

Royal Commission into Defence Personnel and Veteran Suicide

Warragul RSL Submission

Part 4 Ex-Service Organisations (ESO's)

The role of non-government organisations, including ex-service organisations, in providing relevant services and support for defence members, Veterans, their families and others.

- 1. Observations.** The ESO space is exceptionally crowded with some five thousand plus (5000+) organisations purporting to have interest in Veteran welfare. Most, if not all, are NFP's and accrue the financial benefits that that status confers.
2. ESO's have emerged generally to fill the vacuum created by the lack of action from government, the ADF and DVA.
3. Whilst we can only authoritatively speak on RSL Victoria, be that as it may, our view is that the ESO space is too crowded with the consequent diminution of effect, influence, and community support. Each ESO has the fixated belief that they alone possess the solutions to the Veteran dilemma.
4. Government, politicians and DVA are perplexed, unable to gain a policy consensus due to this chronic assortment. DVA exploits these conditions and regularly plays one ESO against another when it suits. Government and DVA point to ESORT as the platform to discuss matters, but as the minutes indicate; the meetings are a policy statement "dumps" from DVA and there is record to show that robust discussion is not only eschewed but used as an excuse for intimidatory behaviour. Candid opinion is not desired or practiced.
5. Nationally the RSL is handcuffed by State Branches all with their own Constitutions, businesses, culture and financial acumen or stability. Despite claims to the contrary the RSL is not united nationally and in several states the disunity is of long standing and is a counterpoise to good business and Veteran welfare.
6. We accept that Warragul RSL is a low priority for RSL National but to have five (5) detailed emails accompanied by PowerPoint presentations and numerous phone calls not returned is indicative of a non-responsive organisation.
7. RSL National¹, via its President,² is on record as stating that DVA is doing a good job. The Defence Welfare Association and its affiliates have the Canberra 'group think' that despite what is outlined in references B through E, that there are few problems with Veteran welfare.

¹ In a public email, the RSL National President accused author Westhead of heightening defence suicide because he proposed a Royal Commission. In the same email accused a mother who had lost a son to defence suicide of agitating for a Royal Commission merely to assuage a guilty upbringing. This email is attached as Annex.

² 'I think DVA has made significant progress in reducing bureaucracy and making things easier for Veterans,' Greg Mellick said. 'I'm very happy with the progress.' <https://www.dva.gov.au/about-dva/publications/vetaffairs/2019/vol-35-no3-spring-2019/new-president-seeks-unify-rsl>



8. RSL National is out of touch and unresponsive.
9. The RSL trademark is respected in the community and the community have, in the main, been willing to support the RSL via appeals and customer support for the various enterprises over the generations.
10. The tenets of RSL Vic as outlined in the respective Constitution and Rules are worthy however over time and with the inception of Gaming business the political power doesn't reside with the Veteran community in RSL Vic, but the business is driven by Gaming.
11. RSL Victoria's Constitution and Rules, written and barely amended, nearly a century ago requires change. Most of the organisation recognises the need for Constitutional change however Annual meetings over the past decade has shown that the Gaming sub-branches retain their political power via an electoral gerrymander.
12. We are of the opinion that Constitutional change will not occur without Government intervention and then only on recommendation from this RC.
13. Why the necessity for Government intervention?
14. The Australian Charities and Not for Profits Commission (ACNC) and Consumer Affairs Victoria (CAV) require NFP's to direct income for business of an NFP to the intent of their organisation's constitution. As shown in RSL Victoria's Constitution and Rules, the objective of the RSL is the welfare of Veterans.
15. Please see the spreadsheet below³.

³ This data is sourced directly and unaltered from the Victorian Commission for Gambling and Liquor Regulation (VCGLR)



Electronic Gaming Machine Venue Turnover

Name	1 July 20 -30 Jun 21	Expenditure 01 Jul 21 - 30 Jun 22	1 July 22-30 Jun 23 *	Consolidated in June 2022
BENDIGO DISTRICT RSL CLUB	\$ 4,590,615.52	\$ 6,515,824.17	\$ 4,404,137.68	\$ 15,510,577.37
FRANKSTON RSL	\$ 5,133,200.19	\$ 7,542,541.38	\$ 2,379,219.55	\$ 15,054,961.12
SHEPPARTON RSL	\$ 4,405,541.76	\$ 5,944,513.32	\$ 4,218,146.30	\$ 14,568,201.38
BENTLEIGH RSL	\$ 4,249,573.38	\$ 5,150,862.06	\$ 4,796,559.44	\$ 14,196,994.88
WATSONIA RSL	\$ 3,842,037.92	\$ 5,356,246.47	\$ 4,134,002.15	\$ 13,332,286.54
BAIRNSDALE RSL	\$ 3,955,240.98	\$ 5,404,624.84	\$ 3,551,859.22	\$ 12,911,725.04
DANDENONG RSL	\$ 4,059,264.73	\$ 5,299,243.65	\$ 2,420,208.40	\$ 11,778,716.78
BOX HILL RSL	\$ 3,949,731.19	\$ 6,154,193.83	\$ 1,457,360.08	\$ 11,561,285.10
SPRINGVALE RSL CLUB	\$ 3,875,295.59	\$ 5,856,040.44	\$ 1,606,242.51	\$ 11,337,578.54
GLENROY RSL	\$ 3,172,702.39	\$ 4,702,087.48	\$ 2,868,350.64	\$ 10,743,140.51
MILDURA RSL	\$ 3,632,335.51	\$ 5,253,287.28	\$ 1,788,130.58	\$ 10,673,753.37
ROSEBUD RSL	\$ 3,002,244.93	\$ 4,372,932.21	\$ 2,546,777.73	\$ 9,921,954.87
PHILLIP ISLAND RSL	\$ 3,529,604.70	\$ 4,769,757.83	\$ 1,150,717.52	\$ 9,450,080.05
RINGWOOD RSL	\$ 2,602,232.92	\$ 3,607,097.52	\$ 2,966,974.90	\$ 9,176,305.34
GEELONG RSL	\$ 2,635,585.33	\$ 3,278,086.72	\$ 3,251,758.63	\$ 9,165,430.68
RYE RSL CLUB	\$ 2,930,423.63	\$ 4,418,016.93	\$ 1,120,827.28	\$ 8,469,267.84
EDITHVALE - CHELSEA RSL	\$ 2,394,902.55	\$ 3,154,921.52	\$ 2,890,182.50	\$ 8,440,006.57
ARARAT RSL	\$ 2,536,538.10	\$ 3,171,717.83	\$ 2,716,343.15	\$ 8,424,599.08
GREENSBOROUGH RSL	\$ 3,028,334.53	\$ 4,030,206.94	\$ 1,229,391.40	\$ 8,287,932.87
WAVERLEY RSL CLUB	\$ 2,310,293.92	\$ 3,185,013.11	\$ 2,609,605.70	\$ 8,104,912.73
RESERVOIR RSL	\$ 2,260,208.91	\$ 2,996,675.97	\$ 2,509,876.56	\$ 7,766,761.44
DAREBIN RSL	\$ 2,275,731.04	\$ 3,207,856.80	\$ 2,272,412.81	\$ 7,756,000.65
FAWKNER RSL	\$ 826,461.96	\$ 1,087,548.17	\$ 5,690,478.64	\$ 7,604,488.77
MORWELL RSL	\$ 2,157,293.38	\$ 3,081,856.31	\$ 1,949,251.50	\$ 7,188,401.19
EPPING RSL	\$ 2,605,699.77	\$ 3,757,393.64	\$ 782,377.95	\$ 7,145,471.36
CLAYTON RSL	\$ 2,999,706.51	\$ 3,547,807.53	\$ 403,895.33	\$ 6,951,409.37
SEAFORD RSL	\$ 994,030.25	\$ 1,395,787.66	\$ 4,487,666.62	\$ 6,877,484.53
ALTONA RSL	\$ 1,989,539.03	\$ 2,703,997.81	\$ 1,874,365.41	\$ 6,567,902.25
NOBLE PARK RSL	\$ 2,389,578.89	\$ 2,812,677.79	\$ 1,281,711.94	\$ 6,483,968.62
PASCOE VALE RSL	\$ 1,396,018.63	\$ 1,932,667.69	\$ 3,112,213.38	\$ 6,440,899.70
COLAC RSL	\$ 381,661.82	\$ 633,024.09	\$ 4,451,044.66	\$ 5,465,730.57
SUNSHINE RSL	\$ 2,087,229.07	\$ 2,753,715.75	\$ 606,920.52	\$ 5,447,865.34
ST KILDA RSL	\$ 1,267,988.28	\$ 2,091,031.42	\$ 1,975,916.64	\$ 5,334,936.34
WERRIBEE RSL	\$ 1,531,867.29	\$ 2,231,658.00	\$ 1,556,117.26	\$ 5,319,642.55
MOE RSL CLUB	\$ 1,495,898.00	\$ 2,845,489.48	\$ 940,190.11	\$ 5,281,577.59
KEILOR EAST RSL	\$ 1,615,247.96	\$ 2,263,266.39	\$ 1,132,182.90	\$ 5,010,697.25
PORTLAND RSL	\$ 1,012,776.97	\$ 1,632,403.73	\$ 2,148,185.06	\$ 4,793,365.76
SALE RSL	\$ 1,499,160.93	\$ 1,554,167.14	\$ 1,735,055.42	\$ 4,788,383.49
WANGARATTA RSL	\$ 1,234,590.91	\$ 2,095,205.03	\$ 1,335,274.18	\$ 4,665,070.12
CHELLENHAM MOORABBIN RSL	\$ 1,181,419.46	\$ 1,192,485.63	\$ 2,229,216.16	\$ 4,603,121.25
LAKES ENTRANCE RSL	\$ 1,371,273.38	\$ 1,796,642.28	\$ 1,360,982.92	\$ 4,528,898.58
MENTONE RSL	\$ 277,627.41	\$ 411,908.02	\$ 3,764,229.28	\$ 4,453,764.71
MONTMORENCY RSL	\$ 986,013.96	\$ 1,404,215.47	\$ 2,039,072.77	\$ 4,429,302.20
HORSHAM RSL	\$ 1,260,639.38	\$ 1,665,422.73	\$ 1,421,066.83	\$ 4,347,128.94
CAULFIELD RSL	\$ 1,429,577.67	\$ 1,894,834.65	\$ 965,288.45	\$ 4,289,700.77
KYNETON RSL	\$ 1,192,050.82	\$ 1,765,925.72	\$ 1,280,197.60	\$ 4,238,174.14
LEONGATHA RSL	\$ 1,475,967.69	\$ 2,351,454.20	\$ 315,958.24	\$ 4,143,380.13
HEALESVILLE RSL	\$ 1,097,314.26	\$ 1,602,365.29	\$ 1,252,452.09	\$ 3,952,131.64
HIGHETT RSL	\$ 1,030,869.76	\$ 1,601,269.55	\$ 1,262,185.38	\$ 3,894,324.69
TRARALGON RSL	\$ 590,106.25	\$ 2,322,553.67	\$ 806,268.61	\$ 3,718,928.53
SWAN HILL RSL	\$ 976,313.35	\$ 1,079,499.00	\$ 857,369.67	\$ 2,913,182.02
WEST HEIDELBERG RSL	\$ 833,445.90	\$ 883,692.58	\$ 639,876.73	\$ 2,357,015.21
WARRNAMBOOL RSL	\$ 763,710.43	\$ 825,853.01	\$ 505,413.16	\$ 2,094,976.60
CRANBOURNE RSL	\$ 1,819,552.45	\$ -	\$ -	\$ 1,819,552.45
	\$ 118,142,271.54	\$ 162,589,567.73	\$ 113,051,510.14	\$ 393,783,349.41

16. From 1 July 2020 to March 2023 the RSL Victoria Gaming sub-branches (10A's) turned over from Gaming \$394,783,349⁴.

17. As at this date there is no compulsion or mandate or direction that any of this turnover is to be directed to Veteran welfare either in the RSL Victoria Constitution and Rules or the individual 10A SOP's⁵.

⁴ An industry rule of thumb is that to that figure can be added .5 or one half or \$197,391,674 for related turnover: meals, drinks etc. Total turnover in the period is approximately \$592,175,023.

⁵ Standard Operating Procedures (SOP)



18. In 2021 and 2022 at the RSL Vic Annual Meeting motions were to be put to mandate a set figure from turnover to be contributed to Veteran welfare into Veteran Services Directorate. RSL Vic leadership informed those who put the motions that it was illegal, and the motions were never placed to the membership. The RSL Vic leadership legal advice in this matter has not been made available to the membership.
19. Since the mid 90's the RSL Vic and Australian Football League (AFL) have conducted the ANZAC Day match between Collingwood and Essendon which has become second in importance only to the AFL Grand Final. It has been sold to networks around the world and has become a signature event on the AFL calendar. It is put to the media networks that income generated is in the millions of dollars to the AFL. In 2009 RSL Vic and the National Rugby League (NRL) entered into an agreement for the ANZAC Day match between the Melbourne Storm and One New Zealand Warriors.
20. The ANZAC Day Act 1958⁶ specifies that income derived on ANZAC Day from sport and directed by the Minister to Veteran related welfare. Members of RSL Vic do not have any visibility of income derived from these matches whatsoever. No visibility on media rights or income from those rights. This includes events, activities, and sales in the commercial arena in Victoria. The Federal and State authorities and RSL Vic do not audit the income derived from these events.
21. The fact remains that despite this income potential RSL Vic (and National) relies on public appeals twice a year (ANZAC Day and Remembrance Day) to fund Veteran welfare.
22. The lack of formal and informal response and support from RSL Vic to Warragul RSL has been appalling. Whether our inquiry is on DVA liaison, DVA information, reputational issues, access to funds, or Corporate governance, RSL Vic has been missing in action when it comes to public and private advocacy. Be it gaining access to the Minister, DVA Secretary or VICPOL leadership, community liaison or the drive for the RC, Warragul has pushed RSL Vic to mostly reticent action.
23. The campaign for the RC is typical. Initially the RSL Network opposed the RC but were forced by the younger membership to support the RC. RSL Vic and National failed to:
 - Get members views;
 - Agitate for appropriate commissioners;
 - Submit TOR's;
 - Prepare and submit submissions.
24. Warragul and Hawthorn RSL's lobbied heavily to force RSL Vic to submit TOR's eventually drafted by Warragul⁷.

⁶ ANZAC Day Act 1958 Section 4A (3).

⁷ Eventually the President of RSL Vic Rob Webster said to this author "why don't you do it." I did!



25. That unpaid volunteers conceived, managed, prepared, and packaged the RSL Vic submission material with very limited input from employed staff was and is very frustrating.
26. **Data collection.** RSL Vic⁸ has for a century been making submissions internally, externally, and in particular to Government. In fact, the first Secretary of the RSL Captain Gilbert Dyett was the person who inveigled government into providing for Veterans in 1926. When embarking on the production of Reference A we endeavoured to look at the RSL archive to establish what was the detail given to governments over nearly a century.
27. It transpires that RSL Vic, an ESO that purports to agitate on behalf of Veterans, has not digitised its historic material and nor is it archived. There has been a paucity of professional submissions on Veteran matters over the last twenty years since the introduction of digitised data. The lack of corporate knowledge of Veteran welfare serves to diminish the effectiveness of Veteran advocacy⁹ by RSL Vic.
28. Advocating on Veteran matters is at the core of the constitutional requirement by RSL Vic. Reference B is specific. The role of RSL Vic is to advocate on Veteran matters and assist and improve Veteran welfare. The lack of supporting data is an impediment to the development of Veteran policy and therefore welfare. This has been brought to the attention of the CEO of RSL Vic and to the State Executive (STEX), however, there has been little or no action in this matter.
29. Warragul RSL has communicated verbally and formally, in detail, to RSL Vic with little or no response. Find attached as Folio 1 some details of correspondence that has received one line or no reply from RSL Vic. Warragul RSL personnel have had to fill this informational vacuum by acting independently from RSL Vic. It has invited RSL Vic CEO's, business managers, Veteran Services Director etc. to Warragul, made presentations - again with little or no response from RSL Vic.
30. The only meaningful acknowledgement to Warragul RSL has been the RSL Active Program, a resounding success, that was funded by the Victorian State Government.
31. Twice a year the Warragul RSL raises from public contribution approximately \$40k of which 50% is given to RSL Vic. With only few exceptions via personal contact, services, and assistance we receive from RSL Vic has been negligible.
32. The line of reports of RSL Vic means that 250 sub-branches have direct access to RSL Vic's management construct. This is unwieldy, inefficient, and not conducive to a modern managerial structure¹⁰ that turns over millions of dollars per annum.

⁸ This report will only consider in detail RSL Vic issues rather than the federated network of RSL's.

⁹ Veteran advocacy is the public and private advocacy for Veteran conditions. Not to be confused with Veteran advocates who assist in the processing of claims.

¹⁰ It should be noted that Veterans are fiercely independent, certain in their innate correctness of thought and ability. Individuals insist on being individual.



33. RSL Vic, and to some extent some sub-branches, are unable to attack the big issues of the day either in their formal documentation MUFTI¹¹, Facebook or their weekly information data dumps.
34. Members do not have access to STEX minutes, Executive minutes, and are not provided detail of vital financial issues in the organisation. Please see attached a report from Ernst Young that was not provided to the network and only became available to the wider network when produced by this author at the 2022 State Conference.
35. That report detailed a difficult set of circumstances for the financial future of RSL Vic and the failure to adopt the recommendations of the report could prejudice RSL Vic's future financial aspirations. Twelve months after that event members have not been apprised of the financial plans or condition of RSL Vic.
36. As an example, valuable real estate has been sold, allocated to councils without cost or held in trust for disposal by RSL Vic without consultation or accountability to the membership.
37. RSL Vic is a non-for-profit organisation (NFP). It is subject to the Federal Government ACNC legislation and the Victorian Government Consumer Affairs legislation (CAV). The guiding legislation requires that a non for profit is to do a minimum of two things:
 - It is required to be open to the membership, that is they must be transparent and divulge details of its financial position and activity. That data is to be made available upon request and comply with the reporting requirements listed in the legislation. This does not occur at RSL Vic;
 - The Victorian legislation in particular specifies that if a business is conducted by the NFP entity, then the proceeds of that business are to be directed fully to the constitutional direction of the NFP. In this case, any businesses leveraging the RSL trademark are to provide their profits for Veteran welfare. In the case of RSL Vic, there is no mandated requirement to have sub-branches provide their business income from profits to RSL Vic for Veteran welfare. Not a single dollar accrued by businesses is directed to RSL Vic for use of the Veteran services directorate to the detriment of Veteran welfare.

¹¹ MUFTI is the bi-monthly journal produced by RSL Vic and has become an advertorial rather than a true informational vehicle.



38. Warragul RSL believes that the RSL Vic NFP status¹² is being misused and should be investigated by the relevant State and Federal authorities. ACNC and CAV Victoria have been slow to appreciate the operational machinations of RSL Vic and 10A gaming sub-branches,¹³ further we believe that laws are being broken or at the very minimum Veteran welfare is not being served as intended by the RSL Vic Constitution and Rules and government legislation.
39. **Political Infighting.** The RSL community has an historic reputation for vicious political infighting. Be it service cohorts i.e., first vs. second World War Veterans, eschewing Vietnam Veterans, the RSL has preferred to fight among itself than for Veteran welfare rights. The evidence supporting this is well documented in media and in the Veteran community.
40. RSL Victoria has recently been plagued with political infighting that is part of generational transformation and a perceived drift away from Veteran Welfare. RSL Vic has used its financial resources as a “cosh” to sue members with whom they have disagreed. Hundreds of thousands of dollars of members and public donations have been consumed via legal action.
41. Corporate entities with good leadership embrace different views without rancour. Good leadership is nurturing succession and not overstaying your welcome.
42. We at Warragul have embraced all Veteran cohorts and their families. Despite these efforts such is the damage incurred to Veterans that a seamless, happy environment is almost impossible to achieve. In effect, we have wounded looking after wounded which eventually leads to personal conflict.
43. On the larger state and national scale these conflicts become enmities that have led to the plethora of ESO development. As will be discussed in another TOR, it is evident that these enmities require government intervention to resolve. Our suggestion will be the appointment of a National Commissioner for Veterans who reports to the Governor General, one of the roles being ESO registration and the implementation of ESO metrics¹⁴.

¹² Gaming sub-branches are required by CAV Vic to provide 8.3% of their net profit for community benefit. It is a reasonable discussion to have that community benefit should be directed to Veteran welfare. This requires approval from the Minister but has not been discussed with government authorities.

¹³ CAV Vic specifies net profit before disbursement of community benefit. The analysis of annual reports for 10A shows almost exclusively that the 52 10A's exhaust all expenses creating a lower net profit than would a comparable business. Any future contribution to Veteran welfare should be based on turnover and not net profit. This should be defined in ESO registration by permanent commission.

¹⁴ See TOR...