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Minister for Veteran Affairs

Ministerial Office

Suite M-1-49, Parliament House

Canberra ACT 2600

Dear Sir,

Re Request that my Malay-Thailand Border Patrols 1970 & 1971 be recognized as Active service with Veteran Benefits by the Commonwealth Government

Whilst stationed in Singapore as a 1RAR infantry Combat Medic, I served on five **Malay-Thailand** border patrols lasting generally two weeks and one of four weeks duration in 1970-71.

The First Royal Australian Regiment (1 RAR) was engaged in rotating Company strength border patrols on the Malay-Thailand Border in 1970 & early 1971 as part of the Far East Strategic Reserve FESR. The Malayan Communist Party (MCP) or Communist Terrorists (CT's) had built their strengths up to around 1000 permanent soldier terrorists and thousands of Cadre's under the leadership of Chin Peng, during the lull period from 1960 to 1968, and in 1968 launched the first of their Terrorist raids into Malaysian Territory with many being killed on both sides.

1 RAR, unbeknown to the Australian Public or Media re commenced Active Border patrols as part of the FESR, reminiscent of those of the First Malaysian Emergency.

Intelligence Briefing at Butterworth Air force Base prior to first patrol.

We were told in a high level intelligence briefing that there were communist terrorist insurgents operating in the Malay Thai border region and they had damaged key infrastructure and inflicted casualties on Malaysian government forces. We were also told that the Malaysian Government had asked Australia for assistance in deterring these insurgents, and also that they were a threat to the Butterworth Air force base, which was of strategic importance, to the resupply of the Australian Government's Vietnam War effort.

At the Intelligence briefing attended by Senior Australian and Malaysian Intelligence Officers

We were told:-

1. That we were to carry out patrols on the Malay-Thai border as a **visual deterrent** between the belligerents the Malaysian Government and the insurgents “**The Malaysian Communist Party (MCP)**”
2. The insurgents had established themselves along the border small camps and there was a strong possibility of our meeting these insurgents.
3. That we were only allowed to carry **blank** ammunition due to the political sensitivities in the South East Asia region (1969 to 1971) in Australia in particular. I.e. The moratorium marches in Australia and the Labor Government’s handling and attitude to the forces in Asia were not seen as healthy towards the serving forces.
4. If we are attacked by the insurgents then ammunition would be air dropped to us within 20 minutes.
5. That a new **Communist Insurgency War 1968 to 1989** had started between the belligerent’s, The Malaysian Government and the Malaysian Communist Party (MCP)
6. That this briefing was classified and not to be repeated to anybody.

The Communist Insurgency war also referred to as **The second Malayan emergency 1968 to 89**

Appendix’s A, B ,C & D have been added to give a more comprehensive overview of the seriousness of the Communist Insurgency War.

Appendix A points out in detail the severity of this emergency, the numbers of killed and wounded, The Belligerent’s, commanders etc.

Appendix B for a description on the MCP ‘s leader Chin Peng.

Appendix C for a Malaysian correspondents report on the status of the Insurgency as related to Malaysia.

Parts 1 to 3 are very relevant to our patrols and the point of this letter).

Appendix D Is an excellent presentation of all of the Facts about Rifle Company Butterworth RCB as presented on “The Royal Australian Regiment Association South Australia Web Site”. This presentation gives a detailed description of how Justice Mohr addresses the matter of “**Object danger**”. The presentation fights for the rights of the ADF personnel who served in South East Asia and more particularly in Malaysia during the period 1970 to 1989, and articulates the many legal and moral reasons that the service is deemed to be “**Active Service**”.

It was well known by the FESR Intelligence that the MCP moved freely across the border between Thailand and Malaysia and that they had a lot of support and sympathy from the border villagers. The principle adopted by the FESR was to operate in the MCP’s area of influence and try to saturate the border by doing co-ordinated patrols along its length.

The Border patrols that I was a member of, were at company strength and we were allocated sections of border to patrol. British, Ghurkha and Malaysian forces did co-

ordinated patrols in other border sections. We moved through rubber plantations at times and mountainous jungle areas at other times. Generally, we were a fast moving patrol, who were, air lifted regularly by Wessex HELICOPTERS flown by British RAF pilots, to new border sections. We moved through many isolated and remote villages and the concept was to be seen and to present as a **Visual Deterrent** to the MCP guerrilla's. It was known that the villagers would pass on to the MCP the information about the allied forces presence.

Once our patrols were over, we were sent back to Butterworth for R & R. We were allowed to travel to Penang as part of that R&R. I remember on one occasion spending many hours with R.A.N. personnel serving on the Vendetta, who were docked at Penang.

Warlike Service Determination :

A transcript of the Federal Governments latest methods of determining a person's status is as follows :-

Warlike Service

32. 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. a state of declared war;
- b. conventional combat operations against an armed adversary; and
- c. 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. They are usually conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Point 32 C above describes my Border Patrols exactly, as we were there on military operations in support of diplomatic efforts to restore peace or limit the war between the Malaysian Government and the Malaysian Communist Party belligerents. Many soldiers on both sides had recently been killed and a serious amount of infrastructure damaged. We were in their war zone in support of the Malaysian Government, at the expense of the MCP.

COMBAT MEDIC WITH 1RAR

The 1 RAR Regimental Aid Post (RAP) had no Medics after moving back from Terandak Malaysia Dec 1969, so the Regimental Medical Officer, RMO Capt. Jeffries ran a "Combat Medical Course" to train infantry soldiers to become Combat Medics. I was one of those that completed the Medics course.

As our RAP was under staffed, Capt. Jeffries sent me on five separate occasions to the Malaysian-Thailand Border as Company Combat Medic. Whilst on the Border patrols I would

liaise with Medical units to the rear should emergencies occur. On several occasions I had to Medevac Soldiers back to Butterworth. I accompanied them to ensure that their medical needs were attended too, once I delivered them to Butterworth, I was choppered back to the Patrol.

We were lucky that Chin Peng the Malay Communist Party (MCP) leader did not find out that we were carrying blank ammunition.

The following are transcripts from Justice Mohr on the “Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975”

In the February 2000 Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975[52] Justice Mohr addressed the matter of ‘objective danger’. Mohr stated:

“To establish whether or not an ‘objective danger’ existed at any given time, it is necessary to examine the facts as they existed at the time the danger was faced. Sometimes this will be a relatively simple question of fact. For example, where an armed enemy will be clearly proved to have been present. However, the matter cannot rest there. On the assumption that we are dealing with rational people in a disciplined armed service (i.e. both the person perceiving the danger and those in authority at the time), then if a serviceman is told there is an enemy and he will be in danger, then that member will not only perceive danger, but to him or her it will be an objective danger on rational and reasonable grounds. If called upon, the member will face that objective danger. The member’s experience of the objective danger at the time will not be removed by ‘hindsight’ showing that no actual enemy operations eventuated. ... It seems to me that proving that a danger has been incurred is a matter to be undertaken irrespective of whether or not the danger is perceived at the time of the incident under consideration. The question must always be, did an objective danger exist? That question must be determined as an objective fact, existing at the relevant time, bearing in mind both the real state of affairs on the ground, and on the warnings given by those in authority when the task was assigned to the persons involved.”

Clearly, in relation to service at BAB, an armed enemy clearly existed. There was an ‘objective danger’. Additionally, evidenced tendered by members of the RCB, ‘rational people in a disciplined armed service’, were ‘told there is an enemy’ and that they were ‘in danger’. According to the precedent established by Mohr, this ‘objective danger’ cannot be removed by ‘hindsight’ showing that no actual enemy operations eventuated.

Mohr had earlier stated:

“I am fully conscious of the provisions governing the award of medals, qualifying service, etc., in Warrants, Acts and guidelines, The point is however, that so many members of the ADF served in South-East Asia during the period of the Review had no idea of the necessity for themselves or their unit to have been ‘allotted’ before they received qualification for a medal or repatriation benefits and now find themselves disadvantaged years later because those who ordered them to do their duty, which they did, took no steps to ensure the required allotment procedures were attended to when quite clearly they should have been. There is a procedure available for retrospective allotment but this appears not to have been followed in many cases. It seems unfair that members of the ADF in this situation should be denied the opportunity to put forward for consideration the nature of their service, which would in many cases, amount to operational and/or qualifying service because of this action, or rather lack of action, of their superiors.[53]”

Letter of the 19th May 2012 by Senator the Hon David Feeney :

In a letter to Mr. Robert Cross, dated 19 May 2012, Senator the Hon David Feeney, Parliamentary Secretary for Defense, states on page 3: For any ADF service at Butterworth from 1970 onwards to meet the original intent of hazardous service, the service would need to be shown to be “substantially more dangerous than normal peace time service” and “attract a similar degree of physical danger” as “peacekeeping service”. Peacekeeping service generally involves interposing the peacekeeping force, which may be unarmed, between opposing hostile forces. The immediate threat to peacekeepers is by being directly targeted or by being caught in the crossfire of the opposing forces.

This letter once again can be used in my case, as I was on patrol on the Malay-Thailand Border as a visual deterrent, between opposing hostile forces, the threat of being directly targeted or caught in the crossfire of the opposing forces was a real and genuine threat.

Regarding the matter of Cost to the Commonwealth and the reason to ignore soldier’s claims

The document Background Information Paper Nature of Service Classification – ADF Service at RAAF Butterworth, at paragraphs 73 and 80 make reference to cost, with paragraph 80 stating: ‘The cost of including this service in the DVA budget is assessed as significant.’

Compare this with the following enunciated in Principle 10 of the March 1994 Report of the Committee of Inquiry into Defence Awards (CIDA).

Matters relating to honours and awards should be considered on their merits in accordance with these principles, and these considerations should not be influenced by the possible impact, real or perceived, on veterans' entitlements.

It would appear reference to 'significant' costs in the above mentioned document was designed to influence the decision of the Minister and the Prime Minister in violation of this principle.

I have tried on several occasions to get my Border Patrol service recognized but to no avail. Usually Defense personnel just say that you were at Singapore and that is what your records show. I have been awarded the Overseas Service Medal with S.E. Asia clasp and apparently not entitled to active service recognition due to the poor state of my records.

I can only assume that either my 1RAR Regimental aid Post RAP service documentation has been lost, or hidden from view for some reason, maybe for sensitivity, or the risk of expense to the commonwealth.

Justice Mohr's comments are extremely relevant in my case. **Senator the Hon David Feeney's** letter is also relevant, and coupled with recent determinations by **Lt Gen Hurley (Vice Chief of the Defense Force) in 2010** regarding the Rifle Company Butterworth (RCB) 1970 to 1989 leaves me in no doubt, that my Malay-Thailand Border Patrols should be recognized as Active Service with all of the benefits associated therewith.

Lt Gen Hurley (Vice Chief of the Defense Force), 2010 edicts on the Rifle Company Butterworth (RCB) makes very interesting reading, parts of which are discussed in detail in Appendix D). I was amazed to read that the RCB were allowed to carry live ammunition for their internal perimeter patrols, yet we were not, and we were in the middle of the belligerent's war zone. I am now amused to think that I was sent to Butterworth and Penang for R&R.

A SUMMARY

The Unambiguous Facts:

- 1. We were warned at intelligence briefings that we were going into a potentially dangerous zone with the possibility of being attacked by the Malayan Communist Party.**
- 2. We patrolled the Malay-Thailand border to deter the Malayan Communist Party (MCP) from any further infiltrations and actions on Malaysian soil.**
- 3. Our Patrols were carried out in 1970 and 1971 during the "Communist Insurgency War" (1968 to 1989) also referred to as the "Second Malaysian emergency".**

- 4. That we were a Visual Deterrent between two parties at war, The Malaysian Government Forces and the Malayan Communist Party, and be in their theater of war.**
- 5. We carried blank, not live ammunition, due to the political sensitivities, and the fact that Australian Legislation had not been enacted to allow it. The risk of escalation of War in South East Asia was too great.**
- 6. Whilst on overseas service, as far as Vol 1 & 2 of the Australian Military Law was concerned, we were charged under the sections relevant to "On Active Service".**
- 7. I served approximately 84 days on the Malaysian Thailand border and the balance of the seventeen months overseas service was at Singapore.**

When I was on the border Patrols, I was acutely aware of the dangers, sensitivities and the possibilities and ramifications of my position, and it sat squarely on my shoulders then and those thoughts are with me to this present day.

It has taken forty three years to get to this point in my fight for recognition, yet still to no avail. My concern is that at my age, any further time taken to get recognition may well be too late.

Could you please arrange for the relevant Department to consider my request that my border patrols be recognized as active service, and have the same benefits accorded to me as were my counterparts in Malaya Pre 1966 and Vietnam.

I would like to have the recognition by my country for the active service that I undertook.

For what it's worth, up until very recently, I have still been on the Dept. of Defence's data base as an inactive reserve, for potential re-enlistment as an officer with engineering qualifications and skills.

This makes a total of 44 years' service that I have made myself available to the Commonwealth of Australia.

I am also a Fellow of the Institute of Engineers Australia.

I thank you in advance for your assisting me in my endeavors.

Yours

Malay-Thailand Border Patrols by 1RAR 1969-1971

John Hunt

Army Number 3796996

National service July 1969 to July 1971

And later service as a commissioned officer in the Royal Australian Engineers.