

Why did the RDANSW State Council vote against the motion to

Accept the draft RDAA Constitution?

1. In November 2002 a letter was sent to RDAA advising that a unanimous decision was made at the RDANSW State Council meeting to fundamentally oppose the intended draft RDAA Constitution and setting out the reasons why our State opposed this draft.
2. Many RDANSW Centres contributed information to the Constitution put forward by RDAA in 2003 – These recommendations were not incorporated in this 2005 Draft Constitution.
3. Gerard Murphy, NSW delegate, reported to the Board of Directors on the RDAA Council meeting held on 25th June, 3 versions of the draft *Constitutions A,B,C, were put to the RDAA Council to be voted on. It was carried that version "A" be adopted and sent to States as the Council approved version. 11 votes FOR (being 4 States, 2 Territories and 5 Directors) and 2 AGAINST (Vic. And NSW). A draft be also sent out to the Sports Commission for consideration. That the Constitution would be put to the RDAA AGM in November 2005, with no further input from the States or Centres Copy of this final draft Constitution, along with an explanatory note and Rules will be sent by RDAA to all Centres throughout Australia.* Margaret Norman was also in attendance.
4. Proportional voting was requested for RDANSW has one third of the riders in Australia. As the vote now stands RDANSW Riders are not represented in an equitable manner for there is one vote per state, therefore 1,700 Riders from RDANSW has the same vote at 100 riders from one other State.
5. There was also concern regarding RDANSW being able to safeguard the Finances of our Centres and the State. To ensure the ongoing right to use the name RDANSW for all our centres.
6. It is the opinion of the State Council and after obtaining legal advice that:
 - i) Clause 4.3b implies the moment we accept the constitution, even though we are a public company, we sign away our rights to the RDA name and logo.
 - ii) Clause 4.4 provides that if RDANSW becomes a stakeholder and then resigns from RDAA it shall “cease to have the right to use the name ‘Riding for the Disabled Association’ or ‘RDA’ in its name or the name of any of its centres” or the RDANSW Logo.
 - iii) Clause 4.5 will entitle the remaining stakeholders to admit a new stakeholder to RDAA and operate within NSW.
 - iv) Clause 5.2 is for the benefit of the company i.e. RDAA to liaise directly with the centres.
 - v) If States did leave with a new name how would this effect their funding from their state Governments.
 - vi) The Directors of RDAA will have the right to appoint non RDA Directors – eventually states could have little or no say in the future of RDA in Australia.
 - vii) The RDAA Directors will have the power to change or add to the rules at will.

Logo History

The Logo was designed by William Stackpool in 1973 for RDANSW. In 1975 at the Inaugural meeting of the National body (Australian Council of RDA – ACRDA), NSW were asked if the Logo could be used as a National Logo. NSW members asked Mr. Stackpool who agreed as long as the Logo remained registered in NSW. It is registered as a Trade Mark of RDANSW.

Over the past 30 years RDANSW has never refused RDAA or any State or Centre throughout Australia from using the Logo. It was explained to RDAA that the present situation would continue provided the ownership remained in NSW as requested by Mr. Stackpool.

Now RDAA want NSW to assign the trademark over to them. It was stated that if RDANSW did not capitulate, RDAA would get another Logo.

IN SUMMARY

- The Directors and State Council of RDANSW have done everything in their powers to stay with RDAA
- It is our feeling that there has been a lot of time and energy expended over the past 4 years trying to keep a united National body.
- The explanation note and the draft Constitution with continual reference to the ASC (Australian Sports Commission) gives the impression that RDAA consider they are incapable of running their own affairs without outside supervision & monitoring
- RDA has been operating in Australia over the past 40 years since commencing in Queensland and later in other States. States have been running their own affairs without outside supervision or monitoring from RDAA or the ASC.
- At the RDA of Australia Governance Workshop in May 2002, *“Mr. E Rauter, from the ASC, spoke on board structure and the way the ASC sees National Sporting Organisations heading. He noted that ultimately the ASC would like to see government funding decrease and members of sporting organisations contributions increase.”*
- The clauses in the constitution make it clear that it is irrelevant what is said either by letter or Minuted. What is written in the Constitution overrides any other statement made by RDAA.
- Any State whose Centres have contributed both written and verbal information to the National in good faith are now being informed that RDAA will copyright their material. Any State using their material will from then on be committing plagerism and the states will have to re-write their documents.
- The RDANSW State Councillors believe that RDA of Australia have forgotten their grass roots and the reasons why RDAA was formed i.e. to be a liaison body.

Margaret Norman

On behalf of the RDANSW State Council.