

5 February, 2019

**Productivity Commission of Inquiry Into Veterans Entitlements 2018/2019**

**Issue; Recognition of Service in Malay Peninsula 1966/67**

Good Morning Commissioners,

My name is Harold Hogan and I would like to discuss important outstanding issues associated with National Service Infantry Reinforcements, who were posted overseas to maintain full strength of 4RAR Infantry Battalion based at Terendak Garrison, Malacca, Malaysia in May 1967. 4RAR were part of the Commonwealth Forces that comprised Far Eastern Strategic Reserve.

To begin with, I was called up to serve in the Army by ballot in compliance with the introduction of the National Service Act introduced in 1964 and amended in 1965, predominantly to build up our Army Defence Force due to the Menzies Government committing additional Australian Forces to combat in Vietnam and Malaysia.

My service commenced on 28 September 1966 for two years duration.

After initial Recruitment Training at Kapooka over a three month period, our Infantry Corp training was completed at Singleton Infantry Training Base for a further three months.

We then opted for overseas service and were posted to the Infantry Reinforcement Wing at Ingleburn in Sydney. Our rationale to put in for Reinforcement Wing, was purely to expedite our posting overseas to Vietnam to complete the required overseas service and qualify for the associated benefits of a Campaign Medal, War Service Loan and full Repatriation Benefits etc. We did this, as our preferred option rather than going through the longer process, of being posted to an Infantry Battalion and waiting to be posted to serve overseas.

To our surprise, after arriving at Infantry Reinforcement Wing, Ingleburn on 22 March 1967, we were informed that seventy of our contingent of 140 National Servicemen were to be posted to 4RAR Infantry Battalion in Malaysia and the other seventy members would be posted to Vietnam. Selection was determined on an odds an evens basis according to our service serial number. Evens went to Malaysia and odds went to Vietnam.

This is where it gets interesting; As we were all lined up one the most senior officers addressed us and told us we were being deployed to a special area of operations in Malaysia and we would qualify for full entitlements.

After some more training, we travelled to Malaysia via Butterworth and joined 4 RAR at Terendak Garrison, Malacca on 15 May, 1967 where we served until our return to Enoggera, Brisbane on 15 October 1967.

Having served in 4RAR for almost six months while it was declared a "special area" for repatriation benefits under the Special Overseas Service Act 1962, we have been denied any repatriation benefits, including a home loan, General Service Medal or Campaign Medal or any medical benefits. The Battalion was still classified as being on Active Service and no Routine Order can be produced to state otherwise.

## **Why Has This Been Allowed To Happen?**

Apparently, the reason given by Defence and DVA was because we were never issued an **allotment for duty**.

Yet according to the Australian Veterans Of The Malayan Conflicts (1950-1973) and the Veterans Entitlements Act 1986, we qualified under Schedule 2 Item 7 as having served in the territory of Malaysia

in a prescribed Operational area. This covered the period 17 August 1964 to 30 September 1967. We had never heard of the term of allotment then or for years later and what's more, a lot of people with military expertise had/have never heard of it. I was recently speaking to a retired decorated Infantry Brigadier and when I mentioned the term of allotment had to be issued for overseas qualifying service, he said he had never heard of it. He's is not on his own in this regard. In more recent times and this is important, our predicament with not having been issued an allotment for duty was brought to the attention of the Mohr/Kennedy Review (SE Asia Review) 1999, Major General Justice Bob Mohr ED RFD made the startling revelation that the sole reason we had not been allotted for special duty, in that special area, was because the Army, whose duty it was to allot them, had failed to do so. A search of records show that no Army or RAAF member was allotted for service in the Malay Peninsula during Confrontation. The period of operational service during the Indonesian Confrontation against mainland Malayasia extended from 17 August 1964 until 30 September 1967.

Following this explosive disclosure by Justice Mohr, a retrospective Instrument of Allotment was quietly announced on 28 December 2000 away from the public's gaze and effective from 1 January, 2001. This was 33 years after we served on the Malay Peninsula. However the allotment didn't include us National Servicemen who served in Malaysia with 4RAR up until October 1967.

Interestingly Defence's response was to accuse Justice Mohr a Major General and Justice of the South Australian Court and Rear Admiral Kennedy of getting it wrong. He in fact not only got it right, he exposed the gross anomaly concerning allotments.

Due to this allotment anomaly National Servicemen who served with 4RAR in Malaysia in 1967 have slipped through the cracks and in 2014, under DVA Minister Ronaldson's watch, the Operational Act

was amended from 30 September 1967 and back -dated to August 1966.

According to the Minister, because of confusion concerning the Operational Date, they had it changed fifty years later.

What a lame duck reason, disgraceful and dishonorable thing to do and for that matter un-Australian.

Out of 140 National servicemen affected by this significant error, only about 80 are still living.

**N.B. Roger Wickham's** submission spells out the situation concerning our cohort in an exemplary and more articulate and concise fashion and is well worth reading to gain a much better understanding. Roger's submission on the site comes under **Submission no 43** submitted by Robert Manning on 13 April, 2018.

As far as I'm concerned, we served our country with honor and distinction, carried out orders from our superiors at all times and never gave a thought of doing otherwise.

## **Health Care Application Issues**

Of course there are many complications associated when applying for assistance for health issues through the set of SOP's related to various illnesses and applications be they with **VEA, DRCA, MRCA,SRCA, Non Liability** etc or other specified channels through which to navigate. Several of my fellow national servicemen could have suffered less stress and enjoyed a better level of care had they been able to access certain benefits and assistance from DVA before they died.

I am presently having my share of difficulty with claims associated with illnesses including cancer both internally and externally which can be traced to my time of service in the Army. Some of these issues

do not manifest themselves until many years later, such as cancer for example.

### **Recommendation**

It is recommended that Army and RAAF personnel on the posted strength of units located on the Malay Peninsula, including Singapore, during the period from 17 August 1964 to 30 September 1967 inclusive, i.e. the period of Confrontation defined in Item 7 of Schedule 2 VEA 1986, be allotted retrospectively so that they become eligible for full repatriation benefits and appropriate medals entitlement. And in fact, comparable to those received by their Navy colleagues who were allotted for duty during the period of Confrontation.

As our former 4RAR Adjutant with his unparalleled wealth of knowledge and experience in the military and Malaysia in particular, proclaimed; "How you National Servicemen were treated is a national disgrace and it should be rectified through the Productivity Commission and if not, be brought to the public's attention through the media".

### **SOP's Statement of Principles**

**VEA Veterans entitlement act 1988**

**DRCA Defence Related Claims Act 1988**

**MRCA Military Rehabilitation & Compensation Act.**

**SRCA Safety, Rehabilitation & Compensation Act.**

**NLHC Non Liability Health Care**

Annexure; Next page.

## AUSTRALIAN VETERANS OF THE MALAYAN CONFLICTS (1950 - 1973)

In the conflicts subsequent to World War II, the two eligibility criteria are:

- **allotment for duty** (a veteran can be allotted either individually or as a member of a unit of the Defence Force) in an area defined in Schedule 2 VEA during the specified period, and
- **service in that area.**

An Australian veteran must satisfy both criteria to have rendered qualifying service for service pension purposes.

Qualifying service for an Australian veteran who served in Malaya is determined under:

- **subparagraph 7A(1)(a)(iii) VEA** in respect of service in the area of Malaya, or the territory of Malaysia and the territory of Singapore, as described in items 2, 5 and 7 of Schedule 2 of the VEA.
  - **Item 2 of Schedule 2 VEA** relates to service from 29 June 1950 to 31 August 1957 (inclusive) in the area of Malaya, including the waters surrounding the coast of Malaya for a distance of 18.5km seaward from the coast. See also **Note 3** below.
  - Item 5 of Schedule 2 relates to service from 28 May 1963 to 19 April 1967 (inclusive) in part of the Federation of Malaya. The relevant part of Malaya is described in detail in **item 5 of Schedule 2 VEA**.
  - **Item 7 of Schedule 2** relates to service from 17 August 1964 to 30 September 1967 (inclusive) in the territories of Malaysia and Singapore and adjacent waters. The relevant parts of the territories and waters are described in detail in **item 7 of Schedule 2 VEA**.
- **subparagraph 7A(1A) VEA** in respect of service in an area described in **item 3 of schedule 2 VEA** between 1 September 1957 and 27 May 1963, being service in respect of which the person has been awarded, or has become eligible to be awarded, a British General Service Medal with the Malaya Clasp.
  - **Item 3 of schedule 2 VEA** relates to service in the territories then known as the Federation of Malaya and the Colony of Singapore, between 1 September 1957 and 27 May 1963 (inclusive). See also **Note 3** below.
  - Qualifying service in these cases is dependent upon the veteran being awarded, or becoming eligible to be awarded, a British General Service Medal with the Malaya Clasp, in respect of the service described in item 3 of Schedule 2.
  - The British General Service Medal with the Malaya Clasp is awarded in respect of service in the Federation of Malaya between 16 June 1948 and 31 July 1960 or in Singapore between 16 June 1948 and 31 July 1959 (note the periods for the condition of the award are not the same as the periods of eligible service in item 3 of Schedule 2).
- **paragraph 7A(1)(f) VEA** in respect of a person that receives a pension payable under **subsection 13(6) VEA**.

**\*\*Note: 1) An Australian veteran that served in Malaya is not required to satisfy the Commission that they 'incurred danger' from hostile forces of the enemy to have rendered qualifying service.**