

**NEW SOUTH WALES**  
**Charitable Fundraising Act 1991**

(Section 26)

To: The Honourable Patricia Anne Bergin SC, an inspector appointed pursuant to section 49(1) of the *Charitable Fundraising Act 1991*

I, Matthew Kean, Minister for Innovation and Better Regulation, pursuant to section 26 of the *Charitable Fundraising Act 1991* ('the Act'), require you to inquire into

- (A) the body corporate called 'The Returned and Services League of Australia (New South Wales Branch)' ('RSL NSW'), an organisation that I have reason to believe has conducted a fundraising appeal and persons whom I have reason to believe have been associated with a fundraising appeal (within the meaning of the Act), including but not limited to the members of the governing body and officers of RSL NSW;
- (B) 'the RSL Welfare and Benevolent Institution' (also known as 'RSL DefenceCare') and its trustees (collectively, 'WBI'), respectively an organisation that I have reason to believe has conducted a fundraising appeal and persons whom I have reason to believe have been associated with a fundraising appeal (within the meaning of the Act), including but not limited to the members of the governing body and officers of WBI; and
- (C) RSL Life Care Limited ('LifeCare'), an organisation that I have reason to believe has conducted a fundraising appeal and persons whom I have reason to believe have been associated with a fundraising appeal (within the meaning of the Act), including but not limited to the members of the governing body and officers of LifeCare

with respect to the following matters arising under the Act:

- 1. whether or not:
  - (a) RSL NSW has since 1 July 2007 complied with Condition 20 (as varied from time to time) of its authority to conduct charitable fundraising;

- (b) the terms of the said Condition 20 are adequate to achieve its purpose and to ensure good governance of RSL NSW in respect of matters relevant to the operation of the Act;
- (c) funds of RSL NSW have since 1 July 2007 been used or expended pursuant to decisions made by a person, or by a group including a person, inconsistently with their obligations to RSL NSW and/or who had in respect of any such decision a conflict of interest;
- (d) any other Condition of RSL NSW's authority to conduct charitable fundraising has been breached since 1 July 2007;

2. whether or not:

- (a) WBI has since 1 July 2007 complied with Condition 20 (as varied from time to time) of its authority to conduct charitable fundraising;
- (b) the terms of the said Condition 20 are adequate to achieve its purpose and to ensure good governance of WBI in respect of matters relevant to the operation of the Act;
- (c) funds of WBI have since 1 July 2007 been paid to LifeCare or otherwise used or expended pursuant to decisions made by a person, or by a group including a person, inconsistently with their obligations to WBI and/or who had in respect of any such decision a conflict of interest; and
- (d) any other Condition of WBI's authority to conduct charitable fundraising has been breached since 1 July 2007;

3. whether or not:

- (a) LifeCare has since 1 July 2007 complied with Condition 20 (as varied from time to time) of its authority to conduct charitable fundraising;
- (b) the terms of the said Condition 20 are adequate to achieve its purpose and to ensure good governance of LifeCare in respect of matters relevant to the operation of the Act;
- (c) funds of LifeCare have since 1 July 2007 been used or expended pursuant to decisions made by a person, or by a group including a person,, inconsistently with their obligations to LifeCare and/or who had in respect of any such decision a conflict of interest; and

- (d) any other Condition of LifeCare's authority to conduct charitable fundraising has been breached since 1 July 2007;
4. whether or not the management of RSL NSW, WBI or LifeCare since 1 January 2007, or the conduct of any fundraising appeal by them since 1 January 2007, or any other matter that comes to the attention of the inquiry, involves or indicates:
- (a) a breach of the Act; or
  - (b) a ground upon which I could be satisfied of a matter listed in subsection 16(2) or subsection 31(1) of the Act.

and by 1 February 2018 to report to me on the inquiry, the information that it has obtained, and any recommendations you think appropriate.



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Minister for Innovation and Better Regulation  
15th May 2017