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.


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.
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.

Robynne Lunney
A/General Manager
Registry of Co-operatives and Associations
NSW Fair Trading

14 January 2013