



**Fair
Trading**

PO Box 972
Parramatta NSW 2124
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TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: GIPA 2011-12/59

Mr Ken McLeod
PO Box 51
MORUYA NSW 2537

Dear Mr McLeod

I refer to your application under the *Government Information (Public Access) Act 2009* (the Act), received on 14 November 2011, seeking information on the operations of the Australian Vaccination Network Inc.

As you are aware, the proposed release of certain documents related to the application was objected to and subsequently appealed to the Administrative Decisions Tribunal (the Tribunal) by the Australian Vaccination Network.

As part of the Tribunal process, and ahead of the formal decision process, discussions have taken place between NSW Fair Trading and the Australian Vaccination Network regarding the removal of specific information from some of the documents in question by way of redaction to enable their release to you as soon as possible. As a result of these discussions, I have enclosed a number of documents with redactions.

The decision to release these documents with redactions is a reviewable decision under section 80(d) of the Act. If you disagree with this decision (that is, receiving the documents in redacted form), you may seek a review under Part 5 of the Act. There are three avenues of review: internal review by a senior officer, external review by the Information Commissioner or external review by the Administrative Decisions Tribunal. I have enclosed a brochure published by the Office of the Information Commissioner which details your rights of review under the Act.

You should note that the time for seeking internal review is 20 working days or, for external review, 40 working days from the date you were notified of this decision. You may obtain further information about your rights under the Act by contacting the Office of the Information Commissioner on freecall 1800 194 210 or at www.oic.nsw.gov.au.

I can further advise that the outstanding documents associated with your application remain subject to the proceedings before the Tribunal, and subject to the filing of evidence by the parties, a further planning meeting is scheduled for 23 October 2012.

If you have any questions regarding this matter, please contact me by telephone on 9338 8980 or via email at samuel.jenkin@services.nsw.gov.au.

Yours sincerely

Sam Jenkin *20/9/12*
Director - Ministerial and Executive Services

Robert Smith - Re: AVN - 2010 Form A12 (Annual summary of financial affairs)

From: Meryl Doroy <meryl@avn.org.au>
To: "Robert Smith" <Robert.Smith@services.nsw.gov.au>
Date: 20/10/2011 10:51 AM
Subject: Re: AVN - 2010 Form A12 (Annual summary of financial affairs)
CC: [REDACTED]

Dear Mr Smith,

Thank you so much for forwarding this to me as I leave in the morning for WA and most likely won't receive the hard copy of the letter before I go.

I appreciate the Department's understanding and have forwarded the letter below to our auditor, Mr [REDACTED] and his assistance, [REDACTED]

I am also copying this email to our committee and will ensure that the A12 form will be filled out and delivered to you prior to the deadline of November 30th as instructed.

Kind regards,

Meryl Doroy
On 20/10/2011, at 10:15 AM, Robert Smith wrote:

Meryl

Please see a copy of the attached letter put in the post to you yesterday. This is how the system works in terms of dates.

However, I trust that the Association will have its accounts audited and submitted to the public register by way of the required Form A12 (copy attached) by 30 November 2011. I am sure that you can understand the need for this.

The Form A12 should record the date of the AGM as 17.9.11 with note underneath on the form that unaudited financial statements were presented on this date but that audited financial statements were presented on xx November 2011 (presumably).

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
184 Russell Street, BATHURST
(PO Box 22, BATHURST 2798)
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<AVN Letter 19.10.11.pdf><Form A12-Annual summary of financial affairs.pdf>



Fair Trading

FILE COPY

MERYL DOREY
138 OLD BYRON BAY RD
BANGALOW NSW 2479

Our Ref: N4426676
Your Ref:
Contact:
Telephone: 1800602042
Facsimile: 0263331444

Dear Client

AUSTRALIAN VACCINATION NETWORK INCORPORATED - Y2079127

I refer to your Application for Extension of Time to hold the above association's annual general meeting lodged on 18th October 2011. Fair Trading has approved the association's request for extension. The association is now required to hold its annual general meeting on or before 30th November 2011.

The association is required to lodge its Annual summary of financial affairs within one month of the date on which the annual general meeting is held, being no later than 31st December 2011.

Yours sincerely

Margaret Struthers
Team Leader
19 October 2011

Robert Smith - Application for extension

From: Meryl Dorey <meryl@avn.org.au>
To: Robert Smith <Robert.Smith@services.nsw.gov.au>
Date: 18/10/2011 12:58 PM
Subject: Application for extension
CC: [Redacted]

Attachments: Form A11-Application for extension.pdf

Dear Mr Smith,

Attached is my application for an extension for our submitting an audit. Please note that my letter (please see below) originally requested an extension only until the 15th of November, 2011. That was due to my wish to meet with [Redacted] or his associate before I leave for Perth on Friday morning. I have written to [Redacted] twice and called his office and left messages but I believe that they must be away because I have not received a response. I leave early Friday morning for Perth where I will be presenting 7 seminars between the 23rd of October and the 7th of November. Immediately upon my return, I will be flying to Sydney to attend our court case which is occurring on the 9th of November. I will be back in the office on the 10th of November but that will only give [Redacted] 5 days to do what needs to be done to complete our audit. I would have filled in and submitted this form to you as requested earlier but I was hoping to be able to speak with [Redacted] first about this and have been unable to do so.

I will call you as soon as this information has been sent.

Kind regards,
Meryl Dorey

Request for extension of time to file final paperwork and audit:

Dear Mr Smith,

I am writing to you in regards to our earlier correspondence concerning the requirement for the AVN to have its finances audited rather than just prepared by an accountant. In my previous discussions with both yourself and the OLGR, as well as with my solicitors, I was informed that there would be no requirement for an audit since the AVN was no longer a charity authority holder.

I understand now that there is a requirement since our annual turnover is in excess of \$250,000 - something which I was unaware of though I do recall that we discussed the AVN's turnover and I was not aware at the time that we were over the limit.

I have been to see [Redacted] the accountant who prepared our end-of year financial report and who you have spoken with regarding this matter. He has made a commitment to finish our required audit by the 30th of November but he cannot do it any sooner since obviously, I have just returned from overseas and he or his associate will need to sit down with me and go over the information held at the AVN's office. In addition, [Redacted] has informed me that the busiest time for any accountant is from July through to October when they are completing client's end of year work.

I would therefore like to request an extension of one month for the completion and submission of our audit.

[Redacted] has said that he would be happy to discuss this with you further should you have any questions or concerns. He can be reached at 02 [Redacted] or by email at [Redacted]

Thank you for your time and for your consideration of this matter.

Kind regards,
Meryl Dorey

*APRN EXTENSION OF TIME TO 30.11.11 received
by e-mail and given for case mgmt
for consideration. R. Smith
18-10-11*

0266872032

AVN | Australian Vaccination Network

EST APPROVED 11/10/11

18 October, 2011

Registry of Cooperatives and Associations
PO Box 22
BATHURST NSW 2795

BY FAX: 02 6933 1458
AND BY EMAIL: fobert.smith@services.nsw.gov.au

Dear Sir or Madam,

The Management Committee of the Australian Vaccination Network (AVN) is aware that the association had previously applied for an extension until the 17th of September. This extension was for the purpose of holding our Annual General Meeting (AGM) and also for presenting our financial statements to that meeting.

It has now come to our attention that these financial statements should have been audited prior to being presented to our members. The association had been informed that an audit would no longer be required because we did not have a current authority to fundraise and we were told that having an audit was a requirement of holding an authority to fundraise.

We now understand, after speaking with your Mr Rob Smith, that there is a requirement for our financial records to be audited since our annual turnover is in excess of \$250,000 - something which we were previously unaware of. We have tried to do the right thing in holding our AGM and presenting our audited accounts in accordance with the regulations of the Registry but obviously were not aware of this further requirement.

I have been to see [redacted] the accountant who prepared our end-of-year financial report and who Mr Smith has spoken with regarding this matter. He has made a commitment to finish our required audit by the 30th of November but he cannot do it any sooner since I have recently returned from overseas and either he or his associate will need to sit down with me and go over the information held at the AVN's office. In addition, [redacted] has informed me that the busiest time for any accountants is from July through to October when they are completing clients end of year work.

Should the Registry agree to this extension, we will ensure that a copy of our audited statement will be made available to a special general meeting of our members.

I would therefore like to request an extension of six weeks for the completion and submission of our audit.

[redacted] has said that he would be happy to discuss this with you further should you have any questions or concerns. He can be reached at 02 [redacted] or by email at [redacted]

Thank you for your time and for your consideration of this matter.

Kind regards,
Maryl Dorey

Maryl W. Dorey

Maryl W Dorey,
National President
Australian Vaccination Network

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

Robert Smith - Re: Letter from the Australian Vaccination Network

From: Robert Smith
To: Meryl Dorey
Date: 14/10/2011 5:10 PM
Subject: Re: Letter from the Australian Vaccination Network
CC: Christine Gowland
Attachments: Form A11-Application for extension.pdf

Meryl

Re your request below, please refer to my e-mail of 5 October 2011 concerning the need for the Association to make a further formal application for a further extension of time - further copy of Form A11 attached. This needs to be submitted as a matter of urgency, with payment of the necessary fee.

As explained in my e-mail of 5.10.11, before any such application can be considered, it will need to set out a clear and detailed explanation as to why the association cannot comply with the original extension of time.

As stated in my email of 29.9.10, it seemed clear in my discussions with you that the Association was a Tier 2 association. When we were discussing the need for an audit, I recall specifically asking the total revenue for the year and whether it was in excess of \$250,000.

Rob Smith | Financial Analyst
 COMPLIANCE & ENFORCEMENT DIVISION
 Registry of Co-operatives & Associations
 164 Russell Street, BATHURST
 (PO Box 22, BATHURST 2795)
 e: robert.smith@services.nsw.gov.au
 Freecall: 1800 802 042 | P: 02 8333 1488 | F: 0333 1488 |
 www.fairtrading.nsw.gov.au



>>> Meryl Dorey <meryl@avn.org.au> 14/10/2011 4:54 pm >>>

Dear Mr Smith,

I am writing to you in regards to our earlier correspondence concerning the requirement for the AVN to have its finances audited rather than just prepared by an accountant. In my previous discussions with both yourself and the OLGR, as well as with my solicitors, I was informed that there would be no requirement for an audit since the AVN was no longer a charity authority holder.

I understand now that there is a requirement since our annual turnover is in excess of \$250,000 - something which I was unaware of.

I have been to see [REDACTED] the accountant who prepared our end-of year financial report and who you have spoken with regarding this matter. He has made a commitment to finish our required audit by the 15th of November but he cannot do it any sooner since obviously, I have just returned from overseas and he or his associate will need to sit down with me and go over the information held at the AVN's office. In addition, [REDACTED] has informed me that the busiest time for any accountant is from July through to October when they are completing client's end of year work.

I would therefore like to request an extension of one month for the completion and submission of our audit.

[REDACTED] has said that he would be happy to discuss this with you further should you have any questions

or concerns. He can be reached at 02 [REDACTED] or by email at [REDACTED]

Thank you for your time and for your consideration of this matter.

Kind regards,
Meryl Dorey

Meryl Dorey,
Spokesperson
The Australian Vaccination Network, Inc.
Investigate before you vaccinate
Editor,
Living Wisdom Magazine
Family, Health, Environment
PO Box 177
BANGALOW NSW 2478
AUSTRALIA
<http://www.avn.org.au>
<http://www.living-wisdom.com>
Phone: 02 6687 1699
FAX 02 6687 2032
skype: [REDACTED]

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

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

Robert Smith - Australian Vaccination Network Inc

From: Robert Smith
To: meryl@avn.org.au
Date: 5/10/2011 2:14 PM
Subject: Australian Vaccination Network Inc
CC: [REDACTED]

Dear Ms Dorey

Following on from my e-mail of 29 September 2011 to [REDACTED] and you, I had a telephone call this morning from [REDACTED] about the audit of the financial statements of AVN for the year ended 31 December 2010.

[REDACTED] submitted that the audit will not be able to be finalised until at least the middle of November 2011 but more definitely by 30 November 2011.

As you are aware, this would be 11 months since the end of the 2011 financial year.

I will discuss this matter with the General Manager of the Registry tomorrow and communicate further with you then.

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
164 Russell Street, BATHURST
(PO Box 22, BATHURST 2795)
e: robert.smith@services.nsw.gov.au
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www.fairtrading.nsw.gov.au



Robert Smith - Re: Australian Vaccination Network Inc

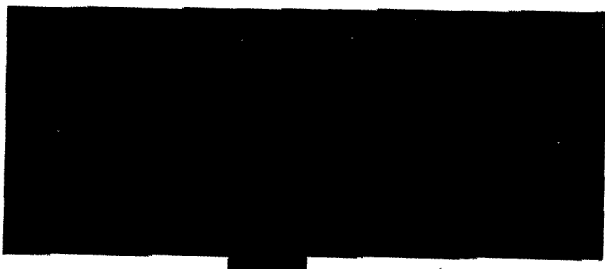
From: Robert Smith
To: Meryl Dorey
Date: 5/10/2011 5:58 PM
Subject: Re: Australian Vaccination Network Inc
CC: [REDACTED]

Dear Ms Dorey

Further to our correspondence below, if the Association cannot comply with original extension of time for submission of the Annual summary of financial affairs (Form A12), and it seems very clear that this is the case, the Association must make another application for extension of time to present audited financial statements to its members and lodge these on the public register.

Before any such application can be considered, it will need to set out a clear and detailed explanation as to why the Association cannot comply with the original extension of time.

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
164 Russell Street, BATHURST
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www.fairtrading.nsw.gov.au



>>> Meryl Dorey <meryl@avn.org.au> 5/10/2011 3:11 pm >>>
Thank you Mr Smith. I appreciate your getting back to me and I will await your response after you have spoken with your General Manager.

Kind regards,
Meryl

Sent from my iPad

On 04/10/2011, at 6:14 PM, "Robert Smith" <Robert.Smith@services.nsw.gov.au> wrote:

Dear Ms Dorey

Following on from my e-mail of 29 September 2011 to [REDACTED] and you, I had a telephone call this morning from [REDACTED] about the audit of the financial statements of AVN for the year ended 31 December 2010.

[REDACTED] submitted that the audit will not be able to be finalised until at least the middle of November 2011 but more definitely by 30 November 2011.

As you are aware, this would be 11 months since the end of the 2011 financial year.

I will discuss this matter with the General Manager of the Registry tomorrow and communicate further with you then.

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
164 Russell Street, BATHURST
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Fair
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COPY

MERYL WYNN DOREY
138 OLD BYRON BAY ROAD
BANGALOW NSW 2479

Our Ref: N4497017
Your Ref:
Contact: K Smith
Telephone: 1800502042
Facsimile: 63331444

Dear Client

AUSTRALIAN VACCINATION NETWORK INCORPORATED - Y2079127

I refer to your Application for Extension of Time to hold the above association's annual general meeting lodged on 16th August 2011. Fair Trading has approved the association's request for extension. The association is now required to hold its annual general meeting on or before 17th September 2011.

The association is required to lodge its Annual summary of financial affairs within one month of the date on which the annual general meeting is held, being no later than 17th October 2011.

Yours sincerely

Kristine Smith
Team Leader (Revenue)
17 August 2011

Robert Smith - Re: Form A11

From: Meryl Dorey <meryl@avn.org.au>
To: Robert Smith <Robert.Smith@services.nsw.gov.au>
Date: 12/08/2011 12:41 PM
Subject: Re: Form A11
Attachments: Rob Smith Dept of Fair Trading Re AGM 2011.pdf; AVN Form A-11.pdf

Dear Mr Smith,

Please find attached a copy of the A11-A form that I have completed as well as a letter explaining the circumstances behind our request for an extension of time in which to hold our AGM. Feel free to contact me should you require any further information.

Kind regards,
Meryl Dorey

FILE

10/419464
4 2079127



Australian
Vaccination
Network

12 August, 2011

Mr Rob Smith,
Financial Analyst
Compliance and Enforcement Division
Registry of Cooperatives and Associations
PO Box 22
BATHURST NSW 2795

BY FAX: 02 6333 1458
AND BY EMAIL: robert.smith@services.nsw.gov.au

Dear Mr Smith,

Thank you very much for sending through the form for me to complete in order to ask for an extension of time for the Australian Vaccination Network (AVN) to complete and submit its AGM. As I said in my email to you, the date has been set by our committee for the 17th of September, 2011 at 11 am (this is a Saturday). I will be attending from the United States where I will be at that time.

I understand that of course, I will need to put down the reasons that have led to the AVN needing to extend the amount of time required to hold our AGM. Below, I have listed some of the extenuating circumstances which have prevented our management committee from scheduling and holding this meeting in a timely manner. Should you need any clarification or further information, I will be very happy to give you details on any of these items or anything else you need.

1- In October, 2010, the Office of Liquor, Gaming and Racing revoked the charity authority of the AVN. This led to a great deal of confusion regarding what it was we could and could not do and a period of some months during which we had to change our operational structure substantially to allow for the fact that we were no longer able to accept new memberships or donations from the general public. This including changing our database structure, completely changing our accounting information / chart of accounts, etc. One point which I have still not been able to resolve to my own satisfaction, is whether or not we were required to hire an auditor to do our end-of-year accounts. This uncertainty led to a huge delay while I spoke with our solicitor and read as much as I could from the OLGR's website. The conclusion I arrived at was that an auditor was unnecessary but I would still be required to have an accountant sign off on our financial reports. Now, I am not sure if that is correct or not, but I was under the impression that it was. Due to targeting of the AVN by SAVN, most of the firms of accountants I contacted were afraid to deal with us (we found this to be the case with most professionals we have been in contact over the last 12 months from solicitors to accountants to newspapers and magazines - they are all fearful of being targeted in the way that I and the AVN have been). I finally found a firm in Bangalore that agreed to do our books and promised to have them ready by 30th of June and we had a tentative date for the AGM in July to make sure that we would be finished before the deadline. Unfortunately, I am STILL waiting for this to be finished and since I thought I needed this for the meeting, I had to delay the date, which was done in consultation with our committee.

2- As you are no-doubt aware, for the last 2 years, the AVN has been under constant and vicious attack by the organisation, Stop the AVN (SAVN). These attacks have not just targeted the organisation but have been aimed at myself and my husband as well. I have filed 2 separate complaints with the NSW Police due to direct

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

threats against myself by several members of this organisation as well as being sent violent pornographic images by an unknown person who I assume is also a member of SAVN. I am and have been fearful for my safety and that of my family.

[Redacted]

[Redacted] combined with the items listed above, have made it very difficult for me to complete many important projects - including staying on top of finding out what was needed for the AVN in our changed circumstances.

3- Due to the loss of our charity authority, the AVN was placed under an extremely difficult financial burden. This led to us having to lay off our entire office staff of 2 part-time assistants (one of whom had been with the organisation for over 6 years - the other for 3 years), our graphic designer and our salesperson. I have had to do all of their jobs myself plus my own job that I have done for many years.

[Redacted]

We also could no longer appeal for donations to the general public which is very difficult for an organisation that has always been membership and donation funded. Of course, the time and financial pressures have played a role in the slower than expected completion of what was necessary for our end of year since there are simply not enough hours in the day to do everything and do it properly but I have been doing my utmost to keep up with it all.

4- We are currently pursuing legal action in the NSW Supreme Court against the HCCC for their part in issuing a public warning against our organisation. Since we don't have the funds to enable a solicitor to do all of the work for this, I have been co-opted to assist and this has taken an extraordinary amount of time in my already incredibly busy schedule. Most organisations might have been able to offload some of this work onto their other committee members or to hire outside help to assist, but since the AVN's committee is scattered across Australia and our finances wouldn't accommodate any additional helpers and both myself and our solicitor are located in Bangalore, there really was not much of an option.

I hope that this information is what is required to allow the AVN to ask for and receive this extension.

[Redacted]

Again, please let me know if you need any more details.

Kind regards,

Meryl W. Dorey

Meryl W Dorey,
National President
Australian Vaccination Network
Editor
Living Wisdom magazine

Robert Smith - Re: Form A11

From: Meryl Dorey <meryl@avn.org.au>
To: "Robert Smith" <Robert.Smith@services.nsw.gov.au>
Date: 12/08/2011 9:26 AM
Subject: Re: Form A11

Dear Mr Smith,

Thank you so much for looking into this for me. I met with our committee last night and we have set the date of September 17th for our AGM. I will be overseas at the time but we will be holding it on the internet so that should not be a problem.

I will fill in the paperwork and get it to you shortly.

Please let me know if you have any questions or need anything further from me.

All the best,
Meryl

On 11/08/2011, at 6:03 PM, Robert Smith wrote:

Rob Smith | Financial Analyst
COMPLIANCE & ENFORCEMENT DIVISION
Registry of Co-operatives & Associations
164 Russell Street, BATHURST
(PO Box 22, BATHURST 2706)
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Robert Smith - Australian Vaccination Network Inc

From: Robert Smith
To: meryl@avn.org.au
Date: 11/08/2011 5:58 PM
Subject: Australian Vaccination Network Inc
CC: Christine Gowland
Attachments: Form A12-Annual summary of financial affairs.pdf

Meryl

I refer to our discussion this afternoon concerning the AGM and outstanding Statement of Financial Affairs Form AF12 for Australian Vaccination Network for the year ended 31 December 2011.

You advised that, due to delay in obtaining an audit of the Associations' financial statements for the year ended 31 December 2010, the Association has not yet held its AGM.

The Office of Liquor, Gaming and Racing has advised that, as the Association had its authority to fundraise removed in October 2010, it will not be required to have its 2010 financial statements audited in accordance with the NSW Charitable Fundraising Act.

Based on your advice, as the total revenue of the Association for 2010 falls in Tier 2, it is not required to have its financial statements audited under the Associations Incorporation Act 2009.

You are reminded that s37 of the Associations Incorporation Act 2009 (the Act) requires that the committee of an association must ensure that an AGM is held within six months of the end of its financial year or within such further time as may be allowed by the Director-General. Ss 47 and 48 of the Act (together with the Associations Regulation) require that the committee must prepare a detailed income and expenditure statement and balance sheet which give a true and fair view for the financial year and these must be presented to an AGM. S49 of the Act requires that an association must lodge a summary of financial affairs (Form A12) within one month of an AGM or 7 months of the end of the financial year.

The Association is currently in breach of these requirements of the Act for the financial year ended 31 December 2010.

The Committee must, as a matter of urgency, act to ensure that it complies with the requirements of the Act.

Please contact me should you have any questions.

Rob Smith | Financial Analyst
 COMPLIANCE & ENFORCEMENT DIVISION
 Registry of Co-operatives & Associations
 184 Russell Street, BATHURST
 (PO Box 22, BATHURST 2795)
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www.services.nsw.gov.au



Fair
Trading

Robert Smith - Annual Summary of Financial Affairs Form A12

From: Robert Smith
To: meryl@avn.org.au
Date: 2/08/2011 9:14 AM
Subject: Annual Summary of Financial Affairs Form A12
Attachments: Form A12-Annual summary of financial affairs.pdf

Dear Ms Dorey

We note that Australian Vaccination Network Inc has not submitted its Annual Summary for the year ended 31 December 2010. Presumably, the Association has held its AGM.

Could you please arrange to submit the Annual Statement. A copy of Form A12 is attached. The necessary fees are listed on the Form Information.

Please contact me should you have any questions.

Rob Smith | Financial Analyst
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