



## **MINUTES OF SPECIAL MEETING OF COUNCIL**

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**Purpose:**

**For Council to consider the Tuia Lodge Lease Agreement**

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Held on

**Wednesday 2 June 2021**

Commencing at 5.00 pm

Shire of Donnybrook Balingup Council Chamber

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**Benjamin (Ben) Rose  
Chief Executive Officer**

**3 June 2021**

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**SHIRE OF DONNYBROOK BALINGUP  
SPECIAL COUNCIL MEETING MINUTES**

Wednesday 2 June 2021 at 5.00pm

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**Shire President – Acknowledgment of Country**

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire Present declared the meeting open at 5:09pm and welcomed the public gallery.

**Shire President - Public Notification of Recording of Meetings**

The Shire President advised that the meeting would not be recorded due to technical issues.

**2 ATTENDANCE**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Executive Manager Corporate and Community
Cr Shane Atherton	Maureen Keegan – Minute Taker
Cr Anita Lindemann	
Cr Anne Mitchell – via phone from 5.11pm	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

**PUBLIC GALLERY**

1 member of the public

**2.1 APOLOGIES**

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Nil

**2.2 APPROVED LEAVE OF ABSENCE**

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Nil

**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Nil

**2.4 REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE**

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The Shire President requested Cr Anne Mitchell confirm her address and confirmed she is in a 'suitable place' in relation to the Local Government Regulations 14A.

**COUNCIL RESOLUTION 94/21**

**Moved: Cr Massey      Seconded: Cr Lindemann**

**That Council:**

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 2 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

**CARRIED 7/0**

Cr Mitchell joined the meeting via phone at 5:11pm

### **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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Nil

### **4 DECLARATION OF INTEREST**

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Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

### **5 PUBLIC QUESTION TIME**

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#### ***Question***

*Mr Brad Fowler – 28 Thompson Street Donnybrook*

*Tuia Lodge was established in the 1980's by the Donnybrook community to allow the older generation live out their twilight years in their town. Shire residents have always had priority placement at Tuia Lodge, will this still be the case with the transfer of ownership?*

*Shire President*

*I will ask the CEO to respond to this question, however I believe the Aged Care Act does not allow for preferential treatment when it comes to placements.*

*Ben Rose Chief Executive Officer*

*It is my understanding that, under Federal legislation, preferential placements to an Aged Care Facility is not possible.*

### **6 REPORTS OF OFFICERS**

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Nil.

## **7 MEETING CLOSED TO THE PUBLIC**

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### **7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

The following confidential report and recommendation has been distributed separately and is not for circulation:

#### **7.1.1 CONFIDENTIAL - TUIA LODGE LEASE AGREEMENT**

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *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*

#### **EXECUTIVE RECOMMENDATION**

***That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:***

#### **7.1.1 Confidential - Tuia Lodge Lease Agreement**

### **COUNCIL RESOLUTION 95/21**

**Moved: Cr Smith                      Seconded: Cr Massey**

**That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:**

#### **7.1.1 Confidential - Tuia Lodge Lease Agreement**

**CARRIED 8/0**

The meeting was closed to the public at 5:16pm.

### **COUNCIL RESOLUTION 97/21**

**Moved: Cr Massey                      Seconded: Cr Smith**

**That the meeting be re-opened to the public.**

**CARRIED 8/0**

The meeting was re-opened to the public at 5:36pm

## **7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

### **RESOLUTION 96/21**

1. *That Council, subject to the Chief Executive Officer and Shire President both being satisfied that no adverse submissions to the section 3.58 Local Government Act statutory notice are received by the Shire by 16 June 2021:*
  - a. *Authorise the Chief Executive Officer and Shire President to execute the attached Lease and Business Sale Agreement contracts with Great Southern Care Pty Ltd (part of the Hall and Prior Health & Aged Care Group),*
    - i. *Subject to the Shire President and Chief Executive Officer being satisfied with any subsequent modifications to clause 11 (employees) of the Business Sale Agreement.*
    - ii. *Subject to the Shire President and Chief Executive Officer being satisfied that the Shire has no obligation to make the building comply with a 9C classification in the future.*
  - b. *Thank the Aged Care Community Reference Group for their advice and recommendations to the Council in relation to the outsourcing of Tuia Lodge.*
  - c. *Recognise and thank all staff at Tuia Lodge for their efforts in delivering a valued service to the community.*
  - d. *Request the Chief Executive Officer to prepare a media statement setting out the key elements (non-confidential) of the proposed partnership with Hall and Prior.*
  - e. *Instruct the Chief Executive Officer to publish this resolution in the meeting Minutes.*
2. *That, in accordance with section 6.11(2) of the Local Government Act 1995, Council:*
  - a. *Change the purpose of the funds held in the Employee Entitlements Reserve account from 'Established to provide for the payment of long service leave and grandfather gratuity scheme entitlements' to 'Established to provide for the payment of annual leave, long service leave, personal leave, and grandfather gratuity scheme entitlements'.*
  - b. *Instruct the Chief Executive Officer to provide public notification of the change of Reserve purpose in accordance with the provisions of the Local Government Act 1995.*

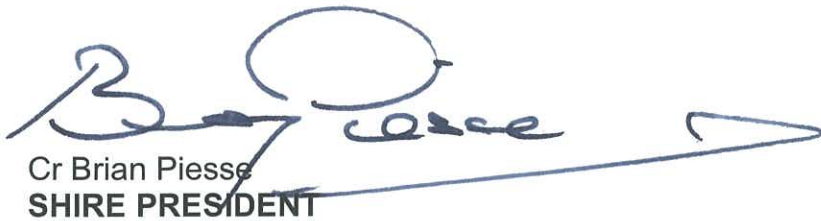
## **8 CLOSURE**

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The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 23 June 2021 commencing at 5.00pm.

The Shire President declared the meeting closed at 5:37 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 23 June 2021.



Cr Brian Piesse  
**SHIRE PRESIDENT**