



NSW Fair Trading Document Release

On the 4th of April 2013, we applied to NSW Fair Trading for “all correspondence between the Australian Vaccination Network, Inc. and NSW Fair Trading, from 11:52am on 20th October, 2011 to the 4th of April”, less documents related to the previous GIPA (Government Information Public Access) request. This release thus follows on from the previous release of correspondence between the AVN and NSW Fair Trading relating to the AVN’s financial affairs, covering the period from the 2nd of August 2011 to 11:51am on the 20th of October, 2011, available from <http://www.scribd.com/doc/133182859/AVN-Docs-GIPA-Releases>

The release of this current set of documents was not opposed by the AVN this time in that the AVN did not write back to NSW Fair Trading by the required deadline. We thus have all of the documents, as listed in the below schedule of documents, with only private mobile numbers and Greg Beattie’s private email address, none of which we sought, redacted. A small note on page numbering: the documents were given to us in reverse chronological order, and numbered accordingly. In rearranging them we have put them in forward chronological order, grouped as per the schedule, thus the sequence of page numbers (referred to as GIPA page numbers, as given on the top right of the pages) sometimes appears in reverse where grouped together. Where a page is missing this is only due to the fact it contained only a fax transmission record or registered post receipt and no other material.

A summary of the financial details obtained in this release, and prior documents obtained by Stop the AVN, can be found on this web page: http://www.dilutedthinking.com/avn_finstat.php

The following documents set out:

1. Correspondence relating to NSW Fair Trading order for the AVN to change its name to stop hiding its anti-vaccination stance. The AVN has trouble understanding the simple requirement by law to have a name that reflects it’s anti-vaccination stance, and has trouble coming up with suggestions.
2. Matters relating to AVN committee members. This has been released to the media only, so they’re aware of any potential conflicts of interest. The list of members’ names, with other details as required by law missing, was only provided to NSW Fair Trading after years of delay.

3. Excessive or unreasonable charges listed on the AVN accounts, in particular excessively high claims for web hosting, computer, bank fees and electricity. This raises questions as to whether the charges are for separate supplies or are part of the Doreys' household or farm expenses.
4. Ambiguity around the breakdown of member vs. non-member sales. Given Dorey has access to data we don't, we see no reason why Dorey could not have provided NSW Fair Trading with a close 'clear-cut' picture. Her tautological explanation that some members are also subscribers and some subscribers are also members, is false. That situation only applied for a period of weeks at the very beginning of 2010.
5. Matters related to the appropriate display of the AVN's name, where they were not complying with the law regarding listing the name with the word "Incorporated".
6. Claims that the AVN wasn't receiving advertising, when in fact they were.

The AVN has repeatedly delayed in responding to NSW Fair Trading claiming as excuses:

- Damage from a cyclone (GIPA page 136), actually an ex-tropical cyclone by the time it reached the AVN's office, and
- Serious illness (GIPA page 105) "since late August 2012" until at least the date of said correspondence (8th of January, 2013), however whilst this presented Meryl with problems with lodging financial details, it does not seem to have prevented her from blogging, emails, and making Facebook posts during that period. She also advertised a seminar in Canberra during that same period:
<http://avn.org.au/2012/10/savn-attacks-avns-up-coming-canberra-seminar/>
- Harassment from Stop the AVN, referencing biased publications by AVN member Prof. Brian Martin (University of Wollongong), including as "harassment" our simple and repeated requests that the AVN follow the law as it applies to other incorporated associations, and including as "attacks" simple requests from Stop the AVN for the AVN to provide evidence.

1. Name change correspondence.

The release contains a number of documents related to the order by NSW Fair Trading for the AVN to stop misleading the public about its anti-vaccination stance using its deliberately ambiguous name. We agree with the decision from the NSW Fair Trading's Principal Solicitor (refer GIPA pages 174-175) is worth repeating in full:

All in all, the available information shows, in my opinion, that the AVN is mostly concerned with opposing vaccination and mandatory immunisation. When issues have two sides, it takes just one of them.

One would expect that an organisation with the name 'Australian Vaccination Network' would provide comprehensive and credible

information on vaccinations in Australia, and a balanced view on what is involved in the processes and benefits and risks involved, as well perhaps on where and how such treatment can be obtained. The AVN does not do this. Its views are anti-vaccination, and it advises against being vaccinated or taking part in immunisation programs. Complaints received by NSW Fair Trading support this view of the AVN. Parents of young children may be particularly interested in learning about issues concerning vaccination and may easily come across the name Australian Vaccination Network in an Internet search, only to find its issue is opposing vaccination. The name does not suggest that it is anti-vaccination.

The issue here is not with the nature, objects or functions of the AVN or what it espouses, but rather with its name. It can adopt another that is not unacceptable. Free speech is not the issue.

I find:

The Australian Vaccination Network Inc's message is anti-vaccination. Its name does not reflect that message or its true nature, objects or functions.

Its name is likely to mislead the public

As such, the name is unacceptable for registration as a name under the Associations Incorporation Act 2009.

The decision under review is therefore affirmed.

Prior to this decision, the AVN have previously asked (GIPA page 110) for NSW Fair Trading to clarify further (as if it wasn't obvious):

1. In precise terms, what is wrong with our current name? In which way does it not conform to the legislation?
2. Examples of names with MINIMAL change from our current name, but which would conform.

and "(the committee) don't understand the problem ourselves" (GIPA page 111).

Later (GIPA page 162), Greg again asks NSW Fair Trading for:

...guidance regarding the change to our name. Specifically, I requested your suggestion as to minimal changes we could make to our current name, which would result in a name you deem acceptable.

We at Stop the AVN would humbly suggest "Anti-vaccination network".

Of course, NSW Fair Trading's reply (GIPA page 163) is that:

Fair Trading is not able to provide legal advice or any other advice to the Association. This includes suggestion as to alternative names for the Australian Vaccination Network Inc. or any other association.

In short, the AVN committee need to use their brains and do their own homework.

We await the decision by the NSW Administrative Decisions Tribunal on this matter as listed for the 13th and 14th of June, 2013.

2. Matters relating to AVN committee members

Refer to GIPA page 85. NSW Fair Trading has requested the AVN provide a list of committee members for NSW Fair Trading's register, along with other required details (GIPA page 83), which should have been provided years before the final list of committee members was provided, missing details such as date of birth and addresses of members (which we point out we didn't and wouldn't request), and positions held by members. The list of committee members as at the 28th of February, 2013 (GIPA page 184) is:

Greg Beattie

xxxxxxxxxx xxxxx

Meryl Dorey

xxx xxxxx

xxxx xxxxxxxxx

xxxxxxxx xxxxxxxxx

[names redacted in this non-media release version]

We feel that it is important that this list of names is made public to the media, but not SAVN, as it makes the media aware of the previously undisclosed relations of all but Meryl and Greg to the AVN.

The AVN opposed the release on the grounds of harassment as previously discussed, as well as their confusion that this was part of the name change matter before the ADT (GIPA page 150).

3. Excessive/unreasonable charges

Many of the charges seem excessive, and some are possibly also covering Meryl's personal expenses.

Web site hosting fees

Our analysis of charges for web site and domain name hosting across all of the AVN's sites (<http://avn.org.au/> , separately the shop <http://shop.avn.org.au/> and blogs <http://australiansceptics.com/> and) has produced an upper bound on hosting and e-commerce site costs of \$1,915.00 for 2011, against claims of \$4,299.00, a gap of \$2,384.00 (details available at <https://www.dropbox.com/s/wba5rvuo5xg8j4w/AVN%20website%20expenses%20estimates.xls> in addition to the above mentioned page of financial listings).

An analysis of the web site layout across 2011, from this:

<http://web.archive.org/web/20110217035144/http://avn.org.au/>

to this:

<http://web.archive.org/web/20111210092838/http://avn.org.au/>

and similarly for the shop

<http://web.archive.org/web/20110302075301/http://shop.avn.org.au/>

and

<http://web.archive.org/web/20111210010111/http://shop.avn.org.au/> ,

does not show any web site design changes that would have required any web site re-design (and hence) expenses for 2011 that may have explained

the difference. The blogs were not live until 2012, and at any rate seem to be hosted for free.

Other expenses

Other expenses like computer leasing, phone, and banking fees seem unusually high.

Repairs and maintenance

Meryl has claimed expenses for repairs and maintenance on the 2011 financial statement. If these expenses relate to structure or permanent fittings, they may more appropriately fall on the building owner i.e. the Doreys. This is a matter that should be investigated further by NSW Fair Trading.

Gas and electricity

Similarly, the charges for electricity and gas also appear high. This raises questions as to whether the charges are for separately-metered supplies or are part of the Doreys' household or farm expenses.

4. NSW Fair Trading request breakdown of member vs. non-member sales

Refer page GIPA pages 34, 37, 65, 70-71.

Dorey: "Despite the fact that between October 2010 and April 2012, we were not required to separate donations and memberships made by members of the AVN with subscriptions from non-members ..."

"Just to clarify, we do have separate items in our accounting package for subscriptions and memberships but there are some members who also subscribe to the magazine or who subscribe to the magazine in addition to their membership so that distinction - until the 18th of April this year - would not give you the clear-cut data you are looking for."

Sale of Magazines

As of Feb 2010, ALL new memberships AND membership renewals automatically included a magazine subscription.

The accounting package can differentiate between subscriptions and memberships. Simply subtract number of members from total subscriptions and you obtain number of non-member subscribers.

This calculation is totally accurate for all new and renewing memberships from Feb 2010 until April 2012. Trivial matter to also determine the numbers of member only (no subscription) members between 1 Jan 2010 and Feb as those dates must be in the system to determine when renewals are due, or simply, the date the transaction took place.

We could try to calculate the breakdown of 2010 revenue ourselves given we have membership number and magazine revenue, but there are too many other unknowns and, quite frankly, I don't trust the items listed in the financial statement actually contain what they say they do, i.e. donations originally listed under services rendered, and full membership revenue is not listed anywhere in these documents or elsewhere that we know of.

As for calculating 2011, same problems as above, plus we don't even have magazine revenue.

Sale of Other Goods

1. Compare purchaser names to those in membership database; or
2. Members obtain discounts on many items in the AVN shop - compare member discounted sales to the rest. This may even be possible to obtain from the e-commerce software that runs the AVN shop.

Summary

Given Dorey has access to data we don't, we see no reason why Dorey could not have provided NSW Fair Trading with a damn close picture.

Her tautological explanation that some members are also subscribers and some subscribers are also members, is false. That situation only applied for a period of weeks at the very beginning of 2010.

Dorey has seriously misled NSW Fair Trading.

5. Display of Association Name

Refer GIPA pages 75 and 76.

Real Australian Sceptics website.

The above website is NOT located on the AVN website, as Dorey infers. The AVN website merely provides a link to it, as it does for a number of non-AVN related websites.

It is entirely reasonable to assume that some people will land on the Real Australian Sceptics website without any knowledge of the AVN, and still not be aware that it's run by the AVN after browsing it.

We do not understand why NSW Fair Trading accepted this explanation.

Living Wisdom magazine

Refer GIPA page 75.

NSW Fair Trading advise AVN that Living Wisdom issue 9, March 2012, failed to set out the full name of the Association, despite correspondence sent to Dorey on 24 January 2012 setting out the requirements.

Living Wisdom issue #10, published June 2012, also failed to set out the full name.

"Living Wisdom is published by the AVN, a Charitable Association (CFN 11694 ASN Y20 79127)"

In addition, Living Wisdom issue #8, published August 2011, falsely claims to hold a charitable fundraising authority:

"Living Wisdom is published by the AVN, a Charitable Association (CFN 11694 ASN Y20 79127)"

6. Claims that the AVN was not accepting advertising

Refer GIPA pages 35 and 80 p35.

On 16 April 2012, Dorey advises NSW Fair Trading that the AVN has not accepted advertising in its bimonthly magazine "Living Wisdom" for over 2 years due to targeting of their advertisers.

She repeats this claim in correspondence to them on 4 June 2012.

Meryl Dorey - 17 Jan 2012, 31 Jan 2012, 4 Mar 2012 & 8 Apr 2012

In AVN newsletters dated as per above, Meryl Dorey asks for advertisers:

Several people have been insisting that they want to advertise and, seeing as they know in advance what will happen, they are happy to support the AVN and informed choice in Australia.

If you are one of those brave souls, I have just put together a range of very, very economical advertising packages that I hope will be super-appealing to you!

The prices below are for individual ads (either one issue for the magazine or one month for the e-newsletter and website). There are

10% discounts off of these prices for booking 2-4 issues/months and 15% discounts for 5-6 issue/months. I hope you will agree that this is a great value. Especially since our market is so targeted and our website gets so many hits and this e-newsletter goes out to over 8,000 people.

Living Wisdom Magazine

Living Wisdom 1/4 page ad-(both print and digital) - \$300

Living Wisdom 1/2 page ad-(both print and digital) - \$500

Living Wisdom full page ad-(both print and digital) - \$800

AVN Home page (www.avn.org.au)

Left or Right Hand Column (150w X 250h) - \$150

Bottom Banner (800w X 100h) - \$275.00

AVN Monthly e-newsletter

(always issued at least once a month - possibly more - price covers all issues in one calendar month)

Left Hand Column (150w X 250h) - \$100

Banner between articles (800w X 100h) - \$225

Dorey lied to NSW Fair Trading on 16 April 2012 and 4 June 2012. Not only was she accepting advertising, she was actively seeking it only 8 days before her 16 April advice to NSW Fair Trading.

Full-page ad seeking Advertisers - June 2012

The June 2012 issue of Living Wisdom contained a full-page spread about advertising with the AVN, headlined "Do You Want To Advertise?"

Dorey lied to NSW Fair Trading on 4 June 2012 when she advised that she is not accepting advertising.

Dorey is misleading NSW Fair Trading in regard to harassment of herself and advertisers.

Meryl Dorey - 31 Jan 2011

In AVN newsletter dated 31 Jan 2011, Dorey asks:

5- Advertising - Do you have a business or natural health practice? If so, we would love you to consider supporting the AVN by purchasing one of our fantastic advertising packages. Starting as low as \$500 and including a huge range of excellent options to promote your business, product or practice, and some lovely gifts for you and your clients as well. Please click here to read more.

Meryl Dorey - 29 Nov 2010 and 8 Dec 2010

In AVN newsletters dated as per above, Dorey asks:

5- Advertising - Do you have a business or natural health practice? If so, we would love you to consider supporting the AVN by purchasing one of our fantastic advertising packages. Starting as low as \$500 and including a huge range of excellent options to promote your business, product or practice, and some lovely gifts for you and your clients as well. Please click here to read more.

Living Wisdom - advertisements

Living Wisdom was sold on an annual subscription basis as a bimonthly publication.

The AVN only provided 2 issues in 2010, only 1 issue in 2011, and 2 issues in 2012.

2010

Living Wisdom issue #6 contains 40 advertisements, plus listings for 194 health businesses.

Living Wisdom issue #7 contains 13 advertisements, plus listings for 177 health businesses.

2011

Living Wisdom issue #8 contains 12 advertisements, plus listings for 184 health businesses.

2012

Living Wisdom issue #9 contains 1 advertisement, plus listings for 181 health businesses.

Living Wisdom issue #10 contains 4 advertisements, plus listings for 188 health businesses.

The AVN received significant negative publicity in mainstream press during this period. ABC Lateline in July 2010 reported on Meryl Dorey and AVN supporters harassing the parents of a dead baby. Also, the NSW HCCC issued a public health warning against the AVN.

It is far more likely that the AVN found itself no longer able to attract advertisers, given that a business would be wary of having their brand tarnished after the HCCC decision and Lateline report. It is no surprise to see that she could only attract a single advertiser in the first edition of 2012, after only going to print once in 2011, and failing to supply four issues in 2010. Dorey is misleading NSW Fair Trading in regard to harassment of herself and advertisers.

Dorey lied to NSW Fair Trading when she advised that she hadn't accepted advertising for over 2 years.

AVN Online Shop

The AVN online shop has *continuously* listed advertising packages for sale for all AVN publications.

Schedule of Documents

No.	Description of record	Format of record	Public interest against disclosure	GIPA Act sections
1.	Email from Ms Meryl Dorey of AVN to NSW Fair Trading 12/12/2011 1:32pm	Printed document	The documents attached to this email were not placed on file and have been processed onto the public register.	
1	Email from Rob Smith, Fair Trading to Ms Dorey AVN 12/12/2011 1:53pm	As above		
2-3	Letter from Robyne Lunney, Fair Trading to Ms Dorey AVN 24/01/2012	As above		
4-5	Email from Ms Dorey AVN to Deborah Kreig, Fair Trading 28/02/2012 2:28pm Email from Deborah Kreig, Fair Trading to Ms Dorey AVN 1/03/2012 7:47am	As above		
6-7	Email from Ms Dorey AVN to Deborah Kreig, Fair Trading 28/02/2012 2:29pm	As above		
8-9	Letter from Deborah Kreig, Fair Trading to Ms Dorey AVN 29/03/2012	As above		
10	Email from Deborah Kreig of Fair Trading to Ms Dorey AVN 29/03/2012 12:05pm attaching her letter of 29/03/2012	As above		
11-35	Facsimile transmission from Ms Dorey of AVN to Deborah Kreig of Fair Trading dated 16/04/2012 8:25am comprising response to Fair Trading's letter of 29 February 2012 and unsigned Financial Report for year ended 31/12/10, Auditor's Report and Compilation Report	As above	P34 -3(a) reveal an individual's personal information	Section 14, Table 3(a)

36-37	Letter from Robynne Lunney, Fair Trading, to Ms Dorey of AVN 19/04/2012	As above		
38-64	Letter from Ms Dorey AVN to Robynne Lunney of Fair Trading 18/05/2012 in response to Fair Trading's letter of 19/04/2012, including signed Financial Report for year ended 31/12/2012, copy of processed Form A12 and income and expenditure statement.	As above		
65-67	Letter from Ms Dorey of AVN to Robynne Lunney, Fair Trading, dated 18/05/12 sent by facsimile 16/05/12 16:27	As above		
68	Email from Micelle Briscoe, Fair Trading, 17/05/212 10:01am, acknowledging receipt of Ms Dorey's fax and email on 16/05/2012.	As above		
69-72	Letter to Ms Dorey of AVN rom Deborah Kreig, Fair Trading dated 31/05/2012	As above		
73-74	Email from Ms Dorey of AVN to Deborah Kreig of Fair Trading 4/06/2012 2:46pm, attaching letter from Ms Dorey to Ms Kreig dated 4/06/2012	As above		
75	Letter from Deborah Kreig, Fair Trading, to Ms Dorey AVN dated 31/05/2012	As above		
76	Facsimile dated 4/06/12 2:46pm of letter dated 4/06/12 from Ms Dorey of AVN to Deborah Kreig of Fair Trading	As above		
77	Email from Deborah Kreig of Fair Trading to Ms Dorey of AVN dated 4/06/12 3:04pm acknowledging receipt of email.	As above		
78-80	Email from Ms Dorey of aVN to Deborah Kreig of Fair Trading dated 4/06/12 3:33pm	As above		

81-82	Letter from Deborah Kreig, Fair Trading to Ms Dorey of AVN dated 21/06/12	As above		
83-85	Letter from Deborah Kreig, Fair Trading to Ms Dorey of AVN dated 21/06/12	As above		
86	Letter from Robyne Lunney, Fair Trading to Ms Dorey of AVN dated 3/08/12	As above		
87	Letter from Don Jones, Fair Trading to Ms Dorey of AVN dated 28/08/12	As above		
88-89	Letter from Robynne Lunney, Fair Trading to Ms Dorey of AVN dated 15/10/12	As above		
90-91	Letter from Rod Stowe, Commissioner, NSW Fair Trading to Ms Dorey of AVN dated 12/12/12	As above		
92-94	Email from Ms Dorey of AVN to Christine Gowland of Fair Trading dated 18/12/12 at 3:31pm and 4:55pm, attaching letter from Ms Dorey of AVN to Don Jones of Fair Trading dated 7/09/12	As above		
95-98	Emails from Christine Gowland of Fair Trading to Ms Dorey of AVN dated 17/12/12 4:15pm, 4:35pm and 4:36pm Emails from Ms Dorey of AVN to Christine Gowland of Fair Trading dated 17/12/12 at 3:30pm and 4:26pm	As above		
99-105	Email from Ms Dorey of AVN to Robynne Lunney of Fair Trading dated 8/01/13 1:53pm, attaching signed Financial Report for year ended 31 December 2011	As above		
106	Email from Robynne Lunney of Fair Trading to Ms Dorey of AVN dated 8/01/13 – advice Registry is closed.	As above		

107-109	Email from Ms Dorey of AVN to Robynne Lunney of Fair Trading dated 8/01/13 1:56pm enclosing letter from Ms Dorey of AVN to Robynne Lunney of Fair Trading dated 18/05/12	As above		
110-111	Letter from Greg Beattie of AVN to Rod Stowe, Commissioner of NSW Fair Trading dated 27/12/12	As above	P110 3(a) reveal an individual's personal information	Section 14, Table 3(a)
112-121	Letter from Robynne Lunney of Fair Trading to Ms Dorey of AVN dated 14/01/13 including schedule of direction to change name pursuant to section 11 of the Associations Incorporation Act 2009.	As above		
122	Letter from Robynne Lunney of Fair Trading to Greg Beattie of AVN dated 16/01/13 enclosing relevant legislative provisions	As above		
123	Letter from Robynne Lunney of Fair Trading to Ms Dorey of AVN dated 16/01/13 enclosing relevant legislative provisions	As above		
124	Letter from Robynne Lunney of Fair Trading to Greg Beattie of AVN dated 14/01/13 stating copy of documents issued to Ms Dorey of AVN are enclosed.	As above		
125	Email from Christine Gowland of Fair Trading to Ms Dorey of AVN dated 23/01/13 4:47pm	As above		
126-136	Email from Ms Dorey of AVN to Christine Gowland of Fair Trading dated 31/01/13 10:07am attaching copy of unsigned Financial Report for year ended 31 December 2011	As above		
137-139	Letter from Christine Gowland of Fair Trading to Ms Dorey of AVN dated 8/02/13	As above		

140-141	Original and a copy of a letter from Greg Beattie of AVN to Rod Stowe, Commissioner of NSW Fair Trading dated 8/02/13 requesting internal review of decision to issue direction to organisation to change its name.	As above		
142-149	Email from Ms Dorey of AVN to Robynne Lunney of Fair Trading dated 15/02/13 2:50pm attaching copy of signed Financial Statements for year ended 31 December 2012.	As above	P148 -4(d) prejudice any person's legitimate business, commercial, professional or financial interests	Section 14, Table 4(d)
150-151	Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18/02/13 11:06am attaching a copy of a letter from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18/02/13.	As above	P151 -3(a) reveal an individual's personal information	Section 14, Table 3(a)
152	Email from Christine Gowland of Fair Trading to Greg Beattie of AVN dated 18/02/13 11:26am Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18/02/13 11:43am	As above	P152 -3(a) reveal an individual's personal information	Section 14, Table 3(a)
153-154	Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18/02/13 10:06am Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 21/02/13 2:37pm Email from Christine Gowland of Fair Trading to Greg Beattie of AVN dated 21/02/13 5:17pm	As above	P154 -3(a) reveal an individual's personal information	Section 14, Table 3(a)

155-156	<p>Copy of email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18/02/13 10:06am</p> <p>Copy of email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 21/02/13 2:37pm</p> <p>Copy of email from Christine Gowland of Fair Trading to Greg Beattie of AVN dated 21/02/13 5:17pm</p> <p>Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 22/02/13 10:06am</p> <p>Email from Christine Gowland of Fair Trading to Greg Beattie of AVN dated 22/02/13 11:32am</p>	As above	P155-156 -3(a) reveal an individual's personal information	Section 14, Table 3(a)
157-158	<p>Copy of emails on folios 155-156</p> <p>Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 22/02/13 11:57am</p>	As above	P157-158 -3(a) reveal an individual's personal information	Section 14, Table 3(a)
159-161	<p>Copy of emails on folios 155-156</p> <p>Emails from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 22/02/13 12:57pm and 5:27pm</p>	As above	P160-161-3(a) reveal an individual's personal information	Section 14, Table 3(a)
162	Letter from Greg Beattie of AVN to Rod Stowe, Commissioner of NSW Fair Trading dated 18/02/13	As above		
163	Letter from Rod Stowe, Commissioner of NSW Fair Trading to Greg Beattie of AVN dated 21/01/13	As above		
164	Copy of letter from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 18 February 2013.	As above		

165-171	Copy of letter from Sam Jenkin of Fair Trading to Greg Beattie of AVN regarding result of internal review of direction to change name dated 19/02/13 plus facsimile result sheet.	As above		
172-180	Copy of letter from Sam Jenkin of Fair Trading to Greg Beattie of AVN in response to his letter dated 18/02/13, and also enclosing copy of Rod Stowe's response to Greg Beattie dated 21/01/13 and his own letter to Greg Beattie dated 19/02/13 regarding result of internal review of direction to change name plus facsimile result sheet	As above		
181-183	Letter from Christine Gowland of Fair Trading to Ms Dorey of AVN dated 20/12/12, including registered post receipt.	As above		
184-187	Copy of emails in folios 155-156 Email from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 28/02/13 3:27pm attaching letter from Greg Beattie of AVN to Christine Gowland of Fair Trading dated 28/02/13 regarding list of committee members. Email from Christine Gowland of Fair Trading to Greg Beattie of AVN dated 5/03/13 11:57am acknowledging receipt of Greg Beattie's email of 28/02/13.	As above	P185-187 -3(a) reveal an individual's personal information	Section 14, Table 3(a)
188	Letter to Greg Beattie of AVN from Rod Stowe, Commissioner for NSW Fair Trading dated 11/03/13.	As above		

Robert Smith - Re: form A12 and Payment form for AVN

From: Robert Smith
To: Meryl Dorey
Date: 12/12/2011 1:53 PM
Subject: Re: form A12 and Payment form for AVN
CC: Christine Gowland

Dear Ms Dorey

I acknowledge receipt of the Form A12, credit card payment authority and audited financial statements for Australian Vaccination network Inc for the year ended 31 December 2010 forwarded today.

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
154 Russell Street, BATHURST
(PO Box 22, BATHURST 2795)
e: robert.smith@services.nsw.gov.au
Freecall: 1800 502 042 | P: 02 6333 1458 | F: 6333 1458 |
www.fairtrading.nsw.gov.au



>>> Meryl Dorey <meryl@avn.org.au> 12/12/2011 1:32 pm >>>

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair
Trading

Registry of Co-operatives & Associations
154 Russell Street
Bathurst NSW 2795
PO Box 22
Bathurst NSW 2795
Tel 6333 1400 Toll Free 1800 502 042
Fax 6333 1444
TTY 1300 723 404 ABN 81 913 830 179
DX 3123 Bathurst
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946-3

Ms Meryl Dorey
138 Old Bryon Bay Rd
BANGALOW NSW 2479

FILE COPY

Dear Ms Dorey

The Registry has recently received correspondence raising a number of concerns regarding the Australian Vaccination Network Incorporated (Y2079127).

Those complaints include that the Association is not properly displaying its registered name as required by the *Associations Incorporation Act 2009*.

The Association should be aware that the full name of an incorporated association including the word 'Incorporated' or the initials 'Inc.' appear in legible characters on official documents, including all business letters, statements, invoices, receipts, notices and publications (including the association's website). A copy of section 41 of the *Associations Incorporation Act 2009* is attached.

A review the Association's website shows the name of the Association is set out as "AVN Inc". An abbreviation of the Association's registered name in this manner is not permitted under the Act and may be considered to be misleading.

Please provide written confirmation by **29 February 2012** that the Association has taken action to ensure its full name is included on the documents (including its website) as specified in section 41 of the Act. That confirmation should be provided on the Association's letterhead.

While considering the issues raised with it, the Registry has reviewed the 2010 Annual summary of financial affairs of the Association. This review has resulted in some concern regarding the suitability of the Association's continued registration under the Act

The object of the Act is to establish a scheme for registration of Associations established for the purpose of small scale, non profit and **non-commercial activities**; section 3 of the Act.

However, Association's 2010 Annual summary of financial affairs indicates the Association may be engaged in significant commercial activities. In particular, it is noted that \$187,408 (66.48%) of the Association's income came from the sale of goods with another \$76,996 (27.31%) from the 'Rendering of services'.

You should be aware that the Director-General may pursuant to section 73 of the Act direct an Association to apply for cancellation if satisfied that having regard to the objects of the Act the Association should no longer be registered:

- (a) because some provision of the association's constitution is contrary to law, or

- (b) because of the Director-General's assessment of the nature or extent of the association's activities, or
- (c) because of the Director-General's assessment of the nature or extent of the association's dealings with the public, or
- (d) for any other reason that appears sufficient to the Director-General.

To allow the Registry to consider whether the Association's continued registration under the *Association's Incorporation Act 2009* is suitable please provide the following information by **29 February 2012**:

- details of the activities of the association;
- details of the number and value of subscriptions from non-members;
- details of the value of sales of books, DVDs and other items to non-members; and
- details of the value of advertising in publications of the association.

~~Please note, you are required to bring this letter to the attention of the committee of the association as soon as practical after receipt.~~ section 101(2) of the Act.

Yours sincerely

Robyne Lunney
Acting Manager, Case Management Unit
24 January 2012

Deborah Kreig - AUSTRALIAN VACCINATION NETWORK INCORPORATED

5

From: registryinquiries
To: meryl@avn.org.au
Date: 1/03/2012 7:47 AM
Subject: AUSTRALIAN VACCINATION NETWORK INCORPORATED

Dear Ms Dorey

I refer to your email of 28 February 2012.

Thank you for your advice regarding the association's website. Please provide a further update regarding the Association's website by 22 March 2012.

In relation to the information requested in the Registry's letter of 24 January 2012. Please advise:

the current activities of the association. However, if the activities have changed significantly in the last 2-3 years please provide details.

In relation to the matters listed in dot points 2-4 of the Registry's letter, at this stage please provide the information requested for the last two audited years being 2008/2009 and 2009/2010. However, if the association expects the results for 2011 to be significantly different from the results of those years please provide details.

I apologise for any confusion regarding the Registry's requirements in this regard. Please provide the requested information by 22 March 2012

Deborah Kreig | Legal Officer
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
154 Russell Street, BATHURST
(PO Box 22, BATHURST 2795)
P: 02 6333 1400 | F: 02 6333 1444



Download NSW Fair Trading's free [ShopSmart app](#) for advice while you shop. Save your receipts & set lay-by reminders.

>>> Meryl Dorey <meryl@avn.org.au> 28/02/2012 2:28 pm >>>
Dear Deborah,

Thank you for your time on the phone earlier in the day and for clarifying some of the issues regarding the letter I had received from the Dept of Fair Trading with the reference number 10/041946-3.

As I stated to you, regarding the issue of our use of the name Australian Vaccination Network without the Inc following the name, our website is currently down for amendment and when it is relaunched in a few weeks' time, that will appear as requested.

Regarding the request concerning our financial matters, as I said to you, the letter did not specify the time period for which the information was required. You have said that the information should encompass the past 2 years. I am assuming you mean the last two audited years - 2008/2009 and 2009/2010. If you would like to change that to mean 2009/2010 and the unaudited results for 2011, please let me know.

As I also said, I am filing a GIPA in regards to the complaint that has caused this request to come from the Dept of Fair

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Trading. As a result of that and also as a result of the uncertainty as to what time period you were requesting information for, I would like to request an extension of time to provide you with the information required by the Dept.

If you could please reply as to the decision of the Dept, I would be very grateful.

Kind regards,
Meryl Dorey
cc:/ AVN National Management Committee

Meryl Dorey,
Spokesperson
The Australian Vaccination Network, Inc.
Investigate before you vaccinate
Editor,
Living Wisdom Magazine
Family, Health, Environment
PO Box 177
BANGALOW NSW 2479
AUSTRALIA
' <http://www.avn.org.au>
...<http://www.living-wisdom.com>
Phone: 02 6687 1699
FAX 02 6687 2032
skype: ivmmag

Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them -- and then, the opportunity to choose. -
C. Wright Mills

The authority of any governing institution must stop at its citizen's skin. - Gloria Steinem

We rely on the help and support of our members and subscribers to continue offering our services freely and without prejudice.

Please consider helping us by subscribing to Living Wisdom and renewing your membership promptly if you are already an AVN member. Go to <http://www.avn.org.au> to subscribe or renew.

We also sell books, videos and DVDs on vaccination and other health issues. Go to <http://shop.avn.org.au/> for more details.

PS - all of our subscriptions are currently on sale until December 24th. Our digital (online delivery) subscription is 50% off. Please check out the information at <http://archive.constantcontact.com/fs082/1101800214009/archive/1108706073097.html>

registry inquiries - Attention Deborah Kreig

7

From: Meryl Dorey <meryl@avn.org.au>
To: <registryinquiries@services.nsw.gov.au>
Date: 28/02/2012 2:29 PM
Subject: Attention Deborah Kreig
CC: Committee <avn-committee-discussion@googlegroups.com>



Dear Deborah,

Thank you for your time on the phone earlier in the day and for clarifying some of the issues regarding the letter I had received from the Dept of Fair Trading with the reference number 10/041946-3.

As I stated to you, regarding the issue of our use of the name Australian Vaccination Network without the Inc following the name, our website is currently down for amendment and when it is relaunched in a few weeks' time, that will appear as requested.

Regarding the request concerning our financial matters, as I said to you, the letter did not specify the time period for which the information was required. You have said that the information should encompass the past 2 years. I am assuming you mean the last two audited years - 2008/2009 and 2009/2010. If you would like to change that to mean 2009/2010 and the unaudited results for 2011, please let me know.

As I also said, I am filing a GIPA in regards to the complaint that has caused this request to come from the Dept of Fair Trading. As a result of that and also as a result of the uncertainty as to what time period you were requesting information for, I would like to request an extension of time to provide you with the information required by the Dept.

If you could please reply as to the decision of the Dept, I would be very grateful.

Kind regards,
 Meryl Dorey
 cc:/ AVN National Management Committee

Meryl Dorey,
 spokesperson
 The Australian Vaccination Network, Inc.
 Investigate before you vaccinate
 Editor,
 Living Wisdom Magazine
 Family, Health, Environment
 PO Box 177
 BANGALOW NSW 2479
 AUSTRALIA
<http://www.avn.org.au>
<http://www.living-wisdom.com>
 Phone: 02 6687 1699
 FAX 02 6687 2032
 skype: ivmmag

Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them -- and then, the opportunity to choose. -
 C. Wright Mills

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

6

The authority of any governing institution must stop at its citizen's skin. - Gloria Steinem

We rely on the help and support of our members and subscribers to continue offering our services freely and without prejudice.

Please consider helping us by subscribing to Living Wisdom and renewing your membership promptly if you are already an AVN member. Go to <http://www.avn.org.au> to subscribe or renew.

We also sell books, videos and DVDs on vaccination and other health issues. Go to <http://shop.avn.org.au/> for more details.

PS - all of our subscriptions are currently on sale until December 24th. Our digital (online delivery) subscription is 50% off. Please check out the information at <http://archive.constantcontact.com/fs082/1101800214009/archive/1108706073097.html>

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair
Trading

Registry of Co-operatives & Associations
154 Russell Street
Bathurst NSW 2795
PO Box 22
Bathurst NSW 2795
Tel 6333 1400 Toll Free 1800 502 042
Fax 6333 1444
TTY 1300 723 404 ABN 81 913 830 179
DX 3123 Bathurst
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946-3

Ms Meryl Dorey
138 Old Byron Bay Rd Byron
BANGALOW NSW 2479

Dear Ms Dorey

I refer to my letter dated 24 January 2012, your email of 28 February 2012 and my response on 1 March 2012 regarding the Australian Vaccination Network Incorporated (Y2079127).

As you are aware the Association was requested to provide information to the Registry regarding its activities and confirmation the Association was taking action to ensure it complies with section 41 of the Associations Incorporation Act 2009 in relation to the use of its full name.

On 28 February 2012 you advised that the Association's website was 'down for amendment and when it is relaunched the full name of the Association would appear. However, a review of the Association's website shows that at 28 March 2012 the part of the website that relates to its commercial activities (<http://shop.avn.org.au/>) continues to operate without the full name of the Association.

The Association is required to provide advice on the Association's letterhead regarding the action it has taken to date to ensure its full name is included on the documents specified in section 41 of the Act (including its website and advertisements). That confirmation is to be provided on the Association's letterhead and **must be received by 4pm on 16 April 2012.**

In addition, the requested information regarding the Association's activities has not been received by the Registry. That information is to allow the Registry to consider whether the Association's continued registration under the *Association's Incorporation Act 2009* is suitable:

To avoid any confusion regarding the information requested by the Registry, and in view of the period of time that has elapsed since the original request please provide the following information to the Registry **by 4pm on 16 April 2012:**

- Details of the current activities of the association.
- Details of the number and value of subscriptions from non-members for the financial years 31 December 2010 & 31 December 2011;
- Details of the value of sales of books, DVDs and other items to non-members for the financial years ended 31 December 2010 & 31 December 2011; and
- Details of the value of advertising in publications of the association for the financial years 31 December 2010 & 31 December 2011.
- The 2010 financial statements refer to 'Rendering of services' under the heading of 'Sales revenue'. Please provide details of the services provided by the Association that are categorised within this classification.

Please note, you are required to bring this letter to the attention of the committee of the association as soon as practical after receipt: section 101(2) of the Act.

Yours sincerely



Deborah Kreig
Legal Officer
29 March 2012

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

registryInquiries - Australian Vaccination Network Incorporated

10

FILE COPY

From: registryInquiries
To: meryl@avn.org.au
Date: 29/03/2012 12:05 PM
Subject: Australian Vaccination Network Incorporated
Attachments: Letter - 29.3.2012.pdf

Dear Ms Dory

My letter dated 29 March 2012 is attached. The original of this letter has been forwarded to you by post.

Deborah Kreig / Legal Officer
Registry of Cooperatives & Associations
Russell Street, Bathurst 2796
e: registryinquiries@services.nsw.gov.au p: 1800 502 042 | f: 63331444 |
www.fairtrading.nsw.gov.au
p: 1800 502 042 | f: 0263331444



Fair
Trading

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Fax

35

Fax TransmissionY2079127
10/41946

From: Meryl Dorey
Subject: Attention Deborah King

Ms Deborah King,
NSW Fair Trading

Dear Ms King,

Per your letter dated the 29th of February, 2012, please find below the information requested about the operations of the Australian Vaccination Network.

Our website relaunched on Friday the 6th of April and the banner was updated to reflect the word - "Inc." after the words which were always there - Australian Vaccination Network. Our shop has also had this change added to the name of our organisation.

As a matter of interest, I did a brief search of Incorporated associations registered in the state of NSW to determine if other groups also included either the word "Incorporated" or the abbreviation, "Inc." in their banner or on their home page or elsewhere. Surprisingly, out of the 15 organisations I pulled at random using keywords and double-checking with the ASIC register to confirm that they are indeed Incorporated associations registered in NSW, only 1 included the word either the word "Incorporated" or "Inc" after their name.

In the interest of procedural fairness, I would think that this requirement and the wording of the policy that was sent to me would need to be amended to clarify this requirement since the wording that you sent me only refers to needing to have these details in print (letterheads, publications, etc). There is no reference whatsoever to websites and I believe that other small non-profits (and several of the sites I checked are very large organisations) could also be caught in this trap of not being aware of this requirement because the wording is so ambiguous.

Next, I attach a copy of the updated audit of our organisation for 2010. Mr John Hudson, the accountant who did our original audit, was under a misapprehension as to what was required and as I said when I spoke with you on the phone back in February, he needed to redo this work to reflect the requirements of an audit for an incorporated association.

You have also asked for the value of advertising but we have not accepted advertising in our magazine for over 2 years due to the targeting of our

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

34

Advertisers by the same people who have been making complaints against us with departments such as the Dept of Fair Trading. We have refused to accept advertising because we will not put well-meaning businesses in the same position we have found ourselves in - that of being the victim of the abusive tactics of the Australian Skeptics and Stop the AVN.

You have asked for the value of purchases for members and non-members but since we are not a charity authority holder, there is no requirement for us to maintain this information and I do not have it to provide to you. Hopefully, the fact that our audit now contains more details on this information will be helpful for you in ascertaining whether or not our association should still be registered.

As for the details for the current activities of our association; they are unchanged from what they always were:

- 1- Providing information on vaccination and health which individuals can use to balance the information provided by the government and medical community in order to make an informed choice.
- 2- Supporting people who have been discriminated against as a result of their health choices.
- 3- Lobbying to ensure that vaccination is never made compulsory.

I hope this information is sufficient but if you require further details, please just let me know and I will be happy to help.

I will be out of the office until the end of this week but will be available online should you need me or on my mobile [REDACTED]

Kind regards,
Meryl Dorey

AUSTRALIAN VACCINATION NETWORK INC

ABN 30 077 002 923

FINANCIAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2010

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Fax

32

AUSTRALIAN VACCINATION NETWORK INC

ABN 30 077 002 923

Contents:

Committee Report	2
Income Statement	3
Balance Sheet	4
Statement of Changes in Equity	5
Notes to the Financial Statements	6
Statement by Members of the Committee	15
Auditor's Report	16
Compilation Report	18

AUSTRALIAN VACCINATION NETWORK INC

Fax

31

COMMITTEE REPORT

The Committee submit the financial report of the Australian Vaccination Network Inc. for the financial year ended 31 December 2010.

Committee Member
Meryl Dorey

Principal Activities

The principal activities of the Association during the financial year were to promote informed choices about vaccinations and natural health. Support the right of all Australians to make free vaccination choices without discrimination or penalty, Research and Lobby to protect rights.

Significant Changes

No significant change in the nature of these activities occurred during the year.

Operating result

The profit/(loss) after providing for income tax amounted to \$50,438.00

After Balance Date Events

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Association, the results of those operations, or the state of affairs of the Association in future financial years.

Future Developments

The Association expects to maintain the present status for the next 12 months.

Environmental Regulation

The company's operations are not regulated by any significant environmental regulation under a law of the Commonwealth or of a State or Territory.

Signed in accordance with a resolution of the Members Committee.

Dated this day of 2011

AUSTRALIAN VACCINATION NETWORK INC

INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2010

Note	2010	2009
3		

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Fax

30

		\$	\$
Revenue	2	281,885	281,756
Employee benefits expenses		(57,522)	(54,757)
Commissions Paid		(3,605)	(12,341)
Other expenses		(170,320)	(203,718)
Profit/(loss) before income tax		50,438	10,940
Income tax expense		---	---
Profit/(loss) from Operations		50,438	10,940

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

BALANCE SHEET AS AT 31 DECEMBER 2010

	Note	2010	2009
		\$	\$
ASSETS			
CURRENT ASSETS			

Fax

29

Cash and Cash Equivalents	4	24,515	5,931
Trade and Other Receivables	5	1,258	6,479
Inventories	6	12,240	12,240
		-----	-----
TOTAL CURRENT ASSETS		38,013	24,650
		-----	-----
NON CURRENT ASSETS		---	---
		-----	-----
TOTAL NON CURRENT ASSETS			
		-----	-----
TOTAL ASSETS		38,013	24,650
		=====	=====
LIABILITIES			
CURRENT LIABILITIES			
Trade and Other Payables	7	1,310	32,442
Provisions		---	353
Current Tax Liabilities	8	1,273	81
		-----	-----
TOTAL CURRENT LIABILITIES		2,583	32,876
		-----	-----
TOTAL LIABILITIES		2,583	32,876
		-----	-----
NET ASSETS		35,430	(8,226)
		=====	=====
EQUITY			
Retained Earnings		(15,008)	(19,166)
Current Year Earnings		50,438	10,940
		-----	-----
TOTAL EQUITY		35,430	(8,226)
		=====	=====

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

STATEMENTS OF CHANGES IN EQUITY FOR THE YEAR ENDED 31 DECEMBER 2010

Retained Profits	Total
\$	\$

Fax

28

Balance as at 30 December 2008	(19,166)	(19,166)
Profit/Reserves attributed to members	10,940	10,940
Balance as 30 December 2009	(8,226)	8,226)
Profit/Reserves attributed to members	43,656	43,656
Balance as 31 December 2010	35,430	35,430

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The financial report is a general purpose financial report that has been prepared in accordance with Accounting Standards, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the requirements of the Associations Incorporation Act NSW.

The financial report covers Australian Vaccination Network Inc. as an individual entity. Australian Vaccination Network Inc. is incorporated in New South Wales under the Associations Act 1984.

Fax

27

The financial report of Australian Vaccination Network Inc. as an individual entity complies with all Australian equivalents to International Financial Reporting Standards (AIFRS) in their entirety.

The following is a summary of the material accounting policies adopted by the Association in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

Reporting Basis and Conventions

The financial report has been prepared on an accruals basis and is based on historical costs modified by the revaluation of selected non current assets, and financial assets and financial liabilities for which the fair value basis of accounting has been applied.

Accounting Policies

a Income Tax

In the committee's opinion the Association is exempt from income tax under Section 50-40 of the Income Tax Assessment Act 1997 as it is a non profit organisation.

b Property, Plant & Equipment

Each class of property, Plant & equipment is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment losses.

Plant & Equipment

Plant & Equipment are measured on the cost basis less depreciation and impairment losses.

The carrying amount of plant & equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the assets' employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

The cost of fixed assets constructed within the Association includes the cost of materials, direct labour, borrowing costs and an appropriate proportion of fixed and variable overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Association and the cost of the item can be measured reliably. All other repair & maintenance are charged to the income statement during the financial period in which they occurred.

Depreciation

The depreciable amount of all fixed assets including building and capitalised lease assets, is depreciated on a straight line basis over their useful lives to the commencing from the time the assets is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are:

Class of Fixed Asset	Depreciation Rate
Office Equipment	20%

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The assets residual value and useful lives are reviewed and adjusted, if appropriate, at each balance date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Fax

26

Gains & Losses on disposals are determined by comparing proceeds with the carrying amount

These gains and losses are included in the income statement. When re-valued assets are sold, amounts included in the revaluation relating to that asset are transferred to retained earnings.

c Financial Instruments

Recognition

Financial instruments are initially measured at cost on trade date, which includes transaction costs, when related contractual rights or obligations exist. Subsequent to initial recognition these instruments are measured as set out below.

Financial Assets at fair value through profit and loss

A financial asset is classified in this category if acquired principally for the purpose of selling in the short-term or if so designated by management. Derivatives are also categorised as held for trading unless they are designated as hedges. Realised and unrealised gains and losses arising from changes in the fair value of these assets are included in the income statement in the period in which they arise.

Available-for-sale financial assets

Available-for-sale financial assets include any financial assets not included in the above categories. Available-for-sale financial assets are reflected at fair value. Unrealised gains and losses arising from changes in fair value are taken directly to equity.

Financial Liabilities

Non-derivative financial liabilities are recognised at amortised cost, comprising original debt less principal payments and amortisation

Impairment

At each reporting date, the Association assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the income statement.

d. Impairment of Assets

At each reporting date, the Association reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

Where it is not possible to estimate the recoverable amount of the cash-generating unit to which the asset belongs.

e. Employee Benefits

Provision is made for the Association's liability for employment benefits arising from services rendered by employees to balance date. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled, plus related on-costs. Employee benefits payable later than one year have been measured at the present value of the estimated cash outflows to be made for those benefits.

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

f. Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

g Revenue

Fax

25

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Dividend revenue is recognised when the right to receive a dividend has been established.

All revenue is stated net of the amount of goods and services Tax (GST)

h Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

i Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

Critical Accounting Estimates and Judgement

The committee members evaluate estimates and judgements incorporated into the financial report based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the Association

Key Estimates - Impairment

The Association assesses impairment at each reporting date by evaluating conditions specific to the Association that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined.

Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

The financial report was authorised for issue on 31 December 2010

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 2: REVENUE

	2010	2009
	\$	\$
Sales revenue		
- Sale of Goods	74,200	160,647

Fax

24

- Rendering of Services	192,291	95,080
- Interest Received	266,491	143
- Other Income	15,394	25,886
	<u>281,885</u>	<u>281,756</u>

NOTE 3: PROFIT

	2010 \$	2009 \$
Cost of Goods Sold	69,886	106,007
Leasing Charges	4,743	3,922
	<u>74,629</u>	<u>109,929</u>

NOTE 4: CASH AND CASH EQUIVALENTS

	2010 \$	2009 \$
Cash on hand	85	133
Westpac Living Wisdom	1,371	287
Westpac AVN Gift Fund	318	754
Westpac AVN 188207	1,818	1,269
Westpac Maxi 1 188223	13,572	3,227
AVN Fundraising Account 229283	6,813	261
Travel Cash Account	538	---
	<u>24,515</u>	<u>5,931</u>

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 5: TRADE AND OTHER RECEIVABLES

CURRENT

2010 \$	2009 \$
------------	------------

Fax

23

Trade Debtors	985	3,770
Undeposited Funds	---	185
PayPal	273	298
GST on Acquisitions	---	2,226
	<hr/>	<hr/>
	1,258	6,479

2010
\$

2009
\$

NOTE 6: INVENTORIES

Current Stock on Hand	<hr/> 12,240 <hr/>	<hr/> 12,240 <hr/>
-----------------------	--------------------	--------------------

Stock on hand includes an impairment write down of \$54,358, as per AASB 136 which mainly relates to the quantity and age of magazine stock held. Books, CD's, Information Packs, DVD and any other stock item have been recorded at cost in the financial statements and the quantity of each item has been obtained from stock counts conducted for the year ended 31 December 2010.

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
NOTE 7: TRADE AND OTHER PAYABLES		
CURRENT		

Fax

22

Trade Creditors	485	13,147
CBA Mastercard	---	17,393
PAYG Withholding	834	1,477
Superannuation Payable	825	876
Loan - Meryl Dorey	---	(5)
GST on Supplies	439	2,658
	<u>2,583</u> ✓	<u>35,546</u>

NOTE 8: TAX

CURRENT LIABILITIES

Taxation ATO Payable	---	(3,104)
----------------------	-----	---------

Financial Liabilities at amortised cost classified as
trade and other payables

Trade and Other Payables

Total Current	2,583	32,442
---------------	-------	--------

Financial Liabilities as trade and other payables

2,583	32,442
-------	--------

NOTE 9 BORROWINGS

Current
Bank Overdraft
CBA AVN General Account
Total Borrowings

2010	2009
---	---
---	81
---	81

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 10 PROVISIONS

Provision for Holiday Pay

Total Provisions

2010	2009
---	353
---	353

Fax

21

NOTE 11: FINANCIAL INSTRUMENTS

a Financial Risk Management

The Association's financial instruments consist solely of deposits with banks and accounts receivable and payable.

The Association does not have any derivative instruments at 31 December 2010

i. Treasury Risk Management

The committee members meet on a regular basis to analyse interest rate exposure and to evaluate treasury strategies in the context of the most recent economic conditions and forecasts.

ii. Financial Risk

The main risks the Association is exposed to through its financial instruments are interest rate risk, liquidity risk and credit risk.

Interest rate risk

The Association does not currently have any debt and is therefore not exposed to interest rate risk on borrowings.

Foreign currency risk

The Association is not exposed to fluctuations in foreign currencies.

Liquidity risk

The Association manages liquidity risk by monitoring forecast cash flows and ensuring that adequate cash facilities are maintained.

Credit risk

The maximum exposure to credit risk, excluding the value of any collateral or other security, at balance date to recognised financial assets, is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

b**Interest Rate Risk**

The Association's exposure to interest rate risk, which is the risk that a financial instrument's value will fluctuate as a result of changes in market interest rates and the effective weighted average rates on those financial assets and financial liabilities, is as follows:

Weighted Average Effective Interest		Floating Interest rate		Non Interest Bearing		Total	
2010	2009	2010	2009	2010	2009	2010	2009

Fax

20

Financial Assets	%	%	\$	\$	\$	\$	\$	\$
Cash at Bank	----	----	24,515	5,931	----	----	24,515	5,931
Trade and other	----	----	----	----	1,258	6,479	1,258	6,479
Receivables								
Total Financial Assets			24,515	5,931	1,258	6,479	25,773	12,410
Financial Liabilities								
Trade and other								
Payables					2,583	32,442	2,583	32,422

NOTE 12: ACCOUNTING POLICY AMENDMENTS

The following Australian Accounting Standards issued or amended and are applicable to the Association but not yet effective and have not been adopted in preparation of the financial statements at reporting date

AASB Amendment	Standards Affected	Outline of Disclosure	Application Date of Standard	Application Date for Group
AASB 2005-10: AIFRS Amendments to Australian Accounting Standards	AASB 1: First time adoption of AIFRS AASB 4: Insurance Contracts AASB 101: Presentation of Financial Statements	The disclosure requirements of AASB 132: Financial Instruments Disclosure and Presentation have been replaced due to the issuing of AASB 7: Financial Instruments: Disclosures in August 2005. These amendments will involve changes to financial instrument disclosures within the financial report. However, there will be no direct impact on amounts included in the financial report as it is a disclosure standard	1.1.2007	1.7.2007
	AASB 114: Segment Reporting			
	AASB 17: Leases			
	AASB 133: Earnings per Share			
	AASB 1023: General Insurance Contracts			
	AASB 1038: Life Insurance Contracts			
	AASB 139: Financial Instruments: Recognition and Measurement			

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

AASB Amendment	Standards Affected	Outline of Disclosure	Application Date of Standard	Application Date for Group
AASB 7: Financial Instruments:	AASB 132: Financial Instruments Disclosure and Presentation	As Above	1.1.2007	1.7.2007

Fax

19

Disclosures

NOTE 13: ASSOCIATION DETAILS

The registered office of the company is:
Australian Vaccination Network Inc
Deacon St, Bangalow 2479.

The Principal place of business is:
Australian Vaccination Network Inc
Deacon St, Bangalow 2479

NOTE 14: SEGMENT REPORTING

The Association operates predominantly in one business and geographical segment, being the promotion of film in Northern NSW

AUSTRALIAN VACCINATION NETWORK INC

STATEMENT BY MEMBERS OF THE COMMITTEE

In the opinion of the committee the financial report as set out on pages 1 to 14:

- 1 Presents a true and fair view of the financial position of Australian Vaccination Network Inc. as at 30 December 2010 and its performance for the year ended on that date in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other pronouncements of the Australian Accounting Standards Board.

Fax

18

- 2 At the date of this statement, there are reasonable grounds to believe the Australian Vaccination Network Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:

President _____

Treasurer _____

Dated this _____ Day of _____ 2011

Hudson Management Services

Pty. Limited

Chartered Accountants

AUSTRALIAN VACCINATION NETWORK INCORPORATED

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF AUSTRALIAN VACCINATION NETWORK INC

Fax

17

Report on the Financial Report

We have audited the accompanying financial report of Australian Vaccination Network Inc. (the Association) which comprises the balance sheet as at 31 December 2010 and the income statement, statement of recognised income and expenditure for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of the Association is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act NSW 1984. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our Responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Accounting Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian Professional ethical pronouncements.

Auditor's Opinion

In our opinion:

The financial report of Australian Vaccination Network Inc. is in accordance with the Associations Incorporation Act NSW 1984 including:

- i. giving a true and fair view of the Association's financial position as at 31 December 2010 and of their performance for the year ended on that date; and
- ii. complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act NSW 1984.

Fax

16

Emphasis of Matter

Inherent uncertainty regarding continuation as a going concern

There is an inherent uncertainty whether the Association will be able to continue as a going concern without the ability to continue to generate external funding from donations and Sponsorships

Hudson Management Services

John Hudson

Dated This _____ Day of _____ 2011

Hudson Management Services**Pty. Limited****Chartered Accountants**

**COMPLIATION REPORT
TO AUSTRALIAN VACCINATION NETWORK INC
ABN: 30 077 002 923**

NEW

We have compiled the accompanying general purpose financial statements of the Australian Vaccination Network Inc which comprises the balance sheet as at 31 December 2010, and the Income statement and statement of changes in equity for the year ended 31 December 2010, a summary of significant accounting policies and other explanatory notes.

Fax

NEI

These have been prepared in accordance with the financial reporting framework described in Note 1 to the financial statements.

The responsibility of committee of management

The committee of Management is solely responsible for the information contained in the special purpose financial statements and has determined that the basis of accounting adopted is appropriate to meet the needs of the committee of management for the purpose of complying with the association's constitution.

Our responsibility

On the basis of information provided by the committee of management we have compiled accompanying general purpose financial statements in accordance with the basis of accounting and APES 315: Compilation of Financial Information

Our procedure use accounting expertise to collect, classify and summarise the financial information, which the committee of Management provided, in compiling the financial statements. Our procedures do not include verification or validation of procedures. No audit or review has been performed and accordingly no assurance is expressed.

The general purpose financial statements were compiled exclusively for the benefit of the committee of management. We do not accept responsibility to any other person for the contents of the special purpose financial statements.

Name of Firm: Hudson Management Services Pty Ltd
Chartered Accountants

Name of Director: _____
John Hudson

Address: 85 Byron St, Bangalow NSW 2479

Dated this Day of 2011

Liability limited by a
Scheme approved under
Professional Standards
Legislation

85 Byron St, PO Box 411, Bangalow NSW 2479
Phone (02) 6687 2960 Fax (02) 6687 2970 ABN 14 936 040 996
Email info@hudsonmanagement.com.au
Director John Hudson john@hudsonmanagement.com.au

AUSTRALIAN VACCINATION NETWORK INC
ABN: 30 077 002 923

INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
REVENUE		
Donations Received	187,165	90,436
Freight Collected	5,126	4,644
Interest Received	---	143

Fax

14

	<u>192.291</u>	<u>95.223</u>
OTHER REVENUE		
AVN Membership Fees	4,404	4,223
Sundry Income	3,381	2,269
Sponsorship Income	7,609	19,394
Gross Profit from Trading	<u>7,919</u>	<u>54,640</u>
	<u>23,313</u>	<u>80,526</u>
	<u>215.604</u>	<u>175.749</u>

The Accompanying notes form part of these financial statements.
 These statements should be read in conjunction with the attached compilation report
 of Hudson Management Services Pty Ltd

AUSTRALIAN VACCINATION NETWORK INC
ABN: 30 077 002 923

INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
EXPENSES		
Advertising	19,143	4,509
Bank Charges	4,076	5,536
Books & Publications	1,665	4,104

Fax

13

Cleaning	----	----
Commission	3,605	12,341
Computer Expenses	9,861	3,774
Consultant Fees	2,880	13,770
Discounts Allowed	----	783
Electricity & Gas	845	846
Freight & Cartage	----	1,789
Holiday Provision	----	(1,240)
Insurance	1,808	1,782
Leasing Charges	4,743	3,922
Office Expenses	1,943	2,619
Office Equipment	----	184
Postage	4,581	14,083
Printing & Copying	8,168	10,296
Professional Fees	18,426	4,124
Salaries	52,969	51,373
Sick Pay Provision	----	----
Stalls & Convention Expenses	4,575	1,525
Sundry Expenses	211	79
Subscriptions	1,052	2,157
Superannuation	4,553	4,624
Telephone	7,021	6,818
Travelling Expenses	4,859	5,043
Website Expenses	8,182	9,968
	<u>165,166</u>	<u>164,809</u>
Profit (Loss) Before Income Tax	<u>50,438</u>	<u>10,940</u>
Profit (Loss) for the Year	<u>50,438</u>	<u>10,940</u>
Accumulated Losses at the beginning of the Financial Year	<u>(8,226)</u>	<u>(19,166)</u>
Accumulated Losses at the end of the Financial Year	<u>35,430</u>	<u>(8,226)</u>

The Accompanying notes form part of these financial statements.
These statements should be read in conjunction with the attached compilation report
of Hudson Management Services Pty Ltd

AUSTRALIAN VACCINATION NETWORK INC
ABN: 30 077 002 923

INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
<hr/>		
SALES		
Magazine Sales	43,259	127,651
Sales - Other Products	<u>30,941</u>	<u>32,996</u>
	<u>74,200</u>	<u>160,647</u>

Fax

12

LESS: COST OF GOODS SOLD

Opening Stock	12,240	13,788
Magazine Costs	53,121	86,547
Other Product Costs	13,160	17,912
Closing Stock	(12,240)	(12,240)
	<u>66,281</u>	<u>106,007</u>
GROSS PROFIT FROM TRADING	7,919	54,640

OTHER INCOME

AVN Membership Fees	4,404	4,223
Donations Received	187,165	90,436
Freight Collected	5,126	4,644
Interest received	---	143
Sundry Income	3,381	2,269
Sponsorship Income	7,609	19,394
	<u>207,684</u>	<u>121,109</u>
	<u>215,604</u>	<u>175,749</u>

The Accompanying notes form part of these financial statements.
These statements should be read in conjunction with the attached compilation report
of Hudson Management Services Pty Ltd

AUSTRALIAN VACCINATION NETWORK INC
ABN: 30 077 002 923

INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
EXPENSES		
Advertising	19,143	4,509
Bank Charges	4,076	5,536
Books & Publications	1,665	4,104

Fax

Cleaning	----	----
Commission	3,605	12,341
Computer Expenses	9,861	3,774
Consultant Fees	2,880	13,770
Discounts Allowed	----	783
Electricity & Gas	845	846
Freight & Cartage	----	1,789
Holiday Provision	----	(1,240)
Insurance	1,808	1,782
Leasing Charges	4,743	3,922
Office Expenses	1,943	2,619
Office Equipment	----	184
Postage	4,581	14,083
Printing & Copying	8,168	10,296
Professional Fees	18,426	4,124
Salaries	52,969	51,373
Sick Pay Provision	----	----
Stalls & Convention Expenses	4,575	1,525
Sundry Expenses	211	79
Subscriptions	1,052	2,157
Superannuation	4,553	4,624
Telephone	7,021	6,818
Travelling Expenses	4,859	5,043
Website Expenses	8,182	9,968
	<u>165,166</u>	<u>164,809</u>
	<u>50,438</u>	<u>10,940</u>

The Accompanying notes form part of these financial statements.
 These statements should be read in conjunction with the attached compilation report
 of Hudson Management Services Pty Ltd

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair Trading

Registry of Co-operatives & Associations 37
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

Mrs Meryl Dorey
Australian Vaccination Network Incorporated
136 Old Byron Bay Road
BANGALOW NSW 2479

Dear Mrs Dorey

Thank you for your letter faxed on 16 April 2012.

The information in relation to the amendment to the Association's banner on its website and signage on its shop to include the initials "Inc" is noted with thanks.

Your comments in relation to other incorporated associations' failure to correctly identify themselves are also noted. NSW Fair Trading takes action in relation to issues arising from breaches of the Act, of this type, where instances come to our attention. In such cases, Fair Trading reminds associations of this obligation and generally associations take the necessary remedial actions to comply as the Association has on this occasion. Certainly Fair Trading has not found it necessary to prosecute an association for this type of breach to date.

Notwithstanding the advice set out in your letter, I would draw your attention to the Fair Trading fact sheet on association names where it specifically notes an association's website as being a publication. I have enclosed this fact sheet and highlighted the particular paragraph.

Your advice indicating there is no requirement for the Association to maintain information relating to value for purchases by members and non-members on the basis the Association does not have a charitable fundraising licence is also noted. While Fair Trading does not have authority to deal with issues relating to charitable fundraising, an incorporated is required to maintain appropriate financial records and its activities must be non-commercial. I note your telephone conversation with Ms Kreig on 28 February 2012 in relation to the latter item.

Fair Trading is entitled to make enquiries in relation to issues which indicate a possible breach of the Act. I note the matters defined in Ms Kreig's letter dated 29 March 2012 specifically sought the following matters to enable Fair Trading to determine that the Association is keeping proper financial records and its undertaking is non-commercial as required by the Act:

1. Details of the number and value of subscriptions from non-members for the financial years 31 December 2010 and 2011.
2. Details of the value of sales of books, DVDs and other items to non-members for the financial years 31 December 2010 and 2011.
3. Your response with respect to advertising is noted.
4. Details of services provided by the Association corresponding to the item 'Rendering of Services' under the heading of 'Sales Revenue'

The Association is required to provide the details required in items 1, 2 and 4 by 18 May 2012. In the event that the Association fails to do so, Fair Trading will consider what further compliance action may be appropriate.

Yours sincerely

Robyne Lunney
Manager, Case Management
19 April 2012

64

AVN

Australian
Vaccination
Network

18 May, 2012

Ms Robyne Lunney,
Manager,
Case Management
Registry of Co-operatives and Associations
154 Russell Street
BATHURST NSW 2795
email - Robyne.Lunney@services.nsw.gov.au
FAX: 02 6333 1444

Regarding: Your letter Ref: 10/041946

Dear Ms Lunney,

Thank you for your letter dated 19 April, 2012.

I note that you have seen that the AVN has updated its website to include the word "Inc." in its banner and appreciate your letting me know that you only investigate incorporated associations for their failure to include this information if it has been brought to your attention by a third party. I also note your statement that to date, the Department has not found it necessary to prosecute any associations for this sort of breach.

In the next section of your letter to the AVN, you state that there is a requirement for our organisation to maintain appropriate financial records of our activities. This is why our end-of-year financial records are audited by a financial accountant who has been hired for this purpose.

The period for which you are requesting information - the financial years ending 31st of December 2010 and 31 December 2011 - was a time when the AVN did not hold an authority to fundraise (our authority to fundraise was revoked in October 2010 - we would have part of the information from that year but not all so I was not sure if you wanted us to provide you with the information up until the date of revocation?).

As I'm sure you are aware, organisations which hold an authority to fundraise must differentiate between fundraising activities and non-fundraising activities.

Fundraising includes new memberships or memberships from lapsed members as well as donations from the general public. Purchases of books, DVDs and other items are never considered to be fundraising so there is never an obligation for us to keep track of these sales separately. This information has been confirmed by Mr Simon Hughes of the Office of Liquor, Gaming and Racing (OLGR).

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

63

Despite the fact that between October 2010 and April 2012, we were not required to separate donations and memberships made by members of the AVN with subscriptions from non-members, you are asking me to provide you with this information which to the best of my knowledge, we were not required to and did not maintain.

Just to clarify, we do have separate items in our accounting package for subscriptions and memberships but there are some members who also subscribe to the magazine or who subscribe to the magazine in addition to their membership so that distinction - until the 18th of April this year - would not give you the clear-cut data you are looking for.

To the best of my ability to tell, approximately 80% of our fund for the magazine came from renewing memberships and approximately 20% from new subscribers or renewing subscribers, but as I said, we don't have the exact figure for you.

Is there an obligation under any of the legislation administered by Fair Trading which would require the AVN to maintain these records? If so, I am unaware of this obligation and would appreciate your pointing out the relevant section to me so I can see how this situation can be remedied.

If there is no obligation for the AVN to maintain this information, then once again, I am going to have to inform you that we do not have the ability to give you the details of the number and value of subscriptions from non-members nor do we have the details of the value of the sales of books, DVDs and other items to non-members for the financial years 31 December 2010 and 31 December 2011.

Regarding your request to determine what the figure of \$192,291 corresponding to the item 'Rendering of Services' under the heading of Sales Revenue' referred to, if you will turn to page 19 of the AVN's audit report, you will see that this figure corresponds to donations received (\$187,165) and Freight Collected (\$5,126).

Can you please let me know if the auditor should have called this item something else so it would not have been confusing? Was the heading incorrect? As you are aware from our earlier conversation, we were not happy with the work done by this auditor and apologise for any error he may have made in naming these fields on our audit report.

I hope that this letter has provided you with the information you have asked for to the best of my ability to provide it to you. Please let me know the answers to my questions regarding any legislation administered by Fair Trading which would have required us to separate sales to members and non-members and also any details on whether or not the auditor had categorised our donation and freight income properly.

Kind regards,

Meryl W. Doray

Meryl W Doray,
President
Australian Vaccination Network

cc/ AVN National Committee; JRF Legal; Hinterland Legal

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Australian Vaccination Network Inc
Income & Expenditure Statement
Year Ended 31 December 2010

		2010	2009
REVENUE	\$	\$	\$
Sales			
Magazines	43,259		
Other Products	30,941		
Total Sales Income	74,200		
Less Cost of Sales	66,281		
GP from Trading		7,919	
Other Income			
AVN Membership Fees	4,404		
Donations Received	187,615		
Freight Collected	5,126		
Interest Received	-		
Sundry Income	3,381		
Sponsorship Income	7,609		
Total Other Income		207,684	
Total Trading & Other Income		215,604	
EXPENSES			
As listed		165,166	
Profit (Loss) for the Year		50,438	
Accumulated Profit (Loss) at beginning of the financial year		(15,008)	
Accumulated Profit (Loss) at end of the financial year		35,430	(8,226)

NOTES

1. Total revenue is comprised of:
- | | |
|--------------------|---------|
| | \$ |
| Total Sales Income | 74,200 |
| Total Other Income | 207,684 |
| Total Income | 281,884 |

This agrees with Gross receipts/total income shown in Form A12 for y/e 31/12/10 and Income Statement in the financial statements submitted with the Form A12.

2. The profit for the year ended 31/12/10 is recorded in the Income Statement in the financial statements submitted with the Form A12 as \$50,438. The total expenditure is recorded as \$231,447 which is a total of:

	\$
Cost of Sales	66,281
Expenses as listed	165,166
Total Expenses	231,447

This agrees with Gross receipts/total expenses shown in Form A12 for y/e 31/12/10 and Income Statement in the financial statements submitted with the Form A12.

3. What doesn't agree is the closing accumulated loss balance at the end of the financial year ended 31/12/09 of \$8,226 and the opening accumulated loss balance at 1/7/09 of \$15,008.
4. An ASIC check on John Hudson shows he is not a registered company auditor. The audit report does not show whether the auditor is a member of the Institute, CPA of NIA and holds a public practice certificate issued by one of those bodies, in accordance with the requirements of Notice of Class Order No. 10/01 under s53(1).

Australian Vaccination Network Inc
Income & Expenditure Statement
Year Ended 31 December 2010

		2010	2009	
REVENUE	\$	\$	\$	
Sales				
Magazines	43,259			
Other Products	30,941			
Total Sales Income	74,200			
Less Cost of Sales	66,281			
GP from Trading		7,919		
Other Income				
AVN Membership Fees	4,404			
Donations Received	187,615			
Freight Collected	5,126			
Interest Received	-			
Sundry Income	3,381			
Sponsorship Income	7,609			
Total Other Income		207,684		
Total Trading & Other Income		215,604		
EXPENSES				
As listed		165,166		
Profit (Loss) for the Year		50,438		
Accumulated Profit (Loss) at beginning of the financial year		(15,008)		
Accumulated Profit (Loss) at end of the financial year		35,430	(8,226)	

NOTES

1. Total revenue is comprised of:
- | | |
|--------------------|---------|
| | \$ |
| Total Sales Income | 74,200 |
| Total Other Income | 207,684 |
| Total Income | 281,884 |

This agrees with Gross receipts/total income shown in Form A12 for y/e 31/12/10 and Income Statement in the financial statements submitted with the Form A12.

2. The profit for the year ended 31/12/10 is recorded in the Income Statement in the financial statements submitted with the Form A12 as \$50,438. The total expenditure is recorded as \$231,447 which is a total of:

	\$
Cost of Sales	66,281
Expenses as listed	165,166
Total Expenses	231,447

This agrees with Gross receipts/total expenses shown in Form A12 for y/e 31/12/10 and Income Statement in the financial statements submitted with the Form A12.

3. What doesn't agree is the closing accumulated loss balance at the end of the financial year ended 31/12/09 of \$8,226 and the opening accumulated loss balance at 1/7/09 of \$15,008.
4. An ASIC check on John Hudson shows he is not a registered company auditor. The audit report does not show whether the auditor is a member of the Institute, CPA of NIA and holds a public practice certificate issued by one of those bodies, in accordance with the requirements of Notice of Class Order No. 10/01 under s53(1).

RECEIVED

58

12 DEC 2009

PROCESSED 12 DEC 2009

NSW Fair Trading

Form A12

Barcode: N4422135

Received at: _____
Date: _____
Receipt no.: _____

Please read the information provided before completing this form.

This form should be completed in BLACK or BLUE ink and in BLOCK LETTERS.

Fee must accompany form
See information sheet

Association details

Incorporation number

INC / Y 2 0 7 9 1 2 7

Name Australian Vaccination Network

Incorporated

The principal activity of the association is ☒ (cross 1 box only)

1. Aged care/respite care/home care	5. Education/employment/training/research	9. Religious
2. Arts/culture/literary/heritage	6. Environment/horticulture/animal protection	<input checked="" type="checkbox"/> 10. Social services/community association
3. Business & professional association	7. Legal/civil/advocacy services	11. Sporting
4. Child care services	8. Personal interest/hobby group/social group	12. Other

ABN (if any)

3 0 0 7 7 0 0 2 9 2 3

Details of current public officer

Name Meryl Dorey

Has the public officer changed?

☐ Yes ☒ No

Has the official address changed?

☐ Yes ☒ No

If you answered 'Yes' to either or both questions, you are required to lodge a Form A9, 'Notice of appointment of public officer & Notice of change of association address'.

Financial summary

The association's financial year ended on:

31 / 12 / 2010

DD MM YYYY

The annual general meeting was held on:

17 / 09 / 2011 *

Details of income, expenditure, assets & liabilities of the association & of any trust to which the association is a trustee	Association	Trust
Gross receipts*total income	\$ 281,885	\$
Expenditure	\$ 231,447	\$
Current assets*	\$ 38,013	\$
Total assets (includes current assets)	\$ 38,013	\$
Liabilities	\$ 2,583	\$

*See attached notes for the definition of gross receipts/total income and current assets.

Amounts must be entered above.

Were the accounts audited?

☒ Yes ☐ No

Number of members at end of financial year 1199

Number of employees at end of financial year 2

Contact details of the person lodging this document

PLEASE TURN OVER

Surname Dorey Given name (s) Meryl Wynn

Title (Mr/Mrs/Ms) Ms Daytime telephone 02 6667 1699

Address 138 Old Byron Bay Road

Town/suburb BANGALOW State NSW Postcode 2479

Email meryl@avn.org.au

* Please note: Unaudited accounts presented at the AGM on 17/9/11. Audited accounts presented at General Meeting on 30/11/11

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

57

Particulars of mortgages, charges and other securities affecting the property of the incorporated association

State if mortgage, charge or other security	Property affected	Amount of indebtedness at financial year end	Name and address of holder of security, etc

Are details of other mortgages, charges or securities attached? ☐ Yes ☒ No**Grant funding and fundraising (this section is optional)**

Please indicate the total grant funding received by the association from all Commonwealth, State or local government agencies during the financial year

TOTAL GRANT FUNDING
\$ NIL

Please indicate which agency/ies provided the funding by placing a 'X' in the box/es below

<input type="checkbox"/> 1. Arts NSW	<input type="checkbox"/> 5. Department of Education & Training	<input type="checkbox"/> 9. Local Council
<input type="checkbox"/> 2. Dept of Ageing, Disability & Home Care	<input type="checkbox"/> 6. Department of Planning - Heritage Office	<input type="checkbox"/> 10. Other
<input type="checkbox"/> 3. Department of Community Services	<input type="checkbox"/> 7. NSW Sport & Recreation	
<input type="checkbox"/> 4. Department of Education, Employment & Workplace Relations	<input type="checkbox"/> 8. Department of Families, Housing, Community Services & Indigenous Affairs	

If the association is registered as a charity under the Charitable Fundraising Act 1991 please provide charitable registration number

N/A

The following information is optional and is used for statistical purposes only

Is the association specifically established for the benefit of (tick one or more)

- ☐ Aboriginal and Torres Strait Islanders ☐ People with a disability
- ☐ People from cultural and linguistically diverse backgrounds ☐ Women

For associations only (tick boxes and ensure the documents are attached)

- ☐ The association's financial statements for the relevant financial year (including a separate income and expenditure statement and balance sheet for each trust for which the association is trustee).
- ☒ The auditor's report for those financial statements.
- ☐ If a resolution was passed at the annual general meeting in connection with the above documents, tick box and attach a copy of the resolution.

Declaration as to the financial affairs of the association and privacy acknowledgement

I declare that

- I am authorised by the committee to make the following statements,
 - the association's financial statements for the last financial year were presented to the members of the association at the annual general meeting,
 - the particulars set out in this document are correct and give a true and fair view of the financial matters to which they relate and are not misleading, and
 - there are reasonable grounds to believe, at the date of this statement that the association will be able to pay its debts as and when they fall due, and

I acknowledge that

- NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the Associations Incorporation Act 2009 and in particular, inclusion in a register maintained under that Act which is open to public inspection,
- NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and
- I have a right to seek access to and correction of the personal information supplied/collected from me.

Signature

Date

30 / 11 / 2011
DD MM YYYY

Full name

Meryl Dorey

Address

138 Old Byron Bay Road

Town/suburb

BANGALOW

State

NSW

Postcode

2479

RECEIVED

56

12 DEC 2009

PROCESSED
12 DEC 2009

Form A12

N4422135

Received at:
Date:
Receipt no.:

Please read the information provided before completing this form.

This form should be completed in BLACK or BLUE ink and in BLOCK LETTERS.

Fee must accompany form
See information sheet**Association details**

Incorporation number

INC / Y 2 0 7 9 1 2 7

Name Australian Vaccination Network

Incorporated

The principal activity of the association is

☒ (cross 1 box only)

1. Aged care/respite care/home care	5. Education/employment/training/research	9. Religious
2. Arts/culture/literary/heritage	6. Environment/horticulture/animal protection	<input checked="" type="checkbox"/> 10. Social services/community association
3. Business & professional association	7. Legal/civic/advocacy services	11. Sporting
4. Child care services	8. Personal interest/hobby group/social group	12. Other

ABN (if any)

3 0 0 7 7 0 0 2 9 2 3

Details of current public officer

Name Meryl Dorey

Has the public officer changed?

☐ Yes ☒ No

Has the official address changed?

☐ Yes ☒ No

If you answered 'Yes' to either or both questions, you are required to lodge a Form A9, 'Notice of appointment of public officer & Notice of change of association address'.

Financial summary

The association's financial year ended on:

31 / 12 / 2010

DD MM YYYY

The annual general meeting was held on:

17 / 09 / 2011 *

Details of income, expenditure, assets & liabilities of the association & of any trust to which the association is a trustee	Association	Trust
Gross receipts*total income	\$ 281,885	\$
Expenditure	\$ 231,447	\$
Current assets*	\$ 38,013	\$
Total assets (includes current assets)	\$ 38,013	\$
Liabilities	\$ 2,583	\$

*See attached notes for the definition of gross receipts/total income and current assets.

Amounts must be entered above.

Were the accounts audited?

☒ Yes ☐ No

Number of members at end of financial year

1199

Number of employees at end of financial year

2

Contact details of the person lodging this document

PLEASE TURN OVER

Surname

Dorey

Given name (s)

Meryl Wynn

Title

(Mr/Mrs/Ms)

Ms

Daytime telephone

02 6687 1699

Address

138 Old Byron Bay Road

Town/suburb

BANGALOW

State

NSW

Postcode

2479

Email

meryl@avn.org.au



* Please note: Unaudited accounts presented at the AGM on 17/9/11. Audited accounts presented at General Meeting on 30/11/11

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Particulars of mortgages, charges and other securities affecting the property of the incorporated association

State of mortgage, charge or other security	Property affected	Amount of indebtedness at financial year end	Name and address of holder of security, etc

Are details of other mortgages, charges or securities attached? ☐ Yes ☒ No

Grant funding and fundraising (this section is optional)

Please indicate the total grant funding received by the association from all Commonwealth, State or local government agencies during the financial year

TOTAL GRANT FUNDING
\$ NIL

Please indicate which agency/ies provided the funding by placing a 'X' in the boxes below

<input type="checkbox"/> 1. Arts NSW	<input type="checkbox"/> 5. Department of Education & Training	<input type="checkbox"/> 9. Local Council
<input type="checkbox"/> 2. Dept of Ageing, Disability & Home Care	<input type="checkbox"/> 6. Department of Planning - Heritage Office	<input type="checkbox"/> 10. Other
<input type="checkbox"/> 3. Department of Community Services	<input type="checkbox"/> 7. NSW Sport & Recreation	
<input type="checkbox"/> 4. Department of Education, Employment & Workplace Relations	<input type="checkbox"/> 8. Department of Families, Housing, Community Services & Indigenous Affairs	

If the association is registered as a charity under the Charitable Fundraising Act 1991 please provide charitable registration number

N/A

The following information is optional and is used for statistical purposes only

Is the association specifically established for the benefit of (tick one or more)

- ☐ Aboriginal and Torres Strait Islanders ☐ People with a disability
☐ People from cultural and linguistically diverse backgrounds ☐ Women

Part 4 associations only (tick boxes and ensure the documents are attached)

- ☐ The association's financial statements for the relevant financial year (including a separate income and expenditure statement and balance sheet for each trust for which the association is trustee).
☒ The auditor's report for those financial statements.
☐ If a resolution was passed at the annual general meeting in connection with the above documents, tick box and attach a copy of the resolution.

Declaration as to the financial affairs of the association and privacy acknowledgement

I declare that

- I am authorised by the committee to make the following statements,
 - the association's financial statements for the last financial year were presented to the members of the association at the annual general meeting,
 - the particulars set out in this document are correct and give a true and fair view of the financial matters to which they relate and are not misleading, and
 - there are reasonable grounds to believe, at the date of this statement that the association will be able to pay its debts as and when they fall due, and

I acknowledge that

- NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the Associations Incorporation Act 2009 and in particular, inclusion in a register maintained under that Act which is open to public inspection,
- NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and
- I have a right to seek access to and correction of the personal information supplied/collected from me,

Signature Meryl Dorey Date 30 / 11 / 2011
 DD MM YYYY

Full name Meryl Dorey

Address 138 Old Byron Bay Road

Town/suburb BANGALOW State NSW Postcode 2479

54

COPY

AUSTRALIAN VACCINATION NETWORK INC

ABN 30 077 002 923

FINANCIAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2010

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

AUSTRALIAN VACCINATION NETWORK INC**ABN 30 077 002 923****Contents:**

Committee Report	2
Income Statement	3
Balance Sheet	4
Statement of Changes in Equity	5
Notes to the Financial Statements	6
Statement by Members of the Committee	15

AUSTRALIAN VACCINATION NETWORK INC
COMMITTEE REPORT

The Committee submit the financial report of the Australian Vaccination Network Inc. for the financial year ended 31 December 2010.

Committee Member
Meryl Dorey

Principal Activities

The principal activities of the Association during the financial year were to promote informed choices about vaccinations and natural health. Support the right of all Australians to make free vaccination choices without discrimination or penalty, Research and Lobby to protect rights.

Significant Changes

No significant change in the nature of these activities occurred during the year.

Operating result

The profit/(loss) after providing for income tax amounted to \$50,438

After Balance Date Events

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Association, the results of those operations, or the state of affairs of the Association in future financial years.

Future Developments

The Association expects to maintain the present status for the next 12 months.

Environmental Regulation

The company's operations are not regulated by any significant environmental regulation under a law of the Commonwealth or of a State or Territory.

Signed in accordance with a resolution of the Members Committee.


.....

.....
Dated this 30 day of November 2011

AUSTRALIAN VACCINATION NETWORK INC

INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2010

	Note	2010 \$	2009 \$
Revenue	2	281,885	281,756
Employee benefits expenses		(57,522)	(54,757)
Commissions Paid		(3,805)	(12,341)
Other expenses		(170,320)	(203,718)
Profit/(loss) before income tax		50,438	10,940
Income tax expense		—	—
Profit/(loss) from Operations		50,438	10,940

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

BALANCE SHEET AS AT 31 DECEMBER 2010

	Note	2010	2009
		\$	\$
ASSETS			
CURRENT ASSETS			
Cash and Cash Equivalents	4	24,515	5,931
Trade and Other Receivables	5	1,258	6,479
Inventories	6	12,240	12,240
TOTAL CURRENT ASSETS		38,013	24,650
NON CURRENT ASSETS			
TOTAL NON CURRENT ASSETS			
TOTAL ASSETS		38,013	24,650
		=====	
LIABILITIES			
CURRENT LIABILITIES			
Trade and Other Payables	7	1,310	32,442
Provisions		—	353
Current Tax Liabilities	8	1,273	81
TOTAL CURRENT LIABILITIES		2,583	32,876
TOTAL LIABILITIES		2,583	32,876
NET ASSETS		35,430	(8,226)
		=====	
EQUITY			
Retained Earnings		(15,008)	(19,166)
Current Year Earnings		50,438	10,940
TOTAL EQUITY		35,430	(8,226)
		=====	

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

STATEMENTS OF CHANGES IN EQUITY FOR THE YEAR ENDED 31 DECEMBER 2010

	Retained Profits \$	Total \$
Balance as at 30 December 2008	(19,166)	(19,166)
Profit/Reserves attributed to members	10,940	10,940
Balance as 30 December 2009	(8,226)	(8,226)
Profit/Reserves attributed to members	43,656	43,656
Balance as 31 December 2010	35,430	35,430

The accompanying notes form part of these financial statements

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The financial report is a general purpose financial report the has been prepared in accordance with Accounting Standards, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the requirements of the Associations Incorporation ACT NSW.

The financial report covers Australian Vaccination Network Inc. as an individual entity. Australian Vaccination Network Inc. as incorporated in New South Wales under the Associations Act 1984.

The financial report of Australian Vaccination Network Inc. as an individual entity complies with all Australian equivalents to International Financial Reporting Standards (AIFRS) in their entirety.

The following is a summary of the material accounting policies adopted by the Association in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

Reporting Basis and Conventions

The financial report has been prepared on an accruals basis and is based on historical costs modified by the revaluation of selected non current assets, and financial assets and financial liabilities for which the fair value basis of accounting has been applied.

Accounting Policies

a Income Tax

In the committee's opinion the Association is exempt from income tax under Section 50-40 of the Income Tax Assessment Act 1997 as it is a non profit organisation.

b Property, Plant & Equipment

Each class of property, plant & equipment is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment losses.

Plant & Equipment

Plant & Equipment are measured on the cost basis less depreciation and impairment losses.

The carrying amount of plant & equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the assets' employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

The cost of fixed assets constructed within the Association includes the cost of materials, direct labour, borrowing costs and an appropriate proportion of fixed and variable overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Association and the cost of the item can be measured reliably. All other repair & maintenance are charged to the income statement during the financial period in which they occurred.

Depreciation

The depreciable amount of all fixed assets including building and capitalised lease assets, is depreciated on a straight line basis over their useful lives to the commencing from the time the assets is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are:

Class of Fixed Asset	Depreciation Rate
Office Equipment	20%

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The assets residual value and useful lives are reviewed and adjusted, if appropriate, at each balance date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains & Losses on disposals are determined by comparing proceeds with the carrying amount

These gains and losses are included in the income statement. When re-valued assets are sold, amounts included in the revaluation relating to that asset are transferred to retained earnings.

c Financial Instruments

Recognition

Financial instruments are initially measured at cost on trade date, which includes transaction costs, when related contractual rights or obligations exist. Subsequent to initial recognition these instruments are measured as set out below.

Financial Assets at fair value through profit and loss

A financial asset is classified in this category if acquired principally for the purpose of selling in the short-term or if so designated by management. Derivatives are also categorised as held for trading unless they are designated as hedges. Realised and unrealised gains and losses arising from changes in the fair value of these assets are included in the income statement in the period in which they arise.

Available for-sale financial assets

Available for-sale financial assets include any financial assets not included in the above categories. Available for-sale financial assets are reflected at fair value. Unrealised gains and losses arising from changes in fair value are taken directly to equity.

Financial Liabilities

Non-derivative financial liabilities are recognised at amortised cost, comprising original debt less principal payments and amortisation

Impairment

At each reporting date, the Association assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the income statement.

d. Impairment of Assets

At each reporting date, the Association reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

Where it is not possible to estimate the recoverable amount of the cash-generating unit to which the asset belongs.

e. Employee Benefits

Provision is made for the Association's liability for employment benefits arising from services rendered by employees to balance date. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled, plus related on-costs. Employee benefits payable later than one year have been measured at the present value of the estimated cash outflows to be made for those benefits.

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

- f. Cash and cash equivalents**
Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

g Revenue

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Dividend revenue is recognised when the right to receive a dividend has been established.

All revenue is stated net of the amount of goods and services Tax (GST)

h Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

i Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

Critical Accounting Estimates and Judgement

The committee members evaluate estimates and judgements incorporated into the financial report based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the Association

Key Estimates - Impairment

The Association assesses impairment at each reporting date by evaluating conditions specific to the Association that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined.

Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

The financial report was authorised for issue on 31 December 2010

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 2: REVENUE

	2010	2009
	\$	\$
Sales revenue		
- Sale of Goods	187,408	160,847
- Rendering of Services	76,996	95,080
- Interest Received	266,404	143
- Other Income	17,481	25,886
	<u>281,885</u>	<u>281,756</u>
	=====	=====

NOTE 3: PROFIT

	2010	2009
	\$	\$
Cost of Goods Sold	69,886	106,007
Leasing Charges	4,743	3,922
	<u>74,629</u>	<u>109,929</u>
	=====	=====

NOTE 4: CASH AND CASH EQUIVALENTS

	2010	2009
	\$	\$
Cash on hand	85	133
Westpac Living Wisdom	1,371	287
Westpac AVN Gift Fund	318	754
Westpac AVN 189207	1,818	1,269
Westpac Maxi 1 188223	13,572	3,227
AVN Fundraising Account 229283	6,813	261
Travel Cash Account	538	---
	<u>24,515</u>	<u>5,931</u>
	✓	

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

	2010 \$	2009 \$
NOTE 6: TRADE AND OTHER RECEIVABLES		
CURRENT		
Trade Debtors	985	3,770
Un deposited Funds	—	185
PayPal	273	288
GST on Acquisitions	—	2,226
	<u>1,258</u>	<u>6,479</u>

	2010 \$	2009 \$
NOTE 6: INVENTORIES		
Current Stock on Hand	<u>12,240</u>	<u>12,240</u>

Stock on hand includes an impairment write down of \$54,368 as per AASB 136 which mainly relates to the quantity and age of magazine stock held. Books, CD's, Information Packs, DVD and any other stock item have been recorded at cost in the financial statements and the quantity of each item has been obtained from stock counts conducted for the year ended 31 December 2010.

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

	2010	2009
NOTE 7: TRADE AND OTHER PAYABLES		
CURRENT		
Trade Creditors	485	13,147
CBA Mastercard	—	17,393
PAYG Withholding	834	1,477
Superannuation Payable	825	876
Loan - Meryl Dorey	—	(5)
GST on Supplies	439	2,858
	<u>2,583</u>	<u>35,648</u>
	=====	=====

NOTE 8: TAX

CURRENT LIABILITIES

Taxation ATO Payable	—	(3,104)
	=====	=====

Financial Liabilities at amortised cost classified as trade and other payables

Trade and Other Payables		
Total Current	2,583	32,442
	=====	=====
Financial Liabilities as trade and other payables	2,583	32,442
	=====	=====

NOTE 9 BORROWINGS

	2010	2009
Current	—	—
Bank Overdraft	—	81
CBA AVN General Account	—	—
Total Borrowings	—	81
	=====	=====

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

NOTE 10 PROVISIONS	2010	2009
Provision for Holiday Pay	—	353
Total Provisions	—	353

NOTE 11: FINANCIAL INSTRUMENTS

a Financial Risk Management

The Association's financial instruments consist solely of deposits with banks and accounts receivable and payable.

The Association does not have any derivative instruments at 31 December 2010

i. Treasury Risk Management

The committee members meet on a regular basis to analyse interest rate exposure and to evaluate treasury strategies in the context of the most recent economic conditions and forecasts.

ii. Financial Risk

The main risks the Association is exposed to through its financial instruments are interest rate risk, liquidity risk and credit risk.

Interest rate risk

The Association does not currently have any debt and is therefore not exposed to interest rate risk on borrowings.

Foreign currency risk

The Association is not exposed to fluctuations in foreign currencies.

Liquidity risk

The Association manages liquidity risk by monitoring forecast cash flows and ensuring that adequate cash facilities are maintained.

Credit risk

The maximum exposure to credit risk, excluding the value of any collateral or other security, at balance date to recognised financial assets, is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements

41 AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

- b Interest Rate Risk**
The Association's exposure to interest rate risk, which is the risk that a financial instrument's value will fluctuate as a result of changes in market interest rates and the effective weighted average rates on those financial assets and financial liabilities, is as follows:

	Weighted Average Effective Interest		Floating Interest rate		Non Interest Bearing		Total	
Financial Assets	2010 %	2009 %	2010 \$	2009 \$	2010 \$	2009 \$	2010 \$	2009 \$
Cash at Bank	---	---	24,515	5,931	---	---	24,515	5,931
Trade and other Receivables	---	---	---	---	1,258	6,479	1,258	6,479
Total Financial Assets			24,515	6,931	1,258	6,479	25,773	12,410
Financial Liabilities								
Trade and other Payables					2,583	32,442	2,583	32,422

NOTE 12: ACCOUNTING POLICY AMENDMENTS

The following Australian Accounting Standards issued or amended and are applicable to the Association but not yet effective and have not been adopted in preparation of the financial statements at reporting date

AASB Amendment	Standards Affected	Outline of Disclosure	Application Date of Standard	Application Date for Group
AASB 2005-10: Amendments to Australian Accounting Standards	AASB 1: First time adoption of AIFRS AASB 4: Insurance Contracts AASB 101: Presentation of Financial Statements AASB 114: Segment Reporting AASB 17: Leases AASB 133: Earnings per Share AASB 1023: General Insurance Contracts AASB 1038: Life Insurance Contracts AASB 139: Financial Instruments: Recognition and Measurement	The disclosure requirements of AASB 132: Financial Instruments Disclosure and Presentation have been replaced due to the issuing of AASB 7: Financial Instruments: Disclosures in August 2005. These amendments will involve changes to financial instrument disclosures within the financial report. However, there will be no direct impact on amounts included in the financial report as it is a disclosure standard	1.1.2007	1.7.2007

AUSTRALIAN VACCINATION NETWORK INC

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2010

AASB Amendment	Standards Affected	Outline of Disclosure	Application Date of Standard	Application Date for Group
AASB 7: Financial Instruments: Disclosures	AASB 132: Financial Instruments Disclosure and Presentation	As Above	1.1.2007	1.7.2007

NOTE 13: ASSOCIATION DETAILS

The registered office of the company is:
Australian Vaccination Network Inc
Deacon St, Bangalow 2479.

The Principal place of business is:
Australian Vaccination Network Inc
Deacon St, Bangalow 2479

NOTE 14: SEGMENT REPORTING

The Association operates predominantly in one business and geographical segment, being the promotion of film in Northern NSW

AUSTRALIAN VACCINATION NETWORK INC

STATEMENT BY MEMBERS OF THE COMMITTEE

In the opinion of the committee the financial report as set out on pages 1 to 14:

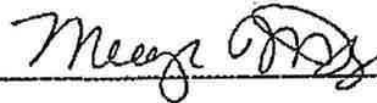
- 1 Presents a true and fair view of the financial position of Australian Vaccination Network Inc. as at 30 December 2010 and its performance for the year ended on that date in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other pronouncements of the Australian Accounting Standards Board.
- 2 At the date of this statement, there are reasonable grounds to believe the Australian Vaccination Network Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:

President



Treasurer



Dated this 30 Day of November 2011

AUSTRALIAN VACCINATION NETWORK INCORPORATED

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF AUSTRALIAN VACCINATION NETWORK INC

Report on the Financial Report

We have audited the accompanying financial report of Australian Vaccination Network Inc. (the Association) which comprises the balance sheet as at 31 December 2010 and the income statement, statement of recognised income and expenditure for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of the Association is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act NSW 1984. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our Responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Accounting Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian Professional ethical pronouncements.

Auditor's Opinion

In our opinion:

The financial report of Australian Vaccination Network Inc. is in accordance with the Associations Incorporation Act NSW 1984 including:

- i. giving a true and fair view of the Association's financial position as at 31 December 2010 and of their performance for the year ended on that date; and
- ii. complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act NSW 1984.

Emphasis of Matter

Inherent uncertainty regarding continuation as a going concern

There is an inherent uncertainty whether the Association will be able to continue as a going concern without the ability to continue to generate external funding from donations and Sponsorships

Hudson Management Services

John Hudson

Dated This 30TH Day of NOVEMBER 2011

Fax: _____

67

Fax Transmission

From: Meryl Dorey

Subject: Attention - Robyne Lunney

Meryl Dorey,
Spokesperson
The Australian Vaccination Network, Inc.
~~Investigate before you vaccinate~~
Editor,
Living Wisdom Magazine
Family, Health, Environment
PO Box 177
BANGALOW NSW 2479
AUSTRALIA
<http://www.avn.org.au>
<http://www.living-wisdom.com>
Phone: 02 6687 1699
FAX 02 6687 2032
skype: lvmmag

Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them -- and then, the opportunity to choose. - C. Wright Mills

The authority of any governing institution must stop at its citizen's skin. -
Gloria Steinem

We rely on the help and support of our members and subscribers to continue offering our services freely and without prejudice.

Please consider helping us by joining the AVN as a member. Go to <http://www.avn.org.au> to become a member or donate to support our work.

We also sell books, videos and DVDs on vaccination and other health issues. Go to <http://shop.avn.org.au/> for more details.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Fax



Australian
Vaccination
Network

18 May, 2012

Ms Robyne Lunney,
Manager,
Case Management
Registry of Co-operatives and Associations
154 Russell Street
BATHURST NSW 2795
email - Robyne.Lunney@services.nsw.gov.au
FAX: 02 6333 1444

Regarding: Your letter Ref: 10/041946

Dear Ms Lunney,

Thank you for your letter dated 19 April, 2012.

I note that you have seen that the AVN has updated its website to include the word "Inc." in its banner and appreciate your letting me know that you only investigate Incorporated associations for their failure to include this information if it has been brought to your attention by a third party. I also note your statement that to date, the Department has not found it necessary to prosecute any associations for this sort of breach.

In the next section of your letter to the AVN, you state that there is a requirement for our organisation to maintain appropriate financial records of our activities. This is why our end-of-year financial records are audited by a financial accountant who has been hired for this purpose.

The period for which you are requesting information - the financial years ending 31st of December 2010 and 31 December 2011 - was a time when the AVN did not hold an authority to fundraise (our authority to fundraise was revoked in October 2010 - we would have part of the information from that year but not all so I was not sure if you wanted us to provide you with the information up until the date of revocation?).

As I'm sure you are aware, organisations which hold an authority to fundraise must differentiate between fundraising activities and non-fundraising activities.

Fundraising includes new memberships or memberships from lapsed members as well as donations from the general public. Purchases of books, DVDs and other items are never considered to be fundraising so there is never an obligation for us to keep track of these sales separately. This information has been confirmed by Mr Simon Hughes of the Office of Liquor, Gaming and Racing (OLGR).

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

66

Fax

65

Despite the fact that between October 2010 and April 2012, we were not required to separate donations and memberships made by members of the AVN with subscriptions from non-members, you are asking me to provide you with this information which to the best of my knowledge, we were not required to and did not maintain.

Just to clarify, we do have separate items in our accounting package for subscriptions and memberships but there are some members who also subscribe to the magazine or who subscribe to the magazine in addition to their membership so that distinction - until the 18th of April this year - would not give you the clear-cut data you are looking for.

To the best of my ability to tell, approximately 80% of our fund for the magazine came from renewing memberships and approximately 20% from new subscribers or renewing subscribers, but as I said, we don't have the exact figure for you.

Is there an obligation under any of the legislation administered by Fair Trading which would require the AVN to maintain these records? If so, I am unaware of this obligation and would appreciate your pointing out the relevant section to me so I can see how this situation can be remedied.

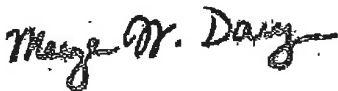
If there is no obligation for the AVN to maintain this information, then once again, I am going to have to inform you that we do not have the ability to give you the details of the number and value of subscriptions from non-members nor do we have the details of the value of the sales of books, DVDs and other items to non-members for the financial years 31 December 2010 and 31 December 2011.

Regarding your request to determine what the figure of \$192,291 corresponding to the item 'Rendering of Services' under the heading of 'Sales Revenue' referred to, if you will turn to page 19 of the AVN's audit report, you will see that this figure corresponds to donations received (\$187,165) and Freight Collected (\$5,126).

Can you please let me know if the auditor should have called this item something else so it would not have been confusing? Was the heading incorrect? As you are aware from our earlier conversation, we were not happy with the work done by this auditor and apologise for any error he may have made in naming these fields on our audit report.

I hope that this letter has provided you with the information you have asked for to the best of my ability to provide it to you. Please let me know the answers to my questions regarding any legislation administered by Fair Trading which would have required us to separate sales to members and non-members and also any details on whether or not the auditor had categorised our donation and freight income properly.

Kind regards,



Meryl W Dorey,
President
Australian Vaccination Network

cc:/ AVN National Committee; JRF Legal; Hinterland Legal

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

re(tryinquiries - AUSTRALIAN VACCINATION NETWORK INCORPORATED

68

From: registryinquiries
To: meryl@avn.org.au
Date: 17/05/2012 10:01 AM
Subject: AUSTRALIAN VACCINATION NETWORK INCORPORATED

FILE COPY

Dear Client

We acknowledge receipt of your fax and email received by the Registry of Cooperatives & Associations 16 May 2012 in regards to the abovementioned.

This correspondence has been forwarded to an appropriate officer for review.

Please ensure that all future correspondence is sent direct to registryinquiries@services.nsw.gov.au so as appropriate and timely action can be taken.

Regards

Michelle Briscoe | Customer Service Officer
Registry of Cooperatives & Associations
154 Russell Street, Bathurst 2795
e: registryinquiries@services.nsw.gov.au p: 1800 502 042 | f: 63331444 |
www.fairtrading.nsw.gov.au
p: 1800 502 042 | f: 0263331444



**Fair
Trading**

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



**Fair
Trading**

Ref: 10/041946

72
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Mrs Meryl Dorey
Australian Vaccination Network Incorporated
136 Old Byron Bay Road
BANGALOW NSW 2479

File

Dear Ms Dorey

I refer to your letter dated 18 May 2012 concerning the Australian Vaccination Network Incorporated.

Display of Association Name

Your comments regarding the Association's webpage are noted.

However, I note the Association's letter head does not include the word 'Incorporated or the abbreviation "Inc"'.

In addition, further complaints have been received regarding the failure of the Association to properly display its registered name correspondence as required by the *Associations Incorporation Act 2009*.

Fair Trading has been advised the Association is the registered owner of the website <http://australiansceptics.com/>. The name of the Association is set out as 'Australian Vaccination Network' or 'AVN' on that website and on the Association's facebook page

As previously advised the full name of an incorporated association including the word 'Incorporated' or the initials 'Inc.' appear in legible characters on official documents, including all business letters, statements, invoices, receipts, notices and publications (including the association's website). A copy of section 41 of the *Associations Incorporation Act 2009* is attached.

Please provide written confirmation by **30 June 2012** that the Association has taken action to ensure its full name is included on its business letters and all of its publications as specified in section 41 of the Act, including all websites operated by the Association and the Association's facebook page. That confirmation should be provided on the Association's letterhead.

Financial statements

Your advice regarding the classification of Donations and 'Freight' as 'Rendering of services' under the heading 'Sales Revenue' in the 2010 financial statements provided on 16 April 2012. I note your advice that was an 'updated audit to reflect the requirements of an audit for an incorporated association.

However, the following matters are noted in respect to the financial statements for the year ended 31 December 2010 lodged with Fair Trading:

- Individual sources of income and expenses are required to be appropriately classified in the Income and expenditure statement. Donations should be classified as such and not as 'Rendering services' or 'Sale of goods'.
The Association should ensure income and expenses are appropriately classified in future financial statements.
- The accumulated loss balance at the end of the financial year ended 31 December 2009 (\$8,226) and the opening accumulated loss balance at 1/7/2009 (\$15,008)

A division of the Department of Finance & Services

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

does not agree. It appears this may be the result of an adjustment. Any adjustments to the financial statements should be noted in future financial statements.

- The Committee report and Statement by members of the committee are signed only by you. At least 2 committee members are to sign the Statement by members of the Committee on all future financial statements.

In addition, you should be aware that an auditor of a Tier 1 Association must be a registered company auditor except where the person falls within the Class order 10/01 which exempts a person from that requirement provided the person is:

- a member of The Institute of Chartered Accountants in Australia, or a member of CPA Australia, or a member of the National Institute of Accountants, and holds of public practice certificate issued by one or more of these bodies, or
- the Auditor-General of the Commonwealth of Australia or of a State or Territory.

For an audit carried out by a non-registered company auditor, the auditor's report must record whether the auditor is a member of The ICAA, CPA Australia or the NIA and holds a public practice certificate issued by one of those bodies.

The 2010 audit report does not show whether the auditor is a member of the Institute, CPA or NIA and holds a public practice certificate issued by one of those bodies in accordance with the requirements of Notice of Class Order No.10/1.

Please note future audit reports will not be accepted unless the financial statements are audited by a registered company auditor or by a person in accordance with the exemption given in Class order 10/01.

I have attached Fact sheets on Financial reporting requirements and Audit and reporting exemptions and the Regulatory Guide A1- Financial Reporting Requirements for a Class of Tier 1 Associations. Your auditor should be made aware of this information.

The Registry will review the 2011 Financial Statements when lodged.

Committee

The 2010 Financial statements record that you are the only committee member of the Association. Section 28(2) of the Associations Incorporation Act 2009 requires the committee must include 3 or more members. Each committee member must be at least 18 years old and at least 3 committee members must be ordinarily resident in Australia.

Please provide a copy of the Association's register of committee members showing details of committee members from 1 June 2010 to present by 30 June 2012. The Register must record the information set out on the attached sheet.

Association's activities and dealings with the public


I note your advice that the Association is not able to provide precise details of the subscriptions from non-members. However, you advise that approximately 20% of funds for the magazine came from new or renewing subscribers who are not members.

I confirm the Act does not specifically require an association maintain separate records for its dealings with non-members. However, incorporated associations are required to be non-commercial entities. Where concerns are raised that an Association may be undertaking commercial activities Fair Trading may request information to ascertain whether the continued registration of the association under the Act is appropriate.

Information on the factors Fair Trading takes into account when considering if an association is or is likely to be engaged in commercial activities, is set out on the attached fact sheet titled 'Commercial activities and monetary gain' for your information. You will note those factors include a consideration of the nature and extent of the activities, including dealings with the public.

Fair Trading will continue to monitor the size and activities of the Association in the future.

Yours sincerely



Deborah Kreig
Legal Officer

31 May 2012

REGISTER OF COMMITTEE MEMBERS

The register of committee members must set out the following particulars in relation to each committee member:

- (a) the committee member's name, date of birth and residential address,
- (b) the date on which the committee member takes office,
- (c) the date on which the committee member vacates office,
- (d) the names of any members of the committee of the incorporated association who hold the positions (if any) of president, vice-president, secretary or treasurer of the incorporated association,
- (e) the date on which any such member was elected or appointed to such a position,
- (f) the date on which any such member ceased to hold such a position.

74

Deborah Kreig - Regarding: AVN blog

From: Meryl Dorey <meryl@avn.org.au>
To: 0263331444@faxmate.com.au
Date: 4/06/2012 2:46 PM
Subject: Regarding: AVN blog
CC: avn-committee-discussion@googlegroups.com; Deborah.Kreig@services.nsw.gov.au
Attachments: Deborah King re blog and inc.pdf

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Australian
Vaccination
Network, Inc.

4 June, 2012

Deborah Kreig
Legal Officer
Registry of Cooperatives and Associations
154 Russell Street
BATHURST NSW 2795

And by FAX: 02 6333 1444
And by email: Deborah.Kreig@services.nsw.gov.au

Dear Ms Kreig,

Per your letter dated 31st May, 2012 and our telephone conversation that our letterhead includes the word "Inc." after the name of our Network.

In addition, regarding our blog, The Real Australian Sceptics, this au. Below is a screen shot of how this works:



The blog is actually located on our website. It is part of the page but the blogs are hosted with wordpress.com so they need to have the same site and are all found on the AVN home page.

I hope this has answered your questions regarding these issues

Kind regards,

Meryl Dorey

Meryl Dorey - AVN

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 2436 fax 02 6678 0894
email meryl@avn.org.au www.avn.org.au



**Fair
Trading**

Ref: 10/041946

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Australian Vaccination Network Incorporated
Attention: Mrs Meryl Dorey
136 Old Byron Bay Road
BANGALOW NSW 2479

Dear Ms Dorey

I refer to your letter dated 4 June 2012 concerning the Australian Vaccination Network Incorporated.

I note your advice that the website <http://australiansceptics.com/> is a blog that appears on the website of the Australian Vaccination Network although it is hosted with wordpress.com.

In light of your advice Fair Trading does not intend to take any further action in relation to this matter.

However, the Registry has received a further complaint that the issue of Living Wisdom issued in March 2012 failed to set out the full name of the Association. See document attached. This is despite my letter of 24 January 2012 setting out the requirement to set out the full name of the Association on all publications of the Association as required by section 41 of the Associations Incorporation Act 2009.

Please confirm all future publications of the Association will display the full registered name of the Association as required by section 41. A copy of section 41 is attached.

Yours sincerely

Deborah Kreig
Legal Officer
31/5/2012

75
RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Fax

76



Australian
Vaccination
Network, Inc.

4 June, 2012

Deborah Kreig
Legal Officer
Registry of Cooperatives and Associations
154 Russell Street
BATHURST NSW 2795

And by FAX: 02 6333 1444

And by email: Deborah.Kreig@services.nsw.gov.au

Dear Ms Kreig,

Per your letter dated 31st May, 2012 and our telephone conversation of this morning, I would like to advise that our letterhead includes the word "Inc." after the name of our organisation, Australian Vaccination Network.

In addition, regarding our blog, The Real Australian Sceptics, this blog resides on our website, <http://avn.org.au>. Below is a screen shot of how this works:



The blog is actually located on our website. It is part of the page as is our other blog. Our website is self-hosted but the blogs are hosted with wordpress.com so they need to have their own names but they are all on the same site and are all found on the AVN home page.

I hope this has answered your questions regarding these issues.

Kind regards,

Meryl Dorey - AVN

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 2436 fax 02 6678 0894
email meryl@avn.org.au www.avn.org.au

registryinquiries - Regarding: AVN blog

77

FILE COPY

From: registryinquiries
To: meryl@avn.org.au
Date: 4/06/2012 3:04 PM
Subject: Regarding: AVN blog

Dear Ms Dorey

I acknowledge receipt of your email. The contents of the email will be reviewed and a response provided in due course.

I note you have been requested to provide a copy of the Register of committee members to Fair Trading by 30 June 2012. I look forward to receiving that document.

Please ensure that all future correspondence is sent direct to registryinquiries@services.nsw.gov.au so as appropriate and timely action can be taken.

Yours sincerely

Deborah Kreig | Legal Officer
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
154 Russell Street, BATHURST
(PO Box 22, BATHURST 2795)
E: registryinquiries@services.nsw.gov.au
P: 02 6333 1481 | F: 02 6333 1444



Download NSW Fair Trading's free [ShopSmart app](#) for advice while you shop. Save your receipts & set lay-by reminders.

>>> Meryl Dorey <meryl@avn.org.au> 4/06/2012 2:45 pm >>>

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

registryinquiries - Re: Regarding: AVN blog

80

From: Meryl Dorey <meryl@avn.org.au>
 To: <registryinquiries@services.nsw.gov.au>
 Date: 4/06/2012 3:33 PM
 Subject: Re: Regarding: AVN blog
 CC: Committee <avn-committee-discussion@googlegroups.com>

Dear

Dear Ms Kreig,

Please excuse my neglecting to respond to that section of your request in my letter.

I will not be providing a list of our committee members due to the threats posed by members of the Australian Skeptics and Stop the AVN towards these people. The AVN currently has 6 people on its committee and we are aware of the requirements in that regard.

The people who you are dealing with - the same ones who have been filing non-stop complaints against our organisation with every statutory body in NSW and several Federal Government organisations as well, has behaved in a manner consistent with the worst workplace bully you could possibly imagine.

They have:

- 1- Sent threatening letters and emails
- 2- Forwarded violent pornography to myself and other members of the AVN whose names were known.
- 3- Have published our private residential addresses on the internet - in my case - even though my address was not listed anywhere else.
- 4- Have issued threats such as stating that they would be happy to chip in on a contract to see me killed or wished someone would do everyone a favour and put a bullet through my brain.

These are just a few of the activities these people have engaged in. I have filed 3 separate complaints with the police about them and we no longer take advertising in our magazine due to the threats our advertisers have received. I want you to be well aware that these are the sorts of people the NSW government is spending its time and money cooperating with in these investigations. It is important to me that you are fully aware of this if you are not already.

It is bad enough that I have to go through this abuse, harassment and intimidation, I will not allow others to be put in situation if I can help it.

Our committee agreed to serve under conditions of strict anonymity. We are currently before the Administrative Decisions Tribunal with the Dept of Fair Trading over just this issue (in case you were unaware of that) and though I will cooperate with you in any way that I can, I will not share the names of our other committee members with you. I do not believe the Department would wish to put people's lives and families at risk in this way.

Kind regards,
 Meryl Dorey

On 04/06/2012, at 3:04 PM, registryinquiries@services.nsw.gov.au wrote:

Dear Ms Dorey

I acknowledge receipt of your email. The contents of the email will be reviewed and a response provided in due course.

I note you have been requested to provide a copy of the Register of committee members to Fair Trading by 30 June 2012. I look forward to receiving that document.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

79

Please ensure that all future correspondence is sent direct to registryinquiries@services.nsw.gov.au so as appropriate and timely action can be taken.

Yours sincerely

Deborah Kreig | Legal Officer
COMPLIANCE & ENFORCEMENT DIVISION
 Registry of Co-operatives & Associations
 154 Russell Street, BATHURST
 (PO Box 22, BATHURST 2795)
 E: registryinquiries@services.nsw.gov.au
 P: 02 6333 1481 | F: 02 6333 1444

<Mail Attachment.bmp>

<Mail Attachment.bmp>

Download NSW Fair Trading's free [ShopSmart app](#) for advice while you shop. Save your receipts & set lay-by reminders.

>>> Meryl Dorey <meryl@avn.org.au> 4/06/2012 2:45 pm >>>

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

Meryl Dorey,
 Spokesperson
 The Australian Vaccination Network, Inc.
 Investigate before you vaccinate
 Editor,
 Living Wisdom Magazine
 Family, Health, Environment
 PO Box 177

78

BANJALOW NSW 2479
AUSTRALIA

<http://www.avn.org.au>

<http://www.living-wisdom.com>

Phone: 02 6687 1699

FAX 02 6687 2032

skype: ivmmag

Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them -- and then, the opportunity to choose. - C. Wright Mills

~~The authority of any governing institution must stop at its citizen's skin. - Gloria Steinem~~

We rely on the help and support of our members and subscribers to continue offering our services freely and without prejudice.

Please consider helping us by joining the AVN as a member. Go to <http://www.avn.org.au> to become a member or donate to support our work.

We also sell books, videos and DVDs on vaccination and other health issues. Go to <http://shop.avn.org.au/> for more details.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



**Fair
Trading**

Ref: 10/041946

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Australian Vaccination Network Incorporated
Attention: Mrs Meryl Dorey
136 Old Byron Bay Road
BANGALOW NSW 2479

Dear Ms Dorey

I refer to your letter dated 4 June 2012 concerning the Australian Vaccination Network Incorporated.

I note your advice that the website <http://australiansceptics.com/> is a blog that appears on the website of the Australian Vaccination Network although it is hosted with wordpress.com.

In light of your advice Fair Trading does not intend to take any further action in relation to this matter.

However, the Registry has received a further complaint that the issue of Living Wisdom issued in March 2012 failed to set out the full name of the Association. See document attached. This is despite my letter of 24 January 2012 setting out the requirement to set out the full name of the Association on all publications of the Association as required by section 41 of the Associations Incorporation Act 2009.

Please confirm by **2 July 2012** that all future publications of the Association will display the full registered name of the Association as required by section 41. A copy of section 41 is attached.

Yours sincerely



Deborah Kreig
Legal Officer

21 June 2012

ASSOCIATIONS INCORPORATION ACT 2009 - SECT 41**41 Where name must appear**

- (1) An association must not issue any letter, statement, invoice, notice, publication, order for goods or services or receipt in connection with its activities unless the association's name appears in legible characters on the document.

Maximum penalty: 1 penalty unit.



Fair
Trading

COPY 85

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

Australian Vaccination Network Incorporated
Attention: Mrs Meryl Dorey
136 Old Byron Bay Road
BANGALOW NSW 2479

Dear Ms Dorey

I refer to your email of 4 June 2012 concerning the Australian Vaccination Network Incorporated.

You state you do not intend to provide Fair Trading with a list of Committee members as members of the committee have agreed to serve "under strict conditions of anonymity. You also state you have been subject to threats, harassment and intimidation as a result of your involvement with the Association and you "will not allow other to be put in that situation".

As regulator of the *Associations Incorporation Act 2009* Fair Trading is responsible for ensuring compliance with the Act. In this role, Fair Trading may require a person or an Association to furnish information or to produce documents.

You were initially requested a copy of the **Register of committee members** (not a list of committee members as stated in your email) in order to confirm the Association complied with section 28(2) Act. That section requires each association have a committee of 3 or more members, each of whom is aged 18 years or more and at least 3 of whom are ordinarily resident in Australia.

Fair Trading's concerns in this regard arose following a review of the Association's audited financial statements for the FYE 31 December 2010 which records that the Association has only 1 committee member.

Failure to have a committee that satisfies section 28(3) of the Act is grounds for cancellation of the Association's registration under the Act: section 76(1)(d).

I note, your advice the Association currently has 6 committee members. Confirmation in the form of a copy of the Register of committee members is again requested. In the event you fail to provide a copy of the Register of Committee members by **9 July 2012** Fair Trading will consider any enforcement action that may be taken under the Act.

I understand you may have concerns that that the information may be provided to third persons. Fair Trading does not release information provided by an Association or by any person without the consent of the Association or person concerned or unless required by the Act or other relevant legislation such as the Government Information Public Access (GIPA) Act.

In addition to the above, I remind members of the Association that it is a requirement of registration as an incorporated association that each association keep and maintain a Register of committee members containing prescribed information: section 20(1). The information required to be included in the Register is attached.

A division of the Department of Finance & Services

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

The Register of Committee members must be located at the main premises of the association in New South Wales or, if the association has no premises, at the association's official address: section 29(3) of the Act. The register must, at all reasonable hours, be kept available for inspection, free of charge, by any person: section 29(5)

The requirement to keep and maintain a Register of Committee members and to make the Register available for inspection is a fundamental requirement of the Associations legislation. Fair Trading has no power under the Act to exempt an association from complying with the requirements of section 29. A copy of section 29 of the Act is attached.

~~If the Association is not willing or able to comply with its obligations under the Act it should consider applying for cancellation of its registration as an incorporated association.~~

You are required to bring this letter to the attention of the committee of the association as soon as practicable after receipt as required by section 101(2) of the Act

Yours sincerely



Deborah Kreig
Legal Officer
21 June 2012

INFORMATION REQUIRED TO BE INCLUDED IN THE REGISTER OF COMMITTEE MEMBERS

(Section 29 of Associations Incorporation Act 2009 & Clause 11 of
Associations Incorporation Regulation 2010)

The register of committee members must set out the following particulars in relation to each committee member:

- (a) the committee member's name, date of birth and residential address,
- (b) the date on which the committee member takes office,
- (c) the date on which the committee member vacates office,
- (d) the names of any members of the committee of the incorporated association who hold the positions (if any) of president, vice-president, secretary or treasurer of the incorporated association,
- (e) the date on which any such member was elected or appointed to such a position,
- (f) the date on which any such member ceased to hold such a position.

+++++

Associations Incorporation Act 2009

29 Register of committee members

- (1) An association must keep a register of committee members in accordance with this section.
Maximum penalty: 1 penalty unit.
- (2) The register must contain the following particulars in relation to each committee member:
 - (a) the committee member's name, date of birth and residential address,
 - (b) the date on which the committee member takes office,
 - (c) the date on which the committee member vacates office,
 - (d) such other particulars as may be prescribed by the regulations.
- (3) The register must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (4) Any change in the committee's membership must be recorded in the register within one month after the change occurs.
- (5) The register must, at all reasonable hours, be kept available for inspection, free of charge, by any person.



**Fair
Trading**

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041948

FILE COPY

REGISTERED POST -- SENDER TO KEEP
560011903016

Mrs Meryl Dorey
Australian Vaccination Network Incorporated
136 Old Byron Bay Road
BANGALOW NSW 2479

BY REGISTERED POST

Dear Mrs Dorey

I refer to previous correspondence in relation to the operation of the Association and its compliance with the requirements of the *Associations Incorporation Act 2009*. In particular I refer to letters dated 21 June 2012 requesting responses to different matters on 2 July and 9 July 2012 respectively. Copies of these letters are attached.

Your comments in relation to the reaction the Association draws from certain areas of the community are noted. However, Fair Trading has a responsibility to ensure an incorporated association is operating compliantly with the Act regardless of the particular undertaking for which it has been formed.

If the committee wishes to remain anonymous your organisation may wish to consider registering under a different regulatory scheme. As it stands, the Act requires the members of the committee to be recorded as specified in section 9 of the Act and clause 11 of the regulations. Inspection of the register must be made available at all reasonable hours to any person and free of charge. A copy of this register must be produced to Fair Trading immediately and as previously requested.

Further, confirmation is sought from the committee that the full name of the Association is now set out on all of its publications in compliance with the Act.

On a separate compliance issue, Fair Trading's records indicate the Association was required to hold its annual general meeting on or before 30 June 2012 and lodge the annual summary of affairs within one month of the AGM. As the Association is in breach of its financial reporting obligations under the Act, please arrange for the committee to lodge this outstanding document forthwith. In the event that it is not able to immediately do so, the Association is required to make application for an extension of time for lodgement and pay the applicable fee. Failure to do so may warrant enforcement action being initiated.

Yours sincerely

Robyne Lunney
Manager, Case Management
3 August 2012



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9896 0111 Fax: 02 9896 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: FTMIN12/336

Ms Meryl Dorey
Public Officer
Australian Vaccination Network, Inc
PO Box 177
BANGALOW NSW 2479

Dear Ms Dorey

NSW Fair Trading and the Hon Anthony Roberts MP, Minister for Fair Trading, have recently begun receiving an increasing number of requests to have NSW Fair Trading amend the name of the Australian Vaccination Network Incorporated, based on the contention that the name is misleading and deceptive, and therefore undesirable.

You may be aware that the Commissioner for Fair Trading has the power under the *Associations Incorporation Act 2009* to deem that a name is unacceptable or undesirable in certain circumstances. This then gives rise to a power under the same legislation to oblige an association to change its name, or face deregistration.

Given that a level of community concern now exists regarding this issue, I would appreciate receiving reasons from the Australian Vaccination Network Incorporated as to why it considers that the association's name is not misleading and/or deceptive with respect to the association's activities. I would also appreciate receiving an indication as to whether the association would consider taking steps to clarify the nature of its activities in its name.

Your response within three weeks of the date of this letter would be appreciated.

Yours sincerely

Don Jones
Assistant Commissioner, Compliance & Enforcement

28/8/12



Fair
Trading

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

Mrs Meryl Dorey
Australian Vaccination Network Incorporated
136 Old Byron Bay Road
BANGALOW NSW 2479

FILE COPY

Dear Mrs Dorey

I refer to my letter dated 3 August 2012, your telephone calls to Fair Trading on 16 August and 4 October and your voice mail message on either 5 or 8 October 2012. However, despite these contacts, to date Fair Trading has not received any correspondence or documents from the Association.

In particular, I note the telephone discussion of 4 October 2012 regarding Fair Trading having no record of the Association lodging its annual summary of financial affairs for the financial year ended 31 December 2011 within the statutory time frame, your subsequent voice mail message confirming the Association's cheque had not been presented and that the Association would re-lodge the documents.

As the Association remains in breach of the *Associations Incorporation Act 2009* regarding lodgement of the 2011 annual summary, lodgement should occur without further delay. Given the above circumstances, Fair Trading is not prepared to waive the applicable late fee as you requested.

The other matter relating to the Association's compliance with the Act, dealt with my earlier correspondence, is the requirement for the Association to keep and maintain a register of committee members containing details relating to the committee as stipulated by the legislation. Failure to keep this register and to make it available for inspection to anyone constitutes two separate breaches of the legislation.

Importantly, incorporation under the Act provides significant benefits to community groups choosing to be registered. However, those benefits also require important obligations on the part of committees and Association members. The ability for third parties, and indeed Fair Trading, to identify those persons charged with the responsibility to manage an incorporated association is one of these obligations and it is not negotiable.

As you were previously advised, if the committee wishes to remain anonymous the Association will need to change its structure and register under a different regulatory scheme.

Accordingly, the Association is required to produce a copy of this register to Fair Trading on or before **22 October 2012**. Failure to do so will result in compliance action being initiated against the Association.

Yours sincerely

Robyne Lunney
Manager, Case Management
15 October 2012



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9895 0111 Fax: 02 9895 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: 10/041946/5

Mrs Meryl Dorey
Public Officer
Australian Vaccination Network Incorporated
136 Old Byron Road
BANGALOW NSW 2479

Dear Mrs Dorey

AUSTRALIAN VACCINATION NETWORK INCORPORATED (Y2079127)

**DIRECTION TO CHANGE NAME PURSUANT TO SECTION 11 OF THE
ASSOCIATIONS INCORPORATION ACT 2009**

I am writing to you as the recorded public officer for Australian Vaccination Network Incorporated (the Association). This direction must be presented to the Association's committee for their urgent consideration and action.

NSW Fair Trading records show the association was registered under the *Associations Incorporation Act 1984* (now *Associations Incorporation Act 2009*) on 25 November 1994.

Section 11 of the *Associations Incorporation Act 2009* provides the Director-General (meaning the Commissioner for Fair Trading) may direct an association to adopt a new name where the name of the association is unacceptable. Section 18(1)(f) of the Act provides that a name is unacceptable if the Director-General is of the opinion that it is undesirable.

I have enclosed copies of relevant sections of the Act for your reference.

NSW Fair Trading has received complaints that the Association's name is confusing, misleading and has misled the public as to the operational intention of the Association. I have reviewed information regarding the Association and the complaints received.

I am of the opinion that use of the name AUSTRALIAN VACCINATION NETWORK INCORPORATED by your Association is against the public interest. It is undesirable and is therefore unacceptable pursuant to section 18(1)(f) of the Act.

I hereby DIRECT AUSTRALIAN VACCINATION NETWORK INCORPORATED to change its name.

The association is required to lodge an application for registration of a change of name by **21 FEBRUARY 2013**. If an application for registration of a change of name is not made on or before that date, Australian Vaccination Network Incorporated's registration may be cancelled.

Right of review

You may apply to the Administrative Decisions Tribunal for a review of this direction. However before making any such application the *Administrative Decisions Tribunal Act 1997* requires that you seek an internal review of my decision. Such a review, if requested, will be conducted by an officer within the Department of Finance and Services who was not substantially involved in the making of this decision. I have enclosed an information sheet on decisions reviewable by the Administrative Decisions Tribunal.

Yours sincerely

Rod Stowe
Commisloner
12 December 2012

94

Christine Gowland - Fwd: Australian Vaccination Network Incorporated

From: Meryl Dorey <meryl@avn.org.au>
To: Christine Gowland <christine.gowland@services.nsw.gov.au>
Date: 18/12/2012 4:55 PM
Subject: Fwd: Australian Vaccination Network Incorporated
Attachments: Don Jones 07 09 12 re Name Change.pdf; Mail Attachment.bmp

My apologies Ms Gowland - I did resend it but I seem to have just sent it to myself instead of to you! :-)) I apologise for that problem and the attachment is below.

All the best,
Meryl

Begin forwarded message:

From: Meryl Dorey <meryl@avn.org.au>
Subject: Australian Vaccination Network Incorporated
Date: 17 December 2012 3:31:15 PM AEDT
To: meryl@avn.org.au

My apologies - I forgot to attach the letter.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Australian
Vaccination
Network Inc.

7th September, 2012

Mr Don Jones,
Assistant Commissioner, Compliance and Enforcement
NSW Department of Fair Trading
PO Box 972
PARRAMATTA NSW 2124

By mail and by FAX to 02 9895 0222

Dear Mr Jones,

Thank you for your assistance in answering my questions on the afternoon of Tuesday, September 4th, 2012.

I write to you in response to your letter dated August 28th, 2012 and received at our office on Monday, September 3rd, 2012.

I am aware of the powers of the Commissioner for Fair Trading under the Associations Incorporation Act, 2009 to deem that the name of an organisation is unacceptable or undesirable.

The Australian Vaccination Network has been registered with the Department of Fair Trading since 1996 and at no time until the present has our name been called into question. We represent a group of Australians who discuss the issue of vaccination and we are also a network of like-minded individuals who have banded together for mutual support and for the dissemination of information on the issues surrounding vaccination in Australia. Can you please inform us which of these words - Australian - Vaccination - Network, could possibly be considered to not represent our organisation? Which of these words does the Department consider to be misleading and why? Also, can you please inform us of what name the Department would consider to be appropriate for our organisation?

We are well aware that there are those within the community who disagree with some of our activities. They oppose open discussion of vaccination, and feel that consumers should not have the opportunity to view information and viewpoints which are at odds with their own.

In 2009 some of these individuals started a group called Stop the Australian Vaccination Network (SAVN) whose goal - as their name suggests - is to stop our volunteer-run parent and health practitioner-supported organisation in any way they can. SAVN is not representative of those within the community who disagree with our viewpoint and their methods have included threats of physical violence, intimidation, the posting of violent pornographic images and, as you have seen, a spate of complaints to various government bodies - both federal and state. These bodies have included the Department of Fair Trading, the Office of Liquor, Gaming and Racing, the Health Care Complaints Commission, the Federal and various State Departments of Health and ASIC amongst others.

We believe that the "level of community concern" you mentioned in your letter is merely a level of concern being expressed by members of SAVN who have taken it upon themselves to force an organisation to close simply because they disagree with our viewpoint on a medical issue. We also believe that in a democracy, all viewpoints should be allowed since suppression of any side of a scientific debate is never in the best interest of the community.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

The people who complained that our name is objectionable only did so because they feel that what we *say* is objectionable. Their complaints are about stopping our message and information - they have nothing to do with our name per se. These same people regularly try to stop seminars and information meetings held by the AVN and their attempts to block our freedom of communication should be opposed by your Department.

To use the powers of the Department to force a name change or to deregister the AVN would serve only to further the political agenda of a particular group and would not serve the purpose or intent of the Act under which the Department is operating. Such a perversion of the Department's regulations, used to stifle a particular point of view, could be in breach of Australian law and in contravention of the spirit of free speech and democracy which Australians hold so dear.

As Dr Brian Martin has stated in his article on the attacks against our organisation, focusing here on the campaign of complaints against us with various government departments (Debating Vaccination (<http://avn.org.au/about-av/debating-vaccination/>)):

"McLeod's complaint to the HCCC is not a legal action, so it cannot be described as a SLAPP, but it has a similar dynamic. It could be called a SCAPP, a Strategic Complaint Against Public Participation. A SCAPP, like a SLAPP, shifts a public debate into a different arena that ties up the target of the complaint in prolonged procedures, requiring a large time commitment with the risk of an adverse finding.

Others, besides McLeod, have complained to the HCCC about the AVN. Furthermore, complaints about the AVN have been made to the Office of Liquor, Gaming and Racing, the Department of Fair Trading, the Australian Securities and Investments Commission and other government bodies. This is evidence of a concerted campaign against the AVN using official complaints. The acronym SCAPP thus seems warranted. An adverse formal outcome is not essential to the effectiveness of a SCAPP as an attacking tool. The complaints have required Dorey to spend large amounts of time and effort, and have produced anxiety."


Whether you agree or disagree with what the AVN does, for the Department to act on these complaints about our name would mean it has become a de-facto tool of those who want to destroy our organisation and seek to prevent our ability to present our viewpoint to interested audiences.

The cost to the taxpayer of these endless investigations must run into the millions of dollars. The cost to our organisation in time, membership funds and stress to the individuals involved is also not inconsiderable.

We are parents and consumer advocates who are simply trying to help other parents who have come to us for information and support. We are fighting a battle not of our making and it is not one we have or ever would have chosen.

Our committee does not believe that our name is misleading and / or deceptive in any way. Instead, we believe that the name Australian Vaccination Network perfectly describes who we are, what we stand for and why it is essential that in any health debate, there must always be room for both sides to be aired with openness and respect.

Kind regards,



Meryl Dorey,
AVN National President
on behalf of the AVN National Committee

98

Christine Gowland - Re: Australian Vaccination Network Incorporated

From: Christine Gowland
To: Meryl Dorey
Date: 18/12/2012 4:35 PM
Subject: Re: Australian Vaccination Network Incorporated

Dear Ms Dorey,

Your email did not have any attachment as my email to you yesterday indicated, so I have not yet received a copy of your letter to Don Jones. Can you please forward ?

Yours sincerely

Christine Gowland | General Manager
Registry of Co-operatives & Associations
Compliance & Enforcement Division
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443



>>> Meryl Dorey <meryl@avn.org.au> 18/12/2012 4:26 pm >>>

Dear Ms Gowland - I just wanted to confirm that you did receive a copy of the letter to Mr Jones by email yesterday. If you could confirm that for me, I would appreciate it.

Kind regards,
Meryl Dorey

On 17/12/2012, at 4:36 PM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Ms Dorey

Unfortunately, a copy of your letter to Mr Don Jones was not attached to your email. Could you please send ?

Yours sincerely

Christine Gowland | General Manager
Registry of Co-operatives & Associations
Compliance & Enforcement Division
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443

<Mail Attachment.bmp>

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

97

>>> Meryl Dorey <meryl@avn.org.au> 17/12/2012 3:30 pm >>>
Dear Ms Gowland,

Thank you for this information. I attach a copy of the letter sent to Mr Jones on September 7th and will be contacting your GIPA officers regarding obtaining copies of complaints made against the AVN in regards to our name.

Kind regards,
Meryl Dorey

On 17/12/2012, at 4:15 PM, "Christine Gowland" <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Ms Dorey,

Further to our telephone conversation a short while ago, I confirm that if you wish to access information held by NSW Fair Trading in relation to this matter, it will be necessary to lodge an application under the *Government Access (Public Information) Act 2009*. Information about how to do so is set out on NSW Fair Trading's website at:

<http://services.nsw.gov.au/accessing-dfs-information/how-can-i-access-dfs-information>

If you wish to discuss an application, you can contact Fair Trading's Right to Information Officers on either (02) 9619 8672 or (02) 9777 8804.

I also confirm that you will send by return email a copy of your letter sent to Fair Trading's Don Jones dated 7 September 2012.
Yours sincerely

Christine Gowland | General Manager
Registry of Co-operatives & Associations
Compliance & Enforcement Division
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443

<Mail Attachment.bmp>

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

Meryl Dorey,
President
The Australian Vaccination Network, Inc.
Because every issue has two sides
Editor,
Living Wisdom Magazine
Family, Health, Environment
PO Box 177
BANGALOW NSW 2479
AUSTRALIA
<http://www.avn.org.au>
<http://www.living-wisdom.com>
Phone: 02 6687 1699
FAX 02 6687 2032
skype: ivmmag

Freedom is not merely the opportunity to do as one pleases; neither is it merely the opportunity to choose between set alternatives. Freedom is, first of all, the chance to formulate the available choices, to argue over them -- and then, the opportunity to choose. - C. Wright Mills

The authority of any governing institution must stop at its citizen's skin. - Gloria Steinem

We rely on the help and support of our members and subscribers to continue offering our services freely and without prejudice.

Please consider helping us by joining the AVN as a member. Go to <http://www.avn.org.au> to become a member or donate to support our work.

We also sell books, videos and DVDs on vaccination and other health issues. Go to <http://shop.avn.org.au/> for more details.

This is not intended to be considered medical or legal advice. It does not necessarily represent the opinions of either Meryl Dorey or the Australian Vaccination Network, Inc. (AVN). This information is simply provided in order to encourage you to research and openly discuss the issues surrounding vaccination and health. The decisions you make after reading this information are yours and

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

95

yours alone and both I and the AVN always encourage everyone to access a range of information and advice prior to making any decisions regarding their health or the health of their families. We support informed choice on all issues and will work hard to ensure that these rights are never abridged or denied.

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Deborah Kreig - Re: Attention - Robyne Lunney

From: Meryl Dorey <meryl@avn.org.au>
To: <Robyne.Lunney@services.nsw.gov.au>
Date: 8/01/2013 1:53 PM
Subject: Re: Attention - Robyne Lunney
Attachments: A12 small.pdf

Dear Ms Lunney,

Attached are the the AVN's financial report and form A12, originally forwarded to the Department in July of 2012. I have been seriously ill since late August 2012 and have been unable to tend to AVN business for some time. The AVN also has a new President (as of the new year). His details will be forwarded on the proper form shortly.

Kind regards,
Meryl Dorey

Note: Form A12 Not Attached.
only financials

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



AUSTRALIAN VACCINATION NETWORK
INCORPORATED

ABN 38 077 002 923

31 DECEMBER 2011

PARTNERS

GJ Smith
BSc, LLB, CA

TW Graham
BSc, CA, FPH

AM Jones
BSc, AITSL, CAA, CPA

SI Trustum
BSc, CA

T Bazzana
BSc, CA

ASSOCIATES

TL Kirkland
BSc, CA

MJ Gahan
BSc, CA

Financial Statements

Lismore Office

Ballina Office



Liability limited by a scheme approved under
Professional Standards Legislation

solution driven

AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923

STATEMENT BY MEMBERS OF MANAGEMENT COMMITTEE

The Committee has determined that Australian Vaccination Network Incorporated is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee:

1. The financial report presents a true and fair view of the financial position of Australian Vaccination Network Incorporated as at 31st December 2011 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that the association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

MERYL DOREY
Name

Name


Signature

Signature

PRESIDENT
Position

Position

31/7/12
Dated

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

INCOME STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	Note	2011 \$	2010 \$
Operating Surplus/(Deficit) before income tax		(11,205)	50,438
Income Tax Expense		-	-
OPERATING SURPLUS/(DEFICIT) AFTER INCOME TAX		(11,205)	50,438
Accumulated Surplus/(Deficit) at the beginning of the financial year		35,430	(15,008)
		24,225	35,430
ACCUMULATED SURPLUS/(DEFICIT) AT END OF FINANCIAL YEAR		24,225	35,430

The accompanying notes form part of these financial statements.
This report should be read in conjunction with the attached
compilation report.

AUSTRALIAN VACCINATION NETWORK INC
TRADING STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	2011 \$	2010 \$
SALES		
Sales	59,906	74,200
LESS: COST OF GOODS SOLD		
Opening Stock	12,240	12,240
Purchases	49,414	66,281
	61,654	78,521
Closing Stock	11,150	12,240
	50,504	66,281
GROSS PROFIT (LOSS) FROM TRADING	9,402	7,919
	15.70%	10.67%

The accompanying notes form part of this financial report.
This report should be read in conjunction with the attached

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2011

1 STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (New South Wales). The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

Income Tax

Australian Vaccination Network Incorporated is exempt from income tax.

Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

Revenue and Other Income

Revenue is measured at fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed.

Donation income is recognized when the association obtains control over the funds, which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

Goods and Services Tax (GST)

Revenues, expenses and assets are recognized net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923

COMPILATION REPORT

TO AUSTRALIAN VACCINATION NETWORK INCORPORATED

We have compiled the accompanying special purpose financial statements of Australian Vaccination Network Incorporated, which comprise the balance sheet at 31st December 2011, the income statement, a summary of significant accounting policies and other explanatory notes. The specific purpose for which the special purpose financial statements have been prepared is set out in Note 1.

The Responsibility of the Directors of Australian Vaccination Network Incorporated

The management committee is solely responsible for the information contained in the special purpose financial statements and have determined that the significant accounting policies adopted as set out in Note 1 to the financial statements are appropriate to meet their needs and for the purpose that the financial statements were prepared.

Our Responsibility

On the basis of information provided by the committee of Australian Vaccination Network Incorporated, we have compiled the accompanying special purpose financial statements in accordance with the basis of accounting adopted and APES 315: Compilation of Financial Information.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the committee provided, in compiling the financial statements. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

To the extent permitted by law, we do not accept liability for any loss or damage which any person, other than the association, may suffer arising from any negligence on our part. No person should rely on the special purpose financial statements without having an audit or review conducted.

The special purpose financial statements were compiled exclusively for the benefit of the management committee of Australian Vaccination Network Incorporated. We do not accept responsibility to any other person for the contents of the special purpose financial statements.

.....
Partner: Graham J Smith - Chartered Accountant

WCA CHARTERED ACCOUNTANTS

158 Molcsworth St
LISMORE NSW 2480

Dated:

106

From: Robyne Lunney
To: meryl@avn.org.au
Date: 8/01/2013
Subject: Re: Attention - Robyne Lunney

I am out of the office until Monday 14 January 2013. The Registry is closed from 24 December 2012 opening again on 7 January 2013.
If your email relates to a matter requiring attention by the Registry please forward it to registryinquiries@services.nsw.gov.au to ensure it will be referred to a suitable officer for attention.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

109

registryinquiries - Fwd: Attention - Robyne Lunney or anyone else who is in the office today.

From: Meryl Dorey <meryl@avn.org.au>
To: <registryinquiries@services.nsw.gov.au>
Date: 8/01/2013 1:56 PM
Subject: Fwd: Attention - Robyne Lunney or anyone else who is in the office today.
Attachments: Robyne Lynney 18-5-12.pdf

Dear Ms Lunney,

Attached are the the AVN's financial report and form A12, originally forwarded to the Department in July of 2012. I have been seriously ill since late August 2012 and have been unable to tend to AVN business for some time. The AVN also has a new President (as of the new year). His details will be forwarded on the proper form shortly.

Kind regards,
Meryl Dorey

Note Form A12 not attached.
Letter dated 18-5-12 attached to this email

D. Kreig
A/Manager
Case Management Unit
9-1-13

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



18 May, 2012

Ms Robyne Lunney,
Manager,
Case Management
Registry of Co-operatives and Associations
154 Russell Street
BATHURST NSW 2795
email - Robyne.Lunney@services.nsw.gov.au
FAX: 02 6333 1444

Regarding: Your letter Ref: 10/041946

Dear Ms Lunney,

Thank you for your letter dated 19 April, 2012.

I note that you have seen that the AVN has updated its website to include the word "Inc." in its banner and appreciate your letting me know that you only investigate incorporated associations for their failure to include this information if it has been brought to your attention by a third party. I also note your statement that to date, the Department has not found it necessary to prosecute any associations for this sort of breach.

In the next section of your letter to the AVN, you state that there is a requirement for our organisation to maintain appropriate financial records of our activities. This is why our end-of-year financial records are audited by a financial accountant who has been hired for this purpose.

The period for which you are requesting information - the financial years ending 31st of December 2010 and 31 December 2011 - was a time when the AVN did not hold an authority to fundraise (our authority to fundraise was revoked in October 2010 - we would have part of the information from that year but not all so I was not sure if you wanted us to provide you with the information up until the date of revocation?).

As I'm sure you are aware, organisations which hold an authority to fundraise must differentiate between fundraising activities and non-fundraising activities.

Fundraising includes new memberships or memberships from lapsed members as well as donations from the general public. Purchases of books, DVDs and other items are never considered to be fundraising so there is never an obligation for us to keep track of these sales separately. This information has been confirmed by Mr Simon Hughes of the Office of Liquor, Gaming and Racing (OLGR).

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

Despite the fact that between October 2010 and April 2012, we were not required to separate donations and memberships made by members of the AVN with subscriptions from non-members, you are asking me to provide you with this information which to the best of my knowledge, we were not required to and did not maintain.

Just to clarify, we do have separate items in our accounting package for subscriptions and memberships but there are some members who also subscribe to the magazine or who subscribe to the magazine in addition to their membership so that distinction - until the 18th of April this year - would not give you the clear-cut data you are looking for.

To the best of my ability to tell, approximately 80% of our fund for the magazine came from renewing memberships and approximately 20% from new subscribers or renewing subscribers, but as I said, we don't have the exact figure for you.

Is there an obligation under any of the legislation administered by Fair Trading which would require the AVN to maintain these records? If so, I am unaware of this obligation and would appreciate your pointing out the relevant section to me so I can see how this situation can be remedied.

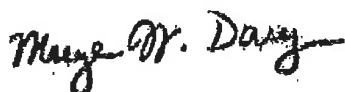
If there is no obligation for the AVN to maintain this information, then once again, I am going to have to inform you that we do not have the ability to give you the details of the number and value of subscriptions from non-members nor do we have the details of the value of the sales of books, DVDs and other items to non-members for the financial years 31 December 2010 and 31 December 2011.

Regarding your request to determine what the figure of \$192,291 corresponding to the item 'Rendering of Services' under the heading of 'Sales Revenue' referred to, if you will turn to page 19 of the AVN's audit report, you will see that this figure corresponds to donations received (\$187,165) and Freight Collected (\$5,126).

Can you please let me know if the auditor should have called this item something else so it would not have been confusing? Was the heading incorrect? As you are aware from our earlier conversation, we were not happy with the work done by this auditor and apologise for any error he may have made in naming these fields on our audit report.

I hope that this letter has provided you with the information you have asked for to the best of my ability to provide it to you. Please let me know the answers to my questions regarding any legislation administered by Fair Trading which would have required us to separate sales to members and non-members and also any details on whether or not the auditor had categorised our donation and freight income properly.

Kind regards,



Meryl W Dorey,
President
Australian Vaccination Network

cc:/ AVN National Committee; JRF Legal; Hinterland Legal



Australian
Vaccination
Network, Inc.



December 27th, 2012

Ref: 10/041946/5

Rod Stowe
Commissioner
NSW Department of Fair Trading
PO Box 972
Parramatta NSW 2124

Dear Mr Stowe

Thank you for your letter dated 12th December 2012 directing our organisation to change its name. At our committee meeting of 17th December (my first as recently appointed President), this issue was discussed at length.

I wish to state at the outset that our committee intends to cooperate fully in ensuring our name is in accordance with all relevant legislation. We also understand that a name change will require a special resolution passed by 3/4 majority vote via a general meeting. Please advise if we have misunderstood this.

We anticipate some difficulty in choosing a new name, and then persuading members of its suitability. Indeed, we anticipate difficulty explaining to members the problem with our current name. This is possibly because we (the committee) don't understand the problem ourselves. Hence we seek your assistance to facilitate this transition.

Our correspondence of 7th September 2012 to your department (written by Ms Meryl Dorey and sent by mail and fax) appears to have not been responded to. That letter contained important questions. The answers to those questions would have assisted us to move forward with this issue, viz:

"We represent a group of Australians who discuss the issue of vaccination and we are also a network of like-minded individuals who have banded together for mutual support and for the dissemination of information on the issues surrounding vaccination in Australia. Can you please inform us which of these words - Australian - Vaccination - Network, could possibly be considered to not represent our organisation? Which of these words does the Department consider to be misleading and why? Also, can you please inform us of what name the Department would consider to be appropriate for our organisation?"

We waited more than three months for a reply but received nothing. Perhaps a reply was sent but somehow not received by our committee. Please advise whether a reply was sent, and if so, could you please send us a copy of it? If a reply was not sent would you please explain why such an important letter would remain unanswered?

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009. NSW FAIR TRADING. GIPA 2012-2013/112

In short, we need the following:

1. In precise terms, what is wrong with our current name? In which way does it not conform to the legislation?
2. Examples of names with MINIMAL change from our current name, but which would conform.

These are the questions we will be asked by our members. At present we have no way of answering them without you first doing so.

In addition, given the short time allocated us for this directive, and the fact that the Christmas/New Year period coincides, we hereby request an extension of the deadline (currently 21st February, 2013) to the end of March 2013. This will give us time to receive your response, convene the committee to discuss suitable names, draft a resolution, and then organise the general meeting.

With all this in mind, your timely response to this letter, complete with answers to our questions, is also appreciated.

Yours sincerely,



Greg Beattie
President
Australasian Vaccination Network Inc.
PO Box 177
Bangalow
NSW 2479
(Ph [REDACTED])



**Fair
Trading**

FILE COPY

121
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946/5

Ms Meryl Dorey
Public Officer
Australian Vaccination Network Incorporated
138 Old Byron Bay Road
BANGALOW NSW 2479

REGISTERED POST - SENDER TO KEEP
491204923019

Dear Ms Dorey

AUSTRALIAN VACCINATION NETWORK INCORPORATED (Y2079127)

**DIRECTION TO CHANGE NAME PURSUANT TO SECTION 11 OF THE ASSOCIATIONS
INCORPORATION ACT 2009**

Pursuant to delegation, and in accordance with section 11 of the *Associations Incorporation Act 2009 (NSW)* ('the Act'), the Australian Vaccination Network Incorporated ('the Association') is directed to change its name.

This Direction revokes and replaces the Direction previously issued to the Association on 12 December 2012. Please disregard the previous Direction.

If an Application for registration of a change of name is not made on or before 12:00 noon on 21 March 2013, the Association's registration may be cancelled.

The reason for this Direction is set out in the attached Schedule to this Direction.

Robyne Lunney
A/General Manager
Registry of Co-operatives and Associations
NSW Fair Trading

14 January 2013

**SCHEDULE TO DIRECTION UNDER SECTION 11 ASSOCIATIONS INCORPORATION
ACT 2009 (NSW)**

Consideration

I have reviewed information regarding the Association and the complaints received.

On the basis of the matters set forth above, I have determined that the Association represents a point of view that could be characterised as against or 'anti'-vaccination. The Association's website distributes information via the internet that vaccinations, particularly for children, are unnecessary and potentially dangerous or fatal.

The Association's name 'Australian Vaccination Network Inc.' is confusing and potentially misleading to those seeking information regarding vaccinations.

I am of the opinion that use of the name AUSTRALIAN VACCINATION NETWORK INCORPORATED by the Association is against the public interest. It is undesirable and is therefore unacceptable pursuant to section 18(1)(f) of the Act.

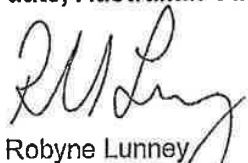
I am of the opinion that the name AUSTRALIAN VACCINATION NETWORK INCORPORATED is a name likely to mislead the public in relation to the nature, objects or functions of the Association or in some other respect, and is therefore unacceptable under Section 18(1)(g) of the Act.

Accordingly I consider that the statutory criteria in section 11 of the Act is satisfied, enabling me to issue a Direction to you as an association under the Act.

I hereby **DIRECT** AUSTRALIAN VACCINATION NETWORK INCORPORATED to change its name.

The Association is required to lodge an application for registration of a change of name by **21 March 2013 at 12 noon**.

If an application for registration of a change of name is not made on or before that date, Australian Vaccination Network Incorporated's registration may be cancelled.



Robyne Lunney
A/General Manager
Registry of Co-operatives and Associations
NSW Fair Trading

14 January 2013



**Fair
Trading**

118
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

INCORPORATED ASSOCIATIONS AUSTRALIAN VACCINATION NETWORK INCORPORATED

Direction to Change Name Pursuant to Section 11 of the Associations Incorporation Act 2009

Section 11 of the *Associations Incorporation Act 2009* authorises the Commissioner for Fair Trading to direct an Association to change its name. Section 18 provides categories of unacceptable names.

As the current recorded Public Officer for the above Association, you are notified that this Association has been directed to change its name pursuant to the legislation. You should carefully read all the material provided and make note of the due date to lodge an application for registration of a change of name.

Failure to Respond

If you do not lodge an application for registration of a change of name within the time specified in the Direction, the Association's registration may be cancelled.

Internal review

The Association may notify NSW Fair Trading it requests a review of the decision. The internal review will be conducted by someone other than the original decision maker.

Administrative Decisions Tribunal

The Association may apply to the Administrative Decisions Tribunal for a review of a direction given by the Commissioner to the Association pursuant to section 11. This is done by lodging an application with the Administrative Decisions Tribunal. The application must be made within 28 days of the outcome of the internal review.

Independent advice

If there is any doubt about the material provided or how to handle the process, the Association may wish to contact the Registry of Cooperatives and Associations or consult a legal practitioner for independent advice.

www.fairtrading.nsw.gov.au
Registry of Cooperatives and Associations
Free call: 1800 502 042
Fax: 6333 1444
Email: registryinquiries@services.nsw.gov.au

This information is not a legal advice and must not be relied on as such. Please refer to the appropriate legislation

A division of the Department of Finance & Services

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



**Fair
Trading**

117
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

ASSOCIATIONS INCORPORATION ACT 2009

Provisions

Section 11

11 Director-General may direct association to change its name

(1) The Director-General may, by order in writing served on an association that has an unacceptable name, direct the association to adopt a new name.

(2) Such a direction may be given whether or not the association's name was acceptable when the association was registered.

Note. Changing circumstances may mean that a name that was acceptable when the association was registered has since become unacceptable.

(3) A direction:

(a) must specify the grounds on which the association's current name is unacceptable, and

(b) must specify a date by which an application for registration of a change of name must be made (being a date no less than 2 months after the date on which the direction is given), and

(c) must state that the association's registration may be cancelled if such an application is not made on or before that date.

Section 18

18 Unacceptable names

(1) For the purposes of this Act, a name is unacceptable if:

(a) it does not include, at the end of the name, the word "Incorporated" or the abbreviation "Inc", or

(b) it contains foreign language characters, or

(c) it includes the word "police" or "sheriff", unless its use is the subject of a consent in force under section 204B of the *Police Act 1990* or section 12 of the *Sheriff Act 2005*, or

(d) the Director-General is of the opinion:

(i) that it is identical to, or closely resembles, some other name that is registered, that is reserved or that is the subject of an earlier application for reservation, and

(ii) that the public would be likely to be misled if associations operated under both names, or

(e) the Director-General is of the opinion that it suggests a connection with the Crown or the State, or

(f) the Director-General is of the opinion that it is offensive or undesirable, or

(g) it is declared by the regulations to be unacceptable.

Section 104**104 Review of decisions of Director-General**

(1) An association may apply to the Administrative Decisions Tribunal for a review of:

(a) any decision by the Director-General under section 7, 12, 16, 74 or 79 to refuse an association's application, or

(b) any direction given to the association by the Director-General under section 11 or 73, or

(c) any cancellation of the association's registration by the Director-General under section 76.

(2) Section 53 of the *Administrative Decisions Tribunal Act 1997* does not apply to the cancellation of an association's registration.

(3) A person aggrieved by a decision made by the Director-General to appoint an administrator under section 54 or 55 may apply to the Supreme Court for a review of the decision.

ASSOCIATIONS INCORPORATION REGULATION 2010

SCHEDULE 2 – Unacceptable names

- 1 A name that is identical to, or closely resembles, a business name registered under the Business Names Registration Act 2011 of the Commonwealth.
- 2 A name that is identical to, or closely resembles, the name of a building society, co-operative, co-operative society, co-operative company, co-operative building society, co-operative housing society or credit union.
- 3 A name that is identical to, or closely resembles, a name reserved or registered under the Corporations Act 2001 of the Commonwealth (unless the applicant for registration of the relevant association has reserved or registered that name under that Act).
- 4 A name that suggests a connection with the government of the Commonwealth, New South Wales, another State or Territory or another country.
- 5 A name that includes the word “Commonwealth” or “Federal”, unless its use is in respect of a geographical location.
- 6 A name that suggests a connection with a government agency or public authority of the Commonwealth, New South Wales or another State or Territory.
- 7 A name that suggests a connection with a local council or local authority.
- 8 A name that suggests a connection with a member of the royal family if that connection does not exist.
- 9 A name that suggests a connection with an ex-service person organisation if that connection does not exist.
- 10 A name that suggests a connection with any person (alive or deceased) if that connection does not exist.
- 11 A name that suggests that royal patronage has been received if that is not the case.
- 12 A name that includes any of the following words or phrases (including abbreviations of such words and phrases):
 - aboriginal corporation
 - building society
 - co-operative
 - co-operative society
 - co-operative company
 - co-operative building society
 - co-operative housing society
 - executor
 - futures exchange
 - GST
 - guarantee
 - institute of advanced education
 - made in Australia
 - oxfam

starr bowkett
stock exchange
torres strait islander corporation

13 A name that is likely to mislead the public in relation to the nature, objects or functions of an association or proposed association or in any other respect.



**Fair
Trading**

Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

ADT INFORMATION SHEET

Certain decisions under the following Acts are reviewable by the Administrative Decisions Tribunal: the *Associations Incorporation Act 2009*, *Business Names Act 2002*, *Conveyancers Licensing Act 2003*, *Co-operative Housing and Starr-Bowkett Societies Act 1998*, *Electricity (Consumer Safety) Act 2004*, *Fair Trading Act 1987*, *Home Building Act 1989*, *Motor Dealers Act 1974*, *Motor Vehicle Repairs Act 1980*, *Pawnbrokers and Second-hand Dealers Act 1996*, *Property, Stock and Business Agents Act 2002*, *Registration of Interests in Goods Act 1986*, *Trade Measurement Act 1989*, *Trade Measurement Administration Act 1989*, *Travel Agents Act 1986* and *Valuers Act 2003*.

Right to request reasons for decision

When a decision is made, but reasons for that decision have not been given, a person may make a written request for reasons. A written statement of the reasons must be provided within 28 days after receiving the request.

However, the decision maker may refuse to provide a statement of reasons if he or she is of the opinion that the person is not entitled to be given the statement, or the request was not made within a reasonable time after the decision was made. Notice of a refusal to provide a statement of reasons and reasons for the refusal must be given within 28 days after the request.

Right to apply for an internal review

A person may also apply for an internal review of a decision, except if the decision is to suspend a licence under section 64A of the *Fair Trading Act 1987*. The application for an internal review must be in writing, addressed to the decision maker and specify an address in Australia to which a notice of the result of the review may be sent.

An application must be lodged within 28 days after the person has been provided with reasons, if they have been requested, or had such a request refused.

If the person has not requested reasons, an application for an internal review may be made within 28 days of the person being notified of the decision.

The application for an internal review will be dealt with by someone other than the original decision maker. The result of the internal review and reasons for the decision must be given to the applicant within 21 days after the application for the review is lodged.

Right to apply for a review by the Administrative Decisions Tribunal

A person may only apply to the Administrative Decisions Tribunal for a review of a decision if an internal review has been or is taken to have been finalised. In certain circumstances, an application may be allowed even though no internal review has taken place.

Further information may be obtained from the Administrative Decisions Tribunal on 9223 4677.

A division of the Department of Finance & Services



**Fair
Trading**

122
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 630 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

Mr Greg Beattie
President
Australian Vaccination Network Inc
PO Box 177
BANGALOW NSW 2479

FILE COPY

Dear Mr Beattie

Re: Australian Vaccination Network Incorporated – Y2079127

I refer to my letter dated 14 January 2013.

Please find enclosed a copy of the relevant legislative provisions which may not have been provided in its entirety in the copy of documents sent to Mrs Dorey.

Yours sincerely

Robyne Lunney
Acting General Manager
16 January 2013



**Fair
Trading**

123
Registry of Co-operatives & Associations
164 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

Mrs Meryl Dorey
Public Officer
Australian Vaccination Network Inc
138 Old Byron Bay Road
BANGALOW NSW 2479

FILE COPY

Dear Mrs Dorey

Re: Australian Vaccination Network Incorporated – Y2079127

I refer to my correspondence issued 14 January 2013.

Please find enclosed a copy of the relevant legislative provisions which may not have been provided in its entirety.

Yours sincerely

Robyne Lunney
Acting General Manager
16 January 2013



**Fair
Trading**

124
Registry of Co-operatives & Associations
154 Russell Street Bathurst
PO Box 22
Bathurst NSW 2795
DX3123 Bathurst
Tel: 6333 1400 Toll Free 1800 502 042
Fax: 02 6333 1444
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au 13 32 20

Ref: 10/041946

FILE COPY

Mr Greg Beattie
President
Australian Vaccination Network Inc
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

Re: Australian Vaccination Network Incorporated – Y2079127

Please find enclosed a copy of documents issued today to the Association's public officer,
Mrs Meryl Dorey.

Yours sincerely

Robyne Lunney
Acting General Manager
14 January 2013

125

Christine Gowland - Australian Vaccination Network Incorporated - Notice to produce documents

From: Christine Gowland
To: meryl@avn.org.au
Date: 23/01/2013 4:47 PM
Subject: Australian Vaccination Network Incorporated - Notice to produce documents

Dear Ms Dorey,

Your email to Robyne Lunney below dated 8 January 2013, and also your separate email to RegistryInquiries of the same date, apparently in relation to the Notice to produce documents pursuant to section 85 of the *Associations Incorporation Act 2009* issued under my hand to you on 20 December 2012, have been forwarded to me.

The documents you have provided have been reviewed. These documents do not satisfy the requirements of the Notice in that :

- although you indicate the Form A12, Annual summary of financial affairs, has been provided it is not included in the documents attached to your email; and
- the financial report is not complete in that it does not include the balance sheet as required by the Act; and
- a copy of the register of committee members of the Association has not been provided.

I note you were previously provided, as part of my correspondence to you of 20 December 2012, with a copy of section 85 of the Act, which sets out the penalties under the Act for failure to comply with a requirement under section 85.

Please forward the documents required under the Notice by no later than **31 January 2013**. In the event you fail to do so, compliance action for failure to comply with a requirement under section 85 of the Act will commence forthwith.

I also note you state that the Association's financial report and Form A12 was originally forwarded to the 'Department' in July 2012. As you are aware, you were advised by telephone message on 8 October 2012, and subsequently confirmed in Ms Lunney's letter to you of 15 October 2012, that these documents had not been received and you were requested to lodge without further delay. Fair Trading has no record of this action occurring.

Yours sincerely

Christine Gowland | General Manager
Registry Services
Customer Services Group
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443



RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

136

Christine Gowland - AVN Financial report

From: Meryl Dorey <meryl@avn.org.au>
To: Christine Gowland <Christine.Gowland@services.nsw.gov.au>
Date: 31/01/2013 10:07 AM
Subject: AVN Financial report
CC: "Robyne.Lunney@services.nsw.gov.au" <Robyne.Lunney@services.nsw.gov.au>
Attachments: Pages from 2 Letter and attachments.pdf

Dear Ms Gowland and Ms Lunney,

Attached, please find the copy of our financial report which we received from our accountant. I am unable to get to the signed copy of this form nor can I get to the form A12 (both of which, when scanned, seemed to have missed out the second pages for some reason). We have been badly affected by the recent cyclone, having no power for 3 days and flooding in our office so everything has been packed into boxes while furniture and carpets are removed.

I should be able to find the final paperwork over the weekend hopefully will be able to get it to you (the signed copies and the completed A12) by Monday. I hope you understand.

Kind regards,
Meryl Dorey

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

136



RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

AUSTRALIAN VACCINATION NETWORK
INCORPORATED

ABN 38 077 002 923

31 DECEMBER 2011

PARTNERS

GJ Smith
BBus, LLB, CA

TW Graham
BBus, CA, FFin

AM Jones
BBus, AffSole ICAA, CPA

SI Trustum
BBus, CA

T Bazzana
BBus, CA

ASSOCIATES

TL Kirkland
BBus, CA

MJ Gahan
BBus, CA

Financial Statements

Business Office
100 Park St
Sydney NSW 2000
Phone (02) 9250 7200
Fax (02) 9250 7201

Ballina Office
100 Park St
Ballina NSW 2478
Phone (02) 6622 6266
Fax (02) 6622 6267

Website: www.wca.com.au
www.wca.com.au



Liability limited by a scheme approved under
Professional Standards Legislation

AUSTRALIAN VACCINATION NETWORK INCORPORATED

ABN 30 077 002 923

CONTENTS

Statement by Members of the Committee

Trading Statement

Detailed Income and Expenditure Statement

Income Statement

Balance Sheet

Notes to the Financial Statements

Compilation Report

AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923

STATEMENT BY MEMBERS OF MANAGEMENT COMMITTEE

The Committee has determined that Australian Vaccination Network Incorporated is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee:

1. The financial report presents a true and fair view of the financial position of Australian Vaccination Network Incorporated as at 31st December 2011 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that the association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

.....
Name

.....
Name

.....
Signature

.....
Signature

.....
Position

.....
Position

.....
Dated

AUSTRALIAN VACCINATION NETWORK INC
TRADING STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	2011 \$	2010 \$
SALES		
Sales	59,906	74,200
LESS: COST OF GOODS SOLD		
Opening Stock	12,240	12,240
Purchases	49,414	66,281
	61,654	78,521
Closing Stock	11,150	12,240
	50,504	66,281
GROSS PROFIT (LOSS) FROM TRADING	9,402	7,919
	15.70%	10.67%

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

DETAILED INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	2011 \$	2010 \$
INCOME		
Donations received	79,374	187,165
Freight collected	2,340	5,126
AVN membership fees	2,773	4,404
Sundry Income	1,767	3,381
Sponsorship Income	55	7,609
Gross Profit/(Loss) from Trading	9,402	7,919
	<u>95,711</u>	<u>215,604</u>
EXPENDITURE		
Advertising	420	19,143
Bank Charges	3,155	4,076
Commission Paid	601	3,605
Consultancy Fees	1,986	2,880
Computer Expenses	7,610	9,861
Electricity & Gas	2,700	845
Insurance	1,330	1,808
Leasing Charges	8,729	4,743
Magazines, Journals & Periodicals	912	1,665
Office Expenses	3,009	1,943
Postage	5,457	4,581
Printing & Stationery	2,273	8,168
Professional Fees	29,598	18,426
Repairs & Maintenance	1,490	-
Salaries	7,014	52,969
Stalls and Convention Expenses	8,012	4,575
Subscriptions	931	1,052
Sundry Expenses	3,479	211
Superannuation Contributions	501	4,553
Telephone	6,477	7,021
Travelling Expenses	6,933	4,859
Website Expenses	4,299	8,182
	<u>106,916</u>	<u>165,166</u>
OPERATING SURPLUS/(DEFICIT)	<u>(11,205)</u>	<u>50,438</u>

The accompanying notes form part of these financial statements.
This report should be read in conjunction with the attached
compilation report.

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

**INCOME STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011**

	Note.	2011 \$	2010 \$
Operating Surplus/(Deficit) before income tax		(11,205)	50,438
Income Tax Expense		<u>-</u>	<u>-</u>
OPERATING SURPLUS/(DEFICIT) AFTER INCOME TAX		<u>(11,205)</u>	<u>50,438</u>
Accumulated Surplus/(Deficit) at the beginning of the financial year		<u>35,430</u>	<u>(15,008)</u>
		<u>24,225</u>	<u>35,430</u>
ACCUMULATED SURPLUS/(DEFICIT) AT END OF FINANCIAL YEAR		<u>24,225</u>	<u>35,430</u>

The accompanying notes form part of these financial statements.
This report should be read in conjunction with the attached
compilation report.

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

BALANCE SHEET
AS AT 31ST DECEMBER 2011

		2011 \$	2010 \$
CURRENT ASSETS			
Cash	2	16,278	24,788
Receivables	3	5,223	985
Inventories	4	11,150	12,240
TOTAL CURRENT ASSETS		<u>32,651</u>	<u>38,013</u>
TOTAL ASSETS		<u>32,651</u>	<u>38,013</u>
CURRENT LIABILITIES			
Accounts Payable	5	8,426	2,583
TOTAL CURRENT LIABILITIES		<u>8,426</u>	<u>2,583</u>
TOTAL LIABILITIES		<u>8,426</u>	<u>2,583</u>
NET ASSETS (LIABILITIES)		<u>24,225</u>	<u>35,430</u>
ACCUMULATED FUNDS			
Accumulated Surplus/(Deficit)		<u>24,225</u>	<u>35,430</u>
TOTAL ACCUMULATED FUNDS		<u>24,225</u>	<u>35,430</u>

The accompanying notes form part of these financial statements.
This report should be read in conjunction with the attached
compilation report.

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2011

1 STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (New South Wales). The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

Income Tax

Australian Vaccination Network Incorporated is exempt from income tax.

Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

Revenue and Other Income

Revenue is measured at fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed.

Donation income is recognized when the association obtains control over the funds, which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

Goods and Services Tax (GST)

Revenues, expenses and assets are recognized net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2011

	2011 \$	2010 \$
2 CASH		
Cash-on-Hand	31	85
WBC Living Wisdom	13,016	1,371
WBC AVN Gift Fund	1,264	318
WBC AVN 188207	1,369	1,818
WBC Maxi 1-188223	13	13,572
AVN Fundraising account 229283	132	6,813
Travel Cash Account	-	538
Pay Pal	453	273
	<u>16,278</u>	<u>24,788</u>
3 RECEIVABLES		
CURRENT		
Trade Debtors	241	985
GST Receivable	4,982	-
	<u>5,223</u>	<u>985</u>
4 INVENTORIES		
CURRENT		
Stock on Hand	<u>11,150</u>	<u>12,240</u>
5 ACCOUNTS PAYABLE		
CURRENT		
Superannuation Creditor	-	825
Trade Creditors	5,983	485
PAYGW creditor	1,781	834
GST Payable	-	439
Other Creditors	662	-
	<u>8,426</u>	<u>2,583</u>

These notes should be read in conjunction with the attached
 compilation report.

Y989 3.117

126

SCHEDULE TO DIRECTION UNDER SECTION 11 ASSOCIATIONS INCORPORATION ACT 2009 (NSW)

The Australian Vaccination Network Incorporated ('the Association') was registered under the *Associations Incorporation Act 1984* (now *Associations Incorporation Act 2009*) on 25 November 1994.

The Association currently maintains a website at www.avn.org.au and a Facebook site at www.facebook.com/avn.living.wisdom.

According to email correspondence to NSW Fair Trading from Public Officer Meryl Dorey dated 4 June 2012, the website is self-hosted. Two other blogs are part of the webpage located on the website – 'No Compulsory Vaccination Blog' and 'Australian Skeptics Blog'. All are found on the home page of the Association.

Prominently displayed on the website on the home page and on other pages is the heading 'Tags'. Under that heading are words in various size fonts, including, but not limited to, the following: 'Adverse Reactions', 'Death from Vaccine', 'Vaccine Injury', 'lies', 'Autism', and 'Conscientious objection'.

An article dated November 29, 2012 states that a 'Government and AMA-funded booklet' is an 'exercise in propaganda and misinformation' regarding the safety and effectiveness of vaccines.

The website maintained by the Association notes that the government and medical communities recommend vaccinations for children, and that the Association represents the 'other side'. Under the heading 'Vaccines' is a drop box entitled 'A Children's Gallery'. If a visitor to the website clicks on that drop box 2 headings are revealed: 'Healthy Unvaccinated' and 'Vaccine Injured'. Under the latter, the articles refer to 2 child deaths due to vaccines and profound injuries to another.

NSW Fair Trading has received complaints from members of the public and the medical community that the Association's name is potentially confusing and may be misleading. Correspondence received refers to the fact that the website features prominently in search-engine results where search parameters included the word 'vaccination'. Public concerns focus on the fact that parents searching for vaccination information may believe that the Association, because of its name, offers general, balanced information, for example, the availability, locations and types of inoculations offered within Australia.

Section 11 of the *Associations Incorporation Act 2009* ('the Act') provides the Director-General (meaning the Commissioner for Fair Trading) may direct an association to adopt a new name where the name of the association is unacceptable.

Section 18(1)(f) of the Act provides that a name is unacceptable if the Commissioner is of the opinion that it is undesirable.

Section 18(1)(g) of the Act states that provides in relevant part that a name is unacceptable if it is declared by the regulations to be unacceptable. The Associations Incorporation Amendment (Unacceptable Names) Regulation 2012 amended the categories of unacceptable names set out in Schedule 2 to include a name that is likely to mislead the public in relation to the nature, objects or functions of an association or proposed association or in any other respect.

**AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923**

COMPILATION REPORT

TO AUSTRALIAN VACCINATION NETWORK INCORPORATED

We have compiled the accompanying special purpose financial statements of Australian Vaccination Network Incorporated, which comprise the balance sheet at 31st December 2011, the income statement, a summary of significant accounting policies and other explanatory notes. The specific purpose for which the special purpose financial statements have been prepared is set out in Note 1.

The Responsibility of the Directors of Australian Vaccination Network Incorporated

The management committee is solely responsible for the information contained in the special purpose financial statements and have determined that the significant accounting policies adopted as set out in Note 1 to the financial statements are appropriate to meet their needs and for the purpose that the financial statements were prepared.

Our Responsibility

On the basis of information provided by the committee of Australian Vaccination Network Incorporated, we have compiled the accompanying special purpose financial statements in accordance with the basis of accounting adopted and APES 315: Compilation of Financial Information.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the committee provided, in compiling the financial statements. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

To the extent permitted by law, we do not accept liability for any loss or damage which any person, other than the association, may suffer arising from any negligence on our part. No person should rely on the special purpose financial statements without having an audit or review conducted.

The special purpose financial statements were compiled exclusively for the benefit of the management committee of Australian Vaccination Network Incorporated. We do not accept responsibility to any other person for the contents of the special purpose financial statements.

.....
Partner: Graham J Smith – Chartered Accountant

WCA CHARTERED ACCOUNTANTS

158 Molesworth St
LISMORE NSW 2480

Dated:



**Fair
Trading**

Ref: 10/041946

Registry Services
154 Russell Street
Bathurst NSW 2795
PO Box 22
Bathurst NSW 295
Tel 6333 1400
Fax 6333 1444
TTY 1300 723 404
DX 3123 Bathurst
www.fairtrading.nsw.gov.au

¹³⁹
COPY

Toll Free 1800 502 042

ABN 81 913 830 179

Ms Meryl Dorey
Public Officer
Australian Vaccination Network Incorporated
138 Old Byron Bay Road
BANGALOW NSW 2479

REGISTERED POST - SENDER TO KEEP
491204925013

Dear Ms Dorey

Australian Vaccination Network Incorporated

I refer to the Notice to produce documents, pursuant to section 85 of the *Associations Incorporation Act 2009*, issued to the Australian Vaccination Network Incorporated ('the Association') on 20 December 2012.

The documentation required under the 20 December 2012 was not produced in full.

Attached is a Notice to produce documents, pursuant to section 85 of the *Associations Incorporation Act 2009*. The Association is required to produce the documents specified by **22 February 2013**. A copy of section 85 of the Act is attached for your reference.

Yours sincerely

Christine Gowland


Christine Gowland
General Manager

8 February 2013

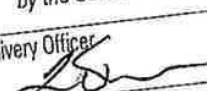
Registered Post
Delivery Confirmation - Advice Receipt

Registered Post No. 491204925013 Sender's Reference 10/41946

Receipt is acknowledged of the Registered Post item, the number of which appears above.

Sign Here  Signature of Addressee* or Agent

*Registered Post articles sent **Person to Person** must be signed by the addressee only.

Signature of Delivery Officer  Date delivered 11/2/13

AUSTRALIA POST
LICENSED POST OFFICE
Office Post Mark
BANGALOW NSW 2479

A division of the Department

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

ASSOCIATIONS INCORPORATION ACT 2009 - SECTION 85**Power to require information and documents**

- (1) The Director-General may, by notice in writing served on any person, require the person to do either or both of the following within such time as is specified in the notice:
 - (a) to furnish the Director-General with such information as the person possesses in connection with the affairs of an association,
 - (b) to produce to the Director-General such documents as the person possesses in connection with the affairs of an association.
- (2) A person must not fail to comply with a requirement under this section.

Maximum penalty: 60 penalty units.

Note: The furnishing of false or misleading information and the production of false or misleading documents are offences under Division 3 of Part 5 of the Crimes Act 1900.
- (3) A person is not excused from furnishing information or producing a document pursuant to a requirement under this section on the ground that to do so may tend to incriminate the person, but any information so furnished or document so produced is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under Division 3 of Part 5 of the Crimes Act 1900.

NOTICE UNDER SECTION 85 OF THE
ASSOCIATIONS INCORPORATION ACT 2009

AUSTRALIAN VACCINATION NETWORK INCORPORATED

As delegate of the Director-General, and pursuant to powers conferred on me under section 85 of the *Associations Incorporation Act 2009*, I require the Australian Vaccination Network Incorporated ('the Association') to produce the information set out below by no later than **22 February 2013**:

1. A copy of the Register of committee members of the Association.
2. If a copy of the Register of committee members of the Association is not available, a document listing all committee members of the Association.

The documents may be hand-delivered to:

Registry of Services
154 Russell Street, Bathurst 2795

or forwarded by post to:

Attention: Christine Gowland
PO Box 22 Bathurst 2795.

Christine Gowland

Christine Gowland
Delegate of the Director-General
8 February 2013



Australian
Vaccination
Network, Inc.

MINISTERIAL &
EXECUTIVE
SERVICES - FAIRTRADING

13 FEB 2013

RECEIVED

8th February, 2013

Rod Stowe
Commissioner
NSW Department of Fair Trading
PO Box 972
Parramatta NSW 2124

Ref: 10/041946/5

Dear Mr Stowe,


In accordance with Section 53 of the ADMINISTRATIVE DECISIONS TRIBUNAL ACT 1997, I hereby request an internal review of your decision to issue our organisation a DIRECTION TO CHANGE NAME PURSUANT TO SECTION 11 OF THE ASSOCIATIONS INCORPORATION ACT 2009 (your ref: 10/041946/5).

Yours sincerely,



Greg Beattie
President
Australian Vaccination Network Inc.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email Info@avn.org.au www.avn.org.au

 Australian
Vaccination
Network, Inc.

PLEASE NOTE: ORIGINAL TO FOLLOW BY MAIL.

8th February, 2013

Rod Stowe
Commissioner
NSW Department of Fair Trading
PO Box 972
Parramatta NSW 2124

Ref: 10/041946/5

Dear Mr Stowe,

In accordance with Section 53 of the ADMINISTRATIVE DECISIONS TRIBUNAL ACT 1997, I hereby request an internal review of your decision to issue our organisation a DIRECTION TO CHANGE NAME PURSUANT TO SECTION 11 OF THE ASSOCIATIONS INCORPORATION ACT 2009 (your ref: 10/041946/5).

Yours sincerely,



Greg Beattie
President
Australian Vaccination Network Inc.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

61754805625



149

Christine Gowland - Fwd: Attention - Robyne Lunney or anyone else who is in the office today.

From: registryinquiries
To: Christine
Date: 15/02/2013 2:50 PM
Subject: Fwd: Attention - Robyne Lunney or anyone else who is in the office today.
Attachments: Robyne Lynney 18-5-12.pdf

>>> Meryl Dorey <meryl@avn.org.au> 8/01/2013 1:55 pm >>>
Dear Ms Lunney,

Attached are the the AVN's financial report and form A12, originally forwarded to the Department in July of 2012. I have been seriously ill since late August 2012 and have been unable to tend to AVN business for some time. The AVN also has a new President (as of the new year). His details will be forwarded on the proper form shortly.

Kind regards,
Meryl Dorey

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Declaration

The declaration on the reverse of the form MUST be completed by a person authorised by the association.

Fees

The following fees apply for the lodgement of an Annual summary of financial affairs (Form A12):

- If lodged not more than one month after the annual general meeting \$49.00
- If lodged more than one month but less than two months after the annual general meeting \$72.00
- If lodged more than two months after the annual general meeting \$79.00

Lodging the form and paying the fee

- This form can be lodged with the Registry of Co-operatives & Associations, PO Box 22, Bathurst NSW 2795 or at any Fair Trading Centre.
- For the address of your nearest Fair Trading Centre please telephone 13 32 20 or visit www.fairtrading.nsw.gov.au
- Fair Trading Centres will accept payment by cheque, cash, money order or credit card. Fees for mailed applications should be paid by cheque or money order.
- Cheques and money orders should be payable to 'NSW Fair Trading'.
(Please note receipts will only be issued upon request).
- The fee is not subject to GST.
- This form may be returned if
 - It is not completed correctly,
 - It does not have the necessary attachments, or
 - It is received without payment.

Contacting the Registry

Telephone (02) 6333 1400 or 1800 502 042

Mail Registry of Co-operatives & Associations
PO Box 22
Bathurst NSW 2795

Website www.fairtrading.nsw.gov.au

Language assistance

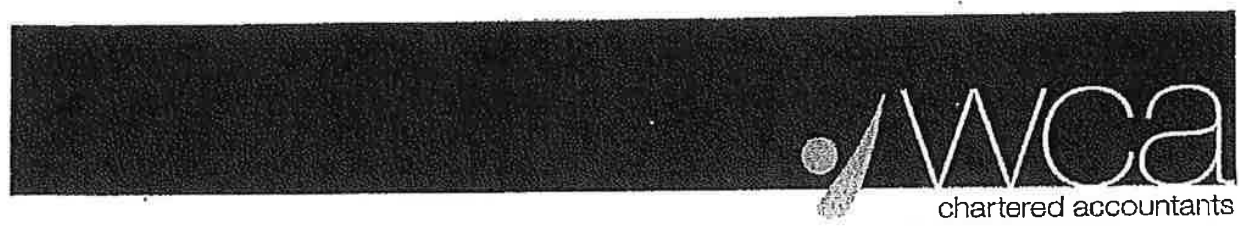
Telephone - 13 14 50
Ask for an interpreter in your language.
TTY - 1300 723 404
Telephone service for the hearing impaired.

Please charge our credit card.



142

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



AUSTRALIAN VACCINATION NETWORK
INCORPORATED
ABN 38 077 002 923
31 DECEMBER 2011

PARTNERS

GJ Smith
BBus U.S. CA
TW Graham
BBus, CA, FPA
AM Jones
BBus, Accounting CA, CPA
SI Trustum
BBus CA
T Bazzana
BBus CA

ASSOCIATES

TL Kirkland
BBus CA
MJ Gahan
BBus CA

Financial Statements

Lismore Office

Batavia Office



Liability limited by a scheme approved under
Professional Standards Legislation

solution driven

AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923

STATEMENT BY MEMBERS OF MANAGEMENT COMMITTEE

The Committee has determined that Australian Vaccination Network Incorporated is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee:

1. The financial report presents a true and fair view of the financial position of Australian Vaccination Network Incorporated as at 31st December 2011 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that the association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

MERYL DOREY

Name

Name

Meryl Dorey

Signature

Signature

PRESIDENT

Position

Position

31/7/12

Dated

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

INCOME STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	Note	2011 \$	2010 \$
Operating Surplus/(Deficit) before income tax		(11,205)	50,438
Income Tax Expense		-	-
OPERATING SURPLUS/(DEFICIT) AFTER INCOME TAX		(11,205)	50,438
Accumulated Surplus/(Deficit) at the beginning of the financial year		35,430	(15,008)
		24,225	35,430
ACCUMULATED SURPLUS/(DEFICIT) AT END OF FINANCIAL YEAR		24,225	35,430

The accompanying notes form part of these financial statements.
This report should be read in conjunction with the attached
compilation report.

AUSTRALIAN VACCINATION NETWORK INC
TRADING STATEMENT
FOR THE YEAR ENDED 31ST DECEMBER 2011

	2011 \$	2010 \$
SALES		
Sales	59,906	74,200
LESS: COST OF GOODS SOLD		
Opening Stock	12,240	12,240
Purchases	49,414	66,281
	61,654	78,521
Closing Stock	11,150	12,240
	50,504	66,281
GROSS PROFIT (LOSS) FROM TRADING	9,402	7,919
	15.70%	10.67%

The accompanying notes form part of this financial report.
This report should be read in conjunction with the attached

AUSTRALIAN VACCINATION NETWORK INC
ABN 30 077 002 923

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31ST DECEMBER 2011

1 STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (New South Wales). The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

Income Tax

Australian Vaccination Network Incorporated is exempt from income tax.

Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

Revenue and Other Income

Revenue is measured at fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed.

Donation income is recognized when the association obtains control over the funds, which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

Goods and Services Tax (GST)

Revenues, expenses and assets are recognized net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

AUSTRALIAN VACCINATION NETWORK INCORPORATED
ABN 30 077 002 923
COMPILATION REPORT
TO AUSTRALIAN VACCINATION NETWORK INCORPORATED

We have compiled the accompanying special purpose financial statements of Australian Vaccination Network Incorporated, which comprise the balance sheet at 31st December 2011, the income statement, a summary of significant accounting policies and other explanatory notes. The specific purpose for which the special purpose financial statements have been prepared is set out in Note 1.

The Responsibility of the Directors of Australian Vaccination Network Incorporated

The management committee is solely responsible for the information contained in the special purpose financial statements and have determined that the significant accounting policies adopted as set out in Note 1 to the financial statements are appropriate to meet their needs and for the purpose that the financial statements were prepared.

Our Responsibility

On the basis of information provided by the committee of Australian Vaccination Network Incorporated, we have compiled the accompanying special purpose financial statements in accordance with the basis of accounting adopted and APES 315: Compilation of Financial Information.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the committee provided, in compiling the financial statements. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

To the extent permitted by law, we do not accept liability for any loss or damage which any person, other than the association, may suffer arising from any negligence on our part. No person should rely on the special purpose financial statements without having an audit or review conducted.

The special purpose financial statements were compiled exclusively for the benefit of the management committee of Australian Vaccination Network Incorporated. We do not accept responsibility to any other person for the contents of the special purpose financial statements.

.....
Partner: Graham J Smith -- Chartered Accountant

WCA CHARTERED ACCOUNTANTS

158 Molcsworth St
LISMORE NSW 2480

Dated:

151

Christine Gowland - Notice to provide committee names

From: Greg Beattie <[REDACTED]>
To: <Christine.Gowland@services.nsw.gov.au>
Date: 18/02/2013 11:06 AM
Subject: Notice to provide committee names
Attachments: ChristineGowland_18_2_2013.pdf

Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this matter, prior to the review's conclusion.

Yours sincerely

Greg Beattie

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/412



Australian
Vaccination
Network, Inc.

18th February, 2013

Ref: 10/041946

Christine Gowland
General Manager
Registry Services
NSW Department of Fair Trading
154 Russell St
PO Box 22
Bathurst NSW 295

Dear Ms Gowland

Thank you for speaking with me by phone on Friday the 15th of February. As discussed, the decision of whether to enforce the release of personal information relating to members of our management committee is currently before the Administrative Decisions Tribunal for review. As also discussed, this review is being undertaken because there is evidence suggesting intimidation and abuse may result from the release of this information.

Given this, I request that you stay the execution of the current Notice until such time as the review has reached a conclusion.

Yours sincerely,



Greg Beattie
President
Australian Vaccination Network Inc.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

Christine Gowland - Re: Australian Vaccination Network Incorporated - Notice to produce documents

From: Greg Beattie <[REDACTED]>
To: Christine Gowland <Christine.Gowland@services.nsw.gov.au>
Date: 18/02/2013 11:43 AM
Subject: Re: Australian Vaccination Network Incorporated - Notice to produce documents
CC: Robyne Lunney <Robyne.Lunney@services.nsw.gov.au>

Dear Ms Gowland

I have noted all the info. Thank you for taking the trouble to collate this and confirm the history relating to the Notice of 20th December. As indicated in an earlier email to you this morning, I have sent a letter regarding the ADT review. Please advise me at your earliest convenience of any resultant change to the Notice.

Yours sincerely

Greg Beattie

On Mon, Feb 18, 2013 at 11:26 AM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie

I refer to our telephone discussion on Friday 15 February 2013, regarding NSW Fair Trading's earlier Notice to produce documents, Issued pursuant to section 85 of the Associations Incorporation Act 2009, on 20 December 2012, to the Association's current public officer, Ms Meryl Dorey.

I note you advised in our discussion that the Association had apparently not received this Notice.

I have reviewed Fair Trading's file on this matter and confirm that the correspondence and Notice to produce documents was sent by registered post to Ms Dorey. Fair Trading has received signed confirmation of receipt at Bangalow Post Office on 24 December 2012.

For your reference, I have attached a copy of this registered post receipt of confirmation; two subsequent emails sent by Ms Dorey on 8 January 2013 (apparently in response to the Notice) to Fair Trading; my subsequent email of 23 January 2013 and Ms Dorey's most recent email of 31 January 2013.

I also note your advice that the Association has a matter currently before the ADT in relation to the release of information regarding the Association's committee members and that this may influence the committee's position regarding release of that information as required by the most recent Notice to produce documents issued to the Association, which is returnable by 22 February 2013.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

154 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



**Fair
Trading**

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is

Christine Gowland - Re: Notice to provide committee names

From: Christine Gowland
To: Greg Beattle
Date: 21/02/2013 5:17 PM
Subject: Re: Notice to provide committee names

Dear Mr Beattle,

Your letter of 18 February 2013 and email of earlier today have been considered.

The ADT matter is separate and has no relation to the Notice to produce documents, dated 8 February 2013 and pursuant to section 85 of the *Associations Incorporations Act 2009*, in relation to the Association's committee members. Therefore, the decision that the Member will hand down has no bearing on the legal requirement for the Association to provide the information requested in the Notice to produce documents.

Please provide the information within the deadline, as previously provided, of 22 February 2013 as no extension will be granted.

Yours sincerely

Christine Gowland | General Manager
 Registry Services
 Customer Services Group
 154 Russell St, Bathurst 2795
 e: christine.gowland@services.nsw.gov.au
 p: 6333 1440 | f: 6333 1443



>>> Greg Beattle <[REDACTED]> 21/02/2013 2:37 pm >>>
 Dear Ms Gowland

In relation to the email quoted below, I note I have not yet received any advice from you regarding the February 22 deadline (which is tomorrow). Please advise the current status of the Notice in question. In the interim, given our phone conversation and my subsequent letter to you, I will assume the deadline is no longer in effect. Please advise if that assumption is unwise.

Yours sincerely

Greg Beattle

On Mon, Feb 18, 2013 at 10:06 AM, Greg Beattle <[REDACTED]> wrote:
 Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this

153

matter, prior to the review's conclusion.

Yours sincerely

Greg Beattie

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

Christine Gowland - Re: Notice to provide committee names

From: Christine Gowland
To: Greg Beattie
Date: 22/02/2013 11:32 AM
Subject: Re: Notice to provide committee names

Dear Mr Beattie,

I refer to your request below for an extension of time of seven (7) days to comply with the Notice to produce documents in regard to the Association's committee members.

I confirm that the date for production of documents under the Notice is now Friday 1 March 2013.

Yours sincerely

Christine Gowland | General Manager
 Registry Services
 Customer Services Group
 154 Russell St, Bathurst 2795
 e: christine.gowland@services.nsw.gov.au
 p: 6333 1440 | f: 6333 1443



**Fair
Trading**

>>> Greg Beattie <[REDACTED]> 22/02/2013 10:06 am >>>
 Dear Ms Gowland

I am extremely disappointed that you waited until after close of business yesterday to advise me the outcome of your consideration, given the deadline is today. Our committee is now seeking legal advice on this matter. In the interest of procedural fairness we request an extension of seven (7) days from today to act on the Notice.

Please let me know as early as possible the outcome of this request.

Yours sincerely

Greg Beattie

On Thu, Feb 21, 2013 at 5:17 PM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,
 Your letter of 18 February 2013 and email of earlier today have been considered.

The ADT matter is separate and has no relation to the Notice to produce documents, dated 8 February 2013 and pursuant to section 85 of the *Associations Incorporations Act 2009*, in relation to the Association's committee members. Therefore, the decision that the Member will hand down has no bearing on the legal requirement for the Association to provide the information requested in the Notice to produce documents.

155

Please provide the information within the deadline, as previously provided, of 22 February 2013 as no extension will be granted.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

154 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



**Fair
Trading**

>>> Greg Beattie <[REDACTED]> 21/02/2013 2:37 pm >>>
Dear Ms Gowland

In relation to the email quoted below, I note I have not yet received any advice from you regarding the February 22 deadline (which is tomorrow). Please advise the current status of the Notice in question. In the interim, given our phone conversation and my subsequent letter to you, I will assume the deadline is no longer in effect. Please advise if that assumption is unwise.

Yours sincerely

Greg Beattie

On Mon, Feb 18, 2013 at 10:06 AM, Greg Beattie <[REDACTED]> wrote:
Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this matter, prior to the review's conclusion.

Yours sincerely

Greg Beattie

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient.

If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email.

The views or opinions presented in this email are solely those of the

Christine Gowland - Re: Notice to provide committee names

From: Greg Beattie <[REDACTED]>
To: Christine Gowland <Christine.Gowland@services.nsw.gov.au>
Date: 22/02/2013 11:57 AM
Subject: Re: Notice to provide committee names

Dear Ms Gowland

Thank you for your assistance in this matter.

Yours sincerely

Greg Beattie

On Fri, Feb 22, 2013 at 11:32 AM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,
 I refer to your request below for an extension of time of seven (7) days to comply with the Notice to produce documents in regard to the Association's committee members.

I confirm that the date for production of documents under the Notice is now Friday 1 March 2013.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

164 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



**Fair
Trading**

>>> Greg Beattie <[REDACTED]> 22/02/2013 10:06 am >>>
 Dear Ms Gowland

I am extremely disappointed that you waited until after close of business yesterday to advise me the outcome of your consideration, given the deadline is today. Our committee is now seeking legal advice on this matter. In the interest of procedural fairness we request an extension of seven (7) days from today to act on the Notice.

Please let me know as early as possible the outcome of this request.

Yours sincerely

Greg Beattie

On Thu, Feb 21, 2013 at 5:17 PM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,

Your letter of 18 February 2013 and email of earlier today have been considered.

The ADT matter is separate and has no relation to the Notice to produce documents, dated 8 February 2013 and pursuant to section 85 of the *Associations Incorporations Act 2009*, in relation to the Association's committee members. Therefore, the decision that the Member will hand down has no bearing on the legal requirement for the Association to provide the information requested in the Notice to produce documents.

Please provide the information within the deadline, as previously provided, of 22 February 2013 as no extension will be granted.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

154 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



**Fair
Trading**

>>> Greg Beattie <[REDACTED]> 21/02/2013 2:37 pm >>>
Dear Ms Gowland

In relation to the email quoted below, I note I have not yet received any advice from you regarding the February 22 deadline (which is tomorrow). Please advise the current status of the Notice in question. In the interim, given our phone conversation and my subsequent letter to you, I will assume the deadline is no longer in effect. Please advise if that assumption is unwise.

Yours sincerely

Greg Beattie

On Mon, Feb 18, 2013 at 10:06 AM, Greg Beattie <[REDACTED]> wrote:
Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this matter, prior to the review's conclusion.

Yours sincerely

Greg Beattie

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient.

If you have received this email in error please notify the sender and delete it from your system.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

161

Christine Gowland - Re: Notice to provide committee names

From: Greg Beattie <[REDACTED]>
To: Christine Gowland <Christine.Gowland@services.nsw.gov.au>
Date: 22/02/2013 5:27 PM
Subject: Re: Notice to provide committee names

Dear Ms Gowland

Mr White rang me a short while ago and explained that he tried to contact you but was placed on hold for 15 minutes. He had to hang up as he was busy, but said he will try again to contact you next week.

Thank you again for your assistance.

Yours sincerely

Greg Beattie

On Fri, Feb 22, 2013 at 12:57 PM, Greg Beattie <[REDACTED]> wrote:

Dear Ms Gowland

In relation to the telephone message I left a short while ago on your answering service:

Our has been in touch with a barrister who has offered to help us. He has requested that I contact you and ask if you, or another representative from your office, would be willing to take a phone call from him this afternoon to discuss this matter briefly.

Please let me know as soon as possible whether you have any objection to this.

Yours sincerely

Greg Beattie

On Fri, Feb 22, 2013 at 11:32 AM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,

I refer to your request below for an extension of time of seven (7) days to comply with the Notice to produce documents in regard to the Association's committee members.

I confirm that the date for production of documents under the Notice is now Friday 1 March 2013.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

154 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



Fair
Trading

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

>>> Greg Beattie <[REDACTED]> 22/02/2013 10:06 am >>>
Dear Ms Gowland

I am extremely disappointed that you waited until after close of business yesterday to advise me the outcome of your consideration, given the deadline is today. Our committee is now seeking legal advice on this matter. In the interest of procedural fairness we request an extension of seven (7) days from today to act on the Notice.

Please let me know as early as possible the outcome of this request.

Yours sincerely

Greg Beattie

On Thu, Feb 21, 2013 at 5:17 PM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,
Your letter of 18 February 2013 and email of earlier today have been considered.

The ADT matter is separate and has no relation to the Notice to produce documents, dated 8 February 2013 and pursuant to section 85 of the *Associations Incorporations Act 2009*, in relation to the Association's committee members. Therefore, the decision that the Member will hand down has no bearing on the legal requirement for the Association to provide the information requested in the Notice to produce documents.

Please provide the information within the deadline, as previously provided, of 22 February 2013 as no extension will be granted.

Yours sincerely

Christine Gowland | General Manager
Registry Services
Customer Services Group
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443



>>> Greg Beattie <[REDACTED]> 21/02/2013 2:37 pm >>>
Dear Ms Gowland

In relation to the email quoted below, I note I have not yet received any advice from you regarding the February 22 deadline (which is tomorrow). Please advise the current status of the Notice in question. In the interim, given our phone conversation and my subsequent letter to you, I will assume the deadline is no longer in effect. Please advise if that assumption is unwise.

Yours sincerely

Greg Beattie

On Mon, Feb 18, 2013 at 10:06 AM, Greg Beattie <[REDACTED]> wrote:
Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this matter, prior to the review's conclusion.

Yours sincerely

Greg Beattie

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Australian
Vaccination
Network, Inc.

18th February, 2013

Ref: 10/041946/5

Rod Stowe,
Commissioner
NSW Department of Fair Trading
PO Box 972
Parramatta NSW 2124

162
MINISTERIAL &
EXECUTIVE
SERVICES - FAIRTRADING

25 FEB 2013

RECEIVED

Dear Mr Stowe

I refer to my correspondence of 27th December 2012 and note you have not yet responded to certain issues raised.

1. I asked whether our earlier correspondence of 7th September 2012 had been responded to by your office. I also asked for a copy of said response, if it exists, or, if there was no response, an explanation as to why correspondence on such an important issue would remain unanswered for three months prior to your directive being issued.

2. I asked for guidance regarding the change to our name. Specifically, I requested your suggestion as to minimal changes we could make to our current name, which would result in a name you deem acceptable.

We need to take this issue to our members with some level of assuredness that the new name will be accepted by you. The decision to have us change our name has been made by you. At this stage, only you know what is required.

Please guide us so that we can take the change of name to our members. In essence, I'm asking what you think our name should be. Bearing in mind that our current name is valuable in terms of intellectual property, we seek the minimum change possible.

As stated in my letter of 27th December, our organisation wishes to cooperate with your department to ensure our name is compliant with all relevant legislation. We are appealing to you for the above guidance (point no. 2) so that we can effect the transition to a compliant name.

I look forward to your early response to these issues as time is running out on our deadline of 21st March 2013.

Yours sincerely,



Greg Beattie
President
Australian Vaccination Network Inc.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



**Fair
Trading**

PO Box 972
Parramatta NSW 2124
Tel: 02 9896 0111 Fax: 02 9896 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: FTMIN13/41, FTMIN13/79

Mr Greg Beattie
President
Australian Vaccination Network Inc
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

Thank you for your correspondence concerning the Australian Vaccination Network Inc (the Association).

The direction to change name of the Association issued on 12 December 2012 has been withdrawn and revoked. A further direction was issued to the Association on 14 January 2013 and a copy was forwarded to you directly.

As previously discussed with the Association's public officer, Ms Meryl Dorey, the letter of 7 September 2012 was not received by Fair Trading until Ms Dorey emailed it to Ms Christine Gowland on 18 December 2012.

Fair Trading is not able to provide legal advice or any other advice to the Association. This includes suggestions as to alternative names for the Australian Vaccination Network Inc, or any other association.

I trust this information clarifies the matter.

Yours sincerely

Rod Stowe
Commissioner

21/1/13

164

AVN | Australian
Vaccination
Network, Inc.

18th February, 2013

Ref: 10/041946

Christine Gowland
General Manager
Registry Services
NSW Department of Fair Trading
154 Russell St
PO Box 22
Bathurst NSW 2795



Dear Ms Gowland

Thank you for speaking with me by phone on Friday the 15th of February. As discussed, the decision of whether to enforce the release of personal information relating to members of our management committee is currently before the Administrative Decisions Tribunal for review. As also discussed, this review is being undertaken because there is evidence suggesting intimidation and abuse may result from the release of this information.

Given this, I request that you stay the execution of the current Notice until such time as the review has reached a conclusion.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Greg Beattie".

Greg Beattie
President
Australian Vaccination Network Inc.

abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 1699 fax 02 6678 0894
email info@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9895 0111 Fax: 02 9895 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

F A C S I M I L E

TO:	Mr Greg Beattie		
FAX:	02 6678 0894		
DATE:	20/2/2013		
FROM:	Sam Jenkin	:	

PAGES SENT (INCLUDING THIS ONE): 6

Dear Sir,

Please find attached letter.

Reyhan

Reyhan Day
Coordinator Administrative Services

A division of the Department of Finance & Services

This facsimile is confidential, and/or privileged and is intended for the use of the addressee only. If you are not the intended recipient of this facsimile you must not copy, distribute, take any action in reliance on it or disclose it to anyone. Any confidentiality or privilege is not waived or lost by reason of mistaken delivery to you. If you have received this facsimile in error, please destroy the original and notify the sender.

170
RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9896 0111 Fax: 02 9896 0222
TTY: 1300 723 404 ABN 81 913 630 179
www.fairtrading.nsw.gov.au

Ref: FTMIN13/511

Mr Greg Beattie
President
Australian Vaccination Network
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

I refer to your letter to the Commissioner for Fair Trading of 8 February 2013 seeking an internal review under section 53 of the *Administrative Decisions Tribunal Act 1997* of a Direction to Change Name pursuant to section 11 of the *Associations Incorporation Act 2009* made on 14 January 2013.

I can advise that the internal review, undertaken by Mr Kingsley Perry, Principal Solicitor of the Department of Finance and Services, has been completed. He has affirmed the decision under review. A copy of the internal review decision, including reasons for that decision, is enclosed.

Under section 55 of the *Administrative Decisions Tribunal Act 1997*, you may apply to the Administrative Decisions Tribunal for the review of the decision made on 14 January. You should do so within 28 days of the date you are notified of this internal review decision. I attach a copy of section 55 of the Act for your information.

Information about the practice and procedures of the Administrative Decisions Tribunal is available on its website (www.adt.lawlink.nsw.gov.au).

Yours sincerely

Sam Jenkin
Director - Ministerial and Executive Services

Encl.

INTERNAL REVIEW OF DECISION TO THE AUSTRALIAN VACCINATION NETWORK INC TO CHANGE ITS NAME

On 14 January 2013, the AG/General Manager, Registry of Co-operatives and Associations, NSW Fair Trading, directed the Australian Vaccination Network Inc to change its name. This direction was said to be made under s. 11 of the *Associations Incorporation Act 2009*. The Association was advised that if an application for registration of a change of name was not made on or before noon on 21 March 2013, the Association's registration could be cancelled. Reasons for the direction were provided.

On 8 February 2013, the Association applied for an internal review of the decision to issue the direction. This was done in accordance with s. 53 of the *Administrative Decisions Tribunal Act 1997*. The direction is one that may be so reviewed (*Associations Incorporation Act 2009*, s. 104(1)(b)). The application for the review was made within the 28 days provided for in s. 53 (2) of the *Administrative Decisions Tribunal Act 1997*. No material was submitted with the application. I have been directed under s. 53(3) to deal with the application.

Under s. 11 of the *Associations Incorporation Act 2009*, the Director-General (or delegate) may, by order in writing served on an association that has an unacceptable name, direct it to adopt a new name. Under s. 18 of the Act, a name is unacceptable for a number of reasons, including that the Director-General is of the opinion that it is offensive or undesirable, or it is declared by the regulations to be unacceptable.

Clause 5 of the Associated Incorporated Regulation 2010 states that a number of names set out in Schedule 2 of the Regulation are declared to be unacceptable names. They include a name that is likely to mislead the public in relation to the nature, objects or functions of an association or proposed association or in any other respect.

The Australian Vaccination Network Inc (AVN) hosts a website (avn.org.au), which appears to be its major information-sharing source. It includes its constitution, which sets out its objects as the advancement and promotion of education and learning amongst the public about matters concerning human health and human physical and social wellbeing, the propagation, publication, dissemination and diffusion of knowledge and information about such matters, and the encouragement and promotion of the widest possible dissemination of the public of all information concerning human health and human physical and social wellbeing. It has a banner - 'Because every issue has two sides'. As its name implies, however, it is concerned with vaccination.

The site includes articles and two blogs ('No compulsory vaccination' and 'The Real Australian Sceptics'). The former is mostly a vehicle for denigrating vaccination and those who support it. In an article displayed on the home page of the website on 'Pros and Cons' of making an informed vaccination choice, reference is made to the government and the medical community providing one side of the story, and 'the AVN gives you the other side'. It also attacked a booklet released by the Australian Academy of Science concerning mandatory vaccinations as containing misinformation and being an exercise in propaganda. A 'Children's gallery' in a tag titled 'Vaccines' shows examples of injury results of vaccinations, and of healthy unvaccinated children. The AVN also hosts a Facebook site that mirrors the attitude towards vaccination shown in the website.

All in all, the available information shows, in my opinion, that the AVN is mostly concerned with opposing vaccination and mandatory immunisation. When issues have two sides, it takes just one of them.

One would expect that an organisation with the name 'Australian Vaccination Network' would provide comprehensive and credible information on vaccinations in Australia, and a balanced view on what is involved in the processes and the benefits and risks involved, as well perhaps on where and how such treatment can be obtained. The AVN does not do this. Its views are anti-vaccination, and it advises against being vaccinated or taking part in immunisation programs. Complaints received by NSW Fair Trading support this view of the AVN. Parents of young children may be particularly interested in learning about issues concerning vaccination and may easily come across the name Australian Vaccination Network in an internet search, only to find its issue is opposing vaccination. The name does not suggest that it is anti-vaccination.

The issue here is not with the nature, objects or functions of the AVN or what it espouses, but rather with its name. It can adopt another that is not unacceptable. Free speech is not the issue.

I find:

- The Australian Vaccination Network Inc's message is anti-vaccination.
- Its name does not reflect that message or its true nature, objects or functions
- Its name is likely to mislead the public.

As such, the name is unacceptable for registration as a name under the *Associations Incorporation Act 2009*.

The decision under review is therefore affirmed.



Kingsley Perry
Principal Solicitor
NSW Department of Finance and Services

17.2.2013

166

Administrative Decisions Tribunal Act 1997 No 76

Current version for 1 September 2012 to date (accessed 19 February 2013 at 10:54)

Chapter 5 ▶ Part 3 ▶ Division 1 ▶ Section 55

<< page >>

55 When can an application for a review be made?

- (1) A person may apply to the Tribunal for a review of a reviewable decision only if:
 - (a) the application is made by an interested person, and
 - (b) where the person was entitled to seek an internal review of the decision—the person has duly applied for such a review and the review is taken to have been finalised under section 53 (9), and
 - (c) the application is made in the manner prescribed by the rules of the Tribunal, and
 - (d) the application is made within the period or by the time prescribed by or under the enactment under which the application is made or, if no such period or time is prescribed, by the end of the default application period for the decision.

Note.

1 Section 4 defines *interested person* to mean a person who is entitled under an enactment to make an application to the Tribunal for an original decision or a review of a reviewable decision (as the case may be).

2 Section 63 (9) provides that an internal review is taken to be finalised if:

- (a) the applicant for the review is notified of the outcome of the review, or
- (b) the applicant is not notified of the outcome of the review within 21 days after the application for the review is lodged (or such other period as the administrator and person agree on).

3 A person may not have an entitlement to seek an internal review because such an entitlement has been excluded by regulations made for the purposes of section 63 (11) or by an enactment.

(2) The default application period for a reviewable decision is:

- (a) in the case where the applicant has duly applied for an internal review of the reviewable decision—the period of 28 days after the day on which the internal review is taken to have been finalised under section 53 (9), or
- (b) in any other case—the period of 28 days after:
 - (i) if the applicant has requested reasons under section 49 for the reviewable decision—the day on which the applicant was provided with a statement of reasons under section 49 or notified under section 50 of a refusal to provide reasons, or

165

- (ii) If the applicant has not requested reasons under section 49—the day on which the applicant was notified of the making of the reviewable decision.
- (3) The Tribunal may deal with an application for the review of a reviewable decision even though the applicant has not duly applied for an internal review to which the applicant was entitled if the Tribunal is satisfied that:
 - (a) the applicant made a late application for the internal review in circumstances where the person dealing with the application unreasonably refused to consider the application and the application to the Tribunal was made within a reasonable time following the reviewable decision of the administrator concerned, or
 - (b) it is necessary for the Tribunal to deal with the application in order to protect the applicant's interests and the application to the Tribunal was made within a reasonable time following the reviewable decision of the administrator concerned.
- (4) In determining whether a late application for internal review was unreasonably refused or whether an application to the Tribunal was made within a reasonable time for the purposes of subsection (3), the Tribunal is to have regard to:
 - (a) the time when the applicant became aware of the making of the decision, and
 - (b) in a case to which subsection (3) (a) applies—the period prescribed by or under section 53 for the lodging of an application for an internal review, and
 - (c) such other matters as it considers relevant.
- (5) The Tribunal may deal with an application even though the applicant has duly applied for an internal review of the decision to which the application relates, and the review is not finalised, if the Tribunal is satisfied that it is necessary for the Tribunal to deal with the application in order to protect the applicant's interests.

Top of page

179

**Fair
Trading**

PO Box 972
Parramatta NSW 2124
Tel: 02 9895 0111 Fax: 02 9895 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

F A C S I M I L E

TO:	Mr Greg Beattie Australian Vaccination Network		
FAX:	02 6678 0894		
DATE:	25/2/2013		
FROM:	Sam Jenkin		

PAGES SENT (INCLUDING THIS ONE): 8

Dear Mr Beattie,

Please find attached response to your letter to the Commissioner for Fair Trading of 18 February 2013.

Regards
Reyhan Day
Co-ordinator Administrative Services.

A division of the Department of Finance & Services

This facsimile is confidential, and/or privileged and is intended for the use of the addressee only. If you are not the intended recipient of this facsimile you must not copy, distribute, take any action in reliance on it or disclose it to anyone. Any confidentiality or privilege is not waived or lost by reason of mistaken delivery to you. If you have received this facsimile in error, please destroy the original and notify the sender.

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9895 0111 Fax: 02 9895 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: FTMIN13/611

Mr Greg Beattie
President
Australian Vaccination Network
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

I refer to your letter to the Commissioner for Fair Trading of 18 February 2013, following up on your letter of 27 December 2012.

The two issues you have raised were addressed in the Commissioner's response to you of 21 January 2013. A copy of that letter is enclosed for your reference. NSW Fair Trading has nothing further to add to this response.

For completeness, I also enclose a copy of my letter to you of 19 February 2013, which provided the internal review decision, including reasons for that decision, in response to your request of 8 February 2013.

I trust this information is of assistance to you.

Yours sincerely

Sam Jenkin 25/2/13
Director - Ministerial and Executive Services

Encl.



Fair
Trading

PO Box 872
Parliament NSW 2124
Tel: 02 9896 0111 Fax: 02 9896 0222
TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: FTMIN13/41, FTMIN13/79

Mr Greg Beattie
President
Australian Vaccination Network Inc
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

Thank you for your correspondence concerning the Australian Vaccination Network Inc (the Association).

The direction to change name of the Association issued on 12 December 2012 has been withdrawn and revoked. A further direction was issued to the Association on 14 January 2013 and a copy was forwarded to you directly.

As previously discussed with the Association's public officer, Ms Meryl Dorey, the letter of 7 September 2012 was not received by Fair Trading until Ms Dorey emailed it to Ms Christine Gowland on 18 December 2012.

Fair Trading is not able to provide legal advice or any other advice to the Association. This includes suggestions as to alternative names for the Australian Vaccination Network Inc, or any other association.

I trust this information clarifies the matter.

Yours sincerely

Rod Stowe
Commissioner

21/1/13

176



Fair
Trading

PO Box 972
Parramatta NSW 2124
Tel: 02 9096 0111 Fax: 02 9096 0222
TTY: 1300 723 404 ABN 81 013 030 170
www.fairtrading.nsw.gov.au

Ref: FTMIN13/511

Mr Greg Beattie
President
Australian Vaccination Network
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

I refer to your letter to the Commissioner for Fair Trading of 8 February 2013 seeking an internal review under section 53 of the *Administrative Decisions Tribunal Act 1997* of a Direction to Change Name pursuant to section 11 of the *Associations Incorporation Act 2009* made on 14 January 2013.

I can advise that the internal review, undertaken by Mr Kingsley Perry, Principal Solicitor of the Department of Finance and Services, has been completed. He has affirmed the decision under review. A copy of the internal review decision, including reasons for that decision, is enclosed.

Under section 55 of the *Administrative Decisions Tribunal Act 1997*, you may apply to the Administrative Decisions Tribunal for the review of the decision made on 14 January. You should do so within 28 days of the date you are notified of this internal review decision. I attach a copy of section 55 of the Act for your information.

Information about the practice and procedures of the Administrative Decisions Tribunal is available on its website (www.adt.lawlink.nsw.gov.au).

Yours sincerely

Sam Jenkin
Director - Ministerial and Executive Services

Encl.

INTERNAL REVIEW OF DECISION TO
THE AUSTRALIAN VACCINATION NETWORK INC TO CHANGE ITS NAME

On 14 January 2013, the AG/General Manager, Registry of Co-operatives and Associations, NSW Fair Trading, directed the Australian Vaccination Network Inc to change its name. This direction was said to be made under s. 11 of the *Associations Incorporation Act 2009*. The Association was advised that if an application for registration of a change of name was not made on or before noon on 21 March 2013, the Association's registration could be cancelled. Reasons for the direction were provided.

On 8 February 2013, the Association applied for an internal review of the decision to issue the direction. This was done in accordance with s. 63 of the *Administrative Decisions Tribunal Act 1997*. The direction is one that may be so reviewed (*Associations Incorporation Act 2009*, s. 104(1)(b)). The application for the review was made within the 28 days provided for in s. 63 (2) of the *Administrative Decisions Tribunal Act 1997*. No material was submitted with the application. I have been directed under s. 63(3) to deal with the application.

Under s. 11 of the *Associations Incorporation Act 2009*, the Director-General (or delegate) may, by order in writing served on an association that has an unacceptable name, direct it to adopt a new name. Under s. 18 of the Act, a name is unacceptable for a number of reasons, including that the Director-General is of the opinion that it is offensive or undesirable, or it is declared by the regulations to be unacceptable.

Clause 6 of the Associated Incorporated Regulation 2010 states that a number of names set out in Schedule 2 of the Regulation are declared to be unacceptable names. They include a name that is likely to mislead the public in relation to the nature, objects or functions of an association or proposed association or in any other respect.

The Australian Vaccination Network Inc (AVN) hosts a website (avn.org.au), which appears to be its major information-sharing source. It includes its constitution, which sets out its objects as the advancement and promotion of education and learning amongst the public about matters concerning human health and human physical and social wellbeing, the propagation, publication, dissemination and diffusion of knowledge and information about such matters, and the encouragement and promotion of the widest possible dissemination of the public of all information concerning human health and human physical and social wellbeing. It has a banner - 'Because every issue has two sides'. As its name implies, however, it is concerned with vaccination.

The site includes articles and two blogs ('No compulsory vaccination' and 'The Real Australian Scenarios'). The former is mostly a vehicle for denigrating vaccination and those who support it. In an article displayed on the home page of the website on 'Pros and Cons' of making an informed vaccination choice, reference is made to the government and the medical community providing one side of the story, and 'the AVN gives you the other side'. It also attacked a booklet released by the Australian Academy of Science concerning mandatory vaccinations as containing misinformation and being an exercise in propaganda. A 'Children's gallery' in a tag titled 'Vaccines' shows examples of injury results of vaccinations, and of healthy unvaccinated children. The AVN also hosts a Facebook site that mirrors the attitude towards vaccination shown in the website.

174

All in all, the available information shows, in my opinion, that the AVN is mostly concerned with opposing vaccination and mandatory immunisation. When issues have two sides, it takes just one of them.

One would expect that an organisation with the name 'Australian Vaccination Network' would provide comprehensive and credible information on vaccinations in Australia, and a balanced view on what is involved in the processes and the benefits and risks involved, as well perhaps on where and how such treatment can be obtained. The AVN does not do this. Its views are anti-vaccination, and it advises against being vaccinated or taking part in immunisation programs. Complaints received by NSW Fair Trading support this view of the AVN. Parents of young children may be particularly interested in learning about issues concerning vaccination and may easily come across the name Australian Vaccination Network in an internet search, only to find its issue is opposing vaccination. The name does not suggest that it is anti-vaccination.

The issue here is not with the nature, objects or functions of the AVN or what it espouses, but rather with its name. It can adopt another that is not unacceptable. Free speech is not the issue.

I find:

- The Australian Vaccination Network Inc's message is anti-vaccination.
- Its name does not reflect that message or its true nature, objects or functions
- Its name is likely to mislead the public.

As such, the name is unacceptable for registration as a name under the Associations Incorporation Act 2009.

The decision under review is therefore affirmed.



Kingsley Perry
Principal Solicitor
NSW Department of Finance and Services

17. 2. 2013



Whole title | Regulations | Historical versions | Historical notes | Search title | PDF |

Administrative Decisions Tribunal Act 1997 No 76

Current version for 1 September 2012 to date (accessed 19 February 2013 at 10:54)

Chapter 5 > Part 3 > Division 1 > Section 55

<< page >>

55 When can an application for a review be made?

- (1) A person may apply to the Tribunal for a review of a reviewable decision only if:
 - (a) the application is made by an interested person, and
 - (b) where the person was entitled to seek an internal review of the decision—the person has duly applied for such a review and the review is taken to have been finalised under section 53 (9), and
 - (c) the application is made in the manner prescribed by the rules of the Tribunal, and
 - (d) the application is made within the period or by the time prescribed by or under the enactment under which the application is made or, if no such period or time is prescribed, by the end of the default application period for the decision.

Note.

- 1 Section 4 defines *interested person* to mean a person who is entitled under an enactment to make an application to the Tribunal for an original decision or a review of a reviewable decision (as the case may be).
- 2 Section 63 (9) provides that an internal review is taken to be finalised if:
 - (a) the applicant for the review is notified of the outcome of the review, or
 - (b) the applicant is not notified of the outcome of the review within 21 days after the application for the review is lodged (or such other period as the administrator and person agree on).
- 3 A person may not have an entitlement to seek an internal review because such an entitlement has been excluded by regulations made for the purposes of section 63 (11) or by an enactment.

(2) The default application period for a reviewable decision is:

- (a) in the case where the applicant has duly applied for an internal review of the reviewable decision—the period of 28 days after the day on which the internal review is taken to have been finalised under section 53 (9), or
- (b) in any other case—the period of 28 days after:
 - (i) if the applicant has requested reasons under section 49 for the reviewable decision—the day on which the applicant was provided with a statement of reasons under section 49 or notified under section 50 of a refusal to provide reasons, or

- (11) If the applicant has not requested reasons under section 49—the day on which the applicant was notified of the making of the reviewable decision.
- (3) The Tribunal may deal with an application for the review of a reviewable decision even though the applicant has not duly applied for an internal review to which the applicant was entitled if the Tribunal is satisfied that:
- (a) the applicant made a late application for the internal review in circumstances where the person dealing with the application unreasonably refused to consider the application and the application to the Tribunal was made within a reasonable time following the reviewable decision of the administrator concerned, or
 - (b) it is necessary for the Tribunal to deal with the application in order to protect the applicant's interests and the application to the Tribunal was made within a reasonable time following the reviewable decision of the administrator concerned.
- (4) In determining whether a late application for internal review was unreasonably refused or whether an application to the Tribunal was made within a reasonable time for the purposes of subsection (3), the Tribunal is to have regard to:
- (a) the time when the applicant became aware of the making of the decision, and
 - (b) in a case to which subsection (3) (a) applies—the period prescribed by or under section 53 for the lodging of an application for an internal review, and
 - (c) such other matters as it considers relevant.
- (5) The Tribunal may deal with an application even though the applicant has duly applied for an internal review of the decision to which the application relates, and the review is not finalised, if the Tribunal is satisfied that it is necessary for the Tribunal to deal with the application in order to protect the applicant's interests.

Top of page



**Fair
Trading**

Registry of Co-operatives & Associations
PO Box 22
Bathurst NSW 2795
Tel 02 6333 1400 Fax 02 6333 1444
Freecall 1800 502 042
TTY 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref No: 10/041946

FILE COPY

Ms Meryl Dorey
Public Officer
Australian Vaccination Network Incorporated
138 Old Byron Bay Road
BANGALOW NSW 2479

REGISTERED POST - SENDER TO KEEP
491204921015

Dear Ms Dorey,

Australian Vaccination Network Incorporated

I refer to previous correspondence with you, as the current Public Officer of the above Association, regarding the Association's failure to lodge the required Annual summary of financial affairs for the financial year ended 31 December 2011 and also to provide a copy of the committee register required to be maintained and kept available for inspection, free of charge, by any person in accord with section 29 of the *Associations Incorporation Act 2009*.

To date, NSW Fair Trading has no record of receipt of either the Annual summary of financial affairs or a copy of the committee register.

Accordingly, the Association is required to provide the information set out on the attached Notice to produce documents, pursuant to section 85 of the *Associations Incorporation Act 2009* by **18 January 2013**. A copy of section 85 of the Act is attached for your reference.

Please ensure that you bring this letter to the attention of the committee as soon as practicable.

If you wish to discuss this matter, please contact me on (02) 6333 1400 or 1800 502 042.

Yours sincerely

CCPWLnd

Christine Gowland
General Manager

20/12/12

**NOTICE UNDER SECTION 85 OF THE ASSOCIATIONS INCORPORATION ACT 2009
AUSTRALIAN VACCINATION NETWORK INCORPORATED**

As delegate of the Director-General, and pursuant to powers conferred on me under section 85 of the *Associations Incorporation Act 2009* I require you to produce to me the information set out below by no later than **18 January 2013**:

1. a copy of the Association's (audited or unaudited) financial statements for the financial year ended 31 December 2011
2. a copy of the register of committee members of the Association

Those documents may be delivered to the Registry of Co-operatives & Associations, 154 Russell Street, Bathurst 2795 or forwarded by post to PO Box 22 Bathurst 2795.

Christine Gowland

Christine Gowland
Delegate of the Director-General
20 December 2012

187

Christine Gowland - Re: Notice to provide committee names

From: Christine Gowland
To: Greg Beattie
Date: 5/03/2013 11:57 AM
Subject: Re: Notice to provide committee names

Dear Mr Beattie

Thank you for your email below, together with the attached letter providing the names of the committee members of the Australian Vaccination Network Incorporated, in response to the Notice to produce documents under section 85 of the *Associations Incorporation Act 2009*.

Yours sincerely

Christine Gowland | General Manager
Registry Services
Customer Services Group
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443



**Fair
Trading**

>>> Greg Beattie <[REDACTED]> 28/02/2013 3:27 pm >>>
Dear Ms Gowland,

Please find attached the information requested in the Notice. The hard copy will be forwarded by mail today.
Thank you again for your assistance and your patience.

Yours sincerely

Greg Beattie

On Fri, Feb 22, 2013 at 11:32 AM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,

I refer to your request below for an extension of time of seven (7) days to comply with the Notice to produce documents in regard to the Association's committee members.

I confirm that the date for production of documents under the Notice is now Friday 1 March 2013.

Yours sincerely

Christine Gowland | General Manager
Registry Services
Customer Services Group
154 Russell St, Bathurst 2795
e: christine.gowland@services.nsw.gov.au
p: 6333 1440 | f: 6333 1443



Fair
Trading

>>> Greg Beattie <[REDACTED]> 22/02/2013 10:06 am >>>
Dear Ms Gowland

I am extremely disappointed that you waited until after close of business yesterday to advise me the outcome of your consideration, given the deadline is today. Our committee is now seeking legal advice on this matter. In the interest of procedural fairness we request an extension of seven (7) days from today to act on the Notice.

Please let me know as early as possible the outcome of this request.

Yours sincerely

Greg Beattie

On Thu, Feb 21, 2013 at 5:17 PM, Christine Gowland <Christine.Gowland@services.nsw.gov.au> wrote:

Dear Mr Beattie,
Your letter of 18 February 2013 and email of earlier today have been considered.

The ADT matter is separate and has no relation to the Notice to produce documents, dated 8 February 2013 and pursuant to section 85 of the *Associations Incorporations Act 2009*, in relation to the Association's committee members. Therefore, the decision that the Member will hand down has no bearing on the legal requirement for the Association to provide the information requested in the Notice to produce documents.

Please provide the information within the deadline, as previously provided, of 22 February 2013 as no extension will be granted.

Yours sincerely

Christine Gowland | General Manager

Registry Services

Customer Services Group

154 Russell St, Bathurst 2795

e: christine.gowland@services.nsw.gov.au

p: 6333 1440 | f: 6333 1443



Fair
Trading

>>> Greg Beattie <[REDACTED]> 21/02/2013 2:37 pm >>>
Dear Ms Gowland

In relation to the email quoted below, I note I have not yet received any advice from you regarding the February 22 deadline (which is tomorrow). Please advise the current status of the Notice in question. In the interim, given our phone conversation and my subsequent letter to you, I will assume the deadline is no longer in effect. Please advise if that assumption is unwise.

Yours sincerely

Greg Beattie

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112

185

On Mon, Feb 18, 2013 at 10:06 AM, Greg Beattle <[REDACTED]> wrote:
Your ref: 10/041946

Dear Ms Gowland

Thank you for speaking with me on Friday. I have today sent you the attached letter by mail. Please let me know at your earliest convenience if there is any further information you require in relation to this matter, prior to the review's conclusion.

Yours sincerely

Greg Beattle

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.

The Department of Finance and Services accepts no liability for any loss or damage arising from the use of this email and recommends that the recipient check this email and any attached files for the presence of viruses.

This email message, including any attached files, is confidential and intended solely for the use of the individual or entity to whom it is addressed.

The Department of Finance and Services prohibits the right to publish, copy, distribute or disclose any information contained in this email, or its attachments, by any party other than the intended recipient. If you have received this email in error please notify the sender and delete it from your system.

No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance and Services by email. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Department, except where the sender expressly, and with authority, states them to be the views of the Department of Finance and Services.



Australian
Vaccination
Network Inc.

28th February 2013

Christine Gowland
General Manager
Registry Services
NSW Department of Fair Trading
154 Russell Street
PO Box 22
Bathurst NSW 2795

Dear MS Gowland,

In accordance with your Notice of 20th December 2012, and subsequent amendment to the deadline, issued via email on February 22nd, please find below a list of committee members of the Australian Vaccination Network Inc.

Thank you for your assistance in this matter.

Yours sincerely,

Greg Beattie
President
Australian Vaccination Network Inc.

Committee members of Australian Vaccination Network Inc.

Greg Beattie

Meryl Dorey

Names redacted in this non-media release version.



abn 077 002 923
AVN PO Box 177 Bangalow 2479 NSW
ph 02 6687 2436 fax 02 6678 0894
email meryl@avn.org.au www.avn.org.au

RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112



Fair Trading

PO Box 972

Parramatta NSW 2124

Tel: 02 9895 0111 Fax: 02 9895 0222

TTY: 1300 723 404 ABN 81 913 830 179

www.fairtrading.nsw.gov.au

Ref: FTMIN13/858

Mr Greg Beattie
President
Australian Vaccination Network
PO Box 177
BANGALOW NSW 2479

Dear Mr Beattie

I refer to your correspondence of 6 March 2013 regarding the Australian Vaccination Network Incorporated (the Association).

NSW Fair Trading's original determination and the internal review decision provide reasons as to why the Association's current name is unacceptable. These include:

- its message is anti-vaccination;
- its name does not reflect the anti-vaccination message or its true nature, objects or functions; and
- its name is likely to mislead the public.

The Association has requested that I review a list of names and advise as to which names I 'would deem not acceptable'. As Commissioner, I or my delegate determines *Applications for reservation of name* and *Applications for approval for change of name* as provided under the *Associations Incorporation Act 2009*.

Information in relation to lodging an *Application for reservation of name* (Form A1) and an *Application for approval of change of name* (Form A7) following approval by members by special resolution is available on the Fair Trading website (www.fairtrading.nsw.gov.au).

Importantly however, any name change being considered by the Association (including those listed in your letter) should take into consideration the reasons why the change is required, and avoid misleading the public as to the message, true nature, objects or functions of the Association.

In this regard, you are reminded the Association was advised on 14 January 2013 in the direction to change its name that if an *Application for approval of change of name* is not received on or before 12:00 noon on 21 March 2013, the Association's registration may be cancelled.

Yours sincerely

Rod Stowe
Commissioner

11/3/13
A division of the Department of Finance & Services

188
RELEASED UNDER GIPA ACT 2009, NSW FAIR TRADING, GIPA 2012-2013/112