



Defence (Prohibited Words and Letters) Regulations 1957

Statutory Rules 1957 No. 16 as amended

made under the

Defence Act 1903

This compilation was prepared on 1 December 2002
taking into account amendments up to SR 2002 No. 278

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1 Name of Regulations [see Note 1]

These Regulations are the *Defence (Prohibited Words and Letters) Regulations 1957*.

2 Use of words and groups of letters prohibited without consent

The use, in connexion with a trade, business, calling or profession or by an organization or body of persons, of:

- (a) a word, or words, specified in the second column of a Part of Schedule 1, being a word or words that is or are descriptive or indicative of:
 - (i) a part of the Naval Forces, Military Forces or Air Forces of a part of the Queen's dominions; or
 - (ii) a service or body of persons associated with the defence of the Commonwealth; or
- (b) a group of letters specified in the third column of a Part of Schedule 1, being a group of letters that is descriptive or indicative of:
 - (i) a part of the Naval Forces, Military Forces or Air Forces of a part of the Queen's dominions; or
 - (ii) a service or body of persons associated with the defence of the Commonwealth;

is prohibited unless the consent in writing of the Minister to the use has been obtained.

3 Applications for consent

- (1) An application for the consent of the Minister to the use of a word or words, or a group of letters specified in the second or third column of Schedule 1 shall be made in writing to the Minister and shall state the grounds upon which the application is made.

- (2) The Minister may, by notice in writing, require a person who has made such an application to furnish such additional information in relation to the application as is required by the notice.

4 Consent

- (1) The Minister may:
 - (a) consent to the use of the word, words or group of letters; or
 - (b) refuse the application.
- (2) The Minister must have regard to the following matters when considering the application:
 - (a) the purposes, constitution and structure of the applicant;
 - (b) the trade, business, calling or profession of the applicant;
 - (c) the financial resources of the applicant, to the extent that those resources affect its ability to use the words or group of letters in its trade, business, calling or profession;
 - (d) if the applicant has previously received a consent under these Regulations — the way in which the applicant used the words or group of letters to which the consent related;
 - (e) the period for which consent is sought.
- (3) The Minister may have regard to other matters, relating to the protection and use of the words or group of letters to which the application relates, when considering the application.
- (4) Consent may be given subject to conditions about the following matters:
 - (a) notifying the Minister about any change to:
 - (i) the purposes, constitution or structure of the organisation or body; or
 - (ii) the trade, business, calling or profession of the applicant; or
 - (iii) any other matter, to the extent that the change may affect the ability of the organisation or body to use the words or group of letters in its trade, business, calling or profession;

- (b) the period for which consent is given;
 - (c) the way in which the applicant may, or may not, use the words or group of letters to which the consent relates;
 - (d) the protection and use of the words or group of letters to which the consent relates.
- (5) Application may be made to the Administrative Appeals Tribunal for review of a decision to refuse an application for consent, or a decision relating to a condition.

5 Delegation

The Minister may, by instrument, delegate to an officer of the Defence Force who holds a rank not below that of Colonel, or an equivalent rank, his or her powers under regulations 3 and 4.

6 Offences

A person must not knowingly use a word, words or a group of letters in contravention of regulation 2.

Penalty: \$500.

Schedule 1 Prohibited words and letters

(regulation 2)

Part 1 Australian Navy

Item	Prohibited words	Prohibited letters
101	Australian Navy	
102	Her Majesty's Australian Ship	HMAS
103	Her Majesty's Australian Ships	HMA Ships
104	Naval	
105	Naval Emergency Reserve Forces	NERF
106	Naval Forces	
107	Naval Reserve	
108	Navy	
109	Permanent Naval Forces	
110	Royal Australian Navy	RAN
111	Royal Australian Naval Reserve	RANR
112	Royal Australian Fleet Reserve	RAFR

Part 2 Australian Army

Item	Prohibited words	Prohibited letters
201	Australian Army	
202	Australian Army Reserve	
203	Australian Flying Corps	AFC
204	Australian Imperial Forces	AIF
205	Australian Military Forces	AMF
206	Australian Regular Army	ARA
207	Army Reserve	

Item	Prohibited words	Prohibited letters
208	Permanent Military Forces	
209	Regular Army	
210	Regular Army Emergency Reserve	
211	Regular Army Supplement	

Part 3 Australian Air Force

Item	Prohibited words	Prohibited letters
301	Air Force	
302	Air Force Reserve	
303	Air Force Emergency Force	AFEF
304	Australian Air Force Reserve	AAFR
305	Permanent Air Force	PAF
306	Royal Australian Air Force	RAAF

Part 4 Words applicable to more than 1 Service

Item	Prohibited words	Prohibited letters
401	Active Reserve	
402	Australian Defence Force	ADF
403	Australian Defence Force Reserves	
404	Defence Force	
405	Defence Force Reserves	
406	Defence Reserves	
407	High Readiness Active Reserve	
408	High Readiness Reserve	
409	High Readiness Specialist Reserve	
410	Permanent Forces	
411	Reserve Forces	

Item	Prohibited words	Prohibited letters
412	Specialist Reserve	
413	Standby Reserve	

Table of Statutory Rules**Notes to the *Defence (Prohibited Words and Letters) Regulations 1957*****Note 1**

The *Defence (Prohibited Words and Letters) Regulations 1957* (in force under the *Defence Act 1903*) as shown in this compilation comprise Statutory Rules 1957 No. 16 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1957 No. 16	17 Apr 1957	17 Apr 1957	
1976 No. 51	6 Feb 1976	9 Feb 1976	—
1981 No. 102	13 May 1981	13 May 1981	—
1990 No. 378	6 Dec 1990	6 Dec 1990	—
2000 No. 41	29 Mar 2000	29 Mar 2000	—
2001 No. 305	15 Oct 2001	[see Note 2]	—
2002 No. 278	21 Nov 2002	1 Dec 2002	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2000 No. 41
R. 2	am. 1976 No. 51; 1981 No. 102; 2002 No. 278
R. 3	am. 1976 No. 51; 2002 No. 278
R. 4	am. 2000 No. 41 rs. 2002 No. 278
R. 5	am. 1976 No. 51 rs. 1990 No. 378
R. 6	ad. 1990 No. 378
Heading to The Schedule ...	rep. 1976 No. 51
Heading to Schedule.....	ad. 1976 No. 51 rep. 2002 No. 278
Schedule.....	am. 1976 No. 51; 1981 No. 102 rs. 1990 No. 378 am. 2000 No. 41 rep. 2002 No. 278
Schedule 1	ad. 2002 No. 278

Note 2

Regulation 2 and Schedule 5 of Statutory Rules 2001 No. 305 provide as follows:

2 Commencement

These Regulations commence on the day on which Chapter 2 of the *Criminal Code* commences.

Schedule 5

[1] Regulation 2

omit

The use

insert

- (1) For this regulation, the use

[2] Regulation 2

omit

prohibited unless the consent in writing of the Minister to the use has been obtained.

insert

a *restricted use*.

[3] Regulation 2

insert

- (2) A person is guilty of an offence if:
- (a) the person makes use of a word or words, or group of letters; and
 - (b) the use is a restricted use; and

Table of Amendments

- (c) the use is not in accordance with a consent obtained under these Regulations.

Penalty: 5 penalty units.

- (3) In paragraph (2) (c), strict liability applies to physical element that the consent was obtained under these Regulations.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

[4] Regulation 6

omit

The commencement of SR 2001 No. 305 was misdescribed and the amendments are not incorporated in this compilation.