

**MINUTES FOR
SPECIAL MEETING OF COUNCIL**

Tuesday, 14 July 2015

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 6.00pm

Closure: 7.15pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 19 August 2015.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

TABLE OF CONTENTS

| | | |
|-----------|--|-----------|
| 1. | DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS | 1 |
| 2. | RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE | 1 |
| | 2.1 Attendance | 1 |
| | 2.2 Apologies | 1 |
| | 2.3 Approved leave of absence | 1 |
| 3. | DISCLOSURE OF INTEREST | 1 |
| 4. | PUBLIC QUESTION TIME..... | 2 |
| | 4.1 Public question time | 2 |
| 5. | PRESENTATIONS / PETITIONS / DEPUTATIONS | 6 |
| | 5.1 Petitions..... | 6 |
| | 5.2 Presentations..... | 6 |
| | 5.3 Deputations | 6 |
| 6. | ANNOUNCEMENT FROM THE PRESIDING MEMBER | 6 |
| 7. | PURPOSE OF MEETING..... | 9 |
| | 7.1 Chittering Health Centre Lease* | 9 |
| 8. | CLOSURE | 16 |

* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members were in attendance:

| | |
|---------------------|------------------------------|
| Cr Robert Hawes | President (Presiding Member) |
| Cr Michelle Rossouw | Deputy President |
| Cr Don Gibson | |
| Cr Alex Douglas | |
| Cr Sandra Clarke | |
| Cr Doreen Mackie | |
| Cr Barni Norton | |

The following staff were in attendance:

| | |
|--------------------|--|
| Mr Gary Tuffin | Chief Executive Officer |
| Ms Jean Sutherland | Executive Manager Corporate Services |
| Ms Bronwyn Southee | Executive Manager Development Services |
| Mrs Karen Parker | Manager Human Resources |
| Ms Karen Dore | Economic Development/Communications Officer (Minute Secretary) |

There were 46 members of the general public in attendance. Additional members entered during the course of the meeting.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Cr Clarke declared an impartiality interest in item 7.1 as she is a past patient of Dr Hayward at the Bindoon Medical Centre.

Cr Douglas declared an impartiality interest in item 7.1 as he is a patient of Binda Medical Services.

4. PUBLIC QUESTION TIME

4.1 Public question time

Maggie Edmonds, Wells Glover Road

Question 1 I thank the Councillors and CEO for offering now a Registration of Interest transparent process for the Northern wing of the Chittering Multi-Purpose Health Centre lease. I also thank them for reworking the lease for these premises.

However, I am at a complete loss to understand how the first draft lease was acceptable to Council and the CEO, and then to read the contents of the second draft lease. They are polar opposites. This second draft lease makes it impossible for a sustainable and profitable medical practice to accept.

Why can't the CEO deliver a (fair to both sides) lease for the north wing?

Answer 1 The Shire President advised that the first draft had been prepared by the Shire's legal advisors, however following feedback from the community a different approach was undertaken.

The Chief Executive Officer clarified that the terms of the second draft lease were much the same as the first with the addition of the requirement for a five-and-a-half day including one evening service and the requirement for bulk billing (where possible and appropriate) along with an improved termination clause.

Question 2 In 7.1 of tonight's agenda (page 6) it says "The other half of the building (Southern Wing) will be leased by the WA Country Health Services..."

Has WACHS agreed to the same clauses for the Southern Wing as are stipulated in the second draft lease for the northern wing (except for them saying they want a heavily reduced rental)?

Answer 1 The Chief Executive Officer advised that the clauses were different for each wing of the building due to WA Country Health Services being an Allied Health rather than Medical Practitioner service.

Carolyn Wilson, Bindoon Pharmacy

Question 1 It is a good decision to go to tender but now there is no Doctor's service. Can there be a locum appointed to work with current staff to 'get us through'?

Answer 1 The Chief Executive Officer advised that he had been in discussion with other practitioners (including Rural Health West, Wheatbelt GP Network and Jupiter Medical Services) and was exploring options.

Question 2 Is there a Plan B if there are no tenders received?

Answer 2 The Chief Executive Officer advised that as the original situation had been for the current Doctor to transfer services from the old building to the new there hadn't been any anticipation of needing an additional strategy.

Marcus Edmonds, Wells Glover Road

Question 1 How much of ratepayers money did the shire pay mcleods solicitors for this approximately 35 page second lease document?

Answer 1 The Chief Executive Officer advised that the invoice for the amendment of the lease had not yet been received and as such the question would be taken on notice.

Lee Martin, Bindoon

Question 1 Thank you for advertising for registrations of interest. Can I ask who had input into the KPI's and clauses?

Answer 1 The Shire President advised that Councillors and Shire staff were consulted, along with taking into consideration the requests made by the community.

Statement I don't think you can expect to get someone to apply with those conditions. You can't expect someone to take on a lease with those clauses.

Response The Chief Executive Officer clarified that the additional clauses were added following requests from the community, for example the requirement for two doctors, a five-and-a-half day service and bulk billing were concerns identified with the current service provider.

He further advised that it was a draft document, meant as a starting point for negotiation.

Question 2 For example, bulk billing is not necessarily available to everyone.

Answer 2 The Chief Executive Officer advised that his understanding was that bulk billing is undertaken at the discretion of the Doctor and the notation is made in the draft lease "as long as the program exists".

Greg Fraser

Question 1 Why aren't the old Doctors moving to the new building?

Answer 1 The Shire President advised that following being advised of the lease requirements of the new building, including the payment of rent, the Doctor chose not to take up the option.

Question 2 Where did the money come from for the new Medical Centre?

Answer 2 The Chief Executive Officer advised that the funding for the project was mainly via external funding (approx. \$1.9 million), with the balance coming from Shire (Municipal) funds.

Unknown

Question 1 After the 5-2 resolution a petition was set up by a Councillor. How was this allowed to happen? It shows poor leadership.

No opportunity to reply was given as the next question was asked.

Lois Jones, Bindoon

Question 1 For Council to nominate and name the Councillors who voted against the resolution was not acceptable.

No reply was given as no question was asked.

John Nagle

Question 1 At the June meeting, Mr President, I queried you regarding your Declaration of Interest due to your daughter living with the Doctor's daughter. Do you stand by your reply that you did submit a Declaration of Interest?

Answer 1 The Shire President replied to the affirmative.

Question 2 We have searched the Minutes back to 2010 and cannot find a Declaration of Interest from you in relation to the Doctor's daughter. This will be going to the Crimes Commission.

Answer 2 The Shire President thanked Mr Nagle for the warning, reiterating that he had done nothing wrong.

(Note a search of Council's minutes has been undertaken and Cr Hawes did declare an impartiality interest in relation to this matter at the Ordinary Council meeting held on 27/06/12).

Bill Nobes

Question 1 It seems that Council is determined to make the Registration of Interest positive to go to Council tomorrow night. Is this the case?

Answer 1 The Shire President advised that a decision would be made at this Special Meeting and that the matter would not be discussed at the Ordinary Meeting of Council.

Statement Mr Nobes made a lengthy statement regarding a Councillor stating that '*allegedly a councillor had made a racist remark regarding a doctor*' along with his thoughts on the lease conditions meaning that no one will apply.

Response The Shire President reminded Mr Nobes of the two (2) minute allocation for questions and asked that his question be asked.

Statement Mr Nobes replied that he had twenty-two (22) questions listed to ask, and continued his statement, referring to the support of aged care and it not being right to 'just push forward'.

Response The Shire President further reminded Mr Nobes of the two (2) minute allocation for questions and asked that his question be asked.

Statement Mr Nobes made the statement that everything should be postponed until this matter was sorted. He then made additional reference to the 'lady Councillor' [as above].

Response Through the Chair Cr Mackie advised that the person he was referring to was herself and that the statement had been taken out of context as she was merely passing on information provided to her by a community member.

Derek Tabor

Question 1 If someone is employed by someone else are they able to put up information wherever they like?

Answer 1 Through the Chair Cr Douglas clarified that he was not employed by the Post Office.

Unruly discussion ensued.

Cr Rossouw called a Point of Order at 6.25pm.

Cr Douglas apologised to Mr Tabor.

Daryl duPlessis

Statement The openness of this discussion is positive, however the tone is very disappointing, the community is degrading itself through its actions and behaviour. We all need to pull together. Things may have been done badly in the past but we need to move forward.

No reply was given as no question was asked.

Derek Tabor

Question 1 Three months ago I asked for transparency. Can you explain why you haven't been?

No answer was provided as another member of the public gallery interrupted the discussion.

Greg Fraser

Question 1 I have just had a double lung transplant, when Janet's not here anymore can you guarantee that there will be another Doctor available for me?

Answer 1 The Shire President advised to the negative, re-advising that the Chief Executive Officer was seeking alternative options.

The Shire President called for any further questions.

Bill Nobes

Question 1 Can Dr James address Council?

Answer 1 The Shire President advised that this could be done during the time set aside for deputations.

Question 2 Due to the enormous amount of investment and the 'agro' could HACCS be involved and then the Doctor that should be running the centre would be given the opportunity to.

Answer 2 The Chief Executive Officer advised that HACC services can be provided by a number of suppliers i.e Silver Chain, Local Governments and others. He further advised that the

Shire had received funding to undertake an Age Friendly Strategy which would look at this area.

Paul Harrison

Question 1 Why did two Councillors object to Dr Hayward?

Answer 1 The Shire President advised that each Councillor is entitled to make their own decision based on the information that they have to hand, without reason being given.

Through the Chair Cr Norton clarified that it was only the substantive motion included in the Bindoon Medical Services Media Release (6 July 2015), not the original motion.

A statement was made by an unnamed person that was felt to be derogatory to Dr Hayward and the speaker and was asked to desist which he did not.

Cr Rossouw called a Point of Order at 6.35pm.

Through the Chair Cr Clarke stated that the community had lost two wonderful Doctors.

The President called for any further public questions, and as none were received moved to the next item of business.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

The Shire President invited Dr James Ogundipe to address the meeting as requested earlier by Mr Bill Nobes.

Dr James Ogundipe

Dr Ogundipe introduced himself to the gallery, stating that he recognised a lot of faces. He confirmed that he had met with Council and the Chief Executive Officer previously. He felt that there was a lot to say in a short time. He clarified that he had a provider number and posed the question to the meeting "Why am I interested?". He said basically that it was because of the community, with the real reason being that he wanted to provide a service.

Dr Ogundipe referred to the papers that had been emailed regarding the "Registration of Interest" and said that he felt that they looked impossible due to the amount of money involved. He made

reference to other rural areas where Doctors are actually paid. He referred to other Doctors who had asked for cars and accommodation to be included in their packages.

Cr Clarke thanked Dr Ogundipe for his time and clarified, for the benefit of the gallery, that Dr Hayward had indicated the same thoughts in reference to the proposed KPI's, terms and conditions. She reminded the meeting that the community had indicated, through their attendance at previous meetings and other feedback, that Council was being too lenient [with the peppercorn lease].

Members of the gallery attempted to continue Public Question Time and were asked to desist.

Cr Rossouw called a Point of Order at 6.40pm. She made a request to the President that the person in the gallery who was being rude refrain from interrupting or be requested to depart from Chambers. The comments from the gallery continued.

Cr Rossouw departed Chambers at 6.42pm.

The Shire President adjourned the meeting at 6.44pm.

The Shire President asked the gallery and Councillors if they could please respect each other, requesting no more interruptions.

The Chief Executive Officer re-clarified the work that was being undertaken by the Administration.

Cr's Clarke and Mackie departed Chambers at 6.46pm.

Before retrieving Crs Rossouw, Clarke and Mackie and the Chief Executive Officer spoke with Mr Tabor regarding his disruptive behavior and advised that if it did not stop he would be asked to leave the Chambers.

The Chief Executive Officer then addressed the public gallery advising that if there were any further interruptions with proceedings the offending person will be requested to leave the chambers.

The Chief Executive Officer departed Chambers at 6.47pm.

The Chief Executive Officer, Cr's Rossouw, Clarke and Mackie returned to Chambers at 6.50pm.

The Shire President reconvened the meeting at 6.51pm.

6. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

Further interjections from Gallery by Mr Bill Nobes.

Cr Rossouw departed Chambers at 6.51pm.

Cr Mackie departed Chambers at 6.53pm.

Cr Clarke departed Chambers at 6.55pm.

The Shire President called for order from the public gallery, and requested that Mr Nobes desist from making further comment.

The Chief Executive Officer approached Mr Nobes and advised him that he had been cautioned and now must leave the chambers.

Mr Bill Nobes left chambers 6.56pm.

The Chief Executive Officer departed Chambers at 6.56pm to retrieve Cr's Rossouw, Clarke and Mackie.

The Chief Executive Officer, Crs Rossouw, Clarke and Mackie returned to Chambers at 6.59pm.

7. PURPOSE OF MEETING

Cr Clarke declared an impartiality interest in item 7.1 as she is a past patient of Dr Hayward at the Bindoon Medical Centre.

Cr Douglas declared an impartiality interest in item 7.1 as he is a patient of Binda Medical Services.

7.1 Chittering Health Centre Lease*

| | |
|----------------------------|--|
| Report date | 14 July 2015 |
| Applicant | Shire of Chittering |
| File ref | 04/18/72 |
| Prepared by | Gary Tuffin, Chief Executive Officer |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | <ol style="list-style-type: none">1. Registration of Interest – Chittering Health Centre2. Landgate Valuation Report dated 26 February 20153. Letter from P Tabor dated 15 April 2015 (ref I1558657)4. Shire response dated 22 April 2015 (ref O1558658)5. Letter from P Tabor dated 1 May 2015 (ref I1558892)6. Letter from Bullsbrook Family Medical Centre, dated 1 May 2015 (ref I1558947)7. Letter from Bullsbrook Family Medical Centre, dated 6 May 2015 (ref I1559006)8. Letter from J Nagel dated undated received 25 May 2015 (ref I1559668)9. Letter from Bullsbrook Family Medical Centre, dated 12 June 201510. Letter from the Bindoon Medical Centre 16 June 2015 (ref I1560466)11. Letter from Dr Hayward 17 June 201512. Petition received at the May OCM 2015 (62 signatures) (ref I1559669)13. Meeting request 16 June 2015 (Attachments A, B, C & D) |

Background

Council at its meeting held on the 15 April 2015 resolved as follows:

That Council:

1. *resolve to offer the lease on the North wing of the new Multipurpose Health Centre to the practice currently providing medical services to the Community from the existing Medical Centre.*
2. *direct the Chief Executive Officer to prepare a lease document satisfactory to Council, for the North wing of the new Multipurpose Health Centre.*

A draft lease has been prepared by Council's solicitors and was presented for Council's consideration behind closed doors at its meeting held on 20 May 2015.

Cr Douglas requested the Council resolve to remove item 14.1.4 from the confidential items as he felt the item should be open to the public as there is nothing specifically confidential contained in the lease.

Council at its meeting held on the 20 May 2015 resolved the following:

That the matter of the Medical Centre, item 14.1.4 'Chittering Health Centre Lease – Bindoon Medical Centre' be moved from the Confidential section to the public section of the Agenda.

Cr Douglas then requested that the item not be dealt with at this meeting as he felt that more information is required.

That the matter of the Medical Centre, item 14.1.4 'Chittering Health Centre Lease – Bindoon Medical Centre' be deferred until the next Council Meeting in order to receive additional information.

Council met with Dr James Ogundipe (Bullsbrook Family Medical Practice) to receive additional information.

The matter was then again considered by Council at its Ordinary Council meeting held on the 17 June 2015, and resolved as follows:

That the Item be laid on the table in order for more information to be added to the Item's Attachments, for the benefit of Councillors and the community. This is requested in order to ascertain the true value of the financial consideration of the 'gift' (estimated at this meeting at \$79,000 per annum) to the Doctor and clarification of the difference between a company and a registered business and an individual.

Council had provided the current medical building (Binda Place) to the local GP of the day on a peppercorn basis since 12 November 2010. It is understood that the building has always been provided to the Doctor of the day on the same basis.

Dr Hayward advised the Chief Executive Officer on the 30/06/15, that she would be closing down the business due to the difficulties surrounding the finalisation of the lease terms for the new Health Centre.

Consultation

Binda Medical Services Pty Ltd
Various community members

Statutory Environment

State: Local Government Act 1995

Section 3.58 of the Local Government Act – Disposing of Property

(1) *In this section –*

dispose includes to sell, **lease**, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

State: Local Government (Functions & General) Regulations 1996, section 30 states:

30. *Dispositions of property to which section 3.58 of Act does not apply*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if—*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and—*

(i) *its market value is less than \$5000; and*

(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

(b) *the land is disposed of to a body, whether incorporated or not—*

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
- (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
- (f) **it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or**
- (g) it is the leasing of residential property to a person.

Section 5 Part II – General interpretation provisions of *Interpretation Act 1984* provides the following;
“**person** or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate;”

Therefore, section 3.58 of the *Local Government Act 1995* does not need to be complied with in relation to the proposed lease.

As Dr Hayward has now advised her intention to close the business it is recommended that Council call for Registration of Interest (ROI) from registered practitioners.

State: *Planning and Development Act 2005*

Section 136 of *Planning and Development Act 2005* states

136. Approval required for some dealings as to land not dealt with as a lot or lots

- (1) Subject to sections 139 and 140 a person is not to —
 - (a) lease or grant a licence to use or occupy land for any term exceeding 20 years, including any option to extend or renew the term or period; or
 - (b) lease and grant a licence to use or occupy land for terms in the aggregate exceeding 20 years, including any option to renew or extend the terms or periods; or
 - (c) sell or agree to sell land; or
 - (d) grant any option of purchase of land, without the approval of the Commission unless the land is dealt with by way of such lease, licence, agreement or option of purchase as a lot or lots.
- (2) A person who contravenes subsection (1) commits an offence.

The proposed lease for the portion of the land does not exceed 20 years, therefore, does not require the approval of the Planning Commission.

The proposed term is for a total of ten (10 years).

Policy Implications

Nil

Financial Implications

The Building was financed from the following external sources:

| | |
|--|--------------------|
| • WA Country Health Services | \$ 600,000 |
| • Regional Development Australia Fund (RDAF) | \$ 450,000 |
| • Country Local Government Fund (CLGF) – Regional Fund | \$ 842,412 |
| Total external funding secured | \$1,892,412 |

The accepted tender construction price was \$2,445,771 from Badge Construction, the difference of \$553,359 in funding was provided from municipal funds.

Council's current loan liability for the building is \$637,359 as at the end of May 2015 (includes consultant fees and charges).

Total loan repayments for the building equal \$51,671 for 2015/16, reducing over time as principle repayments are made.

A fixed loan (4.4%) has been taken over a period of 20 years.

Total estimated annual maintenance costs are expected to be \$28,000 (includes surrounds).

Total estimated annual insurance costs (Building) \$5,500.

Total estimated cost to Council \$ 85,171 in the first year (Loan repayments and Maintenance).

50% of the expected total costs \$42,585 (Northern wing).

Gross floor area = 540 sqm, as advised by the Architect.

A valuation report has been provided by Landgate which places a market rental value of between \$200 to \$250 per square metre, plus GST, plus outgoings.

Total estimated income \$54,000 (\$200) to \$67,500 (\$250)pa for half the building.

Therefore, if a market rent is achieved Council would receive income (after expenses) of approximately \$11,414 or \$24,915.

All operating costs of the facility will be the responsibility of the lessee (power, water, cleaning...etc).

Council will be responsible for future costs such as building insurance, fire extinguisher servicing/replacement, maintenance etc. This expenditure will be included in the Building Maintenance Plan.

The other half of the building (Southern Wing) will be leased by the Health Department (WACHS), and it is recommended that these funds be placed in a reserve for the buildings ongoing maintenance.

Representatives from WACHS have suggested that as they contributed \$600,000 towards the construction of the premises that they would like this recognised in the lease by way of heavily reduced rental amount.

Binda Medical Services Pty Ltd (Dr Hayward) was responsible for securing \$132,293 which was used to construct an extension to Council's current GP building, and has requested that this contribution should also be noted by Council.

Strategic Implications

Social: Building a Sense of Community

Strategy: Advocate for local health and youth services.

- Construction of a multipurpose health centre facilitating current and additional services.
- Increased facilities and number of medical services available within the Shire for residents of all ages.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

The need for greater medical services was identified in Council's Strategic Corporate Plan:

"Council's priority for the next ten years should be on providing better medical facilities for a growing and ageing population."

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

The construction and fit out of the Chittering Health Centre is complete (Practical Completion and the official handover is scheduled for 20 July 2015) and as such a formal lease agreement for the building must be finalised. It has always been Council's intention to split the building in two, one Northern Wing for GP and related services, and the other Southern Wing for Allied Health Services, which is to be occupied by WA Country Health Services (WACHS).

There have been some community comments made regarding a construction issue with the current gutter system on the building. This is a minor matter in relation to incorrect materials and joining technique being used, that was identified by the Architect, and must be rectified by the builder at the builder's cost, no cost to Council. There are no other significant issues with the building that are known at the current time.

The contracted date for practical completion for the construction of Chittering Health Centre is the 28 July 2015.

In accordance with Council's instructions, an offer to lease the Northern Wing of the building was made to Binda Medical Services. The discussions had been based on the draft lease prepared by Council's solicitors. Since this time further discussions have been held with the doctor who has advised they (Binda Medical Service Pty Ltd) are not prepared to pay commercial market rent for the premises, nor agree to providing 5.5 day a week services until a third doctor is employed (currently two Doctors). They did agree to a market rent review after 5 years and also advised they would provide a 5 day a week service, provided they could retain the second Doctor. Dr Hayward further advised that there needs to be more patients for the practice to become viable with 3 doctors.

Due to community requests the following performance criteria have now been incorporated into the lease:

Performance Requirements

1. The Lessee acknowledges that the Lessor expects that high quality medical services are available to residents of the Shire of Chittering.
2. The Lessee must comply with and implement the KPI's in relation to the operation of a medical surgery from the Premises (Practice).
3. If at any time the Lessor considers that the Lessee is not complying with the KPI's, the Lessor may issue the Lessee a Notice requiring the Lessee to attend a meeting with the Chief Executive Officer of the Lessor within 10 days of receipt of such Notice (or such other period of time as is agreed to by the Parties) to discuss the Lessee's performance in relation to the KPI's and ways in which the Lessee's performance may be improved. If, following the meeting, the Lessor still considers that the Lessee is not complying with the KPI's the Lessor may terminate this Lease upon three month's written notice to the Lessee.

KPI's

1. Ensure that a minimum of two (2) general practitioners are available at the Practice for consultations with members of the community for at least 5.5 days a week (Monday to Saturday).
2. At least one evening (after hours) surgery be provided during the week (Monday to Friday).
3. All patients are to be "bulk-billed" for as long as Medicare provides the opportunity to do so.
4. Ensure that the general practitioner/s at the Practice are registered with the Medical Board of Australia.
5. Ensure that the waiting time for appointments for members of the community to see a general practitioner is at all times less than 3 days. If the waiting period is beyond 3 days, the Lessee will use their best endeavours and take action to employ or contract an additional medical practitioner at the Practice to reduce waiting periods.
6. Ensure that a high level of customer satisfaction in relation to the services provided from the Practice is maintained at all times.

Building fit out

The tenant is responsible for the building fit out of the five consultant and two treatment rooms, only one desk has been provided as a permanent fixture. No permanent fixtures or fitting are to be attached to the building without the lessors written consent.

(Note: Whilst the above has always been a requirement it has now be included in the lease to make it very clear it's the lessee's responsibility.)

Other amendments

1. Item 2 – Term
10years (initial term 5 years, with an option for a further 5 years)
2. Item 4 - Commencement date
(TBA)
3. Item 5 - Rent
To be negotiated between \$200 - \$250 per square metre, plus GST and outgoings

4. Clause 22 - Lessor's Right to Terminate

Notwithstanding any other provision of this Lease, the Parties agree that the Lessor may terminate this Lease for any reason whatsoever upon three (3) months written notice to the Lessee.

A Registration of Interest (ROI) document has been prepared for Council's consideration and approval. It is recommended that the ROI be advertised for a period of 21 days from the date of notice.

That whilst Council is being requested to endorse the ROI, which includes the draft lease, this will not preclude Council from further negotiating any terms.

A further report will be provided to Council at the close of the ROI process.

7.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Douglas

That Council resolve:

1. to endorse the Chittering Health Centre Registration of Interest document for the purpose of advertising for submissions by Registered General Practitioners.
2. that the Chittering Health Centre Registration of Interest be advertised for a period 21 days from the date of notice.
3. that a further report be presented to Council at the conclusion of the advertising period.

AMENDMENT

Moved Cr Gibson / Seconded Cr Norton

That there be an additional Point 4 to read: that all applicants be made aware that the Draft Lease is a negotiable document.

THE AMENDMENT WAS PUT AND DECLARED LOST 3/4

AMENDMENT

Moved Cr Mackie / Seconded Cr Clarke

That there be an additional Point 4 added to read: that in the best interests of the community the Shire President and the Chief Executive Officer meet with Dr Hayward to request that she consider:

- remaining at the Binda Place Practice as a minimum, on a part-time basis until a replacement GP is confirmed;
- assisting those members of the community who are on Care Plans and those who are less able to find another GP, with securing medical services; and
- assisting those members of the community who will no longer be employed at the Binda Place Practice, to find employment elsewhere.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/1

The Shire President advised that he had contacted Dr Hayward to ask whether she would reconsider her position which she replied in the negative.

AMENDMENT

Moved Cr Gibson / Cr Norton

That the Chief Executive Officer contact Dr James, as a matter of urgency, as he was the first applicant for the position.

THE AMENDMENT WAS PUT AND DECLARED LOST 2/5

7.1 SUBSTANTIVE MOTION / COUNCIL RESOLUTION - 010715

Moved Cr Rossouw / Seconded Cr Douglas

That Council resolve:

1. to endorse the Chittering Health Centre Registration of Interest document for the purpose of advertising for submissions by Registered General Practitioners.
2. that the Chittering Health Centre Registration of Interest be advertised for a period 21 days from the date of notice.
3. that a further report be presented to Council at the conclusion of the advertising period.
4. that in the best interests of the community the Shire President and the Chief Executive Officer meet with Dr Hayward to request that she consider:
 - a. remaining at the Binda Place Practice as a minimum, on a part-time basis until a replacement GP is confirmed;
 - b. assisting those members of the community who are on Care Plans and those who are less able to find another GP, with securing medical services; and
 - c. assisting those members of the community who will no longer be employed at the Binda Place Practice, to find employment elsewhere.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. CLOSURE

The Presiding Member declared the meeting closed at 7.15pm.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8:30am - 4:30pm