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PORT STEPHENS VETERANS AND CITIZENS AGED CARE LTD. A.C.N. 002 242 855 A.B.N. 35 871 085 128

Chairman: W.J. King O.A.M. Vice-Chairman: N. McLeod
Secretary: D.Foley A.M. Treasurer: J. Mees

Patrons: The Hon. Bruce Cowan A.M.
The Hon. Les Johnson A.M.
Arthur Wade O.A.M.

WK:MH

21 July 2003

The Secretary
Senate Community Affairs References Committee
Suite S1 59
Parliament House
CANBERRA ACT 2600



Dear Sir,

Re: Senate Community Affairs References Committee
Inquiry into Aged Care

In part (a) and (d) of the terms of reference Federal Government funding in aged care includes a variety of home care packages in order to meet their initiatives of older persons remaining in the home longer and ageing in place.

This benevolent organisation fully supports this concept, however a variety of State legislation hinders organisations such as ours in achieving these Government initiatives.

It is on this basis the attached submission is forwarded for consideration by your Committee.

Yours sincerely


W. J. KING
CHAIRMAN

SUBMISSION TO THE SENATE COMMITTEE ON AGED CARE

1. This submission is made by the Port Stephens Veterans and Citizens Aged Care Ltd (trading as Harbourside Haven Villages) a non-profit registered Charity and Public Benevolent Institution, community based company which cares for members of the Veterans' Community and other Seniors in self care villas, Hostels (low care), Nursing Homes (high care) and dementia facilities – a total of more than 600 residents. The residential care facilities provide care for .1% of the total number of residents in aged care in Australia. It is the second largest Veterans Aged Care operation in NSW with 60% of all residents being part of the Veterans' Community.
2. Harbourside wishes to draw the attention of the Committee to the roles of the Commonwealth and the States in the provision of aged care and seeks the support of the Committee to have the constitutional position examined, so that the necessary action can be taken to make clear to charitable providers and to State Governments that the regulation of non-profit aged care accommodation and care was established as a Commonwealth responsibility by the passage of the Aged Persons Homes Act 1954 and that there has been no vacation of this responsibility by the Commonwealth in this wholly welfare activity.

Copies of the 1954 Bill and the second reading debates are attached and it can be seen that some of the greatest luminaries in

Constitutional Law addressed this problem and unanimously agreed that the burden rested with the Commonwealth.

Should the Committee be prepared to allow an oral submission it would be possible to present to the Committee the details of the present imbroglio created by the assumption of regulatory powers by the States exercised in a policing and punitive manner quite inappropriate for a welfare and benevolent enterprise.