



ROYAL AUSTRALIAN REGIMENT ASSOCIATION SOUTH AUSTRALIA

13 Beatty Street, LINDEN PARK SA 5065

Ms Christine Heazlewood
Acting Chair
Defence Honours and Awards Appeals Tribunal
Locked Bag 7765
CP3-7-067
Canberra BC ACT 2610

Dear Ms Heazlewood,

My name is LtCol Mike Dennis, MBE (Rtd) and I am the Royal Australian Regiment Corporation representative on the Emerging Issues Forum.

I was originally involved with Alan Griffin prior to the 2007 election in pushing for a review process to Defence Honours and Awards Directorate decisions, which on many occasions were hard to fathom. Regrettably what we have ended up with is worse.

I have studied and critiqued all of DHAAT Inquiring Reports (Positive and Negative) and what I have found, across the board, is, there are major inconsistencies on using one reference to negate a claim, then intentionally not mentioning it in a another claim (in which it would negate the claim) which is successful. Many reports are inconsistent in form, references and the use of evidence.

When I was in the Army and training personnel on report writing and the appreciation process for logical conclusions, when a student came up with a conclusion, then situated the evidence to justify that conclusion, it was called "situating the appreciation".

This is the most blatant case I have seen of this of "situating the appreciation", the Inquiry Report into Service at RCB. If this was presented at Army Staff College it would have been a dismal failure for the writer.

Let me highlight some specifics from the RCB report.

1. The report highlighted the actions against the CT's in a downplayed 4 lines with a mind blowing statement "there was some internal unrest in Malaysia led by the Communist Party of Malaya (CPM). Written evidence provided which DHAAT neglected to mention was the Malaysian Government, saw the period as "as engaged in operations against an enemy".

Written evidence was also provided that the operations went for 21 years and included 212 CT's KIA, 150 CT's Captured, 117 CT's Captured. Friendly Force statistics included 155 KIA, 854 WIA. A further 8200 incidents or reports occurred. You will note that this is longer and more costly than the current ADF conflict in Afghanistan.

2. Next you make great issue about the 1969 statement to Parliament about the deployment as a training exercise but make no reference to the Secret decisions in 1973 to deploy a company from Australia including the training ruse or the problems involved with that. Written evidence provided.
3. You made no comment on the CT units surrounding Butterworth. Written evidence provided.
4. You used justification that women and families were in Butterworth. Firstly this did not apply to RCB and explains more about the Australian Government; Defence and RAAF's callous attitude at placing them in an area of "operations against an enemy" Precedence also shows this has occurred previously when AASM's have been awarded.
5. But the highlight of this report is the new form of Australian evidence by two senior officers who spoke at length about the situation which existed at their time of service at BAB. Did they serve in RCB, what year did they serve? Acknowledging that operational tempo had decreased in the later period. What are their vested interests or do they really exist? Are their personal opinions more valuable than the extensive written evidence (over 3" high by the RCB group and extensive by Defence). Does the justice system now have two rules for credibility?
6. Next, I refer the statement by LtGen Mueller A/CDF written in 19 Jul 2000 and confirmed by Bruce Scott, MP Minister Assisting Minister of Defence (rather than two invisible senior officers who may or may not exist) in which he said " Butterworth will continue as an issue, particularly for the Rifle Company (RCB). This should be investigated further, with the possibility of an extension to 1989. When the terrorist threat from Malaysia Communist Party finally concluded with the signing of the peace accord by its leader Chin Peng. RCB service was to protect the base against terrorist insurgency and it may therefore be difficult to argue that this service, was not non-warlike for medal purposes". Comment at least someone understood the rules and put it to paper and identified himself. This written evidence was supplied in the Defence submission to the Inquiry. Note no mention of training here!
7. The Inquiry made no mention of the landmark legal decisions by Justice Mohr and Professor Clarke which have been accepted by government. If they had quite clearly the award of the AASM would have been awarded, again selective references and manipulating evidence.
8. In the Inquiry report para 33 and 34 states that the AASM cannot be declared "warlike" unless it fits into the three categories of the interpretation. The AASM has been awarded 21 times. None for declared war, 8 times for combat operations against an armed adversary 13 times for UN Operations. All have received Vice Regal approval in retrospect. So therefore RCB service can be approved by the government and vice regal assent on the basis it meets the criteria of "combat operations against an armed adversary" That is protection against a Communist Terrorist threat against BAB is a defined defensive operation.
9. I have also heard rumors in the halls of Canberra, of senior officers commenting prior to the report being issued, that it would be negative because of diminished threat assessment in their eyes. Note Mohr and Clarke do not quantify threats in their judgments. They state real

or not real, not a small threat. Are there undisclosed linkages between Defence and DHAAT that do not appear in reports or evidence?

In your letter to the Emerging Issues Forum you stated you would send a representative to address the Forum. What I think would be of much greater value for you and I to meet say under the auspices of the Repatriation Commissioner (Chairman of the EIF) to forensically examine the evidence provided to the Inquiry by Defence and the RCB Supporters Group to test the Report against the evidence provided.

Now I know you won't do that, so the issue of RCB and DHAAT performance will fester up into a major ESO issue, will be debated publicly in the media, be embraced by the other side of politics and eventually end up in the Federal Court. For your information legal advice has been given that the DHAAT have clearly breached the Administrative Decisions (Judicial Review) Act 1977, Sect 5 in particular para's (1) a, b, (2) a, b. in regard to the RCB decision.

I also attach a letter that I wrote to the CDF on 14 Aug 2011 on the inaccuracies of the Defence submission which I gained under FOI. In that letter I stated that "We have very serious concerns about the DHAAT and its performance. Firstly it is a Canberra centric quango staffed with various people with their own vested and conflict of interests. When one looks at their body of work in total there are marked differences in investigating and reporting on Inquiry's. They have serious deficiencies in investigating facts and coherent report writings. There is no sign of following legal necessities or elements of natural justice. Most reports are clearly the case of situating the appreciation.

I fully support the majority of the issues raised by the AAPPVA in their discussion paper to the EIF.

Yours faithfully

A handwritten signature in black ink, appearing to be 'M Dennis', written on a light blue background.

Lt Col M Dennis, MBE
RAR C Member
Current and Emerging Issues Forum.

Attached: 5 Unsolicited copies of Statutory Declarations from servicemen who actually served at RCB during the period in question.