



THE RETURNED AND SERVICES LEAGUE OF AUSTRALIA  
ALBION PARK RSL SUB BRANCH  
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## **EXECUTIVE / COMMITTEE MEMO**

### **TO FINANCIAL SUB BRANCH MEMBERS**

**SUBJECT: Albion Park RSL Sub Branch - 'WELFARE & BENEVOLENT TRUST FUND'**

The Albion Park RSL Sub Branch is now NOT able to pay a financial members next of kin any benefits from the 'Welfare & Benevolent Trust Fund' upon the death of the sub branch member. This is because the authority to make benevolent payments, being the 'Trust Fund legal instrument' has now expired. Further, RSL NSW have advised us that it is against the Charitable Fundraising Act 1991 (NSW) to operate a Benevolent Fund.

### **HISTORY OF THE WELFARE & BENEVOLENT TRUST FUND**

On the 6 October 1999, the Sub Branch General Meeting agreed with the then Trustees to create a 'Benevolent Trust Fund'. Solicitors 'Russell McLelland Brown' drew up the Trust Instrument which was duly signed, coming into force on the on the 8 December 1999. The 'Trust Fund' instrument had an expiry date of 1 October 2014, unless it was 're-settled' by resolution prior to that date. The 'Trust Fund' was not re-settled or replaced with any other benevolent scheme after the 1 October 2014.

The 'Trust Fund' initially received a deposit of \$5,000 in 1999 and then was supplemented by 20% of the annual interest earned by the Sub Branch from fixed deposits. During the currency of the 'Trust Fund' it paid to a Sub Branch financial members next of kin the minimum of \$250 if the member had 5 years continuous membership and pro rata at \$50 extra per year to maximum of \$500 pay out with 10 years continuous membership. Sub Branch members did not contribute to this fund as is generally the case with Benevolent Funds schemes that pay a benefit upon the death of a contributor.

Fortunately the 'Trust Fund' remained solvent throughout its tenure, however in today's climate of low interest rates it would be inevitable that financial trouble was on the horizon for our Trust Fund.

## WHAT HAPPENS NOW

As instructed by the 'Trust Fund' instrument, the remaining monies were deposited into the Sub Branch Welfare Account. We can still provide welfare assistance to a Sub Branch member's close family should hardships exist. RSL NSW are yet to issue us with instructions on what constitutes Welfare. Once this instruction is received we will examine what we can provide our members as a form of replacement. It is unlikely that a similar payment upon death scheme will be forthcoming. A more likely benefit provided to families in the event of the death of a Sub Branch member could be the Sub Branch covering the cost of a bugler, a flag, flag box and poppies. Again, it is only after Welfare definitions have been provided by RSL NSW will we be able to present options to members at a General Meeting for approval.



Beau Byers

Honorary Treasurer

Albion Park RSL Sub Branch



Peter Ellis

Honorary Secretary

Albion Park RSL Sub Branch