



ROYAL AUSTRALIAN AIR FORCE

AIR FORCE HEADQUARTERS

Department of Defence, R1-6-C032, PO Box 7902, CANBERRA BC ACT 2610

MC21-001838

Mr Trevor Benneworth
trev@radschool.org.au

Dear Mr Benneworth

APPLICATION FOR CONSENT TO USE PROHIBITED WORDS OR LETTERS PURSUANT TO PART 14, DEFENCE REGULATION 2016.

I refer to your application on behalf of the RAAF Radschool Association Inc., made by email on 11 December 2020, for consent to use the Prohibited Letters ('RAAF') within the Association's legal name.

The letters 'RAAF' are protected under Part 14 of the *Defence Regulation 2016* (Cth) (the Regulation) as the acronym for the Royal Australian Air Force. A person commits an offence if they use the letters 'RAAF' in connection with a trade, business, calling or profession, or an organisation or body of persons, unless the prior written consent of the Minister for Defence or his delegate is obtained.

As an appointed delegate of the Minister for Defence, pursuant to the Regulation, and for the purposes of Part 14 of the Regulation, I have considered your application to use the Prohibited Letters 'RAAF' within the legal name of the RAAF Radschool Association Inc., and in connection with the Association's business, and have decided to refuse your application for consent.

In making this decision I have considered the following matters:

- 1) The purposes, constitution and structure of the applicant;
- 2) If the applicant has previously been given consent to use prohibited words or prohibited letters, and the way in which the applicant used the prohibited words or prohibited letters to which the consent related, and;
- 3) The period for which consent is sought.

With respect to the *purposes, constitution, and structure of the applicant* I note that the Association's constitution contains only one reference to Air Force, or to the function and purpose of Air Force, which is the use of the Prohibited Letters within the applicant's legal name. The constitution specifically omits the Prohibited Letters from the Association's trading name (the Radschool Association). Membership of the association and of its management committee is not limited to former RAAF School of Radio trainees, or to former Air Force or ADF personnel, and is open to any person with an interest in "electronics, aircraft and care for their fellow man". I therefore consider that the Association and its

members do not collectively possess a connection with Air Force that is sufficient to justify the use of the Prohibited Letters within the Association's legal name.

With respect to whether *the applicant has previously been given consent to use prohibited words or prohibited letters, and the way in which the applicant used the prohibited words or prohibited letters to which the consent related* no consent to use the Prohibited Letters has previously been sought by, or given to the Association. I note that the Association has been using the Prohibited Letters within its legal name in breach of the Regulation since its establishment in 1999, but has been trading under a name that does not include the Prohibited Letters. I further note the Association's web domain does not include the Prohibited Letters (radschool.org.au). I therefore consider that the Prohibited Letters are not required for the Association to continue to conduct its business.

With respect to *the period for which consent is sought*, consent is requested for an indefinite period, due to the nature of legal incorporation. I consider granting consent for an entity beyond Air Force's influence and control to trade under the Air Force name, for an indefinite period, to not be in Air Force's best interest.

Air Force highly values its deep and ongoing relationship with all former members, and with the many bodies and associations to which they belong. However this must be balanced against the need to maintain a clear and appropriate distinction between Air Force and other unrelated entities, and to protect Air Force's identity and hard-won reputation.

While Air Force is unable to support the use of the Prohibited Letters in the Association's legal name, there is no impediment to the Association incorporating under its existing trading name (The Radschool Association Inc.).

Should you wish to make an application for review, this decision may be reviewed through the Administrative Appeals Tribunal.

Yours sincerely



SL Meredith, AM, DSM
Air Vice Marshal
Deputy Chief of Air Force

16 June 2021