



R S L N S W

STATE COUNCIL DIRECTIVE

15 February 2018

RSL NSW CHARITABLE FUNDRAISING AUTHORITY – NOTICE OF IMPOSITION OF ADDITIONAL CONDITIONS

On Friday 9 February 2018, the Minister responsible for overseeing the *Charitable Fundraising Act 1991 (the Act)* notified RSL NSW of the imposition of some additional conditions on RSL NSW's Charitable Fundraising Authority number 15124 (**RSL NSW's Authority**). These additional conditions were imposed because of recommendations made in the Bergin Report, and with the consent of RSL NSW.

It is important that all sub-branches and subsidiaries that currently (prior to the suspension of fundraising which remains in place) fundraise under RSL NSW's Authority to be aware of these changes. A copy of the additional conditions is attached.

RSL NSW DIRECTIVE – ALL SUB-BRANCHES AND SUBSIDIARIES TO SURRENDER INDIVIDUAL CHARITABLE FUNDRAISING AUTHORITIES

As part of the measures being taken to put in place proper fundraising procedures and controls, and to allow fundraising to re-commence, State Council resolved that sub-branches and subsidiaries holding an individual Charitable Fundraising Authority (CFN) be directed to surrender that authority to NSW Fair Trading on or before 1 March 2018. Accordingly, State Council directs each sub-branch and all subsidiaries holding an individual Charitable Fundraising Authority to surrender that authority on or before 1 March 2018. This can be done by writing or emailing NSW Fair Trading (contact details and draft wording are in the member's section of the RSL NSW website). When this has been done, notice should be provided to the RSL NSW State Secretary as soon as possible.

This means that when fundraising re-commences all sub-branch and subsidiary fundraising will be undertaken under RSL NSW's Authority. It is intended that each RSL NSW sub-branch and its subsidiaries will be listed with NSW Fair Trading as fundraising under RSL NSW's Authority. NSW Fair Trading has made inquiries of RSL NSW about its intention to issue this directive and the timing of its implementation. Its representatives have been informed that the directive is being issued and they have asked to be kept informed as to progress.

If you require assistance from State Branch in communicating with NSW Fair Trading, please let the State Secretary know and assistance will be provided.

James Brown
President

How to surrender a sub-branch and subsidiary Charitable Fundraising Authority (CFN)

Please include the following in a letter or email (preferably email) to NSW Fair Trading before **1 March 2018**:

(Insert Date + Sub-branch address details)

I wish to advise that RSL NSW *(insert sub-branch or subsidiary name)* is surrendering this Charitable Fundraising Authority *(insert CFN Number)* to NSW Fair Trading effective from the date of this letter.

Yours sincerely

(insert your name)

Sub-Branch Secretary

RSL NSW *(insert name)* Sub-Branch

This advice must be sent to:

Charity.inquiries@finance.nsw.gov.au

Attention – Margaret Hardwick (Team Leader)

NSW Fair Trading

PO Box 972 Parramatta 2124

Important additional information

- If you cannot locate or remember your CFN please send the letter and leave the CFN number blank.
- If you wish to speak to NSW Fair trading about this, please contact Margaret Hardwick on 02 98959913.
- Please notify RSL NSW State Secretary that you have submitted your sub-branch surrender by email statesecretary@rslnsw.org.au



Matthew Kean MP
Minister for Innovation and Better Regulation

Mr James Brown,
President
RSL NSW
ANZAC House, 245 Castlereagh Street
Sydney NSW 2000

Dear James

REPORT OF THE PUBLIC INQUIRY UNDER THE *CHARITABLE FUNDRAISING ACT 1991*

Thank you for your letter of 9 February 2018.

Having regard to Ms Bergin's Report and the recommendations within it, I have determined it appropriate to impose additional conditions on the Charitable Fundraising Authority held by the RSL NSW.

Pursuant to s19(2) of the *Charitable Fundraising Act 1991*, and with the consent of RSL NSW, the conditions of charitable fundraising authority number 15124 are varied as per the enclosed attachment.

These additional conditions will take effect from 12 February 2018.

I reserve my position as to whether any further additional conditions are imposed in the future.

Yours sincerely

The Hon Matthew Kean MP
Minister for Innovation and Better Regulation

9.2.18

Variation of Conditions of Charitable Fundraising Authority Number 15124 issued to the Returned Services League of Australia (New South Wales Branch) (RSL NSW):

In acknowledgement of the voluntary suspension of fundraising by RSL NSW on 7 August 2017, the conditions of the authority issued on 1 November 2016 to RSL NSW are varied pursuant to s19(2) of the *Charitable Fundraising Act 1991* to include the following additional conditions effective 12 February 2018.

1. RSL NSW must notify NSW Fair Trading in writing of its intention to recommence any fundraising generally, or for a specific fundraising event, not less than 30 days before doing so (**Notice of Intention to Resume Fundraising**).
2. Any Notice of Intention to Resume Fundraising must be accompanied by a written document from Ernst & Young (EY), or any accounting services firm of similar standing, certifying that in its opinion RSL NSW has implemented financial systems and controls, and policies and procedures, necessary to ensure that RSL NSW receives, handles, records and expends the proceeds of fundraising appeals in the manner required by the Act, the Regulation and the existing conditions of RSL NSW's authority.
3. Before giving any Notice of Intention to Resume Fundraising and in any event by no later than 31 December 2018, RSL NSW will ensure that its State Councillors and its State Branch Executive, senior and management staff will undertake fundraising compliance training regarding the requirements of the Act and the Regulations.
4. Any Notice of Intention to Resume Fundraising must be accompanied by a copy of the compliance training program, and a record and register of all persons who have completed the compliance training.
5. Following re-commencement of fundraising and until the expiration of RSL NSW's charitable fundraising authority, RSL NSW must:
 - a. notify Fair Trading within 5 working days of becoming aware of any instance of material non-compliance with the Act, associated regulations or authority conditions;
 - b. inform NSW Fair Trading of any resignation, removal or replacement of any State Councillor;
 - c. maintain expenses policies and procedures that:
 - i. regulate the reimbursement of expenses incurred by State Council members and employees of RSL NSW;
 - ii. regulate the use of credit cards issued by RSL NSW to State Council members and employees of RSL NSW;

- iii. require State Council members and RSL NSW employees to keep records of their expenses, and where no record is kept, to provide a statutory declaration describing the nature of the expense;
- iv. ensure that all expense reimbursement claims and credit card expenses are properly reviewed and verified as falling within RSL NSW's expenses policies; and
- v. maintain a financial delegations matrix that clearly identifies limits and policies in relation to expenditure by RSL NSW State Council members and employees.

The Hon Matthew Kean MP
Minister for Innovation and Better Regulation
9 February 2018