



WIRELESS INSTITUTE OF AUSTRALIA

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Mr Glenn Dunstan
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31 October 2019

Dear Glenn,

RE: Misrepresentation in Publication

It has been brought to our attention that a publication has been made on the SurveyMonkey website that includes both the Wireless Institute of Australia ('the WIA') logo, and the personal details of our President. It is titled *Foundation Licence Callsign Options Survey* and is available without restriction for public viewing at:

https://www.surveymonkey.com/r/FL_Callsign_Survey

On Saturday the 26th of October, RASA, as represented by yourself, made the unilateral decision to set aside collaborative negotiations on the form of the publication, publication timing and distribution method of a poll and sought to release the poll publicly via social media and other media channels such as QRZ.com to a virtually unlimited audience. It is noted that up until that time, multi-party collaboration on a poll had proceeded in good faith, but no final approval was ever conferred once negotiations broke down. We believe the publication referred to above is this poll.

The public release of an anonymous, unrepresentative and flawed poll via social media as a distribution method was not, and never would be, endorsed or approved by the WIA.

The publication is headed by multiple logos, including that of the WIA. No implicit or explicit permission or licence has been given by the WIA or by any authorised person for use of that logo in this or any similar unapproved publication. Nor does the WIA infer implicit or explicit approval or licence from its collaborative partners for the use of their logos. Any implication or imputation that the WIA endorses the publication and is currently cooperating or working together with RASA at this time is false and misleading.

The publication in part reads that 'RASA and the WIA have discussed the issue with ACMA, and there are two options available.' To the extent that this implies or gives rise to an imputation that RASA and the WIA have to any extent engaged in a mutual discussion with ACMA it is incorrect. I confirm the WIA have had such a discussion and / or dialogue with ACMA on this topic, however that discussion was not had in party or cooperation with RASA. It would be accurate to say 'RASA and the WIA have each separately discussed the issue with ACMA' (assuming that RASA has done so). It is also noted that more than two options, such as the status quo, are available.

Further (and most incorrectly) the publication purports to be co-signed/authorised by the President of the WIA. The WIA President has no connection with this publication, and any implication or imputation that he has signed, authorised or endorsed it as published is most emphatically incorrect.

For clarity, we note that a core business of the WIA is (and has since 1910 been) the provision of strong, independent, and genuinely representative advocacy services to government on behalf of our many subscribing members and to the benefit of the entire amateur service. Our long-standing reputation as a genuinely representative body is a vital part of continuing to deliver these services, and of continuing to maintain our business. We consider that this use of the WIA logo, and of the name of our President, is a misrepresentation that the publication is made or authorised by the WIA, or that it forms part of our representation and advocacy business. It is my view that any such passing-off diminishes the reputation of the WIA; that it may damage our appeal to subscribers or potential subscribers; and that it may consequently damage our business.

It is my inference from the appearance of your name on the publication that you are responsible for it. Should that be the case then we invite you to promptly take all required steps to remove the WIA logo, the name of the WIA President, and any other aspects of this publication that indicate it is associated with or issued by the WIA. For the same reasons, we invite you to do the same with any other publication that we may not yet be aware of. We also request that you do not take any future steps to make any further publications with similar errors and misrepresentations.

In short, we request you to cease and desist in this and any similar conduct.

Should that not be the case, and in the event that you are not responsible for the publication, please simply take this as notice that a third party is also using your name and logo without permission.

It is our preference to resolve this issue amicably and without the complications and costs of legal action. We would be grateful for your prompt response, either denying responsibility for the publication or indicating that the errors and misrepresentations will be corrected.

Yours Sincerely,

Peter Clee

Peter Clee

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Secretary - Wireless Institute of Australia