



Communities
Office of Liquor, Gaming & Racing

Australian Vaccination Network Inc
138 Old Byron Bay Rd
BANGALOW NSW 2479

Our Ref: A125462
2010/009886

CHARITABLE FUNDRAISING ACT 1991

**NOTICE OF REVOCATION
OF AUTHORITY TO FUNDRAISE FOR CHARITABLE PURPOSES
Section 31(1)**

To: Australian Vaccination Network Inc

Compliance Officers from the Office of Liquor Gaming and Racing, a division of Communities NSW, have undertaken an inquiry into Australian Vaccination Network Inc, an Organisation authorised to conduct fundraising appeals under the *Charitable Fundraising Act 1991*.

As a result of the inquiry, Compliance Officers submitted a report recommending that the Organisation be requested to show cause why its authority to fundraise should not be revoked. Accordingly, by letter dated 29 July 2010, the Organisation was requested to provide reasons why this should not happen. The Organisation's response was received by the Office of Liquor, Gaming and Racing on 26 August 2010.

Having considered the report, the matters raised in the Department's letter dated 29 July 2010, and the Organisation's written response to those issues, the Minister is satisfied that the authority should be revoked under the following grounds as set out in section 31 (1) of the Act and for the following reasons:

- (a) *that any fundraising appeal conducted by the holder of the authority has not been conducted in good faith for charitable purposes*

The Organisation has failed to publish a disclaimer on its website as recommended by the Health Care Complaints Commission (HCCC). This has resulted in an unacceptable risk of potential donors to the Organisation being misled when making a decision whether or not to make a donation, which has led to appeals not being conducted in good faith.

(c) that any fundraising appeal conducted by virtue of the authority has been improperly administered

The Organisation's website is misleading in that it may lead people making donations to believe that they are donating to a cause which promotes vaccination whereas the Organisation adopts an anti-vaccination position. When requested by the HCCC to publish a disclaimer on its website the Organisation failed to do so.

(f) in the public interest, the authority should be revoked

The failure of the Organisation to comply with the HCCC recommendation resulted in the Commission publishing a Public Warning on 26 July 2010 advising that this failure "poses a risk to public health and safety". In this circumstance it is in the public interest to not permit the Organisation to conduct fundraising appeals under the Act.

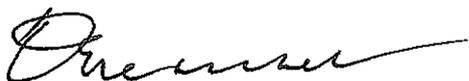
Consequently, I advise that the authority to fundraise held by Australian Vaccination Network Inc has been revoked. The revocation takes effect four business days after the date of posting of this letter.

Please find enclosed a copy of the Instrument of Revocation published in the Government Gazette.

The effect of this revocation means that the Organisation is no longer able to conduct fundraising appeals in New South Wales for charitable purposes. Any person who conducts a fundraising appeal without an authority is guilty of an offence and liable to a penalty not exceeding \$5,500.

Section 43 of the *Charitable Fundraising Act 1991* provides that a person or organisation whose authority is revoked may apply to the Administrative Decisions Tribunal for a review of the revocation.

Yours sincerely



A/Executive Director

14 OCT 2010