

TO: THE PRODUCTIVITY COMMISSION

My name is Roger Wickham. I was a founding member of 4 RAR and served with the battalion from **December 1963** to **December 1967**. I carried the Regimental Colour for presentation by Lord de L'Isle VC at the Adelaide Oval on Foundation Day **01 February 1964** and I served in all three "special areas" of that era, **Malay Peninsula, Borneo and Vietnam**, when I was a member of 4 RAR and later. I was the last member of 4 RAR to leave Malacca.

This submission concerns the dwindling surviving members of some **150** former **National Servicemen** who served with 4 RAR in the **Malay Peninsula** "special area" for repatriation purposes under the Special Overseas Service Act 1962, from **15 September 1966** until their Return to Australia in **September/October 1967**.

They have as of present date, been denied their **earned repatriation "entitlements"** for **51 years** and counting. Unless someone can produce a worse case, these former National Servicemen **have suffered the greatest betrayal of returned soldiers in the history of Australian repatriation** and it was perpetrated on them by none other than those charged with their care - **Australia's Defence Chiefs. Not once but twice.**

That is not an outrageous unsubstantiated allegation from an embittered survivor. It is a cold, hard matter of record, to what should be the unending shame of the Australian Defence Force (ADF) and those responsible for this incredible travesty of justice.

This national disgrace was magnified exponentially by the fact that these young men were **not** volunteers. They were press-ganged into accepting military service or serving two-years' jail time. No discussion. There was **no immediate threat or clear and present danger** to the security of the homeland. It was a purely political decision for purely political motives. Over 500 lives later and hundreds more injured and wounded and hundreds of millions of taxpayer funds **totally wasted, nothing** was achieved. Even the world's ONLY military superpower cut and ran from the bootless, farmer-soldiers of an agrarian society.

Those young men were sent to three operational areas where their lives, limbs and futures were at total risk and many paid those prices. They served honourably **as ordered**, and being the best of the 20 y.o. men in the country, elevated the overall standard of the ARA. They then returned home to be denied their earned repatriation **entitlements**. Thirty-three years later, they would be stunned to learn that their commanders at the highest levels **had neglected to do the legal paperwork required to send them to war** and therefore their earned entitlements were withheld. This 33 year penalty has now morphed into **a 50-year penalty**.

The **egregious negligence and bungling at the highest military levels** which caused this inconceivable injustice, were discovered and exposed by **Maj-Gen Justice Robert F Mohr RFD, ED, RL** in his **February 2000 REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-EAST ASIAN SERVICE 1955-75**.

Justice Mohr pulled no punches. *"Many members of the ADF now find themselves disadvantaged years later because **those who ordered them to do their duty, which they did, took no steps to ensure that the required allotment procedures were attended to, when quite clearly they should have been.**"*

As a Major-General in the Australian Army Legal Corps and a Justice of the Supreme Court of South Australia and a former stoker on an RAN destroyer in WW2, Justice Mohr was fully-aware of the seriousness and implications of his allegations and the positions of those at whom he pointed his finger.

In an **act of unconditional admission of guilt** 10 months later, Defence issued a **retrospective Instrument of Allotment** (IOA) and thousands of former ADF members were finally granted their earned entitlements but **without compensation or apology**.

Then the Defence chiefs of 2000 gave the injustice another life of **18 years to date**, by changing the closing date of the Malay Peninsula as a "special area" without due legal authority, from **30 September 1967** as recorded in the Veterans' Entitlements Act 1968, and recommend by Justice Mohr, to **14 September 1966**.

This historically-ignorant and almost-certainly **illegal** act, then denied **earned repatriation entitlements** to all the National Servicemen sent to 4 RAR after **14 September 1966**, who had already waited 33 years to access their entitlements, from accessing them for another 18 years and counting. **These men committed no crime let alone one to warrant this kind of penalty. They did the exact opposite.** They put their lives and limbs and futures on the line for this country without being given a say in the matter. They did **not cause** this problem. They are the **victims** of it. **When will this injustice stop and justice be done and compensation paid?**

I have made detailed submissions on this subject which the government has refused to debunk or challenge, other than to continually regurgitate some **fact-free manufactured narrative** utterly devoid of documentary evidence, which their retrospective IOA itself **totally torpedoed**, and then to finally declare the matter closed. Non-facts do not become facts, just because some people say so.

Justice Mohr identified the cause of the problem which **nobody in Defence**, either military or civil, seems to have read. Somebody sees, hears or reads a **fact-free comment** somewhere, publishes it and it then takes off on a life of its own:

**"Failure to conduct proper research and analysis of the background issues** has led to some personnel being given incomplete or flawed information or advice. **Each and every time the suspect information was regurgitated to a new claimant, it took on a more enhanced authenticity.**" Justice Mohr never dealt in ambiguity or obfuscation. He only dealt in **properly-researched** facts.

This is a prime example of how **"Failure to conduct proper research and analysis of the background issues"** sent this issue off the rails at high-speed and into the bottomless pit below. **Justice John Clarke** stated in the Clarke Report, that 4 RAR was sent to Borneo in **April 1966** to relieve 3 RAR, because of Confrontation. Because of **"Failure to conduct proper research and analysis of the background issues"**, whomever ignorantly advised Justice Clarke did not know, that in **April 1966**, 3 RAR had already been home in **Adelaide** for **7 months**, and 4 RAR had been in **Malacca** since **August/September 1965**. So that statement was incorrect and the accurate information was **NOT** difficult to find. Each time this non-fact was regurgitated and there have been many times, **it took on a more enhanced authenticity**. Notwithstanding the artificial enhanced authenticity, **it still wasn't true**.

Another example: The members of **DHAAT** were **completely misled** by a retired Brigadier who answered **"Confrontation"** to their question of why 4 RAR was sent to Malaysia. I was present and saw and heard it. For anybody else who believes that canard, be advised, that was **not** so.

It is enormously frustrating to have to go through these details time and again knowing they will be ignored because we have now reached George Orwell's **"1984"** prediction in which truth becomes lies and lies become truth and the lies need to be exposed. **Innocent men are paying the penalty.**

From at least **01 February 1964** when it was officially raised, but no doubt well before in **1963**, 4 RAR was slotted to relieve 3 RAR in Malacca as the Australian Infantry component of the **28<sup>th</sup> Commonwealth Infantry Brigade** (28th CIB). This was 6 months before the first **known** Indonesian invasion of the Malay Peninsula on **17 August 1964**, as distinct from the activities in Sarawak, Brunei and Sabah in formerly British North Borneo. So 4 RAR was **NOT** sent to Malaysia because of Confrontation and it was **NOT** sent direct to Sarawak to relieve 3 RAR. Anything and everything to the contrary, should be scrubbed from the records.

This is how **failure to conduct proper research and analysis of the background issues** creates a mess for which totally-innocent soldiers pay severe penalties through no fault of theirs whatsoever and the guilty parties escape censure.

Australian combat forces were stationed permanently on the Malaysian mainland from 1955 as part of the British **Far East Strategic Reserve** (FESR) to help protect Malaysia from continuing **internal** aggression from the **communist terrorists** (CTs) of the **Malayan Communist Party** (MCP), which had basically been going on since the end of WW2, and from any possible **external** aggression as was subsequently manifested by Confrontation.

They were also strategically located there as part of a Ready Reaction Force (RRF) as a member of SEATO (South-East Asia Treaty Organisation), to avoid a repeat of the ignominious surrender of Singapore. **I know because I read the documents.**

So in the **absence of documentary evidence from that time which would reveal the truth**, the now-accepted government position that both internal and external aggression roles were officially ended on **14 September 1966** at the whim of some senior officers, and that Australian forces were kept in Malaysia for **peacetime training** purposes after that, is unmitigated nonsense created to support a certain false narrative.

The fact that Sarawak/Sabah officially ceased as a "special area" on **19 October 1966**, (and I personally passed on the official Routine Order from Canberra), had absolutely **no effect** on the Malay Peninsula "special area" **at all**. But 34 years later in 2000, the Defence chiefs unilaterally and without authority, retrospectively declared the Malay Peninsula to be no longer a "special area" from **14 September 1966**, a full month **BEFORE** the official cessation of Borneo declaration **at the time**. **Where is the Routine Order from the time?** What other dates can be changed retrospectively – the landing at Gallipoli?

After Borneo ceased as a "special area", forces in the Malay Peninsula simply reverted to their **internal** role as was **specifically** noted in **Cabinet Decision 1048 of 7 July 1965**, in which **"communist terrorists"** were specifically mentioned as one of the **two reasons** for the declaration of the Malay Peninsula as a "special area" for repatriation purposes.

**Together** with the threat from Indonesia, CTs were the other reason, the Malaysian government declared the entire Malay Peninsula and Singapore which was then part of the Malaysian Federation, a **security area** in **May 1965**.

On detailed advice from the Joint Intelligence Committee, Australia followed suit on **7 July 1965** by declaring the Malay Peninsula a "special area" for repatriation purposes under the Special Overseas Service Act 1962. **Those are documented facts from the time**. Everything from **28 December 2000** onwards, is sheer speculation based on nothing but personal opinions of people who never served there, excepting CDF Des Mueller who was absent when the decision was made.

This new "special area" was **completely separate** from the Sarawak/Sabah (Borneo) "special area" in East Malaysia. The reason for the separate "special areas" **in the same country**, is that East and West Malaysia are separated by sea, as is mainland Australia and Tasmania.

While they had a common enemy until 11 August 1966, viz., Indonesian troops - West Malaysia aka the Malay Peninsula, also had the continuing internal problem of the CTs very capably led in the Malay Peninsula and Thai-Malay border area by Ong Boon Hua aka Chin Peng, a WW2 veteran decorated by the British with an OBE for his invaluable service.

So as already noted, when the Sarawak/Sabah "special area" officially ceased to be a "special area" on 19 October 1966, that act had absolutely nothing to do with the Malay Peninsula "special area", which was never officially declared NOT to be a "special area", at least before 4 RAR's departure from the area.

Until the government produces a document from that time, retracting "communist terrorists" from Cabinet's 7 July 1965 declaration, or a document from that time terminating the Malay Peninsula as a "special area", or a Malaysian government document terminating the Malay Peninsula as a security area, then it remained a "special area" for repatriation purposes under the Special Overseas Service Act 1962 until all Australian forces had finally and permanently left the area. How can it be anything else?

So this canard about peacetime service in the Malay Peninsula on and from 15 September 1966 needs to be consigned to the dustbin where it has belonged, since it became in vogue following the Clarke Report.

This 14 September 1966 decision was made on 28 December 2000 by four people unqualified and unauthorised to end those roles. They would have had NO idea of the ramifications on some hapless National Servicemen of that era, because they likely would have figured that everyone was covered by their retrospective IOA but they weren't and that no one was adversely affected by their decision – but they were.

As a side note, Singapore was NEVER a separate operational area after 9 August 1965 because it was then a sovereign nation. As such, it was not involved in Confrontation with Indonesia, only Malaysia was. Consequently, it was NOT a signatory to the Treaty of Bangkok. They are also documented facts. So Australians who qualified for full repatriation benefits and medals because they were retrospectively allotted for special duty in Singapore after 9 August 1965 because of Confrontation, were wrongly allotted.

Justice Mohr concluded:

*"It is axiomatic that one must get the facts right in an area as sensitive as Honours and Awards. This, however, was not always the case. A prominent example is the official distribution of a flawed table of ships allotted to the Far-East during the Indonesian Confrontation. This flawed list has, until now, denied some personnel being awarded campaign medals and repatriation benefits. It behoves the Services to get it right the first time, an error such as this is indefensible."*

Is there anybody in the Australian government and the Services who understands the meaning of "indefensible"? If so, please correct this massive injustice poste haste.

*Roger J. Wickham*

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I authorise Harold J Hogan and Robert Manning to use whatever information they choose if any, from this document.