# Memorandum

### To: Members of the Society of St Vincent de Paul (NSW)

### From: State Council, the Society of St Vincent de Paul (NSW)

### Topic: Review of The Rule

### Date: 04 September 2024

## Purpose

To invite members to participate in the third and final consultation opportunity into the review of The Rule.

## Recomme**ndation**

That interested members review the consultation documents for The Rule review and provide comment by email to therule@vinnies.org.au by 02 September 2024.

## Background

National Council are undertaking a review of The Rule. The review is focused on Part III – Articles for Australia. Parts I & II are not being reviewed as they are international. The Articles for Australia are reviewed approximately every 10-15 years.

The review process has included a general call for feedback on the current version of The Rule to inform the focus of the National review committee (consultation opportunity 1), a first draft revised version was provided for consultation in November 2022 (consultation opportunity 2), a second (and final) consultation draft is now available for comment (consultation opportunity 3).

The NSW State Council has invited members from NSW to participate in each consultation opportunity. In the first consultation round members were asked to provide comment directly to National Council. In the second round National Council sought a consolidated response from each state. The NSW State Council sought input from members and compiled a NSW submission. In the third and final consultation opportunity, National Council has again sought a consolidated state response.

The redrafting of Part III is significant and includes structural changes. The Articles of Part III are now laid out in three sections; Section 1 Members and Volunteers; Section 2 Councils; Section 3 Governance and Leadership – Councils and Boards. The restructuring of the articles means that content has been moved into different sections. This means an article in the current version of The Rule, does not necessarily relate to the article with the same number in the new draft.

The Articles are accompanied by Procedures (which will replace the Procedural Guidelines in the current The Rule) and a new section – Appendices. The Procedures and Appendices will not formally be part of The Rule, as such they will be approved by National Council, and can be amended more frequently, with National Council approval. They still represent decisions of the National Council, and as such will be binding on States and Territories.

As the Articles will be formally part of The Rule, amendments require the approval of the International Council General (ICG). National Council intend to consider the responses from States and Territories, and then seek approval from the ICG for the Articles.

## Discussion

Interested members are invited to read the consultation draft and provide comments or proposed changes (preferably in mark-up within a word document). A dedicated inbox has been established for this review. Feedback provided will be considered by the NSW State Council Rule Review Working Group (comprised of members of State Council). A submission on behalf of NSW will be prepared and with the approval of State Council, will be provided to National Council.

The Rule is the Society’s most important document. It is the foundational governing document of the Society, and it speaks to the spiritual identity of the Society. Reviews are infrequent, and this is a vital opportunity to contribute to the shaping of the future of the Society in Australia.

The NSW State Council Rule Review Working Group, has done an initial review of the consultation documents, and identified the following key issues of concern:

* Decision making authority of State and Territory Councils is reduced:
	+ The introduction of additional procedures and appendices willallow flexibility for more frequent amendment, which the NSW Council supports. However,there is no requirement to ensure appropriate consultation with States and Territories prior to introducing new or changed binding procedures.
	+ Matters previously the prerogative of State Council, now involve National Council:
		- The requirement that major or unusual new ventures be presented to National Council for information and advice prior to commitment (Article 29), may reduce NSW Council’s ability to act freely to meet the changing needs of the communities it serves.
		- The requirement that National Council approval is required prior to the transfer of a Special Work to another organisation (Article 29) may limit NSW’s ability to make effective operational decisions. NSW takes the transfer of services seriously, but on some occasions other providers are better placed to provide a service and the people we assist may be better served by the transfer. Such decisions are also critical to ensuring NSW candirect funding to services with the greatest impact.
* Financial matters:
	+ Article 29, which in the current version of The Rule provides clarity regarding the retention of funds at the State/Territory level, has been removed. Newer language regarding finances at Article 20 does not convey the same level of State or Territory ownership of their assets.
	+ Article 20 places restrictions on the way in which funds can be used. While this is appropriate, the draft introduces new requirements that are not practical – including that that the Society must be on the management committee of any organisation to which the Society gives funds. This may inhibit the Society’s ability to work collaboratively to meet community need (such as when responding to natural disasters); collectively advocate on social justice issues; or access expertise and advice via subscriptions. For example, Vinnies NSW currently subscribes to the Australian Catholic Anti-slavery Network (ACAN). ACAN support the Society in the submission of their Annual Modern Slavery Statement, assist with training for staff, and advocates to government for stronger protections to prevent modern slavery.
* National Council Functions:
	+ Article 21 includes new functions for National Council, including proposing that National Council be the sole representative, including for legal purposes, before the Council General International and any national or international jurisdiction. This may be legally problematic, and may limit the potential for collective advocacy or lobbying on issues specific to a State or Territory’s operations.

The NSW State Council Rule Review Working Group particularly invite comment on the key issues that have been identified. Members are welcome to also provide feedback on any other issues of concern.

## Attachments

1. The Rule Part III – consultation documents.