

**The Returned & Services League of Australia
(New South Wales Branch)**

**Notice of 2023 Annual Congress &
Annual General Meeting**



RSL
NSW

“The Price of Liberty is Eternal Vigilance”

**ANZAC House
Level 11, 175 Pitt Street
SYDNEY NSW 2000
ABN 78 368 138 161**



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Agenda

The Annual Congress and Annual General Meeting will be held at Newcastle Convention and Exhibition Centre (NEX), 309 King Street Newcastle, over two and a half days from Sunday, 22 October to Tuesday, 24 October 2023 in-person and via remote access.

SUNDAY – MEETINGS & WELCOME FUNCTION

- 12.00pm District Presidents Council Meeting (DC Presidents only)
- 2.00pm Joint Board and DPC Meeting
- 5.00pm Welcome Function for Delegates, Alternate Delegates and observers

MONDAY - ANNUAL CONGRESS

- 8.00am Delegate pack collection
- 9.00am **Congress Open**
 - President Message
 - Act of Remembrance
 - RSL Pledge
 - Welcome by Lord Mayor
 - National President's Address
 - Patron's Address and Awards
 - State President's Shield
 - RSL NSW Cheque Presentation
- 10.30am *Break*
- Strategic Plan Update**
- 12.30pm *Lunch*
- RSL LifeCare Veteran Services**
- 3.00pm *Break*
- Veterans Policy Update**
- 4.30pm **Close**

TUESDAY – ANNUAL CONGRESS / AGM

- 8.00am Collection of voting devices
- 9.00am **Open**
 - Board Report
 - District Presidents' Council Report
 - Ask ANZAC House Open Forum
- 10.30am *Break*
- 2023 Annual General Meeting Open**
 - President's Report
 - Financial and Auditors Report
 - Motions
- Note: lunch is provided and scheduled for 12.30pm
- Announcement of 2023 election results
- TBC - **Close**

Annual General Meeting

Pursuant to Clause 8.11 of the RSL NSW Constitution, the Board gives notice that the Annual Congress and Annual General Meeting of The Returned & Services League of Australia (New South Wales Branch) will be held at Newcastle Convention and Exhibition Centre (NEX), 309 King Street Newcastle, over two and a half days from Sunday, 22 October to Tuesday, 24 October 2024 both in-person and via remote access.

There are several items of business for consideration by Delegates. These include the approval of proposed amendments to the RSL NSW Constitution, motions submitted by sub-Branches and District Councils and the adoption of the financial statements and reports for the year ended 30 June 2023.

The Returning Officer appointed for the Annual General Meeting is Mr Jeff O'Brien, State Secretary.

For the purpose of Appendix B, clause 7(e) of the RSL NSW Constitution, Delegates have the right to appoint a proxy to vote on their behalf. A Delegate eligible but unable to attend the Annual General Meeting, for any reason, may appoint either the AGM Chair, an RSL NSW Director or their sub-Branch District Council Delegate as a proxy to vote on their behalf. The closing date for the appointment of proxies is Monday 16 October 2023. The Constitution requires a proxy appointment form to be submitted to the Returning Officer, Jeff O'Brien. Proxy appointment forms are available on the RSL NSW website: rslnsw.org.au/members-suite/congress/

Items of Business

1. To consider and, if thought fit, to pass the proposed resolutions set out in Annexure A to the Notice of Meeting; and
2. To receive and consider the Financial Statements of RSL NSW and the reports of the Board and the Auditors in respect of the financial year ended 30 June 2023 set out in the Annual Report at Annexure B to the Notice of Meeting.

ANNEXURE A - MOTIONS FOR CONSIDERATION

1. Minutes of 2022 Annual General Meeting (attached at Appendix A)

That Members adopt the minutes of the 2022 Annual General Meeting.

2. Register of Motions (attached at Appendix B)

That Members note:

- a) the summary Register of Motions passed at the 2018, 2019, 2021 and 2022 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 2023 AGM.

3. Endorse Wording of Constitution

That Members endorse the wording of amendments to the RSL NSW Constitution that were approved at the 2022 RSL NSW Annual General Meeting and came into effect on 1 January 2023.

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 2023; and
- b) note the Annual Report of RSL NSW for the year ended 30 June 2023 and that the Annual Report will be lodged with the Minister for Veterans' Affairs following the 2023 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 Acknowledgment of the Fallen

Proposer – Brooklyn sub-Branch

Endorsed – Northern Metropolitan DC

That RSL NSW adopt the following Acknowledgement of the Fallen for utilisation at meetings and gatherings where members feel that it is appropriate to do so:

Acknowledgement of the Fallen

"I/We acknowledge the veterans of our commonwealth and of our allies:

Those who serve and have served,

Those prepared to support our citizens, regardless of colour, creed or persuasion.

Those who have suffered, bled and died for us.

I/We honour and respect our fallen comrades...

(followed by the Ode where considered appropriate)."

Supporting Argument as submitted

The 'Ode' remains an important component of remembrance within the veteran community, and it is not in question that its adoption and ongoing utilisation by the RSL is a fundamental expression of respect and honour for our fallen.

The matters of overutilisation and contemporary relevance of the 'Ode' in today's environment are worth questioning.

In the first instance, the use of the 'Ode' in RSL Clubs and former Clubs has become a rote and cheapened exercise. In many cases, customers in these clubs barely pause from their drinks, meals or poker machines during the ritual citing of the 'Ode' over the loudspeakers. This has led to a cheapening and reduction in its significance and impact upon the general population.

The 'Ode' when taken in isolation often lacks context and a suitable introduction to its purpose. As a short passage from a longer and now dated poem, its relevance and meaning in contemporary society is open to question. This is particularly so when it is utilised in environments where more contemporary statements of significance are also made.

This Motion proposes a standard form of words that may be utilised in support of the 'Ode', where RSL NSW members feel that more context and relevance may be required or warranted.

It is not intended as a replacement for the 'Ode' – rather, it is proposed as a complement to it.

6.2 Recognition of Partners of Veterans

Proposer – Castle Hill sub-Branch

Endorsed – Far Western Metropolitan DC

That partners of serving and ex-serving members are recognised for the exceptional support that they have given to their Australian Defence Force members in peace and war.

Supporting Argument as submitted

ADF members are involved in wars, peacekeeping and peacemaking operations, aid to the civil authorities during floods and fires, deployments, postings to various locations, on exercise and courses, and a range of other commitments that require them to be away from their partners for significant periods of time. Whilst away their partners take over what the members usually do such as paying the bills, getting the car serviced and registered, arranging for repairs to home and appliances, managing alone, children's illnesses, mowing lawns, and much more.

The partners also have concerns about financial matters, and about their members' safety particularly during war like operations and aid to the civil authorities that cause mental anguish and worse.

Without the willing support of partners, ADF members would not be able to do what is expected of them. Further, this support helps retain ADF personnel in-service and is about RSL veterans and families.

Recognition of partners providing exceptional support to their ADF partners deserve an award and, if the motion is successful, an expert committee would be required to establish the type of award, the criteria for it as well as the nomination and selection processes.

Partners do deserve an award for exceptional support to their ADF members.

Agenda Committee Comments

It was noted by the Agenda Committee that the supporting argument for this motion calls for the establishment of an award for partners of veterans. The Committee noted the difficulty that would entail when attempting to develop the criteria and selection process for this award. They also noted that an award already exists within the League for recognising non-Service Members who give outstanding service to ex-service personnel or their dependents, the Certificate of Merit and Gold Badge.

6.3 Middle East Area of Operations Annual Commemoration

Proposer – Glenorie sub-Branch

Endorsed – Far Western Metropolitan DC

That RSL NSW lobby RSL Australia to establish the 11th of July annually as the Middle East Area of Operations (MEAO) National Commemorative Day, with the inaugural commemoration being 11 July 2024.

Supporting Argument as submitted

There is currently no Commemorative Day established to honour those ADF Personnel who served in both Iraq and Afghanistan during 2001 – 2021. All troops were withdrawn from MEAO on 11 July 2021. Do not let the adverse actions after Vietnam be repeated. We, as a Veteran Support organisation need to embrace these ADF Personnel and their families. Complies with Charitable Purpose as per Constitution 3.3. Supports and augments Strategic Plan Goals 1, 3, 4 and 6.

6.4 Australian National Flag Protocol

Proposer – Moree sub-Branch

That RSL NSW endorse the use of the Australian Flags booklet issued by the Australian Government as the correct protocol for the use of flags prescribed under the Flags Act 1953 by RSL NSW sub-Branches.

Supporting Argument as submitted

The Policy is that Australia's National Flag takes pride of place when flown with other flags. e.g. The Australian Flag when flown with an even number of flag poles must be flown on the first and last flagpoles.

When flown on an uneven number of flag poles the Australian flag must be flown on the centre flagpole.

In peace time all flag poles must be the same height.

Flags of other nations must be flown in alphabetical order.

Other Nations flags take precedence over state flags and other flags.

6.5 National Membership

Proposer – City of Albury sub-Branch

Endorsed – Far South Western DC

That RSL NSW:

1. supports the concept of introducing National Membership of the RSL; and
2. should pursue National Membership of the RSL with RSL Australia and the other RSL State Branches.

Supporting Argument as submitted

National Membership would allow members joining the ADF from day one to be offered National Membership of the League which would then allow their postings from state to state and overseas without the need to rejoin in each state as the posting cycle moves members every couple of years as is the situation today and in my day.

As an example, I returned from Vietnam in December 1967 and joined the Gosford RSL sub-Branch and for the next 44 years of my service I was posted interstate on many occasions. As with State driving licences, state vehicle registration, gun licences it was just too difficult to maintain RSL Membership.

If National Membership had been available at the time, I would now have been a member for 56 years and not just 13.

DVA now provides members joining the ADF with a DVA number which has been a great advantage for members when leaving the ADF.

So, it could be for the RSL.

Concern about funding could be addressed if the proposal is adopted nationally.

This is not an erosion of state membership but an enhancement for the long-term future of the National League and re-installing the significant influence that the RSL once had.

Strong numbers mean a strong League.

7. VETERAN POLICY MOTIONS

7.1 NSW Government Entitlements

Proposer – Far South Western DC

That RSL NSW make representation to the NSW Government to offer similar exemptions and discounts to veterans and their families as offered by the Victorian Government.

Supporting Argument as submitted

During November 2022 the Premier of Victoria, The Hon Daniel Andrews announced that the Victorian Government would be introducing the Victorian Veterans Card to help Veterans and their families with the cost of living.

The Victorian Veterans Card will entitle Veterans to a \$100 discount on the registration of one vehicle as well as free public transport on ANZAC Day and Remembrance Day.

The card will also offer free trailer and caravan registration and free fishing and boating licences, encouraging veterans to participate in outdoor recreation and connect with their friends and families.

On top of the discounts the card will give veterans access to dedicated employment programs to help them find careers after finishing their period of service, making sure the transition to new work is as smooth as possible.

Whilst the NSW Government has made similar exemptions and discounts to Pensioners in general these are not available to the younger generation of veterans that are not on a pension.

Therefore, it is requested that these exemptions and discounts be made available to all veterans whether they are on a pension or not.

7.2 Veteran Homelessness

Proposer – Ourimbah-Lisarow

Endorsed - Central Coast DC

That RSL NSW approach the Minister for Homelessness to introduce into the NSW Parliament a Bill for an Act to provide all veterans and their dependents with a legally enforceable right to shelter of a standard that enables them to meet the cost of living in New South Wales.

Supporting Argument as submitted

The newly installed NSW Government is committed to improving access to affordable housing for all and in particular vulnerable groups within the community. The veteran community is a vulnerable group because their members have a 5.2% risk of homelessness which is almost three times higher than members of the community as a whole who face a 1.9% risk (source: Report by Australian Housing Urban Research Institute to DVA, 2019). This significantly higher risk warrants the enactment of an immediate statutory protection ahead of a longer term and permanent constitutional protection through amendment to the Constitution of NSW.

7.3 Compensation Advocacy

Proposer – City of Queanbeyan

Endorsed – Central Southern DC

That RSL NSW forward any matters affecting sub-Branch compensation advocates to the individual sub-Branchedes for voting, particularly with regard to the harmonisation of veteran entitlement legislation.

Supporting Argument as submitted

This action will obviate DVA claiming ESOs, and in particular RSL NSW (and therefore RSL NSW sub-Branchedes) has endorsed courses of advocacy related actions which may have unintended consequences to the detriment of veterans and their families, e.g. the existing non legal representation at VRB's regarding veterans, (the VRB is populated with lawyers), the reverse use of SOPs and benefit anomalies between veteran cohorts and the like.

Agenda Committee Comments

The Agenda Committee noted that Government timeframes for consultation on veteran policy matters are not always conducive to sub-Branch meeting schedules. However, the Veteran Services and Policy Committee make every effort to ensure that the voice of members and compensation advocates are included in RSL feedback to Government.

8. CONSTITUTION MOTIONS

8.1 Amend clause 9.9 (f)

Proposer – Forestville

Endorsed – Northern Beaches DC

That clause 9.9 (f) of the RSL NSW Constitution be amended to read:

9.9 To accept and continue to hold office as an Elected Director, a person must not:
(f) become disqualified from managing corporations under the Corporations Act;

Supporting Argument as submitted

The RSL NSW President and elected directors are subject to elections this year (see RSL NSW Circular 40/23). There is a possibility that members from the NBDC sub-Branches may apply for election as an Elected Director. Forestville sub-Branch has identified, by way of the Young Veterans Committee, that the criteria for election as an Elected Director in the RSL Constitution is inconsistent with current ASIC guidance.

Clause 9.9 of the RSL NSW Constitution currently reads:

“To accept and continue to hold office as an Elected Director, a person must not:

(f) be bankrupt, insolvent **or have ever been convicted of an indictable offence** [my bold];”

However, ASIC makes the following statement:

“*The law does not allow you to be an officeholder or manage a company (without court consent) if:*

- *you are currently bankrupt,*
- *you are still subject to a personal insolvency agreement or composition under the Bankruptcy Act 1966, or*
- *have been convicted of offences like fraud or breaching your duties as an officeholder.*

If you have been convicted of an offence committed against the corporation's interests, under the Corporations Act 2001 or for an offence involving dishonesty, you cannot manage a company or be an officeholder within five years of your conviction.

Similarly, if you have been imprisoned for an offence as mentioned above, you cannot manage a company within five years after your release from prison.”

In short, the indictable offence provision is inconsistent with the current ASIC and *Corporations Act 2001* guidance for director eligibility. Those applying for a directorship would be eligible after five years post-conviction or five years after release from prison.

The relevant section of the Act outlines that a person is disqualified from managing a company if they have been convicted of an indictable offence and stipulates that the period of disqualification lasts for five years after the day on which they are convicted, if the person does not serve a term of imprisonment or five years after the day on which they are released from prison if the person serves a term of imprisonment, as opposed to “has ever been”.

8.2 Amend clause 15.9

Proposer – Alstonville

Endorsed – Far North Coast DC

That clause 15.9 of the RSL NSW Constitution be amended to read:

15.9 The sub-Branch President and any Vice-Presidents must be active Service Members, and all other sub-Branch Executives and Committee must be active Service Members, Affiliate Members or Auxiliary Members attached to the sub-Branch. All positions are to be nominated and elected by the members attached to that sub-Branch in accordance with the Standard Operating Procedures set out from time to time.”

Supporting Argument as submitted

As we all know, recruiting new members is difficult, but with an active and inclusive Auxiliary, a fresh cadre of enthusiastic volunteers could be at hand. If we upgrade Auxiliaries to be a part of the sub-Branch, not just a fundraising arm, then we stand a better chance of surviving until the younger veterans mature and become involved. This is a way to weather the storm, and to bring FUN back to being in a sub-Branch.

If you pass this motion, it will allow new blood and ideas to come into a sub-Branch, with a Secretary, Treasurer or committee who want to help!

It will not allow Auxiliaries to 'take over' the League and allows the proper use of Affiliate Membership as a reward for exemplary service to the League of sub-Branch.

8.3 Amend 16.3

Proposer – RSL NSW Board

That clause 16.3 of the RSL NSW Constitution be amended to read:

16.3 A sub-Branch Executive may not be appointed to hold the position of, and act as a Trustee.

Supporting Argument

The current clause 16.3 allows any member of the sub-Branch Executive to also hold the position of sub-Branch Trustee.

16.3 Any sub-Branch Executive may be appointed to hold the position of, and act as a Trustee.

The sub-Branch Executives have the power to manage control and direct the affairs and conduct of the sub-Branch.

The Trustees hold the sub-Branch property on trust for the sub-Branch for the express purpose of pursuing the Charitable purpose and must act at all times in the best interests of the sub-Branch.

The separation of the roles of the sub-Branch Executives from the Trustees provides a check and balance against the duties of the other.

The concentration of the powers and duties of these roles into the same members of the sub-Branch puts the assets of the sub-Branch at risk. If a sub-Branch does not have enough members willing and able to fill the separate roles of the Executives and the Trustees, then the sub-Branch can appoint RSL Custodian as a Trustee.

8.4 Insert new clause 21.3

Proposer – Five Dock

Endorsed – Western Metropolitan DC

That the RSL NSW Constitution be amended by inserting the following clause: -

“21.3 All policies and Standard Operating Procedures are to be within the scope specified in clause 2.1 and APPENDIX A – DEFINITIONS AND INTERPRETATION.”

And that subsequent clauses be renumbered.

Supporting Argument

The production of recent policies, seem to be outside the scope specified in the Constitution and could lead, confusingly, to sub-Branches and District Councils invoking Clause 21.4.

This amendment is intended to promote the integrity of the Constitution by more specifically determining the appropriate use of “Policies” by the members at Congress.

8.5 Amend Appendix A

Proposer – Five Dock

Endorsed – Western Metropolitan DC

That the RSL NSW Constitution be amended at APPENDIX A – DEFINITIONS AND INTERPRETATION.

“Policies and Standard Operating Procedures”

By deleting “and Standard Operating Procedures” and by deleting “and/or procedures” so that it reads:

“Policies means policies issued by the Board from time to time applicable to sub-Branches.”

Supporting Argument

Standard Operating Procedures are defined separately and more appropriately in this Appendix A. The two definitions are incompatible.

8.6 Amend Appendix B items 1-18

Proposer – Lower North Coast DC

That the RSL NSW Constitution, Appendix B - Membership be amended by:

1. Removing clauses 1 through to 6 (Application for membership) and referring those clauses to the DPC for consideration in SOP 2 - Membership.
2. Moving clauses 7 and 8 so that they are under the heading ‘Discretionary criteria’;
3. Moving the section ‘Membership Eligibility’ so that it is the first section of the Appendix and appears ahead of the section ‘Discretionary criteria’ and ‘Membership Fees and renewal’; and
4. Renumbering all clauses of the Appendix accordingly.

Supporting Argument as submitted

- (a) The constitution sets out principles of governance of our league and should not be bogged down with the machinery of administration or operating procedures.
- (b) The new online membership application process is not catered for in the current version of the Appendix.
- (c) SOP 2 – Membership can more easily be amended to suit changes in the membership application procedures.

8.7 Amend Appendix B item 13 (a) – (c)

Proposer – Huskisson

Endorsed – Central Southern DC

That Appendix B item 13 of the RSL NSW Constitution be amended by:

1. *deleting the current wording of item 13 (a) and replacing it with ‘Any person who is or was a member of the Australian Defence Force with at least one day’s service should be admitted as a Service Member’;*
2. *Deleting item 13 (b); and*
3. *Deleting item 13 (c).*

Supporting Argument

A veteran is someone who has served in the Military, whether it is for one day or thirty years. As new membership is a priority for the League, by removing the six-month provision this may encourage more veterans to join the League.

