



VIETNAM VETERANS ASSOCIATION OF AUSTRALIA  
(QUEENSLAND BRANCH)

"Honour the dead but fight like hell for the living"

ABN 45 827 964 391

## AGENDA

### Vietnam Veterans Association of Australia (Queensland Branch) Inc

State Management Committee Meeting conducted at Redcliffe RSL on Saturday 15<sup>th</sup> May 2010

#### 1. OPENING

The President called the meeting to order and declared the State Management Committee Meeting open at. This was followed by a few moments silence for fallen and departed comrades followed by the Ode.

#### 2. ATTENDANCE

##### 2.1 State Executive

State President	John P Smith, OAM, JP (Qual)
Snr Vice President	Greg Norris
Jnr Vice President	Keith Fraser
Secretary	Carl Boy'e
Treasurer	David Fiechtner

##### 2.2 Delegates.

Bribie Island	Gwen Moseley
Bne Nth	Peter Thorne
Gympie	Len Herron
Townsville	Sheila smith (Proxy)
Redcliffe	Bill Stowers
Cool Tweed	Bruce Weir
Sunshine Coast	David Fiechtner
John Power	Logan and Albert

##### 2.3 invited Guests

Nil

##### 2.5 Visitors

Bne Nth	Lesley Boy'e
Bribie Island	Rob Moseley
	Sue Norris
Gympie	Denise Fraser

#### 3. APOLOGIES

#### 4. MINUTES FROM PREVIOUS MONTHLY MEETING

**Motion:** That the minutes of State Management Committee Meeting held at Hervey Bay on Saturday 27<sup>th</sup> February 2010 be confirmed as a true and accurate record of the last general meeting"

**Proposed**

**Seconded**

**Carried**

**Resolution:**

#### 5. BUSINESS ARISING FROM THE PREVIOUS MINUTES:

#### 6. MINUTES OF THE ANNUAL STATE CONGRESS

**Motion:** That the minutes of the State Congress held at Hervey Bay on Saturday 27<sup>th</sup> February 2010 be confirmed as a true and accurate record of the State AGM

**Proposed**

**Seconded**

**Carried**

**Resolution**

## 7. BUSINESS ARISING OUT OF THE STATE AGM MINUTES

### 8. CORRESPONDENCE

**Motion:** That the outwards correspondence is endorsed and the inwards received “

**Proposed State Secretary**

**Seconded**

**Carried**

**Resolution:**

### 9. BUSINESS ARISING FROM CORRESPONDENCE:

They was no business arising

### 10. TREASURER’S REPORT

The State Treasurer gave a full report and this was handed out to all present.

**Motion:** That the Treasurers Report be accepted and all lawful accounts be paid”

**Proposed State Treasurer**

**Seconded**

**Carried**

**Resolution**

### 11. BUSINESS ARISING FROM TREASURER’S REPORT

#### 12 REPORTS

##### 12.1 ACCOMMODATION REPORT Zac’s Place

David Fiechtner

##### 12.2. STATE ADVOCATE’S AND TIP REPORTS:

Helena Smith

**12.2A Vita Matters** John Smith

Practitioners Who can act

Refresher Training

**12.3 QFE:** John Smith/ Greg Norris

**12.4 VVCS:** David Fiechtner

**12.5 OPERATION LIFE:** Keith Fraser

**12.6 FAMILY HEALTH STUDY:** Ken O’Brien

**12.7 ANZAC DAY DAWN SERVICE:** John Smith

**12.8 STATE CONSULTATIVE FORUM;** John Smith

**12.9 PRESIDENT’S REPORT:** John Smith

**Motion:** That all reports be accepted

**Proposed**

**Seconded:**

**Carried**

**Resolution:**

### 13 SPECIAL BUSINESS

#### 13.1 NATIONAL CONGRESS

##### 13.1 A ELECTION OF NATIONAL EXECUTIVE

President Ron Coxon and Ken Foster

Vice President Dave McCann, Brian Harper, John Smith, Paul Coppock

Secretary Ken Foster

Treasurer Rob Cox and Jan Properjohn

##### 13.1 B NOTICE OF MOTION

ACT moves that the following amendment to the VVAA National Constitution be adopted:

S 5 to now read

The statement of objects and this constitution may be altered, rescinded or added to only by a special resolution at a National Congress, a National Council or an Extra Ordinary Meeting of the National Council. Such a special resolution to be preceded by a Notice of Motion lodged with the National Secretary not less than sixty days prior to the proposed meeting.

The rationale for this amendment is to replace the up to twelve month time frame between the need for the amendment becoming known with one more in keeping with timeliness.

#### **NOTICE OF MOTION TO AMEND THE CONSTITUTION**

ACT moves that the following amendment to the VVAA National Constitution be adopted:

S 26 e: delete the words "The nominee must be present at the meeting."

The rationale for this amendment is that in this age of modern communication a nominee will be available to formally accept the nomination by telephone or the like and the nominator will be present to answer questions about the nominee.

#### **NOTICE OF MOTION TO AMEND THE CONSTITUTION**

ACT moves that the following amendment to the VVAA National Constitution be adopted:

S 23 replace "Subject to this Constitution four members present in person and entitled to vote shall constitute a quorum" with "Subject to this Constitution seventy five per cent of members present in person and entitled to vote shall constitute a quorum."

S 25 e replace "Subject to this Constitution four members present in person and entitled to vote shall constitute a quorum" with "Subject to this Constitution seventy five per cent of members present in person and entitled to vote shall constitute a quorum."

The rationale for this amendment VVAA national meetings are held with democratic representation of the ordinary membership present.

### **13.1 C Vietnam Veterans Day 2011 Proposed by Tasmania**

#### **The Proposal for Discussion**

That the VVAA together with representatives of the HMAS Hobart and HMAS Perth Associations form a special committee to co ordinate a national commemoration of RAN participation in Operation Sea Dragon.

#### **Background**

It was recently brought to my attention with a strong suggestion that the VVAA should take steps to support a special emphasis being given to the RAN involvement in the Vietnam War on Vietnam Veterans Day 2011. The year 2011 has no particular anniversary significance relative to this suggestion.

Unlike the Army, the RAN did not participate in specific battles such as Long Tan or Coral / Balmoral, just as this suggestion does not intend to detract from the significance of those events or their commemoration on the day.

The popular conception of the RAN involvement is that (and I quote an Army source from a conversation late last year), 'Well they either provided the bus service or sat 50 miles out to sea and fired a few rounds'. In fairness to this particular army source, Navy office itself also concedes almost a complete lack of awareness on the roles of the RAN in Operation Sea Dragon.

Operation Sea Dragon was a maritime operation mounted in response to the 1968 Tet Offensive, and remained in effect from December 1966 until November 1968 when the U.S. Joint Chiefs of Staff ordered a cessation to all aggressive activities in North Vietnam. Both HMAS Hobart and HMAS Perth had been deployed well north of the DMZ in the Gulf of Tonkin and played a pivotal role in attacking enemy targets in North Vietnam, often only a few hundred kilometers or so from Hanoi itself.

While on station in Northern Sea Dragon both ships received enemy fire on many occasions causing mainly superficial shrapnel damage. On one occasion Perth was hit sustaining structural damage and 7 casualties, while the Hobart was hit by 'Friendly Fire', losing two crew KIA. On 10 October 1968 Perth received more than 30 enemy rounds from shore batteries.

The participation and effectiveness of both Hobart and Perth in Operation Sea Dragon was recognized by the USN with both ships being awarded USN Meritorious Unit Commendations and Perth also receiving a USN Meritorious Unit Citation.

Vice Admiral David Leach who was then Captain of HMAS Perth is supportive of the idea, believing also that the roles actually played by Hobart and Perth in Northern Sea Dragon are deserving of special recognition and commemoration as an integral part of Vietnam Veterans Day Commemorations.

### **13.1 D Military Superannuation from Qld**

*National Secretary Note: the following document was received by email early March 2010 from the VVAA Queensland president with a request the matter of military superannuation be added to the congress agenda for discussion.*

Another matter that I believe most of us should be vitally interested in is the current situation with Military Superannuation. There are a number of problems associated with this

**1. Indexation**

As you are aware there has been a concerted effort made to ensure that the indexation of Military Superannuation be changed to come into line with all other schemes and pensions. Currently the military super schemes, DFRB AND DFRDB etc are only indexed according to CPI but just about all others are indexed to CPI, MTAWA or PBLCI. Most government reviews etc have stated categorically that the CPI indexing is out of date and should no longer be used

**2. Taxation**

As you may be aware in a recent budget the government announced that pensioner over 60 would not pay tax on their super however what the government did not announce was the Mil Super schemes were not included because they were not self funded. DFRDB and DFRB were self funded until Paul Keating closed down the DFRDB etc and put the money into consolidated revenue in about 1993.

**3. Commutation**

As you may be aware when a service person retired from the forces after doing a minimum of 20 years they were entitled to comsuper under the DFRDB and DFRB. Also when a person retired they could commute 4 years of pension into a lump sum; however your pension would be decreased by an amount of money necessary to pay back that amount using a person's notional life span, in my day that was about 70. What happens in reality is that the reduced amount DOES NOT CHANGE even when you reach the notional age so therefore you keep paying back so therefore you are paying back more than you received

**4. Spouse Benefit**

At the moment if you are on DFRDB/DFRB and you are married and you die your spouse gets 62.5% of your pension for the rest of their lives. If a Parliamentarian is married and they die and are entitled to super their wife gets 82.5% of their super

**5. Amalgamation of all Super Schemes under one umbrella**

At the moment the senate is holding an enquiry into a proposed bill to amalgamate all super schemes under one umbrella and that includes all Civvy and Military. There are proposing a board of some ten members, 5 by the government, 3 by the ACTU and 2 by CDF. The chair will be nominally approved by Minister for finance, Lindsay tanner, need we say more. We need to impress on people that the military veterans have a special status and we have a very unique nature of service in that when we sign on we forfeit our Civil rights and have to do as we are told, which includes going to war, moving every couple of years, children changing schools regularly. We need a board of our own. We should agree that all the mil super boards should be amalgamated but not with civvies.

*(currently I believe that the Bill has been withdrawn thanks to the work of the DFWA and RSL and other interested ESO and individuals. I think it is to be tabled again in May))*

**13.1 E NATIONAL EXECUTIVE DUTY STATEMENTS**

Authority: VVAA Policy Handbook GE 012

**NATIONAL PRESIDENT**

1. To represent the association at a national level or alternatively appoint his representative.
2. To chair all meetings of the National Executive, National Council and National Congress
3. To host all function of the association at a national level.
4. To oversee and supervise all operations of the National Executive
5. To appoint portfolio managers on an annual basis
6. To supervise portfolio managers.
7. To appoint or nominate representatives of the association

8. To prepare discussion papers and reports related to allotted portfolios
9. To prepare major discussion papers and recommendations to the National Council.

#### **NATIONAL VICE PRESIDENTS**

1. To understudy and support the National President
2. To represent the national President as required.
3. To manage portfolio's as directed by the National President
4. To prepare discussion papers and reports related to the allotted portfolios

#### **NATIONAL SECRETARY**

1. To establish and maintain a principle place of administration for the association.
2. To record, distribute and maintain records of all meetings of the National council and National Congress
3. To prepare agenda for all meetings of the National council and National Congress
4. To establish and maintain a register of members of the association, and provide copies of that register for the records of the public officer as required.
5. To establish and maintain a register of all branches and sub branches of the association
6. To maintain a register of members of the national executive and national council
7. To receive, record and distribute all correspondence related to the association.
8. To manage or supervise the manager of the association web site.
9. To maintain the associations constitution and policy handbook
10. To prepare discussion papers and reports related to the allotted portfolios

#### **NATIONAL TREASURER**

1. To establish and maintain books of accounts for the association at a national level.
2. To issue receipts for monies received and promptly deposit those monies in an approved bank accounts.
3. To pay all approved accounts as soon as reasonable possible from the approved bank accounts
4. To supervise and record the financial operations of the associations merchandising manager.
5. To ensure all accounts of the association as a national level are audited annually.
6. To present an audited financial report of the associations finances at a national level to the national Congress.
7. To maintain a register of all assets and liabilities of the association at a national level.
8. To prepare discussion papers and reports related to the allotted portfolios.

Note: It is recommended that this list of duty statements be adopted as an appendix to the reference policy GE 012.

#### **13.1 F Policy Handbook Update**

Proposal to update the policy handbook in line with the Policies approved at the last National Council meeting

#### **13.1 G National Executive Travel Expenses**

For some time there has been a degree of confusion on reimbursement of travel expenses for members of the national executive. Policy handbook FI003 "Travel costs for newly elected members of the national executive" only covers a broad policy however the question of how, and at what rate, remain unanswered.

##### **Recommendation One:**

Where air, rail or sea travel is involved the members is reimbursed the actual cost on presentation of a receipt, ticket or other reasonable documents.

##### **Recommendation Two:**

Where accommodation and meals are involved a rate equal to the current rate applied under the Department of Veterans Affairs Repatriation Transport Scheme for Travel, accommodation and meals.

##### **Recommendation Three:**

Where a member uses their own motor vehicle reimbursement at a rate equal to the current rate applied for a private vehicle under the Department of Veterans Affairs Repatriation Transport Scheme for Travel, accommodation and meals.

### **13.1 H REVIEW OF THE CONSTITUTION - MAY 2010**

The association operates under the model rules as defined by the NSW Associations Incorporation Act 1984 since the change of name in 2009. This creates a number of difficulties particularly in relation to our income tax exemption status with the Australian Tax Office.

During 2009 a discussion paper was distributed with a number of suggested amendments to the constitution that relates to the National Council which at this stage is an unincorporated body within the association, this in itself causes no administrative difficulties however it gives a base for a simple solution to what can become a problem in the near future.

#### **Recommendation One**

Amend the title of the “Vietnam Veterans Association of Australia National Council Incorporated” to read “Vietnam Veterans Association of Australia Incorporated” **YES**

#### **Recommendation Two**

In Para 1 a of the subject constitution delete the words “ National Council” **YES**

#### **Recommendation Three**

Formally accept the subject constitution as that of the Vietnam Veterans Association of Australia. **YES**

#### **Recommendation Four**

Formally accept the subject constitution as binding on the National Council. **YES**

#### **Recommendation Five**

In the subject constitution at Para 6.d Delete the existing wording and insert in it's place “ The assets and income of the organization shall be applied solely in furtherance of it's above mentioned objects and no portion shall be distributed directly or indirectly to the members of the organization except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation

**l. The assets and income of the VVAA shall be applied solely in furtherance of it above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.**

**m. The Association must maintain for the principal purpose a fund (Gift Fund) to which gifts of money or property for that purpose may be made.**

**n. If the gift fund is wound up or if the endorsement of the Association as a deductible gift recipient is revoked, any surplus assets of the gift fund remaining after payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.**

**o. The Fund is subject to the provisions of the Associations Incorporations Act 1981 and the resolutions of the management committee of the Association”.**

**Requirement of the ATO**

#### **Recommendation Six**

In the subject constitution at Para 11 B delete the existing wording and insert in it's place“ In the event of the organization being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organization with similar purposes which is not carried on for the profit or gain of its individual members”

**b. In the event of the VVAA being wound up, any surplus assets remaining after the payment of the VVAA liabilities shall be transferred to another organization in Australia which is a public benevolent institution for the purpose of any Commonwealth taxation Act.**

**Requirement of the ATO**

#### **Recommendation Seven**

That as a lower priority the following amendments to the constitution be considered, for ease of management I would suggest they be treated as separate amendments.

Paragraph 2.a. Delete the wording “member” or “members” means two people from each state branch who satisfy r13 and who are:- (a) The president of a State Branch, or their appointed representative and (b) a delegate of a State Branch. Insert in its place “the national council shall consist of the national executive and the president of each state branch or his representative.” **YES**

Paragraph 4. Delete the existing paragraph and insert in its place the wording “To represent, support and assist as required all Vietnam Veterans, their spouse, partners descendants and dependants. **YES**

Add the following Paragraph 12.a “ member of the National Council: Defined as being the National Executive and president of each state branch or their appointed representative authorised to represent the opinion of, and vote as directed by the ordinary members within the respective state branches. **YES**

Renumber the remaining sub paragraphs of paragraph 12. **YES**

Paragraph 22 delete “members” and replace with “President or his representative” **YES**

Paragraph 23, delete the entire paragraph. **YES Common Seals are no longer required**

Paragraph 25.k. delete the words “For the purpose of this sub clause, “Member” means a member appointed pursuant to sub-clause (e) of this clause” **YES**

Paragraph 25.n. Delete the second sentence of the paragraph and replace with “Proxy may be held by a member of the national executive or any member of the national council” and delete the words “National Council “ in the first two instances from the proxy form where it appears.

Renumber the entire constitution as required. **YES**

## **SUMMARY**

If amendments 1 to 6 are not adopted the association risks losing the current income tax exemptions and possibly other benefits allowed by the Australian Taxation Office. Other amendments can overcome a number of the perceived difficulties raised over the past years however other amendments may be forthcoming from the state branches, in any case these recommendations will go a long way to overcoming what have been seen as administrative and constitutional difficulties. Recommendations One to Six are necessary to overcome what will become a problem after May 2010, recommendation Seven is not as urgent but would assist in moving forward to a smooth administration.

### **13.1 I POLICY ON ELECTION OF THE NATIONAL EXECUTIVE**

On a number of occasions in the past It has been noted a degree of confusion during the process of electing a National Executive of the association.

Historically there have been 16 votes, that is, two from each branch.

The election of the President, Secretary and Treasurer are straight forward, and is normally a simple majority vote produces a result.

The confusion appears to occur when there are more than two nominees for the two Vice President positions, to avoid any confusion and dissent it is recommend that the following process be adopted as the association future policy.

Where there are three or more nominees a vote is taken for the first position of Vice President to be decided on a simple majority, if it is a tied vote an additional vote be taken between the tied nominees until a simple majority is decided.

An additional vote is then taken between the unelected nominees to decide the second position of Vice President by a simple majority, in the event of a further tied vote a further vote is taken between the tied nominees until a simple majority is decided.

### **14. ADJOURNED BUSINESS:**

NIL

### **15. GENERAL BUSINESS**

### **16. NEXT MEETING**

The next monthly meeting will be at Townsville at 10.00am Saturday 28<sup>th</sup> August 2010

### **17. CLOSURE**

The President thanked the Redcliffe Sub Branch for hosting the State Management Committee Meeting. The President declared the meeting closed at AM

Proof read and approved for distribution by Mr John Smith, Chairman.....

Dated this.....Day April 2010

Approved by Council 28<sup>th</sup> August 2010

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Mr John P Smith, OAM, JP (Qual)  
President

Dated this 28<sup>th</sup> August 2010