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**RSL**  
**NSW**

# Policy

## POL01

# Funding the Charitable Purpose

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## 1. Purpose

This *Funding the Charitable Purpose Policy* states RSL NSW requirements for **RSL Representatives** to achieve our **Charitable Purpose**, as defined in the [RSL NSW Constitution](#), while complying with relevant legislation, regulations, and related policies.

## 2. Explanatory notes

This *Policy* is to be read in conjunction with *SOP01 Funding the Charitable Purpose (SOP01)*, the *AR01 Donations Oversight Committee (DOC) Charter*, relevant references, and definitions. Where there is doubt or inconsistency, the hierarchy of documentation is in accordance with the *POL30 Written Directions Governance Policy*.

All defined terms are bolded throughout this document. Refer to Section 8 in this document for the definitions. All known document names are italicised.

## 3. Scope

This *Policy* applies to all **RSL NSW Representatives**.

## 4. Policy Statement

All **RSL NSW Representatives** are to comply with this *Policy*, the regulatory foundation of which is the

## 5. Australian Charities and Not-For-Profit Commission Governance Standards

These standards provide a regulatory framework by which all charities, including RSL NSW State Branch, sub-Branched and **RSL NSW Representatives**, are required to operate:

- Standard 1: Purposes and not-for-profit nature: A charity must be not-for-profit and work towards its charitable purpose. It must be able to demonstrate this and provide information about its purposes to the public
- Standard 2: Accountability to members: A charity that has members must take reasonable steps to be accountable to its members and provide them with adequate opportunity to raise concerns about how the charity is governed
- Standard 3: Compliance with Australian laws: A charity must not commit a serious offence (such as fraud) under any Australian law or breach a law that may result in penalty of 60 penalty units or more
- Standard 4: Suitability of Responsible People: A charity must take reasonable steps to:
  - be satisfied that its Responsible People (such as Board or Committee members or trustees) are not disqualified from managing a corporation under the Corporations Act 2001 (Cth) or disqualified from being a Responsible Person of a registered charity by the ACNC Commissioner; and
  - remove any Responsible Person who does not meet these requirements.

- Standard 5: Duties of Responsible People: A charity must take reasonable steps to make sure that its Responsible People are subject to, understand, and carry out the duties set out in Governance Standard 5 which requires charities to take reasonable steps to make sure that the following duties apply to Responsible People and that they follow them. The duties can be summarised as follows:
  - to act with reasonable care and diligence
  - to act honestly and fairly in the best interests of the charity and for its charitable purposes
  - not to misuse their position or information they gain as a Responsible Person
  - to disclose conflicts of interest
  - to ensure that the financial affairs of the charity are managed responsibly, and
  - not to allow the charity to operate while it is insolvent.

Generally, the duties mean that Responsible People should act with standards of integrity and common sense.

- Standard 6: Maintaining and enhancing public trust and confidence in the Australian not-for-profit sector.

## 6. Charitable Purpose within the sub-Branch

Each sub-Branch is a charity registered with the ACNC and is to remain so. As charities, sub-Branches are to use all **Charitable Funds** exclusively for carrying out and furthering the **Charitable Purpose**, as defined in the *RSL NSW Constitution (Clause 3)* and expanded on in this *Policy* and *SOP01*.

### 6.1 Principles for use of Charitable Funds

- The sub-Branch's first priority is for **Charitable Funds** to be applied to the **Local Community**.
- Income and expenditure must be budgeted with the principle of capital preservation in real terms. For example, investments managed should have a target of CPI + x% with the CPI component of the returns adding to the capital base of the portfolio to ensure future income returns keep pace with inflation.
- At the discretion of the sub-Branch, **Surplus Net Income** is to be applied to the **Veteran Support Fund**.

Refer to *Section 7* below and *SOP01 Section 5* for more details.

### 6.2 Charitable Activities Undertaken within the sub-Branch

The RSL NSW sub-Branch is at the centre of delivering the League's **Charitable Purpose**. It does so through four key functions:

- i. Mateship and **Camarderie** includes all events and activities beyond traditional meetings that promote fellowship such as sport and recreation, family activities etc. which promote **Wellbeing** support

- ii. Connecting **Veterans and Their Families** in need, to support services within the sub-Branch such as a qualified compensation advocate, and beyond what the sub-Branch provides, such as those provided by RSL NSW's partner charity, (and funded by sub-Branches), RSL LifeCare Veteran Services. This includes services such as compensation claims advice, pensions advocacy, housing assistance, counselling, training and employment, **Wellbeing** programs etc.
- iii. **Commemoration** and similar activities to remember and respect those who have served.
- iv. **Fundraising** is critical for a charity and for RSL in NSW to show and explain to the wider community who the RSL is, what it stands for, and what it does.

Sub-Branches are encouraged to spend **Charitable Funds** to deliver these key functions in accordance with this *Policy* and the guidance in *SOP01*. **Charitable Funds** can be expended on eligible Members, as per the relevant policy as defined in the *RSL NSW Constitution*.

### 6.3 What Constitutes Wellbeing Services and Support?

A core part of delivering charitable services within the **Charitable Purpose** is the provision of **Wellbeing** services, support, and/or assistance, both financial and non-financial, to all **Veterans**, including RSL NSW Service Members, and **Their Families** who are suffering from physical or mental ill health, social disadvantage and isolation, distress, poverty, homelessness, or destitution.

In addition to RSL NSW Service Members, the **Charitable Purpose** includes the provision of services to all **Veterans** and **Their Families** who may or may not be Members of RSL NSW.

**Wellbeing Financial Assistance** involves the payment or reimbursement of the cost of basic needs, comforts, and requirements including shelter, food, groceries, bills and other living expenses, transportation costs, medical care, education, funeral and bereavement expenses and home maintenance expenses. This can be funded by a sub-Branch in **Necessitous Circumstances**, alternatively the **Veteran** in need can be directed to RSL LifeCare Veteran Services.

**Wellbeing** assistance also includes the provision of **Non-Financial Assistance** such as social (**camaraderie**), community and domestic support and assistance, such as home or hospital visits, counselling support, attendance at and/or transportation to medical appointments.

**Non-Financial Assistance** also includes claims and advocacy support and assistance, either delivered by volunteers in the sub-Branch, or by the paid advisors and advocates in RSL LifeCare Veteran Services.

### 6.4 Providing Financial Wellbeing Assistance and Non-Financial Assistance at the sub-Branch

**Financial Wellbeing Assistance** or **Non-Financial Assistance** is available to a **Veteran** or the **Family Member** of a **Veteran** who needs support or assistance in any manner falling within the **Charitable Purpose**.

When a person seeks **Financial Wellbeing Assistance**, an assessment should be completed in the first instance, except for in **crisis or severe distress** situations. The assessment process should aim to discover what kind of assistance, if any, would best suit the needs of the **Veteran** and/or their **Family Member**.

Refer to *SOP01* for guidance on how to assess the need for assistance (*Section 4.2.3*), how to assess in the event of a **crisis or severe distress** situation (*Section 4.2.3*), and record keeping and approval processes (*Section 4.2.4*)

Refer to *RSL NSW POL22 Privacy Policy* for relevant information and guidance about managing personal and sensitive information.

## 6.5 Allowable Administration Costs

Administration costs are necessary to ensure that the sub-Branch can continue to fulfil the **Charitable Purpose** and provide **Charitable Services**.

Refer to *SOP01 Section 4.2.1* for detailed guidance on allowable administration costs.

## 6.6 Allowable Expenditure for our Charitable Purpose

Our **Charitable Purpose** is defined in the *RSL NSW Constitution*. To further our **Charitable Purpose**, **Charitable Funds** must be directed to **Veterans** and **Their Families** through **Charitable Activities** within the sub-Branch's **Local Community**. Additionally, these activities can be directed through **Veteran Support Fund** initiatives to ensure that **Charitable Funds** are provided to recognised and trusted RSL-related organisations and services to further promote the RSL's standing, rather than to non-aligned **Ex-Service Organisations**.

**Charitable Funds** are not to be used to support non-RSL branded activities unless agreed and supported through the **Veteran Support Fund (VSF)**. (Note. By funding another organisation through the VSF, RSL NSW can safeguard appropriate sponsorship and / or commercial arrangements and ensure RSL NSW's contribution is appropriately recognised.)

Expenditure to a registered charity is a **Donation**. Expenditure on goods and services to support the **Charitable Purpose**, is also an **Allowable Expenditure**.

*SOP01 Section 4.2* contains further explanation of Allowable Administration Costs and *Section 4.2.5* covers assessing **Donations**.

*SOP01 Section 4.2.2* contains criteria for assessing expenditure of **Charitable Funds** (based on the definition in the *RSL NSW Constitution*).

*Clause 15.56* of the *RSL NSW Constitution*<sup>1</sup> states the maximum amount which sub-Branches can expend for any single item, activity, or event and the maximum amount

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<sup>1</sup> Amended by 2022 AGM. Amendments take effect 1 January 2023 with drafting to be endorsed at the 2023 AGM/EGM.

of total expenses which can be incurred by the sub-Branch, in one calendar year, before the prior written consent of the Board or its Delegate is required.

## 6.7 Assessment of donations at the sub-Branch

When considering **Donation** requests at a sub-Branch level, the request is to be assessed against the **Charitable Purpose**. Several considerations are to be made including the nature of the potential recipient (e.g., registered charity); the use of the funds (e.g., consistency with our **Charitable Purpose**), potential conflicts of interest, and necessary approvals.

Refer to *SOP01 Section 4.2.5* for more details.

Expenditure which is not to a registered charity cannot be classified as a **Donation**.

Donations, rent relief or other financial benefits are not to be applied to registered or licensed clubs.

*Clause 15.56 of the RSL NSW Constitution<sup>2</sup>* states the maximum amount sub-Branches can donate or gift in total and the maximum individual donation or gift, in any one calendar year, without prior written consent of the Board or its Delegate.

Donations to the VSF do not require prior written consent of the Board or its Delegate.

After submission of a *VSF Funding Proposal for sub-Branches form* (See *SOP01 Appendix E*) donations to Ex-Service Organisations (ESOs) are to be approved through the VSF approval processes.

## 7. Charitable purpose beyond the sub-Branch: RSL NSW Veteran Support Fund

### 7.1 What is the RSL NSW Veteran Support Fund?

The RSL NSW Veteran Support Fund (VSF) is a central fund to which the sub-Branches contribute **Charitable Funds**. It is managed by ANZAC House, overseen by the **Donations Oversight Committee (DOC)**, and the RSL Board is accountable for its effective operation.

The VSF provides a transparent way for all sub-Branches and ANZAC House to fund the **Charitable Purpose** and complement and enhance what is delivered by sub-Branches. By contributing to the VSF, sub-Branches and ANZAC House also discharge their regulatory responsibilities regarding expenditure of **Charitable Funds**.

Except for Donations to the President's Shield, all contributions to the VSF are for discrete, identified purposes and cannot be used by ANZAC House for another purpose, without the approval of the **DOC**. In the event of one or more of the VSF targets being exceeded, with the approval of the **DOC**, additional funds will be applied to another initiative within the VSF for that financial year. (Noting that any expenditure

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<sup>2</sup> Amended by 2022 AGM. Amendments take effect 1 January 2023 with drafting to be endorsed at the 2023 AGM/EGM.

from aggregation in VSF will be proportional – that is: if 70% of funds are spent, each contributing sub-Branch would have expended 70% of their contribution.)

By uniting all available funds in the VSF and working together, the RSL in NSW can strategically influence positive outcomes for **Veterans** and the RSL's standing and reputation throughout the state and nation.

## 7.2 VSF Governing Principles

The VSF is governed under these principles:

- Transparency - all income, expenditure and performance can be monitored by Members
- Alignment - expenditure is to be aligned with our **Charitable Purpose** (as defined in the *RSL NSW Constitution*) and the *RSL NSW Strategic Plan*, to ensure a strong and successful future of the League in NSW
- Compliance - management of expenditure from the pool is to meet all regulatory requirements
- Sharing - by leveraging the available funds, outcomes can be multiplied as branding and awareness increases. Each sub-Branch and / or Chapter, regardless of the size of its community, will benefit.
- VSF Initiatives are determined by members or recommended by the RSL NSW Executive and approved by the DPC

Refer to *SOP01 Section 4.1* for the annual financial planning cycle and *SOP01 Section 5.1*, for VSF minimum requirements.

## 7.3 Donations Oversight Committee

To ensure good governance and transparency of how the Veteran Support Fund operates there is the **DOC**, composed of sub-Branch Member representatives.

The **DOC** endorses, for Board approval, annual detailed donation targets for strategic initiatives with a four-year forecast, to deliver the **Charitable Purpose** and further the standing of the League in NSW, and monitors performance related to expenditure.

Refer to the **DOC Charter** and *SOP 01* for more details about the **DOC** membership and responsibilities.

## 7.4 Donations to Ex-Service Organisations

- The DPC will determine **ESOs** to which sub-Branches can donate through the VSF (if a proposal is received.)
- All donations to **ESOs** are subject to the approval processes of the VSF
- If a sub-Branch wants to donate to an **ESO** that is not included in the VSF, they may complete a *VSF Funding Proposal for Sub-Branches* (See *SOP01 Appendix E*) for approval and inclusion. This is to ensure that the wider community and sub-



Branches understand what the RSL is strategically doing to support our **Charitable Purpose**.

- The proposal will be subject to the VSF approval process (See flowchart in [Appendix A: Management of the VSF Funding Proposals from sub-Branches](#))

## 8. Definitions

The following definitions (in alphabetical order) are to be applied where required.

TERM	DEFINITION
<b>Allowable Administration Costs</b>	Administration costs are necessary to ensure that the sub-Branch can continue to fulfil its <b>Charitable Purpose</b> and deliver <b>Charitable Activities</b> . For examples of <b>Allowable Administration Costs</b> , refer to SOP01 Section 4.2.1.
<b>Allowable Expenditure</b>	Any expenditure incurred in the pursuance of the <b>Charitable Purpose</b> . This includes all RSL NSW Veteran Support Fund (VSF) contributions, <del>and of a Donation where indicated</del> all <b>Donations</b> and expenditure on <b>Charitable Activities</b> and <b>Allowable Administration Costs</b> . For examples of <b>Allowable Administration Costs</b> , refer to <i>SOP01 Section 4.2.1</i> .
<b>Benefit</b>	Something that promotes and/or enhances <b>Wellbeing</b> .
<b>Camaraderie</b>	Activities or events, including Meetings, which promote esprit de corps, sport and recreation, friendship, and fellowship. It can be applied to Service Members, and Affiliate and Auxiliary members, as well as <b>Veterans</b> and <b>Their Families</b> .
<b>Charitable Activities</b>	Activities undertaken to achieve the <b>Charitable Purpose (Allowable Expenditure of Charitable Funds)</b> , including but not limited to <b>Financial Wellbeing Assistance, Non-Financial Assistance, Commemoration</b> , fundraising, events that promote <b>Wellbeing</b> (e.g., sport and recreation) and <b>Camaraderie</b> .
<b>Charitable Funds</b>	All income and property within the control of the RSL in NSW, including RSL NSW sub-Branches, whether they are funds from investments or monies raised by fundraising, bequests, grants, asset sales, or derived from other income sources. (May also be referred to as Charitable Monies, Charitable Resources, Charitable Revenue.)

TERM	DEFINITION
<p><b>Charitable Purpose</b></p>	<p><i>RSL NSW Constitution</i> states:</p> <p>3.1 providing assistance, care and relief for current and former members of the Australian Defence Force and their families who are suffering from physical or mental ill health, social disadvantage and isolation, distress, poverty, homelessness or destitution including without limitation those who are elderly;</p> <p>3.2 providing support and assistance for current and former members of the Australian Defence Force and their families including without limitation to obtain compensation, benefits, and assistance to which they are entitled and in relation to all aspects of transitioning from military service to civilian life, particularly where the member has been detrimentally affected by their service;</p> <p>3.3 providing validation of service and sacrifice by commemorating those who have served and preserving the memory of those who have suffered and died;</p> <p>3.4 promoting and facilitating the prevention of social isolation as a cause of Veteran ill health by fostering and enabling community engagement, social connection and Camaraderie by and between former and current members of the Australian Defence Force and their families; and</p> <p>3.5 doing all other things necessary, ancillary or incidental to pursuing and implementing its benevolent Charitable Purpose including without limitation:</p> <p>(a) establishing, maintaining and regulating the operation of RSL NSW sub-Bran­ches in New South Wales;</p> <p>(b) researching, promoting and publicly advocating for the interests of former and current members of the Australian Defence Force and their families on matters of public policy;</p> <p>(c) establishing and maintaining literary, social, educational and benevolent activities for the benefit, promotion and advancement of former and current members of the Australian Defence Force and their families particularly where the member has been detrimentally affected by their service; and</p> <p>(d) promoting the defence of the Commonwealth of Australia and guarding the good name, interests and standing of serving members of the Australian Defence Force.</p> <p>Source: <i>RSL NSW Constitution - Clause 3</i></p>
<p><b>Commemoration</b></p>	<p>The validation and honouring of service and sacrifice by <b>Veterans</b> and currently serving members of the Australian Defence Force (ADF) through events and activities.</p>
<p><b>Crisis / Severe distress / Emergency</b></p> <p><i>(Note: this wording was in V1 but not as a definition)</i></p>	<p>When a <b>Veteran</b> or their <b>Family Member</b> is in crisis or such severe distress that they cannot participate in the <b>Financial Wellbeing Assistance</b> assessment process a sub-Branch Member can assess the circumstances and make a recommendation to sub-Branch Members with the authority to approve a request for <b>Financial Wellbeing Assistance</b>. Examples of a crisis / severe distress include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• The sudden loss of a close family member (such as a spouse, parent, partner, child)</li> <li>• Life-threatening injuries or illnesses</li> <li>• Domestic violence, or threats of violence, mental and/or physical abuse</li> <li>• Natural disasters</li> <li>• Mental incapacity</li> <li>• Homelessness; and</li> <li>• Total loss of most or all possessions (for example, in a house fire).</li> </ul>

TERM	DEFINITION
Donation/s	<b>Charitable Funds</b> provided to a charity registered with the ACNC; <b>Donations</b> can only be made to a registered charity <b>which meets our Charitable Purpose</b>
<b>Donations Oversight Committee</b>	A Committee of sub-Branch volunteers responsible to the Board of RSL NSW (Board) for supporting transparency of all donations received in the Veterans Support Fund (VSF) and advising on the appropriateness of the associated expenditure.
Ex-Service Organisation (ESO)	A charity with a purpose to support <b>Veterans</b> and/or Veteran <b>families</b> .
Family Member / Family	A direct dependent of a <b>Veteran</b> , also referred to as “ <b>their Families</b> ”.
Financial Wellbeing Assistance	Financial <b>Wellbeing</b> involves support and assistance in the form of payment or reimbursement of the cost of basic needs, comforts and requirements including but not limited to shelter, food, groceries, bills, and other living expenses, transportation costs, medical care, education, funeral, and bereavement expenses and home maintenance expenses. <b>For more information, refer to Section 6.4 above and SOP01 Section 4.2.3.</b>
Local Community	Local Government Area (LGA) including LGAs within the District (as defined in the <i>RSL NSW Constitution</i> ) in which a sub-Branch operates.
Meeting	A formal sub-Branch Meeting as per the <i>RSL NSW Constitution</i> (minimum four per year).
Necessitous Circumstance	Circumstances in which a <b>Veteran</b> or a member of a <b>Veteran’s Family</b> does not have the financial means to cover immediate expenses, or the physical capability to action themselves.
Non-Financial Assistance	<b>Wellbeing</b> support and assistance also includes the provision of <b>Non-Financial Assistance</b> such as social, community and domestic support and assistance such as home or hospital visits, counselling support, attendance at and/or transportation to medical appointments. <b>Non-Financial Assistance</b> also includes claims and advocacy support and assistance. (May also be referred to as In-Kind Assistance)
Reasonable Expenditure for Camaraderie	Reasonable Expenditure for Camaraderie is capped at \$300, per year, per active Member, on average/sub-Branch. This figure is deemed justifiable and can be applied at discretion of a sub-Branch executive.  For example, if a sub-Branch has 100 active Members, there is a capped expenditure of \$30,000 per year on Camaraderie.
<b>RSL NSW Representatives</b>	<b>Includes Members, employees, contractors, volunteers, Committee members and Directors of RSL NSW, and its associated entities.</b>
<b>Their Families</b>	<b>Refer to Family Member / Family</b>
<b>Sub-Branch Portal</b>	<b>The online platform designed to provide quick access for sub-Branch Executives to undertake their administrative, governance, and compliance roles including membership information, a resource centre, the online Annual Return Form and Compliance Annual Report, and other sub-Branch related functionalities.</b>

TERM	DEFINITION
<b>Veteran</b>	<p>A Person who has served, or is serving, as a member of the Permanent Forces or as a member of the Reserves.</p> <p><i>Source: Australian Veterans' Recognition (Putting Veterans and their Families First) Act 2019</i></p>
<b>Wellbeing</b>	<p>Physical, mental, and social <b>Wellbeing</b> is affected by an individual's perceptions, emotions, and behaviour as well as their ease of movement and levels of any discomfort. Broader than just mental health, a state of <b>Wellbeing</b> is where a person is flourishing in both mental and physical health. It is multi-dimensional, covering aspects of life ranging from civic engagement to housing, from household income to work-life balance, and from skills to health status.</p> <p><i>Source: Organisation for Economic Cooperation and Development (OECD) 2015</i></p>
<b>Wellbeing Advocate</b>	<p><b>Wellbeing Advocates</b> are Advocacy Training and Development Program (ATDP) accredited people who have undertaken training to a level that qualifies them to provide advice to <b>Veterans</b> and <b>their families</b> in need. It covers such things as awareness of legislation/entitlements, Australian Defence Force transition, homelessness, restoration of <b>Wellbeing</b>, mental and emotional <b>Wellbeing</b>, physical <b>Wellbeing</b>, financial <b>Wellbeing</b>, family relationships, and counselling and awareness of services to support a <b>Veteran</b> or <b>d</b> in crisis.</p> <p><i>Source: DVA Wellbeing Advocate's Handbook 2020</i></p>
<b>Wellbeing Support Officer</b>	<p>Wellbeing Support Officers (WSOs) provide a wide range of valuable support services to Veterans and their families, but this does not include providing any form of advice about compensation claims, or <b>Wellbeing</b> support. The types of services provided by WSOs include, but are not limited to: visits to home, hospital and aged care facilities; providing simple services such as driving, shopping trips, etc.; arranging for simple domestic assistance or home maintenance services; assisting with administrative duties in a non-paid position; assisting with the administration of social clubs within a service club environment in a non-paid position; organising and conducting social, family, and sporting activities; and provide support to a <b>Veteran's Family</b> during times of grief, loss, or bereavement. Additionally, in the RSL, a trained WSO knows what is contained in and how to use a catalogue of services so they can help guide a <b>Veteran</b> in need to connect to the required service, and importantly check in on that <b>Veteran</b>.</p> <p><i>Source: DVA Wellbeing Support Officer's Handbook</i></p>

## 9. Document Governance

POL01 FUNDING THE CHARITABLE PURPOSE POLICY		
Associated written directions	<ul style="list-style-type: none"> <li>• <a href="#">RSL NSW Constitution 2019, as amended 2022</a></li> <li>• <a href="#">RSL NSW Strategic Plan 2020 – 2026, as updated 2022</a></li> <li>• SOP01 Charitable Purpose, 2023 (under development)</li> <li>• POL30 Written Directions Governance Policy, 2023 (under development)</li> <li>• <a href="#">POL22 Privacy Policy</a></li> <li>• AR01 Donations Oversight Committee (DOC) Charter (under development)</li> </ul>	
Related legislation	<ul style="list-style-type: none"> <li>• <a href="#">ACNC Governance Standards</a></li> <li>• <a href="#">RSL NSW Act 2018 (NSW)</a></li> <li>• <a href="#">RSL NSW Constitution 2019, as amended 2022</a></li> <li>• <a href="#">NSW Charitable Fundraising Act, 1991 (NSW)</a></li> <li>• <a href="#">NSW Charitable Fundraising Regulation 2021 (NSW)</a></li> </ul>	
Approved by	<i>Title and name of role</i>	<i>Date Date approved</i>
Written directions owner	<i>Title and name of relevant staff member</i>	
Date effective	<i>Date</i>	<i>Review date</i>
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Content enquiries	<i>Written directions owner or nominee or support@rslnsw.org.au?</i>	