



**Fair
Trading**

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TTY: 1300 723 404 ABN 81 913 830 179
www.fairtrading.nsw.gov.au

Ref: 10/041946/5

Mrs Meryl Dorey
Public Officer
Australian Vaccination Network Incorporated
138 136 Old Byron Road
BANGALOW NSW 2479

Dear Mrs Dorey

AUSTRALIAN VACCINATION NETWORK INCORPORATED (Y2079127)

**DIRECTION TO CHANGE NAME PURSUANT TO SECTION 11 OF THE
ASSOCIATIONS INCORPORATION ACT 2009**

I am writing to you as the recorded public officer for Australian Vaccination Network Incorporated (the Association). This direction must be presented to the Association's committee for their urgent consideration and action.

NSW Fair Trading records show the association was registered under the *Associations Incorporation Act 1984* (now *Associations Incorporation Act 2009*) on 25 November 1994.

Section 11 of the *Associations Incorporation Act 2009* 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 Director-General is of the opinion that it is undesirable.

I have enclosed copies of relevant sections of the Act for your reference.

NSW Fair Trading has received complaints that the Association's name is confusing, misleading and has misled the public as to the operational intention of the Association. I have reviewed information regarding the Association and the complaints received.

I am of the opinion that use of the name AUSTRALIAN VACCINATION NETWORK INCORPORATED by your Association is against the public interest. It is undesirable and is therefore unacceptable pursuant to section 18(1)(f) of 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 FEBRUARY 2013**. 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.

Right of review

You may apply to the Administrative Decisions Tribunal for a review of this direction. However before making any such application the *Administrative Decisions Tribunal Act 1997* requires that you seek an internal review of my decision. Such a review, if requested, will be conducted by an officer within the Department of Finance and Services who was not substantially involved in the making of this decision. I have enclosed an information sheet on decisions reviewable by the Administrative Decisions Tribunal.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rod Stowe".

Rod Stowe
Commissioner
12 December 2012



ASSOCIATIONS INCORPORATION ACT 2009

Legislative Provisions

Section 11

11 Director-General may direct association to change its name

(1) The Director-General may, by order in writing served on an association that has an unacceptable name, direct the association to adopt a new name.

(2) Such a direction may be given whether or not the association's name was acceptable when the association was registered.

Note. Changing circumstances may mean that a name that was acceptable when the association was registered has since become unacceptable.

(3) A direction:

(a) must specify the grounds on which the association's current name is unacceptable, and

(b) must specify a date by which an application for registration of a change of name must be made (being a date no less than 2 months after the date on which the direction is given), and

(c) must state that the association's registration may be cancelled if such an application is not made on or before that date.

Section 18

18 Unacceptable names

(1) For the purposes of this Act, a name is unacceptable if:

(a) it does not include, at the end of the name, the word "Incorporated" or the abbreviation "Inc", or

(b) it contains foreign language characters, or

(c) it includes the word "police" or "sheriff", unless its use is the subject of a consent in force under section 204B of the *Police Act 1990* or section 12 of the *Sheriff Act 2005*, or

(d) the Director-General is of the opinion:

(i) that it is identical to, or closely resembles, some other name that is registered, that is reserved or that is the subject of an earlier application for reservation, and

(ii) that the public would be likely to be misled if associations operated under both names, or

(e) the Director-General is of the opinion that it suggests a connection with the Crown or the State, or

(f) the Director-General is of the opinion that it is offensive or undesirable, or

(g) it is declared by the regulations to be unacceptable.

ASSOCIATIONS INCORPORATION ACT 2009

Legislative Provisions (Continued)

Section 104

104 Review of decisions of Director-General

(1) An association may apply to the Administrative Decisions Tribunal for a review of:

(a) any decision by the Director-General under section 7, 12, 16, 74 or 79 to refuse an association's application, or

(b) any direction given to the association by the Director-General under section 11 or 73, or

(c) any cancellation of the association's registration by the Director-General under section 76.

(2) Section 53 of the *Administrative Decisions Tribunal Act 1997* does not apply to the cancellation of an association's registration.

(3) A person aggrieved by a decision made by the Director-General to appoint an administrator under section 54 or 55 may apply to the Supreme Court for a review of the decision.



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INCORPORATED ASSOCIATIONS AUSTRALIAN VACCINATION NETWORK INCORPORATED

Direction to Change Name Pursuant to Section 11 of the Associations Incorporation Act 2009

Section 11 of the *Associations Incorporation Act 2009* authorises the Commissioner for Fair Trading to direct an Association to change its name. Section 18 provides categories of unacceptable names.

As the current recorded Public Officer for the above Association, you are notified that this Association has been directed to change its name pursuant to the legislation. You should carefully read all the material provided and make note of the due date to lodge an application for registration of a change of name.

Failure to Respond

If you do not lodge an application for registration of a change of name within the time specified in the Direction, the Association's registration may be cancelled.

Internal review

The Association may notify NSW Fair Trading it requests a review of the decision. The internal review will be conducted by someone other than the original decision maker.

Administrative Decisions Tribunal

The Association may apply to the Administrative Decisions Tribunal for a review of a direction given by the Commissioner to the Association pursuant to section 11. This is done by lodging an application with the Administrative Decisions Tribunal. The application must be made within 28 days of the outcome of the internal review.

Independent advice

If there is any doubt about the material provided or how to handle the process, the Association may wish to contact the Registry of Cooperatives and Associations or consult a legal practitioner for independent advice.

www.fairtrading.nsw.gov.au
Registry of Cooperatives and Associations
Freecall: 1800 502 042
Fax: 6333 1444
Email: registryinquiries@services.nsw.gov.au



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Introduction

Certain decisions under the following Acts are reviewable by the Administrative Decisions Tribunal: the *Associations Incorporation Act 2009*, *Business Names Act 2002*, *Conveyancers Licensing Act 2003*, *Co-operative Housing and Starr-Bowkett Societies Act 1998*, *Electricity (Consumer Safety) Act 2004*, *Fair Trading Act 1987*, *Home Building Act 1989*, *Motor Dealers Act 1974*, *Motor Vehicle Repairs Act 1980*, *Pawnbrokers and Second-hand Dealers Act 1996*, *Property, Stock and Business Agents Act 2002*, *Registration of Interests in Goods Act 1986*, *Trade Measurement Act 1989*, *Trade Measurement Administration Act 1989*, *Travel Agents Act 1986* and *Valuers Act 2003*.

Right to request reasons for decision

When a decision is made, but reasons for that decision have not been given, a person may make a written request for reasons. A written statement of the reasons must be provided within 28 days after receiving the request.

However, the decision maker may refuse to provide a statement of reasons if he or she is of the opinion that the person is not entitled to be given the statement, or the request was not made within a reasonable time after the decision was made. Notice of a refusal to provide a statement of reasons and reasons for the refusal must be given within 28 days after the request.

Right to apply for an internal review

A person may also apply for an internal review of a decision, except if the decision is to suspend a licence under section 64A of the *Fair Trading Act 1987*. The application for an internal review must be in writing, addressed to the decision maker and specify an address in Australia to which a notice of the result of the review may be sent.

An application must be lodged within 28 days after the person has been provided with reasons, if they have been requested, or had such a request refused.

If the person has not requested reasons, an application for an internal review may be made within 28 days of the person being notified of the decision.

The application for an internal review will be dealt with by someone other than the original decision maker. The result of the internal review and reasons for the decision must be given to the applicant within 21 days after the application for the review is lodged.

Right to apply for a review by the Administrative Decisions Tribunal

A person may only apply to the Administrative Decisions Tribunal for a review of a decision if an internal review has been or is taken to have been finalised. In certain circumstances, an application may be allowed even though no internal review has taken place.

Further information may be obtained from the Administrative Decisions Tribunal on 9223 4677.