



**Fair  
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Ref: CASE-2017/1484

Ms Annatasha David  
Public Officer  
Australian Vaccination-Skeptics Network  
PO Box 88  
Bangalow, NSW 2479

Dear Ms David,

**Australian Vaccination-skeptics Network Inc (AVsN)**

On 27 March 2017, the Minister for Innovation and Better Regulation (the Minister) approved an inquiry (the Inquiry) pursuant to s. 26 of the *Charitable Fundraising Act 1991* (the Act) into whether AVsN was unlawfully conducting a fundraising appeal for the purposes of the Act.

The Inquiry has found AVsN's representations as to the money solicited on its website, and received by it, include a charitable purpose in that it purports to be for the promotion of education and learning. A copy of s. 9 of the Act is attached.

The AVsN website includes the following content that must be removed immediately.

- *Lobbying Federal Parliament for changes to legislation, to educate them on this issue and to combat draconian new vaccine laws that are being brought in to Australia.*

On this occasion NSW Fair Trading does not intend to initiate legal proceedings. However, AVsN must immediately cease the conducting of unlawful fundraising. If AVsN fails to comply, a further investigation may be conducted. If a future investigation finds that AVsN is continuing to conduct fundraising unlawfully, Fair Trading will consider appropriate enforcement action.

If you have any queries in relation to this matter please contact Stephen French of NSW Fair Trading by telephoning 02 9895 0315 or by email to [stephen.french@finance.nsw.gov.au](mailto:stephen.french@finance.nsw.gov.au).

Further information regarding this legislation and obligations of organisations can be accessed on the NSW Fair Trading website ([www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)) or by calling 13 32 20.

Yours sincerely

Stephen French  
**Investigations Manager**  
**Department of Finance Services & Innovation**  
**NSW Fair Trading**  
**Compliance & Enforcement Division**  
24 August 2018

**9 Conducting unlawful fundraising**

**(1) A person who conducts a fundraising appeal is guilty of an offence unless the person:**

- (a) is the holder of an authority authorising the person to conduct the appeal, or**
- (b) is a member of an organisation, or an employee or agent of a person or organisation, that holds such an authority and is authorised, by the person or organisation that holds the authority, to conduct the appeal, or**
- (c) is authorised under subsection (3) to conduct the appeal without an authority.**

**Maximum penalty: 50 penalty units.**

**(2) A person who conducts a fundraising appeal in contravention of any condition attached to an authority authorising the appeal is guilty of an offence.**

**Maximum penalty: 50 penalty units.**

**(3) The following may conduct a fundraising appeal without being the holder of an authority:**

- (a) an organisation or person, or one of a class of organisations or persons, authorised by the regulations,**
- (b) an organisation established by an Act and subject to the control and direction of a Minister,**
- (c) a member, employee or agent of any organisation or other person referred to in paragraph (a) or (b) who is authorised by the organisation or other person to conduct the appeal,**
- (d) a person who, in accordance with section 11, conducts the appeal in conjunction with the holder of an authority. INSERT EXCERPT OF RELEVANT SECTION/CLAUSE**