



Fair  
Trading

# INQUIRY REPORT

## ORGANISATION DETAILS

**Association:** Australian Vaccination-skeptics Network (AVsN)

**Address:** (4)(d)

**Telephone:**

**Email:** www.avn.org.au

**Incorporation Registration No:** Y2079127

**President:** Annatasha DAVID

**Telephone:** (3)(a), (3)(b), (4)(d)

**Email:**

**Public Officer:** Wayne BAIRD

**Address:** (3)(a), (3)(b), (4)(d)

**Telephone:**

**Email:**

## SCOPE OF INQUIRY

### Ministerial Inquiry pursuant to s.26 Charitable Fundraising Act 1991 (the Act)

On 27 March 2017, the Honourable Matthew Keen approved the inquiry into whether the AVsN is conducting or has conducted, or is participating or has participated in, a fundraising appeal under the *Charitable Fundraising Act 1991*.

## SUMMARY

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

## BACKGROUND

### 1.0 Previous Investigations into AVsN Fundraising Activity

The association of interest is referred to as AVsN throughout the body of the report. The Incorporated Association was registered as the Australian Vaccination Network (AVN) until 2014 when it changed its Incorporated Association registered name to AVsN.

The acronyms AVsN and AVN are interchangeable throughout the report.

The following is a sample of inquiries/investigations into the fundraising activities of the AVsN. The information was taken from various reports prepared by several regulatory bodies and is limited due to level of access material and files that could not be located.

### 1.1 AVsN charitable fundraising authorities

- Initial Fundraising Authority issued 8 December 1994 that expired on 7 December 2001.
- Fundraising Authority renewed 5 July 2002 and expired on 4 July 2007.
- Fundraising Authority renewed 2 June 2009 and expired on 1 June 2011.
- Fundraising Authority renewed and then surrendered 10 March 2014.

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d), (1)(g)

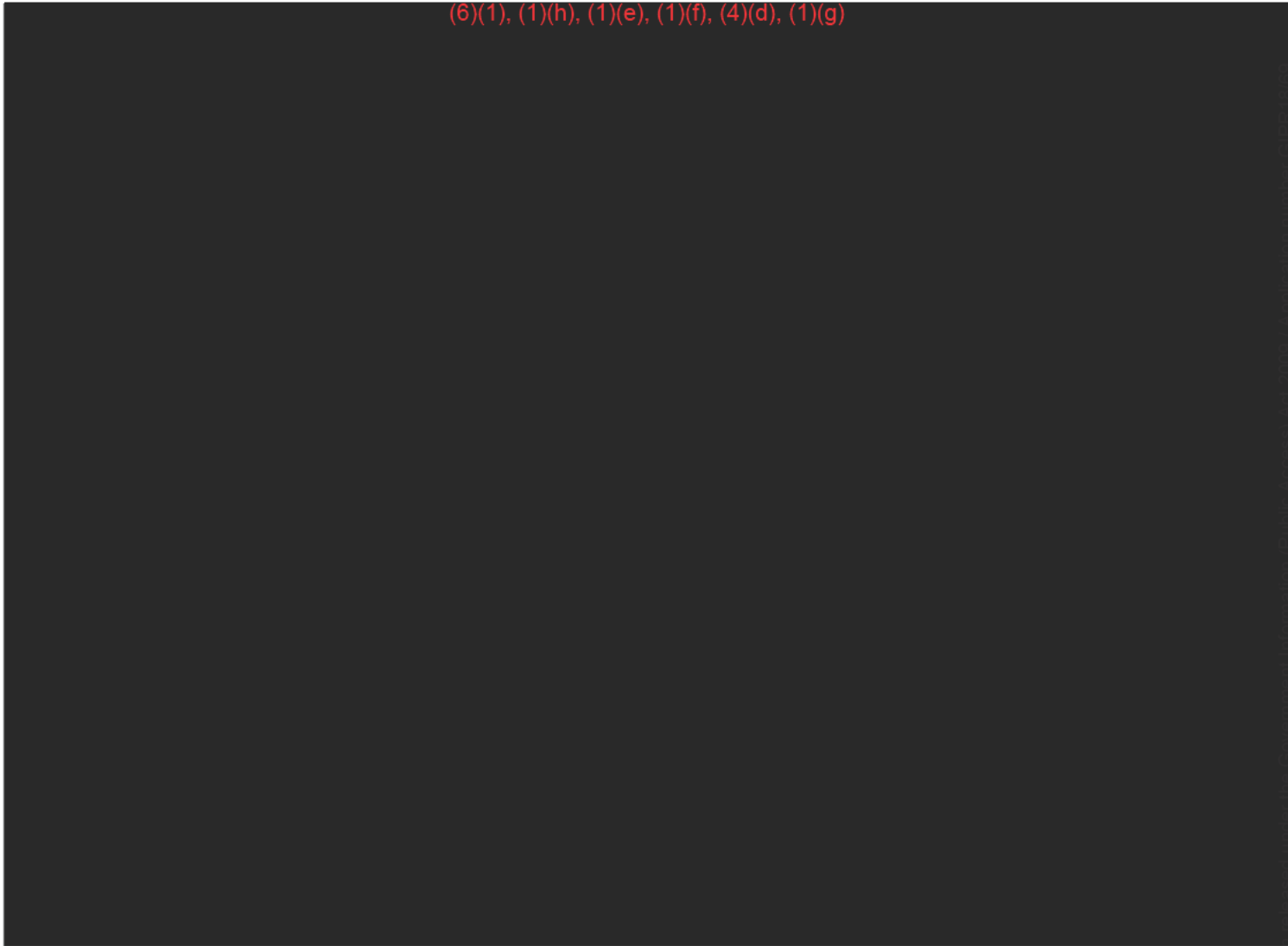
### 1.3 2010 the Minister revoked the AVN authority to fundraise

On 14 October 2010, the Minister, [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d) determined to revoke the associations authority to fundraise pursuant to s.31(1)(f) of the Act. The AVN challenged the public warning. The NSW Supreme Court found in favour of AVN when it held the HCCC had acted beyond its power. [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

1.4 **2012 3a, 3b complaint to the Minister for Tourism, Major Events, Hospitality and Racing**

On 10 March 2012, 3a, 3b emailed the Minister following on from his 2009 complaint asking when action will be taken against the AVN. The matter was reviewed by OLGR and resulted in no further action (**Annexure B**).

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d), (1)(g)



1.8 **2016/2017 Fair Trading inquiry into the charitable fundraising activities of AVsN**

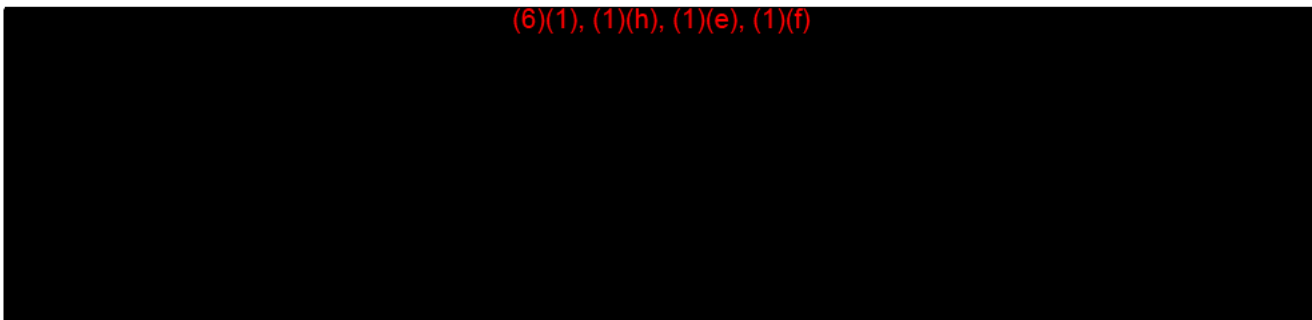
On 8 December 2016, 3a, 3b made a complaint to the Minister for Innovation and Better Regulation about the conduct of the AVsN. The inquiry examined the evidence to determine if the following activity was a fundraising appeal for the purposes of the Act:

- An appeal to members and supporters to finance the Associations High Court challenge to the federal governments 'no jab no pay' legislation; and,
- The associations appeal for donations from members and supporters to help fund the association's objectives.

The view of the inquiry was the AVsN was not conducting a fundraising appeal for the purpose of the Act and no action was taken (**Annexure F**).

1.9

(6)(1), (1)(h), (1)(e), (1)(f)



**CURRENT**

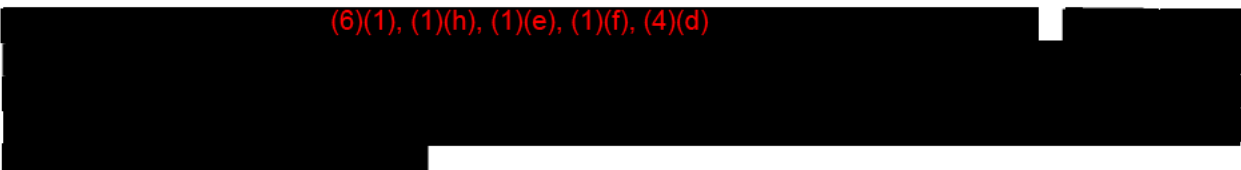
**2.0 Ministerial Inquiry into the fundraising activities of the AVsN**

On 27 March 2017, the Minister for Innovation and Better Regulation approved an inquiry pursuant to s.26 of the *Charitable Fundraising Act 1991* to inquire whether the AVsN is conducting or has conducted, or is participating or has participated in, a fundraising appeal under the Act, by an authorised inspector (**Annexure G**).

**Key reasons and analysis supporting the Inquiry into the AVsN**

The objectives of the AVsN are stated at clause 43 of its constitution (see **Annexure A** tab 3). Broadly speaking, the purpose of the AVsN is to exchange and disseminate information about vaccination, and to facilitate public debate including critical evaluation of mainstream advice and opinion on vaccination to uphold the principle of informed choice.

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

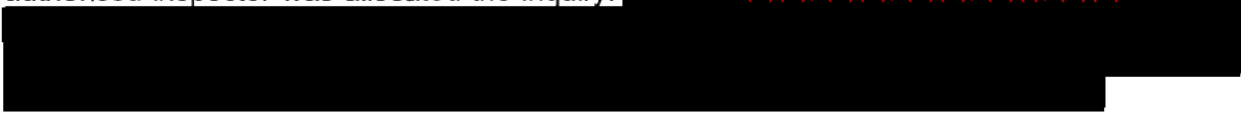


2.1

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

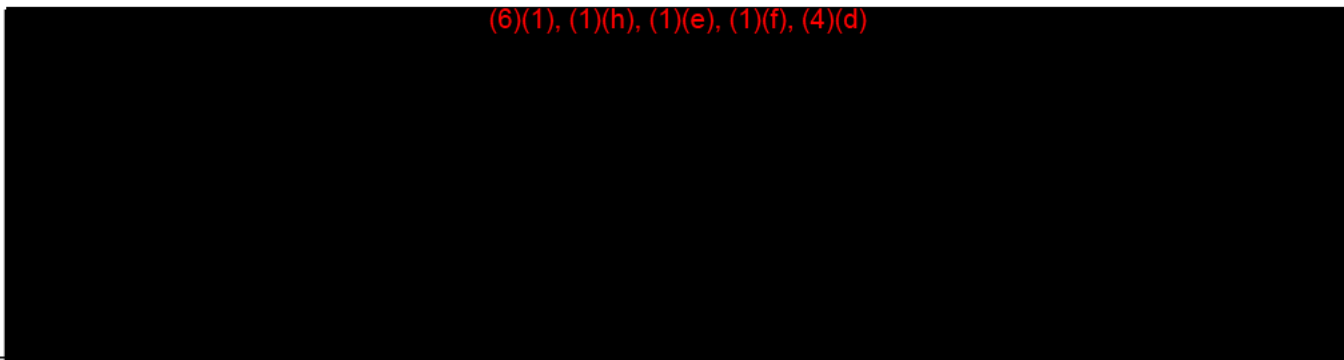
The matter was referred to NSW Fair Trading Compliance and Enforcement Division where an authorised inspector was allocated the inquiry.

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



2.2

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



Information released under the Government Information (Public Access) Act 2009 / Application number GIPR18/69

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



## 2.4 Analysis of the AVsN website home page

Analysis of the AVsN website home page (**Annexure S**) identified the following statements:

"The AVN provides a forum with information for you to consider while developing an informed choice. The choice you make after fully investigating the issue should be honoured and respected..."

*The AVN does not provide health advice.* If questions arise for you after reading material that the AVN publishes, you should seek advice or clarification from your chosen healthcare provider...

Our aim is to provide a forum where informed choices can be made. The information can be shared and discussed, empowering our members and supporters to truly exercise their informed consent, by clarifying what decisions are possible around this issue and why you might make them. In an effort to be as transparent as possible, we aim to provide all relevant links to the mainstream or government perspective (as it relates to our content) for you to investigate and weigh against the ideas and information we present...

In the past the AVN acted to provide whatever support and advice we could for people (often parents and children) who sadly, were injured or otherwise negatively affected by vaccine use. The AVN however is NOT a health-service provider and so our direct support functions extend only to directing people toward other safe support networks such as private Facebook pages and other groups.”

The also display the following disclaimer:

“Disclaimer: Views and opinions expressed in articles, postings, links and letters on this website are those of the authors, and not necessarily those of the Australian Vaccination-sceptics Network Inc. The information provided on this website is not and should not be considered medical advice. If medical advice is required, the services of a competent health/medical professional should be sought.”

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d), (1)(g)

## 2.5 The AVsN website donation link

The AVsN website has a donate to the AVN link (**Annexure T**). The link encourages donations by members and the public (one off donors). The donation product description reads as follows:

“As a volunteer run organisation, the AVN relies on the support of others. No matter how small the contribution it all adds up to help keep us in operation.

### **Amongst other things your donations will go towards**

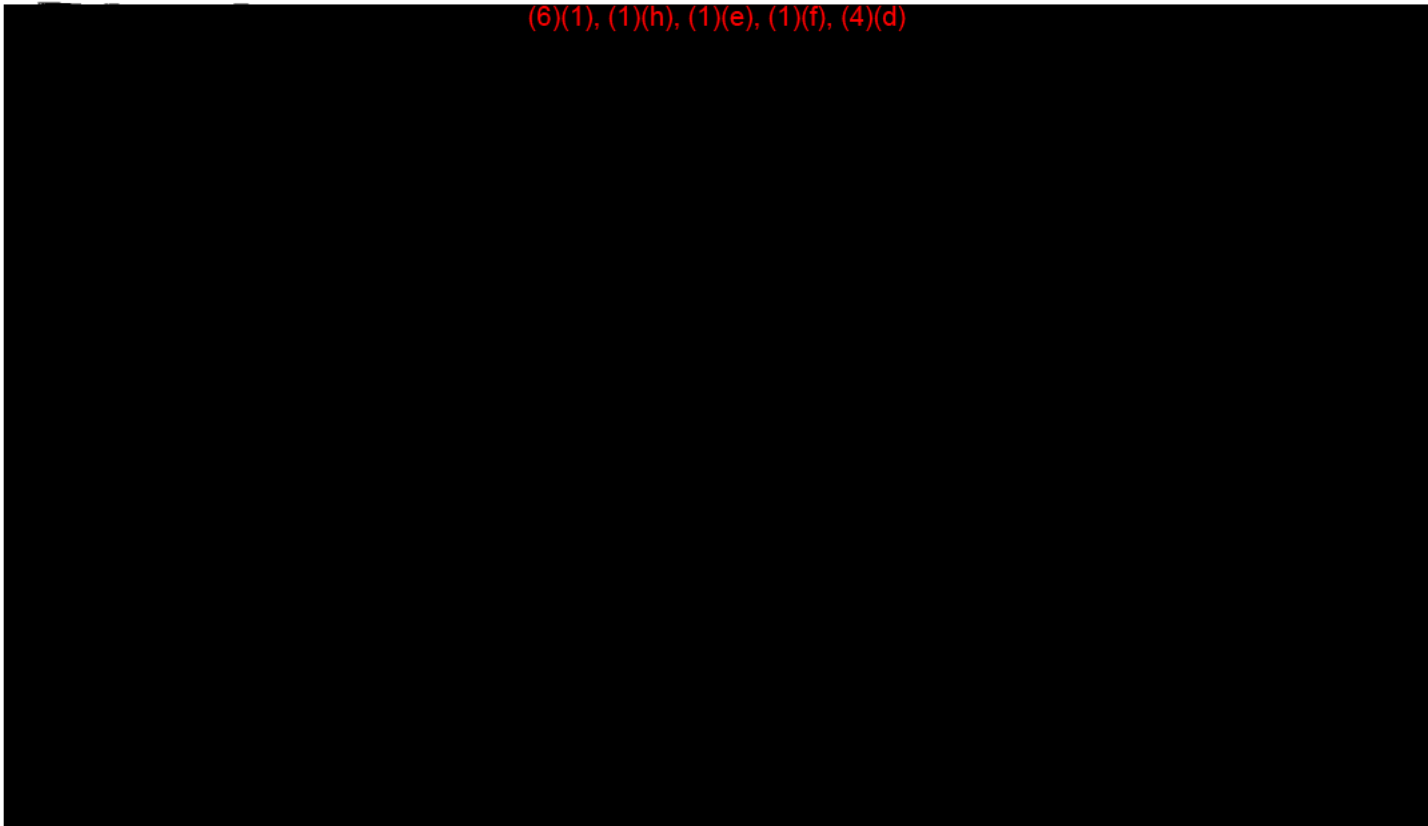
- *Lobbying Federal Parliament for changes to regulation, to educate them on the issue and to combat draconian new vaccine laws that are being brought in to Australia.*
- *To provide information on vaccination in the form of flyers, T shirts, into pack etc to help raise awareness and to help our members be able to confidently raise their concerns with MP's and doctors.*
- *Cover the costs of international speakers and seminars that we will be bringing to Australia.*
- *Keep the AVN's doors open so we can continue to offer advice and information to people who are researching the vaccination issue.*

*Help support the AVN so we can continue to support you!”*

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

The inquiry has obtained access the AVN website as it was in December 2013 and copied the donations link (**Annexure U**). The structure of the 2013 donation page is the same as the current donation page. Review of the page found the first object is similar, the donation will go toward lobbying Federal Parliament. The fourth object is verbatim.

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

Section 5 states;

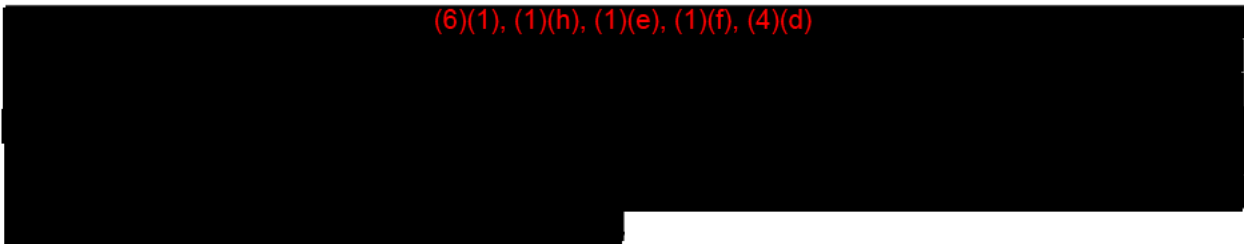
"For the purpose of the Act, the soliciting or receiving by any person of any money, property or other benefit constitutes a fundraising appeal if, before or in the course of any such soliciting or receiving, the person **represents:**

(a) that the purpose of that soliciting or receiving, or

(b) that the purpose of an activity or enterprise of which that soliciting or receiving is a part,

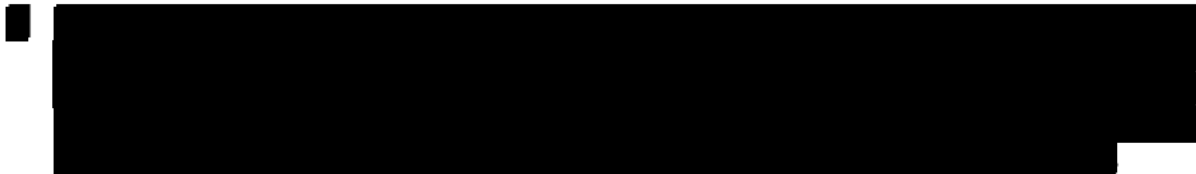
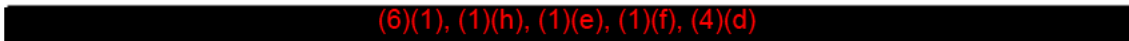
is or includes a **charitable purpose**".

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



2.8

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

3.0

3.1

3.2 **2014 the HCCC issued a public warning about the AVsN**

Schedule 2

The HCCC identified eight specifics in their public warning where the information published by the AVsN was misleading, misrepresented and incorrect information about vaccination. The Commission recommended that the AVsN amend its published information.

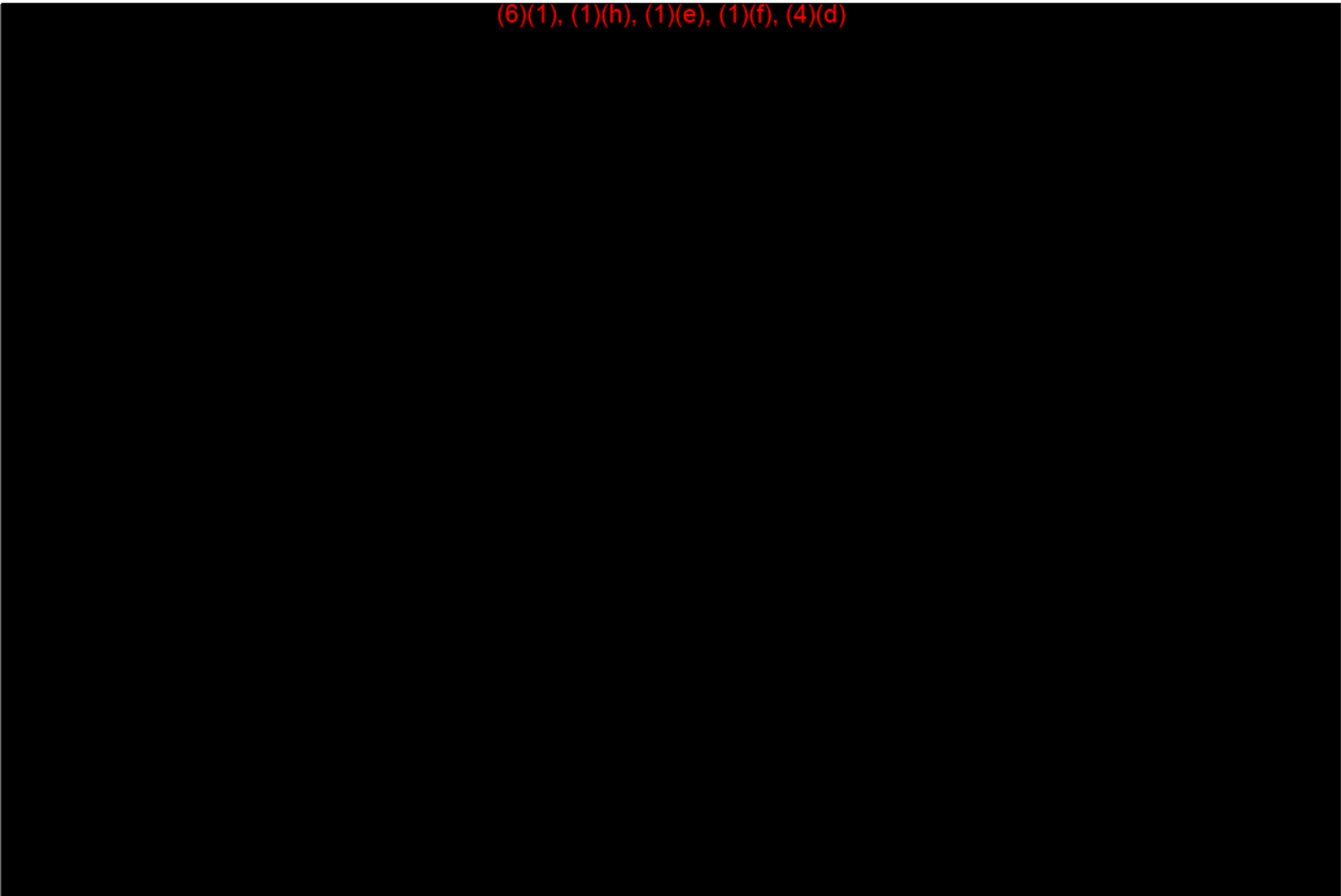
(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

3.3



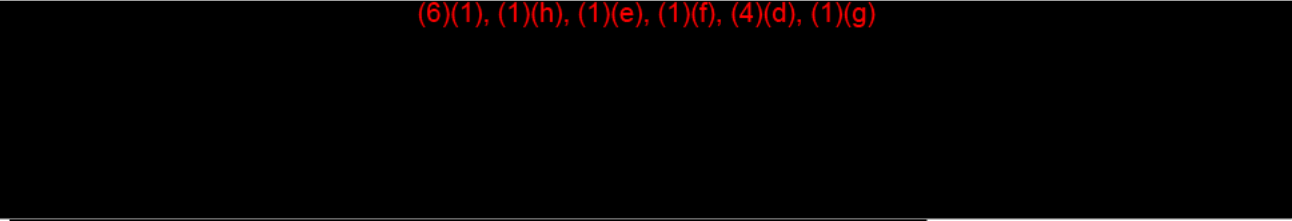


(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



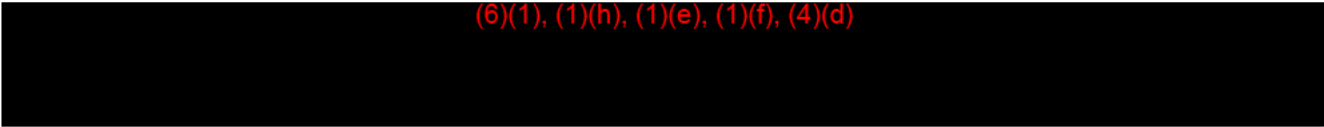
3.5

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d), (1)(g)



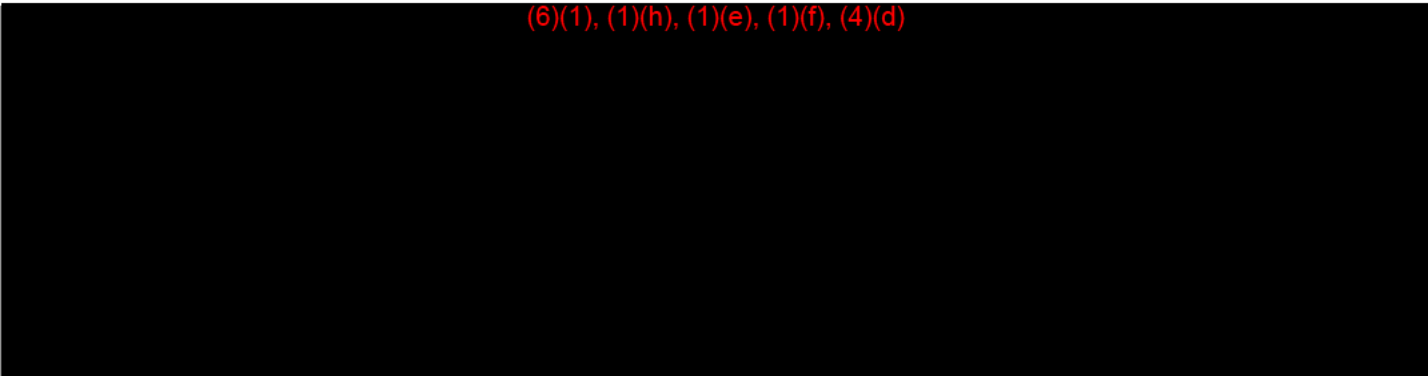
on 26 December 2016, information on their website (blog page) informing the public of the legal advice (**Annexure ZA**).

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)

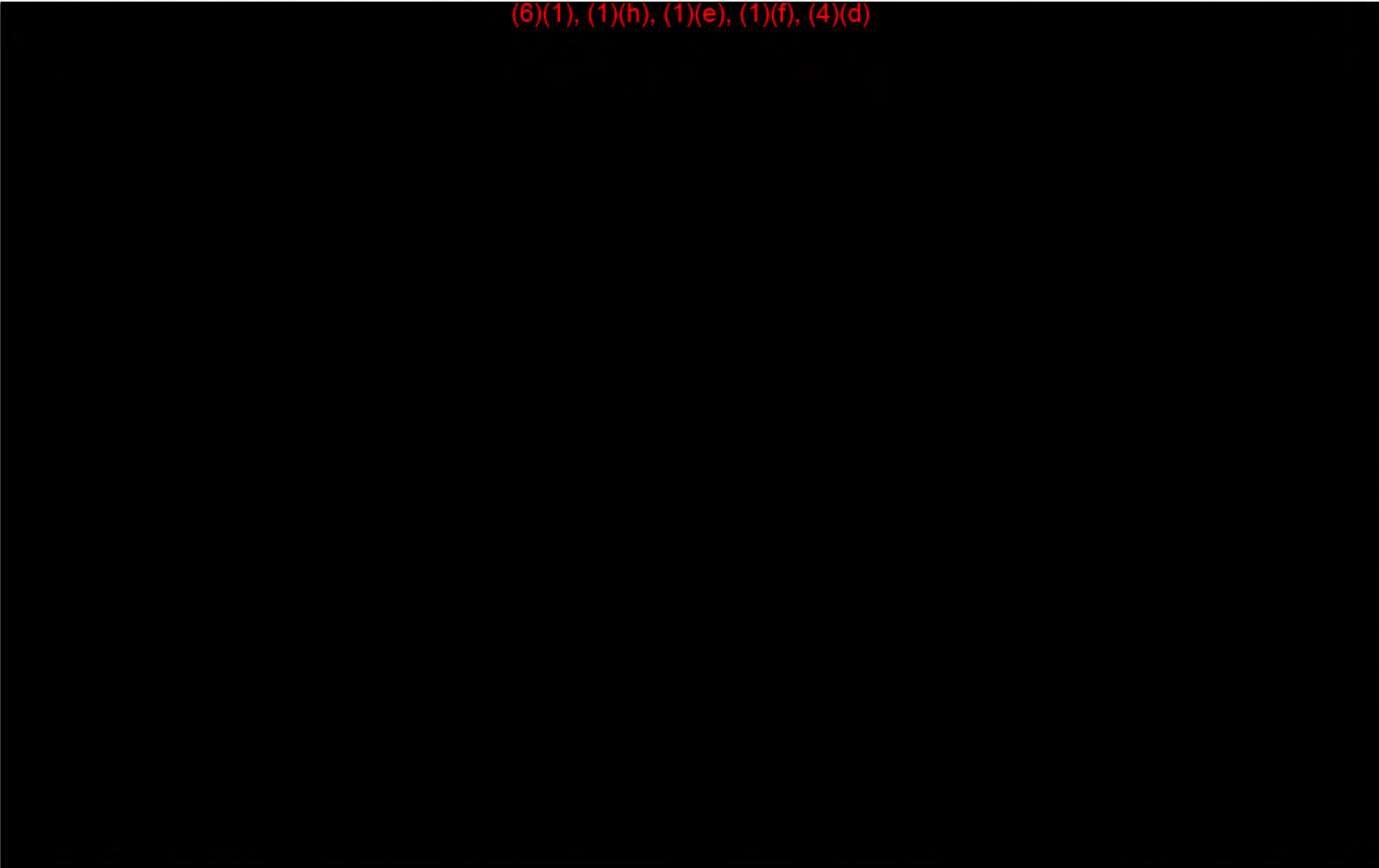


## RECOMMENDATION

(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



(6)(1), (1)(h), (1)(e), (1)(f), (4)(d)



**INVESTIGATOR**

Name: *Stephen Frenkel* Position: *Investigations Manager*  
 Signed: *[Signature]* Team: *Compliance & Enforcement*  
 Date: *12 September 2017*

**REVIEWER**

Name: **David A. Byrne** Position:  
**Director Investigations** Team:  
 Signed: *[Signature]* Date: *13-09-2017*

**APPROVAL**

Name: **V BRISWOLD** Position: **ED**  
 Signed: *[Signature]* Team:  
 Date: *13/9/17*

-+

**ANNEXURE LIST**

- A 2009 OLGR Inquiry Report
- B 2010 OLGR letter sent to [REDACTED] 3a, 3b
- C 2014 OLGR NTSC on the AVsN charitable fundraising authority
- D [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- E 2014 OLGR Investigation Report
- F 2017 NSWFT Review (inquiry) Report
- G 2017 Ministerial Briefing – request for inquiry into the AVsN
- H [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- I [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- J [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- K [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- L [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- M-R [REDACTED] (6)(1), (1)(h), (1)(e), (1)(f), (4)(d)
- S AVsN website homepage
- T AVsN website donation link 2017
- U AVN website donation link December 2013
- V 2014 HCCC Public Warning
- W 2014 HCCC Investigation Report
- X Newspaper articles reporting the AVsN harassing/bullying individuals
- Y 2017 Newspaper articles reporting AVsN misrepresentation to High School
- Z 2017 Newspaper articles reporting Vaxxed supporters refused entry Australia
- ZA AVsN website blogg page NJNP Court case not progressing