

Submission
No 210

INQUIRY INTO DENTAL SERVICES IN NSW

Organisation: Combined Pensioners & Superannuants Assoc of NSW -
Bathurst Branch

Name: Ms Margaret Mauro

Position: Vice President

Telephone:

Date Received: 1/07/2005

Theme:

Summary

COMBINED PENSIONERS AND SUPERANNUANTS ASSOCIATION OF NSW

BATHURST BRANCH
298 HOWICK STREET
BATHURST 2795



PRESIDENT: Ted Howard 6337 1991 **VICE PRESIDENT:** Margaret Mauro 6331 5813
SECRETARY: Beryl Turnbull 6332 1828 **VICE PRESIDENT** John Slobbe 6331 1962
VICE PRESIDENT Ross McCourt 6337 2536

Bathurst CPSA is a non-sectarian non-party political organisation caring for the welfare of its pensioner and self-funded retiree membership.

BATHURST CURRENT MEMEBERSHIP ALMOST 600

Social Issues Committee
Dental Inquiry
Legislative Council
Parliament House
Macquarie Street, SYDNEY 2000
Dear Sirs/Mesdames,

20th June 2005

This submission by the Bathurst branch of Combined Pensioners & Superannuants Association (CPSA) as an affiliate of the Rural Dental Action Group of the Central West of NSW, endorses the submission sent in to the Dental Inquiry at an earlier date by the RDAG.

It is of great concern to Bathurst CPSA that the Federal Government refuses to acknowledge its responsibility for public dental care as expressly stated in the Australian Constitution. Under Prime Minister Chifley a referendum was held in 1946 to add Chapter 1 Part V (xxiiiA 13) social services, which includes dental services, to the **responsibilities** of the Commonwealth Government. This section of the referendum was passed unanimously by every State in Australia as is required under the Act to make changes to the Constitution and forcefully expresses the will of the Australian people. "(Chifley) took comfort, though, from the 1946 referendum and from various High Court decisions which were 'steadily extending the influence of the Commonwealth Parliament' allowing the Labor government to give effect to its policies and ensure that there could be no return to the privations of the 1930's." See "Chifley" by David Day. pp 431, 432, 443, 454.

It is our contention that it was the **intention** of the Constitution that the Commonwealth Government should administer all those social services listed in Chapter 1. There is no explicit mention of the Commonwealth's right to privatise or sell off any of these services belonging to the Australian people. Once these services are sold off, possibly to foreign owners or foreign governments, (as has already occurred with private hospitals & telephone services etc.) the Commonwealth's powers "to make laws for the peace, order, and good government" will become irrelevant and contravenes the **intent** of the Australian Constitution.

This is borne out by recent events such as the Corby case, following the sale of our Capital City airports. Federal Government laws have proved to be totally ineffective in protecting the safety of Australian citizens and Australian interests from drug smuggling and illegal immigrants – and who knows what else? The Federal Government's laws regarding the National Competition Policy in essence contravenes the **intention** of the Australian Constitution.

Already many parts of the health system have been privatised under this Federal Government, including Aged Care and Dental Care, laundry services, food services, most pathology services and others are well on the way to privatisation. Divide and conquer ! The emphasis of the Federal Government is on private health and self care. The people of Australia spoke in 1946 and we demand the Federal Government provides proper public dental care for its needy citizens.

Yours sincerely,

Margaret Mauro

Vice President, & Health Officer, Bathurst CPSA

PART V.—POWERS OF THE PARLIAMENT.

Part V. Powers of the Parliament.

Legislative
powers of
the
Parliament.

51. The Parliament shall, subject to this Constitution, have power¹¹ to make laws for the peace, order, and good government of the Commonwealth with respect to:—
- (i.) Trade and commerce with other countries, and among the States;
 - (ii.) Taxation; but so as not to discriminate between States or parts of States: *;
 - (iii.) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
 - (iv.) Borrowing money on the public credit of the Commonwealth;
 - (v.) Postal, telegraphic, telephonic, and other like services;
 - (vi.) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
 - (vii.) Lighthouses, lightships, beacons and buoys;
 - (viii.) Astronomical and meteorological observations;
 - (ix.) Quarantine;
 - (x.) Fisheries in Australian waters beyond territorial limits;
 - (xi.) Census and statistics;
 - (xii.) Currency, coinage, and legal tender;
 - (xiii.) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
 - (xiv.) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
 - (xv.) Weights and measures;
 - (xvi.) Bills of exchange and promissory notes;
 - (xvii.) Bankruptcy and insolvency;
 - (xviii.) Copyrights, patents of inventions and designs, and trade marks;
 - (xix.) Naturalization and aliens;
 - (xx.) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
 - (xxi.) Marriage;
 - (xxii.) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;

(xxiii.) Invalid and old-age pensions:

(xxiii.a.) The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances:

(xxiv.) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States:

(xxv.) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:

(xxvi.) The people of any race, other than the ~~aboriginal race~~ in any State, for whom it is deemed necessary to make special laws:

(xxvii.) Immigration and emigration:

(xxviii.) The influx of criminals:

(xxix.) External affairs:

(xxx.) The relations of the Commonwealth with the islands of the Pacific:

(xxxi.) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:

(xxxii.) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:

(xxxiii.) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:

(xxxiv.) Railway construction and extension in any State with the consent of that State:

(xxxv.) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:

(xxxvi.) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:

(xxxvii.) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States,¹² but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:

(xxxviii.) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:

Inserted by
No. 81, 1946,
s. 2.

Altered by
No. 55, 1967,
s. 2.

1967