

Special Council Meeting Minutes

**Purpose: Tuia Lodge Transition and ongoing
Management of Tuia Lodge**

Held on

Thursday 19 November, 2015

Commencing at 6.00pm

In Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

JR Attwood
Chief Executive Officer

20 November 2015

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MINUTES

SPECIAL COUNCIL MEETING – TUIA LODGE INCORPORATED

19 November 2015

TABLE OF CONTENTS

1	PUBLIC QUESTION TIME	3
2	APPLICATION FOR LEAVE OF ABSENCE	3
3	DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST	3
4	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
5	REPORTS OF OFFICERS.....	5
5.1	Chief Executive Officer	5
5.1.1	SUBJECT: TRANSITION OF TUIA LODGE OPERATIONS TO NEW BODY - TUIA LODGE INCORPORATED	5
5.1.2	SUBJECT: TUIA LODGE REVIEW –MEDIA RELEASE	14
6	CLOSURE OF MEETING	16

SHIRE OF DONNYBROOK/BALINGUP SPECIAL COUNCIL MEETING – TUIA LODGE INC. MINUTES

Held in Council Chambers on Thursday, 19 November 2015

Meeting commenced at 6.00pm.

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice (President)
Cr Mills (Deputy President)
Cr Bailey
Cr Crowley
Cr Dilley
Cr King
Cr Mitchell
Cr Tan
Cr Van Der Heide

STAFF

John Attwood – Chief Executive Officer
Greg Harris – Manager Finance and Administration

PUBLIC GALLERY

APOLOGIES

Nil

1 PUBLIC QUESTION TIME

Nil

2 APPLICATION FOR LEAVE OF ABSENCE

Nil

3 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

Cr Logiudice declared an interest affecting impartiality regarding Agenda item 5.1.1 – *Transition of Tuia Lodge Operations to New Body- Tuia Lodge Incorporated* as he is a board member on the Donnybrook Balingup Aged Care Board.

CEO John Attwood declared interest affecting impartiality regarding Agenda item 5.1.1 – *Transition of Tuia Lodge Operations to New Body- Tuia Lodge Incorporated* as he is a Council-appointed member of the Donnybrook Balingup Aged Care Board.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS

**** 6.07pm** - The President welcomed Mrs Sue Harris to the meeting and introduced her to the Elected members.

The President invited Mrs Harris to deliver her presentation on her observations regarding the operations of Tuia lodge during the period she relieved as Acting Manager of the facility.

Point of Order

Cr Van Der Heide raised a point of order referring to Council Policy 1.19 which states that presentations will not be heard on any matter that is to be considered in a closed agenda.

Motion

Moved: Cr Bailey

Seconded: Cr King

That Council proceed to hear the presentation from Mrs Sue Harris.

CARRIED 5/4

Cr Vane Der Heide requested the vote be recorded:

FOR:

Cr Logiudice
Cr Mills
Cr Bailey
Cr King
Cr Tan

AGAINST:

Cr Crowley
Cr Dilley
Cr Mitchell
Cr Van Der Heide

Point of Order

Cr Van Der Heide raised a point of order referred to the Rules of Conduct Regulations Section 9(1) and 9(2) as he believed Council were breaching these regulations by contributing to the administration of the Council.

Mrs Harris indicated that she was not prepared to deliver her presentation unless all Councillors were in agreement to hear the presentation.

****6.47pm** – Mrs Sue Harris left the meeting.

5 REPORTS OF OFFICERS

Motion

Moved: Cr Bailey

Seconded: Cr Dilley

That the Meeting be closed to the public under the *Local Government Act 1995* for:

Item 5.1.1 Confidential – Transition of Tuia Lodge Operations to New Body – Tuia Lodge Incorporated, and 5.12 Confidential – Tuia Lodge Review – Media Release under S5.23 (2) (a) *a matter affecting an employee or employees; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

CARRIED 9/0

5.1 Chief Executive Officer

5.1.1	SUBJECT:	TRANSITION OF TUIA LODGE OPERATIONS TO NEW BODY - TUIA LODGE INCORPORATED
	Location:	Tuia Lodge, Allnutt Street, Donnybrook
	Applicants:	Tuia Lodge Incorporated
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	John Attwood, Chief Executive Officer
	Report Date:	16 November 2015
	Attachments:	Nil

Background:

At the Special Council Meeting held on 9 June the CEO presented a range of options regarding the Tuia Lodge transition to independent operations for Council consideration. These included:

OPTION 1

1 ***Lease the premises including land to the service provider (Tuia Lodge Inc.)***

- Land, buildings, fittings, furniture would all be leased to Tuia Lodge Inc.
- Current accumulated revenue would be negotiated.
- Decision to be made on how staff are to be transferred.
- Tuia Lodge would have full autonomy – their own bank accounts etc.
- Tuia would be able to gain PBI status (FBT exemption) and pass on this benefit to their staff.
- Donations to Tuia would be tax deductible.

- It may or may not be possible for Council to include the requirement for some form of performance standard in the terms of the lease** (Accreditation, financial capacity, reputation).
- Who owns assets (e.g. furniture and equipment) purchased after start of agreement?
- Agreement could stipulate that Lessee maintain buildings, insurance and grounds.
- Shire would continue to honour any existing workers compensation claims

Advantages	Disadvantages
	Council has no control over standards of care, employment of staff etc. (**depending on this point)
Shire no longer required to manage staff payroll, insurance, workers comp. etc	Community asset no longer in local government or community ownership.
Tuia staff benefit from Tuia's PBI status	
Community perception – no obvious change	
	Complexity over who owns assets / extensions acquired or constructed after start of lease.
Donations could be tax deductible.	Tuia Lodge could not be Service Provider.

OPTION 2

2 ***Enter into a Management Agreement with the service provider (Tuia Lodge Inc.)***

- The lodge would operate independently of Council.
- All Federal Government income would come into a Shire account before being distributed to Tuia Lodge Incorporated.
- Shire would retain bonds.
- Shire would remain the approved aged care provider.
- Tuia would be responsible for recruiting, employing and dismissing employees as necessary.
- Tuia would assume all leave liabilities, injury management, workers compensation from an agreed novation date.
- Tuia would be obliged to maintain accreditation with the Department of Health & Ageing, Aged Care Standards and Accreditation, and comply with any other relevant regulations – and meet performance indicators set by the Aged Care Governance Committee.
- Shire would remain owner of the buildings.

- Shire would continue to honour any existing workers compensation claims.
- Any surplus from operations would be reserved by Tuia Lodge Inc.
- Own autonomy
- PBI Status
- Tax deductible donations

Advantages	Disadvantages
Council maintains some control in future of aged care in Shire.	
Community perception – no obvious change	
Shire no longer required to manage staff payroll, insurance, workers comp. etc.	Ongoing workload in accounting
Council able to raise loans to expand facility.	

OPTION 3

- 3 *Sell the entire operation on the open market to a residential aged care provider (e.g. company such as Bethanie Nursing Homes, but could be Tuia Lodge Inc.)***
- Building (including all fixtures, fittings, furniture etc.) would be sold, but not the land, which would remain the Shire's under Management Order from Department of Health.
 - 'Business' or 'goodwill' would be sold
 - Accumulated bonds would be retained by the Shire.
 - All staff contracts would cease and staff would have to re-apply to new owners.
 - All residential agreements would cease and be re-negotiated.
 - Shire would continue to honour any existing workers compensation claims.

Advantages	Disadvantages
Frees up capital	
Reduced workload for Councillors and Shire staff	
Council no longer has any involvement in provision of aged care facility	Council no longer has any involvement in provision of aged care facility
Aged care is not 'core business' of local government	
Ongoing provision of frail aged care for local community by large company which	

Advantages	Disadvantages
specialises in the field.	
	Community opposition – perception that profits/benefits not returning to local community (though presumably local people would continue to be employed).
	Community opposition – perception of 'selling the family farm'.
	Costs may rise for residents.

OPTION 4**4 Council to change the management order currently in favour of the Donnybrook-Balingup Shire to the Tuia Lodge Inc.**

Advantages	Disadvantages
Total control by new body	Community asset no longer in local government ownership
Capacity to borrow against Management Order	
	Land and building could be passed on / sold to another external provider without reference to anyone.

At the Special Council Meeting held on 9 June 2015, Council resolved as follows:

2. *That Council advise the Board of Tuia Lodge that it continues to support their proposal to move towards independent management of Tuia Lodge.*
3. *That Council defers the proposal for the independent management by the newly incorporated body (Tuia Lodge Inc.) until:*
 - a) *The building contract with the Federal Government is finalised;*
 - b) *Outstanding management and staffing issues are satisfactorily addressed;*
 - c) *Current workers compensation claims are settled or addressed to the satisfaction of both Council and Tuia Lodge Inc.;*
 - d) *An independent review of the current and proposed Governance and Operational Structure is undertaken;*
 - e) *Transitional arrangements are fully assessed and agreed upon.*

4. *That Council's preferred transfer of Tuia Lodge Management is Option 2.*
5. *Upon completion of the items in Point 2 above, Council consider these matters and then determine whether to publicly advertise the proposals.*
6. *That Council will review the decision two years after the initial arrangement date is finalised.*

Option 2 is a model whereby the Shire would remain as the ultimately responsible body, albeit with less direct control over the operations, as in the past. In effect Tuia Lodge incorporated would act like a service company to provide the services the Shire needs to fulfil its legal obligations.

Subsequently, at the Ordinary Council Meeting of 23 September 2015, it was resolved:

That council shares the outcomes of this Review on a strictly confidential basis with the Board of Tuia Lodge seeking their input and feedback, and that the Aged Care Board be advised:

1. *That Council does not support the transfer of the land and buildings as the Tuia Lodge facility should continue to be owned by Council on behalf of all ratepayers.*
2. *To design, develop and implement a 'Governance transition Plan' that enables the transfer of all affairs related to the management of Tuia Lodge to Tuia Lodge Inc. within a period of two years;*
3. *That recommendations 2, 3, 4 and 5 from the Tuia Lodge Review Report are supported;*
4. *Council will consider the transfer of management of Tuia Lodge to Tuia Lodge Inc. (implementation of Governance Transition Plan) once the resolution made at the June 2015 OCM has been dealt with and recommendations 2, 3, 4 and 5 from the Tuia Lodge Review Report have been implemented.*

Comment

The independent review of the current and proposed Governance and Operational Structure has been undertaken by Inspire Consulting and a report has been provided.

The Tuia Lodge Board has reviewed the report and is generally in support of the recommendations contained therein, however would prefer the date for the transfer of operations to the Tuia Lodge Incorporated body to be 30 June 2016 instead of 30 June 2017.

The Board remains keen on acquiring the land and building in the name of Tuia Lodge Inc., however were open to discussion with Council, noting that the transfer of land may be something that happens in the future.

Further to Council's resolution of 23/09/2015 the Tuia Lodge Board have provided membership of the transition group and agreement has been reached for an ex-staff member to lead the administration section of transition arrangements.

Management Arrangements

Current arrangements: Committee appointed by Council and provided with delegated authority to manage the reaffirmed at the council meeting on 21 October 2015.

In considering Council's position in relation to the transitional arrangements to an independent body (Tuia Lodge Inc.) some council members have expressed a desire to reconsider the current arrangements in relation to the transition process and roles and responsibilities of the current committee members.

Options that could be considered include:

1. The current situation remains: Council-appointed Committee and no change to roles and responsibilities.
2. The roles and responsibilities of the Committee be reviewed: Delegation be increased/decreased.
3. The Committee composition and structure be reviewed.
4. The Committee be dissolved – effectively withdrawing the current authority to manager Tuia Lodge. This would mean that the current direct day-to-day management would be undertaken with most recommendations accepted by Council and the Tuia Lodge Board.

Points for Council to consider are:

1. Slee Anderson and Pidgeon conducted an investigation into concerns expressed by Shire employees. Recommendations arising from this investigation have been implemented.
2. An independent review of the management of Tuia lodge has been undertaken with most recommendations accepted by Council and the Tuia Lodge Board.
3. A transition committee is being established with membership from Tuia Lodge Board and Council staff. Council may wish to include a Councillor on this group.
4. Accreditation conducted an unannounced audit at Tuia lodge on 18 August 2015. The formal report indicated that all areas audited complied with industry-standard requirements.
5. WorkWise have been appointed to manage Human Resources at Tuia Lodge and undertake extensive training.
6. Local Government Insurance Services (LGIS) have provided initial training for staff at Tuia Lodge and all Council staff.
7. LGIS have conducted a risk audit at Tuia Lodge which achieved a rating of 86% and are in the process of organising an evacuation drill.

Consultation

Council's resolution of 27th June 2012 (point 6) stated the following position in regard to consultation:

"Once agreement is reached on transferring the asset the proposed transfer should be advertised and public comment invited and a community meeting considered."

Council's resolution at the Special Council Meeting of 9 June stated the following:

"Upon completion of the items in Point 2 above, Council consider these matters and then determine whether to publicly advertise the proposals."

Policy/Statutory/Voting ImplicationsPolicy

N/A

Statutory

N/A

Voting

Simple Majority.

Financial Implications

Option 2 will require some ongoing administrative and accounting support which will represent a cost to Council and the community (bonds, reserve funds and transfer of monthly income).

Strategic Implications

Outcome 3.1 - Improve and increase the range of aged care and disability services, facilities and housing.

Officer's Recommended Resolution**Moved:****Seconded:**

That Councils position remain unchanged in respect to the transition of Tuia Lodge operations to independent operations in accordance with the resolutions made at the Special Council Meeting of 9th June 2015 and the Ordinary Council Meeting of 23rd September 2015.

Cr Bailey foreshadowed the following motion:

That Council withdraw all delegated authority from the Tuia Lodge committee (Board) effective immediately. This action will allow Council to fully review the management, operations and future direction of Tuia Lodge.

Council is to appoint an administrator to oversee the day to day operations of Tuia Lodge and conduct an immediate inquiry into allegations of:

- 1. Forgery of Occupational Health and Safety Incident Reports*
- 2. The supply of prescribed medication to residents by unqualified personnel*
- 3. Breaches of OH&S Policies and Procedures*
- 4. Managements handling of concerns from residents and staff*
- 5. Resident care*
- 6. Issues affecting the care and conditions of the residents and staff*
- 7. Potential breaches of the Aged Care Act 1997*

and any other issues affecting the smooth running of Tuia lodge.

Cr's Tan, Mills and Bailey supported the consideration of a motion to rescind item 5.1.1 from the Special Council Meeting held on 9 June 2015 in accordance with Local Government Administration Regulation 1996, Section 10(1a) :

Motion

Moved: Cr Bailey

Seconded: Cr Mills

That item 5.1.1 - Possible Transfer of Tuia Lodge Operations to New Body - Tuia Lodge Incorporated from the Special Council Meeting held on 9 June 2015 be rescinded:

- "1. That Council advise the Board of Tuia Lodge that it continues to support their proposal to move towards independent management of Tuia Lodge.***
- 2. That Council defers the proposal for the independent management by the newly incorporated body (Tuia Lodge Inc.) until:***
 - f) The building contract with the Federal Government is finalised;***
 - g) Outstanding management and staffing issues are satisfactorily addressed;***
 - h) Current workers compensation claims are settled or addressed to the satisfaction of both Council and Tuia Lodge Inc.;***
 - i) An independent review of the current and proposed Governance and Operational Structure is undertaken;***
 - j) Transitional arrangements are fully assessed and agreed upon.***
- 3. That Council's preferred transfer of Tuia Lodge Management is Option 2.***
- 4. Upon completion of the items in Point 2 above, Council consider these matters and then determine whether to publicly advertise the proposals.***
- 5. That Council will review the decision two years after the initial arrangement date is finalised."***

CARRIED 5/4

Cr Van Der Heide requested the vote be recorded:

FOR:	AGAINST:
Cr Logiudice	Cr Crowley
Cr Mills	Cr Dilley
Cr Bailey	Cr Mitchell
Cr King	Cr Van Der Heide
Cr Tan	

Cr's Tan, Mills and Bailey supported the consideration of a motion to rescind item 11.5.3 from the Ordinary Council Meeting held on 23 September 2015 in accordance with Local Government Administration Regulation 1996, Section 10(1a) :

Motion

Moved: Cr Bailey

Seconded: Cr Mills

That item 11.5.3 – Governance and Operational Review of Tuia Lodge from the Ordinary Council Meeting held on 23 September 2015 be rescinded:

“That council shares the outcomes of this Review on a strictly confidential basis with the Board of Tuia Lodge seeking their input and feedback, and that the Aged Care Board be advised:

- 1. That Council does not support the transfer of the land and buildings as the Tuia Lodge facility should continue to be owned by Council on behalf of all ratepayers.***
- 2. To design, develop and implement a ‘Governance transition Plan’ that enables the transfer of all affairs related to the management of Tuia Lodge to Tuia Lodge Inc. within a period of two years;***
- 3. That recommendations 2, 3, 4 and 5 from the Tuia Lodge Review Report are supported;***
- 4. Council will consider the transfer of management of Tuia Lodge to Tuia Lodge Inc. (implementation of Governance Transition Plan) once the resolution made at the June 2015 OCM has been dealt with and recommendations 2, 3, 4 and 5 from the Tuia Lodge Review Report have been implemented.”***

CARRIED 5/4

Cr Van Der Heide requested the vote be recorded:

FOR:	AGAINST:
Cr Logiudice	Cr Crowley
Cr Mills	Cr Dilley
Cr Bailey	Cr Mitchell
Cr King	Cr Van Der Heide
Cr Tan	

Cr Bailey's Motion**Moved: Cr Bailey****Seconded: Cr Mills**

That Council withdraw all delegated authority from the Tuia Lodge committee (Board) effective immediately. This action will allow Council to fully review the management, operations and future direction of Tuia Lodge.

Council is to appoint an administrator to oversee the day to day operations of Tuia Lodge and conduct an immediate inquiry into allegations of:

- 1. Forgery of Occupational Health and Safety Incident Reports**
- 2. The supply of prescribed medication to residents by unqualified personnel**
- 3. Breaches of OH&S Policies and Procedures**
- 4. Managements handling of concerns from residents and staff**
- 5. Resident care**
- 6. Issues affecting the care and conditions of the residents and staff**
- 7. Potential breaches of the Aged Care Act 1997**

and any other issues affecting the smooth running of Tuia lodge.

**CARRIED 5/4
By Absolute Majority**

Cr Van Der Heide requested the vote be recorded:

FOR:	AGAINST:
Cr Logiudice	Cr Crowley
Cr Mills	Cr Dilley
Cr Bailey	Cr Mitchell
Cr King	Cr Van Der Heide
Cr Tan	

5.1.2	SUBJECT:	TUIA LODGE REVIEW –MEDIA RELEASE
	Location:	Tuia Lodge, Allnutt Street, Donnybrook
	Applicants:	Administration
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	John Attwood, Chief Executive Officer
	Report Date:	16 November 2015
	Attachments:	5.1.2 – Draft Media Statement (to be tabled at the meeting)

Background

Council resolved to release the inspire report confidentially to Tuia Lodge board at the September 2015 Ordinary Council Meeting:

'That council shares the outcomes of this Review on a strictly confidential basis with the Board of Tuia Lodge seeking their input and feedback...'

Comment

The Tuia Lodge Board has considered the report and, in support of transparency and accountability, is keen for a release of information to the general public in the form of a media statement on behalf of the Shire Council and Tuia Lodge Incorporated.

A copy of the draft media statement (Attachment 5.1.2) for Council review will be tabled at the meeting.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority.

Financial Implications

N/A

Strategic Implications

Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council endorse the release of a media statement in relation to the Inspire Consulting Group's review of the operations of Tuia Lodge.

Council Decision

Moved: Cr Mills

Seconded: Cr Bailey

That the unconfirmed minutes from the Special Council meeting held 19 November 2015 be released to the public.

CARRIED 9/0

Council Decision**Moved: Cr King****Seconded: Cr Mitchell****That the meeting be reopened to the public.****CARRIED 9/0****6 CLOSURE OF MEETING**

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 25 November 2015, commencing at 5.00pm at the Shire of Donnybrook-Balingup Council Chambers.

The Shire President declared the meeting closed at 8.41pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 25 November 2015.		
Shire President		Presiding Member

Minutes of the Public Meeting convened by the former Tuia Lodge Board and friends of Tuia Lodge on 13 January 2016 at the Donnybrook Town Hall to brief the public and discuss the outcome of meeting held earlier in the day convened by Donnybrook – Balingup Council and the former Tuia Lodge Board with a representatives of The federal Department of Health (Aged Care Department)

The meeting was opened by Chair Paul Omodei, former Minister for Local Government, and a Manjimup Shire Councillor at 6.05pm.

Brain Piesse acted as minute taker for the meeting.

Attendance was noted by registration on entry to the Town Hall.

The Chair acknowledge the presence of Nola Marino, MP; John Castrilli MP (former Minister for Local Government).

Apologies were called for and acknowledged accordingly which included Hon Terry Redman MLA (member for Warren Blackwood) and Hon Barry House MLC (President of the Legislative Council and member for South West).

While acknowledging the obvious anxiety and prevailing concerns throughout the community, the Chair outlined the format of the meeting and requested that questions and answers be framed in such a way to maintain harmony and civility throughout the meeting..

Former Shire President Bruce Hearman, who attended the earlier meeting as an observer, was asked to brief the meeting of the salient and relevant facts raised, by in particular, the Federal Department of Health participants.

The nature and content of Bruce Hearman's report based on his observation was as follows;

Present: Shire President Angelo Logiudice (Chairman) and seven Councillors (Cr. Bailey absent)

Members of the Tuia Lodge Management Board L. Tuia, J. Wringe, S. Radford, J. Jennings, G. Hayward.

Ursula Harbin, Assessment Manager, Aust. Aged Care Quality Agency

Vivienne Burnham, WA Director Fed. Dept. Health (Aged Care Dept.)

Rebecca Macroy, Fed. Dept. Health (Aged Care Dept.)

Helen King, Temporary Administrator, Tuia Lodge

Greg Harris, Acting Shire CEO

Kate O'Keeffe, CEO Executive Assistant

Bruce Hearman, independent observer.

- *Meeting was declared open by the Shire President at 3.00pm*
- *President explained the purpose of the meeting and introduced the guests to those present.*
- *Ursula Harbin was asked to discuss the findings of the most recent assessment of Tuia Lodge conducted on the 7th-10th December, 2015 completed by the Aust. Aged Care Quality Agency,*
- *She explained that of the 44 areas or 'expected outcomes' determining the basis of compliance with the Fed. Dept. Health Aged Care Act, the most recent audit of Tuia*

Lodge indicated five areas where compliance was not met. These areas included (1) staffing skills, (2) resident complaints management, (3) inadequate clinical care skills, (4) insufficient leisure activity together with inadequate staff supervisory skills thereof and inadequate staff skills to effectively manage resident behavioural issues. These or similar inadequacies had been noted in 2013 and again during 2015 and it was considered that insufficient action had been initiated to have them improved to meet compliance standards.

- Accordingly, on Tuesday January 11, a 'Certificate of Non Compliance' was issued to Council, the holder of the Approved Provider Number, requiring action be taken to have each of these areas of deficiency addressed and as such that they then met those standards. Compliance was required by 20th March, 2016.
- Additionally, the Accreditation status of the facility had been reduced to twelve months. Within a week, approximately, the outcomes of the December review would be posted on a Fed. Dept. of Health website accessible by the public.
- In the event that compliance was not achieved by 20th March 2016, it was possible that the classification 'sanctioned' would be applied to Tuia Lodge, requiring the employment of a Nurse Advisor to oversee the operation of the facility and to work with the Fed. Dept. of Health to address issues of non-compliance. The facility would not be able to admit further residents until this classification was removed. In December 2015 there had been consideration of applying this classification.
- Ursula Harbin left the meeting at approximately 3.45pm.
- Vivian Burnham emphasised that the deficiencies outlined by the December 2015 audit were serious, particularly as some of them had been noted previously and insufficient action had been taken to issue a certificate of compliance. As part of the accreditation process there was an expectation by the Fed. Dept. of Health that all 44 expected outcomes must meet compliance standards. It should be noted that there were other outcomes not listed as non-complying, with some barely meeting compliance standards.
- She commented that with regards the Accreditation Assessments, presently Tuia Lodge sits in the bottom 2% of aged care homes across Australia.
- Ms Burnham emphasised that the Fed. Dept. of Health only deals with the authority granted the Approved Provider Number that confers responsibility for ensuring adequate management of an aged care facility. In the case of the Donnybrook community, the Approved Provider is the Shire Council and always has been.
- It will be for the Shire Council to consider the future manner in which management of Tuia Lodge will be structured and implemented.
- The combined meeting was closed by the Shire President at 5.00pm.

The Chair invited questions and/or comment from the body of the meeting.

As per the agenda (attached) community residents and/or Tuia Lodge friend and stakeholders shared many real life family experiences and associations with Tuia Lodge over many years and made passionate plea to the Shire President and other Councillors to reinstate the former management of Tuia Lodge to the now deposed board of management on the basis that it is not broken, why touch it?

The Chair opened up the discussion to the floor of the meeting and several other attendees

voiced their appreciation for the patient care provided by Tuia Lodge and reconfirmed their commitment to see the facility remain as a truly community owned and operated entity.

Given a recent national "patient care" accolade received by Tuia Lodge there was a general consensus of disbelief and bewilderment (shock - horror) on hearing Bruce Hearman's advice from the Department of Health *"that with regards the Accreditation Assessments, presently Tuia Lodge sits in the bottom 2% of aged care homes across Australia."*

Steve Russell addressed the meeting and the basic thrust of his message was that the Council and the former Tuia Lodge Board should work together to find some common ground to avoid the current disharmony and mistrust prevailing throughout the community getting worse rather than better.

The Shire President Councillor Angelo Logiudice acknowledged Steve Russell comments and gave a commitment that the Council was only interested in providing bigger and better support to Tuia Lodge. He advised the meeting **the extent of the issues at Tuia Lodge** had only just become known (last 9 days) to the Council which raised some reaction/concerns amongst the meeting in terms of the validity of the decision to remove the delegated responsibility of the former Tuia Lodge board, some weeks (months) ago.

The meetings was advised that while an incorporated body could be made the "accredited provider" the Department of Health had advised that regardless of the non-compliance issues being addressed, it was unlikely to appoint any other entity other than the Council as the "accredited provider" of aged care services at Tuia Lodge.

Dr Peter Rae (local medical practitioner with a close professional relationship with Tuia Lodge), confirmed his support for the "modus operandi" and patient care delivered at Tuia Lodge and delivered an objective assessment on the so called "accreditation" process. The basic thrust of his advice was there is a big difference between "ticking boxes" in a bureaucratically driven process and delivering all-embracing patient care - so let's get on with dealing with the non-compliance issues and re-invigorate Tuia Lodge to deliver what it is good at.

Lui Tuia delivered a passionate address as follows;

- Thanked the public and community for their wonderful support for Tuia Lodge.
- Commended the staff and volunteers for the continued care of Tuia Lodge residents.
- Advised the Land Title belonged to the State,
- Reminded attendees the initial funding for the facility was driven by an all embracing and outstanding local effort and contribution and stated that the assets belong to the community of Donnybrook - planned, built, funded, and managed by the community for 30 years.
- Apart from the cost of furnishings and ground works funded by the community and friends of Tuia Lodge, major funding contributions had come from the Federal Government (\$3.680m), the community (\$2.786m) and a bequest from Mr HJ Denning of \$400k.
- The entity is debt free, all Board members acted on a totally voluntary basis and as such all income and expenditure (payments) were handled through and by the Council.
- When fully occupied with 40 patients, the entity would potentially employ 50

personnel and would be the third largest employer in Donnybrook.

- Cautioned the meeting that past Council minutes identified and indicated the sale of Tuia Lodge had been raised as an option, and on behalf of the community pleaded with the Shire President and Councillors to dismiss such an option, on the basis that patient and community support, particularly funding, and most importantly the points of difference that made Tuia Lodge stand out aged care facility would become a thing of the past.

Those overwhelming majority of meeting attendees through acclamation demonstrated their support for the points raised by Mr Tuia.

A letter from Mick Murray MLA and Member for Collie Preston primarily supporting the retention of Tuia Lodge as a hands-on community managed incorporated body was read to the meeting.

Based on the recent 1300 plus strong petition presented to Council, John Wringe moved a motion to be considered by Council, *"that Council appoint the existing Tuia Lodge "incorporated body" as the managing entity of Tuia Lodge."*

The motion was seconded by Brian Piesse

In moving the motion, Mr Wringe advised the gathering that given it was now clear that only the Council or an incorporated body could become the accredited provider of aged care at Tuia Lodge, the initial proposition as per the initial petition to reinstate the now deposed "board of management" was inappropriate. Therefore, given an incorporated entity was already in place, although not used in the past as the management and operational entity for Tuia Lodge, that the incorporated entity be utilised going forward, especially given community and stakeholder sentiment had not changed since the signing of the petition - he commended the motion to the meeting.

In seconded the motion Brian Piesse stated his support for the proposition was based on the obvious community sentiment expressed by the initial petition presented to Council, the unprecedented attendance of the public at recent Council meetings and the attendance at the public meeting of the day.

He raised his concerns and questioned why the previous Tuia Lodge Board of Management apparently was ill-informed of past "accreditation" issues, given the Council was well represented on the deposed Tuia Lodge Board.

The motion was carried by almost everyone present, with a handful of attendees dissenting and/or abstaining from casting a vote for, or against.

The Chair closed the meeting 7.15pm

Please note – Minutes written by Brian Piesse with reference to input and contributions in writing (email) from Bruce Hearman, Lui Tuia and others as attached.

Shire of Donnybrook-Balingup

PRESS RELEASE

Tuia Lodge

Over the past few months many members of the public have attended Council meetings, public meetings and read media articles about the ongoing management of Tuia Lodge.

The Shire of Donnybrook-Balingup is appointed by the Commonwealth Government, under the *Aged Care Act 1997*, as the "Approved Provider" for the Tuia Lodge Frail Aged Facility. As the Approved Provider, the Shire is responsible for managing all aspects of the operation of Tuia Lodge in accordance with the *Aged Care Act 1997* and the *User Rights Principles 1997*.

Why did Council vote to withdraw the delegated authority of the Board?

- In early 2015 Council became aware of a series of issues involving management at Tuia Lodge.
- Despite the Shire's continuous efforts these issues were not being resolved.
- Council received documented information, which it passed onto a law firm to independently assess. They conducted a series of interviews with staff and Board members of Tuia Lodge. The solicitor's report outlined issues of serious concern which required further investigation.
- Council has since been advised that Tuia Lodge has a history of not meeting all the required outcomes at each initial assessment since 2013. However accreditation was subsequently approved.
- As further issues were brought to light and many of the previous serious issues had not been fully resolved, Council took the difficult decision to withdraw the delegated authority.
- There are still many of the original issues and further issues brought to light during the audits which have not been resolved.

Can the Shire transfer its Approved Provider status, and therefore responsibility to TL Inc?

- No. The Shire is the Approved Provider. Responsibility for the Tuia Lodge facility can only be transferred to another approved provider, and Tuia Lodge Inc is not an Approved Provider.
- The Inspire Report suggests it would require at least two years of intensive development and considerable expenditure (in the hundreds of thousands of dollars) before Tuia Lodge Inc could make application to become an Approved Provider.

Has Tuia Lodge been issued with a Certificate of Non Compliance by the Dept of Health?

- Yes. Following an Accreditation Review Audit (the highest level of Assessment Review) conducted from 7th -15th of December, the Australian Aged Care Quality Agency advised that a Certificate of Non Compliance was issued on Tuia Lodge on the 12th of January, and as a result the facility's accreditation period was reduced from 3 years to 1 year.
- The Review Audit assessed all 44 required outcomes. Tuia Lodge met 39 outcomes, but were assessed not compliant in 5 areas. The areas in which Compliance was not achieved were:-
 1. Complaints Management
 2. Human Resource Management
 3. Clinical Care
 4. Medication Management
 5. Activities required to match Client needs
- In addition it was noted that Tuia Lodge required training in the Aged Care Funding Instrument as they were leaving significant Federal money available to them, unclaimed.
- The Council must achieve compliance by the 15th of March, otherwise the Lodge will be sanctioned. The Council is committed to fixing these non compliances, and avoiding sanctions.

What effects do Non Compliances and Sanctions have on Tuia Lodge?

- There are two levels of serious discipline in the Accreditation system.
 1. The issue of a Certificate of Non Compliance – which gives the Approved Provider notification that the Agency will work with the Approved Provider to correct the non compliances.
 2. The issue of Sanctions is more serious. It requires the Approved Provider to appoint a Nurse Advisor which would be paid by the Council. The Nurse Advisor will run the aged care home, they may bring in extra staff, arrange training etc, all at Council expense, until all outcomes are met. This will effect Tuia Lodge financially and by loss of reputation, and could cost Council up to \$1 million.
- Council has been advised that in early December 2015, Tuia Lodge was close to being sanctioned, and only the fact that the Approved Provider (the Council) had taken control and was working to correct the Non Compliance avoided the sanction occurring, and Donnybrook losing management control of Tuia Lodge.

Whilst there has been a degree of confusion and apprehension about the actions taken by Council, Community feedback indicates that the community wishes Council to retain ownership of Tuia Lodge as an asset of this Shire. This has always been the desire of Council and this has not changed. Council will remain the Approved Provider and will retain ownership of the assets.

In light of the information presented, Council will meet again in the near future to formally discuss future management arrangements for Tuia Lodge. There are options under the Aged Care Act 1997 that Council will consider for the future management of Tuia Lodge, which may include:-

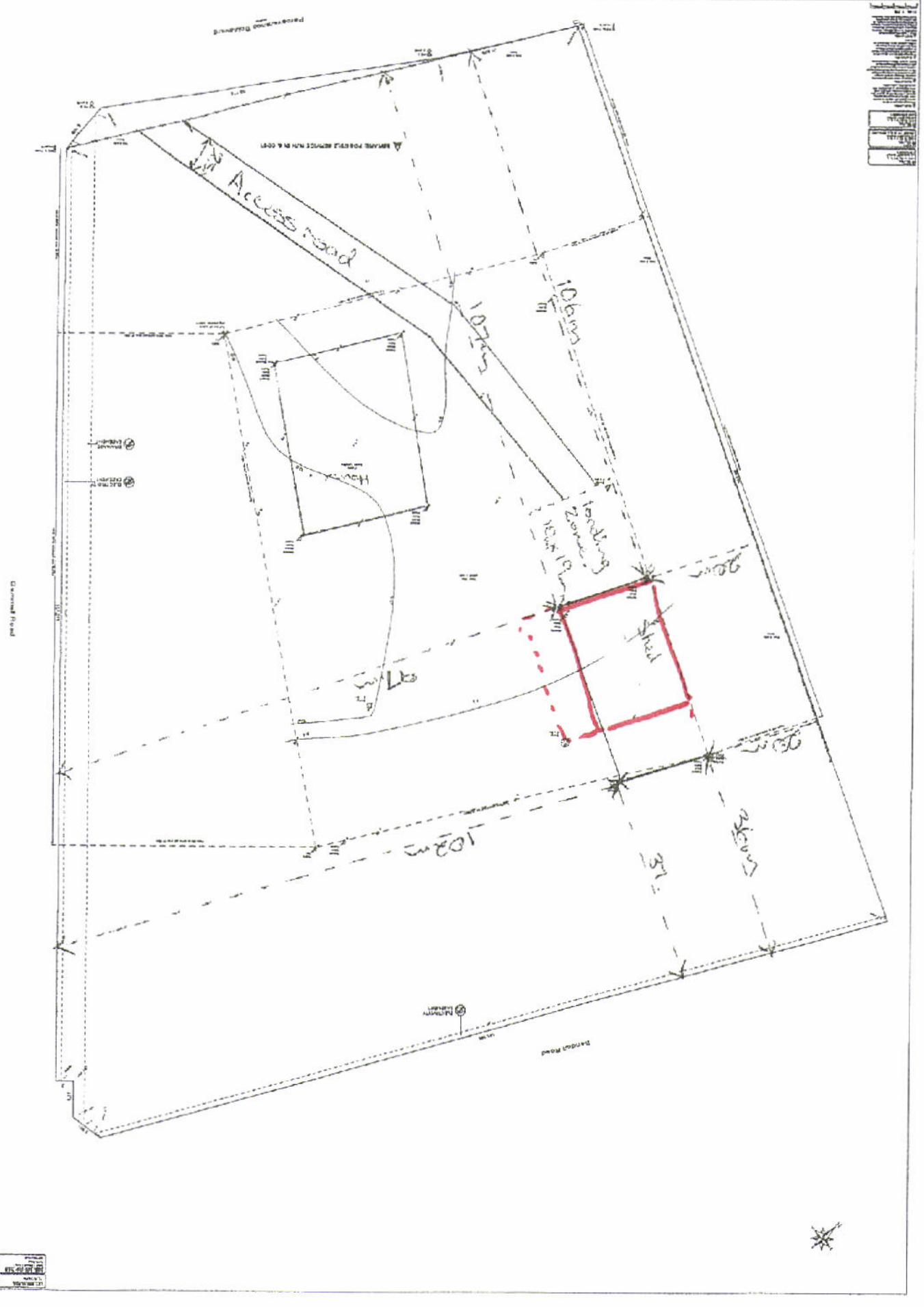
1. Council continues to manage Tuia Lodge.
2. Council outsources management of the facility to another Approved Provider under a contractual arrangement; while retaining its Approved Provider status, and control in Donnybrook.
3. Council might outsource some activities within the facility to other entities.

Council acknowledges the excellent work done by the Board of Management of Tuia Lodge over many years to bring the community vision of a 40-bed hostel to fruition. Without the guidance and huge contribution made by the Board and a very large number of volunteers and the community, it is probable that Tuia Lodge would not be the functional community asset that it is today.

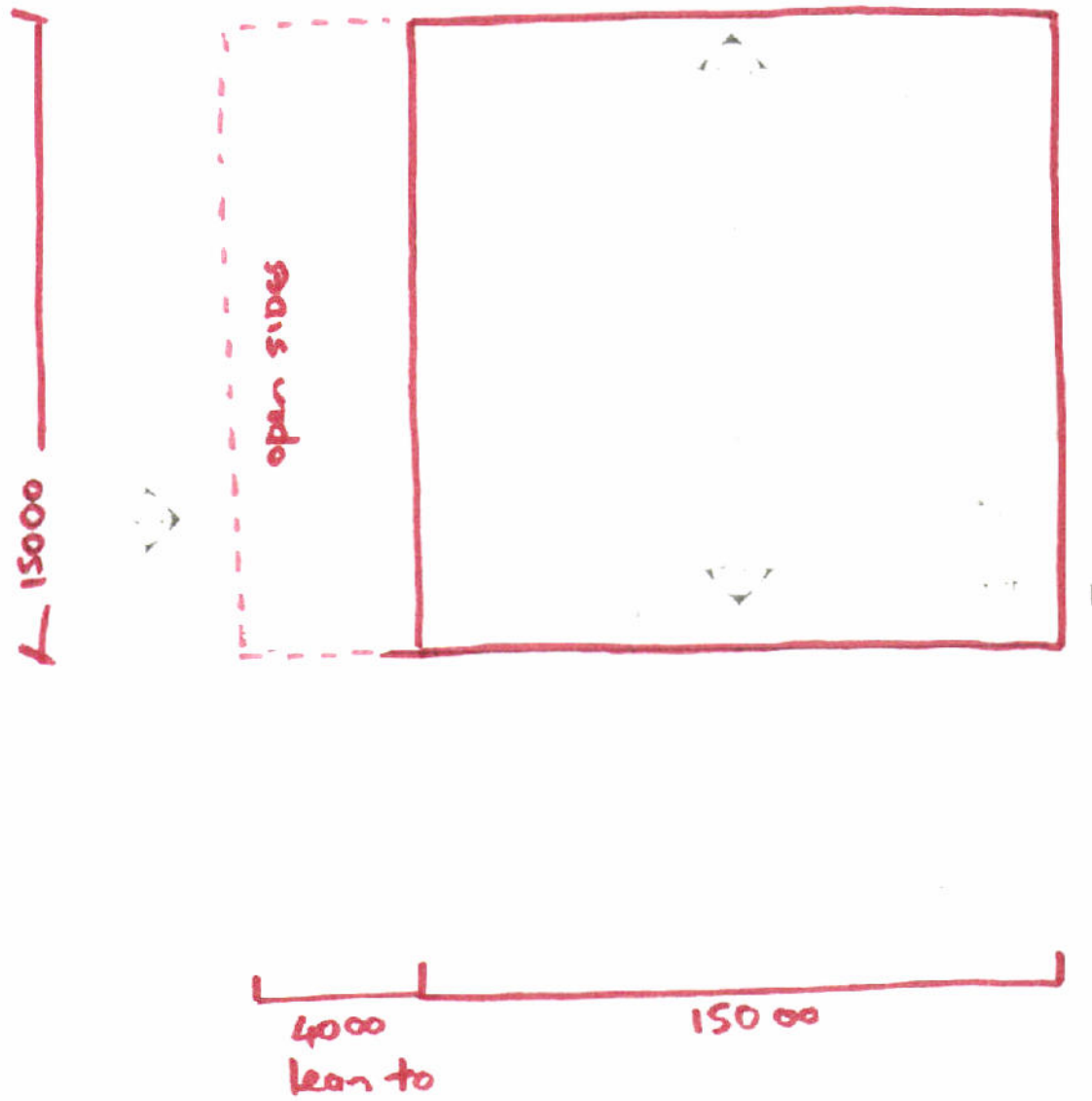
As a result an objective of Council will be that a community group such as Tuia Lodge Incorporated can contribute to and support the Lodge into the future. Council will seek to continue the valued volunteer support that the community has in the past and currently provides to Tuia Lodge.

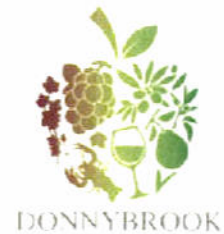
Residents of Tuia Lodge, their families and the community can be confident that Council will at all times act in the best interests of the residents of Tuia Lodge.

NO.	DATE	DESCRIPTION	BY	CHECKED
1	10/10/2011	Initial Design
2	11/10/2011	Revised Design
3	12/10/2011	Final Design



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8th June 2017

Mr Benjamin Rose
Chief Executive Office
Shire of Donnybrook-Balingup
PO Box 94
Donnybrook WA 6239

Dear Mr Rose

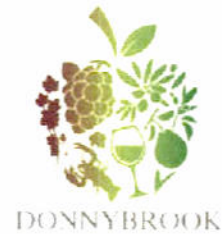
Donnybrook Regional Tourism Association (DRTA) would like to draw the Shire's attention to the issue that Donnybrook does not have a dedicated site for Recreational Vehicles (RVs) to use overnight.

When RVs visit Donnybrook and find that they cannot stay overnight, they either camp illegally within the Shire or leave the Shire, taking their valuable tourist dollars with them.

It is well documented that when RVs prolong their stay in a town, the economic benefit that it brings to communities is significant. Current data from *Tourism Research Australia* states, that the average daily spend for long haul RV travellers with two people per vehicle, is approximately \$167¹ per day ¹*Data courtesy of TRA for year ending September 2016*. Recent membership research conducted by the *Campervan and Motorhome Club of Australia* (CMCA) found that during 2016 their members travel on average 140 days per annum, an increase of over 50% in the past 6 years. Furthermore, "Research shows that 77% of RV members are more likely to visit and stopover in an RV Friendly Town than a destination without that status," CMCA Manager of Government and Stakeholder Communications Colin Balfour said.

The *CMCA Park Update*, dated May 2016, states "current RV sales trends indicate that more than 160,000 RV's will be registered in Australia from 2016 to the end of 2020, taking the number of registered RV's to well over 700,000. This highlights the need for a significant increase in specialist accommodation options to meet the requirements of this fast growing segment of the market".

These figures are indicative, but it does show that RV tourism is growing and has a serious economic impact on regional towns.



To qualify for the RV Friendly Town Program there are a set of guidelines that must be met, which we believe Donnybrook can easily accommodate.

Essential Criteria²

- Provision of appropriate parking within the town centre, with access to a general shopping area for groceries and fresh produce
- Provision of short term low cost overnight parking (24/48 hours) for self-contained recreational vehicles, as close as possible to the CBD
- Access to potable water
- Access to a free dump point at an appropriate location

Desirable Criteria²

- Provision of long term parking for self-contained recreational vehicles
- Access to medical facilities or an appropriate emergency service
- Access to a pharmacy or a procedure to obtain pharmaceutical products
- Visitor Information Centre (VIC) with appropriate parking facilities
- VIC to provide a town map showing essential facilities, such as short and long term parking areas, dump point and potable water
- RV Friendly Town signs to be erected within the town precinct.

What are the benefits?²

- There are many economic benefits to the local businesses due to increased dwell time
- There is an increased patronage of the tourist attractions in and around the town
- Travellers will be able to park adjacent to the shopping precinct while they top up with supplies. They can do their banking in comfort, post their mail, and check out the cafes, restaurants and clubs for food and entertainment
- They will find a dump point in the town
- They may be able to have mechanical work done on their vehicle as well as fill up with fuel and gas
- The VIC should have a map showing them all local attractions, the location of emergency services and their contact numbers, attractions that are RV suitable and where internet services are available



- They will be able to park in a comfortable layover area, while they sit back and decide which tourist attraction they would like to see during their visit
- There may be toilet and shower facilities at or near the layover area, which will encourage dwell times
- At the end of their visit, the RV traveller will be leaving only because they need to – not because they want to.

² Quoted from the CMCA RV Friendly Town Program

What are the Economic issues?

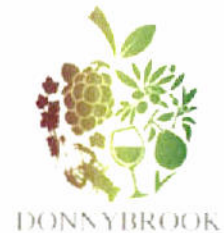
RVs, by the nature of the vehicle, are fully self contained and therefore need nothing more than a dedicated parking area and access to a dump point. (The latter already exists at the Transit Park.) As such, the cost to the Shire to become RV friendly could be negligible. It is unlikely that there would be any impact on the existing Transit Park as RV's do not require the facilities the Transit Park offers and hence it is unlikely that they would stay there. Should travellers wish to use the facilities then the standard fee for a site would apply. Furthermore, it is not uncommon to charge RVs a nominal fee which would cover the cost of any additional work required to maintain the site and empty rubbish bins etc.

The CMCA have developed a *Self-Contained Vehicle (SCV) Policy* and *Leave No Trace (LNT) Code of Conduct* that requires participating members to sign a declaration that they will comply with the SCV policy and abide by the LNT Code of Conduct.

"The efforts of the CMCA in promoting responsible travel will not only benefit its members and all RV travellers, but will bring considerable benefits to local councils and communities who provide facilities for use and enjoyment." (Quoted from CMCA SCV Policy).

In summary, DRTA believe that Donnybrook already meets the criteria to be registered as RV Friendly. All that is required is a designated area for the RV's to stay.

In simple terms, if we can encourage one extra RV to stay in Donnybrook each night of the year and they spend for example \$100 on that occasion, which isn't hard to do if they purchase fuel, food and sundry items, the economic benefit to businesses in the main street could be \$700 per week, or \$36,500 per year ie \$100 per night x 365 nights per year. This does not include possible spending at cafes, the pharmacy,



hair dresser, auto supply shop, and any other shop or business in the town or nearby. Just imagine the benefits if two or more RV's stay per night.

We sincerely encourage the Shire of Donnybrook-Balingup to re consider registering Donnybrook as RV Friendly as this important programme will help Donnybrook thrive and grow.

Can we also take this opportunity to bring to the Shire's attention the fact that despite numerous requests from DRTA, the dump point still does not have an appropriate lid on it.

Your consideration of this request is favourably sought.

Yours faithfully

Ms Ria Hammond
Chairperson
Donnybrook Regional Tourism Assoc
PO Box 736
Donnybrook WA 6239

Leave no trace

CAPEL

10

WELCOME TO THE SHIRE OF CAPEL RV STOP SPOT

Site Specific Regulations

- Period of stay is 14 days
- This site is for the use of self-contained motorhomes and caravans with No Trace accreditation
- No Grey or Black water is to be disposed of on site
- If the Shire please take your rubbish to the council tip
- Absolutely if you are not self contained you must have your own toilet
- Enjoy your stay and please support local businesses

The Shire provides the following RV Friendly facilities

- Dump point at Buchanan Road
- Caravan/Motorhome parking in the Town centre is located at Buchanan Road and Civic Precinct (Parking area at Capel Drive



STRICTLY NO CAMPING

If you would like to book a site, please contact the Shire of Capel, 100 Main Street, Capel, WA 6271. For more information, please visit our website at www.shireofcapel.wa.gov.au

For Booking,
please ring 0800 737 731