

Covering UNCLASSIFIED

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Document ID: OCAF/IN/2014/748
Object ID: AB17862934
Date Registered: May 06, 2014
Registered by: s47E(c) OCAF AFHQ)

Document Title: Letter - CAF - From RAAF Radschool Association Re: Collection of Data from Point Cook

Addressee: CAF

Originator: RAAD Radschool Association

External ID:

Filed On:

File Name: 05. OCAF - May 14

Distribution

Name / Appointment	Code	Comments	Date to be Actioned By
CAF s22	A		
DCOORD s22 31/5	A	I'm happy for this to go ahead any issues?	
		Response provided AB 18122818	
		Note: Scanned + sent by email	

A - Action I - Information C - Comments D - Draft Reply G - Discuss E - For Signature F - File

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Covering UNCLASSIFIED



AIR FORCE HEADQUARTERS

Department of Defence, s47E(c) PO Box 7902, CANBERRA BC ACT 2610

2014/AB18122818

s47F

RAAF Radschool Association
s47F

Dear s47F

I have received your request to undertake the project of cataloguing all Pilot Courses that went through Point Cook. I have discussed this with Director of the RAAF Museum and am advised that due to the nature of some of the material within the Ground Negative Library and the physical environment, unsupervised access cannot be supported. That said the Museum would be able to undertake the task for you, although completion of the task will need to be balanced with existing workloads and priorities.

To initiate the project, I ask that you contact the Director of the RAAF Museum, s47E(c) s47E(c) on s47E(c) or email: s47E(c) I wish you well with the project and the continued success of the Association.

Yours sincerely

s22

s47E(c)

Director Coordination – Air Force

s47E(c)

31 May 2014



ROYAL AUSTRALIAN AIR FORCE
Headquarters Air Force Training Group

HQAFTG U6587218

s47F

Dear s47F

ACCESS TO RAAF MUSEUM PHOTOGRAPHIC ARCHIVES

Thank you for your request to Air Force seeking permission to access the RAAF Museum's collection of archived course graduation photographs and negatives.

The items held by the RAAF Museum hold considerable historical significance and need to be stored and handled appropriately by experienced staff members. As all photographs and negatives are stored in curatorially stable archive boxes, the process of removing the items from storage to be scanned, and then returned for storage, is intricate and time consuming. In particular, the process for scanning negatives involves 'normalising' them before scanning; a process which takes 24 hours. Unfortunately, due to the security clearances required for the Ground Negative Library, only appropriately cleared Defence members are permitted access.

The RAAF Museum staff are able to assist with scanning the photographs and negatives you request on an opportunity basis. Due to resource constraints, this task could commence from July 2015, and dependant on the volume of photographs, may be completed by December 2015.

To assist with the planning of this activity, please provide a prioritised list of specific photographs and negatives you would like scanned. The best point of contact for you is the Director of the RAAF Museum, s47E(c) He is contactable via email

s47E(c)

Air Force Training Group wishes you much success with your project to catalogue as many Air Force courses as possible, and looks forward to viewing the information on your website.

Yours sincerely

s22

s47E(c)

Temporary Commander Air Force Training Group

s47E(c)

RAAF Williams
LAVERTON VIC 3027

s47E(c)

s47E(c)

s22



From: s47E(c)
Sent: Thursday, 27 September 2018 4:08 PM
To: s47F
Subject: Re: Photos held at RAAFM [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hello s47F

Following our recent meeting, I spoke to s47E(c) and a number of my Branch colleagues regarding your access to the RAAF Museum photographic section to scan course photos, with a view to uploading them on your Rad School website. I also referred to our current security policy concerning release of images and privacy considerations. The consensus is, for a number of reasons we cannot grant your request.

As you will appreciate, Defence policies and procedures these days are pretty restrictive when it comes to posting personal information and images, particularly of personnel (from both Australian and foreign Services) who have been granted protected identity status, some of whom would appear in course photos, including staff college photos. To quote our latest personal security advice:

- Defence operates in an uncertain and complex strategic environment at an elevated protective security alert level. This is not new but we cannot become complacent about the risks to Defence personnel and business.
- We face a broad range of sophisticated threats to our personal security.
- Our personal and professional lives are increasingly interconnected and the lines between malicious actors—such as organised criminal networks, state-sponsored actors and issue motivated groups—are becoming less distinct.

Current privacy provisions also dictate we would need to get permission from each individual.

I had thought your access to and scanning of the course photos to upload on your website would not be a problem. Having now fully researched the whole issue, I am sure you will understand why this is no longer possible.

I know you will be disappointed with this response, however, I know you will understand.

Best Regards

s47E(c)

Deputy Director Community and Industry Engagement
History and Heritage Branch - Air Force
Air Force Headquarters

s47E(c) | s22 | s47E(c) | PO Box 7933, Canberra BC, ACT, 2610

Our History, Our Heritage, Our Air Force

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AIR FORCE HEADQUARTERS

s47E(c) [redacted], PO Box 7902, CANBERRA BC ACT 2610

BP7362475

Mr s47F [redacted]
[redacted]

Dear s47F [redacted]

**AIR FORCE RESPONSE TO REQUEST FOR AIR FORCE COURSE
PHOTOGRAPHY**

Thank you for your ongoing correspondence in relation to your request to receive copies of photographs of Air Force courses, for presentation on the [redacted] [org.au](#) website.

Air Force Headquarters have carefully considered your request in extensive consultation with our Legal team. In principle, we understand the benefit of what you are trying to achieve by collating a historical record. Accordingly, you will note that Air Force has assisted you on an ongoing basis dating back to your initial request in 2014, within the remit of what has been possible up until this date.

However, unfortunately we are unable to approve your request for access to further Air Force course photographs, both due to the legalities of release in accordance with the *Privacy Act 1988* and the *Archives Act 1983*, and on the basis that coordinating your ongoing requests would substantially and unnecessarily divert resources from Air Force's key operational requirements.

In examining your requests, Air Force Headquarters Legal staff have also identified concerns regarding the copyright policy displayed on the [redacted] [rg.au](#) website and have raised concerns that there may be issues with infringing the Commonwealth's ownership of the course photographs taken by the Australian Defence Force (ADF) or at the direction of the Air Force, as copyright protection is afforded under the *Copyright Act 1968* for 50 years from the year in which they were made, or at the end of the year of first publication. To rectify this, we recommend that the [redacted] [org.au](#) copyright policy is reviewed and updated to acknowledge that the Commonwealth has copyright over those photographs that remain within the 50 year release period using the © **Commonwealth of Australia XXXX** and annotating the year it was created.

Subject to your action on the above, the ADF may then consider granting you a license to use the Air Force photographs still within the 50 year protection period and request that you complete the Copyright License form, which can be found via the following link [redacted] [copyrightform/](#), for submission to our office. Once this is completed and subsequent ADF licensing agreement approved, we also recommend that you update your copyright policy on your website to note that you have been granted a license by the Commonwealth to use these photographs.

For future course photographs, pending your action on the above, we can also offer to seek that Air Force Units arrange for their course photographs to be uploaded to the Defence Image Gallery website located at <https://images.defence.gov.au>. The Defence Image Gallery is a publicly accessible website designed to showcase Defence public affairs imagery. All images can be downloaded, subject to copyright conditions, with the details of which are available at <https://images.gov.au/assets/>. Photographs uploaded to the Defence Image Gallery also ensure compliance with Air Force's imagery guidelines as stipulated by the Visual Identity Guidelines.

Further, an alternative avenue that may assist you with locating historical Air Force photographs that you seek is the National Archives of Australia, who hold Defence and War service records, which after a certain period move into the open access period where they become open for public access. The National Archives collection can be explored via the following web-link <https://www.naa.gov.au/explore-collection>.

I trust you find the information I have provided in this letter to be helpful in understanding that Air Force Headquarters has managed your request in accordance with legislation, and that our recommended courses of action may assist your website moving forward. As I have previously advised you, I am about to proceed on an extended period of personal leave and will no longer be working within Air Force Headquarters. Accordingly, the Air Force point of contact for further correspondence on this matter remains the Air Force Headquarters Grievance Support email address – s47E(d).

Kind regards,

s47E(c) Digitally signed by
s47E(c)
Date: 2020.01.24
09:13:45 +11'00'

s47E(c)

Staff Officer to the Directorate of Strategic Issues Management
Air Force Headquarters

s22



s22



From: s47E(c)

Sent: Wednesday, 12 April 2023 12:39 PM

To: Badgery, James AIRCDRE s47E(c)

Subject: Letter to s47F (24 Jan 20) - Access to RAD School Photographs at Point Cook ~~[SEC - OFFICIAL]~~

~~OFFICIAL~~

Hi sir,

I conducted a search of AFHQ Legal files to ensure I was able to provide comprehensive advice to AIRCDRE Lawson. In my travels I came across the attached letter provided to s47F on 24 Jan 20. s22

Notwithstanding my advice below, the attached letter is based on legal advice from two of my colleagues s42. I conducted a search of the RadSchool website and s47F does not appear to have updated the copyright information as advised in the attached letter.

How would you like me to proceed with advice to AIRCDRE Lawson noting the attached letter?

For your consideration

Kind regards

s47E(
)

s47E(c)

Staff Officer Legal | Air Force Headquarters

Department of Defence | Associate Secretary Group | Defence Legal

s47E(c), Russell | ACT

☎: s47E(c) | 📠: s22 | ✉: s47E(c)

Defending Australia and its National Interests
www.defence.gov.au



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From: Lawson, Robert AIRCDRE s47E(c)

Sent: Tuesday, 11 April 2023 3:46 PM

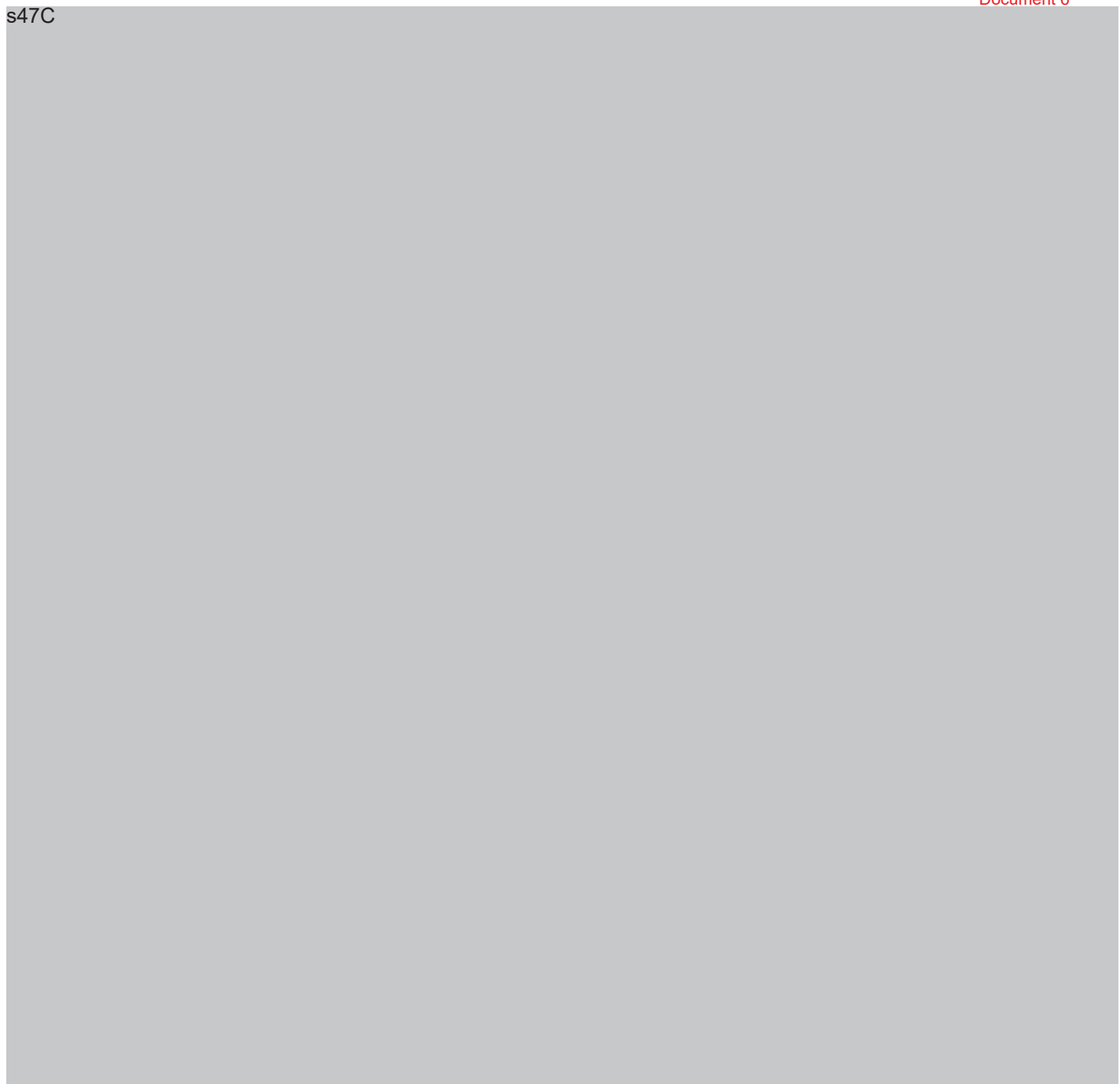
To: Badgery, James AIRCDRE s47E(c)

Cc: s47E(c); s47E(c)

Subject: RE: Advice - Access to RAD School Photographs at Point Cook ~~[SEC - OFFICIAL]~~

~~OFFICIAL~~

s47C



Apologies – a longer response than originally intended,

Regards,
Rob Lawson
DGHH

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From: Badgery, James AIRCDRE s47E(c)

Sent: Tuesday, 11 April 2023 2:01 PM

To: Lawson, Robert AIRCDRE s47E(c)

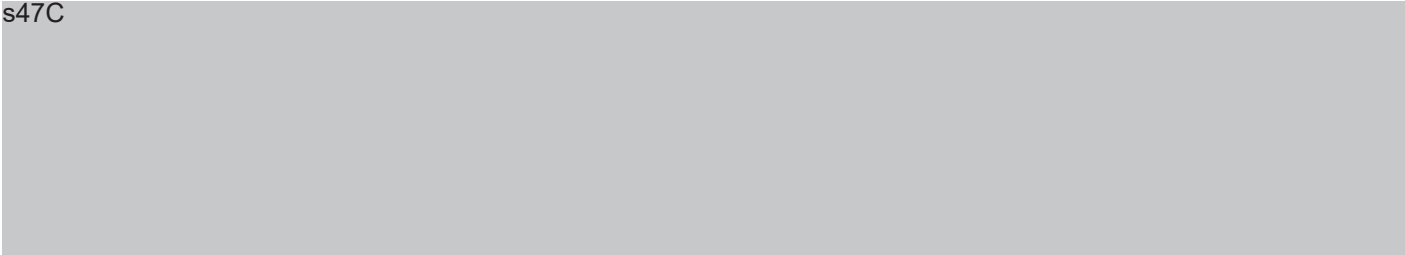
Cc: s47E(c); s47E(c)

Subject: RE: Advice - Access to RAD School Photographs at Point Cook ~~[SEC-OFFICIAL]~~

~~OFFICIAL~~

Rob,

s47C



Regards,

James Badgery AM
Air Commodore
Chief of Staff – Air Force Headquarters

s47E(c)
s47E(c) | s22 | s47E(c) | P.O. Box 7902 CANBERRA BC ACT 2610

Royal Australian Air Force
Chief of Staff Branch - Air Force Headquarters



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From: Lawson, Robert AIRCDRE s47E(c)

Sent: Thursday, 6 April 2023 4:12 PM

To: Badgery, James AIRCDRE s47E(c)

Cc: s47E(c); s47E(c)

Subject: RE: Advice - Access to RAD School Photographs at Point Cook ~~[SEC - OFFICIAL]~~

~~OFFICIAL~~

James,

s47C



Regards,
Rob Lawson

DGHH

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From: Lawson, Robert AIRCDRE
Sent: Sunday, 5 March 2023 4:42 PM
To: Badgery, James AIRCDR [REDACTED] [defence.gov.au](mailto:badgery.james@defence.gov.au)>
Subject: RE: Advice - Access to RAD School Photographs at Point Cook [~~SEC-**OFFICIAL**~~]

~~**OFFICIAL**~~

s47C
[REDACTED]

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From: Badgery, James AIRCDRE s47E(c)
Sent: Sunday, 5 March 2023 4:36 PM
To: Lawson, Robert AIRCDRE s47E(c)
Subject: Re: Advice - Access to RAD School Photographs at Point Cook [~~SEC-**OFFICIAL**~~]

Thanks Rob.

All factors to be weighed up.

Continuing to withhold the information from the public of official Defence photographs will also hit a time stamp of compulsory release at a given point.

Regards,

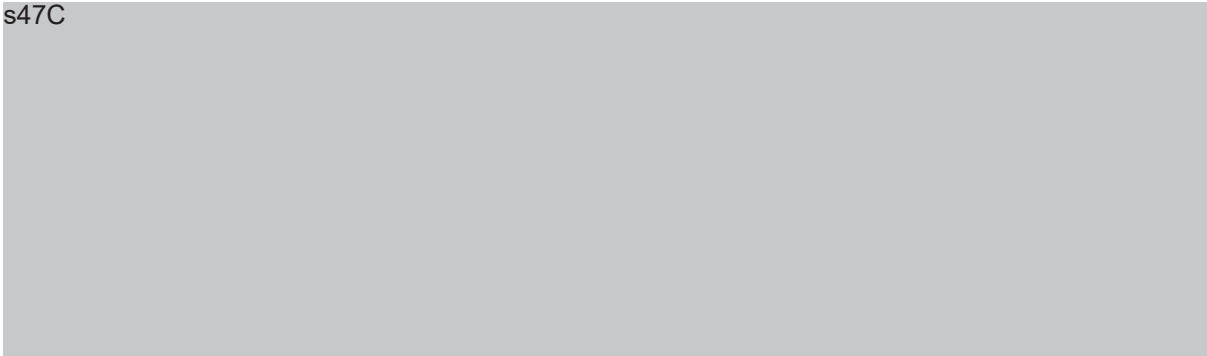
Badgers
AIRCDRE
COS AFHQ
s22
[REDACTED]

On 5 Mar 2023, at 14:42, Lawson, Robert AIRCDRE s47E(c) [REDACTED] wrote:

~~**OFFICIAL**~~

James,
s47C
[REDACTED]

s47C



Regards,
Rob L

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From: Lawson, Robert AIRCDRE

Sent: Sunday, 5 March 2023 1:14 PM

To: s47E(c)

Cc: Badgery, James AIRCDRE s47E(c); s47E(c)
s47E(c)

Subject: RE: Advice - Access to RAD School Photographs at Point Cook ~~[SEC - OFFICIAL]~~

~~OFFICIAL~~

s47E
(s)
s47C



s47C
AIRCDRE Badger s47C



s47E(c),
(s)

s47C



Regards,
Rob L

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From: s47E(c)
Sent: Sunday, 5 March 2023 9:24 AM
To: Lawson, Robert AIRCDRE s47E(c)
Cc: s47E(c); Badgery, James AIRCDRE
s47E(c)
Subject: RE: Advice - Access to RAD School Photographs at Point Cook [SEC-~~OFFICIAL~~]

~~OFFICIAL~~

Sir,
s47C

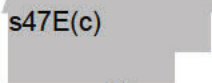


Regards

s47E(c)



s47E(c)



Escort Officer Manager
Directorate of Air Force Events
Air Force Headquarters

s22
s47E(d)



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From: Lawson, Robert AIRCDRE s47E(c)
Sent: Friday, 3 March 2023 2:45 PM
To: s47E(c)
Subject: FW: Advice - Access to RAD School Photographs at Point Cook ~~[SEC-OFFICIAL]~~

~~OFFICIAL~~

s47E(c),
Please discuss when you have a few moments.
Rob L

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From: Badgery, James AIRCDRE s47E(c)
Sent: Wednesday, 1 March 2023 3:01 PM
To: s47E(c); Lawson, Robert AIRCDRE
s47E(c)
Subject: RE: Advice - Access to RAD School Photographs at Point Cook ~~[SEC-OFFICIAL]~~

~~OFFICIAL~~

Thanks s47E .

Regards,

<image001.png>
James Badgery AM
Air Commodore
Chief of Staff – Air Force Headquarters

Email: s47E(c)
s47E(c) | s22 | s47E(c) | P.O. Box 7902 CANBERRA BC ACT 2610
<image002.png>

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From: s47E(c)
Sent: Wednesday, 1 March 2023 3:46 PM
To: Badgery, James AIRCDRE s47E(c); Lawson, Robert AIRCDRE s47E(c)
Subject: Advice - Access to RAD School Photographs at Point Cook ~~SEC-OFFICIAL~~

~~OFFICIAL~~

Hi sir,

s42

Kind regards

s47E(
)

s47E(c)

Staff Officer Legal | Air Force Headquarters

Department of Defence | Associate Secretary Group | Defence Legal

Russell Offices s47E(c), Russell | ACT

☎: s47E(c) | ☎: s22 | ✉: s47E(c)

<image003.jpg>

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From: Badgery, James AIRCDRE s47E(c)
Sent: Wednesday, 1 March 2023 1:36 PM
To: Lawson, Robert AIRCDRE s47E(c)
Cc: s47E(c)
Subject: Access to RAD School Photographs at Point Cook ~~SEC-OFFICIAL~~

~~OFFICIAL~~

Good afternoon s47,
E(c)

I was contacted by Mr s47F [REDACTED] for access to old RAD School class photographs up to 1993.

His contact email is s47F [REDACTED].

The RAD School ADF Liaison is s47F [REDACTED] at s47F [REDACTED]

If there are privacy concerns, s47E(c) [REDACTED] can provide assistance in due course.

s47C [REDACTED]

For your consideration.

Regards,

<image001.png>

James Badgery AM
Air Commodore
Chief of Staff – Air Force Headquarters

s47E(c) [REDACTED]
s47E(c) [REDACTED] | s22 [REDACTED] | s47E(c) [REDACTED] | P.O. Box 7902 CANBERRA BC ACT 2610
<image002.png>

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s22



From: s47E(c)
Sent: Thursday, 20 April 2023 3:17 PM
To: s47E(c)
Cc: s47E(c)
Subject: Letter to s47F - RADSCHOOL ~~[SES - OFFICIAL Sensitive, ACCESS - Legal Privilege]~~

~~OFFICIAL: Sensitive Legal-Privilege~~

Hi s47E(c),

As discussed, please draft a letter to s47F for COS' signature.

He has asked AIRCDRE Lawson for copies of missing (and future) course photos for his website – www.radschool.org.au He has been doing this for approx. 12 years s22

s47E(c) provided legal advice to SO DSIM in 2019/2020 about some of the legal issues – Privacy Act, Archives Act, Copyright Act and as a result the attached letter was provided to s47F in 2020. To date, he has not s42 and it is not adequate) nor applied copyright to each photo. COS has instructed to draft a letter reminding him of his copyright obligations. His request for course photos will not be considered until this is rectified.

I've attached the file (including 2020 corro). Please submit to me for review by COB Fri 28 Apr 23.

Kind regards

s47E(
)

s47E(c)

Staff Officer Legal | Air Force Headquarters

Department of Defence | Associate Secretary Group | Defence Legal

s47E(c), Russell | ACT

☎: s47E(c) | ☎: s22 | ✉: s47E(c)

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Royal Australian Air Force

Chief of Staff – Air Force Headquarters

s47F
courses@radschool.org.au

Dear s47F,

AIR FORCE RESPONSE TO REQUEST FOR AIR FORCE COURSE PHOTOGRAPHY

Thank you for your email dated 01 Mar 2023 requesting access to Royal Australian Air Force course photographs prior to, and including 1993 for inclusion on the www.radschool.org.au (Radschool) website.

I understand that on 24 January 2020, s47E(c) – Staff Officer to the Directorate of Strategic Issues Management, Air Force Headquarters wrote to you in response to your request for copies of Air Force course photographs for the Radschool website. In this letter, she identified concerns regarding the copyright policy displayed on the Radschool website. She also noted that the Radschool website may be infringing the Commonwealth's ownership of the course photographs taken by the Australian Defence Force (ADF) or at the direction of the Air Force. Copyright protection is afforded under the *Copyright Act 1968* for 50 years from the year in which they were made, or at the end of the year of first publication. To rectify this, s47F recommended that the Radschool copyright policy be updated to acknowledge that the Commonwealth has copyright over those photographs that remain within the 50 year release period by using the © **Commonwealth of Australia XXXX** and annotating the year it was created. You were informed that, subject to your action on the above, the ADF may consider granting you a licence to use the Air Force photographs still within the 50 year protection period.

At the time of writing, I reviewed the Radschool website, including course photographs and the copyright policy displayed. Although there is a link to the copyright policy that states that *"All course photos on the Radschool site, unless indicated otherwise, are the property of the RAAF"*, unfortunately this is insufficient. The Radschool copyright policy does not acknowledge that the Commonwealth has copyright over those photographs that remain within the 50 year release period by using the © **Commonwealth of Australia XXXX** and annotating on each photo the year it was created. Further, the link that you have provided to the Australian Copyright Council 'Fair Dealing' Information Sheet is out of date and not the most recent copy.

Until the Radschool copyright policy is updated as outlined above, any requests to access past or future Air Force course photos will not be considered. The ADF will not consider granting you a licence to use Air Force photographs still within the 50 year protection period, nor will we seek that Air Force Units upload future course photographs to the Defence Image Gallery for reproduction on the Radschool website. If you require further information on copyright to assist in updating the Radschool website, the Australian Copyright Council is an independent,

non-for-profit Community Legal Service that publishes practical information for users of copyright material. The Australian Copyright Council website can be explored via the following web-link <https://www.copyright.org.au/>

I trust you find the information in this letter helpful, and that our recommended courses of action may assist your website in moving forward.

Yours sincerely,

s22

James Badgery
Air Commodore
Chief of Staff – Air Force Headquarters

s47E(c)

P.O. Box 7902
Canberra BC ACT 2610

s47E(c)

s47E(c)

04 May 2023