.
 - The platoon headquarters and the other two sections were the Ready Reserve Force on 30 minutes notice to deploy. They were involved in training within the company area.

²⁹ Document: HQ RAAF Butterworth Operation Order 2/72 RAAF Families Protection Plan dated 8th May 1972

³⁰ Personal interview dated 2005 Robert Cross with Lt Col Guy Bagot (OC RCB September – December 1973)

³¹ Letter: DVA Minister's Office to Mr S.L. Hannaford dated 21st January 2003.

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- The second platoon was the Reserve stand-by platoon on a two-hour notice to deploy. It was involved in training within the close training area inside the base area or at the nearby rifle range, no further distant than 20 minutes. It remained in communication with the Company HQ by radio, telephone and/or vehicle.
- The third platoon was involved in either training or on rest/leave. Training away from the Air Base required the OC RAAF Base and FF Commander's approval. If absent on leave the men were limited to Butterworth or Penang and for immediate recall purposes, were required to record their destination, planned movements and timings, in the leave register held at Company HQ.

Defence is a specific phase of war requiring specific preparations, such as; deployments to protect ground and vital points, active patrolling, plans for counter-penetration and counter-attack, degrees of readiness, rules of engagement and a mental attitude requiring constant alertness in what is a 'waiting activity'. At Butterworth, the RCB was limited to patrolling within the Air Base and reliant upon the MAF for patrolling outside the Base.



RCB – Element of a Quick Reaction Force 1973

PART 3

WARLIKE SERVICE - ISSUES

1. RCB'S ROLE ASSESSMENT

Debate has surrounded the primacy of the RCB's twin roles of security and training as outlined in the Army's Operational Directives

Previous reviews have presented training as the primary role. We contend this is incorrect and from our discovery through FOI of Internal Defence and Army documents ³² ³³ found that the real role of security/protection was disguised for the following reasons:

1. To conform to the newly elected Australian Labour Government's policy on the overseas deployment of combat forces that required the inclusion of a training role. At that time the political climate was so sensitive and delicate, that the Defence Force Chiefs of Staffs were following government's policy. So that although RCB's real purpose was security, it was politically correct to say that it was deployed for training even though knowingly that it was not possible to achieve this because the MAF were heavily committed to operations against the CTs and could not be spared for training with other countries Forces.
2. As a deliberate tactic to allay the sensitivity of The Malaysian and Singapore Governments and the Australian public to the overseas deployment of its combat forces. Because of the political sensitivities in these Governments there was an accepted belief that some form of the RCB security was required at BAB post 1970. However, it could not be publicly stated as, "The Australian Government is deploying troops to Butterworth for the protection of Australian Assets including ex-patriots and Defence civilians because of the CT insurgency in Malaysia." This would have been seen as overt criticism of the Malaysian Government, hence the veiled use of the role term, "Training Purposes". Further it allowed both Governments a flexible position so that the impact was beneficial for all concerned:
 - The Malaysians were able to save face with Australia and Singapore in that they did not have to admit publicly that there was in fact a major security problem from the CTs, insurgents and dissidents.
 - Australia was able to foster the support required from both Malaysia and Singapore to achieve security within the region and at the same time provide security to ADF military assets at Butterworth.

³² Defence Department's 1973 Documents - Review of Five Power and ANZUK Arrangements, prepared for The Defence Committee.

³³ DOP 548/73 Minute Security Butterworth: Provision of Infantry Company dated 08/06/73.

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- Australia was able to maintain a presence in South East Asia with access to a forward operational base in a secure location for any expanded role and force requirement.

The first stated task given in the Army's Directives to the OC RCB was: To carry out training and exercises where possible with the Malaysian Armed Forces. This training task was not included in the tasks given to the RCB by the OC RAAF Base Butterworth.

Access to internal Defence and Army documents through FOI revealed:

- In the Defence Department's 1973 Documents - Review of Five Power and ANZUK Arrangements, prepared for The Defence Committee (comprising Chairman, Sir Arthur Tange CBE, Secretaries of DOD, CCOS, CNS CGS, CAS, Sec Dept of PM & Cabinet, Sec to Dept of Foreign Affairs and Representative for Secretary to Treasury Department), that:
 - "The Army Company rotated through BAB has an unpublicized role (about which there is naturally some Malaysian sensitivity) in base security plans".*³⁴
 - "A second major consideration so far as the Five Power countries are concerned is that for the foreseeable future the scope for combined ground forces exercise with local forces will be quite minimal. Singapore simply does not have the area or facilities, whilst on practical grounds (aside from any political sensitivities that may exist) Malaysia is not able, given the pressures that insurgency on the Thai border and in Sarawak place upon its Armed Forces and its training programmes, to divert Army units to train or exercise with other countries".*³⁵
 - "When the Australian Battalion is withdrawn, the requirement for a company for security duties at BAB will be met by providing the unit on rotation, from Australia. This could be presented publicly as being for training purposes."*³⁶
- In the DOP 548/73 Minute Security Butterworth: Provision of Infantry company date 08/06/73 stated:
 - "1. With the withdrawal of 6 RAR from ANZUK Force, a new provision is to be made for security of the RAAF Mirage Squadrons at Butterworth."*
 - "3.f. In addition to security duties, the opportunity will exist for training away from Butterworth utilising Malaysian Forces facilities".*

³⁴ Department of Defence Defence Committee Agendum No 1/1973 Five Power & ANZUK Arrangements and Withdrawal of Australian Battalion and Battery dated 6th January 1973, Para 49.

³⁵ Ibid, Para 51.

³⁶ Department of Defence Defence Committee Minute of meeting Held on 11 January 1973, Agendum No 1/1973, Minute No 2/1973 Five Power & ANZUK Arrangements and Withdrawal of Australian Battalion and Battery dated 11th January 1973, Para 28 (e).

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The VCGS in his report to the COSC (16/10/73) ³⁷ on his September 1973 visit to RCB confirmed the primacy of the security role vis-à-vis training.

The OC RAAF Base Butterworth, Air Commodore P.F. Raw in a letter to the Australian High Commission Kuala Lumpur ³⁸ advised that the proposal for 100 men of the RCB to be made available for combined exercises with the MAF was not acceptable because of Base security reasons.

2. THREAT ASSESSMENTS

MAF Assessment ³⁹

The war against Communist insurgency was fought in two phases:

- The First Phase took 12 years from 1948 to 1960 was known as the Malayan Emergency. During this period the CPM sought to seize power from the British and the Malayan Government through guerrilla warfare.
- The Second Phase was against the resurgence of militant communist threat from 1968 to 1989. This second armed rebellion began two years after the end of the Confrontation with Indonesia. The withdrawal of the British forces in 1967 was regarded by the CPM as a golden opportunity for it to take over the country's administration. For the next 21 years the Army was actively engaged in skirmishes with the armed wing of the CPM, known as the Malayan National Liberation Army (MNLA). These small skirmishes with the communist guerrillas had posed far more complex problems in military deployment and operations.

The CPM re-organised itself in southern Thailand. It maintained close liaison with the PRC in Beijing from whom it received directions, support and policy instructions. Three Regiments were formed and recruitment progressed in both southern Thailand and Peninsular Malaya. Training was in guerrilla warfare as used by Mao before going to assault units or underground elements. It was the basis for the armed struggle in Peninsular Malaysia.

The CPM strategy was to:

- Intensify subversive activities by infiltration in Trade Unions, political organisations and student bodies – United Front.
- Underground operations. Mobilise all underground elements to co-ordinate preparations for assault units, prepare food dumps, gather intelligence on Security Force movements and sabotage and assassinate.
- Intensify militant activities.

When the CPM launched its offensives in 1968, the Malaysian Army only had one Division and three Brigades in Peninsular Malaysia. The

³⁷ Report: VCGS to the Chiefs of Staff Committee Agendum No 47/1973 supplement No1 dated 16th October 1973, paragraph 3.

³⁸ Letter: OC RAAF Butterworth to Australian High Commission dated 27th March 1974 – Australian Rifle Company at Butterworth- 3/107/Air (34).

³⁹ Book: The Malaysian Army's Battle Against Communist Insurgency in Peninsular Malaysia 1968 – 1989.

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Government and the Army at that time were not well prepared to meet the CPM armed threat. This was proved by the success of the CPM in the early 1970s in carrying out ambushes against the Security Forces by the murder of several government officers, sabotage of government projects and attacks on SF bases, including the Royal Malaysian Air Force (RMAF) base in Sungai Besi on 31/03/74.⁴⁰

As the terrorist threat intensified, more Divisions and Brigades were formed to provide greater capability for the Army at that time. Beginning in 1970 another six Brigades and two more Divisions were formed to help existing formations in carrying out their tasks and responsibilities of safeguarding the country's peace. By Jan 1981 four Divisions and 12 Brigades had been formed to fight the Communist insurgency and to prepare Malaysia for conventional warfare.⁴¹

The tactics and strategies adopted by the CPM/CTO markedly resembled the revolutionary techniques of the Chinese Communist Party.⁴²

From past experience it was known that the CPM either launched surprise vicious attacks on the security forces or carried out various terrorist activities in urban and rural areas, such as assassinations of Special Branch/Police personnel, distributing pamphlets, flag raising, rocket attacks, booby traps and acts of sabotage either before, on or after the anniversary dates of significant communist anniversaries.⁴³

CPM/CTO – Chin Peng⁴⁴

As early as 1960 Mao Tse Tung had predicted that revolution would soon spread across South East Asian countries and that Vietnam, Cambodia, Laos, Thailand and Malaya would all fall (the Domino Theory) and that China would support those communist parties in the region to achieve it. The strategy to be adopted was the classic three-phased Communist insurgency.

In his Book Chin Peng affirmed that the CPM/CTO objective was the overthrow of the Malaysian Government, supported financially by China and with training assistance from North Vietnam.

With this backing the CPM was influenced by the CCC in the early 1960s to return to the armed struggle from its underground political activities phase. This decision required it to re-consolidate its entire organization through political education, re-mobilise and re-organise its supporters and rejuvenate its bases in the Malaya/Thailand border areas and secure them against interference from Thai authorities while establishing good relationships with and respect from the local residents.

From these bases it recommenced armed terrorist actions against targets in Peninsular Malaysia supported by its local infrastructure

⁴⁰ Ibid, page 102.

⁴¹ Ibid, page 74. The Army's Expansion after 1970.

⁴² Ibid. Foreword.

⁴³ Document: Major Haron Mohd Salleh, Army Intelligence Officer Kedah/Perlis dated 23rd March 1977.

⁴⁴ Book: My Side of History by Chin Peng - 2003.

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network. Targets were Government installations (dams, roads etc) as well as carrying out many ambushes on Government troops, bases and convoys.

In 1969 the CPM began propaganda broadcasts from its radio station, 'The Voice of the Malayan Revolution', in three languages, Mandarin, Malay and Tamil, from Hunan, China. Broadcasts in English were later added to attract University students. In 1981 the station was relocated to the Malaya/Thailand border base area under its new name, 'The Voice of Democracy'.

In 1975, encouraged by the fall of South Vietnam and Cambodia to the Communists, the CPM/CTO accelerated its weapons and arms purchases from captured US supplies, and succeeded in recruiting more fighters to its cause. Social and political unrest in both Malaysia and Thailand became fertile recruiting grounds for the CPM/CTO.

Australian Government

In his Defence Ministerial statement to Parliament on the 25th February 1969 the PM reported that communist inspired military subversion posed the major threat to the South East Asian region.

*"... Externally promoted and inspired communist infiltration and subversion of the kind, which became familiar during the Emergency, which is judged by our military advisors to be the most likely form of aggression in the area.... The greatest threat to stability and security arises from the possibility of insurgency in SEA countries, which could ultimately expose us to threat by the spread of communism in an insecure and unstable Asia.... These forces (deployed in Malaysia and Singapore) will be available to oppose any insurgency which is externally promoted, which is a threat to the security of the region and which is beyond the capacity of the forces of Malaysia & Singapore to handle."*⁴⁵

ANZUK Brigade

ANZUK Intelligence Group document 1/1971 'The Threat to Air Base Butterworth up to the End of 1972', dated 30/11/71⁴⁶, provides a detailed analysis of the CPM/CTO's capabilities and potential threats.

It identified that the use of the Base as an airfield from which anti-terrorist and air operations were being flown might prompt the terrorists to attack the Base.

"Para 71 (d). It is possible, but still unlikely, that the CPM/CTO could take a decision to attack the Base in certain circumstances, namely:

- *If the CTO infrastructure in the Northern States judged the time ripe for attacks on substantial military targets in those states.*
- *If there were large scale civil disturbances or major industrial unrest*
- *If the CPM/CTO saw a significant psychological or propaganda advantage either in relation to Australian or Malaysian Governmental*

⁴⁵ Hansard 25th February 1969, pages 36: Australian PM John Gorton's announcement to Parliament.

⁴⁶ Document: ANZUK Intelligence Group 1/1971 – The Threat to Air Base Butterworth up to the End of 1972 dated 30th November 1971.

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or public attitudes to the Base, or as a morale boosting demonstration, possibly related to a Communist Anniversary.

- *In retaliation for the increased use of the Base by the RMAF in anti-terrorist operations.”*

“Para 71. (e). There is definitely a risk that one or more CTs or members of subversive groups could regardless of CPM/CTO policy and /or acting on their own initiative, attempt an isolated attack on or within the Base at any time.”

“Para 72. We assess that:

(a) It is unlikely that the CPM/CTO will as a deliberate act of policy attempt an attack on Air Base Butterworth to the end of 1972... The form of isolated attacks mentioned in para 71(e) could take place at any time.

(b). Advance warning of any form of attempted attack (except attack by a large group of CTs which is assessed as unlikely) would most probably not be received whether the attack were by CTs or members of subversive groups.

(c). Methods and strengths, which could be conceivably, be employed, if it were decided to attack the Base, range through a number of possibilities:

- (i) Direct frontal assault by a large group of CTs up to 60 strong using small arms fire or explosives.*
- (ii) Covert penetration, probably at night, by one or more individual CTs or small groups totalling up to 20 with a view to surprise attack on vital points, especially the aircraft by small arms fire and explosives.*
- (iii) Mortar or other indirect weapon attacks, if the CTs acquired this capability, using a small force of up to 10 men located in the surrounding rice field/kampong areas, especially those to the east.*
- (iv) Sabotage by the planting of explosive devices or booby traps, designed to damage vital points and injure personnel, by one or more CTs, members of subversive groups, or sympathetic or suborned LEC/contractor personnel.”*

RCB

RCB troops were given regular briefings on CT threats and activity within the area and had to maintain a condition of readiness: they had a “perceived danger”.

All members of RCB, due to the very fact that they were operating in a country that was in an Emergency and under attack from insurgents, did perceive an “incurred danger” as CT activity was occurring nearby on a regular basis and their belief that the BAB was a potential target for the CTs.

That a real threat and objective danger from enemy action existed and has been recognised by:

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1. ANZUK Intelligence Group document 1/1971, ⁴⁷
2. MAF, and
3. Chin Peng, CPM/CTO Leader.

3. OPERATIONS

MAF ⁴⁸

During the period 1968 to 1989, the CT's, externally promoted by the Chinese Communist Government, attacked numerous Government installations across Malaysia as well as carrying out many ambushes on Government troops and convoys. The Malaysian Army's Book, Battle Against Communist Insurgency in Peninsular Malaysia 1968-1989 published 2001, provides a detailed account of military operations. The CT threat was proven to be real, with recorded clashes on a number of occasions within its borders, until Chin Peng, the CT leader, signed a Peace Accord in December 1989.

The table from the Malaysian National Security Council as published in the book referenced above at page 157, and attached at Annex B shows clearly the extent of anti-terrorist operations by years during the period 1969 - 1989.

The Butterworth Air Base was the MAF's major support base against the enemy in the northern peninsula Malaysia States and border with Thailand. As a consequence of the MAF using the Butterworth Airbase, as its major support base (operational troop deployment, offensive air and logistic support) for its ground force operations against an increasing threat from the CPM in Northern Malaysia and Thailand border areas, the threat of retaliation by the insurgents against the Base increased.

RAAF Ground Liaison Section Activities Reports

65 GL Sect's Activities Report dated 20/04/77 for the period 12/76 – 03/77 is a typical example of intelligence and operational information provided to the RCB on a periodic basis:

- Increased security measures involving the RCB were implemented at BAB during the periods: 21-23/12/76, 31/01 – 02/02/77 and 22-26/03/77.
- QRF of Platoon strength from RCB from 26/03 to 04/04/77 to provide additional security for the F111 aircraft during their visit to BAB from 22/03 – 04/04/77
- Briefings to the RCB on the current situation and the threats to the BAB security.

⁴⁷ Document: ANZUK Intelligence Group 1/1971 – The Threat to Air Base Butterworth up to the End of 1972 dated 30th November 1971

⁴⁸ Book: The Malaysian Army's Battle Against Communist Insurgency in Peninsular Malaysia 1968 – 1989, 2001

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RCB

Defence is a specific phase of war requiring specific preparations, such as; deployments to protect ground and vital points, active patrolling, plans for counter-penetration and counter-attack, degrees of readiness, rules of engagement and a mental attitude requiring constant alertness in what is a 'waiting activity". At Butterworth, the RCB was limited to patrolling within the Air Base and reliant upon the MAF for patrolling outside the Base. When required the RCB conducted clearing patrols outside the perimeter: on such occasions evidence of CT activity was identified.

Incidents that occurred in areas external to the Base increased the RCB's degrees of readiness required.

Our survey of RCB troops of different ranks and at different deployment periods concluded the following:

1. The primary task was security.
2. The threat was from CT sabotage, terrorist activities and armed attacks as described from various intelligence sources
3. Specific rules of engagement, degrees of weapon readiness for the QRF and the carriage of ammunition were ordered by the OC RAAF Air Base for protection of assets and personnel and were strictly applied.
4. There were specific incidents that heightened the levels of alert and required the deployment of the RCB's elements; QRF, Reserve platoon and company.
5. There were numerous incidents external to the Base in close proximity that incurred casualties to both the MAF, the Police and to the CTs
6. Contingency plans were in place for the RCB's security roles related to counter-penetration and counter-attack, evacuation and aircraft hijack.
7. The MAF made extensive use of the BAB for operations against the CTs.
8. The training role of exercising with the MAF did not occur prior to the 1980s, due to MAF's operational commitments. Thereafter, periodic exercises (Exercise Harangaroo) occurred prior to the relieving RCB taking up its role at BAB.
9. There was a real threat.
10. RCB's presence was a deterrent to a CT attack.

As intelligence briefings dictated, the BAB was subject to varying alert levels, "Red Letter Days". On these days the RCB was placed on full alert due to the increased threat. On some of these alerts the RCB was deployed into fighting weapon pits at the northern and southern ends of the runways beside the Air Base perimeter fence.

RCB's operations were defensive by direction and confined internally to the BAB. Its preparations against attack were conducted with the belief that an attack could occur at any time of the CT's choosing.

Although the BAB never came under a direct CT attack it does not negate the fact that the RCB was deployed under active service conditions to

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provide security (defence of Australian assets) from potential attacks. Its presence was a successful deterrent to a planned deliberate attack.

4. DETERRENCE

Deterrence theory is a defensive strategy under which a Government builds up or maintains military forces and weapons to deter attack. This requires that a potential aggressor be left in no doubt that they will suffer damage outweighing any possible gains from any aggression.

Tactically it is used by Armed Forces to deter attacks against it and its facilities. This in our view was the basis for the deployment of the RCB and its subsequent success.

5. RULES OF ENGAGEMENT (ROE)

ROE are a set of rules, jointly agreed and approved by the Australian Government and the Malaysian Government, to be used by our Forces when conducting operations in Malaysia.

In the CGS's Directive to the Officer Commanding Butterworth Company⁴⁹ is a summary of Sentries' Rights and Responsibilities in relation to Gazetted Protected Areas or Places and in Areas or Places Not Gazetted. In its para 4 it states:

“Sentries on duty in a Protected Area or Place may use force to arrest intruders even to the extent of causing death”.

The OC RAAF Butterworth's Directive to the OC RCB detailed its Rules of Engagement⁵⁰ as follows:

“Application. The Rules are to be applied within the BAB regardless of curfew, periods of increased security, air defence exercises and time of day or night. All ranks operating within the BAB are to be aware of friendly national organisations which operate inside the BAB.

1. *Orders for Opening Fire. You may open fire at a person or persons only in the following circumstances:*
 - a. *If you are ordered to guard any building, vehicle being used as a dwelling or as a place of storage, or you are ordered to guard the occupants of, or any property contained in such building, vehicle, aircraft, tent you may open fire at any person who is in the act of destroying or damaging by fire or explosives the building, vehicle, aircraft, or tent, or the property contained therein PROVIDED THAT THERE IS NO OTHER MEANS OF*

⁴⁹ Directive: Chief of the General Staff to OC Butterworth Company Malaysia dated 6th August 1973 – Annex A.

⁵⁰ Directive: OC RAAF Butterworth to OC RCB dated 4th April 1978.

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PREVENTING THE PERSON FROM CARRYING OUT THE ACT OF DESTRUCTION OR DAMAGE.

- b. If you or any other person is illegally attacked in such a way as to give you reason to fear that death or grave bodily injury will result, you may open fire on the person carrying out the attack PROVIDED THAT THERE IS NO OTHER MEANS OF PREVENTING THE PERSON FROM CARRYING OUT THE ATTACK.*
- 2. Before opening fire you are to warn the person whom you intend to shoot of your intention to open fire unless he ceases his illegal act. You should use the challenge 'HALT OR I FIRE – BERHENTI ATAU SAYA TEMBAK', repeated three times.*
- 3. At all times, before opening fire you must remember:*
 - a. If in doubt do not shoot*
 - b. You must not fire unless this is the least force necessary to enable you to carry out the orders you have been given.*
 - c. Shoot to wound and not to kill*
 - d. Use the minimum number of rounds necessary*
 - e. Your right to shoot ceases as soon as the necessity for protection has passed, i.e., if your first round wounds the person so that he can no longer continue the act which caused you to open fire, you are not to shoot him again.*
- 4. You are to take careful note of the fact that your right to shoot ceases at the airbase boundary fence. You are not to shoot at a person on the other side of the fence."*

These ROE also applied when conducting other activities external to the Base such as range practices, convoy movement, watermanship training and jungle training at Paluada. These basic ROE were varied depending on the specific tasks.

Although defensive in nature it did provide for an armed response to shoot to wound. The ROE and reference to shooting was required to be published in Unit Routine Orders when the RCB arrived and thereafter monthly.

There was a perception by the RCB troops that to defend the Base would incur actions to defeat any attack by the CTs.

Defence is a specific phase of war requiring specific preparations, such as; deployments to protect ground and vital points, active patrolling, plans for counter-penetration and counter-attack, degrees of readiness, rules of engagement and a mental attitude requiring constant alertness in what is a 'waiting activity'.

In the event of a deliberate planned attack on the BAB there was an expectation that the RCB would be called upon to engage in a clearly warlike activity and that its ROE would be varied to order a lethal response against the attacking force.

We understand that the RCB's ROE are not dissimilar to those used in current operational deployments.

6. EXPECTATION OF CASUALTIES

As with any operational deployment into a country where its Armed Forces are on active service against a known enemy, there is an inherent expectation of casualties.

At Butterworth there was an incurred danger in the RCB deployment arising from potential enemy actions against the MAF at Butterworth and the RCB by its associated presence. Any attack on the BAB itself would not have distinguished between the different nations' forces present. All troops faced an objective danger and all incurred danger due to the nature of their role.

Within the RCB there was a real perception and expectation that any enemy actions against the Base would result in casualties.



RCB Casualty evacuation training at Butterworth - 1974

PART 4 REBUTTAL PREVIOUS REVIEW DENIALS

In this Part we present counters to each reason, previously presented by the Government's Reviews ⁵¹ ⁵² ⁵³, and the Department of Veterans' Affairs, to refuse our claims.

The Review of Veterans' Entitlements, 2003 – Clarke Report, ⁵⁴ concluded that:

14.138. "No evidence was found that service in SEA currently established as peace time service should be considered warlike. No operational area was prescribed, no specific armed enemy threat was present and there were no rules of engagement to pursue specific military objectives. Although the service occurred overseas, it could equally well have been performed as part of peacetime activities in Australia. The Committee understands that peacetime service, whether rendered in Australia or overseas, can at times be arduous and even hazardous. However, on its own, this is not enough to warrant its consideration as operational or qualifying service for benefits under the VEA".

14.139. ".... neither warlike nor non-warlike service was rendered in Malaysia or Singapore immediately following the cessation of Confrontation on 11th August 1966, or subsequently in Butterworth under the FPDA or ANZUK".

In arriving at these conclusions it reported:

14.135. "Because of a residual presence of CT under the leadership of Chin Peng in Malaysia, and the continued presence of two RAAF fighter squadrons and support forces at Butterworth, the Commonwealth Government decided to assist in Base security by deploying an infantry company known as RCB to the Base in 1970. The RCB was deployed to be a ready reaction force to counter any major insurgency at the Base".

14.136. "The RCB's tasks were infantry training and after-hours patrolling of the perimeter of the Base, thereby contributing to Base security in conjunction with the Malaysian security forces, the RAAF air field defence guards and RAAF police dogs. Its rules of engagement were protective only. Although there is no doubt that the RCB was involved in armed patrolling to protect Australian assets, it is clear that training and the protection of AS assets are normal peacetime garrison duties".

14.137. "Essentially the prime aim of the FPDA was to provide regional security and stability, and forces were pre-positioned to do so. These include RAN fleet units. However,

⁵¹ 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA) – Gratton Report.

⁵² 1999/2000 Review of Service Entitlement Anomalies in Respect of South East Asian Service 1955 – 75 (Mohr Review).

⁵³ 2002/2003 Independent Review of Veteran's Entitlements – (Clarke Report).

⁵⁴ Ibid.

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like the activities of FESR forces not involved in warlike conflicts such as the Malayan Emergency and Indonesian Confrontation, the activities of forces assigned to ANZUK were peacetime operations and training, without active rules of Engagement, military objectives, or threat from enemy action”.

“ It recommended that no further action be taken in respect of peace time service:

- *At Butterworth after the cessation of Confrontation and*
- *With ANZUK after the cessation of Confrontation.”*

At Annex C we comment on each of the Report’s conclusions and DVA’s correspondence denials.

CIDA PRINCIPLES

In the CIDA Report of March 1994,⁵⁵ the Committee of Inquiry established a set of principles to act as a guide when considering whether particular military service is deserving of an award. Of Principles 3,8, 9 and 10 relating to RCB service, the key principle is Principle 3.

“To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or degraded”.

We consider it appropriate to test Principle 3 by comparing RCB service to the approved “warlike” service rendered in Ubon, Thailand, 1965 – 1968, because of the nature of both deployments, protection of Australian assets in a real threat environment.

The review regarding Ubon ⁵⁶ concluded that although no actual engagements with an enemy occurred, the Airfield Defence Guards (ADG) were *“armed for combat and had been told by those who knew more of the situation that danger did exist and they must hold themselves in readiness to meet it, not at some indeterminable time, but at five minutes notice”.* The ground troops were issued “rules of engagement” (ROE) and were able to defend themselves in the case of attack. This is similar to the situation with the RCB at Butterworth.

RCB Comparison with Ubon

Differences are:

1. Malaysia was involved in its Emergency with a known enemy, the CPM/CTO. The MAF were on active service whereas Thailand’s Military Forces were not.

⁵⁵ 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA) – Gratton Report.

⁵⁶ 1955-75 Review of Service Entitlement Anomalies in Respect of South East Asian Service – Mohr Report.

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2. The BAB was a major operational support base for the MAF ground and air operations against the CT base areas less than 100kms from it. As such it was a potential target. Ubon was an air support base only for US air operations in Vietnam.
3. Incidents did occur between Australian soldiers and the CT insurgents.
^{57 58}
4. Although the role of the RCB was the provision of security within the perimeter of the Base it was expressly excluded from external security because that was the MAF's responsibility. When required, the RCB conducted clearing patrols outside the perimeter: on such occasions evidence of CT activity was identified.

Similarities are:

1. RCB's ground troops were issued active rules of engagement in order to conduct their security role and to defend themselves against any attack.
2. The Butterworth Airbase was also used to support operations in South Vietnam however, this was never publicly acknowledged, as Malaysia did not want to be seen as having any involvement in that conflict.
⁵⁹
3. Butterworth also was subject to different alert levels, which were indicated by "Red Letter Days" in which the RCB were placed on full alert due to the known threat increasing as the intelligence briefings dictated. At some of these alerts the RCB were deployed for additional security into fighting weapon pits at the northern and southern ends of the runways beside the Air Base perimeter fence.



RAAF Flight-Line Butterworth 1979

⁵⁷ Letter: Dr Allan Hawke Secretary to Defence to Mr Chris Duffield dated 4th September 2000.

⁵⁸ Document: Australian Defence Headquarters Minute PE 2000-34836 Pt 1 CDF 249/01 dated 18th April 2001. Recommendations of the Review of Service Entitlements in Respect of the Royal Australian Air Force and Rifle Company Butterworth Service 1971-1989.

⁵⁹ Letter: Mr J.R. Rowland, Australian High Commissioner in Malaysia to the Secretary of the Department of Foreign Affairs and to the Secretary of the Department of Defence dated 21st July 1971, paragraph six.

PART 5

CONCLUSIONS

RCB service at Butterworth during the 2nd Malaysian Emergency against the CTs (1970 – 1989) is warlike service because it meets the Australian Government's established criteria in that:

- Its role was operational: the protection (defence) of Australian assets at the BAB in an environment where Malaysia owned and used the Base as a major support facility in its operations against the CTs.
- There was a real threat to the MAF at BAB and by our associated presence to the Australian assets and the RCB.
- The rules of engagement existed and were specific to the task. In any attack on the BAB it was expected that that the ROE would be expanded to allow for lethal force.
- In executing its defensive role there was a real perception and expectation that any enemy actions against the BAB would result in casualties.

It is inconceivable to believe that the Australian Government would have deployed its defence forces on such a role without a risk assessment that identified the BAB would not be attacked at some time given the Communists success in Vietnam and the Chinese and Vietnamese support of the CPM/CTO.

We believe it is wrong not to recognise warlike service to the RCB, which was deployed, into a country where there was a real threat from a resurgent enemy and whose Armed Forces were on active service against it.

Previous reviews have been flawed by insufficient in-depth research and understanding of the Australian Government's importance of regional security in the SEA Area at that time against an insurgent threat supported by China and Vietnam, the significance of its forward base policy at Butterworth and its continued willingness to have the RCB deployed as security in that threat environment.

RCB service was not peacetime service.

The fact that, an ASM was awarded for RCB service from the Defence Department's 2001 Internal Review, would refute the 1994 Gratton Report 's conclusion that RCB service was peacetime service only and suggests that the 2003 Clarke Report's conclusion was also in error.

PART 6
RECOMMENDATIONS

1. That the Minister for Defence authorise a review of RCB service 1970-1989 to consider the substance of our claim for reclassification of its service from peacetime to warlike.

2. If our claim is substantiated that you approve entitlements to:
 - a. Qualifying service for VEA entitlements, and have the BAB declared under the Defence Act an active service area.

 - b. Australian Active Service Medal (AASM) with clasp Malaysia.

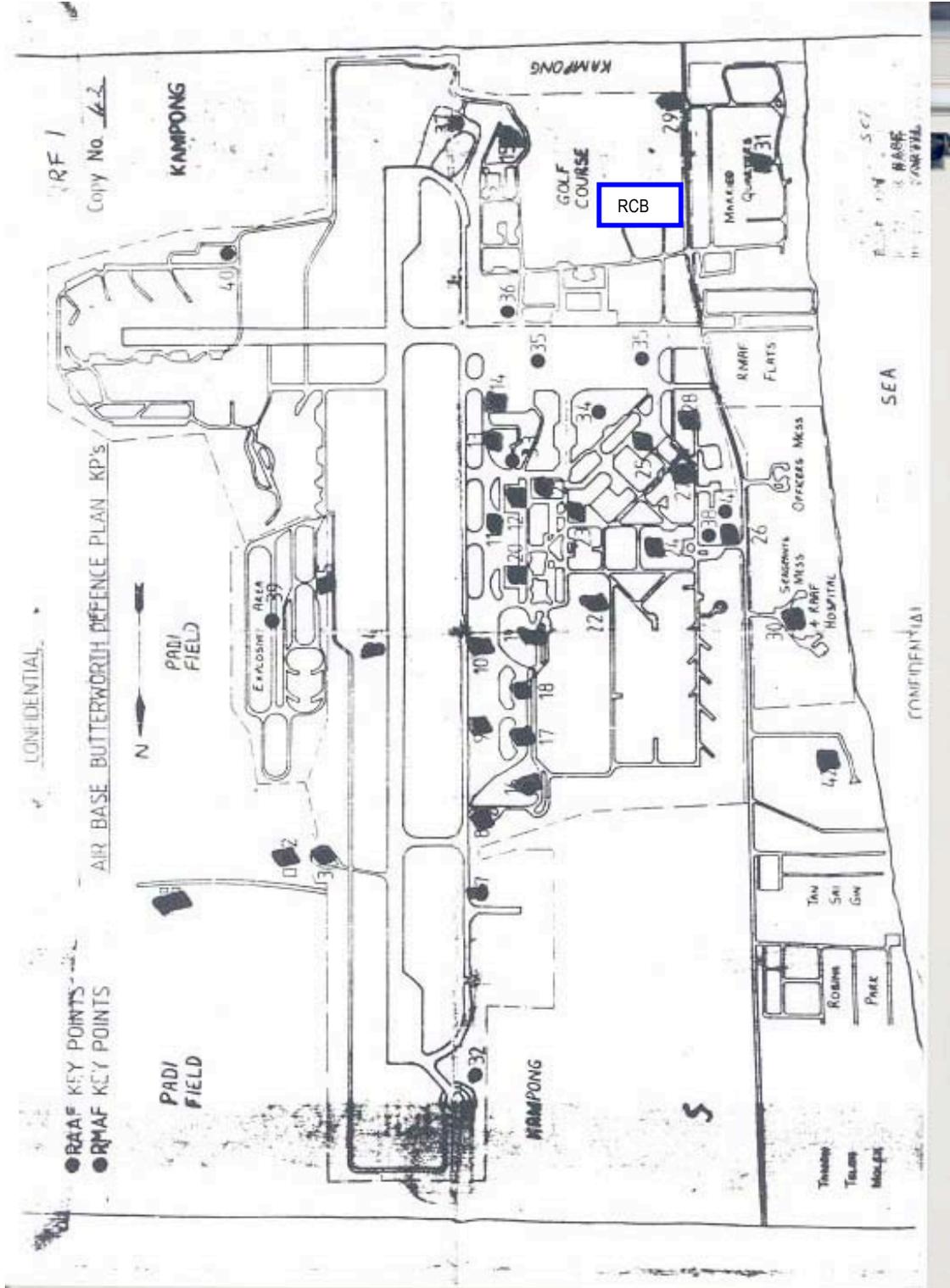
 - c. Returned from Active Service Badge (RASB), and

 - d. General Service Medal 1962, with clasp Malaysia for those who served in RCB until 14th February 1975.

Robert Cross
Chairman
RCB Review Group Committee, comprising
Chris Duffield
Phil Oyston
Ken Rundell OAM
Stan Hannaford, and
its many RCB supporters.

- Annexes:
- A. Air Base Butterworth Defence Plan and Key Points.
 - B. MAF Operational Results.
 - C. Rebuttals.

**AIR BASE BUTTERWORTH
DEFENCE PLAN KEY POINTS**



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A-2 KEY POINTS

(Refer to Diagram above)

KP-RAAF	DESCRIPTION	BLD NO	GRID
1	SSB RECEIVERS	123B&C	6P
2	SURVEILLANCE RADAR	123D	7N
3	TACAN	123K	7M
4	PAR	123E	11M
5	SUB STATION P	75/30A	12M
6	DELETED		
7	MISSILE PREPARATION BAY		
8?	MISSILE STORAGE	92	8J
10	3 SQN AIRCRAFT	APRON	10J 11J
11	92 WGDET AIRCRAFT	APRON	12J 13J
12	3 SQN HANGAR	51	13J
13	TOWER & OPERATIONS	54	14J
14	SAR HELICOPTER	54D	15J
15	OXYGEN PRODUCTION PLANT	63B	19J
16	NO 1 FUEL INSTALLATION	47	8J
19	NO 2 FUEL INSTALLATION	47C	11J
20	3 SQN MAINTENANCE HANGAR	50	12J
21	GROUND DEFENCE OPERATIONS CENTRE	56	14H
22	MT COMPOUND	45	11G, 12G
23	CENTRAL EQUIPMENT STORE	59	13H
24	RAAF/RMAF SWITCHBOARD	58E	12F, 13F
25	AIR MOVEMENTS APRON	APRON	14G
26	RAAF RADIO BUTTERWORTH	19	13E
27	ARMOURY, SAA LOCKUPS & WATER TOWERS	65/69	14F
28	CENTRAL EMERGENCY POWER HOUSE	74	15F
29	ELECTRICAL DISTRIBUTION CENTRE G	78L	20F
30	4 RAAF HOSPITAL POWER, WATER & PHARMACY		10D
31	PUMP STATION, RESERVOIR & WELLS	80	19D
42	RAAF TRANSMITTERS		
KP-RMAF			
9	RMAF AIRCRAFT	APRON	8J, 9J
17	RMAF MAINTENANCE HANGAR	49	9H, 9J
18	RMAF MAINTENANCE HANGAR	48	10H, 10J
32	SUB-STATION 'K'	87D	?
33	SUB-STATION 'N'	56D	14J, 15J
34	FUEL INSTALLATION	77	15G
35	VISITING & RMAF AIRCRAFT		16H, 16G
36	HELICOPTERS		17G, 17H, 17J
37	STANDBY BAYS	111AB	20K
38	POWER SUPPLY	20	13E
39	EXPLOSIVES AREA		9M, 9N, 10M, 10N, 11M, 11N, 12M, 12N
40	MIADS/ADOC & 1ADC		17O, 17F, 17Q
41	RMAF ARMOURY	18C	13E

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ANNEX B

MAF OPERATIONAL RESULTS

YEAR	CTs			TOTAL	SECURITY FORCES		TOTAL
	KIA	Captured	Surrendered		KIA	WIA	
1969			1	1	6	22	28
1970	9	2	5	16	13	28	41
71	9	1	3	13	9	35	44
72	1	1	2	4	4	17	21
73	8	0	1	9	4	19	23
74	41	8	10	59	3	38	41
75	7	1	5	13	33	150	183
76	16	10	19	45	3	6	9
77	23	28	27	78	13	85	98
78	15	5	8	28	14	124	138
79	26	7	9	42	15	80	95
80	17	0	1	18	12	27	39
81	6	3	18	27	9	34	43
82	4	0	1	5	2	38	40
83	10	0	3	13	5	23	28
84	5	0	1	6	5	40	45
85	0	0	0	0	3	23	26
86	6	0	2	8	1	28	29
87	7	2	0	9	1	28	29
88	2	82	1	85	0	8	8
89	0	0	0	0	0	1	1
TOTAL	212	150	117	479	155	854	1009

YEAR	ACTIVITIES			TOTAL	FINDINGS			TOTAL
	Clashes	Incidents	Movement		Camps	Rest Places	Caches	
1969	0	5	83	88	0	18	0	18
1970	11	18	192	221	6	25	2	33
71	17	13	316	346	7	46	12	65
72	8	11	18	37	14	34	37	85
73	16	22	181	219	17	50	76	143
74	34	63	377	474	25	86	48	159
75	22	76	323	421	34	117	35	186
76	41	168	571	780	25	83	53	161
77	31	35	285	351	17	58	32	107
78	60	116	396	572	89	84	36	209
79	54	64	449	567	58	102	52	212
80	36	33	362	431	53	81	32	166
81	16	32	314	362	18	28	11	57
82	36	42	249	327	19	32	9	60
83	15	34	171	220	22	43	20	85
84	18	32	105	155	18	36	11	65
85	3	14	142	159	18	45	10	73
86	9	3	136	148	38	56	68	162
87	10	6	35	51	40	73	40	153
88	2	7	55	64	12	34	13	59
89	0	2	8	10	10	21	4	35
TOTAL	439	796	4768	6003	540	1152	601	2293

REBUTTALS

REBUTTAL – CLARKE REPORT ⁶⁰

In this section we take each of the Report's conclusions (in red) and comment on their accuracy, inaccuracy and/or deficiency (in blue).

We believe that the review failed on two counts:

1. To consider the Government's reasons for the forward Base deployment of Australian combat forces to the BAB: regional security commitment and the need to protect Australian assets and personnel against the communist insurgents.
2. To apply correctly the criteria for warlike service: "The application of force is authorised to pursue specific military objectives (defence and appropriate ROE) and there is an expectation of casualties."

1. *No operational area was prescribed.*

It is recognised that the Governor General prescribed no operational area. However, the operational area was defined as Butterworth Air Base in all Operational Directives from the FPDA, CGS, Field Force Command and Officer Commanding RAAF Butterworth to the OC RCB.

The RCB's role was obscured to the public for sensitive political reasons (to Malaysia, Singapore and Australia) and was promoted as "for training purposes." ⁶¹ No publicity was to be sought for RCB's deployments. ⁶² For these reasons service at Butterworth was not declared an active service area under the Defence Act or by notice in the Gazette. ⁶³

We believe the operational area, BAB should have been prescribed by the GG.

2. *No specific armed enemy threat was present.*

The 2nd Emergency 1968-1989 was fought to remove this threat.

The following evidences that the threat existed:

- Malaysian PM, Tunku Abdul Rahman's statement that the nation's number one priority is the elimination of Communist Terrorists. ⁶⁴
- Chin Peng's stated intention to overthrow the Malaysian Government.

⁶⁰ 2002/2003 Independent Review of Veteran's Entitlements – (Clarke Report).

⁶¹ Document: Review of Five Power and ANZUK Arrangements prepared for the Defence Committee dated 16th October 1973, paragraph 49 (E)

⁶² Directives: Plan Asbestos files and CDFS Directive to CGS and CAS and Department of Air Organisation Directive 13/73, file 566/2/148, paragraph 15 dated 20th August 1973.

⁶³ Signal: DEFARM Canberra to FIELDFOR Sydney 110355Z Sep1974

⁶⁴ News item: Sunday Times, Malaysia dated 14th July 1974.

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- The expansion of the MAF to counter the threat and the incidence of casualties as detailed in the Malaysian Army Book.
- The Australian PM's speech to Parliament 25/02/69.
- The RCB's deployment and its continuance after the withdrawal of the ANZUK Force.
- ANZUK Intelligence Group document 1/1971 the threat to air base Butterworth up to the end of 1972, dated 30/11/71,
- The RAAF's concern that the RCB's absence from the Air Base for training with the MAF, would prejudice BAB security by losing sight of the primary task of the Company.⁶⁵ An alternative to replace the RCB with an on call ADG unit from Australia was rejected.

Training with the MAF was not possible because of their commitment to operations against the CTs.

3. *There were no rules of engagement to pursue specific military objectives.*

There were specific Rules of Engagement to achieve a specific military objective: "the security of Australian Assets and personnel at BAB" as stated in:

- Annex A to the CGS's Directive to the Officer Commanding Butterworth Company
- Annex A to the OC RAAF Butterworth Directive to the OC RCB.

4. *Although the service occurred overseas, it could equally well have been performed as part of peacetime activities in Australia.*

To suggest RCB service was peacetime in the environment of the 2nd Malaysian Emergency, where the MAF were using the BAB for major offensive operational deployments and combat and logistic support is wrong because:

- a. Routine garrison peacetime duties in Australia involve:
 - No enemy threat,
 - Patrolling without live ammunition,
 - No ROE, and
 - No expectation of casualties.
- b. RCB operational deployment to BAB involved:
 - An enemy threat,
 - Armed patrolling,
 - Active ROE with authority to shoot to wound, and
 - An expectation of casualties.

⁶⁵ Minute: Chiefs of Staff Committee – Australian Company at Butterworth, dated 17th October 1973.

5. *Neither warlike nor non-warlike service was rendered in Malaysia or Singapore immediately following the cessation of Confrontation on 11th August 1966, or subsequently in Butterworth under the FPDA or ANZUK. (CD)*

We disagree as detailed above.

REBUTTAL – Of Statements made by the Minister and the Staff of the Office of the Minister for Veterans' Affairs:

1. Letter to Mr Robert Cross from Amanda Miller, Assistant Adviser Office of the Minister for Veterans' Affairs dated 05/09/01 ⁶⁶

Comparisons to other areas (Ubon Thailand) in SEA in earlier periods where terrorist insurgencies occurred show a complete misunderstanding of these operations.

Our comparison is with the threat posed to both the Ubon and the Butterworth Air Bases. We are not aware of any direct attack on either base. Thailand was not at war, however, Malaysia was involved in its 2nd Emergency. The RMAF used the base for direct and indirect support operations against its enemy's bases within 100 kilometres of the BAB. The threat against the BAB was real.

2. Letter to Mr Stan Hannaford from Eacham Curry, Assistant Adviser, Office of the Minister for Veterans' Affairs dated 21/01/03. ⁶⁷

Task limited by the Five Power Defence Agreement (FPDA) to a quick reaction force to provide protection for Australian assets within the perimeter of the RMAF Air Base due to the continued threat of communist terrorism within Malaysia.

This statement recognises both the real and primary role of the RCB and the threat. The RCB's primary role was security of Australian assets and personnel:

- *To assist with the protection of Australian personnel, property and shared facilities within the perimeter of Air Base Butterworth.*
- *To assist with the protection and security of Australian Force families within the area of Air Base Butterworth.*
- *To assist in the evacuation of Australian Force families (including those on Penang Island) to the security of Air base Butterworth should the Malaysian authorities be unable to afford them adequate protection."*

A quick reaction force (QRF) in a defence role has counter penetration and/or a counter-attack tasks to block and repel the enemy inside the defended area (BAB) and to regain lost ground/facilities

⁶⁶ Letter: Letter to Mr Robert Cross from Amanda Miller, Assistant Adviser Office of the Minister for Veterans' Affairs dated 05/09/01.

⁶⁷ Letter: Letter to Mr Stan Hannaford from Eacham Curry, Assistant Adviser, Office of the Minister for Veterans' Affairs dated 21/01/03.

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The task was a routine peacetime objective.

To suggest RCB service was peacetime in the environment of the 2nd Malaysian Emergency, where the MAF were using the BAB for major offensive operational deployments and combat and logistic support is wrong because:

- a. Routine garrison peacetime duties in Australia involve:
 - No enemy threat,
 - Patrolling without live ammunition,
 - No ROE, and
 - No expectation of casualties.
- b. RCB operational deployment to BAB involved:
 - An enemy threat,
 - Armed patrolling,
 - Active ROE, and
 - An expectation of casualties.

Although there may have been a CT threat to Malaysia there was no serious threat to undermine its Government and political system.

The 2nd Emergency 1968-1989 was fought to remove this threat.

The following evidences that the threat existed:

- Malaysian PM, Tunku Abdul Rahman's statement of the CPM/CTO being the greatest threat to Malaysia's security.
- Chin Peng's stated intention to overthrow the Malaysian Government.
- The expansion of the MAF to counter the threat and the incidence of casualties as detailed in the Malaysian Army Book.
- The Australian PM's speech to Parliament 25/02/69.
- The RCB's deployment and its continuance after the withdrawal of the ANZUK Force.
- ANZUK Intelligence Group document 1/1971 the threat to air base Butterworth up to the end of 1972, dated 30/11/71, and
- The RAAF's concern that the RCB's absence from the Air Base for training with the MAF would prejudice BAB security by losing sight of the primary task of the Company. An alternative to replace the RCB with an on call ADG unit from Australia was rejected.

The ROE was defensive only.

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There were specific Rules of Engagement to achieve a specific military objective: “the security of Australian Assets and personnel at BAB” as stated in:

- Annex A to the CGS’s Directive to the Officer Commanding Butterworth Company, and
- Annex A to the OC RAAF Butterworth Directive to the OC RCB.

Under these conditions no reasonable claim can be made that service in Butterworth since 1966 could be considered more than non-warlike service.

We believe this submission to be a reasonable claim because it meets Cabinet’s objective criteria for warlike service, as follows:

“Warlike Service” under VEA as defined in S 5C (1) is service of a kind determined by the Minister of Defence to be warlike. Cabinet agreed that warlike services refer to those military activities where the application of force is authorised to pursue specific military objectives, and there is an expectation of casualties.

These operations encompass but are not limited to:

- A state of declared war. (*Malaysia, the host nation and owner of the BAB was heavily involved in its 2nd Emergency*).
- Conventional combat operations against an armed adversary, (*Combat operations also include defensive operations*), and
- Peace enforcement operations that are military operations in support of diplomatic efforts et al (see p238 para 10.9)”

Considering the above, and given that the RCB did not have active ROE, was not authorised to pursue CTs or conduct operations outside the RMAF base and existed to provide security to AS assets only, warlike service is not considered as having been rendered.

We contend that RCB’s service was warlike because of:

- The RCB’s role. Under the Five Power Defence Agreement, the RCB was to protect Australian assets (co-located with the MAF at their owned BAB) in an environment where Malaysia was heavily involved in its 2nd Emergency against the CPM/CTO.
- The Threat. The MAF used the BAB for its offensive actions (air support, troop deployments and logistic support of its forces) against the enemy. Therefore, the BAB was a target for the enemy and by our association a threat to our forces.

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- The Nature of the Operations Required. RCB operations were of a military defensive nature requiring quick reaction forces to counter enemy penetrations and to counter-attack. The application of force was authorised through the carriage of live ammunition with weapons armed and specific rules of engagement issued and applied.
- The real expectation of casualties in this environment.

Considering the conditions surrounding Butterworth service, the award of the ASM is considered appropriate recognition.

The ASM awarded in April 2001 recognised BAB as non-warlike peacetime service, however, our claim as detailed in this submission is for warlike service.

From 1966, after the Indonesian Confrontation conditions at Butterworth became rather benign with long term posted personnel being accompanied by their families. Had service in Malaysia during this period been warlike, Australia would not have put families or other innocent civilians in such danger, particularly having children attend schools away from the Base and establishing off-base MQs in areas such as Penang Island.

This was no different to the circumstance during the First Emergency and Confrontation where families accompanied the Australian forces and lived in Butterworth, Penang and Malacca.

Detailed contingency plans existed for the protection and evacuation of families if necessary.

3. Letter to Mr Robert Cross from The Hon De-Anne Kelly BE MP, Assistant Minister for Veterans' Affairs dated 05/10/05⁶⁸

The RCB was not established under any agreement with the Malaysian Government to conduct offensive operations against CTs. It was established purely to provide protection for Australian assets within the perimeter of the Butterworth Air Base as a quick reaction force to meet any CT threat to the Base.

⁶⁸ Letter: Letter to Mr Robert Cross from The Hon De-Anne Kelly BE MP, Assistant Minister for Veterans' Affairs dated 05/10/05.

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This is accepted, however, we maintain as detailed in this submission this was warlike services due to the RCB's operational protection (defence) role and the existing threat.

Research of the histories of those units involved in the RCB rotations (including commander's diaries), advice from the AHU, and research at the AWM was also carried out. As a result of the follow-on review the ASM with clasp South East Asia was extended for service in Butterworth until December 1989. However, the review also re-affirmed that service rendered by the RCB was peacetime service.

We believe that the review failed on two counts:

- To consider the Government's reasons for the forward Base deployment of Australian forces in Butterworth – regional security commitment – and the need to protect it against the communist insurgents.
- To apply correctly the criteria for warlike service:
 - The application of force is authorised to pursue specific military objectives (defence and appropriate ROEs) and,
 - There is an expectation of casualties.

The result of our request for the Commanders' diaries from the National Archives of Australia resulted in advice that they did not exist.

"I am therefore guided by the findings of the above reviews, particularly the Independent Review of Veterans' Entitlements, which investigated this matter thoroughly and into much greater depth than CIDA or the Mohr Review. The Review concluded that neither warlike nor non-warlike service was rendered in Malaysia or Singapore immediately following the cessation of confrontation on 11/08/66.

We challenge the Clarke Report's conclusion as detailed in this submission.

The major task was training with the MAF.

We disagree. This is contrary to a previous statement from the Office of the DVA Minister

"Task limited by the Five Power Defence Agreement to a Quick Reaction Force to provide protection for Australian assets within the perimeter of the MAF Air Base due to the continued threat of communist terrorism within Malaysia." (Eacham Curry's Letter To Mr Stan Hannaford Dated 21/01/03)