

Sub-Branch Models Compared			
Business structure	Company Limited by Guarantee (CLG)	Incorporated Association	Unincorporated Association (Status Quo)
Character	Separate Legal Personality	Separate Legal Personality	Trustees hold property on trust for sub-Branch
Governing Act	Registration under federal legislation Corporations Act 2001 (Cth)	Registered under state legislation NSW Fair Trading administers the Associations Incorporation Act 2009 (NSW)	Not incorporated, but Trustees subject to obligations under the Trustee Act 1925 (NSW)
Federal Regulator	Australian Charities and Not-for-profits Commission (ACNC) and ASIC in certain circumstances	Australian Charities and Not-for-profits Commission (ACNC)	Australian Charities and Not-for-profits Commission (ACNC)
State regulatory authority (<i>no fundraising</i>)	N/A	NSW Fair Trading	N/A
Fundraising regulatory authority (<i>if fundraising</i>)	NSW Fair Trading	NSW Fair Trading	NSW Fair Trading
Fundraising regulatory authority in other states (<i>may apply if accept online donations outside NSW</i>)	Consumer Affairs Victoria, Consumer and Business Services South Australia, QLD Office of Fair Trading, Consumer Affairs and Fair Trading Tasmania, Department of Commerce, Consumer Protection Division Western Australia and Access Canberra	Subject to conduct of business requirements restrictions outside of NSW imposed by Incorporated Associations Act.	Consumer Affairs Victoria, Consumer and Business Services South Australia, QLD Office of Fair Trading, Consumer Affairs and Fair Trading Tasmania, Department of Commerce, Consumer Protection Division Western Australia and Access Canberra
Structural limitations	Must have a Board of Directors of not less than three (3).	The Act requires an association to have a minimum of 5 members at all times. RSL NSW Constitution obligations remain. Associations can only carry on business in the state they're registered in. If sub-Branches want to carry on business in other states they need to register and become compliant in the relevant states.	RSL NSW Constitution obligations requiring executive and trustees remain.
Governing framework	Individual Constitution & RSL NSW Constitution Directors (comprised of sub-Branch Executive appointed under RSL NSW Constitution) administer the governing framework subject to limited rights of RSL NSW as sole member	Individual Constitution & RSL NSW Constitution Committee (comprised of sub-Branch Executive appointed under RSL NSW Constitution) administers the governing framework	RSL NSW Constitution sub-Branch Executive administers the governing Framework
Obligations to RSL NSW	Contractual under RSL NSW Constitution	Contractual under RSL NSW Constitution	Contractual under RSL NSW Constitution
Fundraising (including donations)	Ability to apply for independent CFN and fundraise for the entity within set regulatory requirements under NSW act and regulations.	Ability to apply for independent CFN and fundraise for the entity within set regulatory requirements under NSW act and regulations.	Ability to apply for independent CFN and fundraise for the entity within set regulatory requirements under NSW act and regulations.
Grant submission and funding (includes Clubgrants)	Accepted entity type to apply for grants	Accepted entity type to apply for grants	Limitations to apply for grants and requires RSL NSW to auspice the grants.

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	The legal and financial risk is on the entity to fulfil grant obligations	The legal and financial risk is on the entity to fulfil grant obligations	Presuming auspicing available, legal and financial risk is on RSL NSW to take responsibility on behalf of the sub-Branch and risks are higher on RSL NSW if sub-Branches are unable to fulfil the grant obligations. EG: DVA BEST Grant
Entering Agreements	Can enter into agreements under the name of company	Can enter into agreements under the name of incorporated association.	Agreements must be entered into by the Trustees who may be personally liable for ensuring obligations under the Agreements are met
Liability of Executive	Subject to Director's duties which are personal to the Directors (including obligation to ensure that the entity does not trade while insolvent). Obligations under RSL NSW Constitution Remain	Subject to Committee obligations which are personal to the Committee Members (including obligation to ensure that the entity does not trade while insolvent). Obligations under RSL NSW Constitution Remain	Trustees subject to obligations personal to the Trustees. Obligations under RSL NSW Constitution remain.