

ANNEXURE A - MOTIONS FOR CONSIDERATION

1. Minutes of 2021 Annual General Meeting (attached at Appendix A)

That Members adopt the minutes of the 2021 Annual General Meeting.

2. Register of Motions (attached at Appendix B)

That Members note:

- a) the summary Register of Motions passed at the 2017, 2018, 2019 and 2021 Annual Congress and the status of their implementation; and that
- b) in accordance with the resolution passed by Members at the 2019 Congress, that an updated Register will be provided to members within two (2) calendar months of the conclusion of the 2022 AGM.

3. Endorse Wording of Constitution

That Members endorse the wording of amendments to the RSL NSW Constitution that were approved at the 2021 RSL NSW Annual General Meeting and came into effect on 1 January 2022.

4. Annual Report, Financial Statements and Auditors Reports

That Members:

- a) adopt the Financial Statements and Auditor's Report for RSL NSW for the financial year ended 30 June 2022; and
- b) note the Annual Report of RSL NSW for the year ended 30 June 2022 and that the Annual Report will be lodged with the Minister for Transport, Veterans and Western Sydney following the 2022 AGM.

5. Venue for Next Congress/AGM

That the venue for the next RSL NSW State Congress / Annual General Meeting conducted by way of in person attendance will be **Newcastle Exhibition & Convention Centre, 309 King Street Newcastle West.**

6. ANZAC House Motions

6.1 ANZAC APP

Proposer – Castle Hill and District and Far Western Metro DC

That RSL NSW develop a free ANZAC APP for use by people who are unable to attend an ANZAC Dawn Service.

Supporting Argument

In 2020 ANZAC Dawn Services could not be held because of the Covid 19 pandemic. An APP strongly supported by RSL NSW was used across Australia for use in driveways of homes that allowed the nation to remember ANZAC. The success of this APP could be further utilised in NSW for ANZAC 2023 and beyond.

There are large numbers of people who cannot get to an ANZAC Dawn Service for any number of reasons including:

- They are disabled;
- Live in remote areas where the nearest ANZAC Service is too far away to travel to; or
- There is no ANZAC Service in the town in which they live as the town may never have had one or the RSL sub-Branch has closed.

The APP should include background to ANZAC including coverage of the new generations of ANZACS, Last Post, Ode and Reveille.

The APP could be given to sub-Branches that can approve the use of it in their areas. There would need to be PR coverage prior to each ANZAC Day by State Branch that this APP is available from sub-Branches and the criteria for its use. This arrangement in sub-Branch areas would allow control over its use.

Early advice to the media on such an APP would ensure that RSL NSW is given the credit for it and its use.

6.2 Recruiting

Proposer – Castle Hill and District

That RSL NSW develop a plan to facilitate recruiting in NSW for new members.

Supporting Argument

Recruiting is vital if the RSL is to survive and, importantly, recruiting sufficient younger members who can fill the executive positions that will manage the RSL at all levels for the next twenty-five years is a must for the future. To wait any longer to tackle the declining and aging membership issues is unacceptable and the time to start recruiting is now or otherwise it will be too late. Recruiting large numbers of new members will not be easy as:

- There is strong competition from other ESOs seeking veterans as members;
- Defence personnel are mainly serving outside of NSW and many opt to retire or discharge in the vicinity of where they leave the Defence Force;
- The RSL does not offer what some other ESOs offer that attract younger veterans; and
- The RSL in NSW is not held in high regard by retiring and discharging Defence personnel.

Younger Veterans - Recently, the emphasis on recruiting RSL new members in NSW has been on recruiting contemporary veterans; however, no plan has been forthcoming. Few of them join RSL NSW and this is understandable as their priority is to establish themselves for their future outside of the Defence Force. Nevertheless, as many of them as possible should be recruited while those contemporary veterans that are not recruited must be convinced that the RSL is a worthwhile organisation to join at some time in the future. The recruiting plan should address this latter matter.

Other Veterans - Contemporary veterans are only a small percentage of personnel



discharging or retiring from the Defence Force. Leaving the Defence Force annually there are about 6,000 personnel of all age groups. It is difficult to know how many of them either come to or stay in NSW as there is no information available on the numbers. Given the relatively small numbers of new RSL NSW members over the last ten years or so it is reasonable to assume that there could be significant numbers of veterans that could be recruited.

During the last 20 years or so there have been two changes announced affecting service personnel that provided eligibility to join the RSL. There was little follow-up on them. Both announcements were important with the main one being that anyone who was serving or had served, Regular or Reservist, was a veteran. There are ex-service personnel who do not know that they are eligible to join the RSL and a recruiting plan must redress this situation. Recruiting for the RSL needs to commence now. State Branch should develop a fully resourced, long term recruiting plan supported by a public relations' plan. It should also address the areas that adversely affect RSL NSW recruiting.

6.3 Service Badges Proposer – Ingleburn

That RSL NSW request RSL National to seek permission from the Chief of the Defence Force for them, i.e., RSL National, to be the sole approver for RSL sub-Branched to use the Service Badges on Memorials, etc. instead of the individual Service Brand Managers.

Supporting Arguments

Currently the method of obtaining permission to use the badges is to approach the individual Service Brand Managers. This is unsatisfactory due to the length of time that it takes for them to respond. In many cases, months and after repeated requests.

It would be better suited if there was one point of contact in which to seek approval to use any or all of the Service Badges and in the case of sub-Branched, that would be RSL National.

7. Veteran Policy Motions

7.1 RSL as Peak Body Proposer – Board

That the RSL is the lead ex-service organisation (ESO) ensuring the recommendations of the Royal Commission into Defence and Veteran Suicide are implemented, in collaboration with other ESOs.

Supporting Argument

The Final Report of the Royal Commission into Defence and Veteran Suicide is due 17 June 2024, with an Interim Report due 11 August 2022, and the possibility of others. Some or all of these reports are likely to contain recommendations for the Government, Defence, ESOs and the wider community to address the issue of Defence and Veteran Suicide. Given the past record of Governments implementing the recommendations of reports into veterans' issues over the past 20 years, an important function for ESOs/VSOs will be participating in and monitoring this implementation and holding Government to account for doing so.

The RSL has an extensive national network made up of 150,000 members, 1200 sub-

Branches, and 105 years of history. The RSL is the biggest ESO, and the organisation has been the voice of and for veterans throughout its history. Given the crucial nature of getting the response to the Royal Commission right for the wellbeing of veterans and their families, the RSL must be a strong voice for the implementation of the recommendations of the Commissioners. The RSL should lead the response, working in collaboration with other ESOs, to ensure that Government is held to account for the full implementation of the recommendations. This should be emphasised to RSL National, and RSL NSW should support appropriate resources to support RSL National in this pursuit.

7.2 DVA Consultation with ESOs

Proposer – Board

That the RSL work with the Department of Veterans' Affairs (DVA) and other ESOs to ensure that DVA consults more effectively with ESOs, including through the implementation of adequate reporting, governance, and implementation processes.

Supporting Argument

DVA's current consultation with ESOs is ineffective at best, and a cynical exercise at worst – seen by many ESOs as a box-ticking exercise. One of the most prominent recent examples was the engagement conducted during the McKinsey & Co. review of DVA claims processing.

DVA consultation cannot be limited to a short speaking slot during ESORT, which functions as a public service announcement forum for DVA, rather than a consultative forum for proper discussion of issues and with accountability for action. Where ESOs are asked to make submissions, timeframes for response are short and do not allow sufficient time for research, consideration, and internal consultation.

State-based Deputy Commissioner's Forums are ineffective, with no cut-through between DC Forums and ESORT, limited issues raised, and very few actions undertaken. For State-level ESOs that operate on a day-to-day basis independently of their national counterparts, this is their best avenue for raising issues to DVA. When it is ineffective, it is a wasted opportunity for both DVA and ESOs. This inefficacy is compounded by the fact there is little to no Officer-level to Officer-level communication between DVA and ESOs.

7.3 Homelessness

Proposer – Ourimbah-Lisarow

That RSL NSW prepare a business case for the Government, through the Federal Minister for Veterans Affairs, for addressing homelessness and the risks of homelessness within the Veteran Community by incorporating into law a statutory right to shelter and protection from homelessness, including an express statutory protection to acknowledge and manage the higher risk of veteran homelessness.

Supporting Argument

The achievement of a reduction in the proportion of recently transitioned veterans at risk of homelessness is likely to be achieved by express statutory recognition of the human right to shelter and the closely related need to formally recognise that homelessness and the risk of homelessness is almost three times as high in the veteran community as in the general community.

This express right is already part of Article 25 of the *Universal Declaration of Human Rights* (the **UDHR**) which provides that:

'Everyone has the right to a standard of living adequate for the health and well-being [of themselves and their family], including food, clothing, housing and medical care and necessary social services ...'

In addition, the *International Covenant on Economic, Social and Cultural Rights 1966* (the **Covenant**), which Australia has ratified, recognises:

'... the right of everyone to an adequate standard of living ... including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right.'

Australia's current human rights and housing-related laws do not give complete statutory voice to the widely recognised right to shelter. Their practical effectiveness could be improved by formally recognising and systematically managing the uniquely high risk of homelessness faced by the veteran community.

7.4 Solar Panel Service **Proposer – City of Queanbeyan**

That the Department of Veterans' Affairs (DVA) implement and provide a Solar Panel maintenance service for eligible veterans.

Supporting Argument

Currently DVA offers general household packages to eligible veterans, for example, the gutter cleaning service.

With the publicity surrounding weather and climate change, households are being encouraged to adopt renewable power supplies. Solar panels are one of the tools being marketed.

A Solar panel maintenance service would be ideal for veterans considering such a move and would be welcomed by those who have already made the shift. For households, solar panels are normally placed on the occupant's roof. To work efficiently a maintenance regime would need to follow.

As such this motion proposes a solar maintenance service be implemented for those veterans who are eligible under similar guidelines to the gutter cleaning program.

7.5 Fund to Support Veterans at AAT **Proposer – City of Sydney**

That RSL NSW establish a funding mechanism to provide assistance to veteran's who have appeals before the Administrative Appeals Tribunal and require financial assistance to produce specialist medical reports and pay for these medical specialists to appear at a Hearing where required.

Supporting Argument

The current appeal pathways for veterans under the VEA and MRCA is a request for review to the Veterans' Review Board (VRB) made under s135 of the VEA and s352 of the MRCA. The Commission may, at their discretion, conduct an internal review of decisions under s31 of the VEA and s347 of the MRCA once a request for review has been lodged with the VRB. Under DRCA a request for an internal reconsideration may be made under s62 of DRCA.

The next step in the appeals process is an application to the Administration Appeals Tribunal (AAT). Under DRCA there is no pathway to the VRB. The next step from an internal reconsideration is an application to the AAT.

Both the VEA and MRCA have provisions for obtaining medical evidence in relation to a review by the VRB. s148(6A)(c) of the VEA provides for the Principle Member of the Board to, "*arrange for the making of any investigation or medical examination and to give to the Principal Member a report of the investigation or examination*". If there is no cost to the veteran. This section also applies to the MRCA through s353, Application of the Veterans' Entitlements Act 1986. Furthermore, s170A of the VEA provides for, "*The Commonwealth may, subject to this section, pay to an applicant for a review an amount to cover the medical expenses incurred by him or her in respect of relevant documentary medical evidence submitted to the Board for the purposes of the review*". The prescribed amount is currently \$1,000.00.

There are no similar provisions in either the VEA or MRCA regarding medical examinations and reports that may be required by the applicant in relation to an AAT appeal. It is standard operating procedure for the Commission to request the applicant to undergo medical, and other assessments by independent specialists, who are then called as expert witnesses at the hearing. In most cases it is necessary for the applicant to provide specialist opinion to counteract these independent specialists and, if required, to attend the hearing as an expert witness for the applicant. The cost of specialist medical reports can be \$1,000 plus depending on the complexity of the report. The cost for the specialist to attend a hearing can be \$500 plus per hour.

If a veteran is unable to afford these types of costs, it can severely limit their ability to present a fair and balanced case to the Tribunal.

7.6 Advice to Seek Advocate Support Proposer – City of Sydney

That RSL NSW approach the Department of Veterans' Affairs to include a notice in the online MyService claims portal advising veterans to seek the assistance of a suitably qualified advocate prior to lodging their claim.

Supporting Argument

The current paper claim forms provided by DVA have the following advice on the forms:

- DVA Claim Form MRCA D2051. The front page of the form states "**Assistance from service and ex-service organisations** You are strongly encouraged to seek assistance from a service or ex-service

organisation of your choice in lodging this claim. Contact telephone numbers for these organisations can be found in local telephone directories or by contacting the DVA office in your State”.

- DVA Claim Form VEA D2582. The front page of the form states “**Assistance from service and ex-service organisations** You are strongly encouraged to seek assistance from a service or ex-service organisation of your choice in lodging this claim. Contact telephone numbers for these organisations can be found in local telephone directories or by contacting the DVA office in your State”.

As an ATDP Level 4 Advocate, I am contacted by veterans to provide assistance with the appeals process in relation to their claims. In a lot of cases the veterans have lodged their claims without seeking the assistance of a qualified advocate. The majority of these veterans have lodged their claims via MyService. There is currently no advice or statement in MyService online claim form advising veterans to seek an advocate’s advice as there is with the paper forms. I believe that veterans should be provided with this advice to enable them to make an informed decision as to the submission of their claims.

8. Constitution Motions

8.1 14.3 (d) & 21.1 DPC Role in SOP Proposer – Board

That the RSL NSW Constitution be amended by deleting the words:

- (a) “and/or approving amendments” from clause 14.3 (d); and
- (b) “and approved by” from clause 21.1

to read:

14.3 *The District Presidents’ Council will represent sub-Branches and District Councils and will exercise the following functions and powers:*

- (d) *periodically reviewing the Standard Operating Procedures and proposing amendments ~~and/or approving amendments~~ to the Standard Operating Procedures; and*

21.1 *The Board may from time to time pass a resolution adopting or amending Policies and Standard Operating Procedures, provided however any adoption and any amendments to Standard Operating Procedures will be done in consultation with ~~and approved by~~ the District Presidents’ Council.*

Supporting Argument

This amendment seeks to clarify the role of the District Presidents Council (DPC) with regard to Standard Operating Procedures (SOP). The current provisions grant equal approval authority to two entities i.e. the Board and the DPC. From a practical perspective this is unworkable and has led to significant delays in having SOPs available for sub-Branch use e.g. Incorporation. The DPC, among other things, is constituted to provide collated member feedback to the Board in relation to proposed amendments to the SOPs. If the amendment is adopted, this feedback function is consistent with the review and consultation process, giving the Board the final approving authority.

8.2 15.4 (ii) Auxiliary Member to Hold Office
Proposer – Board

That clause 15.4 (a) (ii) of the RSL NSW Constitution be amended by deleting the word “or” between the words Service Member and Affiliate Member and adding the words “or Auxiliary Member” after Affiliate Member to read:

15.4 To be eligible to be approved as an RSL NSW sub-Branch, a sub-Branch must:

- (a) Form a sub-Branch executive committee comprising:*
- (ii) a Treasurer and a Secretary each of whom must be a Service Member, or Affiliate Member **or Auxiliary Member** (provided that one person may, if the sub-Branch decides, be appointed as both Treasurer and Secretary); and*

Supporting Argument

This amendment seeks to provide Auxiliary Members with the same opportunity to support sub-Branches by taking on the positions of Honorary Secretary and/or Treasurer of the sub-Branch. This reflects the experience that many Auxiliary Members have in administration and provides consistency across the classes of non-Service Membership. Many Auxiliary Members already support sub-Branches in unofficial roles such as minute takers, admin support or bookkeepers and this amendment will provide some official standing to these arrangements. It is also a step toward including the Auxiliary in the operations of a sub-Branch. This amendment does not affect the eligibility criteria for the positions of sub-Branch President, Delegate, Vice President and/or Trustee. These positions can only be filled by Service Members.

8.3 15.8 (e) Code of Conduct Breach
Proposer – Board

That clause 15.8 of the RSL NSW Constitution be amended by adding new sub-clause “**(e) in accordance with the Standard Operating Procedure – sub-Branch Conduct Committee, have the authority to establish a Conduct Committee to manage breaches of the RSL NSW Code of Conduct at the sub-Branch.**” to read:

15.8 The functions, duties and obligations of a sub-Branch are controlled and managed by the sub-Branch Executives and in the case of an incorporated sub-Branch the Board or management committee as the case may be who will:

- (e) **in accordance with the Standard Operating Procedure – sub-Branch Conduct Committee, have the authority to establish a Conduct Committee to manage breaches of the RSL NSW Code of Conduct at the sub-Branch.***

Supporting Argument

In the pre-2019 Constitution and By-Laws, sub-Branches had the ability to manage local disciplinary issues through a formal process outlined in By-Law 4 without referral to the RSL NSW Tribunal. Given the adoption of the Code of Conduct, there is a need to allow sub-Branches to manage local breaches of the Code through a

similar process. This amendment makes it clear that the sub-Branch can establish a committee under the provisions set out in a new SOP called “sub-Branch Conduct Committee” to deal with a breach of the Code of Conduct in their sub-Branch. The proposed

SOP will outline:

- How a conduct committee is to be formed and administered.
- How a member is to be notified.
- Principles of procedural fairness.
- Managing outcomes of the conduct committee.
- Role of DC and process for review.

8.4 **15.16 sub-Branch Notice of General Meeting** **Proposer – Board**

That clause 15.16 of the RSL NSW Constitution be amended by deleting the words “in accordance with Appendix C” and replacing them with the words “**by giving no less than two weeks written notice to all members attached to the sub-Branch and**” to read:

*15.16 The sub-Branch Executives may call sub-Branch general meetings as and when required ~~in accordance with Appendix C~~ **by giving no less than two weeks written notice to all members attached to the sub-Branch and** provided that they must call sub-Branch general meetings at least quarterly, one of which must be an annual general meeting.*

Supporting Argument

Feedback from a number of sub-Branches has indicated that the current requirement to give 4 weeks’ notice for a sub-Branch general meeting is unworkable. By deleting the confusing reference to Appendix C, which mainly refers to an RSL NSW AGM, and setting the minimum notice period at 2 weeks, sub-Branches will be able to set a manageable meeting schedule. This will also ease the administrative burden on sub-Branch secretaries and allow for a reasonable timeframe when having to call extraordinary general meetings to deal with matters such as property dealings.

8.5 **15.39 Due Date for Annual Returns** **Proposer – Board**

That clause 15.39 of the RSL NSW Constitution be amended by deleting the word “March” and replacing it with the word “May” to read:

*15.39 Each sub-Branch must, and will be in default of its obligation to comply with this Constitution if it does not, by 31 ~~March~~ **May** each year (unless agreed otherwise in writing by RSL NSW)*

Supporting Argument

When RSL NSW operated on a calendar year and Annual State Congress was in late May, it was essential that SBA forms were submitted in March. Now that RSL NSW operates on a financial year and the Congress/AGM is in late October, there is no need to maintain the March due date for submission of SBAs. Moving the due date to the end of May each year allows more flexibility for sub-Branches and is within the timeframe for them to finalise the SBA before registration opens for the AGM. It is also consistent with the timeframe needed to complete their Annual Information Statement with the ACNC (30 June) each year.

8.6 **16.15 Attendance Requirement for RSL Custodian Proposer – Board**

That clause 16.15 of the RSL NSW Constitution be amended by inserting the sentence “**RSL Custodian, acting as either co-Trustee or sole Trustee for a sub-Branch, is exempt from the requirement to attend sub-Branch general meetings and the sub-Branch Annual General Meeting**” after the sentence ending in the words “...calendar year” to read:

*16.15 Trustees must keep the sub-Branch Executives regularly and fully informed on all matters regarding sub-Branch Property held on trust and must attend at least three general meetings including the annual general meeting convened and held by the sub-Branch in a calendar year. **RSL Custodian, acting as either co-Trustee or sole Trustee for a sub-Branch, is exempt from the requirement to attend sub-Branch general meetings and the sub-Branch Annual General Meeting.** The appointment of an RSL NSW Member as a Trustee will not otherwise affect their rights and obligations as an RSL NSW Member.*

Supporting Argument

RSL Custodian is a corporate Trustee most commonly joined as co-Trustee with the three sub-Branch Trustees on Sale Proceeds Deeds i.e. the trust deed that results from the sale of sub-Branch real property. The meeting attendance and reporting requirements should be met by the three sub-Branch Trustees in this circumstance. Where RSL Custodian is the sole Trustee of a sub-Branch it is usually for the purposes of being on the title of sub-Branch real property such as a local hall or other land and building. Again, there is no requirement for RSL Custodian to attend sub-Branch meetings as the property is practically managed by the sub-Branch Executive. In either case, all investment reports, statements and/or property dealings will be done at the sub-Branch level, usually by the Executive acting on behalf of the members.

8.7 **16.23 Removal of Trustee Proposer – Board**

That the RSL NSW Constitution be amended by deleting the words ‘Special Resolution’ and replacing them with the words ‘majority resolution’ in clause 16.23 to read:

*16.23 The Trustees jointly and severally recognise the right of the President as appointor, the sub-Branch by ~~Special Resolution~~ **majority resolution** and/or the Board to remove the Trustees (or any of them) from office at any time in accordance with the Constitution, and each of them agree to cooperate and act in accordance with any lawful or reasonable direction by the Board in the event of such removal.*

Supporting Argument

There is no reference in the *Trustee Act 1925* with regard to the process for removal of a Trustee as takes place in an RSL sub-Branch. In this circumstance, if a trust instrument has express terms outlining a power to remove a trustee, then this is valid and enforceable. The RSL NSW template trust deed states "trustees may, in accordance with the Constitution, be removed by the members of the sub-Branch or by RSL NSW or otherwise cease to hold office...". This means that the RSL NSW Constitution needs to outline the process for



removing a trustee however there is currently a contradiction between clauses 16.23 and 16.24 with regard to the appropriate resolution to remove a trustee. See the clauses copied below:

16.23 The Trustees jointly and severally recognise the right of the President as appointor, the sub-Branch by Special Resolution and/or the Board to remove the Trustees (or any of them) from office at any time in accordance with the Constitution, and each of them agree to cooperate and act in accordance with any lawful or reasonable direction by the Board in the event of such removal.

16.24 A Trustee may at any time be removed as Trustee by the President acting upon a majority resolution of the sub-Branch at a general meeting of the sub-Branch.

Given that sub-Branch trustees are elected by majority resolution of the members, the proposed motion seeks to address the inconsistency and align the process for election and removal of Trustees.

8.8 16.24 Removal of Trustee Proposer – Western Metro DC

That Clause 16 Para 24 be removed in its entirety and that subsequent Paras be renumbered.

Supporting Argument

This clause is inconsistent with Clause 16 Para 23. Further it is untenable that a Trustee could so easily be removed. It is likely inconsistent with the Trustees Act 1927 and other parts of this Constitution. Further, the term “majority resolution” is confusing and remains undefined.

8.9 Appendix A Definition of Code of Conduct Proposer – Board

That the definition of Code of Conduct contained in Appendix A of the RSL NSW Constitution be amended to read:

Code of Conduct means the RSL NSW code of conduct for ~~Directors~~ any RSL NSW Member or RSL NSW Officer adopted from time to time under ~~clause 9.55~~.

Supporting Argument

The current definition of the Code of Conduct is specific to the Board of RSL NSW. The Board has recently approved a Code of Conduct that is applicable to all members and officers of RSL NSW and as such the definition contained in Appendix A needs to be updated and amended. For clarity, the provisions of clause 9.55 of the RSL NSW Constitution, i.e. a Board Code of Conduct, will be met through the Code that was approved for all members and officers.

8.10 Appendix A Definition of Veteran Proposer – Board

That Appendix A of the RSL NSW Constitution be amended by alphabetically adding a definition of Veteran to read:

Veteran has the same meaning as in the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019 (Cth).

Supporting Argument

The RSL NSW Constitution currently does not contain a definition of veteran. The *Australian Veterans’ Recognition (Putting Veterans and their Families First) Act 2019 (the Act)* received Royal Assent on 30 October 2019 and commenced on 31 October 2019. Contained within the Act is a broad definition of veteran which is consistent with RSL expectations:

“veteran” means a person who has served, or is serving, as a member of the Permanent Forces or as a member of the Reserves.

Permanent Forces and Reserves are defined in the *Defence Act 1903*.

Anchoring our definition of a veteran to the *Act* means RSL NSW will be consistent with the terminology used by the Australian Government and applies a consistent standard for matters relative to our Charitable purpose.

8.11 Clause 3 & Appendix A Definition of Veteran Proposer – Far Western Metro DC

That RSL NSW amend the State Constitution by 31 December 2022 to define Veteran to include Veterans of Allies by amending:

(a) Clauses 3.1, 3.2, 3.4, 3.5(b), 3.5(c) and 3.5(d) from “current and former members of the Australian Defence Force” in to “veterans”; and

(b) Appendix A to include:

Veteran means:

(a) *a ‘veteran’ within the meaning of the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019; or*

(b) *a person who has served, or is serving, as a member of the Armed Forces of:*

(i) *any country presently or formerly a member of the British Commonwealth;*

(ii) *any country or place presently or formerly a Crown Colony of the United*

Kingdom;

(iii) *the United States of America; or*

(c) *a person to whom sub-paragraph (b) above does not apply, but who is an Australian citizen or permanent resident and who in a theatre of conflict:*

(i) *either served with, supported or was otherwise engaged with the Australian Defence Force or the Armed Forces of those countries or places referred to in paragraph (b) above; or*

(ii) *served as a member of the Armed Forces of another country or place which, during that time of conflict, was an ally of the Commonwealth.*

Supporting Argument

This was not adequately explained during the Constitution Consultation Process prior to approval. Using the *Veterans from the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019* as a total definition of Veterans is short-sighted as the Act is a Commonwealth Act and cannot apply to veterans of other countries unless the Act was

re-worded to include citizens or permanent residents who were allies. However, the Act was intended to help ADF veterans (DVA clients) due to the recent poor treatment of ADF Veterans. There is no reason why we cannot treat allied veterans as part of our charitable purpose as we have for the previous 100 years. Our Organisation has always included allied forces as without them we would never have won any war. We have many allied servicemen who have served our organisation and have been awarded life membership. Fortunately, our ADF members have DVA to fall back on.

Our allied veterans have nothing to fall back on as DVA does not cover them. We could be a bit hospitable to those who risked their lives beside ADF members and help them with a cup of tea and a fruit basket when they are in hospital. It is hoped that it was not intentional to strip allied veterans of any assistance through our Charitable Purpose.

8.12 Appendix B 15 (c), 16 & 18 Membership Minimum Age Proposer – Board

That Appendix B – Membership of the RSL NSW Constitution be amended by deleting the words “...over 17 years of age” in clause 15 (c) and adding new clauses 16 and 18 with the relevant renumbering to read:

15 (c) a Cadet and/or Officer of Cadets ~~over 17 years of age~~;

NEW 16. To be eligible to be an Affiliate Member in any of the categories in clause 15 above, a person must be at least 18 years of age.

NEW 18. To be eligible to be an Auxiliary Member a person must be at least 18 years of age.

Supporting Argument

This amendment sets a minimum age for all RSL NSW membership categories and applies consistent wording across the three categories of membership. Currently, as per the RSL NSW Constitution, a Service Member must be at least 18 years of age, and an Affiliate Member who is a Cadet and/or Officer of Cadets must be over 17 years of age. There is no set minimum age for Auxiliary Members or Affiliate Members, outside the cadet category, contained within the RSL NSW Constitution. It has been assumed that RSL NSW is an organisation that caters for adults and there is no provision for how minors are cared for or managed within our document framework. RSL NSW cannot, in good faith, accept applications from children or their parent/guardian without the appropriate policies, procedures, and controls in place to manage our obligations under the [Privacy Act 1988](#), [Charitable Fundraising Guidelines](#), and [Working With Children legislation](#). This includes how a member under the age of 18 would be supervised at sub-Branch events and fundraising activities. This amendment seeks to formalise the expectation that all members of RSL NSW are adults over the age of 18.

(NOTE: Delegates are to consider agenda items 8.13 and 8.14 together as they both seek to amend clause 9.8 but within separate sub-clauses. If both motions are approved 9.8 (a) and 9.8 (b) will contain similar wording).

8.13 9.8 (b) Eligibility to be Elected Director Proposer – Western Metro DC

That clause 9.8 of the RSL NSW Constitution be amended by adding new item (b) to read “(b) must have been a Service Member of RSL NSW for at least three (3) years or have filled



a Board Vacancy for at least one (1) year.” with subsequent items in clause 9.8 to be renumbered.

Supporting Argument

This is not to reflect on the previous appointments to fill casual Board vacancies and in fact makes provision for Elected Directors currently filling casual vacancies to be exempted from this provision.

That said, there was widespread dismay across the Membership when it was discovered that the recent appointments were signed up as Service Members to facilitate a Constitutional requirement rather than the spirit of it (the Constitution). It is expected that Service Members elected to the board are there to reflect a full and complete knowledge of the functioning of sub-Branches and District Councils their operations and aspirations. These expectations are difficult to attain unless the conditions of previous tenure imposed by this amendment are met.

8.14 9.8 (a) Board Director Experience Proposer – Far Western Metro DC

That RSL NSW amend the State Constitution by 31 December 2022 to clarify the eligibility to be an Elected Director by amending clause 9.8(a) to read:

(a) be a Service Member with at least three years of service in the RSL;

Supporting Argument

As a grassroots charitable organisation led by its volunteers, this motion recognises the importance of Board members to understand the ethos and processes in RSL NSW. It is not an unreasonable expectation that Elected Board members have some experience in the organisation. Three years allows a member to fully experience our organisation's services and commemorations. This motion also removes the requirement for an age minimum for Directors as it would be impossible for a Service Member with three years' experience to be under 18 years of age.

8.15 9.23 Elected Director Vacancy Proposer – Western Metro DC

That Clause 9.23 be amended to read as follows:

9.23 The Board will fill a vacancy created under clause 9.22 by:

- (a) if available, appointing a member from the list of unsuccessful candidates from the previous ballot. The order of selection will be in accordance with the number of votes received; or if unavailable*
- (b) the Board may appoint any person eligible to be an Elected Director under clauses 9.8 to 9.10 of this Constitution. The appointment must be approved by a simple majority of a meeting of the District Presidents Council.*

The person appointed to fill the Casual Vacancy will hold office until the expiry of the term of the Elected Director creating the vacancy.

Supporting Argument

The ability to fill a vacancy using the provisions in the proposed 9.23(a) seems to put things in their natural order. There are the advantages that the Candidates eligibility is already established and the need for DPC approval is voided. The process is simplified as no search is required to find a suitable candidate and the candidates are known having already placed themselves before the membership.

8.16 **15.56 sub-Branch Property Dealings** **Proposer – Western Metro DC & Far Western Metropolitan DC**

That clause 15.56 of the RSL NSW Constitution be amended by:

- (a) deleting “\$5,000” and replacing it with “\$10,000” and deleting “\$50,000” and replacing it with “\$100,000” in section (a);
 - (b) deleting “\$20,000” and replacing it with “\$50,000” and deleting “\$50,000” and replacing it with “\$100,000” in section (b); and
 - (c) deleting “\$5,000” and replacing it with “\$10,000” in section (c)
- to read:

15.56 The Trustees and sub-Branches must not:

- (a) make a donation or gift of ~~\$5,000~~ **\$10,000** or more and may not make donations or gifts totalling ~~\$50,000~~ **\$100,000** or more in any one calendar year;*
- (b) incur an expense of ~~\$20,000~~ **\$50,000** or more on any single item, activity or event and may not incur expenses totalling ~~\$50,000~~ **\$100,000** or more in any one calendar year;*
- (c) lend to any person or body or invest money totalling ~~\$5,000~~ **\$10,000** or more in any one calendar year (except in investments authorised by the terms of any trust deed relating to such money), without the prior written consent of the Board or its Delegate.*

Supporting Argument

(Western Metro DC) The limits of sub-Branch delegation in relation to donations and expenditure on single items were set some years ago and require updating by way of an increase. It further reduces the administrative requirements placed on both sub-Branches and ANZAC House in seeking/providing approvals.

(Far Western Metro DC) The current limits are too low in today’s world. The limits were set many years ago and need to be raised to a more reasonable level.

8.17 **15.53 Property** **Proposer – Far Western Metro DC**

That NSW RSL State Branch amend the State Constitution by 31 December 2022 to clarify the directions on sub-Branch Property Dealings by:

Amending Clause 15.53 to add “real estate” before each mention of “Property”;

Supporting Argument

The current limits are too low in today’s world. The limits were set many years ago and need to be raised to a more reasonable level.

8.18 15.55 & 15.57 Funding Limits
Proposer – Far Western Metro DC

That NSW RSL State Branch amend the State Constitution by 31 December 2022 to clarify the directions on sub-Branch Property Dealings by:

Amending clause 15.55, and 15.57 to change all references to “\$5,000” to “\$10,000”.

Supporting Argument

The current limits are too low in today’s world. The limits were set many years ago and need to be raised to a more reasonable level.

8.19 13.5 & 15.48 Affiliate as Delegate
Proposer – Mascot

That clauses 13.5 and 15.48 of the RSL NSW Constitution be amended to allow Affiliate Members to be delegates, by adding the sentence “***When a sub-Branch cannot find a Service Member to fill the position of Delegate or Alternate Delegate an Affiliate Member attached to the sub-Branch can be nominated***” to read:

- (a) 13.5 *The District Council Delegate and any Alternate District Council Delegates must be Service Members attached to the sub-Branch. **When a sub-Branch cannot find a Service Member to fill the position of Delegate or Alternate Delegate an Affiliate Member attached to the sub-Branch can be nominated.***
- (b) 15.48 *A sub-Branch, provided it has complied with all its obligations, duties and responsibilities under this Constitution, is entitled to appoint one Delegate and one Alternate Delegate to attend the Annual General Meeting, Congress and any General Meeting. **When a sub-Branch cannot find a Service Member to fill the position of Delegate or Alternate Delegate an Affiliate Member attached to the sub-Branch can be nominated.***

Supporting Argument

At our meeting held 1 August 2022, we discussed and voted to put forward a motion for State Congress to consider that the Constitution be amended so that Delegates representing their sub-Branch could either be a Service Member or an Affiliate Member.

Having just lost a valued member of our sub-Branch, who was our District Council Delegate and Congress Delegate for many years, we now find ourselves unable to fill those positions with a Service Member.

We feel consideration should be given to the amendments we propose as I am sure plenty of other sub-Branches will find themselves in this same position in due course, being unable to fill Delegate positions with a Service Member.

(NOTE: motions 8.20 and 8.21 seek to amend the same clause. If both motions are approved by Special Resolution, the motion that was approved last will be the motion adopted for inclusion in the RSL NSW Constitution)



8.20 9.6 President as Chair
Proposer – Corrimal

That clause 9.6 of the RSL NSW Constitution be replaced with the following clause:

9.6 The Chair of the Board will be the President of RSL NSW.

Supporting Argument

Currently, the Chair of the Board of RSL NSW is a non-service member who is an Independent Director. This is the same for RSL National. Whilst another Service Member Director can be the Chair of the RSL NSW Board, this is not the current position.

The President can be elected Chair as per the current clause 9.6, however this has not occurred so far.

Having a President and a different Chair creates confusion and may result in difficulties with the Governance and functions of the Board. It also creates problems with the Executive of RSL NSW (Staff); who is ultimately responsible and where does the “buck stop”?

RSL NSW is a member-based organisation where the President, a Service Member, has always represented the membership. This clause needs to be amended to ensure that the position of President is reinstated and respected by the organisation. Having two “leaders” is confusing and undermines the position of President.

The current clause for voting for Chair excludes the members from the vote. As it’s the Directors who decide to appoint a Chair. This undermines the democratic nature of the League and undermines the members rights and powers. We the members should be the ones that decide who represents us.

8.21 9.6 Board Chair Eligibility
Proposer – Far Western Metro DC

That RSL NSW amend the State Constitution by 31 December 2022 to clarify the appointment of the Board Chairman by amending clause 9.6 to read:

“The Board must also appoint one Director, who may be the President or any other elected Director, to be the Chair.”

Supporting Argument

As a grassroots charitable organisation led by its volunteers, it was not considered that our Board would not have adequately talented and experienced elected Directors to fill the role of Chair of the Board. This concept was not taken into account by Congress as to whether an Independent Director could be appointed Chair. This possibility was not adequately explained during the Constitution Consultation Process prior to approval. Without any reflection on the integrity, experience, and value of our current Chair, we believe that the Chair should be a Service Member of RSL NSW.

8.22 9.9 (c) and 9.10 Director's Term
Proposer – Corrimal

That the RSL NSW Constitution be amended to remove the following clauses:

9.9 (c) subject to clause 9.10, have previously held office as a State Councillor or Director for a cumulative period of more than nine years (either continuously or in separate periods) after the first date of election as a State Councillor or Director;

9.10 An Elected Director who has previously held office as a State Councillor or Director for a cumulative period of nine years or more (either continuously or in separate periods) after their first date of election, is eligible, notwithstanding clause 9.9(c), to stand and be elected if a continuous period of at least five years has lapsed from the date they last ceased to hold office.

Supporting Argument

The current clauses prohibit Directors who serve nine years on the Board of RSL NSW to then run for President unless they mark time for five years. This is not optimal use of human resources.

If you have a Director elected at 55 years of age and they do nine years, then they will have to wait for five years before they can nominate for a board position again, making them 69 years of age. No offence to members who are 69 and over.

These clauses were introduced to prevent previous State Councillors from running for the Board. For the first time Directors are now democratically elected by individual service members. This means that the members decide who should be their representatives. It should be the members who decide if a person is no longer suitable to be on the Board. For example: A newly elected director without any previous experience at state level needs a couple of years if not more to become an effective member and an asset to the board. Just like an apprentice needs four years before becoming trade qualified.

It takes even longer to develop a good name and reputation, contacts, skill set, expertise and experience to be considered competitive for the President's position.

By placing a blanket ban of no more than nine years on the board seriously affects the quality of the person by not allowing them to serve for more years.

There is also a risk that if a number of Directors are all elected in the same year, then they would all have to leave the Board at the same time once they have completed nine years. This is an unacceptable drain with a huge impact on Board continuity and experience.

8.23 Appendix C 12 Meetings – Technical Difficulties Proposer – Far Western Metro DC

That RSL NSW amend the State Constitution by 31 December 2022 to clarify responses if technical difficulties arise during a General Meeting held at two or more places by amending Clause 12 of Appendix C to read;

“If, either before or during the meeting, any technical difficulty causes one or more of the matters set out in clause 9 of this Appendix to be not satisfied, the Chair will adjourn the meeting until the difficulty is remedied.”

Supporting Argument

This was not adequately explained during the Constitution Consultation Process prior to approval. This change precludes delegates not present with the president to miss out on debate. If technical difficulties arise, the meeting should be adjourned. Delegates are present

to report the business of the meeting to their sub-Branches. All information at a general meeting needs to be heard by all delegates. There should never be a time when members may not object to a decision by the Chair. If this is the case, then we should not allow meetings at different locations. This change would delete the sub-Clauses within Clause 12.

**8.24 Appendix C 27 Voting on Resolutions – Electronic Voting
Proposer – Far Western Metro DC**

That RSL NSW amend the State Constitution by 31 December 2022 to clarify the rules of voting at a general meeting by amending clause 27 of Appendix C to read:

“Voting on resolutions and motions will take place at the meeting by electronic voting mechanisms, if available. If not available, voting will be by either:

- (a) a show of hands; or*
- (b) a poll.*

at the Chair’s discretion.”

Supporting Argument

Electronic voting has been utilised very successfully and should be the standard that we use.

**8.25 Appendix B 6 ANZAC House membership
Proposer – Forster-Tuncurry**

That Clause 6 of the RSL NSW Constitution Appendix B be amended to read as follows:

- 6. *New members will be admitted and entered into the Membership Register by RSL NSW and recorded as being attached to ANZAC House through which the application was made and accepted, or to ANZAC House where the application was made with a request to be admitted as a member attached to ANZAC House.*

Supporting Argument

With the introduction of On-Line membership applications which are submitted direct to ANZAC House as “ANZAC House *through which the application was made and accepted,*” who then forwards the particulars to the nominated sub-Branch.

**8.26 Appendix B new Online Membership Applications
Proposer – Forster-Tuncurry**

That Appendix B of the RSL NSW Constitution be amended by adding new clauses after clause 8 to cover online membership applications to read:

- (a) a new heading ***On-Line Membership Applications***

(b) new clause 9. *Where an application for membership is made on-line the applicant is applying to join ANZAC House unless another sub-Branch is nominated in which case ANZAC House would refer the application to the nominated sub-Branch.*

(c) new clause 10. *The nominated sub-Branch once advised by ANZAC House, would endeavour to contact the applicant by email or telephone and advise the applicant that the application to join the nominated sub-Branch is provisional for a period of three (3) months pending the applicant contacting the sub-Branch to finalise the application.*

(d) new clause 11. *If the applicant agrees to new clause 10, the nominated sub-Branch would advise ANZAC House if the applicant is accepted. Following which:*

- a. *ANZAC House would arrange for the members Card and Badge to be forwarded to the nominated sub-Branch for presentation to the member; or*
- b. *Should the member fail to make contact with the nominated sub-Branch within 3 months the nominated sub-Branch would refer the members file to ANZAC House where the application was first made for their dealing.*

Supporting Argument

On-Line membership has been in operation for 2022 membership without RSL NSW implementing a proper procedure to deal with the On-Line process.

The new procedures consideration is to be given to compliance with Clause 8.6 of the constitution relating to Contracts between the members and the sub-Branch.

As RSL NSW offers Free Membership as per (Circular 42/21) The RSL NSW Board resolved on 27 September that membership for 2022 would be free. The Strategic Plan initiative (1.4) is coupled with other Goal 3 initiatives including the capability for people to be able to instantly join the RSL in NSW online and be immediately allocated to a sub-Branch of their choosing. Strategic Plan dated 2021 - 2026 initiative (1.4) states "free membership from 2022".

Prior to the application being forwarded to the nominated sub-Branch, ANZAC House has already confirmed acceptance of the application prior to contacting the nominated sub-Branch.

The nominated sub-Branch as per Clause 1 (b) of Appendix B which states:

"providing all necessary documents to the sub-Branch or ANZAC House to establish eligibility for membership in the particular class of membership in which membership is sought as set out in clause 8.2 of the Constitution."

The application cannot be finalised until the applicant's details have been confirmed by the nominated sub-Branch.

- a. The current procedure adopted by ANZAC House is to forward to the nominated sub-Branch a three (3) page document which may or may not contain all the information requested on the paper Application Form and as such the sub-Branch may require the applicant to sign a completed new membership form or provide additional information.
- b. The application does not contain a declaration relating to indictable offence, citizenship and loyalty to the sovereign.
- c. The application does not contain Proof of Service which is a requirement under the RSL NSW Constitution Appendix B Clause 1 (b).
- d. The application Declaration "The information provided is true and correct" is misleading as the applicant has not provided proof of service. Furthermore, State Branch take the application on face value.



- e. The three (3) page document has a further declaration *“I agree to give RSL NSW permission to use the information I have provided to contact and send me relevant information.”* This declaration is not on the on-line application.

The sub-Branch Executive are of the option that if a person wishes to join an organisation that the person, if they are fair dinkum would try to make contact with that organisation regarding their membership by answering telephone calls or emails.

If they do not then the sub-Branch is left with no other alternative than to refer the application back to ANZAC House who accepted the application without question in the first place.

The average cost to the sub-Branch is dependent on its membership, with Forster-Tuncurry the cost would be about \$18.00 per year which includes Members Insurance, Affiliation Fees to District Council and Postage.