

Mr. John Hunt

Committee Secretariat

Foreign Affairs, Defence and Trade Committee Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Re :- Australian Veterans' Recognition (Putting Veterans and their Families First) Bill 2019 [Provisions]

Dear Sir,

With reference to section 7 of the legislation as quoted below :-

7 Beneficial interpretation of legislation

- (1) The Commonwealth is committed to decision-makers interpreting a provision of the following legislation in a way that benefits veterans, or their families, where that interpretation is consistent with the purpose of that provision:
 - (a) the *Veterans' Entitlements Act 1986*;
 - (b) the *Military Rehabilitation and Compensation Act 2004*;
 - (c) the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*;
 - (d) instruments under those Acts.
- (2) The Commonwealth is committed to decision-makers deciding claims under that legislation:
 - (a) in a manner that is fair, just and consistent; and
 - (b) within a time that is proportionate to the complexity of the matter; and
 - (c) in a manner that promotes public trust and confidence; and
 - (d) on the basis of only requiring evidence sufficient to meet the relevant standard of proof for the claims.

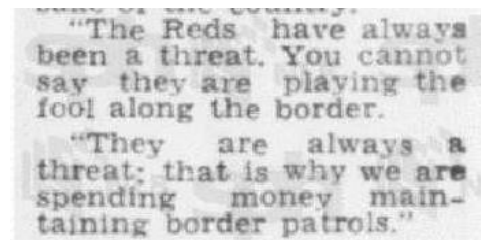
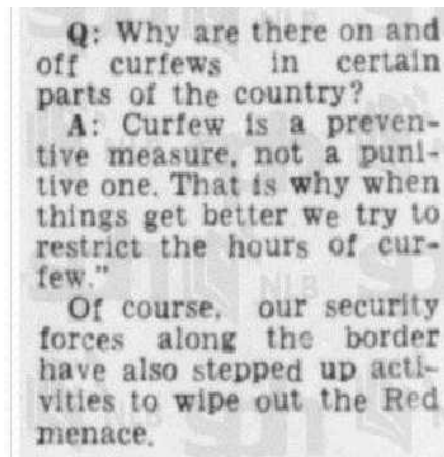
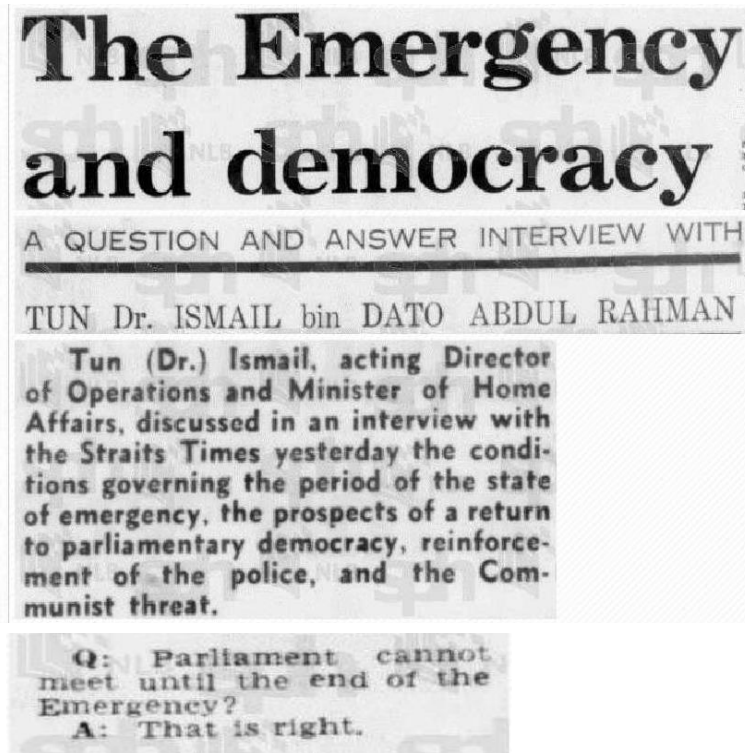
Can you please write a section into the new legislation relevant to section 7 above, that DVA and Defence are forced to re-open and have a dialogue with Ex Veterans like myself that have been repeatedly rejected for recognition of service based on the politics of the Acts, Guidelines and warrants that state if a soldier is not recognised as having qualifying service in a special zone then he does not comply with the relevant acts and therefore does not qualify for war service. This approach is very unfair as it does not take into account the dangers the soldiers were placed in and the threat to their lives. Even if the country the soldier is placed in was in a state of war and declared emergency where the treaty under which the soldier is serving states that the operational role of the unit is to protect that country from armed communist terrorists.

The following very short story is my story and it is an anomaly to do with my military service in 1970 in northern Malaysia near the Thai border.

In 1970, I was an Infantry rifleman/Combat Medic with 1RAR in Malaysia and Singapore as part of the FESR who's declared operational role was the Defence of Malaysia against Communist

Terrorists (CT's). We undertook months of patrols in the Thai border region in North Malaysia during my 483 days of service in the Malaysian Peninsula.

In 1970, Malaysia was in a 21 month State of War and Declared Emergency, were being attacked by the Communist Terrorists who had three regiments of highly trained and armed soldiers who numbered in the thousands. Parliament had been disbanded and the country was being ran by a nine man National Operations Council (NOC). Tun Dr. Ismail was the Director of Operations at the time, and discusses the emergency below which was printed in the Straits Times 21st June 1969.



The Australian Governments knowledge of the Communist Terrorists strengths, locations and the number of Malaysian Security forces and Communist Terrorists being killed or wounded in 1970 is well documented in SITREPS and Intelligence documents of which I am in possession.

Before one of our patrols we were assembled in an auditorium and warned that we were going into a region that had recent Communist Terrorist activities, and there was a possibility that we could encounter the CT's. Our stated role was "To be seen to be present, by way of show of force" to intimidate the CT's and force them to stop crossing the border.

Four weeks prior to my deployment to Malaysia and Singapore, my AB83 states that I completed my last will and testament and was warned for active service. During the 483 days of overseas service I committed and was charged for a minor misdemeanour and was charged and penalised as being "Whilst on War Service" (WOWS).

I have had several major submissions rejected by the Defence Department and the DVA, and the reasons given are for a different period of time (Post FESR 1971 to 1989), different group of soldiers (Rifle Company Butterworth) and different treaty agreement (FPDA not FESR). The system allows these departments to write rejection letters based on incorrect facts and does not give me or allow for any accountability, transparency or due process. Seeing that I was not allotted, was not in a special zone etc, then I do not qualify for war service as I do not fit into the relevant act, regardless of the real dangers faced.

These departments have used statements like :-

1. Malaysia was not in a state of war or emergency between 1966 and 1989.
2. Malaysia did not request military assistance from Australia during 1966 to 1989.

As stated above, Malaysia was in fact in a state of war and declared emergency between 1969 and 1971.

I have ample evidence where Malaysia requested military assistance from Australia during that same period.

A well known politician said "Please Explain".

Please explain how my service with the **FESR** in 1970 during a 21month **State of War and Emergency** in which many casualties occurred that still allows me to be recognised as "**Appropriately classified as normal Peace time Service**".

Sir, if the Government really means what it says in this new legislation about a veteran covenant, then they owe me the right to have my dangerous service re-evaluated for the dangers incurred and not just on whether we fit into pre-determined guidelines, acts and legislations.

Yours

Ex National Serviceman
Ex Army Officer
Fellow of the Institute of Engineers Australia

20th Feb 2019