DEPARTMENT OF THE ARMY

271	1	1

(FILE No.)

SUBJECT: DISCIPLINE AVN 305

GENERAL

GENERAL FILE (CONTINUED)

FOLIO No.	REFERRED TO	DATE	Clearing Officers Initials
48	OC	10/4	
48	2IC	10/4	
48	AO	10/4	
48	CSM	10/4	
49	OC	11/4	
49	AO	11/4	
50	OC	14/4	
51	OC	16/4	
51	CSM	16/4	
52	OC	16/4	
52	CSM	16/4	
53	OC	17/4	Seen
55	OC	19/4	
55	CSM	19/4	
56	OC	22/4	
56	CSM	22/4	
59-60	OC	Seen	27/4
59-60	CSM	Seen	27/4
61	OC	28/4	
61	CSM	28/4	
62	OC	30/4	
62	CSM	30/4	
63	OC	30/4	
63	CSM	30/4	
64	OC	4/5	
64	CSM	4/5	
64/67	OC	24/5	

FOLIO No.	REFERRED TO	DATE	Clearing Officers Initials
68	OC	29/5	Seen
68	CSM	29/5	
71	OC	31/5	
71	CSM	31/5	
72	OC	3/6	
72	CSM	3/6	
76	OC	7/6	
76	AO	7/6	
76	CSM	7/6	
77	OC	8/6	
77	CSM	8/6	
78	OC	11/6	
78	CSM	11/6	
83	OC	25/6	
83	CSM	25/6	
85	OC	26/6	Seen
85	CSM	25/6	Seen
86	OC	2/7	
86	CSM	2/7	
88	OC	9/7	
88	CSM	9/7	
87	OC	10/7	
89	CSM	10/7	
90	OC	12/7	
90	CSM	12/7	
91	OC	2/8	
91	CSM	2/8	
92	OC	23/8	

FOLIO No.	REFERRED TO	DATE	Clearing Officers Initials
92	CSM	23/8	
93	OC	25/8	
93	CSM	25/8	
94	OC	7/9	
94	CSM	7/9	

DO NOT HOLD this file when lapses in action may exceed seven (7) days.

ARCHIVAL CATEGORY

(FILE No.)

XC 21
Revised Jun 91

Department of Defence

DOWNGRADING/DECLASSIFICATION OF CLASSIFIED DOCUMENTS

Distribution
White – To be sent to originator of document
Green – File Copy

SECTION 1 – REQUEST FOR DOWNGRADING OF CLASSIFIED DOCUMENTS

To: **ARMY HISTORY SECTION**
CP2-5-02
CAMPBELL PARK OFFICES
CANBERRA A.C.T. 2600

From: **MAJOR A.R. TEBB**
Army Historical Records Review Team

AWM 100 Series

☐ The document(s) listed below are considered to be overclassified and it is requested that their classification be reviewed.

If downgrading/declassification is agreed, please state new classification in (g); otherwise insert 'Nil Change'.

☑ These records are 25 years old and should be dealt with in accordance with DI(G)ADMIN 27/2 *(see Section 2 below).*

Serial	Reference No *(eg File No)*	Description and Title *(eg Letter, Report, File, etc)*	Date Range/ Date of Origin	Present Classification	Proposed Classification	Revised Classification
(a)	(b)	(c)	(d)	(e)	(f)	(g)
BOX 7/6/2	FILE 271/1/1	DISCIPLINE GENERAL GENERAL FILE.	FEB 71 SEP 71	~~SECRET~~ CONFD ~~RESTD~~	UNCLAS AC MESSAGE. PRIVACY ISSUES APPLY.	UNCLAS

A. Tebb
(Signature) MAJOR A.R. TEBB Member Army Records Review Team 23 / 11 / 1997

Ref No .....

SECTION 2 – NOTIFICATION OF DECLASSIFICATION OF CLASSIFIED ARCHIVAL DOCUMENTS
(For records older than 25 years)

To: CEOAHS

(1) AC Messages - Note: Any DTG reference is to be expunged from records under 30 years old before CFPA.
(2) Privacy Issues - Possible privacy matters have been identified in respect of folios on this file.
(3) AS/NZ/US Classified material on this file has been assessed as no longer sensitive and does not warrant further referral action.

The records described in Section 1.

a. ☐ have reached the age of 30 years and are hereby declassified in accordance with section 31 of the Archives Act 1983

☐ are not yet 30 years old, but have been examined and declassified

☑ are not yet 30 years old but have been examined and assessed as suitable for declassification, but not until they enter the open period. Once these records enter the open period they may be automatically declassified without further examination

b. comprises x 4 cm *(x thickness of document)*

c. the original of this form has been affixed to the records concerned

SECTION 3 – AUTHORITY TO DOWNGRADE/DECLASSIFY CLASSIFIED DOCUMENTS

To: **ARMY HISTORIAN**
Directorate of Army Operational Support

From: **MAJOR A.R. TEBB**
Army Historical Records Review Team

(Tick appropriate box)

☑ Please note that the document(s) listed above are now graded as shown in column (g) above

☐ Other addressees of the document(s) listed above have been informed of the revised classification

☐ A copy has been sent to the OIC of the registry responsible for controlling the record

☐ The declassification action indicated above has been approved by me, being an officer authorised to declassify archival records in Annex C to DI(G) ADMIN 27/2 Navy ADMIN 8–3, Army ADMIN 4–1, Air ADMIN 11–10 of 3 October 1984.

Declassification/Downgrading Authority

A. Tebb
(Signature) MAJOR A.R. TEBB MAJ. A. TEBB MEMBER ARMY HISTORICAL RECORDS REVIEW TEAM 23 / 11 / 1997

Stock No 7530–66–109–3939

AAF - A 4
Revised June 1968

AUSTRALIAN MILITARY FORCES *~~Elected to be tried by Court Martial~~

CHARGE REPORT

Sheet No 1 of 1 Sheets

CHARGE(S) against No 56232 RANK AND GROUP Cpl Level 3
(Substantive and temporary, etc.)

NAME A. OZOLINS PARENT UNIT 1 ARU SUB-UNIT
(Company, etc.)

UNIT 1 ARU (Where Charged) SUB-UNIT CORPS RA Inf

Charge No	PARTICULARS OF CHARGE(S)
First	WOAS DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER, in that he, at NUI DAT in the Republic of Vietnam at approximately 2145hrs on 19 September 1971, when ordered by 220056 Sgt J. Hynd to leave the 1 ARU ORs canteen did not do so.
Charged under AA ~~DA~~ or AMR Second	AA 9(2) WOAS USING INSUBORDINATE LANGUAGE TO HIS SUPERIOR OFFICER, in that he, at NUI DAT in the Republic of Vietnam at approximately 2145 hrs on 19 Sep 71 when spoken to by 220056 Sgt J. Hynd replied "Medical Sergeants shoudn't close the canteen, you can't see any further than your belly", or words to that effect.
Charged under AA ~~DA~~ or AMR Third	AA 8(2) WOAS NEGLECTING TO OBEY UNIT STANDING ORDERS, in that he, at NUI DAT in the Republic of Vietnam at approximately 2200 hrs on 19 Sep 71 was in the 1 ARU ORs canteen contrary to 1 ARU Standing Orders Chapter 1 Section 2 para 6(c) which directs "All ranks are to be clear of the canteen by 2145 hrs.
Charged under AA ~~DA~~ or AMR Fourth	AA 11
Charged under AA DA or AMR	

Signature of Person Preferring Charge [signature] WO2 Date 20 Sep 71

	RANK	NAME	UNIT
WITNESSES	Sgt	J. HYND	1 ARU
	Sgt	D.J. HAWKINS	1 ARU
	WO2	T.A. FAIRBANKS	1 ARU

Particulars of Person Committing Accused into Custody
(If committed)

Signature and Rank

Appointment and Unit N/A

Date

Initial Investigation by Officer appointed under AMR 238(8)

Referred to on (date)

Signature and Rank

Appointment and Unit N/A

Date

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest Nil

Days in Open Arrest Nil

Days Under Suspension Nil

Days Performed Military Duty All

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No.....

I certify that the fine deduction from pay and/or forfeiture of pay and allowances included in the sentence or incurred as a consequence of the finding have been entered in paybook line No..... and on a Miscellaneous Debits List (WF 252).

Signature..... Date.....

2. Entered on Accused's Conduct Sheet(s)

on Sep 71 by WO2
(Signatures)

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

4. Formation Legal Officer's Remarks

Signature and Rank.....

Appointment.....

Date.....

FINDING AND SENTENCE

* The Accused having been given the right to object trial by Court Martial elected to be tried by [redacted]

I FIND the Accused GUILTY of the Three Charge(s)

as [redacted]

I IMPOSE the following sentence:

Reduced to the rank of private

I INFORMED the Accused of:

	No. of Days	Reason
(a) Forfeiture of pay-allowances for.....		
In all a TOTAL of		

Involving a total Forfeiture of $.....

(b) [redacted]

Remarks: Authority to hear charge/s given by superior authority on (date)..... (See AMR 249)

Signature and Rank [signature] Maj

Appointment and Unit OC 1 ARU

Date of FINDING (and Sentence) 20 Sep 71

Action on Review of Finding and Sentence (or on Confirmation)

I confirm the findings and sentence

Signature and Rank [signature] (B. A. McDONALD)

Appointment and Unit Brigadier Commander 1st Australian Task Force.

Date 22 SEP 1971

* Cross out where not applicable

Confirmation promulgated to the member 22 Sep 71

[signature]
MAJ
OC 1 AUST RFT UNIT

AUSTRALIAN ARMY

AAF – A 196
Revised Oct, 1969

APPLICATION FOR *RE-POSTING/RETENTION/TRANSFER/RE-ALLOCATION/DISCHARGE

Instructions: Applicant to complete sections 1 to 6 and attach detailed supporting statement. Sections 2 and 3 to be verified by the Unit. Where sufficient space is not available in any section, a statement with the detail required is to be attached. * Tick "V" words applicable.

SECTION 1 — TYPE OF APPLICATION

* Re-posting to/Retention in	* Transfer/Re-allocation to	* Discharge in
(Comd or Unit)	(Corps and/or employment)	WESTERN (Comd)

SECTION 2 — PERSONAL DETAILS

Number	Rank	Surname	Initials	Have you registered for JOBEX? *YES/NO	Have you or any other person written to the Minister on this matter? *YES/NO
56323	Pte	OZOLINS	A		

Present Corps	Present Unit and location	Date of posting to present Unit	Posting in Unit (incl ECN)	Current pay group	P	U	L	H	E	E	M	S	PES (Present Corps)
RA INF	1 ARU SVN	5 Feb 71	ASST INST ECN 026	5	2	2	2	2	1	1	2	2	FE

Medical restrictions	Date of birth	Date of enlistment	Type of engagement	Date last re-engaged	Period for which re-engaged
NIL	20 Jun 41	23 Feb 71	* ARA/XXXXXXXXXX	N/A	Six years

Trades in which qualified

Trade	Date qualified	ECN	Pay group	Was trade training received in the Army? YES	No
INF		348 - 1	5		

Army schools and courses attended: School	Course	Date	Highest promotion qualifications	Highest education qualifications
			A & B for Cpl	Intermediate

Outline of service (last two units only) If service is not continuous, indicate dates of break: Unit	Location	Dates From	To	Overseas service: Unit	Country	Dates From	To
				7 RAR	SVN	17 Dec 70	5 Feb 71
				1 ARU	SVN	5 Feb 71	23 Sep 71

Summary of offences

Offence	Date	Award
Disobey a lawful command Using insubordinate language Neglecting to obey unit standing orders	19 Sep 71 19 Sep 71 19 Sep 71	Reduced to rank of Pte

Complete if transfer is sought to SAS Regt or RAA PRO

height	..... ft ..... ins
weight	..... lbs
SG rating	.....

SECTION 3 — PARTICULARS OF APPLICANT'S FAMILY AND DEPENDANTS

Marital state		Name	Relationship	Address
..... If married	Next of kin			
	Adult dependants			
..... (date of marriage)	Dependant children	Sex / Ages	If married and accompanied, state how accommodated.	

SECTION 4 — BRIEF SUMMARY OF APPLICANT'S STATEMENT

(Include as attachments your detailed statement, together with any documentary evidence, eg, medical certificate, proof of debts, etc).

No interest in Army as a career having completed the service in SVN for which he enlisted, wishes to get married and resume civilian trade of welder and rigger as soon as possible.

SECTION 5 ADDITIONAL PERSONS WHO CAN VERIFY APPLICANT'S STATEMENT

Name	Relationship	Address

SECTION 6 CERTIFICATES TO BE COMPLETED BY APPLICANT

* a. IN THE CASE OF RE-POSTING, RETENTION, CORPS TRANSFER OR RE-ALLOCATION

(1) I am aware that the costs of removal of my family and effects may be at my own expense if my * re-posting/retention/corps transfer/re-allocation is granted.

(2) I * am/am not prepared to relinquish * rank/group to secure * re-posting/retention/corps transfer/re-allocation.

(3) I * am/am not prepared to change my corps to secure * re-posting/retention/re-allocation.

* b. IN THE CASE OF DISCHARGE

I am aware of, and understand, that should I be discharged at my own request prior to completion of my engagement that:

(1) Gratuity in respect of the engagement uncompleted at the date of discharge is payable only if the Military Board approves; but in any case, gratuity is payable only in respect of completed years of service.

(2) Furlough or pay in lieu is granted only if the required qualifying period of 15 years has been served.

(3) Certain removal and travel entitlements may be forfeited.

* c. AMF RELIEF TRUST FUND

I am currently repaying an AMF Relief Trust Fund loan of $.....granted to me on.....

by.....Command Committee.

23 Sep 71 (Date) ..... (Signature of applicant)

SECTION 7 COMMENTS AND RECOMMENDATIONS BY COMMANDING OFFICER

Applicant's general character is: Good (as long as he does not drink)

General comments (conduct, attitude potential): This member has been an average CFL but has a tendancy to get into trouble after indulging in alcohol.

Recommendation: That he be discharged as requested.

23 Sep 71 (Date) ..... (Signature) Maj OC 1 AMU (Appointment)

SECTION 8 COMMENTS AND RECOMMENDATION BY COMMAND CORPS REPRESENTATIVE (PRESENT CORPS)

Comments:

Recommendation:

..... (Date) ..... (Signature) ..... (Appointment)

SECTION 9 COMMENTS AND RECOMMENDATION BY COMMAND REPRESENTATIVE OF CORPS TO WHICH APPLICANT IS REQUESTING TRANSFER

Comments:

Recommendation:

..... (Date) ..... (Signature) ..... (Appointment)

SECTION 10 COMMAND ACTION

a. FOR RE-POSTING/RETENTION/TRANSFER/RE-ALLOCATION

* Recommended
* Not recommended
* Forwarded to CARO
* Referred to AHQ Re-allocation Board

b. FOR DISCHARGE

* Approved AMR & O
* Not approved
* Forwarded to AHQ for consideration

..... (Date) ..... (Signature) ..... (Appointment)

SECTION 11 AHQ DECISION

* Approved/not approved

..... (Date) ..... (Signature) ..... (Appointment)

712833—300m

APPLICATION FOR DISCHARGE - 56323 PTE A. OZOLINS

STATEMENT OF REASONS

I wish to apply for a discharge from my 6 year engagement, and present my reasons in the following.

After two years service I realize that the Army holds no interest to me as a career. I originally enlisted because I believed in Australia's involvement in SVN and wished to contribute to it. I enlisted for 6 years because I was too old to volunteer for NS and it was pointed out to me that the chance of a tour of Viotnam was better for a 6 year enlistee than a 3 year one. In my two years I have served in SVN with 7 RAR and 1 ARU, thus fulfilling my aim.

I would have been prepared to complete my engagemeny if I had been eligible for SAS. However I was informed when interviewed by a SAS officer that I am too old to join a squadron.

Within the next 12 monthes I will be getting married, and my fiance does not like my being in the Army. She is a West Australian girl and after we are married we wish to settle in Perth, where I already own a house. There are only a limited number of postings in WA for an infantryman, and my chance of such a posting would be remote.

I feel that at my age (30 years) it is necessary to firmly establish my self in my civilian trade. I am a fully qualified welder and rigger, and can earn very good wages in civilian employment. If required I can present proof that a position will be available to me. My last employment before joining the Army was a "Charge Hand" with Utah Construction where I was earning $170 per week. If I had to wait until my present engagement was completed in four years time, at 34 years of age it would be much harder to settle back into my trade then at the present time.

I respectfully ask that you give this application your greatest consideration.

A. Ozolins

(A. OZOLINS)
Pte

File

96

AUSTRALIAN ARMY

1 ARU
NUI DAT

R271-1-1

20 Sep 71

HQ 1 ATF

REDUCTION TO RANK OF PRIVATE
56232 T/CPL A. OZOLINS

1. Attached is the AAF A4 and a copy of the relevant evidence used in the investigations of the charges against Cpl A. Ozolins.

2. It is requested that these documents be forwarded to the Comd 1 ATF For confirmation.

(L.O. PETERS)
Maj
OC

STATEMENT OF EVIDENCE BY 220056 SGT J.HYND.

Sir,

On the 19 September 1971 at NUI DAT I was the Duty NCO of 1 ARU. At approximately 2140hrs I went to close the unit canteen. Cpl Czolins and other members were present. I gave them 5 minutes to drink any beer they had. At 2145hrs I ordered them to clearthe canteen. They refused to do so by replying "We will go when we finish our beer". I warned them again and they still refused. I then went to the Engineers' tent and phoned the CP and spoke to the CSM who was Duty Officer.

The CSM sent Sgt Hawkins down to assist me. They still refused to leave the Canteen. During this time Cpl Ozolins started to abuse me by passing insubordinate remarks. Cpl Ozolins remarked that the RAP Sgt(myself) shouldnt be giving orders to an infantryman and that I couldnt see as far as my belly.

The CSM then arrived and ordered them all to leave at once, which they did.

J Hynd Sgt

(220056 Sgt J.Hynd.)

STATEMENT OF EVIDENCE BY 215187 SGT D.J. HAWKINS

At Nui Dat on 19 Sep 71 at approximately 2210 hrs I was told by the CSM to proceed to the ORs canteen and assist Sgt J. Hynd in clearing the area. When I arrived at the canteen I saw Cpl Ozolins and other members seated at a table. I spoke to Cpl Ozolins and told him to go to bed, he refused and said "A fat Medic Sgt does not have the right to clear the bar." I told him again to leave and he refused. I then sent for the CSM who came down and ordered all the members to bed. Cpl Ozolins and all the members then left.

D Hawkins

(D.J. HAWKINS)
Sgt
Caterer 1 ARU

STATEMENT OF EVIDENCE BY 220788 W02 T.A.FAIRBANKS

Sir,

At NUI DAT on 19 September 1971 I was the Duty Officer of 1 ANU. At approximately 2150hrs I received a message from the Duty NCO, Sgt J.Hynd, saying that Cpl Ozolins and other members were refusing to leave the Unit Canteen. I contacted Sgt Hawkins and detailed him to go to the Canteen and assist Sgt Hynd.

At 2210hrs approximately I received a further message that members were still refusing to leave the Canteen.

I went to the Canteen and there I saw Cpl Ozolins and other members seated at a table drinking beer. I asked them if they had been told to leave the Canteen but they did not reply. I then ordered them all to leave the canteen at once, which they did.

T A Fairbanks

(220788 W02 T.A.Fairbanks)

File - Discipline General

95

HQ 1 ARU
NUI DAT

56232 Cpl A. Ozolins

12 Sep 71

INCIDENT AT LONG BINH

1. Following your return to this unit on 11 Sep 71 from attachment at 2 AOD, you are hereby notified that it has been decided not to suspend you or place you in arrest.

2. You are to understand that the decision not to suspend you or to place you in arrest is not intended to condone or pardon any offence which you may have committed.

(L.O. PETERS)
Maj
OC

I, 56232 Cpl A. Ozolins, hereby acknowledge that the decision not to suspend or place me in arrest is not intended to condone or pardon any offence which it may be alleged that I have committed.

A. Ozolins.

(A. OZOLINS)
Cpl

1 ARU
R 271/ 1 /1
FOLIO 94

OFFICE OF THE PROVOST MARSHAL
AFV PRO UNIT
VUNG TAU.

The following Documentation and Equipment MUST be in the possession of all persons marching into AFV Detention Barracks.

1.. DOCUMENTATION.

The following documentation is required for soldiers committed to the Detention Barracks:

a. Warrant of Committal (2).

b. Medical certificate of fitness to undergo detention (2).

c. Kit inventory.

d. AAF Mob 3.

e. Descriptive Report (2).

f. Personal file plus AAB 83, paybook, Med 4 and 5.

2. EQUIPMENT.

All members committed are to be in possession of the following equipment:

ITEM	QTY	ITEM	QTY
Hats Khaki Fur Felt	1	Socks	3 prs
Boots GP	2 prs	Towels Bath	3
Bags Kit Universal	1	Cloths Polishing	2
Shorts Green	3	Hair Brush	1
Shirts Green	3	Brushes Shoe Blackening	1
Trousers Green	3	Polish Shoe Black	1 tin
Belt, waist web	1	"I-Gleam" cleaner	1 tin
Drawers	3	Brushes nail/cloth/polish	1 each
Singlets	3	Brushes Shaving	1
Handkerchiefs	6	Tooth Brush	1
Housewife	1	Combs Hair	1
Sweater Khaki	1	Razors safety	1
Pyjamas	2	Personal Weapon	1

3. The normal time of release from AFV Detention Barracks is 1400 hours.

Capt

(J M SYMINGTON)
Maj
for Provost Marshal AFV

04 Sep 71

CSM
note
7/9
Note 7/9

TELEPHONE
EMU 156

OC
CSM

AUSTRALIAN MILITARY FORCES

Quote in Reply
439/71

ADDRESS
OFFICE OF THE PROVOST MARSHAL
AFV PRO UNIT
VUNG TAU

23 Aug 71

1 ARU

1 ARU
R 271 / 1 / 11
FOLIO 93

For Information

HQ 1 ALSG
HQ 1 ATF

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl R J CULLEN of this unit.

2. It is requested that higher formation and this unit be informed of the action taken. The information should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charges being dismissed, the appropriate HQ is to be notified.

(J M SYMINGTON)
Maj
Provost Marshal AFV

Enclosure: 1. Military Police Offence Report No 439/71.

CSM
Checkout + raise AK if necessary AK 25/8

AUSTRALIAN ARMY

439/71

REPORT OF *ARREST/OFFENCE

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 6410164 (Rank) Cpl (Surname) SMITH

(Given names) L R (Unit) 1 ARU

OFFENCE/S: 1 Not in possession of ID Card.

2 Not in possession of ID Discs.

I, (Army number) 2793420 (Rank) Cpl (Surname) CULLEN

(Given names) Ronald James a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 0915 hrs. on (day) Sunday date) 22 Aug 71

Whilst on Military Police Check Point duties on QL15 at Grid Ref 342513, accompanied by Cpl FINLAY an RP attached to my unit for duties, I had occasion to check the above named soldier who was found to be deficient the following:-

1 ID Card

2 ID Discs.

He was informed of the offences committed & that a report would be submitted. He was then allowed to proceed.

The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.

(Signed) [signature] (Date) 23 Aug 71 (Place) VUNG TAU

Corroborated by (Army number) 214336 (Rank) Cpl (Surname) FINLAY

(Given names) Clement James (Unit) Attached AFV Pro Unit.

I ARU
R 271 / 1 / 1
FOLIO 92

IN CONFIDENCE

R271-1-70

HQ 1 ATF
NUI DAT

21 Aug 71

Unit Comds

POWERS OF PUNISHMENT
AWARDS OF PERIODS OF DETENTION

1. I have noticed recently that many unit commanders are awarding periods of 27 days detention as a punishment for some offences rather than awarding the full period of 28 days detention.

2. It is obvious that the unit commanders who award 27 days detention have decided that the particular offence warranted the maximum period of detention as a punishment but have reduced the sentence by one day so that the soldier will spend the full sentence in the detention barracks.

3. The awarding of 27 days detention defeats the purpose of the Australian Military (Places of Detention) Regulations by removing any incentive for the soldier to properly behave himself while in detention. It also prohibits the Commandant of the detention barracks from being allowed to exercise his prerogative with regard to the treatment of prisoners.

4. If a sentence of 27 days detention is to be awarded, then it must be the punishment best suited for the offence and not just a means to prevent remission of sentence.

(B.A. McDONALD)
Brig
Comd 1 ATF

23/8

23/8

IN CONFIDENCE

ER 52-91

FOR COMM CEN[illegible]NALS USE

AUSTRALIAN MILITARY FORCES

MESSAGE

F – Sigs 52 – 2
Revised Oct, 69

I No ARU

R 271 / / / /

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	202305 Z JUL 71	FOLIO 91

From CENARMYREC MELBOURNE

To 1 AUST RFT UNIT

Info AUSTFORCE VIETNAM

PREFIX GR

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

UNCLAS

ORIGINATOR'S NUMBER CAR/AL/ 24111

CHARGE REPORT 3796935 PTE B A TOLLEY - RA INF YOUR AAF A4 DATED 3 JUL 71 (.) CLOSE ARREST FORFEITURE NOT PROMULGATED CMM AMR 295 (1) (E) REFERS

3/8 CSM
This has been actioned from this end anyway
3/8

Page of pages

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☐ NO

DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
PEARCE CLERK	6286		

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

A/ Klupp Sgt for CAPT

712846—17,200 Pads of 100

AUSTRALIAN ARMY

RESTRICTED

1 ARU
R 2711 1 11
FOLIO 90

R490-1-6

HQ 1 ATF
NUI DAT

11 Jul 71

See Distribution List

APPOINTMENTS OF COMMANDING OFFICERS
FOR DISCIPLINE WITHIN 1 ATF

Reference: A. Division 7 of Part IV of the AMR.

1. Comd 1 ATF has cancelled all previous appointments of CO's for discipline within 1 ATF. The cancellation only extends to appointments previously made by Comd 1 ATF and does not extend to any appointments made by unit CO/OCs pursuant to AMR 238 (8).

2. Comd 1 ATF has made fresh appointments of CO's for discipline. Attached as Annex A is a schedule setting out all units within 1 ATF and the CO for discipline for each unit. The officer appointed to exercise full powers of discipline is nominated in column (c), and the officer (if any) appointed to exercise restricted powers of discipline under AMR 260 is nominated in column (d) of Annex A.

3. In some cases no appointment was necessary to grant powers of discipline to the officers referred to in column (c) of Annex A. In other cases, including the appointment of all officers referred to in column (d) of Annex A, appointments by Comd 1 ATF were necessary. The notations in column (e) of Annex A specify whether an appointment was necessary or not in each case.

4. In cases when appointments have been made by Comd 1 ATF, the instruments of appointment have been forwarded to the officers concerned under separate cover.

(H.C. FRANKLIN)
Maj
DAAG 1 ATF

Annex: A. Structure of CO/OCs for Discipline within 1 ATF.

Distribution:

List A (less serials 12, 16, 25 - 29, 31)
Elm 1 Comm Z Postal Unit
HQ 1 ATF LAD
Elm 11 MC Gp
Det 33 Dental Unit Nui Dat
33 Dental Unit Vung Tau

RESTRICTED

ANNEX A TO
HQ 1 ATF R490-1-6
DATED // JUL 71

STRUCTURE OF CO/OCs FOR DISCIPLINE WITHIN 1 ATF

Serial (a)	Unit (b)	OC for Discipline (Full Power) (c)	OC for Discipline (Restricted Power) (d)	Remarks (e)
1.	1. CO/OCs of units on ORBAT (Majors and above). 2. Majors and above posted to HQ 1 ATF	D Comd 1 ATF	Nil	1. Appointed by Comd 1 ATF
2.	HQ 1 ATF	OC HQ Coy	2IC HQ Coy	1. Appointed by Comd 1 ATF 2. a. OC HQ Coy - Captain and below. b. 2IC HQ Coy - Rear details only.
3.	HQ 1 ATF LAD	OC HQ Coy	OC HQ 1 ATF LAD	1. Appointed by Comd 1 ATF.
4.	C Sqn 1 Armd Regt	OC	Nil	1. No Appointment necessary.
5.	C Sqn 1 Armd Regt LAD	OC C Sqn 1 Armd Regt	OC C Sqn 1 Armd Regt LAD	1. Appointed by Comd 1 ATF.
6.	Det 1 Fwd Del Tp	OC C Sqn 1 Armd Regt	OC Det 1 Fwd Del Tp	1. Appointed by Comd 1 ATF.
7.	A Sqn 3 Cav Regt	OC	Nil	1. No Appointment necessary.
8.	A Sqn 3 Cav Regt LAD	OC A Sqn 3 Cav Regt	Nil	1. Appointed by Comd 1 ATF.
9.	12 Fd Regt	CO	All Bty Comds.	1. No appointment by Comd 1 ATF necessary. 2. Bty Comd, appointed by CO 12 Fd Regt.
11.	12 Fd Regt LAD	CO 12 Fd Regt	OC 12 Fd Regt LAD	1. Appointed by Comd 1 ATF.
11.	Det 131 Div Loc Bty	CO 12 Fd Regt	OC Det 131 Div Loc Bty	1. Appointed by Comd 1 ATF.
12.	Det 131 Div Loc Bty Wksp	CO 12 Fd Regt	OC Det 131 Div Loc Bty Wksp	1. Appointed by Comd 1 ATF.
13.	1 Fd Sqn	OC	Nil	1. No appointment necessary.
14.	1 Fd Sqn Wksp	OC 1 Fd Sqn	Nil	1. Appointed by Comd 1 ATF.
15.	21 Engr Sp Tp	OC 1 FD Sqn	Nil	1. Appointed by Comd 1 ATF.

...../16.

ANNEX A

(a)	(b)	(c)	(d)	(e)
16.	17 Const Sqn	OC	Nil	1. No appointment necessary.
17.	Det 17 Const Sqn Wksp	OC 17 Const Sqn	Nil	1. Appointed by Comd 1 ATF
18.	198 Wks Sect	OC	Nil	1. No appointment necessary.
19.	Elm 11 MC Gp	OC 161 (Indep) Recce Flt	Nil	1. Appointed by Comd 1 ATF.
20.	A Sect 1 Topo Svy Tp	OC 198 Wks Sect	OC A Sect 1 Topo Svy Tp	1. Appointed by Comd 1 ATF.
21.	104 Sig Sqn	OC	Nil	1. No appointment necessary.
22.	Det 110 Sig Sqn	OC 104 Sig Sqn	Nil	1. Appointed by Comd 1 ATF
23.	547 Sig Tp	OC	Nil	1. No Appointment n necessary.
24.	4 RAR/NZ(ANZAC) Bn	CO	Coy Comds etc	1. No appointment by Comd 1 ATF necessary. 2. Coy Comds appointed by CO.
25.	3 RAR	CO	Coy Comds etc	1. No appointment by Comd 1 ATF necessary. 2. Coy Comds appointed by CO.
26.	2 SAS Sqn	OC	Nil	1. No appointment necessary.
27.	Det 152 Sig Sqn	OC 2 SAS Sqn	Nil	1. Appointed by Comd 1 ATF.
28.	1 ARU	OC	Nil	1. No appointment necessary.
29.	161 (Indep) Recce Flt	OC	Nil	1. No Appointment necessary.
30.	Det 1 Div Int Unit	OC HQ Coy	OC Det 1 Div Int Unit	1. Appointed by Comd 1 ATF.
31.	Det HQ 5 Coy RAASC	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
32.	Det 25 Sup Pl RAASC	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
33.	Det 8 Pet Pl RAASC	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
34.	Det 176 AD Coy	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.

...../35.

ANNEX A

(a)	(b)	(c)	(d)	(e)
35.	Elm 1 Comm Z Postal Unit	OC 161 (Indep) Recce Flt	Nil	1. Appointed by Comd 1 ATF.
36.	Det 1 Fd Hyg Coy	OC 8 Fd Amb	Nil	1. Appointed by Comd 1 ATF.
37.	Det 1 Pl 2 AFCU	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
38.	8 Fd Amb	OC	Nil	1. No appointment necessary.
39.	Det 33 Dental Unit	OC 33 Dental Unit Vung Tau	OC's of A, B & C Sect	1. Appointed by Comd 1 ATF.
40.	Det 1 OFP	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
41.	106 Fd Wksp	OC	Nil	1. No appointment necessary.
42.	106 Fd Wksp Stores Sect	OC 106 Fd Wksp	Nil	1. Appointed by Comd 1 ATF.
43.	No. 1 Det AFV Cash Office	DAA & QMG	OC Det HQ 5 Coy RAASC	1. Appointed by Comd 1 ATF.
44.	1 Aust CA Unit	CO	2IC 1 Aust CA Unit	1. No appointment by Comd 1 ATF necessary. 2. 2IC appointed by CO.
45.	1 Psy Ops Unit	OC HQ Coy	OC 1 Psy Ops Unit	1. Appointed by Comd 1 ATF.
46.	1 ATFLU	OC HQ Coy	Nil	1. Appointed by Comd 1 ATF. 2. Captains and below.

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No. 89

FOR COMM CEN/SIGNALS USE

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	110130Z	JUL 71

PREFIX GR

From 1 ARU

To 1 ATF

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

UNCLAS

ORIGINATOR'S NUMBER
A0190

Info CARO
APAC

218655 PTE D SAUNDERS (.) REF (.) ALFA (.) AAF A4 OF 3 JUL 71 (.) BRAVO (.) REVIEW OF SUMMARY CONVICTION AND SENTENCE BY COMD 1 ATF OF 9 JUL 71 (.) PERIOD OF 6 DAYS CLOSE ARREST WAS TYPED IN ERROR (.) CORRECT PERIOD IS 4 DAYS (.) TOTAL AUTOMATIC FORFEITURE REMAINS 10 DAYS

Page 1 of 1 pages

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☒ NO

DRAFTER'S NAME & APPOINTMENT: PETERS OC

TELE No: EX PRESS

REF FILE No: R271-1-1

DATE: 11 Ju

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK: Maj

712340—28m Pads of 100

HQ 1 ATF
NUI DAT
7 Jul 71

1 ARU
R 27/1/1 11
FOLIO 88

[redacted] ARU
Unit (2 copies)
CARC
APAC
File

REVIEW OF SUMMARY CONVICTION AND SENTENCE

Reference: A. 3796935 PTE B.A. TOLLEY 1 ARU RA INF
(no.) (Rank) (Name) (Unit) (Corps)

B. Charge Report dated 3 Jul 71 referring to offence alleged to have occured on 23 Jun 71.

1. Reference B has been revised pursuant to AMR 265 by superior authority.

2. The advice of legal officer is as follows:

~~THE CONVICTION should be quashed because~~ Member forfeits six days pay for period of AWOL. AMR 295 (2)(c) refers. Member forfeits no pay or allowances for period spent in close arrest. AMR 295 (1)(e) refers.

~~THE SENTENCE should be quashed because~~

~~IT IS RECOMMENDED that the following sentence be imposed in place of the sentence quashed.~~

~~FURTHER DISCIPLINARY ACTION may be taken because the proceedings under review constitute a nullity.~~

Dated 7 Jul 71

Maj
DADLS 1 ATF

3. THE CONVICTION in respect to the charge is - a. confirmed
~~b. quashed~~

4. THE SENTENCE is - a. confirmed
~~b. quashed~~
~~c. quashed and the following sentence imposed in its place~~

5. FURTHER DISCIPLINARY ACTION ~~may~~/may not be taken against the soldier in respect to the alleged offence.

6. The unit is to inform the above named soldier of this review.

7. The unit is to complete the action memorandum on the back of this form and return one copy of this form to this Headquarters as soon as possible.

8. ~~Where it is indicated that further disciplinary action may be taken against the soldier, the taking of such action is at the discretion of the soldiers present Commanding Officer.~~ Total forfeiture is now 6 days P/A.

Dated 8 Jul 71

~~Brigadier~~
Commander 1st Australian Task Force

ACTION MEMORANDUM

1. Pursuant to your direction the following steps have been taken:

   a. The soldier has been advised of all the action action taken review by superior authority.

   b. (1) Appropriate amendments have been made to the soldiers records and CARO notified accordingly.

   (2) The soldiers pay has been adjusted and APAC notified accordingly.

   c. ~~Further disciplinary action has been taken against the soldier and the charge report will be forwarded in due course.~~

   d. No further disciplinary action will be taken against the soldier in connection with the matter.

2. ~~No action has been taken in response to your direction because~~ _____

_____

Dated 20 July 71

Commanding Officer

(NOTE: Delete those parts of action memorandum which do not apply)

HQ 1 ATF
NUI DAT
7 Jul 71

1 ARU
Unit (2 copies)
CAR
APAC
File

1 ARU
R 271 / 1 / 1
FOLIO 87

REVIEW OF SUMMARY CONVICTION AND SENTENCE

Reference: A. 218655 (no.) PTE (Rank) D. SAUNDERS (Name) 1 ARU (Unit) RA INF (Corps)

B. Charge Report dated 3 Jul 71 referring to offence alleged to have occured on 29 Jun 71.

1. Reference B has been revised pursuant to AMR 265 by superior authority.

2. The advice of legal officer is as follows:

~~THE CONVICTION should be quashed because~~ Member forfeits 6 days pay for period spent in close arrest. DA 119 refers.

~~THE SENTENCE should be quashed because~~

~~IT IS RECOMMENDED that the following sentence be imposed in place of the sentence quashed~~

~~FURTHER DISCIPLINARY ACTION may be taken because the proceedings under review constitute a nullity~~

Dated 7 Jul 71

Maj
DADLS 1 ATF

3. THE CONVICTION in respect to the charge is - a. confirmed
~~b. quashed~~

4. THE SENTENCE is - a. confirmed
~~b. quashed~~
~~c. quashed and the following sentence imposed in its place~~

5. FURTHER DISCIPLINARY ACTION ~~may~~/may not be taken against the soldier in respect to the alleged offence.

6. The unit is to inform the above named soldier of this review.

7. The unit is to complete the action memorandum on the back of this form and return one copy of this form to this Headquarters as soon as possible.

8. ~~Where it is indicated that further disciplinary action may be taken against the soldier, the taking of such action is at the discretion of the soldiers present Commanding Officer.~~ Total forfeiture is now 12 days P/A.

Dated 9 Jul 71

Brigadier
Commander 1st Australian Task Force

ACTION MEMORANDUM

1. Pursuant to your direction the following steps have been taken:

   a. ~~The soldier has been advised of all the action action taken on~~ review by superior authority.

   b. (1) Appropriate amendments have been made to the soldiers records and CARO notified accordingly.

   (2) The soldiers pay has been adjusted and APAC notified accordingly.

   c. Further disciplinary action has been taken against the soldier and the charge report will be forwarded in due course.

   d. ~~No further disciplinary action will be taken against the soldier in connection with the matter.~~

2. No action has been taken in response to your direction because

6 days close arrest was typed on the AAA in error instead of 4 days. CARO and APAC have been advised by signal.

Dated 10 Jul 71

Commanding Officer

(NOTE: Delete those parts of action memorandum which do not apply)

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R27[illegible]-1

6 Jul 71

A Branch
HQ 1 ATF

F 87

MILITARY POLICE REPORTS
PERIOD 16 MAY 71 - 6 JUL 71

1. Reference AFV Pro Unit 281/71 dated 29 Jun 71. 3166092 Cpl G.J. Ashby was charged, and found guilty of the following charge:

WOAS ABSENTING HIMSELF WITHOUT LEAVE

he was awarded a fine of $40 and a severe reprimand.

2. Reference AFV Pro Unit 280/71 dated 29 Jun 71. 3796935 Pte B.A. Tolley was charged, and found guilty of the following charge:

WOAS ABSENTING HIMSELF WITHOUT LEAVE

he was awarded a fine of $20 and seven (7) days confinement to barracks.

3. Reference AFV Pro Unit 282/71 dated 29 Jun 71. 218655 Pte D. Saunders was charged, and found guilty of the following charge:

WOAS ABSENTING HIMSELF WITHOUT LEAVE

he was awarded a fine of $40 and seven (7) days confinement to barracks.

L.O. Peters
(L.O. PETERS)
Major
Officer Commanding

1 010 0055
K51

1 ARU
R 271/ 1 /1
FOLIO 86

V
AAAHBVBA978 UUU

RR RAMABC

DE RAYCHG 001 1812221

ZNR UUUUU

R 302200Z JUN 71

FM MILDEPOT SYDNEY

TO RAMARL/AUSTFORCE VIETNAM

RAYAFA/CENARMYREC MELBOURNE

RAYAFA/ARMYPAY MELBOURN

RAYCBL/MILCOMD SYDNEY

RAYWAA/ARMY CANBERRA

RAMABC/HQ 1 ATF

RAMABC/1 ARU

BT

UNCLAS RR0160 REF 4721034 PTE J PANAGARIS CMM PRE EXT LEAVE STH AUST. MEMBER WAS DUE TO REPORT THIS LOC FOR RTU EX PRE EXT LEAVE AM HRS 28 JUN 71 CMM BUT WAS AWOL FROM 0800 HRS THAT DATE UNTIL 2200 HRS JUN 71. CHARGED THIS LOC CMM FOUND GUILTY FINED DOLLARS TEN WITH LOSS OF PA/A FOR PERIOD I NVOLVED. FOR CARO CMM APAC AND 1 ARU CMM DOCUMENTATION TO FOLLOW BY POST. MEMBER CHARGED 30 JUN 71 CMM HELD DAILY STANDBY BASIS FOR EARLIEST POSS RTU

BT

NNNNNVAK

1 ARU
R 271 / 1 / 1
FOLIO 85

AUSTRALIAN ARMY

In Reply Quote
R271-1-38

HQ 1 ATF
NUI DAT
23 Jun 71

1 ARU

REDUCTION IN RANK
...54003 CPL N.R. JACKSON - 1 ARU.....

Reference: A. Enclosed Charge and Offence Report.

1. Comd 1 ATF has confirmed the finding(s) and sentence of reduction to the rank of Private awarded to the abovenamed by OC 1 ARU.

2. The sentence is not effective until confirmation has been promulgated to the member (see AMR 256B(4) and (5). It follows that the member remains in pay as a Corporal and continues to wear his badges of rank of Corporal until promulgation has taken place. Promulgation should be carried out in accordance with AMR 337(5) and the fact and date of promulgation should be endorsed on the reference prior to distribution, as follows:

"Confirmation promulgated to member (date) ".

3. One copy of the reference, properly and legibly completed should be returned to DADLS this Headquarters in the usual way.

(J.A. MCINTYRE)
Maj
DADLS 1 ATF

STATEMENT OF EVIDENCE BY 2793055 CPL B.W. McKINNON - 1 ARU

On 4 Jun 71 at about 1930 hrs I was in the OR's Canteen playing darts. At about 2100 hrs I went to the back of the canteen to close the bar and cut off the beer. When I had closed the bar at about 2130 hrs Cpl Jackson approached me and said, "Can I have a dozen cans?" I thought about it for a minute and then said, "Yes." He then said, "You had better make it two dozen as there will be a few people down there." I thought about it again and then said, "Alright." I gave him the beer and he paid for it and he left it outside. He finished his beer off and left the canteen at 2145 hrs when I said that I was going to turn the lights out. As he had previously asked me if I wanted to go to his tent for a drink I followed him to his tent for a drink. When I arrived at the tent the following were there, Cpl Jackson, Pte Slawinski, Pte Giles and Pte Hunter. We had a few beers and talked until about 2300 hrs.

B.W. McKinnon

(B.W. McKINNON)
CPL

STATEMENT OF EVIDENCE BY 219977 PTE G. HUNTER - 1 ARU

On 4 Jun 71 at about 2145 hrs after the canteen had closed I went to Cpl Jackson's tent in 1 Pl lines. There were several people there including Cpl Jackson, Cpl McKinnon and others that I did not know. ~~We~~ I had a few beers. At about 2315 hrs I left the tent to go on picquet.

G Hunter

(G. HUNTER)
Pte

STATEMENT OF EVIDENCE BY 5716136 PTE S. SLAWINSKI

On 4 Jun 71 at approximately 2145 hours I went to Cpl Jackson's tent. I can remember seeing Cpl Jackson and Pte Giles there. We had a few beers, a bit of a talk and then left.

S. Slawinski

(S. SLAWINSKI)
PTE

STATEMENT OF EVIDENCE BY 3799088 PTE J. GILES - 1 ARU

On 4 Jun 71 I went to Cpl Jackson's tent when the boozer closed. Present in the tent were, Cpl Jackson, Cpl McKinnon, Pte Slawinski and Pte Hunter. We sat around drinking beer and talking.

(J. GILES)
PTE

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No 84

FOR COMM[illegible]/SIGNALS USE

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	250620Z	JUN 71

PREFIX GR

From 1 AMU

To CENARMYREC MELBOURNE

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

UNCLAS

ORIGINATOR'S NUMBER

A0183

Info AUSTFORCE VIETNAM

OFFENCE REPORT (.) 3797583 PTE GJ SCOTT (.) YOUR CAR/A/21217 OF 220400Z JUN 71 (.) MEMBER FOUND GUILTY AND AWARDED SEVEN DAYS CONFINEMENT TO BARRACKS

Page 1 of 1 pages	REFERS TO MESSAGE	DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
	CLASSIFIED ☐ YES ☒ NO	PADEY CC	EX PRESS	R271-1-1	25 Jun 71

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR	RELEASING OFFICER'S SIGNATURE AND RANK
											Lt Pady 2Lt

712340—28m Pads of 100

25 014

1755/23558
573

B141

1 ARU	
R 271	1 / 1
FOLIO	83

GRVBBM4ABC UU RTTPPPPPPPPPP

DE RAYAFA 207 1740110

ZNR UUUUU

ROUTINE

R 220400Z JUN 71

FM CENARMYREC MELBOURNE

TO RAMABC/1 ARU

INFO RAMARL/AUSTFORCE VIETNAM

BT

UNCLAS CAR/A 21217. 1 ARU AAF A_4 OF 4 MAY 71 3797583 PTE GJ SCOTT. REQ ADVISE FINDING AND SENTENCE

BT

Chief Clerk
Fsc
25/6

OC
our sig AD183 of 25/6/71 refers
C.L.

NNNNVV X

82

1 ARU
NUI DAT

18 Jun 71

HQ 1 ATF

A4 - 147789 2LT G.A. DALY

Enclosed are the following documents in respect of an alleged offence by 2Lt G.A. Daly on 4 Jun 71:

a. AAF A4 - Charge Report (5)

b. One copy of the Abstract of Evidence

c. One copy of the form "Consent Under Army Act Section 47"

(L.O. PETERS)
Maj
OC

ABSTRACT OF EVIDENCE

Abstract of Evidence in the case of 147789 2Lt G.A. Daly, 1 ARU, consisting of the seven attached statements of witnesses for the prosecution and compiled by me, Lt B.G. Wallis, 1 ARU, on the direction of the Officer Commanding of the accused.

Dated this Eighteenth day of June 1971

B.G. Wallis Lt
.....

I hereby certify that I, Lt B.G. Wallis, 1 AMU, today handed to the accused, 147789 2Lt G.A. Daly, 1 AMU, the abstract of evidence relating to him dated the seventeenth day of June 1971, and that I duly cautioned him in accordance with Rule of Procedure 4 (1), and that he did not make a statement.

Dated this Eighteenth day of June 1971

B Wallis Lt
.....

ANNEX A TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 2793055 CPL B.W. McKINNON - 1 ARU

On 4 Jun 71 at about 1930 hrs I was in the OR's Canteen playing darts. At about 2100 hrs I went to the back of the canteen to close the bar and cut off the beer. When I had closed the bar at about 2130 hrs Cpl Jackson approached me and said something. I gave him two dozen cans of beer which he paid for and left outside. He finished his beer and left the canteen at 2145 hrs. I followed Cpl Jackson to his tent for a drink. When I arrived at the tent the following were there, Cpl Jackson, Pte Slawinski, Pte Giles and Pte Hunter. We had a few beers and talked until about 2300 hrs when 2Lt Daly came into the tent. He didn't say anything, and as he walked in I handed him a can of beer. He stayed for about twenty minutes and drank the beer. He then left and shortly afterwards Pte Hunter left to go on picquet. 2Lt Daly returned at 2340 hrs and told us to keep the noise down. He left immediately. Shortly afterwards the party broke up and we went to bed.

B. McKinnon

(B.W. McKINNON)
Cpl

ANNEX B TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 54003 CPL N.R. JACKSON - 1 ARU

I purchased 2 dozen cans of beer from the OR's Canteen Manager, Cpl McKinnon, at approx 2130 hrs on 4 Jun 71. It was then taken to my tent where we proceeded to consume it. 2Lt Daly came into the tent sometime after 2200 hrs and told us to turn the lights out and keep the noise down. At this stage there were no beer cans evident. Cpl McKinnon offered Mr Daly a beer, and after a period of hesitation, he took the beer and appeared to drink it. He left after about 20 minutes. He came back again about half an hour to three quarters of an hour later, and again told us to keep the noise down. He then left. The party broke up very soon after and the others went to their tents.

(N.R. JACKSON)
Cpl

N R Jackson

ANNEX C TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 5716136 PTE S. SLAWINSKI - 1 ARU

After the canteen closed I went to Cpl Jackson's tent where I drank some beer. I remember seeing Giles and Jackson in the tent. Mr Daly came in later and only stopped for a short time. I cannot remember whether Mr. Daly had a drink or not. He came back again later on and told us to keep the noise down, or leave. I cannot remember his exact words. Shortly after Mr Daly left I went back to my tent.

S. Slawinski

(S.SLAWINSKI)
Pte

ANNEX D TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 3799088 PTE J. GILES - 1 AKU

I went to Cpl Jackson's tent at approx 2215 hrs on 4 Jun 71. In the tent with me were Cpl Jackson, Cpl McKinnon, Pte Slawinski and Pte Hunter. We sat around in the tent talking and drinking cans of beer. Mr Daly came into the tent about half an hour after we arrived. As he stood near the doorway talking with us, I saw him drinking a can of beer. I didn't see where he got the beer from. He left after about 20 minutes when he had finished the can of beer. We stayed in the tent talking and drinking and Mr Daly came back again at abour 2330 hrs and told us not to make too much noise. I didn't notice how long he stayed, but it wasn't long. We stayed about another 15 minutes and went back to our tents.

(J. GILES)
Pte

ANNEX B TO
ABSTRACT OF EVIDENCE

17-6-71

STATEMENT BY 219977 PTE G. HUNTER - 1 ARU

On the 4th June '71 I was drinking at the unit canteen in the company of Cpl Jackson and others. At approx 2130 hrs I left the canteen in the company of Cpl Jackson and proceeded to his tent. There were others in the tent who I now know to be Pte Giles, Pte Slawinski, Cpl McKinnon and Cpl Jackson. I have been questioned as to whether an officer entered the tent during the time I was there. I do not recall any officer entering the tent at any time. I left the tent at approx 2325 hrs to go on picquet.

(G. HUNTER)
Pte G. Hunter.

ANNEX F TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 53154 WO2 N.L. CADDEN - DET AFV PRO UNIT

I am the above named Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 6 Jun 71 at about 1100 hrs at 1 ARU I was in company with WO1 Blunden while he interviewed 147789 2Lt G.A. Daly 1 ARU.

WO1 Blunden Said: "This is Warrant Officer Cadden and I am Warrant Officer Blunden. We have been asked by the OC Maj Peters to investigate the alleged drinking in unit lines the night before last 4 Jun 71. Did you go to a tent in 1 Pl lines on that night sir?"

2Lt Daly said: "Yes."

WO1 Blunden said: "I have reason to believe that you may have committed an offence there so I must warn you that you are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence?"

2Lt Daly said: "I see."

WO1 Blunden said: "Whose tent did you enter?"

2Lt Daly said: "Cpl Jackson's".

WO1 Blunden said: "Why did you go there"?

2Lt Daly said: "I saw a light and heard people talking so I had a look."

WO1 Blunden said: "We have interviewed several of the people present that night and it has been alleged that you drank a can of beer. Is this correct?"

2Lt Daly said: "Yes."

WO1 Blunden said: "Did you then leave the tent?"

2Lt Daly said: "Yes."

WO1 Blunden said: "Did you return later?"

2Lt Daly said: "Yes, I told them not to make a noise and to turn the light out."

WO1 Blunden said: "Did you again leave the tent?"

2Lt Daly said: "Yes."

WO1 Blunden said: "Do you wish to make a written statement about what you have told me?"

2Lt Daly said: "Do I have to?"

WO1 Blunden said: "No, it is entirely up to you."

2Lt Daly said: "I won't make one at this stage. What is going to happen?"

WO1 Blunden said: "I don't know it is up to your OC."

The interview terminated at 1115 hrs.

(N.L. CADDEN) WO2

ANNEX G TO
ABSTRACT OF EVIDENCE
DATED 17 JUN 71

STATEMENT BY 314134 WO1 F.K. BLUNDEN - DET AFV PRO

I am the above named Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 6 Jun 71 at about 1100 hrs at 1 ARUin company with WO2 Cadden I interviewed 147789 2Lt G.A. Daly 1 ARU.

I said: "This is Warrant Officer Cadden and I am Warrant Officer Blunden. We have been asked by the OC Maj Peters to investigate the alleged drinking in unit lines the night before last 4 Jun 71. Did you go to a tent in 1 Pl lines on that night sir?"

He said: "Yes."

I said: "I have reason to believe that you may have committed an offence there so I must warn you that you are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence?"

He said: "I see."

I said: "Whose tent did you enter?"

He said: "Cpl Jackson's."

I said: "Why did you go there?"

He said: "I saw a light and heard people talking so I had a look."

I said: "We have interviewed several of the people present that night and it has been alleged that you drank a can of beer. Is this correct?"

He said: "Yes."

I said: "Did you then leave the tent?"

He said: "Yes."

I said: "Did you return later?"

He said: "Yes, I told them not to make a noise and to turn the light out."

I said: "Did you again leave the tent?"

He said: "Yes."

I said: "Do you wish to make a written statement about what you have told me?"

He said: "Do I have to."

I said: "No, it is entirely up to you."

He said: "I won't make one at this stage. What is going to happen?"

I said: "I don't know it is up to your OC."

The interview terminated at 1115 hrs.

F K Blunden
(F.K. BLUNDEN)
WO1

EXTRACT OF 1 ARU ROUTINE ORDERS PART 1 146/71

"10. Except as provided in para 9:

a. Members are not to have alcoholic liquor in sleeping or living quarters or in working areas.

b. Members are not to take alcoholic liquor out of fixed limit areas."

CERTIFICATE

I certify that the above extract of unit routine orders is a true and correct copy of the original of which it purports to be a copy and that I am the officer having the custody of the original.

(B.G. WALLIS)
Lt
2IC 1 ARU

DISTRIBUTION OF 1 ARU ROUTINE ORDERS

I certify that 1 ARU Routine Orders are distributed to each platoon as part of their distribution and that this procedure was in effect when Serial 16 containing orders number 143 - 147 was produced on 14 Apr 71.

(P.H. COATS)
2Lt
Admin Offr 1 ARU

CONSENT UNDER ARMY ACT SECTION 47

I, No 147789 Rank 2Lt Name G.A. DALY

of 1 ARU (Unit) being now charged as follows:

WOAS NEGLECTING TO OBEY UNIT ROUTINE ORDERS, in that he, at Nui Dat in the Republic of Vietnam at approximately 2230 hours on 4 Jun 71 was drinking beer with several soldiers in the tent of 54003 Cpl N.R. Jackson contrary to 1 ARU Routine Orders Part 1 Number 146.10/71 which states, "Members are not to have alcoholic liquor in sleeping or living quarters or in working areas".

AA 11

having had my rights under AA 47 explained to me by 14384 Maj L.O. Peters

and having received a copy of the ~~summary~~/Abstract of Evidence relating to the above charges

DO HEREBY CONSENT to the Commander 1st Australian Task Force dealing with the said charge summarily after reading the said ~~summary~~/abstract BUT SAVING my right to elect trial by Court Martial as provided in AA 47.

I DO/DO NOT wish to call evidence at such hearing.

~~I DO/DO NOT wish to make a statement at such hearing.~~

DATE: 19 Jun 71

G A Daly 2Lt

TELEPHONE

EMU 116

8/

AUSTRALIAN MILITARY FORCES

Quote in Reply

SIB/AFV-1/57/71

ADDRESS

AFV Pro Unit
VUNG TAU

13 Jun 71

1 ARU

For Information

HQ 1 ATF
PM AHQ (C)

INVESTIGATION REPORT

1. Attached herewith is an Investigation Report submitted by WO1 BLUNDEN.

(R J ANDERSON)
Capt
For Provost Marshal AFV

IN CONFIDENCE

Det AFV Pro Unit
NUI DAT

13 Jun 71

SIB/AFV-1/55/71

OIC SIB

ALLEGED OBTAINING GOODS
BY THREATS
OFFENDER: 54003 CPL N R JACKSON
1 PL 1 ARU

1. On 5 Jun 71 at about 1530 hrs as a result of information received from Maj PETERS, OC 1 ARU, accompanied by 53154 WO2 M L CADDEN I attended that unit.

2. I was informed by Maj PETERS that he had information from 2792055 Cpl B W McKINNON HQ Pl 1 ARU Canteen Manager of the 1 ARU OR's canteen, that on an unknown date Cpl JACKSON 1 Pl 1 ARU had requested that Cpl McKINNON supply him with beer from the canteen for use after hours and in a place other than the canteen. Cpl McKINNON had refused but upon interpreting certain remarks by Cpl JACKSON as a threat had relented and did in fact supply the beer.

3. In an interview with Cpl McKINNON he stated that approximately eight weeks previously at about 2120 hrs just as he was closing the canteen he was approached by Cpl JACKSON who said, "Can I have a dozen cans of beer to take away?" or words to that effect. Cpl McKINNON said, "No". Cpl JACKSON then said, "There is other ways of getting beer". The manner in which this was said caused Cpl McKINNON to fear that Cpl JACKSON was threatening him or the security of the canteen. As a result he supplied the beer. (For statement see Annex 'A')

4. I interviewed Cpl JACKSON at 1 ARU. I informed him of the nature of the enquiry and he said, "I don't remember". After further questioning he admitted that he had previously purchased beer from Cpl McKINNON and had removed it from the canteen but denied using threats to obtain the beer. He also declined to make a written statement.

5. It is my opinion that reliance can be placed upon the statement by Cpl McKINNON and that he supplied the beer as a result of an implied threat by Cpl JACKSON. However, it is considered that the absence of an independent witness to the conversation or a statement of admission would preclude the responsibility of charging Cpl JACKSON.

F K Blunden
(F K BLUNDEN)
WO1

Annexes:
A. Statement by 2793055 Cpl B W McKINNON
B. Statement by 314134 WO1 F K BLUNDEN

Annex 'A' to
SIB/AFV-1/55/71

STATEMENT FORM

Statement of:
Army No: 2793055 Rank: Cpl Name in full: Bruce Wesley McKINNON

Unit: HQ Pl 1 ARU Location: NUI DAT

Date of birth: 15 Dec 48 Place of birth: N.S.W.

Date arrived theatre: 26 Aug 70 Date Est RTA : 25 Aug 71

WHO STATES:

I am the abovenamed NCO. I am the canteen manager of the OR's canteen 1ARU. About eight weeks ago whilst I was serving in the canteen at about 2120 hrs just as the canteen was closing I was approached by Cpl JACKSON of 1 Pl. He said, "Can I have a dozen cans of beer to take away?" or words to that effect. I said, "No". He then said something I did not understand. He then said "There is other ways of getting beer." He was pretty drunk at this stage and appeared to mean his remarks as a threat. I felt that owing to the state he was in he would have a go and I felt that he would have a go either at me or the canteen. As a result of his attitude I gave him a dozen cans of unopened beer for which he paid. I have read this statement. It is true and correct.

SIGNED B W McKINNON

Statement taken and signature witnessed by me at 1 ARU on 5 June 71 about 1540 hrs.

SIGNED F K BLUNDEN

Annex B to
SIB/AFV-1/55/71

STATEMENT FORM

Statement of:

Army No: 314134 Rank: WO1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV Pro Location: NUI DAT

Date of Birth: 22 Jun 24 Place of birth: UK

Date arrived theatre: 13 Aug 70 Date Est RTA: 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 5 Jun 71 at about 1610 hrs at 1 ARU in company with WO2 CADDEN I saw 54003 Cpl N R JACKSON 1 Pl 1 ARU

I said, "This is WO CADDEN and I am WO BLUNDEN. We are making enquiries regarding the alleged obtaining of beer by threats. What is your regimental number?"

He said, "54003 Sir."

I said, "What is your full name?"

He said, "Noel Raymond JACKSON."

I said, "What is your unit?"

He said, "1 Pl 1 ARU."

I said, "What is your date of birth?"

He said, "15 May 1940."

I said, "Where were you born?"

He said, "W.A."

I said, "As it is alleged that you were the person making the threats I must warn you that you are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence. Do you understand this?"

He said, "Yes."

I said, "Did you ask Cpl McKINNON if you could buy a dozen cans of beer about eight weeks ago?"

He said, "I can't remember."

2/ I said,

I said, "Do you remember ever asking for a dozen beers from Cpl McKINNON?"

He said, "I suppose I have."

I said, "Cpl McKINNON alleged that you threatened him when he refused to selllyou beer is this so?"

He said, "No, he has made the implication let him prove it."

I said, "Do you wish to make a written statement about the matter?"

He said, "No, I don't want to say anymore at all, you try and prove that I threatened McKINNON it's his word against mine."

The interview terminated at 1635 hrs.

SIGNED F K BLUNDEN WO1

TELEPHONE

EMU 116

AUSTRALIAN MILITARY FORCES

Quote in Reply
SIB/AFV-1/57/71

ADDRESS

AFV Pro Unit
VUNG TAU

13 Jun 71

1 ARU

For Information

HQ 1 ATF
PM AHQ (C)

INVESTIGATION REPORT

1. Attached herewith is an Investigation Report submitted by WO1 BLUNDEN.

(R J ANDERSON)
Capt
For Provost Marshal AFV

80

IN CONFIDENCE

Det AFV Pro Unit
NUI DAT

13 Jun 71

SIB/AFV-1/57/71

OIC SIB

DRINKING IN UNIT LINES
1 PL 1 ARU

1. On 5 Jun 71 as a result of a request from Maj PETERS, OC 1 ARU I commenced investigations in respect of alleged drinking in 1 Pl 1 ARU lines on the night 4 Jun 71 in which an Officer was believed to be involved.

2. Enquiries revealed that on 4 Jun 71 at about 2145 hrs 54003 Cpl N R JACKSON 1 Pl 1 ARU purchased two dozen cans of beer from the OR's canteen manager 2793055 Cpl B W McKINNON and carried them to his tent where the following members attended and drank beer:

3799088	Pte J GILES HQ Pl 1 ARU
5716136	Pte S SLAWINSKY HQ Pl 1 ARU
2793055	Cpl B W McKINNON HQ Pl 1 ARU
219977	Pte G HUNTER 3 Pl 1 ARU
54003	Cpl N R JACKSON 1 Pl 1 ARU

3. Upon being questioned all admitted drinking in Cpl JACKSON's tent. Cpl JACKSON admitted purchasing the beer and consuming it in unit lines; he stated that he knew it was an offence to remove unopened cans from the canteen and to drink in unit lines. He refused to make a written statement.

4. When interviewed Pte SLAWINSKY admitted drinking in unit lines and stated that he knew it was an offence. He further stated that at about 2300 hrs 2 Lt DALY 1 ARU entered the tent and drank a beer after which he left the tent. 2 Lt DALY returned about 30 minutes later and told the occupants of the tent to quieten down, Pte SLAWINSKY declined to make a written statement.

5. Cpl McKINNON was interviewed and elected to make a written statement which was taken under caution. In his statement Cpl McKINNON admitted that he had sold two dozen cans of beer to Cpl JACKSON and had attended Cpl JACKSON's tent to consume beer. Whilst drinking in the tent Cpl McKINNON handed a can of beer to 2 Lt DALY who had entered the tent. The 2 Lt drank the beer and left. He returned about forty minutes later and told the occupants of the tent to keep the noise down. Shortly afterwards the gathering broke up and all members returned to their respective tents. (For statement see Annex 'A').

6. When interviewed Pte GILES admitted that he was present in Cpl JACKSON's tent and that he had consumed beer there which he knew was an offence. He declined to make a written statement.

7. In an interview with Pte HUNTER he admitted that he had been present in Cpl JACKSON's tent and had consumed beer there. A statement was taken from Pte HUNTER and he was not cautioned prior to interview as it is understood that he had already been charged and dealt with for drinking prior to mounting picquet on 4 Jun 71.

WO I BLUNDEN States . - -

8. On 6 Jun 71 at about 1100 hrs at 1 ARU in company with 53154 WO2 M L CADDEN I interviewed 147789-2 Lt G A DALY who admitted that he had entered Cpl JACKSON's tent as he heard voices coming from there. Upon entering the tent he had been given a can of beer which he drank. He left the tent and later returned to tell the occupants to keep the noise down. He then left the tent. 2 Lt DALY declined to make a written statement.

9. There is evidence by all OR's present that they did consume beer in Cpl JACKSON's tent and that they knew it was an offence to do so.

10. There is evidence from Cpl McKINNON and by 2 Lt DALY's admission that he consumed beer in the tent also.

11. Offences committed are as follows:

Cpl McKINNON,	Selling unopened cans of beer for consumption outside the place of purchase. Drinking in unit lines.
Cpl JACKSON,	Purchasing unopened cans of beer for consumption outside the place of purchase. Drinking in unit lines.
Pte GILES,	Drinking in unit lines.
Pte SLAWINSKY,	Drinking in unit lines.
Pte HUNTER,	Drinking in unit lines.
2 Lt DALY,	Drinking in unit lines.

all in breach of unit standing orders.

F K Blunden
(F K BLUNDEN)
WO1

Annexes:

A. Statement by 2793055 Cpl B W MCKINNON.
B. Statement by 219977 Pte G HUNTER
C. Statement by 314134 WO1 F K BLUNDEN (Re McKINNON)
D. Statement by 314134 WO1 F K BLUNDEN (Re JACKSON)
E. Statement by 314134 WO1 F K BLUNDEN (Re GILES)
F. Statement by 314134 WO1 F K BLUNDEN (Re SLAWINSKY)
G. Statement by 314134 WO1 F K BLUNDEN (Re DALY)

Annex 'A' to
SIB/AFV-1/57/71

STATEMENT FORM

Statement of:

Army No: 2793055 Rank: Cpl Name in full: Bruce Wesley McKINNON

Unit: HQ Pl 1 ARU Location: NUI DAT

Place of Birth: N,S.W. Date of Birth: 15 Dec 48

Date arrived theatre: 26 Aug 70 Date Est RTA: 25 Aug 71

WHO STATES:

I Bruce Wesley McKINNON wish to make a statement. I would like someone to write it for me. I have been told that I need not say anything unless I wish to do so but what I do say may be taken down in writing and given in evidence.

SIGNED B W MCKINNON

On 4 Jun 71 at about 1930 hrs I was in the OR's Canteen playing darts. At about 2100 hrs I went to the back of the canteen to close the bar and cut off the beer. When I had closed the bar at about 2130 hrs Cpl JACKSON approached me and said, "Can I have a dozen cans?" I thought about it for a minute and then said, "Yes." He then said, "You had better make it two dozen as there will be a few people down there." I thought about it again and then said, "Alright." I gave him the beer and he paid for it and he left it outside. He finished his beer off and left the canteen at 2145 hrs when I said that I was going to turn the lights out. As he had previously asked me if I wanted to go to his tent for a drink I followed him there. When I arrived at the tent the following were there., Cpl JACKSON, Pte SLAWINSKY, Pte GILES and a soldier known to me as Kiwi who I know now to be Pte HUNTER. We had a few beers and talked until anout 2300 hrs when 2 Lt DALY came into the tent. He didn't say anything and as he walked in I handed him a can of beer. H stayed for about twenty minutes and drank the beer. He then left and shortly afterwards Kiwi left to go on picquet. 2 Lt DALY returned at 2340 hrs and told us to keep the noise down. He left immediately. Shortly afterwards the party broke up and we went to bed. I knew that it was an offence to drink at a place other than the canteen and to remove unopened beer cans from the canteen also to drink in unit lines. I have read this statement. I have been told that I can alter, add or delete anything I wish. I have made this statement of my own free will.

SIGNED B MCKINNON

Statement taken and signature witnessed by me at 1615 hrs 5 Jun 71 at 1 ARU.

SIGNED F K BLUNDEN WO1

Annex 'B' to
SIB/AFV-1/57/71

STATEMENT FORM

Statement of:

Army No.: 219977 Rank: Pte Name in full: Graham HUNTER

Unit : 3 Pl 1 ARU Location: NUI DAT

Date of Birth: 6 Oct 47 Place of Birth: N.Z

Date arrived theatre: 10 Dec 70 Date Est RTA : 10 Dec 71

HUNTER G.

WHO STATES:

I am the abovenamed Pte. On 4 Jun 71 at about 2145 hrs after the canteen had closed I went to Cpl JACKSON's tent in 1 Pl lines. There were several people there including Cpl JACKSON, Cpl McKINNON and others that I did not know. We had a few beers. At about 2315 hrs I left the tent to go on picquet. During the time I was in the tent I don't remember an officer coming into the tent. I have read this statement. It is true and correct.

SIGNED G HUNTER

Statement taken and signature witnessed by me at 1 ARU on 5 Jun 71 about 1600 hrs.

SIGNED F K BLUNDEN WO1

Annex 'C' to
SIB/AFV -1/57/71

STATEMENT FORM

Statement of:

Army No: 314134 Rank: WO 1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV Pro Location: NUI DAT

Date of birth: 22 Jun 1924 Place of birth: UK

Date arrived theatre: 13 Aug 70 Date Est RTA : 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer; I am a Warrant Officer Investigator of the SIB. On 5 Jun 71 as a result of information received from Maj PETERS OF 1 ARU I interviewed 2793055 Cpl B W McKINNON HQ Pl 1 ARU at that unit about 1545 hrs in company with WO2CADDEN.

I said, "This is Warrant Officer CADDEN and I am Warrant Officer BLUNDEN we are making enquiries regarding alleged offences involving alcohol on 4 Jun 71. What is your regimental number?"

He said, "2793055 sir."

I said, "What is your full name?"

He said, "Bruce Wesley McKINNON."

I said, "Are you the manager of the OR's canteen?"

He said, "Yes."

I said, "Were you on duty at the canteen last night 4 Jun 71?"

He said, "Yes."

I said, "I want to warn you that you are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

He said, "I see but I have already made a statement to the OC."

I said, "You needn't answer any more questions unless you wish to?"

He said, "I might as well."

I said, "Did you sell some beer to Cpl JACKSON last night?"

He said, "Yes, when I had closed the bar at 2130 Cpl JACKSON asked me for a dozen cans. I thought about it and then said, Yes. He then said

2/...You had better

"You had better make it two dozen." He then paid me. He left the canteen at 2145 hrs and I went to his tent as he had asked me to go. I went in the tent and there were the following present. Pte GILES, Pte SLAWINSKY, Cpl JACKSON and a man known to me as Kiwi. We drank beer and about 11 o'clock Mr DALY came in. I handed him a can of beer and he drank it. He then left and shortly afterwards Kiwi left to go on picquet. About 11.40 Mr DALY came in and told us to keep the noise down. He left and shortly afterwards we packed up.

I said, "Did you know that it is an offence to sell unopened cans of beer for consumption outside the place of purchase."

He said, "Yes."

I said, "Did you know that it is an offence to consume beer in unit lines?"

He said, "Yes."

I said, "Do you wish to make a written statement about what you have told me?"

He said, "I might as well."

I then wrote a statement at Cpl McKINNON's dictation which was taken under caution. At the completion of the statement he appeared to read it over and signed it.
I PRODUCE THAT STATEMENT.

SIGNED F K BLUNDEN
WO1

Annex D to
SIB/AFV 1/57/71

STATEMENT FORM

Statement of:

Army No: 314134 Rank: WO1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV PRO Location: NUI DAT

Date of Birth: 22 Jun 1924 Place of Birth; U.K

Date arrived theatre: 13 Aug 70 Date Est RTA: 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer, I am a Warrant Officer Investigator of the SIB. On 5 Jun 71 at about 1615 hrs as a result of information received I interviewed 54003 Cpl N R JACKSON at 1 ARU in company with WO2 CADDEN.

I said, "This is Warrant Officer CADDEN and I am Warrant Officer BLUNDEN we are making enquiries regarding drinking in the lines here at 1 ARU last night. What is your regimental number?"

He said, "54003 Sir."

I said, "What is your rank?"

He said, "Corporal."

I said, "What is yourfull name?"

He said, "Noel Raymond JACKSON."

I said, "Do you occupy a tent in one Pl lines?"

He said, "Yes."

I said, "As I have reason to believe that you were involved in drinking in the lines last night I must warn you that you are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

He said, "I see."

I said, "It is alleged that you purchased two dozen cans of beer from the OR's canteen last night. Did you in fact do so?"

He said, "Yes I got them from McKINNON."

I said, "Do you know that it is an offence to purchase alcohol for consumption at a place other than the place purchased."

2/....He said,

He said, "Yes."

I said, "Did you take the beer to your tent and with others drink there?"

He said, "Yes."

I said, "Do you know that it is an offence to drink alcohol in living premises?"

He said, "Yes."

I said, "Who was in the tent with you?"

He said, "I can't say."

I said, "Do you wish to make a written statement about the matter?"

He said, "No."

I said, "The matter will be reported."

The interview terminated at 1635 hrs.

SIGNED F K BLUNDEN
WO1

Annex 'E' to
SIB/AFV-1/57/71

STATEMENT FORM

Sta tement of:

Army No: 314134 Rank: WO1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV Pro8 Location: NUI DAT

Date of Birth: 22 Jun 1924 Place of Birth: UK

Date arrived theatre: 13 Aug 70 Date Est RTA: 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 5 Jun 71 at about 1650 hrs at 1 ARU in company with WO2 CADDEN I interviewed 3799088 Pte J GILES HQ Pl 1 ARU.

I said, "This is Warrant Officer CADDEN and I am Warrant Officer BLUNDEN. We are making enquiries regarding drinking in unit lines last night here at 1 ARU. What is your regimental number."

He said, "3799088 Sir."

I said, "What is your rank and full name?"

He said, "Private James GILES."

I said, "As I have reason to believe that you were one of the persons drinking in the lines last night I must warn you that you are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence. Do you understand?"

He said, "Yes."

I said, "Did you go to somebody's tent last night?"

He said, "Yes, when the boozer closed I went to Cpl JACKSON's tent."

I said, "Was there anyone there?"

He said, "Yes, McKINNON, JACKSON, SLAWINSKY and HUNTER".

I said, "Did you all drink beer?"

He said, "Yes."

I said, "Do you know that it is an offence to drink in unit lines?"

He said, "Yes."

I said, "Did an officer enter the tent?"

2/...He said, "Yes..

He said, "Yes, Mr DALY."

I said, "Did he drink?"

He said, "I don't know."

I said, "Do you wish to make a written statement about the matter?"

He said, "No thank you Sir."

I said, "I will report the matter?"

The interview terminated at 1710 hrs.

SIGNED F K BLUNDEN
WO1

Annex 'F' to
SIB/AFV - 1/57/71

STATEMENT FORM

Statement of:

Army No: 314134 Rank: WO1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV Pro Location: NUI DAT

Date of Birth: 22 Jun 1924 Place of Birth: UK

Date arrived theatre: 13 Aug 70 Date Est RTA : 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 5 Jun 71 at about 1600 hrs at 1 ARU in company with WO2 CADDEN I interviewed 5716136 Pte S SLAWINSKY.

I said, "This is Warrant Officer CADDEN and I am Warrant Officer BLUNDEN. We are investigating the alleged drinking in unit lines here at 1 ARU last night. What is your regimental No, rank and full name."

He said, "5716136 Pte Stanislau SLAWINSKY."

I said, "I have reason to believe that you were one of the persons drinking in a tent last night. I must warn you that you are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence. Do you understand?"

He said, "Yes Sir."

I said, "Did you go to a tent last night?"

He said, "Yes, I went to JACKSON's tent and we had some beer there."

I said, "Who was there?"

He said, "JACKSON, McKINNON, GILES."

I said, "Was there an Officer there?"

He said, "Mr DALY came in."

I said, "Did he have a beer?"

He said, "He may have done."

I said, "Did you know that it was an offence to drink in unit lines?"

He said, "Yes Sir."

2/..I said, "Do you..

I said, "Do you want to make a written statement about the matter?"

He said, "No thanks."

The interview terminated at 1650 hrs.

SIGNED F K BLUNDEN
WO1

Annex 'G' to
SIB/AFV-1/57/71

STATEMENT FORM

Statement of:

Army No; 314134 Rank WO1 Name in full: Frank Kenneth BLUNDEN

Unit: Det AFV Pro Location: NUI DAT

Date of Birth 22 Jun 1924 Place of Birth: UK

Date arrived theatre: 13 Aug 70 Date Est RTA: 13 Mar 72

WHO STATES:

I am the abovenamed Warrant Officer. I am a Warrant Officer Investigator of the SIB. On 6 Jun 71 at about 1100 hrs at 1 ARU in company with WO2 CADDEN I interviewed 147789[illegible]2Lt G A DALY 1 ARU.

I said, "This is Warrant Officer CADDEN and I am Warrant Officer BLUNDEN. We have been asked by the OC Maj PETERS to Investigate the alleged drinking in unit lines the night before last 4 Jun 71. Did you go to a tent in 1 Pl lines on that night sir?"

He said, "Yes."

I said, "I have reason to believe that you may have committed an offence there so I must warn you that you are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence?"

He said, "I see."

I said, "Whose tent did you enter?"

He said, "Cpl JACKSON's "

I said, "Why did you go there?"

He said, "I saw a light and heard people talking so I had a look."

I said, "We have interviewed several of the people present that night and it has been alleged that you drank a can of beer. Is this correct?"

He said, "Yes."

I said, "Did you then leave the tent?"

He said, "Yes."

I said, "Did you return later?"

He said, "Yes, I told them not to make a noise and to turn the light out."

2/ I said, "Did you...

I said, "Did you again leave the tent?"

He said, "Yes."

I said, "Do you wish to make a written statement about what you have told me?"

He said, "Do I have to."

I said, "No, it is entirely up to you."

He said, "I won't make one at this stage. What is going to happen?"

I said, "I don't know it is up to your OC."

The interview terminated at 1115 hrs.

SIGNED F K BLUNDEN
WO1

File. Discipline general.

Folio 80

1 ARU
NUI DAT

19 Jun 71

HQ 1 ATF

REDUCTION TO RANK OF PRIVATE
54003 CPL N.R. JACKSON

1. Attached is the AAF A4 and a copy of the relevant evidence used in the investigation of the charges against Cpl N.R. Jackson.

2. It is requested that these documents be forwarded to the Comd 1 ATF for confirmation.

(L.O. PETERS)
Maj
OC

1 ARU
R 271 / 1 / 1
FOLIO 79

AUSTRALIAN ARMY

In Reply Quote

.R271-1-38....

HQ 1 ATF
NUI DAT

7 Jun 71

1 ARU

REDUCTION IN RANK

.1735999.T/CPL.D.W..KNOPKE.-.....

Reference: A. Enclosed Charge and Offence Report.

1. Comd 1 ATF has confirmed the finding(s) and sentence of reduction to the rank of private awarded to the abovenamed by OC 1 ARU.

2. The sentence is not effective until confirmation has been promulgated to the member (see AMR 256B(4) and (5). It follows that the member remains in pay as a corporal and continues to wear his badges of rank of until promulgation has taken place. Promulgation should be carried out in accordance with AMR 337(5) and the fact and date of promulgation should be endorsed on the reference prior to distribution, as follows:

"Confirmation promulgated to member (date) ".

3. One copy of the reference, properly and legibly completed should be returned to DADLS this Headquarters in the usual way.

(J.A. MCINTYRE)
Maj
DADLS

File No. [redacted]

To: COMD

SUBJECT: SENTENCE OF REDUCTION IN RANK - 1735999 T/CPL D.W. [redacted]

Reference: A. Attached Charge and Offence Report and Copy of Evidence.

1. The reference has been submitted to you under AMR 256B. The sentence of has no force or effect unless confirmed.

2. I have examined the AAF A4 and the evidence given at the hearing and I advise:-

a. The charges are correctly drafted

b. The evidence is sufficient to support the charges

c. The sentence is onewhich the OCis empowered to impose under AA46.

3. Under AMR 256B(2) you should review the evidence and conviction on each charge and, if you consider that any charge or charges ought not to have been proceeded with, orthat for any other reason any conviction or convictions should not be confirmed, you may quash the conviction(s). Where all convictions are quashed, you should also quash the sentence.

4. If you confirm all or any one of the convictions, you should review the sentence, and if youconsider (having regard to any convictions you may have quashed, or to any other corcumstances) that the sentence is too severe you may quash it and substitute for it any of the following:

a. Fine not exceeding $40.

b. Severe reprimand.

c. Reprimand

d. Admonition

5. If you decide to confirm the finding(s) and sentence you should write "I confirm finding(s) and sentence."

5 Jun 71

(J.A. McINTYRE)
Maj
DADLS

STATEMENT OF EVIDENCE BY PTE I.J. McKELLAR

I, 1737038 Pte I.J. McKellar, on the 27th May 1971 was the duty driver who drove Cpl Knopke and his picquet of four other soldiers to SAS Hill. We left the ARU area at 1815 hours and arrived at the actual picquet position at approx 1830 hrs.

Whilst driving past SAS lines on our way to pick up the radio set and starlight scope Cpl Knopke saw a soldier that he knew walking through the lines. We did not stop however and proceeded on to the store where the radio and starlight scop were kept. After collecting these we drove up to the picquet position where Cpl Knopke dismounted from the vehicle with his men and supervised a radio check immediately.

Cpl Knopke then asked if I would mind waiting on for a few minutes while he set the post up as he wanted a lift back down to SAS lines. 5 - 6 minutes had passed before he emerged from the bunker and we then drove down to the lines. He then asked me if I would mind waiting on for a minute until he found the soldier was definitely there as he intended to return to the picquet post if he wasn't. I then saw Cpl Knopke ask someone directions and he apparently found that the soldier he was looking for was in his lines as he gave me a wave and I drove off.

(I.J. McKELLAR)
Pte

STATEMENT OF EVIDENCE BY CAPT R. LETTS - 2 SAS SQN

1. On Thursday 27 May at approximately 2100 hrs I was watching the film in the SAS theatre when two strange soldiers sat down beside me. I asked them where they were from and the replied they were from ARU and were manning the night OP. They said they were sheltering from the rain before returning to the bunker. It was in fact raining hard and the ARU personnel manning the night OP do occasionally come down to purchase soft drinks.

2. About an hour later, long after the rain had stopped, the two ARU personnel who later said their names were O'Donnell and Harris were still watching the film. At this point I suggested to them that they return to the bunker and told them that I would be reporting them for their present absence to ARU in the morning.

3. The time was then 2230 hrs. I went to the SAS Comcen and tried to communicate with the night OP both by line and by radio. There was no reply.

4. I then went up to the night OP. The lights were on. Two personnel were sound asleep. I woke them up and told them who I was. I asked them who their NCO was and where he was at present. They said his name was Cpl Knopke and stated they did not know where he was. I asked them why the lights were on. They could give no satisfactory answer, nor could they explain why they were asleep. They also stated their complete party was five.

5. I returned to the SAS Comcen and called up the night OP by radio and line again. Both methods were answered.

6. I then returned to the SAS theatre and took the names of the two personnel who were just leaving the film.

R Letts

(R. LETTS)
Capt
2IC 2 SAS SQN

STATEMENT OF EVIDENCE BY 2795643 PTE R.G. ALLEN

On 27 May 71 I was rostered for duty on SAS Hill. The picquet commanded by Cpl Knopke moved to SAS Hill at 1815 hours and arrived on the top of the hill at approx 1830 hrs. On the way Cpl Knopke collected the starlight scope and radio. On arrival at the bunker all the stores were unloaded from the vehicle and set up in the bunker. Pte O'Donnell made a radio check to establish communications and straight after this Cpl Knopke left the bunker and went off in the vehicle. The picquet was given no orders or instructions by Cpl Knopke and there was no picquet list made out.

At 2230 hrs the picquet post was visited by Capt R. Letts, 2IC 2 SAS Sqn, who wanted to know where the picquet NCO was. I said I did not know where he was or when he would return.

At approx 2330 hrs Cpl Knopke returned to the bunker and I informed him of Capt Letts's visit and that the picquet was going to be reported in the morning.

(R.G. ALLEN)
Pte

R Allen

TELEPHONE
EMU 156

AUSTRALIAN MILITARY FORCES

1 ARU
R 271 / 1 / 1
FOLIO 78

Quote in Reply
68/71

ADDRESS

AFV Pro Unit
VUNG TAU

7 Jun71

1 ARU

For Information
HQ 1 ATF
HQ 1 ALSG

MILITARY POLICE INCIDENT REPORT

1. Attached herewith is a Military Police Incident Report submitted by CPL ARMYTAGE of this unit.

2. Forwarded for your information and any action considered necessary.

(J M SYMINGTON)
Maj
Provost Marshal AFV

CSM
I don't see that any action is necessary on this.
11/6

MEMBER. HAS BEEN ISSUED. WITH NEW I D CARD.
11/6

EMU 156

AFV Pro Unit
VUNG TAU

5 Jun 71

68/71

OC AFV Pro Unit

MILITARY POLICE INCIDENT REPORT, LOST WALLET CONTAINING ID CARD LEAVE PASS AND PERSONAL PAPERS, PROPERTY OF 219787 PTE R J WOOD 1 ARU.

1. At 2030 hrs on 4 Jun 71, I was on mobile patrol in Trung Trac Street, VUNG TAU, accompanied by SGT C A BENTLEY of this unit.

2. I was approached by a Vietnamese National who told us there was a disturbance at the MY LINH Bar, corner of Trung Trac and Tran Hung Dao Streets.

3. On arrival at the MY LINH Bar, I saw an Australian serviceman, whom I now know to be:

219787 PTE R J WOOD
1 ARU

who informed me that he had had his wallet stolen by an American Serviceman with whom he had been drinking. The wallet contained his ID card, leave pass, $40 MPC, 1,000 piastre and personal documents.

4. The American serviceman, was chased by PTE WOOD and during this chase PTE WOOD allegedly kicked at a door on the second floor of the hotel. An investigation of the door revealed negligible damage.

5. PTE WOOD identified the American serviceman's shoulder insignia as being from 1/12 Cavalry, Alpha Coy. He knew this person only as 'Ron'.

6. PTE WOOD was conveyed to AFV Pro Unit where he was handed over to SGT L E WILLIAMSON and CPL CUTMORE, the duty investigators, for further investigation.

7. I then resumed my patrol duties.

2792318 CPL
G C ARMYTAGE

1 ARU
R 271/1/11
FOLIO 77

MESSAGE FORM

ROUTINE 07 0700 Z JUN 71 R243-1-10

FROM: 1 ALSG UNCLAS

TO: SERIALS 1 6 7 8 9 14(3) 17 24 27 28 37 38 45 46 47 A 119
1 TOPO SURVEY TP
1 FD SQN
1 ARU
106 FD WKSP
HQ COY 1 ATF LAD
1 PSY OPS UNIT
8 FD AMB
161 INDEP RECCE FLT

INFO: 1 ATF
AUSTFORCE VIETNAM
INT OFFR 1 ALSG

IN CONFIDENCE . DCM . 12Ø2231 CPL V J PENNELL CMM 1 FD SQN AND 314150 PTE J PISCOPO CMM 161 RECCE FLT . REF AFV SOP PART 2 CHAP 2 SECT 12 ANNEX A .

1 ALSG GENERAL INSTRUCTION .

1 . COURT MARTIAL WILL CONVENE 1 ALSG COURT MARTIAL ROOM (A469) 0930 HRS 10 JUN 71 .

2 . MEMBERS OF COURT CLN

MAJ L Q PETERS	1 ARU	PRESIDENT
CAPT G N PEARCE	17 CONST SQN	MEMBER
CAPT D N MILLER	106 FD WKSP	MEMBER
CAPT C W WATSON	1 TOPO SVY TP	OFFR UNDER INSTR
2LT J D CARDWELL	1 PSY OPS UNIT	OFFR UNDER INSTR
CAPT J A D HADDON	HQ 1 ALSG	WAITING MEMBER
LT COL J A GENTLES	HQ AFV	JUDGE ADVOCATE

3 . COURT ORDERLIES . 5 COY RAASC IS TO PROVIDE ONE SGT AND A CPL TO ACT AS HIS ASST . THEY ARE TO REPORT TO THE GSM AT 0900 HRS 9 JUN 71 AT THE COURT MARTIAL ROOM .

AO
Discuss with me.
8/6

4 . COURT ROOM . TO BE PREPARED DAILY BY COURT ORDERLY BEFORE SITTING OF COURT . HQ COY 1 ALSG IS TO PROVIDE CLN

A . 1 NCO AND 2 ORS AT 0900 HRS 9 JUN 71 TO ARRANGE COURT ROOM CMM THEY ARE TO REPORT TO THE COURT ROOM UNDER COMMAND OF THE GSM .

B . 1 OR AND 3 VIETNAMESE DAILY FROM 10 JUN 71 CMM THEY ARE TO BE PICKED UP DAILY FROM THE WEST GATE AND REPORT TO THE COURT ORDERLY BY 0800 HRS . HQ COY IS TO LIAISE WITH THE CIVIL LABOUR OFFR TO ARRANGE THIS .

5 . ESCORTS . 1 FD REGT IS TO PROVIDE ONE ESCORT FOR CPL PENNELL CMM HE IS TO BE ACCOMMODATED AT HQ COY 1 ALSG . AFV PRO UNIT IS TO PROVIDE ESCORTS FOR PTE PISCOPO .

6 . ADMIN CLN

A . TRANSPORT .

(1) . COURT POOL UNDER CONTROL DAA&QMG 1 ALSG/COURT ORDERLY AS FOL CLN

VEH	FOR WHOM	PROV BY
1 X LANDROVER	PRESIDENT AND JA	HQ COY 1 ALSG
1 X KOMBI	COURT	HQ COY 1 ALSG
1 X LANDROVER	DEF/PROS/COURT ORDERLY	HQ COY 1 ALSG

(2) POOL ACTIVATED 1200 HRS 9 JUN 71 .

(3) TPT TO BE ON CALL ØSØØ - 173Ø HRS DAILY .

(4) THE JUNIOR MEMBER OF THE COURT IS RESPONSIBLE FOR CO-ORD OF TPT REQ . HE IS TO LIAISE WITH ADMIN OFFR HQ COY 1 ALSG ON ARRIVAL .

B . ACCN .

(1) . COURT MEMBERS AND OFFR UNDER INSTR CMM GRAND HOTEL .

(2) . JA CMM GRAND HOTEL .

(3) . LEGAL OFFR 1 ATF CMM HQ 1 ALSG .

(4) . DEF AND PROS OFFR CMM HQ 1 ALSG .

(5) . ALL WITNESSES CMM 17 CONST SQN .

C . RECEPTION .

(1) . ALL PERSONS OUTSIDE 1 ALSG WILL REPORT TO HQ 067 AS DIRECTED IN 1 ATF A819 DATED 6 JUN 71 CMM EXCEPT JA .

(2) . ALL WITNESSES ARE TO BE MOB 3 TO 17 CONST SQN .

(3) . HQ COY WILL REDIRECT AS REQUIRED VIDE PARA SIX BRAVO .

D . MOVEMENT RESTRICTIONS .

(1) . VEHS ARE NOT TO MOVE IN AREA OF BUILDINGS 447 - 453 .

(2) . WATER PUMPING AFV AMENITIES IS TO CEASE DURING COURT SITTINGS .

E . REFRESHMENTS . DET 17 CONST SQN IS TO PROVIDE MORNING/AFTERNOON TEA AT TIME NOMINATED BY PRESIDENT .

7 . RECORDING FACILITIES . 110 SIG SQN IS TO LIAISE WITH GSM WITH REGARD TO SETTING UP RECORDING FACILITIES .

8 . DRESS . TROUSERS AND SHIRTS MIL GREEN CMM METAL INSIGNIA CMM CAPS CMM HATS CMM BERET APPROPRIATE TO CORPS CMM MEDAL RIBBONS CMM BOOTS GP CMM BLACK BELTS .

9 . CO-ORD . DAA&QMG 1 ALSG (EMU 32) IS RESPONSIBLE FOR CO-ORD

 NO KERNTKE SCA EMU 71

CAPT

MESSAGE FORM

PRIORITY ROUTINE Z JUN 71 060800 UNCLAS

FROM : 1 ATF

TO : AUSTFORCE VIETNAM, HQ COY AFV, 1 ALSG, HQ COY 1 ALSG, AFV PRO UNIT VUNG TAU, A SECT 1 TOPO SVY TP, 1 FD SQN, 17 CONST SQN, 1 ARU, 106 FD WKSP, HQ COY 1 ATF LAD, 1 PSY OPS UNIT, 8 FD AMB, 161 (INDEP) RECCE FLT, DET PRO UNIT NUI DAT

A 819

1 ARU

R 271 / 1 / 1

FOLIO 76

IN CONFIDENCE . DISTRICT COURT MARTIALS OF 1202231 CPL V.J. PENNELL 1 FD SQN AND 314150 PTE J. PISCOPO 161 RECCE FLT . REF SOP PART 2 CHAPTER 2 SECT 12 ANNEX A .

ONE . TIMINGS .

ALFA . 1130 HRS 9 JUN . PROSECUTING AND DEF OFFRS AND DADLS 1 ATF REPORT TO HQ COY 1 ALSG .

BRAVO . 1400 HRS 9 JUN . WITNESSES AND ESCORTS BOTH TRIALS REPORT TO HQ COY 1 ALSG THENCE TO ACCN THENCE TO PROSECUTING AND DEF OFFRS AS DIRECTED .

CHARLIE . 1600 HRS 9 JUN . MEMBERS OF COURT REPORT TO HQ COY 1 ALSG FOR ACCN AT GRAND HOTEL . WAITING MEMBER FOR ACCN AT 1 ALSG .

DELTA . 0830 HRS . 10 JUN . WITNESSES BOTH TRIALS REPORT TO COURT ORDERLY AT 1 ALSG CM ROOM .

ECHO . 0930 HRS 10 JUN . DCM ASSEMBLES .

TWO . PERSONEL INVOLVED .

ALFA . PROSECUTING OFFR . LT C.M. STEELE 8 FD AMB .

BRAVO . DEF OFFR . CAPT J.W. PRONK HQ 1 ATF LAD .

CHARLIE . DADLS HQ 1 ATF . MAJ J.A. MCINTYRE .

DELTA . ACCUSED CMM CPL PENNELL IS CURRENTLY ATT HQ COY 1 ALSG . 1 FD SQN IS TO PROVIDE TWO ESCORTS OF RANK OF CPL .

ECHO . WITNESSES IN PENNELL TRIAL ARE LT I.J. CAMPBELL CMM SGT D.V. SMITH AND CPL P. TODD CMM ALL 1 FD SQN .

FOXTROT . MEMBERS OF COURT CLN

MAJ L.O. PETERS CMM 1 ARU CMM PRESIDENT .

CAPT G.N. PEARCE CMM 17 CONST SQN CMM MEMBER .

CAPT D.L. MILLER CMM 106 FD WKSP CMM MEMBER .

CAPT C.W. WATSON CMM A SECT 1 TOPO SVY TP OFFR UNDER INSTRUCTION .

8/6

2LT J.D. CARDWELL CMM 1 PSY OPS UNIT CMM OFFR UNDER INSTRUCTION .
CAPT J.A.D. HADDON CMM HQ 1 ALSG CMM WAITING MEMBER .
LT CPL J.A. GENTLES HQ AFV JUDGE ADVOCATE .
GOLF . ACCUSED PTE J. PISCOPO IS CURRENTLY IN CLOSE ARREST AFV PRO UNIT.
HOTEL . WITNESSES IN PISCOPO TRIAL ARE LT T.J. GYGAR .
WO2 H. BARNES CMM SSGT A.C. WILLIAMS CMM CPL G.R. RUMING . CAPT K.R. CAIRNS .
THREE . MOV . COURT MEMBERS REQUIRING TPT TO 1 ALSG SHOULD INFORM ADMIN OFFR 1 ARU BY 8 JUN . MOV OF WITNESSES IS RESPONSIBILITY OF UNIT OWNING ACCUSED .
FOUR . DOCUMENTATION . SEE REF . UNLESS ADVISED OTHERWISE BY HQ COY 1 ALSG AAF MOB 3s SHOULD BE TO HQ COY BUT NOTE INITIAL REPORTING MUST BE TO HQ COY . EST DURATION OF COURT IS TO 11 JUN INCL . WITNESSES ARE TO REMAIN THROUGHOUT UNLESS RELEASED BY COURT .
FIVE . DRESS ..TROUSERS AND SHIRTS MIL GREEN CMM METAL INSIGNIA CMM LANYARDS CMM CAPS CMM HATS CMM BERET APPROPRIATE TO CORPS CMM MEDAL RIBBONS CMM BOOTS GP CMM BLACK BELTS .
SIX . REQUEST TWO EMBASSY TYPISTS FOR RECORDING . PLEASE ADVISE 1 ALSG OF MOV AND ACCN DETAILS OF THESE AND JA .
SEVEN . FOR 1 ALSG . PLEASS ADVISE 1 ATF UNITS DIRECT IF ACCN TOMBE OTHER THAN YOUR HQ COY .
EIGHT . ACK

PAGE ONE OF ONE PAGES

M.A. COUNT DAAG EBONY 12

MAJ

F 75

AUSTRALIAN MILITARY FORCES

IN REPLY PLEASE QUOTE
R478-1-364

HEADQUARTERS
1ST AUSTRALIAN TASK FORCE
VIETNAM

5 Jun 71

1 ARU

For Information

HQ AFV

DISTRICT COURT MARTIAL: 220418 PTE D.G. COTTINGHAM

1. The above member was tried by District Court Martial at Vung Tau on 27 May 71 for an offence under AA 40. The member pleaded guilty, was found guilty and was sentenced to undergo detention for 40 days.

2. Comd 1 ATF confirmed the finding and sentence on 2 Jun 71, and the confirmation was promulgated to the member on 3 Jun 71.

3. The above information should be published in your unit Routine Orders.

(M.A. COUNT)
Maj
For Comd 1 ATF

5/6.

IN CONFIDENCE

F74

HQ 1 ARU
NUI DAT

R271-1-1

6 Jun 71

147789 2Lt G.A. Daly

INCIDENT ON NIGHT OF 4/5 JUN 71

1. Following the Military Police investigation into an incident which occurred on the night 4/5 Jun 71, you are hereby notified that it has been decided not to suspend you or place you in arrest but that it is intended that you be charged.

2. You are to clearly understand that the decision not to suspend you or to place you in arrest is not intended to condone or pardon any offence which you may have committed.

(L.O. PETERS)
Maj
OC

I, 147789 2Lt G.A. Daly, hereby acknowledge that the decision not to suspend or place me in arrest is not intended to condone or pardon any offence which it may be alleged that I have committed.

(G.A. DALY)
2Lt

IN CONFIDENCE

IN CONFIDENCE

F 73

HQ 1 ARU
NUI DAT

R271-1-1

6 Jun 71

54003 Cpl N.R. Jackson

INCIDENT ON NIGHT OF 4/5 JUN 71

1. Following the Military Police investigation into an incident which occurred on the night 4/5 Jun 71, you are hereby notified that it has been decided not to suspend you or place you in arrest but that it is intended that you be charged.

2. You are to clearly understand that the decision not to suspend you or to place you in arrest is not intended to condone or pardon any offence which you may have committed.

(L.O. PETERS)
Maj
OC

I, 54003 Cpl N.R. Jackson, hereby acknowledge that the decision not to suspend or place me in arrest is not intended to condone or pardon any offence which it may be alleged that I have committed.

(N.R. JACKSON)
Cpl

IN CONFIDENCE

1 ARU
R271/1/1
FOLIO 72

AUSTRALIAN MILITARY FORCES

IN REPLY PLEASE QUOTE
R271-1-38

HEADQUARTERS
1st AUSTRALIAN TASK FORCE
VIETNAM

3 Jun 71

1 ARU
CARO

CHARGE REPORTS : 1736176 LCPL R.J. SADOWSKI 1 ARU
4721189 PTE D.J. HENSON 1 ARU

References: A. AAF A4 dated 1 Jun 71 for Lcpl Sadowski.
B. AAF A4 dated 1 Jun 71 for Pte Henson.
C. HQ 1 ATF R490-1-9 dated 30 May 71.

1. References A and B show the above members being charged under AA 11 with breach of 1 ARU Standing Orders Chapter 4 Section 1 para 4.

2. Reference C explains that to amount to offence under AA 11, the order forming the basis of a charge under AA 11 must be phrased as an order and not as a statement.

3. The extract from Standing Orders is References A and B is a statement and not an order.

4. Findings and sentences are confirmed, but any future charges under AA 11 based on extracts from Routine, Standing or other orders which do not of themselves amount to orders may result in the convictions being quashed.

(M.A. COUNT)
Maj
DAAG 1 ATF

To be included also "INTER-ALIA" which will also make it an order 3/6.

3/6

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

30 May 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
2795643 PTE R.G. ALLEN

1. Pte Allen has been charged under Section 6 (2) (h) of the Army Act as follows:

> "WOAS WHILST A SOLDIER ACTING AS A SENTINEL LEAVING HIS POST BEFORE HE ~~IS~~ WAS REGULARLY RELIEVED, in that he, at Nui Dat in the Republic of Vietnam at approximately 2230 hours on 27 May 71 after having been posted as a sentry on Sector 9 Observation Post, left his post without being regularly relieved."

2. Pte Allen was the member rostered for sentry duty from 2030 hours to 2230 hours. At approximately 2230 hours on 27 May 71, Capt Letts, the 2IC of 2 SAS Sqn went to the SAS Communication Centre and tried to make contact by line and radio with the Observation Post but was not successful. He went to the Observation Post where he found two personnel asleep, one of them being Pte Allen.

3. I am satisfied that, on the face of it, there is a case for Pte Allen to answer. I request approval to deal with this as I am satisfied that, were Pte Allen found guilty, my powers of punishment would be adequate.

Maj
DADLS HQ 1 ATF
30 MAY 1971

(L.O. PETERS)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 2795643 Pte R.G. Allen.

31 May 71

(B.A. McDONALD)
Brig
Comd 1 ATF

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

29 May 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
1735999 CPL D.W. KNOPKE

1. Cpl Knopke has been charged under Section 6 (2) (f) of the Army Act as follows:

"WOAS LEAVING HIS POST WITHOUT ORDERS FROM HIS SUPERIOR OFFICER, in that he, at Nui Dat in the Republic of Vietnam, at approximately 2230 hours on 27 May 71, was not present at the Sector 9 Observation Post of which he was the NCO in charge".

2. Cpl Knopke was NCO in charge of the Sector 9 OP in 2 SAS Sqn area. At approximately 2230 hrs on 27 May 71 Capt Letts, the 2IC of 2 SAS Sqn went to the SAS communication centre and tried to make contact by line and radio with the OP but was not successful. He went to the OP where he found two personnel asleep. After waking them he asked who their NCO was and where he was. The soldiers stated that the NCO was Cpl Knopke and that they didn't know where he was. Subsequently Cpl Knopke reappeared at the OP but the time of his reappearance has not been established.

3. I am satisfied that, on the face of it, there is a case for Cpl Knopke to answer, I request approval to deal with this as I am satisfied that, were Cpl Knopke found guilty, my powers of punishment would be adequate.

Maj
DADLS HQ 1 ATF

30 MAY 1971

(L.O. PETERS)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 1735999 Cpl D.W. Knopke.

31 May 71

(B.A. McDONALD)
Brig
Comd 1 ATF

AUSTRALIAN ARMY

1 ARU
HQ 1 ATF
R 27/1/DAT 1/1/1
30 May 71 71

R490-1-9

List A (less serials 4, 25-31)

CHARGE AND OFFENCE REPORTS
UNDER AA 11

1. Instances have recently occured in which members of 1 ATF have been charged under AA 11 with breach of general, garrison or other orders, but where the drafting of the particular order relied upon has necessitated some review action.

2. It is an essential element to an offence under AA 11 that the particular section of or extract from the relevant orders must of itself amount to an order. A mere statement of an existing situation or what the writer believed to be an existing situation is insufficient, and conduct by a member inconsistent with any such statement will not amount to an offence under AA 11. The extract from the relevant orders must amount itself to an order and must be phrased as such.

3. The following examples illustrate the above principle:

a. Incorrectly drafted orders. the following example extracts from orders are drafted as statements and not orders:

(1) "Members are responsible for the security of their weapons at all times."

(2) "The speed limit in the unit area is 10 mph".

(3) "The consumption of alcoholicliquor is prohibited".

b. Correctly drafted orders. The above examples are now set out correctly drafted as orders and not statements:

(1) "All members are to keep their weapons secure at all times".

(2) "No member is to drive a vehicle in excess of 10 mph in the unit area".

(3) "No member is to consume alcoholic liquor".

4. If any doubt is felt about the phrasing of a particular order, or whether breach of a particular order is capable of amounting to an offence under AA 11, DADLS 1 ATF should be consulted. In many cases the member may be able to be charged under AA 40, even though the phrasing of the order may preclude the laying of a charge under AA 11.

NOTED 1/6.

(M.A. COUNT)
Maj
DAAG 1 ATF

CSM Note 31/5

AUSTRALIAN ARMY

F 70

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

29 May 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
1735999 CPL D.W. KNOPKE

1. Cpl Knopke has been charged under Section 6 (2) (f) of the Army Act as follows:

"WOAS LEAVING HIS POST WITHOUT ORDERS FROM HIS SUPERIOR OFFICER, in that he, at Nui Dat in the Republic of Vietnam, at approximately 2230 hours on 27 May 71, was not present at the Sector 9 Observation Post of which he was the NCO in charge".

2. Cpl Knopke was NCO in charge of the Sector 9 OP in 2 SAS Sqn area. At approximately 2230 hrs on 27 May 71 Capt Letts, the 2IC of 2 SAS Sqn went to the SAS communication centre and tried to make contact by line and radio with the OP but was not successful. He went to the OP where he found two personnel asleep. After waking them he asked who their NCO was and where he was. The soldiers stated that the NCO was Cpl Knopke and that they didn't know where he was. Subsequently Cpl Knopke reappeared at the OP but the time of his reappearance has not been established.

3. I am satisfied that, on the face of it, there is a case for Cpl Knopke to answer, I request approval to deal with this as I am satisfied that, were Cpl Knopke found guilty, my powers of punishment would be adequate.

(L.O. PETERS)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 1735999 Cpl D.W. Knopke.

(B.A. McDONALD)
Brig
Comd 1 ATF

F69

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

30 May 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
2795643 PTE R.G. ALLEN

1. Pte Allen has been charged under Section 6 (2) (h) of the Army Act as follows:

"WOAS WHILST A SOLDIER ACTING AS A SENTINEL LEAVING HIS POST BEFORE HE WAS REGULARLY RELIEVED, in that he, at Nui Dat in the Republic of Vietnam at approximately 2230 hours on 27 May 71 after having been posted as a sentry on Sector 9 Observation Post, left his post without being regularly relieved."

2. Pte Allen was the member rostered for sentry duty from 2030 hours to 2230 hours. At approximately 2230 hours on 27 May 71, Capt Letts, the 2IC of 2 SAS Sqn went to the SAS Communication Centre and tried to make contact by line and radio with the Observation Post but was not successful. He went to the Observation Post where he found two personnel asleep, one of them being Pte Allen.

3. I am satisfied that, on the face of it, there is a case for Pte Allen to answer. I request approval to deal with this as I am satisfied that, were Pte Allen found guilty, my powers of punishment would be adequate.

(I.O. PETERS)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 2795643 Pte R.G. Allen.

(B.A. McDONALD)
Brig
Comd 1 ATF

1 ARU
R 271 / 1 / 1
FOLIO 68

AUSTRALIAN MILITARY FORCES

IN REPLY PLEASE QUOTE
R271-1-38

HEADQUARTERS
1ST AUSTRALIAN TASK FORCE
VIETNAM

28 May 71

1 ARU

CHARGE REPORT : 1736176 LCPL R.J. SADOWSKI

Reference: A. AAF A4 prefered 24 May 71.

1. Reference A has been received unsigned and undated and is enclosed herewith.

2. Please return Reference A properly completed.

(M.A. COUNT)
Maj
DAAG 1 ATF

Enclosure : 1. AAF A 4 (1)

Signed and returned
29/5

AUSTRALIAN ARMY

F'67.

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

15 May 71

A Branch
HQ 1 ATF

MONTHLY REPORT - MILITARY POLICE REPORTS
PERIOD 18 APR 71 - 15 MAY 71

1. Reference AFV Pro Unit 185/71 dated 30 Apr 71. 3797583 Pte G.J. Scott was charged, and found guilty of the following charge:

WOAS NEGLECTING TO OBEY UNIT STANDING ORDERS

he was awarded seven (7) days confinement to barracks.

2. Reference AFV Pro Unit SIB/AFV/74/71 dated 10 May 71. 1736770 Pte T.M. O'Rielly was charged with, and found guilty of, the following charges:

WOAS USING INSURBORDINATE LANGUAGE TO HIS SUPERIOR OFFICER
WOAS NEGLECTING TO OBEY UNIT ROUTINE ORDERS

he was awarded a fine of $40 and seven (7) days confinement to barracks.

(P.M. ARNISON)
Major
Administering Command

TELEPHONE Emu 116

IN CONFIDENCE

F66

AUSTRALIAN MILITARY FORCES

Quote in Reply SIB/AFV/74/71

ADDRESS AFV Pro Unit,
VUNG TAU

10 May 71

1 ARU

POSSESSION OF MARIHUANA:-
1736770 Pte TM O'REILLY 1 ARU

1. The attached investigation report submitted by Sgt BI TAIT of this Unit is forwarded for information and necessary action.

(R.J. ANDERSON)
Capt
for Provost Marshal AFV

For information

HQ I ATF
HQ I ALSG
PM AHQ (C)

IN CONFIDENCE

IN CONFIDENCE

Special Investigation Branch,
VUNG TAU

8 May 71

SIB/AFV/74/71

OIC SIB

POSSESSION OF MARIHUANA:
1736770 Pte TM O'REILLY I ARU

1. About 2230 hrs Thursday 22 Apr 71 the above soldier was spoken to in DUONG NGUYEN THAI HOC, VUNG TAU, by 723722 Cpl MJW POINTON RNZ Pro. When asked for his leave pass and identity card he took a paper-wrapped package from his shirt and gave it to Cpl POINTON. On examining the contents Cpl POINTON took Pte O'REILLY to AFV Pro Unit. An account of Cpl POINTON'S actions is contained in his statement at ANNEX 'C'.

2. About 2245 hrs that night I spoke to Pte O'REILLY at the Reception room of AFV Detention Barracks. I also spoke to Cpl POINTON. I then examined a package which Cpl POINTON gave me and retained it for Forensic examination. At the time Pte O'REILLY had been drinking heavily but did not appear to be drunk. In view of this I postponed the interview till the following day.

3. About 0815 hrs Friday 23 Apr 71, in the company of Cpl DM HORNE, RAA Pro, I interviewed Pte O'REILLY at the SIB Office, VUNG TAU. He made a statement under caution which is attached at ANNEX 'A'. A record of my actions and interview and subsequent taking of ANNEX 'A' is contained in my statement at ANNEX 'B'.

4. About 1115 hrs Friday 23 Apr 71 I handed a sealed package containing 19 loosely rolled cigarettes containing vegetable matter to 1734836 Cpl AJ CUTMORE, RAA Pro, to be retained for scientific examination. Cpl CUTMORE took these to the US Army Crime Laboratory, 8 Military Police Group, LONG BINH. Cpl CUTMORE'S statement is at ANNEX 'D'.

5. On 8 May 71 the attached Report of Laboratory Examination was received from the US Crime Laboratory. The cigarettes in this case were found to contain marihuana. The report is at ANNEX 'E'.

6. Pte O'REILLY has committed the offence of being found in possession of marihuana.

7. When interviewed on both occasions, by me, Pte O'REILLY was very co-operative. I do not consider this soldier to be a user of marihuana, and it is probable that he may not have known the contents of the cigarettes. It is highly likely that he had no idea how he came by them, and it is probable that at the time of so doing he was in a drunken haze, notwithstanding his condition when I first spoke to him on 22 Apr 71.

8. Forwarded for your information and necessary action.

(B.I. TAIT)
Sgt
RNZ Pro

ANNEXES:

'A' - statement by Pte O'REILLY
'B' - statement by Sgt TAIT
'C' - statement by Cpl POINTON
'D' - statement by Cpl CUTMORE
'E' - Report of Laboratory examination

ANNEX 'A' to SIB/AFV/74/71 of 8 May 71.

STATEMENT FORM

STATEMENT OF:

SURNAME	O'REILLY
CHRISTIAN NAMES	Terence Myles
REGT NO & RANK	1736770 Pte
UNIT & LOCATION	1 Aust Reinforcement Unit, Nui Dat, REPUBLIC OF VIETNAM.
DATE OF BIRTH	8 Apr 49
PLACE OF BIRTH	Gladstone, Queensland, AUSTRALIA.
DATE ARRIVED VIETNAM	I8 Mar 71
EST DATE OF RTA	18 Mar 72

WHO STATES:

I am a rifleman. I am a National serviceman. I am being spoken to by Sgt TAIT BI. of the Special Investigation Branch, VUNG TAU, about 19 loosely rolled cigarettes which were found in my possession on the night of 22nd April I97I. I have been told by Sgt TAIT that the cigarettes contain vegetable matter which has the appearance of marihuana. I have been warned that I am not obliged to say anything about the matter unless I wish to do so, and that anything that I do say will be taken down on the typewriter, and may be given in evidence. I understand this.

(TM O'REILLY)

Well, I'm not sure what the time was, I had two other blokes with me. We got separated, we were in a bar, I went out for a piss, I couldn't find the bar or anything so I thought I might as well piss off home. I just hung around for a while. I was standing on the footpath outside a bar in VUNG TAU, I wouldn't have a clue where it was. I had had a fair bit to drink. This Vietnamese bloke came up and said 'do you want to come for a massage?'. I only had about $500 VN. I realised when I got there I couldn't afford it and so the Vietnamese said'I'll take you to the Badcoe Club'. I got on his motor cycle and we were going up the road, I was on the pillion seat. He just stopped by a ditch on the left hand side of the road. He just turned around and blew through. I saw a Military Police landrover across the road, and I yelled out to the Military Police where the Badcoe Club was. A Military Policeman pointed out where it was, I reached in to the top left hand pocket of my shirt to get a smoke out and pulled out a wrapped package instead of my cigarettes. The Military Policeman saw the package and said I was getting charged, I didn't know what for. I told him to 'hack off'. He told me to get in the Military Police vehicle. I did. I ended up in the cells. About 0815 hrs on Friday 23rd April I97I Sgt TAIT showed me a package of 19 loosely wrapped cigarettes which are the ones I had on me last night. I wouldn't have a clue where I got them. I remember buying a pair of sung-glasses which I now show to Sgt TAIT, which I bought last night in VUNG TAU from some old Asian woman who was walking around with a tray. I cannot remember buying or being given any cigarettes last night. I have never used illegal drugs before. I did not smoke any of the cigarettes , they were still pakced up when I took them out of my pocket.

(TM O'REILLY)

I have read this statement. It is true. I have nothing to add. I have nothing to alter or to take out.

(TM O'REILLY)

Statement taken and signature witnessed by me about 0850 hrs Friday 23rd April I97I, at Special Investigation Branch, AFV Pro Unit, VUNG TAU, REPUBLIC of VIETNAM.

(BI TAIT)
Sgt
RNZ Pro

ANNEX 'B' to SIB/AFV/74/71 of 8 May 71.

STATEMENT FORM

STATEMENT OF:

SURNAME	TAIT
CHRISTIAN NAMES	Barry Ian
REGT NO & RANK	693210 Sgt
UNIT & LOCATION	AFV Pro Unit, 1 ALSG, Vung Tau, REPUBLIC of VIETNAM.
DATE OF BIRTH	9 Nov 39
PLACE OF BIRTH	Gisborne, NEW ZEALAND
DATE ARRIVED VIETNAM	12 Sep 70
EST DATE OF RHE	12 Sep 71

WHO STATES:

I am an investigator with the Special Investigation Branch of my Unit. I am a member of the RNZ Provost Corps.

About 2245 hrs Thursday 22nd April I97I I was Duty Officer at my Unit. At this time I was in the Reception room of AFV Detention Barracks. At this time Cpl MJW POINTON, RNZ Provost Corps, brought a soldier to the Detention Barracks. I ordered him to show me his Identity card from which I found him to be 1736770 Pte TM O'REILLY, 1 ARU, attached AFV Amenities Unit. I spoke to Cpl POINTON. As a result of what he told me I took a wrapped paper package from Cpl POINTON. I saw it was secured by a rubber band. On un-wrapping the paper I found a small plastic bag containing 19 loosely rolled cigarettes which did not appear to be consistent with those manufactured by cigarette manufacturers. I also saw a small quantity of loose vegetable matter in the plastic bag. I smelt the cigarettes and they exuded a pungent odour which was not consistent with a normal tobacco odour.

I then said to Pte O'REILLY ' take off your shirt and stand on that sheet of brown paper'. He did this. His shirt was shaken and the pocket examined but I was unable to find any foreign vegetable matter. I then said 'where did you get these cigarettes?'. He said 'the dirty rotten cunt who rode me out on the motor bike must have put them there! I saw he had been drinking. I said to him 'you have been arrested by Cpl POINTON for insubordination. I will speak to you about the cigarettes in the morning. You will be in custody overnight! I then resumed my tasks as Duty Officer and kept the cigarettes for Forens Forensic examination later. About 0815 hrs Friday 23 Apr 71 I spoke to Pte O'REILLY at the Special Investigation Branch office at VUNG TAU. Cpl DM HORNE, RAA Pro (SIB) was present. I said to him'In case you do not remember from last night, I am Sgt TAITof the Special Investigation Branch, and this is Cpl HORNE. I wish to speak to you about the 19 loosely rolled cigarettes which were found in your possession on the night of 22nd April I97I. I have examined them in your presence and shown them to you and allowed you to smell them. You can see that they contain vegetable matter and are loosely rolled. I have good reason to believe that they may contain marihuana. I must warn you that you are not obliged to say anything unless you wish to do so and that anything that you do say will be taken down in writing and may be given in evidence. Do you wish to say anything, or do you wish to make a written statement?'. Pte O'REILLY replied 'If it'll help me I'll make a statement'. I then typed out his particulars and cautioned him. He signed the typed formal caution. Hethen made a statement which I recorded in type-written form, and which he duly read, corrected, and signed in the presence of Cpl HORNE and myself. This statement I now produce and read as exhibit 'A'. The interview concluded about 0850 hrs that day.

I then made an entry in the Special Investigation Branch Exhibit book and labelled the cigarettes after placing them in a sealed envelope.

About 1115 hrs Friday 23 April 71 I handed the cigarettes, plastic bag/.....

bag/.....

bag; paper wrapping and loose vegetable matter to 1734836 Cpl AJ CUTMORE, RAA Pro, to be forwarded for Scientific examination.

On 8 May 71 I received these articles back from the US Army Crime Laboratory, 8 Military Police Group, LONG BINH, together with a Report of Laboratory examination. As a result of the findings elaborated in the Report of Laboratory Examination, I completed my inquiries and submitted a report on the matter.

I have read this statement. It is true. I have nothing to add, alter, or delete.

(B.I. TAIT)
Sgt
RNZ Pro

Special Investigation Branch,
VUNG TAU (Republic of Vietnam).

10 May 71.

Annex 'C' to SIB/AFV/74/71 of 8 May 71

STATEMENT FORM

STATEMENT OF:

SURNAME	POINTON
CHRISTIAN NAMES	MORRIS JOHN WAYNE
REGT NO & RANK	723722 Cpl
UNIT & LOCATION	AFV Pro Unit, 1 ALSG, Vung Tau, REPUBLIC OF VIETNAM.
DATE OF BIRTH	I6 Mar 44.
PLACE OF BIRTH	Wellington, NEW ZEALAND
DATE ARRIVED VIETNAM	I8 Mar 71
EST DATE OF RHE	18 Mar 72

WHO STATES:

I am a Military Policeman of the RNZ Provost Corps.

About 2230 hrs on Thursday 22nd April I97I, I was in charge of a Military Police patrol in NGUYEN THAI HOC, VUNG TAU, in company with Cpl LANG, Royal Australian Army Provost Corps. At this time I was attending an incident involving a AMF Landrover. I turned around and saw a male European dressed in civilian clothing standing nearby. He was wearing a yellow-orange coloured shirt and light coloured trousers. I asked him for his Identity card and leave pass as I thought he may have been involved in the incident concerning the AMF Landrover. He took from his shirt pocket a wrapped paper package. He gave it to me. I opened the wrapping which was secured by a rubber band. I saw a number of cigarettes inside a plastic bag. I saw that the cigarettes were roughly rolled, and did not appear to be normal 'tailor made' cigarettes. I showed the cigarettes to Cpl LANG. I also saw loose vegetable matter in the plastic bag which contained the cigarettes. I smelt them and they exuded an odour which was not consistent with that of normal tobacco.

I ordered him to produce his identity card. I found him to be I736770 Pte TM O'REILLY, I ARU, attached to Amenities Unit, 1 ALSG.

I ordered him to accompany me back to AFV Pro Unit at 1 ALSG. I ordered him to get into the Military Police landrover. He did this. Whilst travelling in the vehicle he said to me 'you dirty UC DOI LAI cunt'. I arrested him for insubordination. He did not say anything as to how or where he had got the cigarettes. At the time of the offence he had been drinking. He was not drunk.

I conveyed him to AFV Detention Barracks, and placed him in charge of the Duty Staff member there. I then told Sgt BI TAIT of the SIB of the incident. I later submitted a separate report on the offence of insubordination and Pte O'REILLY'S possession of the cigarettes which I suspected to contain marihuana. At 2245 hrs 22 Apr 71 I handed the package containing the I9 cigarettes to ~~Sigt~~ Sgt TAIT of the SIB. I signed his Military Police notebook on doing this.

I have read this statement. It is true. I have nothing to add. I have nothing to alter or to delete.

(MJW POINTON)
Cpl
RNZ Pro

Statement taken and signature witnessed by me about I020 hrs Friday 23 Apr 71 at the Special Investigation Branch, VUNG TAU, RVN.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

Annex 'D' to SIB/AFV/74/71 of 8 May 71.

STATEMENT FORM

STATEMENT OF:

SURNAME	CUTMORE
CHRISTIAN NAMES	ALWYN JEFFERY
REGT NO & RANK	I734836 Cpl
UNIT & LOCATION	AFV Pro Unit, 1 ALSG, Vung Tau, REPUBLIC OF VIETNAM
DATE OF BIRTH	I2 Jan 48
PLACE OF BIRTH	Warwich, Queensland, AUSTRALIA
DATE ARRIVED VIETNAM	4 Dec 70
DATE DUE TO RTA	4 Dec 71

WHO STATES:

I am an investigator with the Special Investigation Branch of my Unit.

About 1115 hrs Friday 23rd April I97I, I was handed a sealed brown manila envelope by Sgt BI TAIT RNZ Pro (SIB) which I knew to contain a number of cigarettes,a plastic bag, and a quantity of vegetable matter. I thensigned the exhibit tag, sealed the envelope and contents in a plastic bag for transmission to LONG BINH for Forensic Examination. On 28 Apr 71 I took the cigarettes to the US Army Crime Laboratory at LONG BINH and handed them to SP4 MARTINEZ Jr. for examination.

I have read this statement, it is true, I have nothing to add, alter, or to delete.

(AJ CUTMORE)
Cpl
RAA Pro

Statement taken and signature witnessed by me about II45 hrs Friday 23 Apr 71, at Special Investigation Branch, VUNG TAU.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

DEPARTMENT OF THE ARMY
CRIME LABORATORY, 8th MILITARY POLICE GROUP (CI)
APO SAN FRANCISCO 96491

REPORT OF LABORATORY EXAMINATION

LABORATORY CASE NO C-973-71

UNIT CASE NO

DATE OF REPORT: 30 Apr 71

CONTRIBUTOR:
AFV PRO SIB
AFV PRO UNIT, VUNG TAU
AFPO 3

OFFENSE:
Wrongful Possession of Marihuana

SUBJECT:
Pte T.M. O'REILLY, 1736770

VICTIM:
AUSTRALIAN GOVERNMENT

EVIDENCE TO BE EXAMINED:

Exhibit A - Nineteen (19) hand rolled cigarettes

Date Received:
28 Apr 71
Date Returned:
MAY 2 1971

How Received:
HAND CARRIED/CUTMORE
How Returned:
REGISTERED MAIL # 14554

Received By:
MARTINEZ

LABORATORY FINDINGS:

1. Examinations of the vegetable contents of Exhibit A identified same as Cannabis sativa, L., commonly called marihuana.

2. Weights (In Grams):

Exhibit	Received	Used	Returned
A	* 9.5	0.1	9.4

*Total approximate weight determined from random sample of six (6) cigarettes

David Martinez Jr

DAVID MARTINEZ Jr.
456-78-9524
SP4
Chemist
Deros: 04 Apr 72

F 65

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

5 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
219403 PTE D.P. HAMLIN

1. Pte Hamlin has been charged under Section 6 (2) (e) of the Army Act as follows:

"WOAS WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at Nui Dat in the Republic of Vietnam at approximately 0130 hrs on the 5 May 71 when a sentry on Post 4, 1 ARU was asleep."

2. When acting as 1 ARU duty NCO 55963 Cpl R.S. Kamid was told by the CSM to investigate why the soldier manning Post 4 did not answer the telephone check from the CP at 0130 hrs on the 5 May 71, he questioned Pte Hamlin who admitted to being asleep at the time.

3. I am satisfied that, on the face of it, there is a case for Pte Hamlin to answer. I request approval to deal with this as I am satisfied that, were Pte Hamlin found guilty, my powers of punishment would be adequate.

MOI
DADLS HQ 1 ATF
5 MAY 1971

(P.M. ARNISON)
Major
Administering Command

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 219403 Pte D.P. Hamlin.

5 MAY 1971

(B.A. McDONALD)
Brig
Comd 1 ATF

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

5 Apr 71

HQ 1 ATF (2)

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3. I am satisfied that, on the face of it, there is a case for Pte Hamlin to answer. I request approval to deal with this as I am satisfied that, were Pte Hamlin found guilty, my powers of punishment would be adequate.

(P.M. ARNISON)
Major
Administering Command

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 219403 Pte D.P. Hamlin.

(B.A. McDONALD)
Brig
Comd 1 ATF

AAF - A 4
Revised June 1968

AUSTRALIAN MILITARY FORCES * Elected to be tried by Court Martial

CHARGE REPORT

Sheet No 1 of 1 Sheets

CHARGE(S) against No 3797583 RANK AND GROUP Pte Gp 5
(Substantive and temporary, etc.)

NAME G.J. SCOTT PARENT UNIT 1 ARU SUB-UNIT -
(Company, etc.)

UNIT 1 ARU SUB-UNIT - CORPS RA Inf
(Where Charged)

Charge No	PARTICULARS OF CHARGE(S)
First	WOAS NEGLECTING TO OBEY UNIT STANDING ORDERS, in that he, at Vung Tau in the Republic of Vietnam, at approx 2305 hours on the 28 Apr 71 was away from his billet contrary to 1 ARU Standing Orders No 1-38 Para 17 Sub Para 10 which states inter alia "no member of 1 ATF is permitted to be away from his billet between 2300 hours and 0600 hours unless on an authorized duty".
Charged under AA ~~DA or AMR~~ Second	AA 11
Charged under AA DA or AMR Third	
Charged under AA DA or AMR Fourth	

Charged under AA DA or AMR ..... Signature of Person Preferring Charge ..... Date 4 May 71

	RANK	NAME	UNIT
WITNESSES		DOCUMENTARY EVIDENCE	

Particulars of Person Committing Accused into Custody
(If committed)

Signature and Rank .....

Appointment and Unit N/A

Date .....

Initial Investigation by Officer appointed under AMR 238(8)

Referred to ..... on ..... (date)

Signature and Rank .....

Appointment and Unit N/A

Date .....

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest.....

Days in Open Arrest.....

Days Under Suspension.....

Days Performed Military Duty.....

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No.....

I certify that the fine deduction from pay and/or forfeiture of pay and allowances included in the sentence or incurred as a consequence of the finding have been entered in paybook line No..... and on a Miscellaneous Debits List (WF 252).

Signature..... Date.....

---

2. Entered on Accused's Conduct Sheet(s)

on 5 MAY/71 by ..... (Signature)

---

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

---

4. Formation Legal Officer's Remarks

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signature and Rank.....

Appointment.....

Date.....

FINDING AND SENTENCE

* The Accused having been given the right to elect trial by Court Martial elected to be tried by me.

I FIND the Accused GUILTY of the..... Charge(s)

and NOT GUILTY of the..... Charge(s)

I IMPOSE the following sentence:.....

.....

.....

.....

.....

.....

.....

.....

I INFORMED the Accused of:

	No. of Days	Reason
(a) Forfeiture of pay-allowances for.....		
In all a TOTAL of		

Involving a total Forfeiture of $.....

(b) Forfeiture of good conduct increment.

Remarks: Authority to hear charge/s given by superior authority on (date)..... (See AMR 249)

.....

.....

.....

Signature and Rank.....

Appointment and Unit.....

Date of FINDING (and Sentence).....

Action on Review of Finding and Sentence (or on Confirmation)

.....

.....

.....

Signature and Rank.....

Appointment and Unit.....

Date.....

* Cross out where not applicable

TELEPHONE
U 156

AUSTRALIAN MILITARY FORCES

I ARU
R 271 / 1 / 1
FOLIO 64

Quote in Reply
185/71

ADDRESS AFV Pro Unit,
Vung Tau

30 April 1971

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl DEAN of this unit.

2. It is requested that higher formation and this unit be notified of any action taken. The information supplied should include the actual charge or charges laid and the punishments awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

(J.M.SYMINGTON)
Maj
Provost Marshal AFV

For Information:

HQ 1 ALSG

HQ 1 ATF

AAF A96
Revised
Jun., 1968

AUSTRALIAN
MILITARY FORCES

LEAVE PASS

U 086594

UNIT TELEPHONE No.
EXPRESS

TELEPHONE No. OF COMD. WHERE MEMBER TAKING LEAVE
DURING WORKING HOURS

AFTER WORKING HOURS

Army No.	Rank	Name	Initials
3795783	Pte	G.J. Scott	

Destination: Vung Tau

Unit Stamp: 1 ARU

From: 0800 hrs. on 28 Apr 71

To: 2300 hrs. on 28 Apr 71

Signature and Rank: [signature] 2/C

Place: Nui Dat

Date: 26 Apr 71

This pass must be returned to the Orderly Room on expiration of Leave

AUSTRALIAN ARMY

REPORT OF *~~ARREST~~/OFFENCE

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 3797583 (Rank) Pte (Surname) SCOTT

(Given names) Gary John (Unit) 1 ARU

OFFENCE/S: 1. Beyond fixed limits.

2. Curfew Violation.

I, (Army number) 447148 (Rank) Cpl (Surname) DEAN

(Given names) David William a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 2305 hrs. on (day) Wednesday date) 28th Apr 71

Whilst on combined mobile patrol Unit 6, in Tran Hung Dao Street, Vung Tau, in company with Sgt D. SWEATT of the 720 MP Battalion, I saw two male Europeans dressed in civilian clothing, standing in the driveway of the Ly-Ly 2 Hotel and in front of the Minie Club. I approached one of these persons and I said, "

"Are you an Australian Serviceman?"

He said, "Yes I am."

I said, "Are you aware of the time?"

He said, "Yes."

I said, "You are violating curfew and you are beyond fixed limits. Produce your ID Card and leave pass."

The person produced an Australian Identification card number E87370 issued on the 23 July 1970, from which the above particulars were obtained. As I was writing the soldier's particulars in my notebook, Pte SCOTT said,

"I am not worried, Major Mac will throw it out, he usually tears them up."

I said, "Soldier, produce your leave pass."

PRODUCED

Pte SCOTT, an AAF A96 Leave pass number U086594 which is attached to this report.

Pte SCOTT then said, "Dean, I'll remember you."

I said, "I beg your pardon."

He said, "I only want to remember the MP that books me."

Pte SCOTT was informed of the offences committed and that a report would be submitted to

The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.

(Signed) (Date) (Place)

Corroborated by (Army number) (Rank) (Surname)

(Given names) (Unit)

AUSTRALIAN ARMY

REPORT OF *~~ARREST~~/OFFENCE

AAF-A51
Revised Aug 1969

(*Delete words not applicable)

~~OFFENDER:~~ (Army number) ..... (Rank) ..... (Surname) .....

(Given names) ..... (Unit) .....

OFFENCE/S: .....

.....

I, (Army number) ..... (Rank) ..... (Surname) .....

(Given names) ..... a member of (Unit) .....,

Royal Australian Army Provost Corps state that at about (time) ..... hrs on (day) ..... date) .....

his unit. I ordered Pte SCOTT into the back of a Military Police Vehicle and he was conveyed to the Peter Badcoe Club where, upon arrival, he was handed over to Sgt HANKINSON the duty Sgt.

~~The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.~~

(Signed) ..... (Date) 29 April 71 (Place) Vung Tau

Corroborated by (Army number) 567-76-7534 (Rank) Sgt E5 (Surname) SWEATT

(Given names) Donnie (Unit) 720 MP Bn, A Coy.

1 ARU
R271/1/1
HQ 1 ATF
NUI DAT
63

AUSTRALIAN ARMY

R271-1-48

29 Apr 71

List A (Less serials 4, 25-31)

DISCIPLINE - CONTRAVENTION OF UNIT ORDERS

1. Instances have recently occurred of charge reports being received by HQ 1 ATF where the member has been charged under AA 11 with neglecting to obey Unit Standing Operating Procedures.

2. Standing Operating Procedures are not "general, garrison or other orders" within the meaning of AA 11.

3. If it is desired to charge a member for contravening Standing Operating Procedures, the charge must be laid under AA 40. As in the case of charges under AA 11, actual or imputed knowledge of the content of the Standing Operating Procedures must be proved.

(M.A. COUNT)
Maj
DAAG 1 ATF

AUSTRALIAN ARMY

1 ARU
R 271 / 1 / 1
FOLIO 621

R271-1-48

HQ 1 ATF
NUI DAT

29 Apr 71

HQ 1 ALSG

For Information:

1 ARU
Det AFV Pro Unit

MILITARY POLICE INVESTIGATIONS Folio 61

Reference: A. AFV Pro Unit 180/71 of 23 Apr 71.

1. Reference A contains a statement from Cpl POINTON, AFV Pro Unit, in relation to the apprehension of 736770 Pte T.M. O'RIELLY of 1 ARU.

2. The report contains evidence of insubordinate language being used by Pte O'Rielly to Cpl Pointon, and discloses that a further investigation is being conducted by the SIB into possible drug offences.

3. In cases when an interim report is furnished, pending the later completion of a report covering additional matters, it is requested that the covering letter to the unit of the interim report contain a paragraph in the following form:

> "No disciplinary action should be commenced against the member until the result of subsequent investigation is known."

4. It is considered that such a paragraph is necessary to avoid a member being charged in relation to an offence disclosed in the interim report, before further investigations into additional matters are completed. If a member is so charged for the initial offence(s), and the charges are disposed of, he could not later be charged with offences arising out of the subsequent investigation, because the existence of possible offences under investigation would have been known at the time of hearing of the initial charges. All offences must be disposed of at the one time.

5. It is considered that the inclusion of a paragraph along the lines set out above would forestall possible complications when subsequent investigations disclosing further offences are received.

(M.A. COUNT)
Maj
For Comd 1 ATF

He knew this

30 Apr 71

TELEPHONE
EMU 156

AUSTRALIAN MILITARY FORCES

1 ARU	
R 271/1/1	
FOLIO 61	

Quote in Reply
180/71

ADDRESS
AFV Pro Unit
VUNG TAU

23 APR 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl POINTON of this unit.

2. It is requested that higher formation and this unit be informed of action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed the appropriate HQ is also to be informed.

(J.M. SYMINGTON)
Maj
Provost Marshal AFV

For Information:

HQ 1 ALSG

HQ 1 ATF

→ CSM

Wait for SIB report

28th

AUSTRALIAN ARMY

REPORT OF *ARREST/OFFENCE

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 736770 (Rank) Pte (Surname) O'RIELLY

(Given names) T. M. (Unit) 1 ARU

OFFENCE/S: 1. Insubordination

2. Suspected Possession of Drugs

I, (Army number) 723722 (Rank) Cpl (Surname) POINTON

(Given names) Morris John Wayne a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 2230 hrs. on (day) Thursday date) 22 Apr 71

I was on Mobile Patrol accompanied by Cpl LANG of my unit. I was called to the scene of the finding of a stolen vehicle in Nguyen Thai Hoc street, near the five ways. I saw a person whom I now know to be the above named soldier dressed in civilian clothing. I asked him for his leave pass and Identity Card. He then took from his shirt pocket a package and handed it to me. I opened this package and suspected it to contain drugs in the form of cigarettes. I ordered the soldier into the Military Police vehicle. During the journey to 1 ALSG area, he said,"Fuck you , you dirty Uc Dai Loi cunt." I then arrested him. On arrival at AFV Pro Unit I informed the Duty Officer of the incident and handed over the package suspected of containing drugs to Sgt TAIT, Duty Officer AFV Pro Unit.At 2245 hours the soldier was handed over to Lcpl BAXTER, Duty staff AFV Pro Detention Barracks to be detained. He was released at 0745 hours 23 April 71 tp Cpl HORNE of the SIB for further investigation.

The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.

(Signed) [signature] (Date) 23 April 71 (Place) VUNG TAU

Corroborated by (Army number) 4410969 (Rank) Cpl (Surname) LANG

(Given names) Kenneth Brian (Unit) AFV Pro Unit

AUSTRALIAN ARMY

1 ARU
R 271 1 1
FOLIO 60

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

26 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
2795621 PTE V.W. FEDORYSCHYN

1. Pte Fedoryschyn has been charged under Section 6 (2) (e) of the Army Act as follows:

> "WOAS WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at YS472676 in AO CHRISTINE in the Republic of Vietnam at approx 2340 hours on the 24 Apr 71 when a sentry on gun picquet was asleep"

2. When in a half platoon ambush at YS472676, 5716975 Cpl A.P.F. Cossardeaux the section commander awakened to find Pte Fedoryschyn asleep behind the machine gun on his mount of picquet.

3. I am satisfied that, on the face of it, there is a case for Pte Fedoryschyn to answer. I request approval to deal with this as I am satisfied that, were Pte Fedoryschyn found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Major
Officer Commanding

Maj
DADLS HQ 1 ATF

27 APR 1971

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 2795621 Pte V.W. Fedoryschyn.

21 Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

I ARU
R 271 / 1 / 1
FOLIO 57

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

26 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
3797841 PTE S.J. DEACON

1. Pte Deacon has been charged under Section 6 (2) (e) of the Army Act as follows:

"WOAS WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at Nui Dat in the Republic of Vietnam at approx 2235 hrs on the 25 Apr 71 when a sentry on 4 post 1 ARU was asleep"

2. When acting as 1 ARU duty NCO 220056 Sgt J. Hynd of 1 ARU found the accused apparently asleep on No 4 post. Sgt Hynd called out to him but received no answer. Sgt Hynd climbed up the ladder, shook the accused who still did not wake up for some time.

3. I am satisfied that, on the face of it, there is a case for Pte Deacon to answer. I request approval to deal with this as I am safisfied that, were Pte Deacon found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Major
Officer Commanding

Maj
DADLS HQ 1 ATF
26 APR 1971
OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 3797841 Pte S.J. Deacon.

27 Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

F 58

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

26 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
2795621 PTE V.W. FEDORYSCHYN

1. Pte Fedoryschyn has been charged under Section 6 (2) (e) of the Army Act as follows:

"WOAS WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at YS472676 in AO CHRISTINE in the Republic of Vietnam at approx 2340 hours on the 24 Apr 71 when a sentry on gun picquet was asleep"

2. When in a half platoon ambush at YS472676, 5716975 Cpl A.P.F. Cossardeaux the section commander awakened to find Pte Fedoryschyn asleep behind the machine gun on his mount of picquet.

3. I am satisfied that, on the face of it, there is a case for Pte Fedoryschyn to answer. I request approval to deal with this as I am satisfied that, were Pte Fedoryschyn found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 2795621 Pte V.W. Fedoryschyn.

Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

F 57

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

26 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
3797841 PTE S.J. DEACON

1. Pte Deacon has been charged under Section 6 (2) (e) of the Army Act as follows:

"WOAS WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at Nui Dat in the Republic of Vietnam at approx 2235 hrs on the 25 Apr 71 when a sentry on 4 post 1 ARU was asleep"

2. When acting as 1 ARU duty NCO 220056 Sgt J. Hynd of 1 ARU found the accused apparently asleep on No 4 post. Sgt Hynd called out to him but received no answer. Sgt Hynd climbed up the ladder, shook the accused who still did not wake up for some time.

3. I am satisfied that, on the face of it, there is a case for Pte Deacon to answer. I request approval to deal with this as I am satisfied that, were Pte Deacon found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 3797841 Pte S.J. Deacon.

Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

1 ARU
R 271 / 1 / 1
FOLIO 56

AUSTRALIAN ARMY

1st ~~Australian~~ Reinforcement Unit
NUI DAT

R271/1/1

20 Apr 71

HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST
2795621 PTE V.W. FEDORYSCHYN

1. Pte Fedoryschyn has been charged under Section 6 (2) (e) of the Army Act as follows:

"WOAS. WHEN A SOLDIER ACTING AS A SENTINEL SLEEPING ON HIS POST, in that he, at Nui Dat in the Republic of Vietnam at approximately 2235 hours on 17 Apr 71 when a sentry on No 10 Post, 1 ARU was asleep."

2. When acting as 1 ARU duty NCO 3788382 Sgt T.R. Oxnam of 1 ARU found the accused apparently asleep on No 10 Post. Sgt Oxnam shone his torch into the eyes of the accused and called out to him causing him to awaken.

3. I am satisfied that, on the face of it, there is a case for Pte Fedoryschyn to answer. I request approval to deal with this as I am satisfied that, were Pte Fedoryschyn found guilty, my powers of punishment would be adequate.

4. A copy of the AAF A4 is enclosed.

Mail
DADLS HQ 1 ATF

21 APR 1971

(B.W. McFARLANE)
Major
Officer Commanding

Enclosure: 1. AAF A4.

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 2795621 Pte V.W. Fedoryschyn.

21 Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

1 ARU
R 271 / 1 / 1
FOLIO 55

MESSAGE FORM

ROUTINE 170240Z APR 71 RESTRICTED

A 638

FROM: 1 ATF
TO : LIST A AND LIST C
DISCIPLINE (.)
REFERRAL OF CHARGES TO COMD 1 ATF FOR APPROVAL TO HEAR SUMMARILY (.) REF 1 ATF SOP'S PART 2 SECTION 14 (.)
ONE (.) PARA 3 AND 4 OF REF REQUIRE CERTAIN CHARGES TO BE REFERRED TO COMD 1 ATF FOR APPROVAL TO HEAR SUMMARILY AND REQUIRE APPLICATION TO BE IN THE FORM OF ANNEX N TO REF (.)
TWO (.) IN FUTURE WHEN COMPILING APPLICATIONS IN THE FORM OF 1 ATF SOP'S PART 2 SECTION 14 ANNEX N CMM THE FULL CHARGE IS TO BE SET OUT CMM INCLUDING THE STATEMENT OF THE OFFENCE AND THE PARTICULARS SUPPORTING THE OFFENCE (.) THE APPLICATION IS TO INCLUDE A BRIEF STATEMENT OF THE FACTS UPON WHICH THE CHARGE IS BASED

PAGE 1 OF 1 PAGES MCINTYRE DADLS EBONY 32

MAJ

22 Apr 71

F 54

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

B271/1/1

17 Apr 71

HQ 1 ATF (2)

MILITARY POLICE OFFENCE REPORT
1736899 PTE J.A. O'KEEFE - 1 ARU

Reference: A. AFV Pro Unit 156/71 dated 15 Apr 71.

1. At the time of the alleged offences the member was a patient of 1 Aust Fd Hosp, Vung Tau.

2. The member was charged with:

a. Absenting himself without leave, and

b. Neglecting to obey standing orders for patients,

whilst at 1 Aust Fd Hosp. He was found guilty of both charges and awarded seven days field punishment and fined forty dollars.

3. No further action is intended.

(B.W. McFARLANE)
Major
Officer Commanding

HQ 1 ATF
NUI DAT

9 Apr 71

1 ARU
Unit (2 copies)
CARO
APAC
File

1 ARU
R 271/1/1
FOLIO 53

REVIEW OF SUMMARY CONVICTION AND SENTENCE

Reference: A. 296062 PTE P.J. BEAL 1 ARU RA INF
(No.) (Rank) (Name) (Unit) (Corps)

B. Charge Report dated 6 Apr 71 referring to offence alleged to have occurred on 22 Mar 71.

1. Reference B has been revised pursuant to AMR 265 by superior authority.

2. The advice of legal officer is as follows:

~~THE CONVICTION should be quashed because~~

THE SENTENCE should be ~~quashed~~ varied because the sentence should be expressed as "forfeiture" of pay and not "stoppage" of pay.

IT IS RECOMMENDED that the following sentence be imposed in place of the sentence quashed "7 days field punishment
7 days forfeiture of pay".

~~FURTHER DISCIPLINARY ACTION may be taken because the proceedings under review constitute a nullity.~~

Dated 9 Apr 71

Maj
DADLS 1 ATF

3. THE CONVICTION in respect to the charge is - a. confirmed
~~b. quashed~~

4. THE SENTENCE is - ~~a. confirmed~~
~~b. quashed~~
c. ~~quashed~~ varied and the following sentence imposed in its place "7 days field punishment 7 days forfeiture of pay".

5. FURTHER DISCIPLINARY ACTION ~~may~~/may not be taken against the soldier in respect to the alleged offence.

6. The unit is to inform the above named soldier of this review.

7. The unit is to complete the action memorandum on the back of this form and return one copy of this form to this Headquarters as soon as possible.

8. ~~Where it is indicated that further disciplinary action may be taken against the soldier, the taking of such action is at the discretion of the soldiers present Commanding Officer.~~

Dated

Brigadier
Commander 1st Australian Task Force

ACTION MEMORANDUM

1. Pursuant to your direction the following steps have been taken:

   a. The soldier has been advised of all the action taken on review by superior authority.

   b. (1) Appropriate amendments have been made to the soldiers records and CARO notified accordingly.

      (2) The soldiers pay has been adjusted and APAC notified accordingly.

   c. Further disciplinary action has been taken against the soldier and the charge report will be forwarded in due course.

   d. No further disciplinary action will be taken against the soldier in connection with the matter.

2. No action has been taken in response to your direction because

_____

Dated

Commanding Officer

(NOTE: Delete those parts of action memorandum which do not apply)

HQ 1 ATF
NUI DAT
9 Apr 71

1 ARU

Unit (2 copies)
CARO
APAC
File

REVIEW OF SUMMARY CONVICTION AND SENTENCE

Reference: A. 296062 (No.) PTE (Rank) P.J. BEAL (Name) 1 ARU (Unit) RA INF (Corps)

B. Charge Report dated 6 Apr 71 referring to offence alleged to have occurred on 22 Mar 71.

1. Reference B has been revised pursuant to AMR 265 by superior authority.

2. The advice of legal officer is as follows:

~~THE CONVICTION should be quashed because~~

THE SENTENCE should be ~~quashed~~ varied because the sentence should be expressed as "forfeiture" of pay and not "stoppage" of pay.

IT IS RECOMMENDED that the following sentence be imposed in place of the sentence quashed "~~7 days field punishment~~ 7 days forfeiture of pay".

~~FURTHER DISCIPLINARY ACTION may be taken because the proceedings under review constitute a nullity~~

Dated 9 Apr 71

Maj
DADLS 1 ATF

3. THE CONVICTION in respect to the charge is - a. confirmed
~~b. quashed~~

4. THE SENTENCE is - ~~a. confirmed~~
~~b. quashed~~
c. ~~quashed~~ varied and the following sentence imposed in its place "7 days field punishment 7 days forfeiture of pay".

5. FURTHER DISCIPLINARY ACTION ~~may~~/may not be taken against the soldier in respect to the alleged offence.

6. The unit is to inform the above named soldier of this review.

7. The unit is to complete the action memorandum on the back of this form and return one copy of this form to this Headquarters as soon as possible.

~~8. Where it is indicated that further disciplinary action may be taken against the soldier, the taking of such action is at the discretion of the soldiers present Commanding Officer.~~

Brigadier
Commander 1st Australian Task Force

Dated

ACTION MEMORANDUM

1. Pursuant to your direction the following steps have been taken:

   a. The soldier has been advised of all the action taken on review by superior authority.

   b. (1) Appropriate amendments have been made to the soldiers records and CARO notified accordingly.

      (2) The soldiers pay has been adjusted and APAC notified accordingly.

   c. Further disciplinary action has been taken against the soldier and the charge report will be forwarded in due course.

   d. No further disciplinary action will be taken against the soldier in connection with the matter.

2. No action has been taken in response to your direction because

Dated Commandng Officer

(NOTE: Delete those parts of action memorandum which do not apply)

AUSTRALIAN ARMY

1 ARU
R 271 / 1 / 1
FOLIO 52

1 ARU
NUI DAT

15 Apr 71

R271-1-1

COMD
HQ 1 ATF

DISPOSAL OF CHARGE AGAINST 3798273 PTE C.J. ADAMS

1. 3798273 Pte C.J. Adams has been charged under Section 6 (2) (e) of the Army Act with sleeping whilst on sentry duty on the 15 Apr 71 at approximately 0320 hrs.

2. I am satisfied that, on the face of it, there is a case for Pte Adams to answer. I request approval to deal with this as I am satisfied that, were Pte Adams found guilty, my powers of punishment would be adequate.

Maj
DADLS HQ 1 ATF

15 APR 1971

(B.W. McFARLANE)
Maj
OC

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 3798273 Pte C.J. Adams.

15 Apr 71

(B.A. McDONALD)
Brig
Comd 1 ATF

TELEPHONE
EMU 156

AUSTRALIAN MILITARY FORCES

1 ARU
R 271/ 1 / 1
FOLIO 51

Quote in Reply
156/71

ADDRESS
AFV Pro Unit
VUNG TAU

15 Apr 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl WARD of this unit.

2. It is requested that higher formation and this unit be informed of action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

(J M SYMINGTON)
Maj
OC

For Information

HQ 1 ALSG

HQ 1 ATF

AUSTRALIAN ARMY

REPORT OF *ARREST/~~OFFENCE~~

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 1736499 (Rank) Pte (Surname) O'KEEFFE

(Given names) James Andrew (Unit) 1 ARU

OFFENCE/S: (1) AWOL (2) Beyond Fixed Limits (3) Curfew Violation

I, (Army number) 2793110 (Rank) Cpl (Surname) WARD

(Given names) Ian Donald a member of (Unit) AFV PRO UNIT,

Royal Australian Army Provost Corps state that at about (time) 2330 hrs. on (day) Sunday date) 11 Apr 71

I was on mobile patrol accompanied by Cpl D RIDDING of the RAAF Service Police, when I saw a male European dressed in civilian clothes standing on the corner of Nguyen Thai Hoc Street and Thanh Thai Street, VUNG TAU. I approached this person and had the following conversation.

I said,"Are you an Australian serviceman?"

He said,"Yes."

I said,"What unit are you from?"

He said,"1 ARU but I am AWOL from 1 Aust Field Hospital."

I said,"Produce your ID Card."

He said,"I came here in a dustoff chopper and my unit has got my ID Card."

I then conveyed the soldier to the West Gate Guardroom where I contacted 1 Aust Fd Hosp Duty Sgt, Sgt LESLIE, who informed me Pte O'KEEFFE was AWOL and that the Medical Officer had given permission for Pte O'KEEFFE to be placed in the West Gate Guardroom. I then placed Pte O'KEEFFE into the custody of the Guard Commander. I then informed Pte O'KEEFFE of the offences committed and that a report would be submitted and then resumed normal patrol duties.

~~The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.~~

(Signed) I D. Ward (Date) 12 Apr 71 (Place) VUNG TAU

Corroborated by (~~Army~~ RAAF number) A29374 (Rank) Cpl (Surname) RIDDING

(Given names) Donald (Unit) RAAF Service Police, VUNG TAU

TELEPHONE

AUSTRALIAN MILITARY FORCES

1 ARU
R271/1/1
FOLIO 50

Quote in Reply
R723/2/1

ADDRESS 104 Sig Sqn
Nui Dat

13 Apr 71

1 ARU

OFFENCE REPORTS

Reference: A. 1 ARU R271-1-1 dated 4 Apr 71.

1. Both soldiers concerned with reference above were found guilty of the charge as laid and were awarded an ADMONITION.

(A.G. ROBERTS)
Maj
OC

FOLIO 47.

10 118

1 ARU
R 227 / / /
FOLIO 49

R RAMABC

RAMARL 087 1001150

ZNR UUUUU

R 1008332 APR 71

FM AUST ORCE VIETNAM

TO RAYAFA/CENARMYREC MELBOURNE

INFO RAMABC/1 ATF

RAMABC/1 ARU

BT

UNCLAS PS5314. CIVIL DEFENCE. 4722017 PTE B J MCQUADE CMM 2 RAR. REF CARO/AL/12743 OF 8 APR 71 (NOTAL). MEMBER SENT POSTAL NOTES TO PAY FINE WHILST AT 1 ARU CMM SENT APPROX 28 FEB 71. MEMBER NOW WITH 2 RAR

Folio 43

BT

NNNN ZEYRDN

MESSAGE FORM

ROUTINE ROUTINE 100235Z APR 71 RESTRICTED

FROM : 1 ATF

TO : LIST A CMM LIST C
DISCIPLINE .

A 599
1 ARU
R271/1/1
FOLIO 48

DISCIPLINE . REFERRAL OF CHARGES TO COMD 1 ATF .
REF 1 ATF SOPS PART 2 (AG BRANCH)

ONE . SECTION 14 PARA 3 OF REF REFERS TO SPECIMEN CHARGES IN ANNEX M TO REF AND STATES THAT THOSE MARKED WITH A SINGLE ASTERISK MUST BE REFERRED TO COMD 1 ATF FOR APPROVAL BEFORE CO/OC CAN HEAR AND DISPOSE OF CHARGE .

TWO . NONE OF THE SPECIMEN CHARGES SET OUT IN ANNEX M TO REF ARE MARKED WITH AND ASTERISK .

THREE . THE SPECIMEN CHARGES SET OUT IN THE FOLLOWING PARAGRAPHS OF ANNEX M SHOULD BE MARKED WITH AN ASTERISK INDICATING THAT APPROVAL TO HEAR THE CHARGE MUST BE SOUGHT FROM COMD 1 ATF CLN
PARAS 1.a. CMM 1.b CMM 2.a. CMM 3.a. CMM 3.b. CMM 3.c. CMM 4.a. CMM 9.a. CMM 10.a. CMM 15.a. AND 15.b. .

FOUR . ABOVE QUOTED PARAS ONLY CONTAIN SPECIMENS OF SOME OF CHARGES FOR WHICH APPROVAL TO HEAR IS REQUIRED BY COMD 1 ATF . AMR 249 SETS OUT COMPLETE LIST .

FIVE . 1 ATF SOPS WILL BE AMENDED IN DUE COURSE .

PAGE ONE OF ONE PAGES MCINTYRE DADLS EBONY 32

MAJOR

Sir
Amendments done
12/4

do
1. OC's copy amended by DR.
2 Clerks shewn as this.

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

10 Apr 71

47

104 Sig Sqn (2)

OFFENCE REPORT
2792635 SIG J.E. KENDALL
6709615 SIG K.G. SCOTT

Reference: A. 1 ARU R271-1-1 dated 4 Apr 71.

Further to Reference A, statements concerning the above soldiers are attached as Annexes A and B.

(B.W. McFARLANE)
Major
Officer Commanding

ANNEX A TO
1 ARU R271-1-1
DATED 10 APR 71

46

STATEMENT BY 25632 MAJOR B.W. McFARLANE
CONCERNING 2792633 SIG J.E. KENDALL - 104 SIG SQN

Reference Map: A. Vietnam Sheet 6430-111-SE, Edn 3, Series L8015.
Xa Binh Ba, 1:25,000.

1. On 30 Mar 71 at approximately 0920 hrs I was travelling by Landrover going north at about GR 44346623 when landrover number 174341 proceeding in the opposite direction, i.e. south, passed across tank track/road junction, at that point at about thirty miles an hour without stopping at the STOP sign.

2. When the vehicle was returning from 1 AHU I stopped it and ascertained that the driver was Sig J.E. Kendall of 104 Sig Sqn. I informed him that he would be charged with failing to stop at a stop sign.

Maj
(B.W. McFARLANE)

10 Apr 71

ANNEX B TO
1 ARU R271-1-1
DATED 10 APR 71

45

STATEMENT BY 25632 MAJOR B.W. McFARLANE

CONCERNING 6709615 SIG K.G. SCOTT - 104 SIG SQN

Reference Map: A. Vietnam Sheet 6430-111-SE, Edn 3, Series L8015. Xa Binh Ba, 1:25,000.

1. On 31 Mar 71 at approximately 0930 hrs I was travelling by Landrover going north at about GR 44406609 when I observed a landrover proceeding towards me, i.e. going south, at about GR 44346623 across a tank track/road junction on either side of which is a Stop sign. The landrover which I later ascertained to be number 114071, driven by Sig K.G. Scott, did not stop at the stop sign, but proceeded directly across the intersection.

2. I stopped the vehicle and advised Sig Scott that he would be charged with failing to stop at a stop sign.

Maj

10 Apr 71 (B.W. McFARLANE)

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No.....

FOR COMM. CEN/SIGNALS USE.....

44

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	090300Z	ARR71

PREFIX GR

From IARU

To AUSTFORCE VIETNAM

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

~~[illegible]~~ REST.

ORIGINATOR'S NUMBER

A0090

Info IATF

CIVIL OFFENCE 4772017 PTE
B J MCQUADE C REF CA/O
SIGS CAR/AL/13743 DATED 6APR71
AND CAR/A/L/6806 OF 26FEB 710
MEMBER SENT POSTAL NOTES
TO DAY FINE WHILST AT IARUC
THEY WERE SENT ABOUT 26 FEB
71 O.
MEMBER NOW WITH 2RAR Coy.

Page 1 of 1 pages

REFERS TO MESSAGE	DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
CLASSIFIED ☐ YES ☒ NO	COATS.	EXPRESS	POST/11	

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

712340—28m Pads of 100

08 252

1 ARU
R 271/ 1/1
FOLIO 43

HXXVBB581 UU

RR RAMABC

DE RAYAFA 172 980202

ZNR UUUUU

R 080010Z APR 71

FM CENARMYREC MELBOURNE

TO RAMABC /1 AUST RFT UNIT

INFO RAMARL/AUSTFORCE VIETNAM

RAMABC/1ATF

BT

Folio 20

UNCLAS CAR/AL/12743 REF E COMD PRO COY SIS/30/71 AND OUR CAR/A/L/6804 OF 26 FEB. 71. TO ENABLE PROMULGATION OF OFFENCE CMM REQ

REPLY TO OUR REF

BT

Note: Pte McQuade is no longer 1ARU - m/o to 2RAR

NN

N

AUSTRALIAN ARMY

R 271 / 1 1
FOLIO 42

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

5 Apr 71

HQ 1 ATF (3)

MILITARY POLICE OFFENCE REPORT
4721027 PTE T.J. MILL

Reference: A. AFV Pro Unit 141/71 dated 2 Apr 71.

1. The member has been found not guilty of a charge of not being in possession of a leave pass as due to rapid redeployment of personnel in 1 ARU at the time he was inadvertently not issued with a leave pass. He did ask for one at Vung Tau but for various reasons did not get it.

2. He was not charged with AWOL as he had been granted leave and was not in fact AWOL.

3. He was not charged with being beyond fixed limits as there is no evidence in the report to support a case that he was.

4. He has had only four days stand-down since marching in from 7 RAR on 7 Feb 71 and has no previous charges.

(D.W. McFARLANE)
Major
Officer Commanding

1

1 ARU
R 271/ 1 / 1
FOLIO 1 ARU NUI DAT 41

AUSTRALIAN ARMY

R271-1-1

4 Apr 71

104 Sig Sqn
NUI DAT

OFFENCE REPORT
6709615 PTE K.G. SCOTT
2792633 PTE J.E. KENDALL

1. The above soldiers of 104 Sig Sqn have been charged with the following:

Pte Scott WOAS NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE, in that he, at Nui Dat in the Republic of Vietnam at approx 0930 hrs on the 31 Mar 71 when driving vehicle number 114071 at grid reference 44346623 did not stop at a stop sign

Charged under AA 40

Pte Kendall WOAS NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE, in that he, at Nui Dat in the Republic of Vietnam at approx 0920 hrs on the 30 Mar 71 when driving vehicle number 174341 at grid reference 44346623 did not stop at a stop sign

Charged under AA 40

2. It is requested that this unit beinformed of action taken.

(B.W. McFARLANE)
Maj
OC

Enclosure: 1. AAF A4 (8).

TELEPHONE
[redacted] 156

AUSTRALIAN MILITARY FORCES

1 ARU
R 271/ 1 / 1
FOLIO 40

Quote in Reply
141/71

ADDRESS
AFV Pro Unit
VUNG TAU

2 Apr ~~Mar~~ 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl BOGDAN of this unit.

2. It is requested that higher formation and this unit be informed of action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

(J M SYMINGTON)
Maj
OC

For Information

HQ 1 ALSG

HQ 1 ATF

AUSTRALIAN ARMY

REPORT OF *~~ARREST~~/OFFENCE

AAF-A51
Revised Aug 1969

(*Delete words not applicable)

OFFENDER: (Army number) 4721027 (Rank) Pte (Surname) MILL

(Given names) T J (Unit) 1 ARU

OFFENCE/S: (1) AWOL (2) Not in Possession of a Leave Pass (3) Beyond Fixed Limits

I, (Army number) 61810 (Rank) Cpl, (Surname) BOGDAN

(Given names) Noel Millar a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 0705 hrs. on (day) Thursday date) 1 Apr 71

Whilst on duty at the West Gate, 1 ALSG, accompanied by Sgt CONDUIT of my unit, I saw a male European dressed in civilian clothing, alight from a Lambretta Taxi and enter 1 ALSG. I stopped the member and asked him to produce his identity card and leave pass. He then produced an identity card from which the above particulars were obtained. He then said, "I don't have a leave pass."
I informed him of the offences committed and that a report would be submitted, returned his identity card and allowed him to proceed.

The offending serviceman was dressed in uniform / civilian clothes / not dressed / was drunk / was not drunk

(Signed) [signature] (Date) 1 Apr 71 (Place) VUNG TAU

Corroborated by (Army number) 55718 (Rank) Sgt (Surname) CONDUIT

(Given names) William Alfred (Unit) AFV Pro Unit

FILE

39

AUSTRALIAN ARMY

1 ARU
NUI DAT

2 Apr 71

R271-1-1

3 RAR

For Information:

AFV Pro Unit Vung Tau
HQ 1 ATF
HQ 1 ALSG

MILITARY POLICE OFFENCE REPORT
25718 PTE R.E. WALL

Enclosed for your action is an offence report on Pte R.E. Wall that was just received at this unit.

(P.H. COATS)
2Lt
For OC

Enclosure: 1. Military Police Offence Report.

1 ARU
R 271/1/1
FOLIO 38

AUSTRALIAN FORCES VIETNAM

HQ 1 ALSG
VUNG TAU

Quote in Reply
R723/3/1(170/71

Date: 26 Mar 71

To: 1 ARU 1 ATF

GUARD COMMANDER REPORT

1. The Guard Report shown below is forwarded for your information and action.

2. It is requested that A Branch HQ 1 ALSG be informed of the action taken in this matter. The information supplied should go through normal channels and include the actual charge or charges preferred and the punishments awarded.

Distribution:

Unit
~~HQ 1 ATF~~
~~Guard Report~~
~~File~~

for Col
Comd 1 ALSG

GUARD COMMANDER REPORT

1. I, (Number). 2793617.. (Rank). Cpl... (Name).... D.R. REARDON..... was Guard Commander at the West Gate of the 1 ALSG Area from 0900 hrs on ..25 Mar 71..to 0900 hrs on..26 Mar 71.

2. At...0610...hrs on. 26 Mar 71..(No). 2794539.. (Rank)...Pte... (Name) .....D.S. ROBERTS.....of (Unit)....1 ARU..... entered the 1 ALSG Area through the West Gate.

3. He entered the area on foot* / ~~in a vehicle~~.*

4. He ~~did~~* / did not* have a valid leave pass in his possession.*

5. He was*/~~was not~~* in possession of an Identity Card(AAF A129).

6. He was dressed in ~~uniform~~* / civilian clothes.*

7. He was clean shaven* / ~~unshaven~~.*

8. He did not leave 1 ALSG Camp Area through the West Gate between .2100..... hrs on..25 Mar 71. and...0610.....hrs on.26 Mar 71.*

9. Other relevant circumstances including alleged offence/s commited are Being beyond limits fixed of the 1 ALSG Area without a valid leave pass (the soldier concerned was informed that a report would be submitted. He was not placed in open or close arrest).

Date: 26 MAR 71.

D. Reardon
(GUARD COMMANDER)

* Delate as applicable

→ CSM
Security Change is Angle H 31m

1 ARU
R 271 / / /
FOLIO 38

AUSTRALIAN FORCES VIETNAM

HQ 1 ALSG
VUNG TAU

Quote in Reply
R723/3/1(170/71

Date: 26 Mar 71

To: ...1 ARU 1 ATF.....

GUARD COMMANDER REPORT

1. The Guard Report shown below is forwarded for your information and action.

2. It is requested that A Branch HQ 1 ALSG be informed of the action taken in this matter. The information supplied should go through normal channels and include the actual charge or charges preferred and the punishments awarded.

Distribution:

~~Unit~~
HQ 1 ATF
~~Guard Report~~
~~File~~

for Col
Comd 1 ALSG

GUARD COMMANDER REPORT

1. I, (Number). 2795617. (Rank). Cpl... (Name).... D.R.. REARDON..... was Guard Commander at the West Gate of the 1 ALSG Area from 0900 hrs on ..25 Mar 71. to 0900 hrs on.. 26 Mar 71.

2. At... 0610 ..hrs on. 26 Mar 71..(No). 2794539. (Rank)... Pte .. (Name) .....D.S. ROBERTS .....of (Unit)....1. ARU..... entered the 1 ALSG Area through the West Gate.

3. He entered the area on foot* / ~~xxxxxxxxxx~~*

4. He ~~did~~* / did not* have a valid leave pass in his possession.*

5. He was*/~~was not~~* in possession of an Identity Card(AAF A129).

6. He was dressed in ~~uniform~~* / civilian clothes.*

7. He was clean shaven* / ~~unshaven~~*

8. He did not leave 1 ALSG Camp Area through the West Gate between ..21.00.... hrs on.. 25 Mar 71. and...061.0...hrs on. 26 Mar 71.*

9. Other relevant circumstances including alleged offence/s commited are Being beyond limits fixed of the 1 ALSG Area without a valid leave pass (the soldier concerned was informed that a report would be submitted. He was not placed in open or close arrest).

Date: 26 MAR 71.. L Reardon.....

* Delate as applicable (GUARD COMMANDER)

AAF A96
Revised
Jun., 1968

AUSTRALIAN
MILITARY FORCES

LEAVE PASS

U 086556

UNIT TEMPORARY No.
EXPRESS

TELEPHONE No. OF COMD. WHERE MEMBER TAKING LEAVE —
DURING WORKING HOURS

AFTER WORKING HOURS

Army No.	Rank	Name	Initials
296062	PTE	BEAL	P.J.

Destination: VUNG TAU

Unit Stamp: 1 ARU

From: 1000 hrs. on 22MAR71

To: 0900 hrs. on 24MAR71

Signature and Rank: [signature] 2/Lt

Place: NUI DAT

Date: 22 MAR 71

This pass must be returned to the Orderly Room on expiration of Leave

TELEPHONE
EMU 156

AUSTRALIAN MILITARY FORCES

1 ARU
R 271 / 1 / 1
FOLIO 37

Quote in Reply
118/71

ADDRESS
AFV Pro Unit
VUNG TAU

24 Mar 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl DABNOR of this unit.

2. It is also pointed out that overnight passes may not be given in this area. All soldiers are subject to curfew, and the officer who signed this pass should have it brought to his attention.

3. It is requested that higher formation and this unit be informed of action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

4. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

(J M SYMINGTON)
Maj
OC

For Information

HQ 1 ALSG

HQ 1 ATF

Do 1. Leave passes for Vung Tau in the future to be daily passes, one for each day, 0700(?) to 2300 hrs.
2. In this way, when leave pass is complicated - member shld less tomorrows

Will do. to go on with

29/3/71

AUSTRALIAN ARMY

REPORT OF *ARREST/~~OFFENCE~~

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 296062 (Rank) Pte (Surname) BEAL

(Given names) Peter John (Unit) 1 ARU NUI DAT

OFFENCE/S: (1) Beyond Fixed Limits (2) Curfew Violation (3) Resist Arrest

(4) Threatening Language

I, (Army number) 2140842 (Rank) Cpl (Surname) DABNOR

(Given names) Paul Michael a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 2120 hrs. on (day) Monday date) 22 Mar 71

I was on mobile patrol accompanied by 2412292 Cpl P M ASHCROFT of my unit, and 039303266 Sgt E5 G H REMOND, 545th MP Coy, 1 Air Cav Regt, US Army. I was carrying out a routine check of the My Linh Bar fourth floor, corner of Tran Hung Dao and Trung Trac Streets, when I saw a male European dressed in civilian clothing.

I said, "Are you an Australian serviceman?"

He said, "Yeah."

I said, "Are you aware of the time?"

He said, "Yeah, it's twenty past nine."

I said, "You are under arrest for being beyond fixed limits."

While escorting the soldier down the stairs of the My Linh Bar the soldier said, "Fuck you cunts, you wont take me." He then ran down the steps. Corporal ASHCROFT and myself caught the soldier on the ground floor of the building at the main entrance. After a moment the soldier calmed down and allowed himself to be led out of the building. Whilst escorting the soldier to the vehicle, which was parked in Tran Hung Dao Street, he suddenly broke free and ran back up the stairs leading to the My Linh Bar. Sgt REMOND and Cpl ASHCROFT pursued the soldier up the stairs and apprehended him on the fourth floor. The soldier resisted violently by swinging his arms and attempting to throw punches. He was handcuffed with the minimum amount of force necessary to allow safe passage down the stairs. The soldier was then escorted back to the ground floor where he said to me, "Come near me you screw cunt and I'll do you a job."

~~The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.~~

(Signed) (Date) (Place)

Corroborated by (Army number) (Rank) (Surname)

(Given names) (Unit)

AUSTRALIAN ARMY

REPORT OF *ARREST/~~OFFENCE~~

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) ..... (Rank) ..... (Surname) .....

(Given names) ..... (Unit) .....

OFFENCE/S: .....

.....

I, (Army number) ..... (Rank) ..... (Surname) .....

(Given names) ..... a member of (Unit) .....,

Royal Australian Army Provost Corps state that at about (time) ..... hrs. on (day) ..... date) .....

Whilst being placed in the vehicle the soldier said, "Let me loose you cunts and see how far you get."
The soldier was then conveyed to the Provost Marshal's Office, Le Loi Street, and then to the West Gate Guardroom where he was handed over to the Guard Commander, Cpl R J COGGINS, and his leave pass, AAF A96, which is attached to this report, was confiscated. His regimental particulars were taken from his ID Card and leave pass. I then informed Pte BEAL of the offences committed and that a report would be submitted and resumed normal patrol duties.

The offending serviceman was dressed in *~~uniform~~/civilian clothes and he *~~was sober~~/was drunk/~~smelt of liquor~~.

(Signed) ..... (Date) 23 Mar 71 (Place) VUNG TAU

Corroborated by (Army number) 2412292 (Rank) Cpl (Surname) ASHCROFT

(Given names) Philip Michael (Unit) AFV Pro Unit

HQ 1 ALSG
VUNG TAU

HANDING OVER OF A SERVICEMAN IN CLOSE ARREST

I, (Army Number) 36728 (Rank) CPL. (Given Names) RAYMOND JAMES
(Surname) COGGINS. a member of (Unit) 94 EPL.

* was Guard Commander West Gate Guard 1 ALSG VUNG TAU
* ~~was * Officer/NCO IC escort~~

at (time) 2120. hrs on (day) MON. (date) 22/3/71, the serviceman as shown below was handed over to me by:

(Army Number) 214842 (Rank) CPL. (Given Names) PAUL
(Surname) DABNOR a member of (Unit) 1 AFRPROV UNIT.

* to be detained at the West Gate Guard Room
* ~~to be~~ RTU

Serviceman in Arrest:

(Army Number) 296062 (Rank) PTE. (Given Names) PETER JOHN.
(Surname) BEAL. a member of (Unit) 1 ARU.
(Parent Unit)

(Additional Remarks) CHARGE) 1 CURFEW VIOLATION.
2 ~~BREAKING ARREST~~; RESIST ARREST
3 THREATENING LANGUAGE

Date:

(Signature) CPL Coggins RJ 36728.
COGGINS

Distribution:

Parent Unit (To be forwarded via handing-over or receiving unit)
Guard Report

* delete as applicable

MESSAGE FORM

[redacted]INE 250305Z Z MAR 71 UNCLAS

R243-1-1

1 ARU A508
R 241 / 1 / 1
FOLIO 36

FROM 1 ATF

TO LIST A (LESS SERIALS 25 - 31)

COURTS MARTIAL - PROVISION OF OFFICERS (.)

REF 1 ATF A371 OF 260940Z FEB 71 (.)

ONE (.) FOUR COURTS WERE PREDICTED IN REF (.) TWO HAVE BEEN HELD AND TRIAL OF SPR CLINTON IS IN PROGRESS (.) THERE WILL BE NO FOURTH TRIAL IN THIS SERIES (.)

TWO (.) WARNED FOR THE NEXT COURT MARTIAL CMM IF AND WHEN IT SHOULD BE NECESSARY ARE CLN

ALPHA (.) MAJ BJ CORKERON 1 A ST CA UNIT (MEMBER)

BRAVO (.) CAPT BB HUGHES 17 CONST SQN (MEMBER)

CHARLIE (.) CAPT RD LETTS 2 SAS SQN (MEMBER)

DELTA (.) MAJ AG ROBERTS 104 SIG SQN (WAITING MEMBER)

ECHO (.) A CAPT TO BE NOMINATED LATER BY 12 FD REGT (.)

THREE (.) UNITS MAY NOMINATE OFFICERS UNDER INSTRUCTION AT ANY TIME FOR ADDITION TO THE LIST

PAGE 1 OF 1 PAGES

M.A. COUNT DAAG EBONY 32
MAJ

HQ 1 ALSG VUNG TAU ARU
R 2711 / 1 / 1
FOLIO 35

HANDING OVER OF A SERVICEMAN IN CLOSE ARREST

I, (Army Number) 2042877 (Rank) WO II (Given Names) JOHN
(Surname) WILSON a member of (Unit) RAC Cent Bn

~~* was Guard Commander West Gate Guard 1 ALSG VUNG TAU~~
* was * Officer/~~NCO~~ IC escort

at (time) 0700 hrs on (day) TUE. (date) 23/3/71, the serviceman as shown below was handed over to me by:

(Army Number) 36728 (Rank) CPL. (Given Names) RAYMOND JAMES
(Surname) COGGINS a member of (Unit) 1 ALE PL.

~~to be detained at the West Gate Guard Room~~
to be RTU

Serviceman in Arrest:

(Army Number) 296062 (Rank) ~~PTE~~ (Given Names) PETER JOHN.
(Surname) BEAL. a member of (Unit) 1 ARU.
(Parent Unit)

(Additional Remarks) CHARGE) 1. RESISTING ARREST.
2 THEATENING LANGUAGE.

Date: 23/3/71. (Signature) CPL R Coggins. 36728.

Distribution:

Parent Unit (To be forwarded via handing-over or receiving unit)
Guard Report

* delete as applicable

→ Copy

J 24 Mar 71.

MESSAGE FORM

PRIORITY 230002Z MAR 71

RESTRICTED

1 ARU
R 271/1/1
FOLIO 34

FROM : 1 ATF

TO : LIST C CMM LIST A (LESS SERIALS 25-31)
AUSTFORCE VIETNAM CMM 1 ALSG
DET AFV PRO UNIT VUNG TAU CMM HQ COY 1 ALSG
STAFF IN CONFIDENCE

COURTS MARTIAL . ADMINISTRATIVE ARRANGEMENTS . REF 1 ATF A421 OF 050630Z MAR 71 .

ONE . COMD 1 ATF WILL CONVENE THE THIRD OF THREE COURTS MARTIAL TO ASSEMBLE AT 1 ALSG ON 26 MAR 71 . THIS SIGNAL DETAILS ADMINISTRATIVE ARRANGEMENTS INCIDENTAL TO THE THIRD TRIAL IN WHICH THE ACCUSED IS 3797206 SPR BJ CLINTON 1 FD SQN GP RAE .

TWO . COURT WILL BE CONVENED TO ASSEMBLE AT COURT MARTIAL CENTRE 1 ALSG AT 0930 HRS MAR 71 . FOLLOWING OFFRS FROM 1 ATF WILL SIT AS MEMBERS OF COURT AND ASSEMBLE AT 1 ALSG ON 26 MAR 71 CLN

ALFA . MAJ TWIGG PATTERSON HQ 1 ATF . MEMBER .

BRAVO . CAPT J.D. HERLIHY 3 RAR . MEMBER .

CHARLIE . CAPT M.J. CONDON 106 FD WKSP RAEME . MEMBER .

DELTA . MAJ B.J. CORKERON 1 AUST CA UNIT . WAITING MEMBER .

ECHO . CAPT D. COMBE 17 CONST SQN . WAITING MEMBER .

FOXTROT . LT T.J. GYGER 161 (INDEP) RECCE FLT . OFFR UNDER INSTRUCTION .

THREE . THE FOLLOWING WITNESSES ARE TO REPORT TO HQ COY HQ 1 ALSG BY 1400 HRS 25 MAR 71 CLN

ALFA . 64334 CAPT D.I. PEGG 1 FD SQN .

BRAVO . 38722 2LT J.W. PRITCHARD 1 FD SQN .

CHARLIE . 29368 SGT H.G. BIRD 1 FD SQN .

DELTA . 1202932 SPR R.W. TURNBULL 1 FD SQN .

ECHO . 45449 SPR B.M. GREAR 1 FD SQN .

FOXTROT . 217870 SPR M.L. AUGUSTUS 1 FD SQN .

GOLF . 43803 SGT R.J. HAYDEN 1 TOPO SVY TP .

HOTEL . 2783716 SPR E.G. HILL 1 TOPO SVY TP .

INDIA . 36215 WO2 N.F. COUCH DET AFV PRO UNIT .

JULIET . 61768 LT I.J. CAMPBELL 1 FD SQN .

FOUR . THE FOLLOWING WITNESSES ARE TO REPORT TO THE COURT MARTIAL ROOM AT 0800 HRS 26 MAR 71 CLN

ALFA . 17059 MAJ L. DELL HQ AFV .

BRAVO . 310537 CAPT J.A. COLLIN AFV PRO UNIT .

FIVE . 1 FD SQN GP RAE IS TO PROVIDE TWO ESCORTS TO ACT THROUGHOUT THE TRIAL .

SIX . ACCOMMODATION .

ALFA . MEMBERS OF COURT . MEMBERS OF COURT AND OFFRS UNDER INSTRUCTION WILL BE ACCOMMODATED AT THE GRAND HOTEL CMM VUNG TAU . WAITING MEMBERS WILL BE ACCOMMODATED AT 1 ALSG .

BRAVO . ACCUSED CMM ESCORT AND WITNESSES WILL BE ACCOMMODATED WITH 1 ALSG UNITS .

No Action IAW?

23/3

DETAILS WILL BE ADVISED TO UNITS SEPARATELY AND MEMBERS MAY THEN BE ISSUED WITH AAF MOB 3 . NOTE THAT INITIAL REPORTING IS TO BE TO HQ COY 1 ALSG IN ALL CASES.

SEVEN . DRESS . ALL MEMBERS ATTENDING THE COURT IN ANY CAPACITY ARE TO WEAR LONG TROUSERS MIL GREEN , SHIRTS MIL GREEN , METAL INSIGNIA AUSTRALIA, CORPS LANYARDS , CAPS , HATS KFF , OR BERET APPROPRIATE TO CORPS , MEDAL RIBBONS , BOOTS GP AND PISTOL BELTS.

MOVEMENT.

EIGHT . INDIVIDUAL UNITS ARE RESPONSIBLE TO MOVE MEMBERS CONCERNED TO VUNG TAU . ALL WITNESSES WILL REMAIN AT VUNG TAU UNTIL CONCLUSION OF TRIAL UNLESS COURT GRANTS PERMISSION TO RETURN . UNITS ARE RESPONSIBLE TO MOVE MEMBERS CONCERNED FROM VUNG TAU TO 1 ATF AT CONCLUSION OF TRIAL.

NINE . AFV PRO UNIT IS REQUESTED TO ADVISE

ALPHA . 156-34-8830 CW2 GR LESNEVICH AND

BRAVO . 508-32-1929 CW2 C HANNAH , OF 8TH MP GP (C1) , LONG BINH VN OF THE DATE OF TRIAL AND THAT THEY WILL BE REQUIRED TO BE AT COURT MARTIAL ROOM AT 1330 HRS ON DAY OF TRIAL , WITH FINGERPRINT CARDS AND ANY OTHER DOCUMENTATION .

TEN . CAPT J COLLIN IS TO BRING TO COURT

ALPHA . ORIGINAL RECORD OF INTERVIEW AND STATEMENT , BAMBOO DETONATOR , CORD AND TNT .

ELEVEN . SGT HAYDEN IS TO BRING ORIGINAL PLAN TO COURT

McINTYRE DADLS EBONY 32

Maj

AUSTRALIAN ARMY

F 33

1st Australian Reinforcement Unit
Nui Dat

R271-1-1

19 Mar 71

HQ 1 ATF (2)

ALLEGED USE OF MARIHUANA BY
4721048 PTE M. REEVE 1 ARU

Reference: A. AFV Pro Unit SIB/20/71N dated 13 Mar 71.

1. With the exception of the admission by Pte Reeve, all of the evidence is irrelevant to any offence committed by any member subject to Military Law.

2. In view of this irrelevance, it is a pity that copies of these personal letters have been so widely distributed, including to his home town, in connection with the soldiers name.

3. It is strongly recommended that quick action be taken to prevent a reoccurrence of this breach of privacy and that, in the forwarding of any information to the South Australian Police, Pte Reeve's name be with-held.

(B.W. McFARLANE)
Major
Officer Commanding

TELEPHONE
EMU 156

F32

AUSTRALIAN MILITARY FORCES

Quote in Reply
113/71

ADDRESS
AFV Pro Unit
VUNG TAU

17 Mar 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl MARSHALL of this unit.

2. It is requested that higher formation and this unit be informed of action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

J M Symington

(J M SYMINGTON)
Maj
OC

For Information

HQ 1 ALSG

HQ 1 ATF

Lcpl Thatcher
Administration
24 Mar 71

AUSTRALIAN ARMY

REPORT OF *~~ARREST~~/OFFENCE

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 3798213 (Rank) L/Cpl (Surname) THATCHER

(Given names) John M (Unit) 1 ARU NUI DAT

OFFENCE/S: (1) Curfew Violation

(2) Beyond Fixed Limits

I, (Army number) 518969 (Rank) Cpl (Surname) MARSHALL

(Given names) Terence George a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 2335 hrs. on (day) Monday date) 15 Mar 71

I was on mobile patrol in Tran Hung Dao Street, VUNG TAU, accompanied by Cpl RIDDING of the RAAF Service Police, when I saw a male European dressed in civilian clothing standing outside the Arcadia Hotel. I approached the soldier and ordered him to produce his ID Card and leave pass. He produced his ID Card and three leave passes, two of which were AAF A 95 passes. I observed they were made out to the above mentioned soldier, one being issued in Brisbane and the other was issued at Ingleburn, Australia. The third leave pass an AAF A 96 number 086542 was compiled for L/Cpl THATCHER from 1000 hrs 15 Mar 71 to 0900 17 Mar 71. I then conveyed him to the R and C Centre where I informed him of the offences committed and that a report would be submitted. The Duty NCO at the R and C Centre was informed of the incident and all three leave passes were confiscated. I then resumed normal patrol duties.

The offending serviceman was dressed in *~~uniform~~/civilian clothes and he *~~was sober/was drunk~~/smelt of liquor.

(Signed) T L Marshall (Date) 16 Mar 71 (Place) VUNG TAU

Corroborated by (~~Army~~ RAAF number) A 29374 (Rank) Cpl (Surname) RIDDING

(Given names) Donald (Unit) RAAF Service Police

AUSTRALIAN ARMY

I ARU
R271/1/1
FOLIO 31

1 ARU
NUI DAT

16 Mar 71

R271-1-1

DADLS
HQ 1 ATF (2)

DISPOSAL OF CHARGES AGAINST 218795 PTE P.M BINION

1. 218795 Pte P.M. Binion has been charged under Section 10 (2) of the Army Act with Striking his superior officer at Vung Tau on 19 Feb 71, under Section 10 (3) of the Army Act with resisting an excort whose duty it is to apprehend him, under Section 10 (2) of the Army Act with using violence to a person in whose custody he was placed and under Section 15 (1) of the Army Act with absenting himself without leave.

2. I am satisifed that, on the face of it, there is a case for Pte Binion to answer, I request approval to deal with these charges as I am satisfied that, were Pte Binion found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Major
Officer Commanding

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charges against 218795 Pte P.M. Binion.

(B.A. McDONALD)
Brig
Comd 1 ATF

15 Mar 71

IN CONFIDENCE

TELEPHONE

FMU 116

AUSTRALIAN MILITARY FORCES

1 ARU
R / /
FOLIO 30

Quote in Reply

SIB/20/71N

ADDRESS

AFV Pro Unit
VUNG TAU

1 ARU

13 Mar 71

USE OF MARIHUANA BY 4721048
PTE M. REEVE - 1ARU

1. Please find attached investigation report submitted by Sgt L.E. WILLIAMSON of this unit

2. Forwarded for your information and action deemed necessary.

(J.M. SYMINGTON)
Maj
OC AFV Pro Unit

For Information

HQ 1 ATF
C Comd Pro Unit
PM (AHQ)

Report held by OC.

Answer to 1 ATF at folio 33

IN CONFIDENCE

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No FOLIO 29.

FOR COMM CEN/SIGNALS USE

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	130400Z	MAR 71 2711 / / /

1 ARU
R
FOLIO 29

PREFIX GR

From 1 ARU

To AFV PRO UNIT VUNG TAU
SERVICE POLICE RAAF VUNG TAU

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS
CONFIDENTIAL

ORIGINATOR'S NUMBER
A 4405

Info 1 ATF

CHARGES ONE (.) IT IS REQUESTED THAT 218795 PTE P.M. HINION BE ESCORTED FROM VUNG TAU TO 1 ARU NUI DAT ON TUE 16 MAR 71 IN ORDER THAT FOUR CHARGES AGAINST HIM BE HEARD BY THE OC AT 1030 HRS (.)
TWO (.) THE FOLLOWING WITNESSES ARE TO BE PRESENT BY 1000 HRS 16 MAR 71 CLN
ALPHA (.) 447148 CPL D.W. DEAN AFV PRO UNIT (.)
BRAVO (.) 518969 CPL T.G. MARSHAL AFV PRO UNIT (.)
CHARLIE (.) 43381 LCPL D.W. SWANINSON AFV PRO UNIT (.)
DELTA (.) 1202380 LCPL P.W. HAWKER AFV PRO UNIT (.)
ECHO (.) A113139 CPL J.L. BOWES SERVICE POLICE VUNG TAU (.)

Page 1 of 1 pages	REFERS TO MESSAGE	DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
	CLASSIFIED ☐ YES ☒ NO	BEST 2IC	EXPRESS	R 71-1-1	13/3/71

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR	RELEASING OFFICER'S SIGNATURE AND RANK
											Capt

712340—28m Pads of 100

11 023

1 ARU
R271/1 /1
FOLIO 28

NEQSFVBB196 HH

RR RAMABC

DE RAYAFA 497 0691147

ZNY RRRRR

R 100430Z MAR 71

FM CENARMYREC MELBOURNE

TO RAMARL/AUSTFORCE VIETNAM

INFO RAYCBL/MILCOMD SYDNEY

RAYCHG/MILDEPOT SYDNEY

RAMABC/1 ARU

RAYCHC/7 RAR (AUST COMPONENT)

BT

RESTRICTED

R E S T R I C T E D CAR/D6/ 8381. POSTING RA INF PERS PD OUR CAR/D6/7500 OF 4 MAR 71 PD 218795 PTE PM BINION PD THE POSTING ORDER SVN 1248/71 POSTING MEMBER FROM 1 ARU TO 7 RAR (AUST COMPONENT) HAS BEEN CANCELLED CMM SOLDIER DID NOT RTA ON 25 FEB 71

BT

RESTRICTED

AC
THIS MESSAGE IS CLASSIFIED. YOUR REPLY OR REFERENCE MUST BEAR A MINIMUM CLASSIFICATION OF RESTRICTED.

NNNN

11 Mar 71.

AUSTRALIAN MILITARY FORCES

1 ARU
R 271 / 1 / 1
FOLIO 27

2'

HQ 1 ATF
NUI DAT

9 Mar 71

List A (less serials 4, 24-30)

CURFEW VIOLATIONS - FRAMING OF CHARGES

1. Military Police Incident Reports are frequently concerned with soldiers who have been apprehended in the town of Vung Tau violating curfew.

2. It has been noted that some units when preferring charges against the soldier concerned are using two or more of the following charges:

a. AWOL - AA 15(1).

b. Being beyond fixed limits - AA 15(3).

c. Neglecting to obey unit Routine Orders in that the member failed to obey curfew timings - AA 11.

d. Neglecting to obey unit Routine Orders in that the member was not in possession of a leave pass - AA 11.

e. Disobeying a lawful command in that the member failed to return by 2300 hrs when so ordered by a superior officer - AA 9(2).

3. On looking at the facts of a particular case it may well be that two or more of the above offences can be supported by the evidence. The member however should not be charged with more than one of the offences if each separate offence is based on the same facts. In the majority of cases, the soldier has done nothing more than be found in an area which in view of the time, was an area where he should not have been. Even though such facts could support two or more charges, the actions of the soldier should only give rise to the one charge for each offence. The soldier should not be called upon to answer for his conduct on more than one occasion. The choice of which is the most appropriate charge to be used must be made by the unit.

4. Care should be taken in drafting charges arising from such incident reports. If any doubt exists either when drafting or when hearing a charge, DADLS 1 ATF is available to be consulted if advice is required.

(M.A. COUNT)
Maj
DAAG

1 ARU
Unit(2 copies)
CARO
APAC
File

HQ 1 ATF
NUI DAT
Mar 71

REVIEW OF SUMMARY CONVICTION AND SENTENCE

Reference: A. 296703 (No) PTE (Rank) G.D. PHILLIPS (Name) 1 ARU (Unit) RA INF (Corps)

B. Charge Report dated 23 Feb 71 referring to offence alleged to have occurred on 20 Feb 71.

1. Reference B has been revised pursuant to AMR 265 by superior authority.

2. The advice of legal officer is as follows:

~~THE CONVICTION should be quashed because~~ Member forfeits two days pay and allowances for period of AWOL. AMR 295(2)(c) refers.

~~THE SENTENCE should be quashed because~~

~~IT IS RECOMMENDED that the following sentence be imposed in place of the sentence quashed~~

~~FURTHER DISCIPLINARY ACTION may be taken because the proceedings under review constitute a nullity~~

Dated 8 Mar 71

Maj
DADLS

3. THE CONVICTION in respect to charge is - a. confirmed
~~b. quashed~~

4. THE SENTENCE is- a. confirmed
~~b. quashed~~
~~c. quashed and the following sentence imposed in its place~~

5. FURTHER DISCIPLINARY ACTION ~~may~~ may not be taken against the soldier in respect to the alleged offence.

6. The unit is to inform the above named soldier of this review.

7. The unit is to complete the action memorandum on the back of this form and return one copy of this form to this Headquareers as soon as possible.

~~8. Where it is indicated that further disciplinary action may be taken against the soldier, the taking of such action is at the discretion of the soldiers present Commanding Officer.~~

8. Members drawing rate should be altered accordingly.

Dated 9 Mar 71

Brigadier
Commander 1st
Australian Task Force

ACTION MEMORANDUM

1. Pursuant to your direction the following steps have been taken:

a. The soldier has been advised of all the action taken on review by superior authority.

b. (1) Appropriate amendments have been made to the soldiers records and CARO notified accordingly.

~~(2) The soldiers pay has been adjusted and APAC notified accordingly.~~

c. ~~Further disciplinary action has been taken against the soldier and the charge report will be forwarded in due course~~

d. No further disciplinary action will be taken against the soldier in connection with the matter.

~~2. No action has been taken in response to your direction because~~

dated 11 Mar 71

Commanding Officer

(NOTE: Delete those parts of action memorandum which do not apply)

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No. 26

FOR COMM CEN/SIGNALS USE

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	102215Z	MAR 71

From 1 ARU

To ARMYPAY MELBOURNE

Info

PREFIX GR

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS
UNCLAS

ORIGINATOR'S NUMBER
PAY 233

296103 PTE GD PHILLIPS (.) MEMBER AWOL

FROM 201345 H TO 211700 H FEB 71

Page 1 of 1 pages

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☒ NO

DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
MITCHELL UPR	EX PRESS	271/1/1	11/3/71

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

712340—28m Pads of 100

AUSTRALIAN ARMY

Folio 24

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

9 Mar 71

HQ 1 ATF (2)

218795 PTE P.M. BINION

References: A. AFV Pro Unit 67/71 dated 22 Feb 71.
B. 1 ARU R271-1-1 dated 26 Feb 71.

1. The above soldier remains in close arrest at Vung Tau.

2. He was referred for psychiatric assesment and the report is enclosed.

3. In view of all the circumstances it is recommended that the member be discharged from the ARA as soon as possible. In order to speed up his removal from the theatre it may be expedient to withdraw the charges currently outstanding against him and 1 ARU would have no objection to this.

(B.W. McFARLANE)
Major
Officer Commanding

Enclosure: 1. ADMS Form 2 (One copy).

IDR/M34
08/1250

08-135

1 ARU
R271/1/1
FOLIO 23

~~VBA760~~ UU

~~RR RAMABC~~

~~DE RAMARL 036 0670445~~

~~ZNR UUUUU~~

R 080215Z MAR 71

FM AUSTFORCE VIETNAM

TO ~~RAYAFA~~:CENARMYREC MELBOURNE

INFO ~~RAYGRL~~/MILCOMD SYDNEY

~~RAYGNG~~/MILDEPOT SYDNEY

~~RAMABC~~/1 ARU

~~RAYGNG~~/7 RAR (AUST COMPONENT)

~~BT~~

UNCLAS PS003394 DISCIPLINE. 218795 PTE P M BINION.

REF CARO/D6/7500 OF 4 MAR 71. MEMBER DID NOT RTA 25 FEB 71.

IS CURRENTLY LOCATED AT DETENTION BARRACKS VUNG TAU AWAITING

FIVE CHARGES

~~BT~~

~~NNNN~~

TELEPHONE
[redacted]U 116

AUSTRALIAN MILITARY FORCES

1 ARU
R27/1/1/1
FOLIO 22

Quote in Reply
SIB/13/71N

ADDRESS
AFV Pro Unit
VUNG TAU

4 Mar 71

1 ARU

ALLEGED DAMAGE TO CIVILIAN VEHICLE
BY MEMBER(S) 1 ARU 4 FEB 71

1. Please find attached Investigation Report submitted by WO2 N.F. COUCH of this unit.

2. Forwarded for you information and action deemed necessary.

J.M.SYMINGTON
Maj
OC AFV Pro Unit

FOR INFORMATION

HQ AFV
HQ 1 ATF
PM (AHQ)

Det AFV Pro Unit
NUI DAT

Feb 71

3 MAR 1971

SIB/13/71 N

OIC SIB

ALLEGED DAMAGE TO CIVILIAN VEHICLE BY MEMBER(S) OF 4 ARU ON 4 FEB 71

1. On 4 Feb 71, it was alleged by a Vietnamese civilian, that whilst driving his car behind an AMF vehicle containing a number of Australian serviceman, an object was thrown from the back of the truck striking the windscreen of his car causing it to shatter.

2. The incident was reported to the Australian Military Police patrol by the driver of the car:

AHN-TON-TRANG
63-65 HAM NGHI
SAIGON

Vehicle: FIAT Sedan Reg No, EF 1252.

3. A statement was obtained from ANH-TON-TRANG. He alleges that whilst driving behind an AMF vehicle No. 171584, just north of RACH DUA, he saw one of the soldiers in the back of the vehicle throw something very small at the windshield of his car, causing it to shatter. No injuries were received by him or the passengers in his car.

4. He also states that he followed the vehicle concerned to the CAY KHE bridge where the AMF vehicle had stopped at the check point. He then spoke to a person on the vehicle and requested that the vehicle remain until the arrival of the Military Police, but when the traffic cleared, the AMF vehicles drove off.

5. On the arrival of the Military Police patrol the matter was reported to them by AHN-TON-TRANG.

6. Subsequent enquiries revealed that the vehicle concerned was conveying a number of personnel back to 1 ARU NUI DAT from VUNG TAU.

7. All personnel who were in the back of the vehicle were interviewed and and statements were obtained from two members who actually saw the windscreen shatter on the car.

8. 2792841 Pte R.C. COOPER of 1 ARU states that the car was travelling about one and a half car lenghts from the rear of the truck on which he was a passenger. He states that he was looking at the car when he heard a popping noise and saw the windscreen shatter.

9. 2794110 Pte P.E. BAZAROW of 1 ARU has stated that he also was looking at the car when the windscreen shattered.

10. Both members failed to see any object strike the car.

11. An inspection of the area in which the incident occurred revealed that extensive roadworks are being undertaken and that a great deal of loose surface material is present.

12. It is felt that some difficulty in seeing anything thrown from the vehicle would be encountered due to the dust raised by the AMF vehicle.

13. It is the opinion of the undersigned that the windscreen was broken by a stone thrown up by the rear wheels of the AMF vehicle.

N.F.COUCH
WO2
SIB

ANNEXES:

'A' - Statement by ANH-TON-TRANG
'B' - Statement by 2792841 Pte R.C. COOPER
'C' - Statement by 2794110 Pte P.E. BAZAROW

STATEMENT FORM

ANNEX 'A' TO
SIB/13/71 N

Name. ANH-TON-TRANG
Home Address. 19/21 Thoai Ngoc Hau Street., TAN SON HOA SAIGON
Place of Birth. HA TINH Date of Birth. 27.7.1924

WHO STATES:-

On the 4th Feb 1971, I drove my vehicle FIAT 1500 L Reg No EF 1252 travelling from VUNG TAU to SAIGON. When I passed a place called RACH DUA about 2 KMs, an Australian which was travelling same direction with me overtook my vehicle. There were about ten Australian soldiers in the back of that vehicle, one of them threw something small to the windshield of my car and it was broken right away. A number of the Australians in that vehicle saw that and they laughed and joked together, That was about 0830 hours. I pressed the horn to signal them to stop and I tried to catch that vehicle to gets its number but that vehicle did not stop. Meantime another Australian vehicle overtook my vehicle, I gave a sign to ask them to stop the vehicle at the front for me but it still kept moving on. I then still followed behind that vehicle. When arriving at the CAY KHE bridge, there was a check point there and also the road was repairing so the two Australian vehicles stopped. I came over to talk to the Australian soldier in that vehicle about the incident. This soldier wrote down my name and car number in his note book. I also got the number of the Australian vehicle, it was AMF 1711584/86, and a small letter word "MISS MARTIE" was written on the top of the Australian vehicle. I asked them to wait for the MP's but they said no. While we were talking, my wife came to talk to the Vietnamese MP's and asked them to call Vung Tau. Meanwhile big vehicle arrived, I had to move my vehicle to let this vehicle pass by, and then the two Australian vehicles followed that big vehicle and drove away. When the Australian MP's arrived, I told them about the incident and they told me to report it to the MP's in Saigon. About the damage of my vehicle, I had to pay 100.00 piastre to replace the windshield glass. Therefore I request for an investigation about that incident and compensation for the damage of my vehicle.

SIGNED: Anh Ton Trang

STATEMENT FORM ANNEX 'B'

SIB/13/71N

Statement of:-

No. 2792841 Rank. Pte Name in Full. Robert Charles COOPER

Unit. 1 ARU Location. NUI DAT

Date of Birth. 3 Aug 48 Place of Birth. Sydney, NSW

Date arrived Theatre. 30 July 70 Est Date RTA. May 71

WHO STATES:-

On 4 Feb 71, I was a passenger in the back of a truck returning from the Peter Badcoe Club in Vung Tau. About 0845 hrs I was seated in the end position of the truck looking at that time to the rear. I saw a FIAT sedan cut in front of the other truck. The FIAT moved up to within 1¼ car lengths of our vehicle. I was looking at the car when I heard a popping noise and I saw the windscreen of the car shatter. There was a bit of dust around caused by our vhicle and I did not see anything actually hit the windscreen. When the car stopped and the driver of the car talking to the driver of our vehicle I saw that the windscreen had a small hole in it. R.C.COOPER

Statement recorded and signature witnessed by me at 1 ARU at 1445 hrs on 4 Feb 71. NOEL COUCH WO2.

STATEMENT FORM ANNEX 'C'

SIB/13/71 N

Statement of;-

No. 2794110 Rank. Pte Name in Full. Peter Edward BAZAROW

Unit. 1 ARU Location. NUI DAT

Date of Birth. 14.10.47 Place of Birth. Germany.

Date arrived Theatre. 16 Dec 70 Est Date RTA. 16 Dec 71

WHO STATES:-

On 4 Feb 71, I was a passenger in a truck returning from the Peter Badcoe Club to NUI DAT. While we were moving I saw a fiat sedan travelling about 1½ car lenghts behind us. As I was looking at it I saw the windscreen shatter. I did not see anything hit the windscreen. P.E.BAZAROW.

Statement recorded and siganture witnessed by me at 1 ARU at 1455 hrs on 4 Feb 71.

Noel COUCH WO2

MESSAGE FORM

ROU[redacted]T 03 [redacted] Z MAR 71 UNCLAS

FROM 1 ATF

TO LIST A (LESS SERIALS 4, 24 - 30)

INFO AUSTFORCE VIETNAM 1 ALSG

A 43

J. ARU
R 271 / / / /
FOLIO 21

COURTS MARTIAL PROVISION OF OFFRS AND ESCORTS (.)

REF 1 ATF A371 OF 260940Z FEB 71 (.)

ONE (.) FIRST COURT DELAYED WILL PROBABLY ASSEMBLE 11 MAR 71 (.)

TWO (.) OFFRS UNDER INSTRUCTION (.) OFFRS UNDER INSTR FOR FIRST COURT WILL BE LT MD SIMIC CMM 106 FD WKSP CMN 2LT DR CHITTY HQ COY (.) A THIRD OFFR IS REQUIRED (.) FOR SUBSEQUENT TRIALS ANY UNIT MAY NOMINATE BY SIGNAL TO DAAG (.)

THREE (.) REQUIREMENT FOR ESCORTS WILL BE ADVISED TO ACCUSED MEMBER'S UNITS SEPARATELY

PAGE ONE OF ONE PAGES

M.A. COUNT DAAG EBONY 12

MAJ

CONFIDENTIAL

$50 2

2/1650 113X

I ARU
R 271 / 1 / 1
FOLIO 20

I

AVRVBA800 HH

RR RAMABC

DE RAYAFA 050 0600103

ZNY CCCCC

R 260615Z FEB 71

FM CENARMYREC MELBOURNE

TO RAMABC/1 AUST RFT UNIT

INFO RAMARL/AUSTFORCE VIETNAM

RAMABC/1 ATF

BT

C O N F I D E N T I A L CAR/A/L/6804. E COMD PRO COY SIS/30/71. CIVIL OFFENCE 4722017 PTE BJ MCQUADE. REQ ADVISE FOLLOWING INFO CLN ALFA. WAS FINE PAID. BRAVO. DIRECTION BY CO UNDER AMR 753.

BT

Dave
Let me know about this will you
Pete

Has not paid.
Member will see me to pay & avoid adverse leg sig

NNNNV

THIS MESSAGE IS CLASSIFIED. YOUR REPLY OR REFERENCE MUST BEAR A MINIMUM CLASSIFICATION OF RESTRICTED.

CONFIDENTIAL

I ARU
R 2711 / 1 / 1
FOLIO 19

PRECEDENCE-ACTION: ROUTINE

DTG: 010001 MAR71

FROM: IATF

TO: LIST A LESS SERIALS 4, 24, 30

INFO: OPS, INT, PSYOPS
AUSTFORCE VIETNAM

UNCLAS

A-384

SUBJ: PERSONAL POSSESSIONS OF DETAINEES

REF A IS AFV SOP PART 2 CHAPTER 2 SECTION II ANNEX INDIA.

REF B IS AFV SOP PART 2 CHAPTER 2 SECTION II ONE. CURRENCY ON DETAINEES. SLIGHT VARIATION TO REF A IS NECESSARY BECAUSE USARV FORM 361 IS COMPLETED BY BDE PRO. MONEY IS TO BE SIGNED FOR BY PRO ESCORT WHEN PICKING UP PW. AFTER ENTRY TO FORM 361 PRO IS TO PAY MONEY TO IATF CASH OFFICE FOR PW OR OBTAIN RECEIPT FROM SECPOL PIC OR CIVIL HOI CENTRE IN CASE OF CIVIL DEFENDANTS AND HOI CHANH. MONEY IS TO BE RETURNED TO INNOCENT CIVILIANS WHO ARE TO RECEIPT COPY OF FORM 361.

TWO. VALUABLES. REF B GIVES GUIDANCE BUT DOES NOT STRESS IMPORTANCE OF SUCH ITEMS AS RINGS, NECKLACES, BRACELETS, WATCHES AND RADIOS WHICH ARE A FORM OF CURRENCY. THEIR THEFT OR LOSS CAN CAUSE SERIOUS POLITICAL REPERCUSSIONS. SUCH VALUABLES ARE TO BE INVENTORIED BY PRO AND A RECEIPT OBTAINED FROM GVN RECEIVING AGENCY. HAVE NO FOR SCA (CHS).

MESSAGE FORM

FOR COMM CENTRE/SIGNALS USE

I ARU
R 271 / 1 / 1
FOLIO 18

PRECEDENCE - ACTION	PRECEDENCE - INFO	DATE - TIME GROUP	RELEASE INSTRUCTIONS
PRIORITY		260940 FEB 71	

FROM: 1 ATF

TO: LIST A (LESS SERIALS 4, 24-30)

INFO: AUSTFORCE VIETNAM CMH 1 ALSG

FLASH	
SECURITY CLASSIFICATION	UNCLAS
DESIGNATORS INDICATOR	A 371

COURTS MARTIAL - PROVISION OF OFFRS AND ORDERLIES .

ONE . FOUR COURTS MARTIAL WILL SHORTLY BE CONVENED BY COMD 1 ATF . DATE OF FIRST DEPENDS ON FINISH DATE OF CURRENT MURDER TRIAL .

TWO . IN ORDER TO SPREAD LOAD CMH DUTIES WILL BE ROSTERED THROUGH UNITS . FIRST TRIAL IS TO COMMENCE FRI 5 OR MON 8 MAR FOR APPROX 5 DAYS . REMAINDER WILL BE SEPARATELY CONVENED AS DATES AND PRESENT DIFFICULTIES IN PROVIDING AALC OFFRS AND SENIOR MEMBERS FROM AUST ARE RESOLVED .

THREE . WARNED FOR FIRST TRIAL ARE CLN

ALPHA . MEMBERS . MAJ ID BATES HQ COY CMH CAPT RA FARDELL HQ COY CMH CAPT TJ NICHOLSON HQ COY .

BRAVO . WAITING MEMBERS . MAJ MJ ROBB 1RC WES SECT CMH CAPT DJ WATTS C SQN 1 ARMD REGT .

FOUR . WARNED FOR SECOND TRIAL ARE CLN

ALPHA . MEMBERS . MAJ MJ ROBB CMH CAPT DJ WATTS AND ONE CAPT TO BE NOMINATED BY A SQN 3 CAV REGT .

BRAVO . WAITING MEMBERS . MAJ D TWIGG-PATTERSON HQ 1 ATF AND ONE CAPT TO BE NOMINATED BY 3 RAR .

FIVE . WARNED FOR THIRD TRIAL ARE CLN

ALPHA . MEMBERS . MAJ D TWIGG-PATTERSON CMH THE 3 RAR CAPT NOMINATED AS WAITING MEMBERS IN SECOND TRIAL AND A CAPT TO BE NOMINATED BY

PAGES	CLASSIFIED	DRAFTER'S NAME	OFFICE	TEL NO.
	YES NO			

FOR OPERATORS USE

	DATE	TIME	SYSTEM	OPERATOR		DATE	TIME	SYSTEM	OPERATOR
T					D				

RELEASING OFFICER'S NAME

RANK

1/3 27/2
Does not incl Allied.

MESSAGE FORM

FOR COMM CEN/SIGNALS USE

PRECEDENCE - ACTION	PRECEDENCE - INFO	DATE - TIME GROUP	MESSAGE INSTRUCTIONS

FROM :

TO :

-2-

INFO :

PRIOR: CR

SECURITY CLASSIFICATION

ORIGINATOR'S NUMBER

106 FD WKSP .

BRAVO . WAITING MEMBERS . MAJ TO BE NOMINATED BY 1 AUST CA UNIT AND CAPT TO BE NOMINATED BY [redacted] 17 CONST SQN

SIX . FOR A SQN 3 CAV REGT CMH [redacted] CMH 3 RAR CMH 106 FD WKSP AND 1 AUST CA UNIT . NOMINATIONS REQUIRED TO DAAG BY 3 MAR 71 .

SEVEN . MEMBERS FOR FOURTH TRIAL WILL BE WARNED LATER .

PAGE 1 OF 1 PAGES

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☒ NO

DRAFTER'S NAME: COUNT

OFFICE: DAAG

TEL. NO.: EBONY 12

FOR OPERATOR'S USE

	DATE	TIME	SYSTEM	OPERATOR		DATE	TIME	SYSTEM	OPERATOR
R					T				

RELEASING OFFICER'S SIGNATURE

RANK: MAJOR

EDT FORM 52

17

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

26 Feb 71

HQ 1 ATF
CARO
APAC

AAF A4 - 219794 PTE D.J. COLLISON - 1 ARU

1. The above soldier was awarded the following punishments on 19 Feb 71:

Five days forfeiture of pay
Five days field punishment
Fined $40.00

2. On the original AAF A4 the details of forfeiture of 5 days pay/allowances were omitted from the relevant section.

3. A correctly compiled AAF A4 is enclosed.

(B.W. McFARLANE)
Major
Officer Commanding

Enclosure: AAF A4

AAF - A 4
Revised June 1968

AUSTRALIAN MILITARY FORCES ~~* Elected to be tried by Court Martial~~

19 Feb 71

CHARGE REPORT

Sheet No 1 of 1 Sheets 16

CHARGE(S) against No 219794 RANK AND GROUP Pte Gp 5
(Substantive and temporary, etc.)

NAME D.J. COLLISON PARENT UNIT 1 ARU SUB-UNIT -
(Company, etc.)

UNIT 1 ARU SUB-UNIT - CORPS RA Inf
(Where Charged)

Charge No	PARTICULARS OF CHARGE(S)
First	WOAS CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE, in that he, at Nui Dat in the Republic of Vietnam, at 0030 hours on the 17 Feb 71, whilst a member of No 2 Roving Picquet, did go back to sleep after being woken up to mount his post
Charged under AA DA ~~or AMR~~ Second	AA 40
Charged under AA DA or AMR Third	
Charged under AA DA or AMR Fourth	

Charged under AA DA or AMR ..... Signature of Person Preferring Charge ..... Date Feb 71

	RANK	NAME	UNIT
WITNESSES	Cpl	R.F. MURRAY	1 ARU
	Pte	J. KUIPER	1 ARU

Particulars of Person Committing Accused into Custody
(If committed)

Signature and Rank .....

Appointment and Unit .....

Date ..... N/A

Initial Investigation by Officer appointed under AMR 238(8)

Referred to ..... on ..... (date)

Signature and Rank .....

Appointment and Unit .....

Date ..... N/A

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest NIL

Days in Open Arrest NIL

Days Under Suspension NIL

Days Performed Military Duty ALL

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No C40906

~~I certify that the fine, deduction from pay and/or forfeiture of pay and allowances included in the sentence or incurred as a consequence of the finding have been entered in paybook line No ..... and on Miscellaneous Debits List (WE 252).~~

~~Signature ..... Date .....~~

WE 298 SUBMITTED

2. Entered on Accused's Conduct Sheet(s)

on 19 Feb 71 by P Griffin Sgt (Signature)

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

4. Formation Legal Officer's Remarks

Signature and Rank .....

Appointment .....

Date .....

FINDING AND SENTENCE

* The Accused having been given the right to elect trial by Court Martial elected to be tried by me

I FIND the Accused GUILTY of the one Charge(s)

and NOT GUILTY of the - Charge(s)

I IMPOSE the following sentence:

Five days forfeiture of pay

Five days field punishment

Fined $40.00

I INFORMED the Accused of:	No. of Days	Reason
(a) Forfeiture of pay-allowances for 5 days	5	Forf
In all a TOTAL of	5	

Involving a total Forfeiture of $72.60

(b) Forfeiture of good conduct increment.

Remarks: Authority to hear charge/s given by superior authority on (date) ..... (See AMR 249)

Signature and Rank D E B Jackman Major

Appointment and Unit OC 1 ARU

Date of FINDING (and Sentence) 19 Feb 71

Action on Review of Finding and Sentence (or on Confirmation)

Signature and Rank .....

Appointment and Unit .....

Date .....

* Cross out where not applicable

AUSTRALIAN ARMY

18

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

24 Feb 71

HQ 1 ATF (2)

MILITARY POLICE OFFENCE REPORT
218795 PTE P.M. BINION

Reference: A. AFV Pro Unit 67/71 dated 22 Feb 71.

1. As a result of the information contained in the Reference the soldier has been charged with five charges as per the Charge Report (AAF A4) enclosed.

2. On Wed 24 Feb 71 Pte Binion appeared before the OC 1 ARU on the charges mentioned above and was remanded in close arrest for further investigations into the offences.

3. Pte Binion marched into 1 ARU on 5 Feb with a draft of soldiers from 7 RAR and has performed most unsatisfactorily ever since. Prior to his eventual return to Australia it is intended to take administrative action to recommend his discharge from the ARA. He was due to RTA on 25 Feb 71.

4. I consider it necessary for the soldier to be held in close arrest as due to my recent observations of the soldier, I consider him to be emotionally unbalanced and I am not prepared for him to be loose in a combat situation. These observations have since been supported verbally by Sgt Williams of 1 ATF Pro Det and Capt Nasser of 1 Aust Fd Hosp. It is intended to leave the member in close arrest until the matter is again heard by OC 1 ARU.

5. It is also believed that Pte Binion will elect trial by court martial in this matter, if allowed the option, and has the intention of calling psychiatric evidence in his defence.

6. In order to more fully support the charges, further investigation of the matter supported by further statements by RAA Pro witnesses is requested.

(B.W. McFARLANE)
Major
Officer Commanding

Enclosure: 1. AAF A4 (1).

For Info:
AFV Provost Unit Vung Tau (Nom Charge Sheet)

1 ARU
R271 / 1 / 1
FOLIO 14

AUSTRALIAN ARMY

1 ARU
NUI DAT

R271-1-1

17 Feb 71

DADLS
HQ 1 ATF (2)

DISPOSAL OF CHARGE AGAINST 312749 PTE J. KUIPER

1. 312749 Pte J. Kuiper has been charged under Section 6 (2) (h) of the Army Act with leaving his post before he is regularly relieved on the 17 Feb 71 at approximately 0030 hours.

2. I am satisfied that, on the face of it, there is a case for Pte Kuiper to answer, I request approval to deal with this charge as I am satisfied that, were Pte Kuiper found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Maj
OC

Maj
DADLS HQ 1 ATF
17 FEB 1971

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 312749 Pte J. Kuiper.

(W.G. HENDERSON)
Brig
Comd 1 ATF

18 Feb 71

19 Feb 71

NFA 24 Feb 71

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No 13

FOR COMM CEN/SIGNALS USE

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	160800Z	FEB 71

From 1 ARU

To HQ 1 ATF

PREFIX GR

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

RESTRICTED

ORIGINATOR'S NUMBER
A 0035

Info

MILITARY POLICE INCIDENT REPORT (.)

REFERENCE CIN ALPHA (.) AFV PRO UNIT 5/71 DATED 4 FEB 71 (.)

ACTION TAKEN CIN MEMBER PARADED TO OFFICER COMMANDING 1 ARU

Page 1 of 1 pages

REFERS TO MESSAGE yes

CLASSIFIED [X] YES [ ] NO

DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
GRIFFIN ACE/CSM	EXPRESS	RE71/1/1	16/2/71

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

Lt

712340—28m Pads of 100

12

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1 Feb 71

HQ 1 ATF (2)

MILITARY POLICE INCIDENT REPORT
2784657 LT I. STEELE

Reference: A. AFV Pro Unit 5/71 dated 4 Feb 71.

General

1. Lt Steele has been paraded to me and informed that:

a. he was the only member of 1 ARU to be reported on by the Military Police during the recent 1 ARU unit R and I at Vung Tau,

b. his method of dealing with the situation lacked tact and was rude,

c. his dress was incorrect at the time, and

d. he is to be more circumspect in the future.

2. There are two aspects of the matter which I also consider to be pertinent:

a. the need for the officer to be taken into custody over a matter of a technicality with his leave pass and dress, and

b. the matter of the ban on wearing beads.

Custody

3. The fact that the officer had been issued with the wrong leave pass could well happen to anyone and even coupled with the other events and circumstances hardly appears to justify the apprehension of the officer.

Beads

4. The wearing of beads by young men, otherwise in perfectly normal gear, is quite normal practice these days in most parts of the world. I personally don't believe that it does offend the local population and I suggest that the ban be lifted.

./Conclusion

Conclusion

5. Whilst Lt Steele is not blameless in this case I believe the whole matter highlights the continuing harassment of officers and soldiers by a generally unimpressive and arrogant Military Police.

6. I believe that there are such an enormous number of restrictions and regulations to be remembered and obeyed that to escape breaking some is almost impossible.

7. I consider that trying to regulate what people wear in civilian dress, apart from stating that normal standard should apply, is fruitless and gives further opportunities for useless interference with soldiers by Military Police.

Recommendation

8. It is recommended that this case be considered as closed at this stage but that the implications be remembered with a view to making recommendations towards a review of requirements for persons on leave in Vung Tau.

B. McF Capt

(B.W. McFARLANE)
Major
Officer Commanding

by direction of

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

1 ARU
No R271/1/81
FOLIO 11

FOR COMM CEN/SIGNALS USE

Out 52

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
~~PRIORITY~~ ~~ROUTINE~~	ROUTINE	OP 0500 Z	TABULATE

From 1 ATF

PREFIX GR

To AUSTFORCE VIETNAM

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS
RESTRICTED

ORIGINATOR'S NUMBER
A 233

Info 1 ALSG
1 ARU
106 FD WKSP

STAFF IN CONFIDENCE © VEH ACCIDENT AT 1 ATF ON 24 JAN 71 © REF 1 ATF A 227 OF 07 JAN 71 © ONE © SUMMARY OF EVIDENCE HAS BEEN COMPLETED IN RELATION TO SIX CHARGES PREFERRED AGAINST 28613 WO1 W A EVANS 106 FD WKSPS ATTACHED TO 1 ARU © TWO © MEMBER WAS ATTACHED TO 1ARU AS OC 106 FD WKSPS WAS WITNESS © THREE © COMD 1 ATF HAS DIRECTED THAT CHARGES BE DISPOSED OF BY COURT MARTIAL AND GENERAL COURT MARTIAL WILL BE CONVENED BY COMD 1 ATF © FOUR © IN ACCORDANCE WITH AMRAO 503(1) THE PROPOSED STRUCTURE OF THE COURT IS AS FOLLOWS CLN
ALFA © PRESIDENT © COLONEL ©
BRAVO © MEMBERS © LIEUTENANT COLONEL CMM
MAJOR CMM TWO CAPTAINS © FIVE © 1 ATF CAN PROVIDE MAJOR AND TWO CAPTAINS © IT IS REQUESTED THAT HQ AFV DETAIL A COLONEL AND LT COL TO SIT ON COURT © SIX © IT IS INTENDED THAT DAVIS 1 ATF PROSECUTE ©

Page 1 of 2 pages

REFERS TO MESSAGE	DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
CLASSIFIED ☐ YES ☐ NO	MA Court			

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR	RELEASING OFFICER'S SIGNATURE AND RANK

712340—28m Pads of 100

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No .....

FOR COMM CEN/SIGNALS USE .....

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
	ROUTINE		

From

To

Info

PREFIX GR

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

ORIGINATOR'S NUMBER

SEVEN. IT IS REQUESTED THAT THE FOLLOWING LEGAL OFFICERS BE PROVIDED TO BE APPOINTED TO APPEAR
ALFA. JUDGE ADVOCATE.
BRAVO. DEFENDING OFFR.
EIGHT. IT IS INTENDED TO CONVENE THE COURT TO SIT IMMEDIATELY FOLLOWING CONCLUSION OF FERRIDAY TRIAL. IT IS REQUESTED THAT COURT RECORDING SERVICES PTY LTD BE MADE AVAILABLE TO RECORD THE PROCEEDINGS.
NINE. PLEASE ADVISE POSITION IN RELATION TO TWO REQUESTS MADE IN IATF R4-71-469 OF 4 FEB 70 (TWO LETTERS) FOR DOCUMENTATION IN RELATION TO PROOF OF
ALFA. ARMY RATE OF LABOUR PER HOUR
BRAVO. COST OF REPLACEMENT PART

Page 2 of 2 pages

REFERS TO MESSAGE 1/L

CLASSIFIED [X] YES [ ] NO

DRAFTER'S NAME & APPOINTMENT MCINTYRE DADJS

TELE No 22

REF FILE No R4-71-469

DATE 8 FEB 70

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

712340—28m Pads of 100

TELEPHONE

AUSTRALIAN MILITARY FORCES

1 ARU
R271/1/1
FOLIO 10

Quote in Reply
5/71

ADDRESS AFV Pro Unit
VUNG TAU
4 Feb 71

1 ARU

MILITARY POLICE INCIDENT REPORT

1. Attached herewith is a Military Police Incident Report submitted by Cpl DEAN of this unit.

2. For your information and action considered necessary.

(J M SYMINGTON)
Maj
OC

For Information

HQ 1 ALSG

HQ 1 ATF

AFV Pro Unit
VUNG TAU

3 Feb 71

OC AFV Pro Unit

MILITARY POLICE INCIDENT REPORT
INVOLVING 2784657 LT I STEELE OF 1 ARU
FOR BEING IMPROPERLY DRESSED AFTER 1900 HRS

1. At 2025 hrs on 2 Feb 71, I was on mobile patrol in Trang Hung Dao St., Vung Tau, in company with Sgt SMITH of 720 MP Bn, when I had occasion to check the Milan Bar.

2. On entering the premises I observed a male European person dressed in civilian clothing wearing a wooden beaded necklace, I approached the person and I said, "Are you a member of the Australian Military Forces?"
He said," Yes I am."
I said," Are you aware it is an offence to wear hippie love beads?"
He said, "what, in civilian clothes?"
I said, " Yes."
He then turned away from me and spoke to anothermale European dressed in civilian shorts, long socks and Australian Army issue black shoes. After conversing with this person the soldier turned back to me and in a clear voice, he said, " Bullshit."
I then ordered the soldier to remove the beads, which he did, and to produce his ID card , from which I obtained his particulars to be,
2794110 Pte Peter Edward BAZAROW
1 ARU

3. I approached the male European person dressed in civilian shorts and,
I said, "Are you a member of the Australian Military Forces?"
He said, " Yes, I am."
I said, "Are you aware that it is an offence to wear shorts after 1900 hrs?"
He said, " No, I am not."
I said, " May I see your ID card and leave pass?"
He said, " No, why?"
I said, "Because I am a Military Policeman and I want to see your ID card and leave pass."
He said, " You're not making a bloody big deal about this little thing are you Corporal?"
From his ID card I ascertained his particulars to be,
2784657 LT Ian STEELE
1 ARU

4. On a closer examination of the Officers leave pass, AAF A96, No V086515, I found that he was not authorised to be on leave until 0800 hrs on 3 Feb 71 to 2300 hrs on 3 Feb 71. I said, " Have you another leave pass Sir."
He said, " No, that is the one they gave me for today."
I said, " Sir, I request you remain here and wait until I have contacted the IC of my patrol.

5. At 2030 hrs I contacted the Provost Marshals Office, Vung Tau by radio and requested that Sgt SHEPHERD of my unit be contacted and asked to meet me at the Milan Bar.

6. At 2033 hrs Sgt SHEPHERD arrived at the Milan Bar and I informed him of the incident. Sgt SHEPHERD then entered the Milan Bar and spoke to LT STEELE.

7. In company with Sgt SHEPHERD, Lt STEELE was conveyed in the patrol vehicle to the Duty Officer of 1 ALSG, Capt BENT. He was informed of the offence committed. I then continued my patrol.

447148.....Cpl
(D W DEAN)

AUSTRALIAN ARMY

1st Australian Reinforcement Unit
NUI DAT

R271-1-1

27 Jan 71

HQ 1 ATF
CARO
APAC

AAF A4 - 3796139 PTE B.R. McCLURE - 1 ARU

1. The above soldier was awarded the following punishments on 25 Jan 71:

21 days Field Punishment
21 days Forfeiture of Pay

2. The original AAF A4 was incorrectly compiled. Correctly compiled AAF A4 is enclosed.

(B.W. McFARLANE)
Major
Officer Commanding

Enclosure: AAF A4

AAF - A 4
Revised June 1968

AUSTRALIAN MILITARY FORCES *~~Elected to be tried by Court Martial~~

CHARGE REPORT

25 Jan 71

Sheet No 1 of 1 Sheets x

CHARGE(S) x against No 3796139 RANK AND GROUP Pte Gp 5
(Substantive and temporary, etc.)

NAME B.R. McCLURE PARENT UNIT 1 ARU SUB-UNIT -
(Company, etc.)

UNIT 1 ARU SUB-UNIT - CORPS RA Inf
(Where Charged)

Charge No	PARTICULARS OF CHARGE(S) x
First	WOAS NEGLECTING TO OBEY UNIT STANDING ORDERS, in that he, at Nui Dat in the Republic of Vietnam, at 1140 hours on 20 Jan 71, when a day picquet on No 7 tower 1 ARU had in his possession one transister radio and a periodical magazine contrary to 1 ARU Standing Orders Chap 2 Section 2 Annex C Para 12 which states inter alia "you are not permitted to have any reading matter or radio in your possession whilst acting as a picquet on the tower"
Charged under AA DA or AMR ~~xxxx~~ Second	AA 11
Charged under AA DA or AMR Third	
Charged under AA DA or AMR Fourth	
Charged under AA DA or AMR	

Signature of Person Preferring Charge [signature] Date 25 Jan 71

	RANK	NAME	UNIT
WITNESSES x	WO2	R.T.R. Reeves	1 ARU

Particulars of Person Committing Accused into Custody
(If committed)

Signature and Rank .....

Appointment and Unit N/A

Date .....

Initial Investigation by Officer appointed under AMR 238(8)

Referred to ..... on ..... (date)

Signature and Rank N/A

Appointment and Unit .....

Date .....

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest ..... NIL

Days in Open Arrest ..... NIL

Days Under Suspension ..... NIL

Days Performed Military Duty ..... ALL

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No C23465

~~If a debt is to be raised for deduction from pay and/or of pay or debt to be included in the of the finding by book debit No Debit List (WF 252) Date~~

WF 298 Submitted

2. Entered on Accused's Conduct Sheet(s)

on ..... by .....
(Signature)

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

4. Formation Legal Officer's Remarks

Signature and Rank .....

Appointment .....

Date .....

FINDING AND SENTENCE

* The Accused having been given the right to elect trial by Court Martial elected to be tried by me

I FIND the Accused GUILTY of the one Charge(s)

and NOT GUILTY of the - Charge(s) 25-1-71

I IMPOSE the following sentence:

21 Days field punishment

21 days forfeiture of pay

I INFORMED the Accused of:	No. of Days	Reason
(a) Forfeiture of pay-allowances for 21 days	21	Forf
In all a TOTAL of	21	

Involving a total Forfeiture of $136-92

(b) Forfeiture of good conduct increment.

Remarks: Authority to hear charge/s given by superior authority on (date) ..... (See AMR 249)

Signature and Rank B B Garland Major

Appointment and Unit OC 1 ARU

Date of FINDING (and Sentence) 25 Jan 71

Action on Review of Finding and Sentence (or on Confirmation)

Signature and Rank .....

Appointment and Unit .....

Date .....

* Cross out where not applicable

Australian Army → CSA

1st Australian Corps
NWE DAD
Ja 71

279/1/1
Hq I ATF
CARO
AHAC

AAF A4 - 3796139 Pfc B.R. McCLURE - 1424

1. The above soldier was awarded the following ~~forfeiture~~ punishments on 25 Ja 71:

21 Days Strict Punishment
21 Days Forfeiture of Pay.

2. The above AAF A4 ~~is incorrectly executed~~ ~~He~~ was incorrectly completed. Correctly completed AAF A4 is enclosed.

(B. W. McFARLANE)
Major
Officer Commanding

Enclosure: AAF A4.

Brad

1. Sentence should read
"21 Days field punishment
21 Days forfeiture of pay".

2. I wouldn't worry about it myself but CAHQ will otherwise query it. Could you have an amended AF typed and ~~sent~~ copies sent to IATF, CAHQ + OPTC with a covering note stating that first AF was incorrectly compiled and that correct AF enclosed. Thanks!

Regards

Jim Mackay

26 JAN 44

AAF - A 4
Revised June 1968

AUSTRALIAN MILITARY FORCES ~~* Elected to be tried by Court Martial~~

25 Jan 71

CHARGE REPORT

Sheet No 1 of 1 Sheets.

CHARGE(S) against No 3796139 RANK AND GROUP Pte Gp 5
(Substantive and temporary, etc.)

NAME B.R. McCLURE PARENT UNIT 1 ARU SUB-UNIT -
(Company, etc.)

UNIT 1 ARU SUB-UNIT - CORPS RA Inf
(Where Charged)

Charge No	PARTICULARS OF CHARGE(S)
First	WOAS NEGLECTING TO OBEY UNIT STANDING ORDERS, in that he, at Nui Dat in the Republic of Vietnam, at 1140 hours on 20 Jan 71, when a day picquet on No 7 tower 1 ARU had in his possession one transister radio and a periodical magazine contrary to 1 ARU Standing Orders Chap 2 Section 2 Annex C Para 12 which states inter alia "you are not permitted to have any reading matter or radio in your possession whilst acting as a picquet on the tower"
Charged under AA ~~[illegible]~~	AA 11
Second	
Charged under AA DA or AMR	
Third	
Charged under AA DA or AMR	
Fourth	
Charged under AA DA or AMR	

Signature of Person Preferring Charge R.T.R. Reeves Date 25 Jan 71

	RANK	NAME	UNIT
WITNESS~~ES~~	WO2	R.T.R. Reeves	1 ARU

Particulars of Person Committing Accused into Custody
(If committed)

Signature and Rank

Appointment and Unit N/A

Date

Initial Investigation by Officer appointed under AMR 238(8)

Referred to on (date)

Signature and Rank N/A

Appointment and Unit

Date

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest NIL

Days in Open Arrest NIL

Days Under Suspension NIL

Days Performed Military Duty ALL

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No C23465

[redacted]

WF 298 SUBMITTED

2. Entered on Accused's Conduct Sheet(s)

on ..... by .....
(Signature)

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

4. Formation Legal Officer's Remarks

Signature and Rank .....

Appointment .....

Date .....

FINDING AND SENTENCE

* The Accused having been given the right to elect trial by Court Martial elected to be tried by me

I FIND the Accused GUILTY of the one Charge(s)

and NOT GUILTY of the - Charge(s)

I IMPOSE the following sentence:

21 days field punishment

21 days stoppage of pay

I INFORMED the Accused of:	No. of Days	Reason
(a) Forfeiture of pay-allowances for 21 days	21	Forf
In all a TOTAL of	21	

Involving a total Forfeiture of $ 136-92

(b) Forfeiture of good conduct increment.

Remarks: Authority to hear charge/s given by superior authority on (date) ..... (See AMR 249)

Signature and Rank Major

Appointment and Unit OC 1 ARU

Date of FINDING (and Sentence) 25 Jan 71

Action on Review of Finding and Sentence (or on Confirmation)

Signature and Rank .....

Appointment and Unit .....

Date .....

* Cross out where not applicable

AUSTRALIAN MILITARY FORCES

F – Sigs 52 – 1
Revised Nov, 1968

MESSAGE

No.....

FOR COMM CEN/SIGNALS USE.....

PRECEDENCE – ACTION	PRECEDENCE – INFO	DATE – TIME GROUP	MESSAGE INSTRUCTIONS
ROUTINE	ROUTINE	260115Z	DEC 70

From 1 ARU

To 1 ATF

PREFIX GR

SECURITY CLASSIFICATION AND SPECIAL HANDLING INSTRUCTIONS

UNCLAS

ORIGINATOR'S NUMBER

A 0278

Info

REFERENCE A: AMR 239 PARA 393 (3) (.)

DISCIPLINE - HEARING OF CHARGES AGAINST 5716136 PTE S SLAWINSKI 1 ARU (.) MEMBER IS

CHARGES WITH THREE CHARGES ON TWO OF WHICH OC 1 ARU IS A WITNESS (.) REQUEST

ARRANGEMENTS BE MADE FOR CHARGES TO BE HEARD BY ANOTHER COMMANDING OFFICER

Page 1 of 1 pages

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☒ NO

DRAFTER'S NAME & APPOINTMENT	TELE No	REF FILE No	DATE
McFARLANE OC	EXPRESS	271/1/1	26/12/70

FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK

CAPT

712340—28m Pads of 100

AUSTRALIAN ARMY

1 ARU
NUI DAT

R271-1-1

25 Nov 70

HQ 1 ATF (2)

OFFENCE REPORT
2794057 PTE K.J. PERCY

References: A. AFV Pro Unit 856/70 dated 7 Nov 70.
B. 1 ARU R271-1-1 dated 11 Nov 70.

1. The soldier was charged with the following:

WOAS NEGLECTING TO OBEY UNIT ROUTINE ORDERS, in that he, at Vung Tau in the Republic of Vietnam, at 2340 hours on 6 Nov 70, was not in possession of his ID Card whilst on leave contrary to 1 ARU Routine Order No 238 Para 9 which states inter alia "no member of 1 ATF is to proceed on local leave in Vung Tau unless he is carrying his identification card

Charged under AA 11

WOAS NEGLECTING TO OBEY UNIT ROUTINE ORDERS, in that he, at Vung Tau in the Republic of Vietnam, at 2340 hours on 6 Nov 70, was away from his billet contrary to 1 ARU Routine Order 238 Para 9 which states "all members of 1 ATF remaining in Vung Tau overnight are to return to their billets by 2300 hours. No member of 1 ATF is permitted to be away from his billet between 2300 hours and 0600 hours unless on an authorised duty

Charged under AA 11

2. He was found guilty on both charges and awarded:

$20-00 fine and 7 days confined to barracks.

(B.W. McFARLANE)
Maj
OC

TELEPHONE
EMU 187

AUSTRALIAN MILITARY FORCES

1 ARU
R 2711 1. 1 1
FOLIO 8

Quote in Reply
856/70

ADDRESS
AFV Pro Unit
VUNG TAU
7 Nov 70

1ARU

OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl REID of this unit.

2. It is requested that HQ 1ATF be notified of the action taken. The information supplied should include the actual charge or charges preferred and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ please, is also to be informed.

(R.K. GORMAN.)
Maj
OC AFV Pro Unit

For Information

HQ 1ATF
HQ 1ALSG

OC

DADLS states that unless some RAAF officer has been specifically appointed as disciplinarian by AFV then we will have to wait till he returns

B/F 19 Nov.

11/11

MILITARY POLICE

OFFENCE REPORT

I, No. 3796616 Rank Cpl Name R.F. REID

a member of (Unit) AFV Pro Unit

Royal Australian Army Provost Corps VUNG TAU

STATE

that at (time) 2340 hour (date) 6 Nov 70 Whilst on

duty at (place) VUNG TAU

I reported No. 2794057 Rank Pte Name K.J. PERCY

Stationed at 1 ARU

At the above place, date and time, I was on duty accompanied by:-

Sgt NEUS of this unit, ~~when I had occasion to check the:-~~

~~*Bar/Hotel/Massage Parlour, on *On Limits/Off Limits establishment, On entering the said establishment, I observed a~~

~~dressed in~~

When I observed a Male European dressed in Civilian clothes

In NGUYEN THAI HOC Street.

He was approached and ordered to produce his ID Card and Leave Pass, ~~From ID No. issued on.~~ Orally the above particulars were obtained. He replied to questions put to him. "I got rolled and lost my ID card and wallet.

He was then conveyed to 1 OSU orderly room

where, on being informed of the offences committed and that a report would be submitted, he was handed over to Pte BOUNDY *Duty ~~Officer~~/NCO

Signed [signature] Date 7 Nov 70 Place VUNG TAU

Corroborated by No. 213638 Rank Sgt Name P.H. NEUS

OFFENCES:- 1. AWOL

2. CURFEW VIOLATION

3. Not in possession of ID card.

*Delete words not applicable.

AUSTRALIAN ARMY

1 ARU
NUI DAT

R271-1-1

24 Nov 70

DADLS
HQ 1 ATF

DISPOSAL OF CHARGE AGAINST 3797248 PTE C. DWYER

1. 3797248 Pte C. Dwyer has been charged under Section 6 (2) (e) of the Army Act with sleeping whilst on sentry duty on the 22 Nov 70 at approximately 0245 hours.

2. I am satisfied that, on the face of it, there is a case for Pte Dwyer to answer, I request approval to deal with this as I am satisfied that, were Pte Dwyer found guilty, my powers of punishment would be adequate.

(B.W. McFARLANE)
Maj
OC

OC 1 ARU

Pursuant to AMR 249 you are hereby authorized to deal summarily with the above charge against 3797248 Pte C. Dwyer.

Nov 70

(W.G. HENDERSON)
Brig
Comd 1 ATF

AUSTRALIAN ARMY

R271-1-1

1 ARU
R 271 / 1 / 1
FOLIO 9

1 ARU
Nui Dat

10 Nov 70

DADLS
HQ 1 ATF

DISPOSAL OF CHARGE AGAINST 6709580 PTE N.R. BLAZELY

1. 6709580 Pte N.R. Blazely has been charged under Section 6 (2) (e) of the Army Act with sleeping whilst on sentry duty on the 9 Nov 70 at approximately 2255 hours.

2. I am satisfied that, on the face of it, there is a case for Pte Blazely to answer, I request approval to deal withthis as I an satisfied that, were Pte Blazely found guilty, my powers of punishment would be adequate.

(S.W. McFARLANE)
Maj
OC 1 ARU

Maj
DADLS HQ 1 ATF

11/11

OC 1 ARU

1. Pursuant to AMR 249 you are hereby authorised to deal summarily with the above charge against 6709580 Pte N.R. Blazely.

13 Nov 70

(P. FALKLAND)
Col
Admin Cmd

ABBREVIATED TITLE

B271-1-1

1 AFU
Unit Det

10 Nov 70

DADLS
HQ 1 ADF

REMOVAL OF CHARGE AGAINST 6709530 PTE H.N. BLASELY

1. 6709530 Pte H.N. Blasely has been charged under Section 6 (2) (c) of the Army Act with sleeping whilst on sentry duty on the 9 Nov 70 at approximately 2255 hours.

2. I am satisfied that, on the face of it, there is a case for Pte Blasely to answer, I request approval to deal with this as I am satisfied that, were Pte Blasely found guilty, my powers of punishment would be adequate.

(D.B. McPHERSON)
Maj
OC 1 AFU

OC 1 AFU

1. Pursuant to AFR 249 you are hereby authorised to deal summarily with the above charge against 6709530 Pte H.N. Blasely.

Nov 70

(W.G. HENDERSON)
Brig
Comd 1 ADF

R271-1-1

1 ARU
Nui Dat

11 Nov 70

HQ 1 ATF

OFFENCE REPORT 2794057 PTE K.J. PERRY
DETACHED TO 1 OSU RAAF VUNG TAU
INTERIM REPORT

Reference: A. AFV Pro Unit 856/70 dated 7 Nov 70.

1. It is intended to deal with the matter on the soldiers return to 1 ARU on 19 Nov 70.

2. Separate arrangements will be made with 1 OSU to replace his identity card.

3. Further advice on the result of disciplinary action taken will be advised in accordance with reference A.

(D.H. McFARLANE)
Major
OC

For information:

1 OSU
1 ALSG
AFV Pro Unit

T ARU
R 271 / / /
FOLIO 7

AUSTRALIAN FORCE VIETNAM

QUOTE IN REPLY
70 / Mc / 16

HEADQUARTERS
Army Component
26 Jun 70

CARO

REDUCTION 1734652
PTE T.R. McEFFER

Reference: A. CAR/A/118178 of 10 Jun 70.

1. Attached is the required certificate reducing 1734652 Pte T.R. McEffer from T/Cpl dated 23 Jun 70.

2. The late advice was caused by the march out of Pte McEffer from 1 ARU to 8 RAR on the day after the charge was heard by OC 1 ARU and prior to the necessary paperwork being completed.

3. The delay in actioning this is regretted.

(O.J.E. FRASER)
Major General
Commander Australian Force
VIETNAM

Enclosure: Acknowledgement of Reduction

For Information:

1 ATF
8 RAR
1 ARU

R 271/1/1

F. - Sigs [redacted] - 1
Reprinted March 1967
C.D.O. 10645

MESSAGE FORM

NUMBER .....

FOR COMM CEN/SIGNALS USE .....

.....

K 271/1/1

PRECEDENCE - ACTION	PRECEDENCE - INFO DEFERRED	DATE - TIME GROUP	MESSAGE INSTRUCTIONS
PRIORITY		230330Z	JUN 70

From 1ARU

To 1 ATF

Info

PREFIX GR

SECURITY CLASSIFICATION
UNCLAS

ORIGINATOR'S NUMBER
A 0141

REF AFV PS 11922 PROMULGATION OF REDUCTION IN RANK 1734652 PTE T R McEFFER CMM 8 RAR ⊙ ON CONFIRMATION OF REDUCTION BY (COMD) 1 ATF CMM REDUCTION WAS PROMULGATED TO MEMBER ⊙ ALL COPIES WERE FWD TO 8RHR FOR INFO OF PROMULGATION CMM AND DISTRIBUTION ⊙ ACTION FOR FURTHER PROMULGATION HAS BEEN TAKEN BY 1ARU IN CONJUNCTION WITH SO2 RECORDS AFV

Page 1 of 1 pages

REFERS TO MESSAGE YES

CLASSIFIED ☐ YES ☒ NO

DRAFTER'S NAME CROOK

OFFICE HQ MIN OFFR

TELE No. EXPRESS

FOR OPS. USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR

RELEASING OFFICER'S SIGNATURE AND RANK
W. Crook Lt

PRIORITY

22 187

24 0728

1 ARU
R2711 / / /
FOLIO 6

VV MOBA145 UU

PP RAMABC

DE RAMARL 062 1730813

ZNR UUUUU

P R 220715ZJUN 70

FM AUSTFORCE VIETNAM

TO RAMABC/1 ATF

INFO RAYAFA/CENARMYREC MELBOURNE

RAMABC/8 RAR

RAMABC/1 ARU

BT

UNCLAS PS 11922. PROMULGATION OF REDUCTION IN RANK. 1734652 PTE T R MCEFFER CMM 8 RAR . ALFA CMM CARO CAR/A/2A 2512 OF 2 FEB 70. BRAVO CMM CARO CAR/A/2B 4837 OF 18 FEB 70. CHARLIE CMM CARO CAR/A/2B 11940 OF 21 APR 70. DELTACMM 8 RAR A1071 OF 18 JUN 70.

ONE. ABOVE SIGNALS HAVE BEEN RECEIVED AND INDICATE CONSIDERABLE LAXITY IN EFFECTING PROMULGATION OF REDUCTION OF RANK OF REF MEMBER IN EARLY FEB OR LATE JAN 70. UNFORTUNATELY NONE OF REFS WERE DIRECTED TO 1 ATF.

TWO. PLEASE TAKE IMMEDIATE ACTION TO ENSURE REDUCTION IS PROMULGATED TO MEMBER AND ADVISE HA AFV AND CARO ACCORDINGLY.

THREE. YOU WILL UNDERSTAND OF COURSE THAT MCEFFER IS STILL A T/CPL UNTIL SUCH TIME AS THE REDUCTION IS DULY PROMULGATED AND THIS HAS DECIDED PAY AND DISCIPLINARY IMPLICATIONS. HAS ANY SUBSEQUENT DISCIPLINARY ACTION BEEN TAKEN SINCE REDUCTION WAS ORDERED.

FOUR. YOUR COMMENTS ON THE REASONS AND RESPONSIBILITY DELAY AND ANY ACTION TAKEN IN THIS REGARD ALSO REQUIRED

BT

A1071 of 18 Jun 70 NOT Received 1 ARU.

8 RAR F— up.

PRIORITY

NNNN

OLS

What do we do

with all this now?

16 Aug 71

Statement by:- 447148 Corporal David William DEAN, a member of the Royal Australian Army Provost Corps, posted to AFV Provost Unit, VUNG TAU.

I, 447148 Corporal David William DEAN on the 19th of February 1971, at approximately 2200 hours, was on mobile patrol, unit 3, in Tran Hung Dao Street, VUNG TAU accompanied by Lance Corporal SWAINSON, when I heard the sound of a vehicle horn. I turned around to see who had blown the horn and I saw a crowd of Vietnamese civilians and male Europeans grouped a RAAF Police vehicle which was parked in front of the Blue Angel Bar in Trung Trac Street. I tapped Lance Corporal SWAINSON on the shoulder and indicated the crowd. I told him to drive over and see if the RAAF Police required our assistance. On arrival at the Blue Angel Bar the IC of the RAAF Police vehicle informed me that there was a drunken soldier on the footpath who wanted a lift back to his unit. I stepped out of my vehicle and approached the person in question. I saw that he was wearing GP boots, ID discs, civilian shirt and trousers. I said, "Soldier, what is going on here?" I saw the soldier clench his fists and at the same time he took a step backwards. As he did this he said, "Oh no you don't." The soldier then rushed past me, striking me in the chest with a clenched right fist, which caused me to stagger backwards. I saw the soldier run to a Lambretta and with outstetched arms and hands attempted to grab a Vietnamese female who was sitting in the back of the vehicle. Lance Corporal SWAINSON grabbed the soldier and removed him from the vehicle. I heard the soldier say, "I'll kill the fucking bitch." I saw the soldier turn and with a clenched left fist strike Lance Corporal SWAINSON on the upper chest. I grabbed the soldiers' left arm and told him that he was under arrest. The soldier began to struggle violently and as I attempted to secure his wrists my handcuffs were knocked out of my hands. Approximately two minutes later, unit 5, Corporal MARSHAL and Lance Corporal HAWKER, arrived and with their assistance I was able to secure the soldiers' wrists in front of his body with my handcuffs. When this was done I said, "Calm down, you are only making things worse." The soldier continued struggling by kicking and flaying his handcuffed arms. He had to be carried and placed into the rear on the floor of the Military Police vehicle. By this time the Lambretta with the female passenger had left the scene. Corporal MARSHAL, Lance Corporal HAWKER and myself climbed into the rear of the Military Police vehicle beside the soldier to stop him from jumping out whilst the vehicle was in motion. As the vehicle gathered speed and reached the corner of Tran Hung Dao Street and Trung Trac Street, the soldier pushed his body against me causing me to loose my balance and fall from the rear of the vehicle and strike my head on the roadway. I was conveyed by Corporal MARSHAL in vehicle, unit 5, to 1 Aust Field Hospital where I received two stitches for a cut over my left eye. At approximately 2225 hours, after receiving treatment, I went to the West Gate Guardroom where I spoke to Major OLDER, the Duty Medical Officer, who informed me that the soldier had sustained no injuries. After ascertaining the soldiers particulars to be:- 218795 Private Peter Malcolm BINION from 1 ARU, NUI DAT, I resumed normal patrol duties.

STRIKING

Resisting an Escort

Using Violence

447148 D W Dean Cpl

(D W DEAN)

20 Feb 71

ANNEX ' '

STATEMENT FORM

STATEMENT OF:

SURNAME	:	DEAN
CHRISTIAN NAMES	:	DAVID WILLIAM
REGT NO & RANK	:	447148, CORPORAL.
UNIT & LOCATION	:	AFV PRO UNIT, VUNG TAU, REPUBLIC OF VIETNAM.
DATE OF BIRTH	:	8th OCTOBER 1946.
PLACE OF BIRTH	:	WEST HAM, ENGLAND, UNITED KINGDOM.
DATE ARRIVED IN THEATRE	:	19th NOVEMBER 1970.
ESTIMATED DATE OF RTA	:	NOVEMBER 1971.

WHO STATES:

About 2200 hours on Friday 19th February 1971, I was on duty on mobile patrol in AMF Landrover 174263, accompanied by Lance Corporal SWAINSON DW, 2 RAR Regimental Police attached to AFV Provost Unit. We were in TRAN HUNG DAO Street, VUNG TAU. Lcpl SWAINSON was driving the Military Police vehicle. I was sitting in the front passenger's seat. As we were passing the intersection of TRUNG TRAC Street and TRAN HUNG DAO in the area known as 'The Flags' I heard what appeared to be a jeep horn being sounded. I turned around to see who had blown the horn. I saw a RAAF Police jeep parked in front of the premises known as the 'BLUE ANGEL' Bar, which is situated in TRUNG TRAC Street. I saw a crowd of Vietnamese civilians and male Europeans grouped about the RAAF Police jeep. I indicated the crowd to Lcpl SWAINSON. I ordered him to drive over to see if the RAAF Police needed help. On arrival in front of the 'BLUE ANGEL' Bar the NCO in charge of the RAAF Police jeep, Sgt SHANAHAN, spoke to me. As a result of what he told me I got out of the Military Police vehicle and approached a male European dressed in civilian shirt and trousers, and a pair of Australian Army General Purpose boots, and identification discs, which I could see as his shirt was un-buttoned.

I said to him 'Soldier, what is going on here?'. He made no reply, but clenched his fists. He then took a pace backward. He then said 'Oh no you don't', not looking in my direction as he said it. He then rushed past me and struck me in the chest with his clenched right fist. There was sufficient force in the blow to make me stagger back. I saw him run to a LAMBRETTA Taxi. As he did this I heard him say 'Oh, no you don't, I'll kill you you fucking bitch' or words to that effect. This was addressed to a Vietnamese civilian female who was seated in the rear of the LAMBRETTA Taxi. The soldier attempted to grab this female, but was grabbed by Lcpl SWAINSON before he could enter the vehicle and do so. I saw Lcpl SWAINSON grab this soldier around the shoulders with both arms around and under his arm-pits. The soldier then spun around and got out of Lcpl SWAINSON'S grasp and struck Lcpl SWAINSON with his clenched left fist on the upper chest. I saw him strike Lcpl SWAINSON at least once. I then went over, grabbed the soldier's left arm, and said to him 'You're under arrest! I was not able to tell him the reason for the arrest, because as I spoke to him he began to struggle violently. He was flailing his fists about wildly in all directions and kicking out with his feet. I attempted to handcuff him but the handcuffs were knocked out of my hands. Both Lcpl SWAINSON and myself were attempting to handcuff his hands behind his back.

/A few moments...

/A few moments

A few moments later Cpl MARSHALL, RAA Pro, and Lance Corporal HAWKER arrived in a Military Police vehicle. With their assistance I handcuffed the soldier's wrists in front of his body. I was unable to put the handcuffs on behind his back as he had clenched his hands together and we could not separate them. I said to him 'Calm down, you're only making things worse'. The soldier then kneed me in the testicles, but I was not incapacitated. With the assistance of Cpl MARSHALL, Lcpls SWAINSON and HAWKER, I carried him bodily and placed him on the floor of my Landrover. I saw that the LAMBRETTA Taxi with the female Vietnamese civilian had gone. To this day I do not know who this female was, and have not since seen her. I climbed in the back of the Military Police landrover and squatted down beside the soldier and held him by the chest with both hands. Lance Corporal HAWKER held on to the soldier's feet. Lance Corporal SWAINSON got into the front of the vehicle and drove it. Lcpl SWAINSON started the vehicle. As it reached the corner of TRAN HUNG DAO Street and TRUNG TRAC Street, the soldier continued to struggle continually in the back of the vehicle. I held his hands against his chest. I was sitting at the rear of the vehicle by the portion known generally as the tail-gate. There is no tail-board fitted to the vehicle. The soldier suddenly thrust up very violently with his hands, and as a result I lost my balance and fell out of the vehicle face downwards on to the roadway. I rolled over and I could feel something running down my face. I put my hand up, and felt a cut over my left eye. Blood was running down my face. Cpl MARSHALL helped me into the vehicle he was in and took me to the Ist Australian Field Hospital.

At the hospital I had two stitches placed in a cut over my left eye by the Duty Medical Orderly. I did not see a Doctor, and have not seen one since. I did not suffer any other injury.

I then went to the West Gate Guardroom with Lcpl SWAINSON. There I saw the Duty Medical Officer, Major OLDER. He did not examine me. I ascertained that the soldier who had been involved in the incident was 218795 Private Peter Malcolm BINION, Ist Australian Reinforcement Unit, NUI DAT. I did not know this soldier prior to the incident. I did not speak to him at the West Gate Guardroom, and have not spoken to him since. I made an entry in my Military Police note-book and resumed my duties.

At the time of the incident I noticed that Private BINION'S breathe smelt of liquor, but I cannot say if he was drunk or not.

At the completion of my duties at 0020 hours on Saturday 20th February I97I, I went to the Military Police Gate Lodge at AFV Pro Unit. As a result of what I ascertained there I submitted an AAF A300 in respect of Private BINION, and also an AAF A51.

I have read this statement. It is true. I have nothing to add, alter, or to delete.

(D.W. DEAN)
Cpl
RAA Pro.

Statement taken and signature witnessed by me at Special Investigation Branch, Office, VUNG TAU, about 1000 hrs Thursday 4th March I97I.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

Statement by: 43381 L/Cpl David William SWAINSON, a Regimental Policeman attached to AFV Pro Unit for duties.

I, 43381 Lance Corporal David William SWAINSON, on the 19th February 1971 at approximately 2200 hours was on mobile patrol unit 3, in Tran Hung Dao Street, in company with 447148 Corporal D W DEAN, a Military Policeman from AFV Pro Unit. Corporal DEAN tapped me on the shoulder, pointed at a group of Vietnamese civilians and a male European gathered around a RAAF Police vehicle in front of the Blue Angel Bar in Trung Trac Street, and told me to drive over and see if the RAAF Police required our assistance. On arrival at the Blue Angel Bar I heard the IC of the RAAF vehicle inform Corporal DEAN there was a drunken soldier on the footpath who wanted a lift back to his unit. Corporal DEAN approached a male European wearing Australian Army issue General Purpose boots, Identification Discs, civilian shirt and trousers. He said something to him. The soldier clenched his fists, took a step back and rushed past Corporal DEAN, striking him with a clenched fist causing him to stagger back a pace. The soldier rushed to a Lambretta and with outstretched arms and hands attempted to get into the said Lambretta which contained one Vietnamese female passenger. At the same time he was shouting, "Oh no you don't! I'll kill you, you fucking bitch!" The Vietnamese female moved to the front end of the Lambretta in an attempt to keep away from the soldier. I grabbed the soldier and with the minimum amount of force necessary I removed him from the vehicle, thus preventing him from touching the Vietnamese female. He continued to scream, "I'll kill the fucking bitch!" The soldier then struck me two or three times with a clenched left fist in the area of the upper chest. Corporal DEAN grabbed his left arm and I heard him say, "You are under arrest." The soldier began to struggle violently and I saw a set of handcuffs knocked out of Corporal DEAN's hands and fall to the ground. A struggle followed. Approximately two minutes later, unit 5, Corporal MARSHAL and Lance Corporal HAWKER of AFV Pro Unit arrived, and Corporal DEAN was able to secure the soldiers wrists. The soldier still continued to struggle violently and it was necessary to carry him to the Military Police vehicle and place him in it. Corporal DEAN, Corporal MARSHAL and Lance Corporal HAWKER got into the back with the soldier and I got into the drivers seat. The Lambretta by this time had left the scene and with it, the Vietnamese female who was involved in the incident. I was given the word to move off, but as the vehicle was gathering speed and approaching the corner of Tran Hung Dao Street and Trung Trac Street I was told to stop. I did so and when I looked back I saw Corporal DEAN lying on the roadway. Corporal MARSHAL conveyed him to the other vehicle and then to hospital. Myself and Lance Corporal HAWKER conveyed the soldier to the West Gate Guardroom, 1 ALSG, where he was lodged for the night. Once inside the Guardroom I ordered the soldier to produce his ID card and leave pass. He was able to produce his ID card but no leave pass. He said, "I am AWOL." Corporal DEAN, after receiving treatment for a cut above over his left eye, went to the West Gate Guardroom and ascertained the soldiers particulars to be:- 218795 Private Peter Malcolm BINION of 1 ARU, NUI DAT.

43381 L/Cpl
D W SWAINSON

ANNEX ' '

STATEMENT FORM

STATEMENT OF:

SURNAME :	Marshall
CHRISTIAN NAMES :	Terence George
REGT NO & RANK :	518969 Corporal
UNIT & LOCATION :	AFV Pro Unit, 1 ALSG VUNG TAU, Republic of Vietnam.
DATE OF BIRTH :	7 April 1947.
PLACE OF BIRTH :	Bunbury, Western Australia.
DATE ARRIVED IN THEATRE :	9th September 1970.
ESTIMATED DATE OF RTA :	9th September 1971.

WHO STATES:

About 2205 hours on Friday 19th February 1971, I was on duty in charge of Mobile patrol Unit Five, in VUNG TAU. I was accompanied by Lcpl HAWKER PW, of AFV Pro Unit. We were in a Military Police landrover. We were driving down TRAN HUNG DAO. When we reached the intersection of TRUNG TRAC and TRAN HUNG DAO I saw a crowd of Vietnamese civilians standing outside the 'BLUE ANGEL' Bar, which is in TRUNG TRAC. I saw a RAAF Police Sgt and a RAAF Police Cpl standing opposite the crowd of Vietnamese civilians. I turned the vehicle into TRUNG TRAC and approached the crowd of Vietnamese. I saw Cpl DEAN, RAA Pro, and Lcpl SWAINSON, a Regimental Policeman. They were struggling on the roadway behind a Military Police Landrover with a male European dressed in civilian clothing. It appeared that they needed assistance. I stopped the vehicle I was driving.

I approached the soldier they were struggling with, from the front. The soldier was standing. I went to grab him by the arm, he was making a groaning sound. He had both hands,(which were handcuffed in front of him) clasped together and he struck out towards me. He was kicking and struggling violently and flailing about with his hands, and yelling and screaming, but I do not know what exactly he was saying. At one stage he was on the ground and I knelt on him with my left knee. I said to him 'take it easy, settle down,' and I saw his face and eyes. He had a maniacal look on his face. After this brief period of hesitation he began to struggle violently again. With assistance of the various Provost personnel involved I managed to place him on the floor of the Military Police vehicle of which Cpl DEAN had charge.

I ordered Lcpl SWAINSON to get in the driving seat while Cpl DEAN and Lcpl HAWKER were holding the soldier in the back of the Landrover. Cpl DEAN'S vehicle began to move off, I turned my back on it and started to approach my vehicle, when I heard the crowd of Vietnamese give a moan. On turning I saw Cpl DEAN on the roadway behind his landrover. He was on the ground and there was blood on his face. I then assisted Cpl DEAN into my vehicle and escorted him to 1 ALSG Field Hospital for treatment. I then resumed my normal duties.

/At the time the

/At the time the

At the time the area was well lit by electric lighting from numerous bars in the area. I cannot comment as to the sobriety of the soldier involved in the incident. I think he was wearing a light coloured shirt and dark coloured trousers. I would recognise him again. He had blonde hair.

I have read this statement. It is true. I have nothing to add, alter, or to delete.

(T.G. MARSHALL).

Statement taken and signature witnessed by me at Special Investigation Branch, VUNG TAU, RVN, about 1455 hours Friday 5th March 1971.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

ANNEX ' '

STATEMENT FORM

STATEMENT OF:

SURNAME :	HAWKER
CHRISTIAN NAMES :	PAUL WAYNE
REGT NO & RANK :	1202380 Lance Corporal
UNIT & LOCATION :	2 RAR Regimental Police attached AFV Pro Unit VUNG TAU.
DATE OF BIRTH :	25th September I947.
PLACE OF BIRTH :	Emerald, Queensland, AUSTRALIA.
DATE ARRIVED IN THEATRE :	I8th May I970.
ESTIMATED DATE OF RTA :	May I971.

WHO STATES:

On Friday 19th February 1971, about 2205 hours I was on duty in VUNG TAU accompanied by Cpl MARSHALL TG, AFV Provost Unit. We were in a Military Police landrover on mobile patrol. I was a passenger in the front passenger's seat.

We were travelling down TRAN HUNG DAO, Cpl MARSHALL turned into TRUNG TRAC. I saw a group of Vietnamese civilians crowding around an AMF VEHICLE. I approached the group after getting out of the Provost Landrover. I saw a RAAF Police Sgt and a RAAF Police Cpl standing to one side. I spoke to the Sgt and said ' what is going on here?'. He said 'Some digger pissed out of his brain, nothing to worry about', or words to that effect. I then saw Cpl DEAN, AFV Provost Unit, and Lcpl SWAINSON, struggling with a European male dressed in a pair of General Purpose boots, and civilian shirt and trousers. He had blonde hair. I would recognise him if I saw him again. The man fell down. I saw Cpl MARSHALL kneel and speak to him. I do not know what was said. I then took hold of this man by the legs and assisted to place him in the back of Cpl DEAN'S Military Police landrover. He was kicking and struggling. He had his hands handcuffed in front of his body. Lcpl SWAINSON got in the landrover to drive. Cpl DEAN and myself were in the back with the soldier. As the landrover moved off the soldier again struggled and pushed against Cpl DEAN, and Cpl DEAN fell off the back of the landrover over the tail gate on to the road. I told Lcpl SWAINSON to stop so I could hold the soldier down. Cpl MARSHALL ran over from his vehicle to Cpl DEAN. He had a look at Cpl DEAN and then told us to keep going. We then took the soldier to the West Gate Guardroom at 1 ALSG. I took no further part in the incident. I later resumed my normal duties.

Using Violence to a person in order custody he was placed

I have read this statement, it is true. I have nothing to add, alter, or to delete.

(P.W. HAWKER).

Statement taken and signature witnessed by me at Special Investigation Branch, VUNG TAU, RVN, about 1515 hrs Friday 5th March 1971.

(B.I. TAIT)
Sgt
RNZ Pro(SIB).

ANNEX ' '

STATEMENT FORM

STATEMENT OF:

SURNAME	:	BOWES
CHRISTIAN NAMES	:	JAMES LEE
REGT NO & RANK	:	AII3139 CORPORAL
UNIT & LOCATION	:	SERVICE POLICE, RAAF BASE, VUNG TAU, RVN.
DATE OF BIRTH	:	6 JULY I945
PLACE OF BIRTH	:	BRISBANE, QUEENSLAND, AUSTRALIA.
DATE ARRIVED IN THEATRE	:	I8 FEB I97I.
ESTIMATED DATE OF RTA	:	I8 FEB 72 .

WHO STATES:

On Friday I9th February I971, about 2155 hours, I was on duty in VUNG TAU in company with A111683 Sgt SHANAHAN T, a Service Policeman of this Unit. We were in the vicinity of the area known as 'The Flags', at the intersection of TRAN HUNG DAO and TRUNG TRAC. A Vietnamese woman came out of the 'Blue Angel' Bar. I did not know her ~~but Sgt SHANAHAN told me she was the 'Mama-san' of the 'Blue Angel' Bar in TRUNG TRAC Street~~. She came over and talked to Sgt SHANAHAN. ~~I heard her say 'this man making a lot of trouble for my girls',~~ and at the same time pointing at a European male who was standing on the footpath in front of the 'Blue Angel' Bar. I looked over and saw this man. He was blonde-headed, about 5'II" tall, wearing long, light-coloured trousers, combat boots, and a shirt. He would have been about 25 to 26 years old. He was talking to a Vietnamese girl, who was standing on the footpath. I do not know who the girl was, and would not know her again. I would know the man again.

~~Sgt SHANAHAN told me to go over and speak to the man and to see what the trouble was.~~ I walked over to the man, and said 'what's the trouble?'. He said 'No trouble, just the usual'. I said to him, 'would you like us to drive you back to the Camp?'. He said 'No, I'm going home in a LAMBRETTA with her', pointing to the girl he was talking with. I saw his eyes were bloodshot. His breathe smelt strongly of liquor. In my opinion he was drunk. His speech was not slurredbut he spoke in the manner of a person who had consumed a considerable quantity of liquor. I went back and told Sgt SHANAHAN what the position was. By this time a large group of Vietnamese civilians had gathered around. It was then that I saw the Australian Military Police vehicle, which had two NCO's in it. I saw the 'Mamasan' of the 'BLUE ANGEL' bar go over and speak to them. ~~As they got out of their vehicle I heard Sgt SHANAHAN say to them 'It's alright, it's one of your blokes, he's pissed out of his brain, there's no trouble, don't lock him up'.~~ At this time both Sgt SHANAHAN and I were seated in the RAAF Police jeep.

The two Military Policemen walked over to the man and started talking to him. I saw the Vietnamese girl who the soldier had been talking to get into a LAMBRETTA Taxi. The soldier made a dash towards the LAMBRETTA. The Vietnamese girl was sitting in the back. ~~It appeared to me the soldier was trying to evade the two Military Policemen~~. I did not see him strike either of them at this point. The soldier tried to get into the LAMBRETTA. He did not touch the Vietnamese girl. The smaller of the two Military Policemen grabbed the soldier by the back of the shoulder and pulled him from the LAMBRETTA.

/As this was done

/As this was done

Striking

As this was done the soldier turned around and I saw him strike the Military Policeman with his hand in the chest at least once. This Military Policeman then tried to 'smother' the attack by trying to hold the soldier's hands in together. The bigger military Police Cpl took out his handcuffs and attempted to apply them to the soldier. I then saw the bigger MP Cpl fall to the ground. I then said to Sgt SHANAHAN, 'We'd better get out and give them a hand'. We both got out of the jeep and went to their assistance. Sgt SHANAHAN then snapped the other handcuff on the soldier's wrist. He was then handcuffed with his hands to the front of his body. The soldier was struggling violently and grunting.

Resisting an Escort

Another Military Police landrover came on the scene. The two NCO'S assisted in placing this soldier in the back of the first Military Police landrover. The soldier had to be put in bodily, he was still resisting violently. I took no part in this. Neither did Sgt SHANAHAN.

The vehicle with the prisoner in it was leaving the scene. I saw the bigger of the two Military Policemen, he had a moustache, sitting in the back of the landrover with the prisoner. I saw him fall from the back of the vehicle on to the road. He fell backwards and was lying on the road for about ten seconds before he moved. I did not see what caused him to fall from the landrover. I helped him back into the second landrover and I saw blood on the left side of his forehead. Both vehicles left the area, and I resumed my normal duties.

I have read this statement. It is true. I have nothing to add, alter, or to delete.

(J.L. BOWES).

Statement taken and signature witnessed by me about 1515 hours, Thursday 4th March 1971, at the RAAF Cantonment Area, RAAF Base, VUNG TAU, Republic of Vietnam.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

ANNEX ' '

STATEMENT FORM

STATEMENT OF:

SURNAME	PARKEY
CHRISTIAN NAMES	WALTER ARNOLD
REGT NO & RANK	5715332 LCPL
UNIT & LOCATION	I AUST FD HOSPITAL, VUNG TAU.
DATE OF BIRTH	14/4/47.
PLACE OF BIRTH	YARLOOP, WESTERN AUSTRALIA.
DATE ARRIVED IN THEATRE	I6 SEP 70
EST DATE OF RTA	I5 SEP 71.

WHO STATES:

I,am a member of the RAAMC. I am a medical assistant. I have been in the RAAMC for 3 years, of which 18 months has been service as a medical assistant.

About 2200 hrs on Friday I9 Feb 71 I was on duty as Medical Orderly at the RAP of 1 Aust Fd Hospital.

At this time a Military Police Cpl was brought to the RAP. He had a small cut over his left eye. I Put 2 silk stitches in the cut. He did not see a Doctor. He was winded, but had no other injuries.

He was then allowed to go. I then made an entry in the Casualty Book.

I have read this statement. It is true. I have nothing to add, alter, or delete.

(W.A. PARKEY).

Statement taken and signature witnessed by me at 1 Aust Fd Hospital OR'S Lines, VUNG TAU, about 0805 hrs Wed 10 Mar 71.

(B.I. TAIT)
Sgt
RNZ Pro (SIB).

STATEMENT FORM ANNEX

Satement of :

Surname : BINION

Christian names : Peter Malcome

Regt No and Rank 218795 Pte

Unit and location 1 ARU NUI DAT

Date of Birth 8 . 6 . 50 Place of Birth Melbourne

Date arrived Theatre 29 Jan 70 Est Date of RTA 25 Feb 71

Who states :-

I am the above soldier I wish to make a statement. I would like someone to write it down for me. I have been told that I need not say anything unless I wish to do so but what ever I do say will be taken down in witting and may be used in evidence.

Signed.. P M BINION

On the 19 February 1971 at about 2205 hrs I remember comming out of the BLUE ANGLE bar in VUNG TUA. An RAAF patrol vehicle was there and the two men in it spoke to me. They asked me if I wanted a ride back to camp. I said,"No." The next thing I know some army MP,s came up and tried to make me go with them. This chick I came out of the bar with hopped into a lambretta and I jumped in after her. Before I could sit down the MP,s are pulling me out and I just went off. I dont remember throwing any punches but possibly I would have done. The next thing I remember is the handcuffs going on, I had them on my right wrist. Then I was lifted up by two or three of them and placed on my stomach with my head towards the rear of the vehicle. There was a tall fellow there in civilian clothes, he was holding me down. The vehicle suddenly took off and I saw one of the MP,s flying through the air. The vehicle I was in just kept going and another vehicle following behind picked up the chap who had fallen off. At the West Gate I was still touchy. The big fellow I found out later was from Provost was upset abot the bloke going off the back of the land rover. A few words were said, I told them all to leave me alone and stop treating me like an animal. They took the cuffs off and I went into the cell and I wanted to see the RMO. At this stage I was emotionally upset. The RMO came down, he was a major. After speaking to me he told me he would come back in the morning, he suggested that I see a padre as soon as possible. I havn't seen one yet, but I have asked for a psych test on about six occasions as I emotionally mentally disturbed. I just cant hack it anymore. I want a psych test. I know I was AWOL on the night that this business happened and I was pretty drunk. I have read the above statement and I have been told that I can alter, delete or add anythimg I wish. The above statement is the truth.

Signed...P BINION

Statement taken and signarure witnessed by me 1555hrs 23 Feb 71. 43570 Sergeant Leonard Edward WILLIAMSON.

HQ 1 ALSG
VUNG TAU

HANDING OVER OF A SERVICEMAN IN CLOSE ARREST

I, (Army number) 215449 (Rank) CAPT (Given names) BRIAN LEVROD

(Surname) BEST. a member of (Unit) 1ALU.

~~*was Guard Commander West Gate Guard 1 ALSG VUNG TAU~~
*was *Officer/NCO IC escort

at (time) 1000 hrs on (day) 20 (date) FEB 71, the serviceman as shown below was handed over to me by:

(Army number) 36728 (Rank) CPL (Given names) ~~Coggins~~ Raymond James

(Surname) COGGINS a member of (Unit) DET PL.

~~*to be detained at the West Gate Guard Room~~
*to be RTU

PTE BINION. P.M. 218795

1ATF

B Best.
(Signature)

20 FEB 71.
(Date)

DISTRIBUTION:

Unit
Guard Report

*Delete as applicable

AUSTRALIAN MILITARY FORCES

AAF – A 300
Reprinted Aug, 1967

1 ARU
271

CERTIFICATE OF *ARREST *~~SURRENDER~~

I, 447148 (Army No) Cpl (Rank) D W DEAN (Name) of AFV Pro Unit (Unit)

CERTIFY THAT 218795 (Army No) Pte (Rank) P M BINION (Name) of 1 ARU (Unit)

* was arrested by
*~~surrendered to~~ (Army No) ME (Rank) (Name) of AFV Pro Unit (Unit)

at 2200 hrs on the Nineteenth day of February at VUNG TAU (place)

SIGNED this Nineteenth day of February 1971

D W Dean Cpl

(* Strike out words not applicable). POLICEMAN (MILITARY) (Appointment)

HQ 1 ALSG
VUNG TAU

HANDING OVER OF A
SERVICEMAN IN CLOSE ARREST

I, (Army number) 1201735 (Rank) CPL (Given names) PAUL VINCENT
(Surname) WALSH a member of (Unit) HQ Co 1 ALSG

*was Guard Commander West Gate Guard 1 ALSG VUNG TAU
*was ~~*Officer/NCO IC escort~~

at (time) 2215 hrs on (day) ~~FRIDAY~~ (date) 19 FEB, the serviceman
as shown below was handed over to me by:

(Army number) 43381 (Rank) L/CPL (Given names) DAVID WILLIAM
(Surname) SWAINSON a member of (Unit) REV. PRO UNIT. 1 ALSG.

*to be detained at the West Gate Guard Room
*to be RTU

218795 PTE BINION P.M.
ARV. 1ATF.

CPL D Walsh.
(Signature)

19 FEB 71
(Date)

DISTRIBUTION:

Unit
Guard Report

*Delete as applicable

TELEPHONE

AUSTRALIAN MILITARY FORCES

Quote in Reply

67/71

ADDRESS AFV Pro Unit
VUNG TAU

22 Feb 71

1 ARU

MILITARY POLICE OFFENCE REPORT

1. Attached herewith is a Military Police Offence Report submitted by Cpl DEAN of this unit.

2. It is requested that higher formation and this unit be notified of action taken. The information supplied should include the actual charge or charges and the punishment awarded.

3. In the event of no disciplinary action being taken or the charge being dismissed, the appropriate HQ is also to be informed.

(J M SYMINGTON)
Maj
OC

ENCLOSURE
Report of Offence
Certificate of Arrest
Handing over receipt (1ARU only)
Statement by Maj OLDER
Statement by L/Cpl SWAINSON

For Information

HQ 1 ALSG

HQ 1 ATF

AUSTRALIAN ARMY

REPORT OF *ARREST/~~OFFENCE~~

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

OFFENDER: (Army number) 218795 (Rank) Pte (Surname) BINION

(Given names) Peter Malcolm (Unit) 1 ARU NUI DAT

OFFENCE/S: 1) Striking a Military Policeman 2) Obscene language

3) Resist arrest 4) AWOL

I, (Army number) 447148 (Rank) Cpl (Surname) DEAN

(Given names) David William a member of (Unit) AFV Pro Unit,

Royal Australian Army Provost Corps state that at about (time) 2205 hrs. on (day) Fri date) 19 Feb 71

I was on mobile patrol unit 3 in Trung Hung Dao St., Vung Tau, accompanied by 43381 L/Cpl SWAINSON of my unit. I observed a group of Vietnamese civilians and Europeans crowded around the RAAF Service Police patrol vehicle which was parked in Trung Trac St., in front of the Blue Angel bar. On arrival at the scene I was informed by the Sgt IC of the RAAF patrol that there was a drunken soldier on the footpath who required a lift back to his unit. I approached the male European in question and observed that he was wearing civilian clothes, general purpose boots and ID discs.

I said, " Soldier, what is going on here?"

I observed the soldier clench his fists and take a pace backwards. He said, " Oh, no you don't." He then rushed passed me, striking me in the chest with a clenched right fist and attempted to drag a Vietnamese female out of the rear of a Lambretta which was parked in front of the RAAF vehicle. As he was doing this he screamed, " No you don't, I'll kill you, you fucking bitch." L/Cpl SWAINSON GRABBED the soldier and with a minimum amount of force removed him from the Lambretta. The soldier again said, " I'll kill the fucking bitch." He then turned on L/Cpl SWAINSON AND STRUCK HIM. A statement from L/Cpl SWAINSON is attached to this report. I grasped the soldier's arm and I said, " Soldier you are under arrest."

The soldier began to struggle violently and with L/Cpl SWAINSON'S assistance I attempted to handcuff the soldier. Approximately two minutes later, unit 5, containing Cpl MARSHALL and L/Cpl HAWKER of my unit, arrived on the scene. With their assistance and

~~The offending serviceman was dressed in *uniform/civilian clothes and he *was sober/was drunk/smelt of liquor.~~

(Signed) (Date) (Place)

~~Corroborated by (Army number) (Rank) (Surname)~~

(Given names) (Unit)

AUSTRALIAN ARMY

REPORT OF *ARREST/OFFENCE

(*Delete words not applicable)

AAF-A51
Revised Aug 1969

~~OFFENDER: (Army number)~~ ~~(Rank)~~ ~~(Surname)~~

(Given names) (Unit)

OFFENCE/S:

I, (Army number) (Rank) (Surname)

(Given names) a member of (Unit),

Royal Australian Army Provost Corps state that at about (time) hrs. on (day) date)

with difficulty I was able to handcuff the soldier. The soldier, after being told to calm down continued struggling by kicking and flaying his handcuffed arms and had to be carried and placed in the rear of the Military Police vehicle. Cpl MARSHALL, L/Cpl HAWKER and myself mounted the rear of the Military Police vehicle to stop the soldier from jumping from the vehicle while it was in motion. As the vehicle gathered speed and reached the corner of Trung Hung Dao St, and Trung Trac St, the soldier thrust his body against me causing me to fall from the the back of the vehicle and strike my head on the roadway. I was conveyed by Cpl MARSHALL by vehicle, unit 5, to 1 Aust Fd Hosp where I received two stitches for a cut over my left eye.

The soldier was conveyed to the west Gate Guard Room by L/Cpl SWAINSON and L/Cpl HAWKER. On arrival at the Guard Room he admitted being AWOL from his unit. At 2225 hrs after receiving treatment I proceeded to the West Gate where I spoke to Major OLDER, the Duty Medical Officer who had been requested by me to examine Pte BINION for any possible injury. On completion of his examination Major OLDER told me something. His statement is attached. On return to AFV Pro Unit I was informed that a signal had been received from 1 ARU, Nui Dat, reporting Pte BINION as AWOL from 1300 hrs on 19 Feb 71 and that he was believed to be in the Vung Tau area.

OTHER WITNESSES TO THE REPORTED OFFENCE ARE AS STATED BELOW:-

518969 Cpl Terrence George MARSHALL AFV Pro Unit

1202380 L/Cpl Paul Wayne HAWKER " " "

The offending serviceman was dressed in *~~uniform~~/civilian clothes and he *~~was sober/was drunk~~/smelt of liquor.

(Signed) (Date) 20 Feb 71 (Place) VUNG TAU

Corroborated by (Army number) 43381 (Rank) L/Cpl (Surname) SWAINSON

(Given names) David William (Unit) AFV Pro Unit

Annex " "

STATEMENT FORM

Statement of :

Surname : OLDER.

Christian names PAUL ORMONDE

Regt No and Rank 2207141 Maj.

Unit and location 1st Aust. Field Hospital

Date of Birth 7.12.36 Place of Birth Kingston U.K.

Date arrived Theatre Feb 71 Est Date of RTA ? May 19th 71.

WHO STATES :

I the above stated officer and Doctor of 1st Aust. Field Hosp. on the 19th Feb 71 was the Duty Medical Officer.

I was called to the West Gate Guard room to see Private Peter Bannon who was in detention.

This man was drunk but not incapable He was abusive to the Duty Officer and the Military Police using bad language and threats. He stated that he had signed on for extra service but now wanted to get out of the Army and Vietnam and that he had just broken off with his girl friend. He claimed that he had not been allowed to see her long enough. He further claimed that he was AWOL from his unit from 1200hrs that day. He was rational enough to know the time of day and his movements that day but had definitely been drinking.

He was emotionally disturbed but I could not offer any opinion as to his Psychiatric state.

There was no evidence of any

Annex " "

STATEMENT FORM

Statement of :

Surname : _____

Christian names _____

Regt No and Rank _____

Unit and location _____

Date of Birth _____ Place of Birth _____

Date arrived Theatre _____ Est Date of RTA _____

WHO STATES :

(continued)

Medical officer and he had no complaints requiring medical attention. He requested a blood test for a blood alcohol level. Firstly we do not have facilities to perform this test and secondly there was no question that he had been drinking.

We had no visible evidence of physical trauma nor did he claim he had been physically assaulted.

He denied pushing a Military Policeman out of a vehicle.

Opinion - This man appeared to have been drinking heavily. There was no indication to prescribe any medical treatment.

- He was able to stand unassisted and walk about unassisted.

220714 L. [signature] Maj
RMP OMDER

STATEMENT BY 43381 L/CPL DAVID WILLIAM SWAINSON, A REGIMENTAL POLICEMAN ATTACHED TO AFV PRO UNIT FOR DUTIES.

I, 43381 L/Cpl David William SWAINSON on 19 Feb 71 at approximately 2200 hrs was on mobile patrol, unit 3, with Cpl D W DEAN when I noticed a disturbance outside the Blue Angel bar in Vung Tau. The RAAF Police were in attendence, they pointed out a European male dressed in civilian clothing. The soldier was approached by Cpl DEAN. He stepped back, then rushed past Cpl DEAN, striking him as he did so. He attempted to get into a Lambretta to attack a Vietnamese female, shouting, " I'll kill the fucking bitch." With the minimum amount of force I removed him from the Lambretta, during which the soldier struck me two or three times with a clenched fist in the region of the upper chest.

The soldier was escorted and conveyed to the West Gate Guardroom by myself and L/Cpl HAWKER of AFV Pro Unit. He was detained for the night.

43381 ..... L/Cpl
(D W SWAINSON)
21/2/71

AAF – A 4 AUSTRALIAN MILITARY FORCES * Elected to be tried by Court Martial

CHARGE REPORT

Sheet No.....of.....Sheets

CHARGE(S) against No 218795 RANK AND GROUP PTE
(Substantive and temporary, etc)

NAME P. M. BINION PARENT UNIT 1 ARV SUB-UNIT
(Company, etc)

UNIT 1 ARV (Where Charged) SUB-UNIT CORPS

Charge No	PARTICULARS OF CHARGE(S)
First Charged under AA DA or AMR	WOAS COMMITTING AN OFFENCE AGAINST THE PERSON OF A RESIDENT IN THE COUNTRY IN WHICH HE IS SERVING in that he at VUNG TAU in the Republic of Vietnam on 19 Feb 71 when serving in the Republic of Vietnam, ~~did~~ assaulted a ~~her~~ female Vietnamese ~~friend~~ civilian, a resident of the Republic of Vietnam AA 6 (3)(d).
Second Charged under AA DA or AMR	WOAS STRIKING HIS SUPERIOR OFFICER in that he at ~~On~~ VUNG TAU, with Republic of Vietnam, on the 19th day following 1971 did strike with his fist 4447148 Cpl D. W. Dean, ATV Pro Unit. AA 10(2)
Third Charged under AA DA or AMR	WOAS RESISTS AN ESCORT WHOSE DUTY IT IS TO APPREHEND HIM in that he at VUNG TAU, Republic of Vietnam, on 19 Feb 71 did ~~not~~ violently struggle when being apprehended by 4447148 Cpl D. W. Dean, ~~and~~ ~~left~~ ATV Pro Unit. ~~Also~~ AA 10(3)
Fourth Charged under AA DA or AMR	

Signature of Person Preferring Charge ..... Date .....

	RANK	NAME	UNIT
NAME OF WITNESSES			

Particulars of Person Committing Accused into Custody

Appointment and Unit .....

Signature and Rank .....

Date....., 19.....

Initial Investigation by Officer appointed under AMR 238(8)

Referred to .....on..... (date)

Signature and Rank .....

Appointment and Unit .....

Date....., 19.....

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest.....

Days in Open Arrest.....

Days Under Suspension.....

Days Performed Military Duty.....

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No.....

I certify that the fine deduction from pay and/or forfeiture of pay and allowances included in the sentence or incurred as a consequence of the finding have been entered in line No.....and on a Miscellaneous Debits List (WF 252).

Signature..... Date.....

---

2. Entered on Accused's Conduct Sheet(s)

on ..... by.....
(Signature)

---

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

---

4. Formation Legal Officer's Remarks

.....

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.....

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.....

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.....

.....

Signature and Rank.....

Appointment .....

Date....., 19.....

FINDING AND SENTENCE

* The Accused having been given the right to elect trial by Court Martial elected to be tried by me

I FIND the Accused GUILTY of the..... Charge(s)

and NOT GUILTY of the.....Charge(s)*

I IMPOSE the following sentence:

I INFORMED the Accused of:	No of Days	Reason
(a) Forfeiture of pay-allowances for	.....	.....
	.....	.....
	.....	.....
In all a TOTAL of		

(b) Forfeiture of good conduct increment

Remarks:

.....

.....

.....

Signature and Rank.....

Appointment and Unit.....

Date of FINDING (and Sentence).....

Action on Review of Finding and Sentence (or on Confirmation)

Remarks: .....

.....

.....

Signature and Rank

Appointment and Unit.....

Date....., 19.....

* Cross out where not applicable

AUSTRALIAN MILITARY FORCES * Elected to be tried by Court Martial

CHARGE REPORT

Sheet No.....of.....Sheets

CHARGE(S) against No.....RANK AND GROUP ..... (Substantive and temporary, etc)

NAME.....PARENT UNIT.....SUB-UNIT ..... (Company, etc)

UNIT..... (Where Charged) SUB-UNIT..... CORPS.....

Charge No	PARTICULARS OF CHARGE(S)
First Charged under AA DA or AMR	WOAB USING VIOLENCE TO A PERSON IN WHAT CUSTODY HE WAS PLACED in that he at Vung Tau RVN on 19 Feb 71 did forcibly eject ... ejected from ... from a moving ... Cpl ... while he ... while in the custody of the said — Cpl Dean
Second Charged under AA DA or AMR	AA 10(2) AWOL.
Third Charged under AA DA or AMR	AA 15(1).
Fourth Charged under AA DA or AMR	

Signature of Person Preferring Charge ..... Date .....

	RANK	NAME	UNIT
NAME OF WITNESSES			

Particulars of Person Committing Accused into Custody

Appointment and Unit .....

Signature and Rank .....

Date....., 19.....

Initial Investigation by Officer appointed under AMR 238(8)

Referred to .....on..... (date)

Signature and Rank .....

Appointment and Unit .....

Date....., 19.....

ALL PERSONS CONCERNED IN COMPILING THIS REPORT ARE TO FAMILIARIZE THEMSELVES WITH THE INSTRUCTIONS ON THE PAD COVER.

THE PAD COVER IS ILLUSTRATED IN VOL I OF THE ARMY LAW MANUAL AS A NOTE TO AMR & O, 399A.

* Cross out where not applicable

Details Pending Disposal

Days in Close Arrest.....

Days in Open Arrest.....

Days Under Suspension.....

Days Performed Military Duty.....

Administrative Action Following Finding

1. Pay Adjustment: Pay Book No.....

I certify that the fine deduction from pay and/or forfeiture of pay and allowances included in the sentence or incurred as a consequence of the finding have been entered in line No.....and on a Miscellaneous Debits List (WF 252).

Signature..... Date.....

---

2. Entered on Accused's Conduct Sheet(s)

on ..... by.....
(Signature)

---

3. Distribution

CARO
APAC
Formation Legal Officer
Unit File

---

4. Formation Legal Officer's Remarks

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Signature and Rank.....

Appointment .....

Date....., 19.....

FINDING AND S

* The Accused ha
trial by Court M

I FIND the Accused GUILTY of the.....Charge(s)

and NOT GUILTY of the.....Charge(s)

I IMPOSE the following sentence:

I INFORMED the Accused of:	No of Days	Reason
(a) Forfeiture of pay-allowances for	.....	.....
	.....	.....
	.....	.....
In all a TOTAL of		

(b) Forfeiture of good conduct increment

Remarks:
Remanded in close arrest
pending further investigation

.....

Signature and Rank [signature] Lt
Appointment and Unit OC 1 Arty

Date ~~of FINDING (and Sentence)~~ 23 Jan 71

Action on Review of Finding and Sentence (or on Confirmation)

Remarks: .....

.....

.....

Signature and Rank

Appointment and Unit.....

Date ....., 19.....

* Cross out where not applicable

Date of Arrest 2200 19 Jan