

# Annexure A

## STANDING MOTION

### 1. RSL NSW Board

#### Membership fees

*“That in accordance with the RSL NSW Constitution – Clause 16.7 & By-Law No. 2 – item 43 – the annual subscription for 2020 be \$35.00 and that the breakdown for the annual subscription be as follows:*

*Capitation fees to RSL NSW be \$25.00*

*and the retention fee to RSL sub-Branch be \$10.00.”*

#### **Supporting Argument**

Under the RSL NSW Constitution and By-Laws adopted at the 2011 Annual State Congress it is a requirement that Congress determine the Annual Subscription for each year. The adjustment in the breakdown of the subscription fee reflects a resolution of the RSL NSW Board dated 19 June 2019.

## CONSTITUTION

### 2. RSL NSW Board

#### Adopt New Constitution

To consider and, if thought fit, to pass the following resolution as a Special Resolution (Constitutional Majority of two thirds present):

*“THAT the Constitution annexed to and circulated with this Notice of Meeting as Annexure B be adopted as the Constitution of RSL NSW in place of the existing Constitution with effect from 1 December 2019.”*

#### **Supporting Argument**

The Board has worked closely over the past four months with seven District Council Representatives (the ‘DC7’) in developing and settling the terms of the proposed Constitution. A consultation draft was distributed to sub-Branches on 12 June 2019 for review and feedback.

The final version of the proposed Constitution has been developed following the receipt and consideration of extensive feedback and continued consultation with the DC7.

In December 2018, the Board, at an extraordinary state congress proposed the adoption of an amended constitution. Delegates at the December Congress voted 68% against the adoption of that constitution.

Following the December congress, the Board has consulted extensively with members, sub-Branches and particularly with District Councils to prepare a new Constitution for adoption by RSL NSW and its sub-Branches. The key factors necessitating change to the RSL NSW Constitution remain the same now as they were in December 2018:

1. On 27 September 2018, the Parliament of NSW assented to RSL NSW Act 2018 ('the Act'). The Act modernises the RSL NSW State Branch, prescribing a structure that enables transparent and best practice governance. The changes proposed in the new Constitution reflect the changes to the law, but also extend the modernisation initiative across the League. The modernisation is long overdue and is necessary for the repair of the League.
2. Changes introduced by the Act have already taken effect. The proposed Constitution reflects these matters in the governing document of RSL NSW.
3. These include:
  - at least one independent director must be appointed. RSL NSW appointed two independent directors in June 2019;
  - an annual report must be lodged with the Minister for Veterans' Affairs each year. RSL NSW has completed the Annual Report for this purpose;
  - State Council becomes the Board, State Councillors become directors, and there must be at least 3 but not more than 10 directors; and
  - the way conflicts of interest are disclosed is now legally prescribed.

The new Constitution also introduces the statutory entitlement of all Service Members to vote to elect RSL NSW Service Members as directors.

Importantly, and consistent with sub-Branch and District Council feedback, the new Constitution also seeks to incorporate the following new initiatives –

1. The formalisation of a District Presidents' Council which will have expansive powers including to:
  - a. approve independent director appointments and casual vacancy appointments;
  - b. periodically review and approve amendments to sub-Branch Standard Operating Procedures issued by the Board from time to time;
2. The introduction of the option (should they so choose) for sub-Branches to become incorporated;
3. Clarity around dispute resolution and disciplinary procedures.

### **3. Western Metropolitan (Chester Hill-Carramar)**

#### Amend clause 16.7 of the RSL NSW Constitution

*“That Clause 16. 7 of the RSL NSW Constitution be amended to read as follows:*

*‘Members are required to pay to their sub-Branch an Annual Membership Fee of not less than \$1 and not more than \$10 as determined by their sub-Branch with part of this Fee to be deemed the Levy required to be paid in accordance with Clause 16.6.’”*

#### **Supporting Argument**

It is the membership of sub-Branches which control the activities of State Branch via their sub-Branch, District Councils and Congress. State Branch is subservient to the members. The members should not be required to pay an excessive fee to their own organisation.

### **4. Western Metropolitan (Chester Hill-Carramar)**

#### Amend By-Law 2 item 41

*“That By-Law No 2 - Item 41 be amended to read as follows:*

*‘Each Service Member who is a member of a sub-Branch must pay to that sub-Branch the Annual Membership Fee as determined from time to time by their sub-Branch.’”*

#### **Supporting Argument**

Many, if not most, sub-Branch Members are elderly/pensioners and not in a position to pay a significant membership fee. The last thing we want is to discourage membership of the RSL. Cost should never be a matter of concern to members. It is the members' RSL.

### **5. Western Metropolitan (Chester Hill-Carramar)**

#### Amend By-Law 2 item 43

*“That By-Law No 2 - Item 43 be amended to read:*

*‘Congress shall determine a Capitation Fee to be paid by each sub-Branch in respect of each Service Member who has paid an Annual Membership Fee. The levy required to be paid to State Branch in satisfaction of Clause 16.6 to be included as part of the Capitation Fee. The determined Capitation Fee will be circularised annually to all sub-Branches immediately after each Congress.’”*

### **Supporting Argument**

We must do everything we can to encourage members to maintain their membership. It is the members who march/support Anzac Day and observe Remembrance Day and who provide members of the public with the opportunity to display their support and recognition of past events.

### **6. Western Metropolitan (Chester Hill-Carramar)**

#### Replace Heading in By-Law 2

*"That references to "Annual Subscription" appearing (and including within) under the By-Law heading of "Subscription and Sub-Branch Membership Returns" be deleted and be replaced by "Annual Membership Fee" and/or "Capitation Fee" as appropriate."*

### **Supporting Argument**

This support and recognition of past events translates into financial support of the RSL.

## **VETERANS'AFFAIRS MATTERS**

### **7. Northern Metropolitan (Berowra)**

#### Veterans Card Issued to Allied Veterans

*"That RSL NSW make representation to the Department of Veterans' Affairs/Minister for Veterans' Affairs to suggest that the proposed Veterans Card be also issued to Allied Veterans, who are permanent residents of Australia."*

### **Supporting Argument**

The Veterans Card is seen as a recognition of a person's service to their country.

If the Allied Veteran has a DVA Number, they are recognised as a Returned Veteran and therefore should be entitled to the Veterans Card.

Most Allied Veterans living in Australia, while having a Veterans card from their own Country are unable to use it in Australia.

The new Veterans card is mainly seen as commercial use i.e. discounts on travel, accommodation and purchases.

## 8. Western (Parkes)

### Medical Practitioner Rebate

*“That RSL NSW approach the Department of Veterans’ Affairs to lobby that the Medical fraternity and its associated bodies be allowed to receive the same rate of compensation for services rendered to veterans who either possess a White Card or Gold Card as they would for persons treated under the Governments Workcover agreement.”*

### **Supporting Argument**

1. Currently Veterans’ Affairs are charged at lower rates as personnel currently treated under the Government’s Workcover Agreement.
2. Doctors prior to being accepted as members of the medical fraternity have to endure a rigorous seven-year university course and should be compensated accordingly for services rendered.
3. If a Doctor wishes to train in one of the associated fields, then this is extra training and more hard study in becoming a qualified professional in that field.
4. Veterans should be treated if not the same but, in some cases, better by practitioners due to the fact they have served their country.
5. In the case of White or Gold Card recipients these veterans are generally being treated for injuries or illness caused while serving.
6. We also appreciate that many practitioners treat veterans compassionately and this aspect will always exist irrespective of funding however these practitioners have had to endure years of training to achieve what they have become.
7. A veteran should be proud and reassured to hold the Gold or White Card, knowing full well that their consultation is fully funded by industry standards and Australian Medical Association rates.

## 9. Central Southern

### Psychiatric Treatment Waiting Times

*“That RSL NSW investigate excessive waiting time for veterans seeking psychiatric appointments.”*

### **Supporting Argument**

1. It is well documented the devastating effect on veterans and their families when these vets are placed at risk from a failure to receive prompt and immediate access to treatment - you only have to look at recent cases in the media of families who in some instances have buried their family veteran because treatment was delayed.
2. If the RSL NSW and RSL National is serious in its attempt to help veterans and to especially reduce self-harm when a vet feels like he/she has been abandoned, then this is a "no brainer".

3. It is well known, that early treatment prevents further decline in mental health and a quicker path to potential recovery and an improvement in a vets belief in self- worth within the community. It is also more cost effective.

4. The issue has become a cost factor, where practitioners are taking other clients in preference, as the payment from DVA does not "compete" with the benefits private clients receive from health funds. It should be noted that payments via NDIS are also higher than the DVA benefit.

5. This is one of RSL's core missions as a leading ESO and it is in the interests of RSL NSW to ensure our vets are cared for promptly.

#### **10. Northern Metropolitan (Brooklyn)**

##### Defence Pensions Incongruent with Aged/Other Pension Increases

*"That RSL NSW take action to address with Government the continuing issue of Defence pensions falling behind in their rate of increase compared to Age and other Pension increases."*

#### **Supporting Argument**

These types of pensions have failed to keep pace with changes in the cost of living. Pension parities with other retirees have eroded over the past decades. Instead of being pegged solely to the Consumer Price Index, the military pensions should be indexed in line with the aged pension by being assessed also against a cost of living index and a comparative wage-based index.

This Motion was submitted and approved for action at the 2018 Congress. It is re-submitted due to the lack of effective action leading to a satisfactory conclusion or result.

#### **11. Northern Metropolitan (Brooklyn)**

##### Defence Pensions and Self-Managed Super Fund Tax

*"That RSL NSW take action to address with Government the issue of Defence pensions being included in the calculation of the gross value of ex-Defence members Self-Managed Super Funds and the imposition thereof of tax at 15% for any values above the newly set cap."*

#### **Supporting Argument**

The new legislation restrictions for SMSF retirees requires that Service pensions are included in the calculation of the Gross value of the Fund. The deemed value being 16 times the pension's annual income. It would be clear to Vets and League Members that as far as these pensions, earned during active military service and/or later in Dept of Defence, are concerned, these were earned under often arduous and sometimes dangerous circumstances, in much poorer and more arduous working conditions and at lower rates of pay, than those enjoying employment in commercial operations. Their inclusion for tax purposes in the new arrangements makes no recognition of the sacrifices made by our Service personnel and their families. These men and women, who, though in

pension mode now, fought for the Country in a number of wars at the direction of the government of the day.

This Motion was submitted and approved for action at the 2018 Congress. It is re-submitted due to the lack of effective action leading to a satisfactory conclusion or result

## **12. Northern Metropolitan (Kirribilli)**

### Veteran Question on the 2021 Census

*“That RSL NSW, on behalf of its members, and through the appropriate channel, make representation to the Minister for Veterans and Defence Personnel and the Assistant Treasurer to reaffirm the critical importance of the inclusion of a question in the 2021 Census identifying service in the Australian Defence Force (ADF).”*

### **Supporting Argument**

It is a very significant issue and given that no information is collected, there is very limited data on our veteran community. National data on where veterans live once discharged from service along with employment status, family composition, etc. is crucial to enabling government and ex-service organisations (ESO’s) to deliver relevant and timely veteran support services needed during transition and into civilian life. Considering the ADF’s current high operational tempo and with over 5,500 personnel leaving the ADF each year not having this data makes it extremely hard to effectively predict and deliver the support service needed.

Once a veteran has sought assistance, from the Department of Veterans Affairs (DVA), there is visibility but up until this point we have limited idea where we might need to reach out. This is far from ideal as most veterans wait until in extreme crisis before reaching out for help. Thousands of Australians serve in the Army, Navy and Air Force and between 2001 and 2016 from this group, 56 died during deployment or active service and another 373 died by suicide. One must ask had we known more could we have drastically reduced this number.

In 2018 then RSL NSW State President, James Brown met with the Minister for Veterans Affairs Darren Chester, and Shadow Minister Amanda Rushworth urging them to support the inclusion of a question on the 2021 Census asking about service in the ADF with both at that time committing their support. However, following the May 2019 election only Minister Chester a relevant minister and thus the need to reaffirm our position with the incoming parliamentary stakeholders.

## SOCIAL SERVICES AND TAX

### 13. Unendorsed (Byron Bay)

#### Use of DVA File Number in NSW

*“That the NSW Government be lobbied to accept a DVA File Numbers to access concessions in NSW in place of a Centrelink/DHS Customer Reference Number (CRN).”*

#### **Supporting Argument**

What is a CRN? It is a Centrelink Customer Reference Number. A CRN is allocated to Centrelink clients who receive a benefit or payment from the Dept. of Human Services. The CRN identifies your personal record at DHS, and is checked electronically by the NSW Gov departments, local councils and other concession givers to confirm the person meets the criteria when they apply for a concession.

DVA File Number: Your DVA file number is unique to you and can be checked to confirm different criteria for entitlement to claim concessions i.e. TPI, EDA or 70% Disability Pension or higher and or a DVA issued PCC. DVA clients MAY have a CRN, but they would not know it, nor would it be a current, valid number, nor linked to any concession criteria. Entitlement to concessions is checked through electronic checking through the Centrelink Confirmation e-Services (CCES) for BOTH Centrelink and DVA clients, with the exception of those DVA clients who have entitlement through MRCS.

The Issue: The issue has arisen that when applying for a concession from NSW Gov. Several services are saying they cannot use a DVA file number, you must supply a CRN. You have your DVA file Number, BUT no CRN from DHS. If the service checks a CRN with Centrelink and you do not receive any benefits from them, having an inactive CRN, the request will reject as ‘does not hold a valid CRN’. This is an issue of the NSW Gov applying a blanket approach using CRN numbers only to confirm (?) entitlement to concessions, and also ignoring the reason for DVA veterans being granted the concessions that any Centrelink client has easy access to.

A simple Example: If you apply to the NSW Gov. for \$180 Family Energy rebate which closes 20th June 2019\_it requires you to meet certain criteria to be able to claim the rebate. As per the application it asks for

1. First
  - a. DHS ref No CRN
  - b. DVA reference number
2. Personal details
3. Address
4. Etc.

The problem with this application is,

- For a DVA client, this is not an issue for their Reference
- The DHS CRN, is the primary number when applying. If you do not receive a benefit from DHS there is NO CRN number for a DVA client, this will apply to almost all DVA clients.

So a DVA client who applies for the Energy Rebate from the NSW Gov. will be rejected.

A DVA client does not have a CRN so no rebate: It is also an issue when a spouse with a Pensioner Concession Card (PCC) issued by DVA, uses emergency ambulance. NSW Health billing service won't recognise a DVA file number as a NSW resident pensioner for the free emergency ambulance travel.

The NSW Government needs to be lobbied to accept the DVA File Number format instead of a CRN.

## RSL NSW

### 14. Central Southern

#### RSL NSW Comments to productivity Commission

*"That RSL NSW revisit their comments to the Productivity Commission Enquiry with regard to the Veterans Gold Cards/White Cards and other entitlements and promulgate a more appropriate advice on the issue of Veteran Health Cards."*

#### **Supporting Argument**

1. Comments made by RSL NSW in relation to Veteran Cardholders receiving benefits in their submissions to the Productivity Commission in some instances denigrate the entitlements of eligible cardholders especially Gold Cardholders as seeking more benefits, as under the submission it was viewed as a "Golden Handout".
2. RSL NSW should recognise that Advocates/DVA follow a rigorous approach when cardholders are assessed as to their eligibility to receive such cards and the subsequent benefits to which they are entitled. That entitlement is based on eligibility caused by military service and all of the effects of that service. It is acknowledged that existing cardholders are not affected, and the Veterans cards will mainly apply to those veterans from more recent deployments as the effects of those deployments become apparent.
3. To have RSL NSW in submission refer to cardholders as "Gold Digging", is not considered appropriate and places many persons currently seeking a veteran's card in a poor light in the eyes of the Productivity Commission.
4. It should further be noted the importance of presentation of facts and that the Productivity Commission is correctly advised about cost effectiveness of treatment via the cards.

## 15. Northern Metropolitan (Kirribilli)

### Motions Actioned with Shared Responsibility

*“That all motions approved at an RSL NSW Congress, Annual General (AGM) or Extraordinary General Meeting (EGM) be actioned with a shared responsibility, which may vary depending on action/s required, between RSL NSW, the Proposer and the Endorser.”*

### **Supporting Argument**

Motions passed at Congress tend to be either not completed as the Proposer intended or the outcome of the motion is not clearly communicated to the delegates and general membership. The former is totally unacceptable demonstrating unprofessional business and governance practices, while the latter again demonstrates poor process. Having the Proposer and Endorser take part ownership in the process and outcomes will give additional visibility to ensure success.

## 16. Northern Metropolitan (Kirribilli)

### Register of Motions

*“That RSL NSW create, maintain and provide to members prior to State Congress each year a summary Register of Motions passed at the previous State Congress, showing for each Motion an outline plan for action, desired target/s and actual outcome/s, including responsibilities for implementation by all stakeholders including RSL NSW, Proposer and Endorser.”*

### **Supporting Argument**

Historically motions passed at State Congress, except for changes to the Constitution and By-laws, have been poorly actioned. A register will provide accountability to track the progress of motions with visibility to all stakeholders. This register would then double as a reporting mechanism to report outcomes achieved prior to the next State Congress. In addition, cataloguing of these yearly reports would provide sub-Branched and future State Congress Agenda Committees with a useful tool to determine the history of similar motions and identify motions repetitious in nature.

## 17. Northern Metropolitan (Brooklyn)

### Summary of Motions

*“That RSL NSW provides to members within one calendar month of the conclusion of the State Congress each year a summary (Register) of Motions that were passed at that Meeting, to show for each Motion an outline plan for action, with a focus on desired targets and outcomes, including shared responsibilities for follow up and implementation by all stakeholders including RSL NSW, Proposer and Endorser. ”*

## **Supporting Argument**

Notices of Motion proposed by Brooklyn sub-Branch and subsequently approved by the 2018 Congress were inadequately acted upon by RSL NSW. Resources were not allocated to a degree sufficient to ensure that effective follow-up action was undertaken. There was no progress reporting on action taken in relation to Motions.

This Motion seeks to ensure that Motions approved at State Congress are recorded, resourced and acted upon to an appropriate level and that progress reporting to members initiated.

## **18. Central Southern**

### Annual Reporting for sub-Branches

*“That sub-Branches may submit an attachment in their annual reports that outlines and promotes the efforts and achievements of the sub Branch (against a standard template) and be submitted accompanying the SBA.”*

## **Supporting Argument**

1. The current practice of sub-Branch annual reporting is a figures only financial statement (SBA 1 & 2) and statement of membership (SBA 3) rather than including a standard format report which effectively communicates the efforts and achievements of the sub-Branch in its Charitable Purpose and relating this with income and expenditure.
2. Currently, there is no opportunity to formally report the positive efforts and achievements made by sub-Branches (and challenges) in the course of the year's activities, particularly given that nearly all of these are voluntary. The statement of the volunteer hours does not demonstrate the mechanics of effort to achieve positive outcomes for the RSL and its Charitable Purpose. Consequently such information about the important work being performed by the RSL across NSW is being lost when it could be harnessed and incorporated into media coverage reaching the membership, key stakeholders and the community and used to inform strategic planning, support policy development and identify areas of assistance to sub-Branches in their operations.
3. This report could also be a place where a sub-Branch can expand on their statement of income and expenditure required to undertake the daily operations of the sub-Branch in meeting their Charitable Fundraising obligations and compliance under the relevant Acts - figures do not reveal the entire story.
4. Emphasis is on the word "may"; it is not obligatory and at the discretion of the sub-Branch if they wish to supplement their annual SBA financial statements with a standard format efforts and achievements report. It should be encouraged in the interests of RSL NSW strengthening its position as a lead Ex-Service Organisation in the community.

## ANZAC, COMMEMORATION, CEREMONIAL AND MEMORIALS

### 19. Northern Metropolitan (Kirribilli)

#### Upgrade to Regimental Square

*“That RSL NSW make representation to the City of Sydney to assess the usage of the immediate area surrounding the memorial and potential upgrade to the western face of the memorial and eastern forecourt to promote a more respectful use of the memorial space.”*

#### **Supporting Argument**

“Regimental Square” - The memorial was opened in December 1976 by Lord Mayor Leo Port and NSW Governor Sir Roden Cutler. The name ‘Regiment Square’ was proposed by the Royal Australian Regiment Association and accepted by Council in September 1977. It has been a meeting place for the Royal Australian Regiment Association on Anzac Day for nearly half a century and City of Sydney itself claims on its website that Regimental Square is, “one of the city centre's important memorial squares”.

Completed in March 2017, Regimental Square saw a major upgrade which included new seating, streetlights, refurbishment of the water feature, memorial wall with bronze plaques commemorating conflicts where the Regiment served and plaques naming those making the ultimate sacrifice. While increasing the space for commemorative services the upgrade also made accessibility easier for people to walk through the area from Wynyard Station to George Street.

The positive of this refurbishment is that the memorial holds a greater pride of place in the community with greater visibility to the public so they may appreciate and reflect on the sacrifice of those who served in the Regiment. The downside of the refurbishment is that it has left the western face of the memorial wall exposed. A place that holds the names of those making the ultimate sacrifice has now become a smoking and coffee bar. A simple chain barrier, such as the one surrounding the Cenotaph, needs to be installed to create separation and a space that promotes awareness of the significance attached to this section of the memorial.

### 20. Far Southern Metropolitan (Camden)

#### Kokoda Trail Transfer

*“That the Returned and Services League of Australia calls on The Hon Scott Morrison MP, Prime Minister of Australia, to transfer responsibility for the identification, protection and interpretation, of our wartime heritage along the Kokoda Trail from the Department of Foreign Affairs and Trade (DFAT) to the Department of Veterans Affairs (DVA).”*

## Supporting Argument

DVA is currently responsible for our WWI military heritage at Gallipoli while DFAT is responsible for our WWII military heritage along the Kokoda Trail.

According to the DVA website: The Office of Australian War Graves maintains war cemeteries and builds and maintains national memorials overseas. One of the DVA's key roles is acknowledging and commemorating the service and sacrifice of all those who served Australia and its allies in wars, conflicts and peace operations through commemorations, memorials, war graves and research.

According to the DFAT website: The department's purpose is to help make Australia stronger, safer and more prosperous by promoting and protecting our interests internationally and contributing to global stability and economic growth. The department provides foreign, trade and development policy advice to the government. We work with other government agencies to ensure that Australia's pursuit of its global, regional and bilateral interests is coordinated effectively.

There is no mention of any responsibility regarding Australia's wartime heritage on the DFAT website.

DVA successfully planned, developed and managed the Centenary of ANZAC Commemoration during the period 2014-2018. DFAT were not represented at the ministerial level at the 75<sup>th</sup> Anniversary ANZAC Dawn Service at Bomana War Cemetery in 2017 and have not published any plans to commemorate the 75th Anniversary of the end of War in the Pacific in 2020.

The 'Kokoda Initiative' which is managed by DFAT, has failed to engage an accredited military heritage architect to develop a Master Plan for the Kokoda Trail since the Australian Government assumed responsibility for the Kokoda Trail in 2009.

DVA has the corporate knowledge and experience to develop a Master Plan for the Kokoda Trail and a Commemoration Plan for the 75th Anniversary of the end of the War in the Pacific in 2020.

It is ludicrous to split responsibility for commemorations between two (2) departments.

## DEFENCE AND FOREIGN AFFAIRS

### 21. Hunter Valley (Gresford)

#### Anniversary of National Service Medal to Merchant Navy/Mercantile Marine

*"That the Returned and Services League of Australia (New South Wales Branch) request RSL National make representation to the Federal Government and Minister for Defence to recommend to the Governor General that the following amendment be made to the determination under the Anniversary of National Service Medal 1951 - 1972 regulation:*

*Members of the Merchant Navy / Mercantile Marine who registered for National Service, had that service deferred by the Minister and then had that capability of volunteering removed due to the*

*nature of their Mercantile Marine service being in the public interest; satisfies the requirements applicable to be awarded the medal.”*

### **Supporting Argument**

This matter only relates to the issue of the Anniversary of National Service Medal for those members of the Merchant Navy/Mercantile Marine who had registered for National Service, had their liability to render National Service deferred by the Minister and then subsequently were not able to volunteer or render Service.

Whilst repealed on the 30th June 1992, the National Service Act 1951 supports this request by interpretation of Sect. 31. Deferment of Service.

This request is not without precedence in matters relating to the Merchant Navy/Mercantile Marine as indicated below as regards Service with the United States (US) Army Small Ships Section and various campaign awards over many years -:

Inquiry into Recognition for Service with the United States (US) Army Small Ships Section

1. The US Army Small Ships Section was established in 1942 by General MacArthur using Australian ships and vessels. These were manned by Australian men under contract to the US Army Transportation Service. The men who served with the Small Ships Section have been recognised with American medals but not Imperial medals. The US Small Ships Association and the Australian Merchant Navy Awards Council have been seeking Imperial World War II recognition.

2. In November 2009 the Government accepted the following recommendations:

**Recommendation 1:** Australian civilian personnel who served in ships operated by the United States Army Small Ships Section between 1942 and 1945 should be recognised as eligible for Australian or Imperial recognition for that service on the same basis as members of the Merchant Navy.

**Recommendation 2:** There should be no requirement for those personnel to relinquish any US awards that they may have received in respect of their service in the United States Army Small Ships prior to receiving Australian recognition for that service.

## **GENERAL STANDING POLICY ON VARIOUS MATTERS**

### **22. Central Southern**

#### Legal Assistance to Veterans

*“That RSL NSW makes representations to the Law Society of NSW to approve Volunteer category practicing certificates for lawyers working pro bono with accredited veterans' advocacy centres and not just with community legal centres.”*

## Supporting Argument

1. Some of the key triggers to veterans' adverse mental health outcomes have involved legal issues including mental health-related exposure to the criminal justice system, appeals to the Administrative Appeals Tribunal (AAT) from decisions of the Department of Veterans' Affairs, and family law matters with a nexus to the subject veterans' state of mental health. In respect of mental health-related criminal cases, pro bono legal representation has consistently resulted in the diversion of the veteran out of the criminal justice system and into treatment as part of the diversionary regime, the second order effect of this being access to ongoing treatment plans which were not formerly in place. A further second order effect of the provision of pro bono legal assistance arranged through RSL sub-Branches is the veteran is introduced to the broader support available within the RSL.
2. The provision of pro bono legal support, whilst an ideal situation for the subject veterans and for the RSL more broadly, comes at a cost to the legal practitioner who is required to pay fees to hold a practicing certificate and premiums for professional indemnity insurance (PII). These costs can be alleviated completely for legal practitioners providing exclusively pro bono services - retired lawyers or lawyers working in other fields including academia who nonetheless wish to use their skills in a voluntary capacity for the benefit of particular organisations or causes.
3. In a bid to encourage greater commitment to pro bono legal assistance and thus, greater access to justice by vulnerable sectors of the community, the Law Society of NSW will provide free practicing certificates to lawyers working exclusively in a pro bono capacity under certain conditions and the Australian Pro Bono Centre will cover the cost of PII for such lawyers.
4. The problem has arisen that, whilst the Australian Pro Bono Centre covers lawyers working in a very broad range of legal areas and organisations, the Law Society of NSW has limited the provision of free practicing certificates to lawyers working in community legal centres and thus subject to the centres PII. This arguably defeats the intent of the Australian Pro Bono Centres PII scheme and would exclude lawyers wishing to work for RSL sub-Branches, veterans' entitlement and pension advocacy services and other veteran-related entities.
5. The Australian Pro Bono Centre has, in principal, supported the idea of lawyers working pro bono in veteran- related centres including RSL sub-Branches and would thus cover the cost of PII pending the agreement of the Law Society of NSW to issue volunteer practicing certificates to such lawyers. Herein lay the catch 22 of the issue, which should properly be addressed by RSL NSW lobbying the Law Society of NSW to change its policy to better reflect the policy of the Australian Pro Bono Centre and thus allow for greater access to legal assistance by a vulnerable sector of the community – veterans.

## **NEXT CONGRESS**

In 2012 and 2016, an Expression of Interest and subsequent ballot was conducted to choose from a list of potential venues to host State Congress for the following three years. Given the attention that has been focused on drafting and consulting about the proposed constitution, RSL NSW was unable to conduct a similar process prior to the 2019 Congress. As such, in accordance with clause 21.3 of the RSL NSW Constitution, the Board of RSL NSW is recommending to Delegates that the 2020 Annual State Congress be held on:

**Sunday, 25 to Wednesday, 28 October 2020 at the William Inglis Stables, Warwick Farm.**