



## President Update

**Update number:**

**Date:**

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**To:**

P12/19

19 September 2019

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Board of Directors, Honorary Secretaries, District Councils, Members

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Dear RSL Members,

As passionate members of this proud League we have had to work through some tremendously challenging issues these last few years that have undoubtedly tested our mettle. I am extremely mindful of the impact these issues have had in the day-to-day running of sub-Branched and the important work we have to do.

In navigating the challenges, we have had to address the introduction of the RSL NSW Act 2018 and a need to modernise our everyday practices to bring us in line with not only this new legislation but the ACNC requirements and broader acceptance of good governance procedures. And, just as importantly, we have been driven by the need to prepare the League for the next 100 years. At the 2019 Annual State Congress, the Board will ask Delegates to approve a new constitution which will do this.

It is a responsibility not taken lightly and something that leadership at ANZAC House has been fully committed to in full consultation with all members via sub-Branch and District Council channels of communication.

As discussions around the constitution continue heading into Congress, you will all be aware of the "Rockdale Group" who believe things should be done differently, to the point of suggesting that we do not need a new constitution at all. Communication from this group has intensified over recent times.

In the last week alone, RSL NSW has been accused by the Rockdale Group of 'playing dirty', of embarking on a 'planned process to deliberately hack away at our endurance', of conducting a 'deliberate onslaught' and of being undemocratic. I am aware that these claims have been circulated widely throughout the sub-Branch network.

While it is an emotional time for everyone who cares about our League, these are outrageous, scurrilous and simply insulting claims being made that need to be rebuked in the strongest possible manner.

Such claims show little regard for the countless hours, days, weeks and months that dedicated and diligent staff at ANZAC House and members of the 'DC7' drafting team have put into this constitution. It also shows complete lack of respect to more than 160 sub-Branched whose contributions have been collated, reviewed and incorporated throughout the feedback process to get the proposed constitution to where it is today, ready for a vote at Congress. We have kept

members up to date with regular updates and publishing of all feedback on the RSL NSW website.

These claims are also being made by a group of members who are not painting their actions, and often inactions, in an accurate light. I will be pleased to set the record straight.

It is simply beyond the pale to suggest that their voices have not been heard. The Rockdale Group has had direct access to members of the Board on multiple occasions, at their request, to have their input considered. They have been represented in-person at all three District Council forums at ANZAC House this year. And while they have decided to go outside of the framework that almost all other members happily used for their feedback, it is fair to say that they have still had more access than most to put their views forward.

As they put these claims forward, RSL NSW now has a proposed constitution that is the result of input from more than 160 sub-Branches, after what can safely be assumed as several thousand of our members reading our drafts. It is both compliant with the RSL NSW Act and representative of our members' views, with enhancements that will see member power not diminished, but rather enhanced.

Meanwhile, the Rockdale Group proposed an alternate document written by a small number, with no extensive feedback process from the broader membership, and which is inconsistent with the RSL NSW Act. This view is based on external legal advice, which has been shared with the Rockdale Group and placed on our website for all to see. Having had the benefit of this legal advice, the Rockdale Group submitted a second draft constitution which still contains sections inconsistent with the RSL NSW Act. This is why it has been considered out of order under By-Law 11 by the RSL NSW Agenda Committee and will not be included as a motion on the agenda for Congress.

There have been many ways the Rockdale Group could have acted in a productive manner to have their views heard in a framework that has worked extremely well for all other members. They had a chance to nominate someone from their group onto the DC7 but did not put anybody forward. This was a working group that worked through feedback and had direct say in both the constitution and the SOPs; yet with an opportunity to be represented in this important group, they declined.

The reality is that ever since last year's Congress we have been unwavering in ensuring everybody's voices have been heard, on a regular basis.

The constant negativity from the Rockdale Group is reflected in the issues they have raised in the last few days about Appendix D of the proposed new constitution and a summary of the entire document in the most recent edition of Reveille—issues which they have circulated broadly. A quick review of these points highlights that they are not based in fact:

**The Rockdale Claim:** The final version makes express provisions for sub-Branch Trustees to grant leases for longer than five years." - What it does not say is this is all subject to RSL NSW/RSL Custodians not objecting.

**The Reality:** The new provision gives sub-Branch trustees additional power to negotiate lease terms. The requirement that all lease terms have RSL NSW consent is not new but rather carried over from the existing constitution, as it is in the Rockdale constitution.

**The Claim:** "Term limits for District Council Presidents - that time already served will not be counted" - Clauses 13.11 and 13.12 do not say this.

**The Reality:** This exception is in fact included in clause 13.15 by reference to the transitional provisions in clause 23.6.

**The Claim:** "Voting thresholds of 66% have been clarified as 'two thirds'. " - the definition of special resolution 'means a resolution passed by a greater than two-thirds majority' therefore it must be at least 67%.

**The Reality:** This is not correct. A 'greater than two-thirds majority' is achieved by 66.67%.

**The Claim:** A "Review Panel" will be available if a member wants to appeal - At least one member of the Review Panel must be a "legal practitioner". The member has no rights to have

legal representation in the first instance. The member has no rights to put his/her case to the Review Panel. Also in clause 37 there is a reference to a "clause ##". At least in the current constitution there is a right to appeal to RSL National, an independent body.

**The Reality:** To avoid the tribunal process becoming unnecessarily expensive and complex, neither the Board nor a member is entitled to legal representation. The role of a 'legal practitioner' on the review panel (preferable but not mandatory) is as an independent expert on the conduct of disciplinary proceedings, not to 'represent' either party. All evidence and supporting material in a member's case will always be presented to the review panel.

And finally, the reference in Appendix D, clause 37 is to clause 38 by which a member may exercise any appeal rights available under the RSL National Constitution, just as is the case in our current constitution.

These points raised, and their broader campaign, are designed to distract and disrupt the wider, productive conversation that the vast majority of the League's members have participated in since last Congress. And to derail RSL NSW's very genuine desire to embrace member feedback and move the league forward.

Even as late as Monday of this week, the Rockdale Group issued an 'invitation' to help any sub-Branch needing financial assistance to send a delegate to Congress, to secure 'votes to defeat the draft constitution'. It implies that Rockdale will provide support only to those sub-Branches intending to vote the way Rockdale suggests.

This improperly interferes with the rights and entitlements of League members to be part of a robust voting process where the collective voice of all members can be expressed freely and fairly without being tainted by such inducement. Rockdale's actions here are inappropriate to say the least, and again display a complete disregard for members. Of course, any sub-Branch can already apply to ANZAC house for such financial assistance to exercise their democratic right to vote—this financial support is not conditional on how they vote.

We are now resigned to the fact that we will never achieve any concessions or understanding from the Rockdale Group, despite every attempt from ANZAC House to do so. They are opposing change, promoting a document that is not compliant, and ultimately disrespecting the work done by countless members and sub-Branches as they have worked hand-in-hand with District Councils and ANZAC House to deliver a constitution of which we should all be proud. It is compliant, it is respectful of the rights of members, and it positions us for the future.

This is the last that myself and ANZAC House will be commenting on the Rockdale Group. They will undoubtedly come back with more accusations and more small areas that they will try and turn into bigger issues to place doubt in your minds. We have given them every opportunity to play a big part in our collective process and be heard, and they have declined such opportunity at every turn.

As such, we focus on the future and the great opportunity at hand. We can now confidently say that members across the state have had ample opportunity to provide feedback and be heard, which is reflected in this proposed new constitution. We've travelled extensively around the state and heard from thousands of members, resulting in the document up for a vote at Congress.

The time to get bogged down in internal bickering and negativity is over. It's time to move forward and re-focus on the mission of the League, and why members became involved. They want a framework upon which they can continue to fundraise and utilise those funds to help with local veteran programs that support veterans and their families. The proposed constitution delivers that.

See you at Congress,



Ray James

