



GLEN EIRA CITY COUNCIL

SPECIAL COUNCIL MEETING

under s84(3) of the Act

TUESDAY 2 APRIL 2019

AGENDA

**Meeting to be held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7pm**

*"The primary object of a Council
is to endeavour to achieve
the best outcomes for the local community
having regard to the
long term and cumulative effects of decisions."*

- s3c(1) Local Government Act

Councillors:

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt

Chief Executive Officer: Rebecca McKenzie

INDEX

1.	ACKNOWLEDGEMENT	5
2.	APOLOGIES.....	5
3.	OATH OF OFFICE AND DISCLOSURE OF INTERESTS.....	5
4.	PRESENTATION OF OFFICER REPORTS.....	6
4.1	Outcome of Statutory Process – Consider whether an expression of interest process will proceed to identify potentially suitable purchasers in relation to the: Notice of Intention to Sell Land (a) 6-8 Ames Avenue, Carnegie ‘Rosstown Community’ (b) 89-93 Murrumbeena Road, Murrumbeena ‘Spurway Community’ (c) 854A Centre Road, Bentleigh East ‘Warrawee Nursing Home’	6
5.	CLOSURE OF MEETING.....	40



1. ACKNOWLEDGEMENT

GLEN EIRA CITY COUNCIL RESPECTFULLY ACKNOWLEDGES THAT THE BOON WURRUNG PEOPLE OF THE KULIN NATION ARE THE TRADITIONAL OWNERS OF THE LAND NOW KNOWN AS GLEN EIRA. WE PAY OUR RESPECTS TO THEIR ELDERS PAST, PRESENT AND EMERGING AND ACKNOWLEDGE AND UPHOLD THEIR CONTINUING RELATIONSHIP TO AND RESPONSIBILITY FOR THIS LAND.

2. APOLOGIES

3. OATH OF OFFICE AND DISCLOSURE OF INTERESTS

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

4. PRESENTATION OF OFFICER REPORTS**4.1 OUTCOME OF STATUTORY PROCESS – CONSIDER WHETHER AN EXPRESSION OF INTEREST PROCESS WILL PROCEED TO IDENTIFY POTENTIALLY SUITABLE PURCHASERS IN RELATION TO THE:****NOTICE OF INTENTION TO SELL LAND****(A) 6-8 AMES AVENUE, CARNEGIE 'ROSSTOWN COMMUNITY'****(B) 89-93 MURRUMBEENA ROAD, MURRUMBEENA 'SPURWAY COMMUNITY'****(C) 854A CENTRE ROAD, BENTLEIGH EAST 'WARRAWEE NURSING HOME'****Author:** *Rebecca McKenzie, Chief Executive Officer***Trim No:** *19/151532***Attachments:** *1. S223 Submissions [↓](#)*

PURPOSE AND SUMMARY

Further to the Council decision of 5 February 2019 (as set out below) a statutory process in accordance with sections 189 and 223 of the Local Government Act, 1989 has been completed.

This report is provided to assist Council to determine whether the proposed transaction for the sale of residential aged care will proceed to an expression of interest process for the purpose of identifying potentially suitable purchasers.

RECOMMENDATION

That Council:

1. notes that the statutory process set out in the Council resolution Item 12.1 dated 5 February 2019 has now been concluded;
2. gave due consideration and regard to all submissions (written and oral) received with respect to that statutory process; and
3. proceed to an expression of interest process for its three residential aged care facilities "Rosstown Community", "Spurway Community" and "Warrawee Nursing Home", its residential aged care business conducted at these facilities and related properties (as specified in the Council resolution Item 12.1 dated 5 February 2019) for the purpose of identifying potentially suitable purchasers who appear willing to accept the key commercial terms required by Council for any transaction to proceed.

BACKGROUND

Glen Eira City Council operates 173 Residential Aged Care beds at three sites:

- i) Rosstown Community at 6 Ames Avenue, Carnegie (53 beds);
- ii) Spurway Community at 89–91 Murrumbeena Road, Murrumbeena (30 beds); and
- iii) Warrawee Nursing Home at 854a Centre Road, Bentleigh East (90 beds).

At its Ordinary Council Meeting on 5 February 2019 Council resolved:

1. *That Council sell the three residential aged care facilities owned and operated by Council, namely "Rosstown Community", "Spurway Community" and "Warrawee Nursing Home", and its residential aged care business conducted at these facilities, subject to Council undertaking a market process which identifies an appropriate purchaser and gives rise to a commercial agreement which is satisfactory to Council.*
2. *A sale of the nature described in Resolution 1 above will result in the following properties being surplus to Council's requirements:*
 - a) *Lot 2 of Plan of Subdivision PS114117 (being the whole of the land contained in Certificate of Title Volume 9095 Folio 668) and Lot 1 on Title Plan TP173896S (being the whole of the land contained in Certificate of Title Volume 6723 Folio 580) and known as 6-8 Ames Avenue, Carnegie, Victoria 3163;*
 - b) *all of the land in Plan of Consolidation CP167755N (as shown on Title Plan TP458143J and being the whole of the land contained in Certificate of Title Volume 9954 Folio 233) and known as 89-93 Murrumbeena Road, Murrumbeena, Victoria 3163; and*
 - c) *Lot 1 on Plan of Subdivision PS438537M (being the whole of the land contained in Certificate of Title Volume 10638 Folio 633) and known as 854A Centre Road, Bentleigh East, Victoria 3165; and*
3. *As a result of the above, in the first instance Council:*
 - a) *will commence the statutory procedures in accordance with sections 189 and 223 of the Local Government Act 1989 for the sale of some or all of the properties by public tender;*
 - b) *will give public notice in The Age newspaper on 7 February 2019 of the proposed sale of some or all of the properties by public tender in accordance with section 223 of the Local Government Act 1989;*
 - c) *pursuant to section 223(1) of the Local Government Act 1989, will consider and if required, hear any submissions received in relation to the sale of some or all of the properties by public tender; and*
 - d) *authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its administrative functions under section 223 of the Local Government Act 1989 in respect of the sale of some or all of the properties by public tender.*
4. *Following the conclusion of the statutory process outlined in Resolution 3 above, the Chief Executive Officer will report to Council on the 2 April 2019 at a Special Council Meeting as to the outcome of the process, at which point Council will confirm whether the proposed transaction will proceed to an expression of interest process for the purpose of identifying potentially suitable purchasers who appear willing to accept the key commercial terms required by Council for any transaction to proceed.*
5. *That the resolution parts 1 to 5 inclusive be made available to the public.*

At a Special Meeting of Council held on 12 March 2019 to consider submissions, it was resolved:

That Council notes submissions received in response to the Public Notice process for the intention to sell Council-owned land at 6-8 Ames Avenue, Carnegie, 89-93 Murrumbeena Road, Murrumbeena and 854A Centre Road, Bentleigh East.

ISSUES AND DISCUSSION

1. Section 189/223 Process

Consistent with the statutory procedures outlined in Resolution 3 on 5 February 2019, Council advertised its intention to sell the land and the right to make a submission to Council, in accordance with sections 189 and 223 of the Local Government Act. The Public Notice was advertised as follows:

1. The Age newspaper on 7 February 2019;
2. Council's website from 7 February 2019;
3. Moorabbin Leader newspaper on 13 February 2019; and
4. Caulfield / Glen Eira Leader newspaper on 13 February 2019.

In addition to the above, Council's communication process has included:

- Comprehensive coverage on Council's website including a video explaining the decision, a press release, and question and answer style information. This was the lead website story following the 5 February Council meeting;
- Letters sent to approximately 500 Glen Eira residents including aged care residents, their families, staff, local doctors, volunteers and a range of other service providers;
- Brochure style information which was made available to all families and residents providing key information and contacts for further assistance;
- Information sessions with residents' families and staff, volunteers and unions; and
- Information in the March edition of Glen Eira News which was delivered to residents between 25 February and 1 March 2019.

2. Submissions received

Ten submissions were received for Council consideration by 5pm Friday 8 March and are attached. (Attachment 1)

Council also received two petitions containing 100 and 139 signatures. Both petitions were presented to Council at its meeting on 12 March, 2019.

Councillors have been provided with the ten submissions for their consideration and have heard the presentations made by eight of the submitters. Whilst the submissions raised a variety of issues, some of the key themes were:

- **Lack of community consultation and engagement prior to and following 5 February 2019 Council decision.**

Many submitters expressed concern regarding the lack of community consultation prior to 5 February 2019 Council meeting and were concerned that the decision was made in the in-camera section of the meeting. Submitters commented that the consultation was inadequate and that a more thorough consultation should now be conducted.

Officers have set out in this report the communication and consultation process conducted which included extensive advertising and opportunities to discuss the sale issues.

The process undertaken also meets the statutory requirements for the sale of Land as outlined in the Local Government Act.

- **Concern that any new provider will not provide the same level of quality care that is currently provided by Council.**

Many submitters spoke highly of Council's quality of care and compared it favourable to other care providers. Submitters considered that Council staff were highly trained and engaged. A number of submitters thought that Council should continue to subsidise these quality services and be proud of the service provided.

Officers note in this report some of the constraints that are likely to impact on the future provision of quality care in Glen Eira's aged care service. Officers are aware of many other aged care providers that provide quality at an equivalent or higher level than Council's current service. Council's commitment is that Council will only sell to a quality aged care provider that has a proven ability to provide quality aged care with high employee and resident satisfaction levels.

- **Concerns about the impacts of a sale on current residents.**

Submitters expressed concern that any sale process will impact on the emotional wellbeing of residents and that residents will find the transition process stressful. Some submitters were also concerned that residents may be required to move as a result of the sale process.

Officers are mindful of the potential impact on residents during this process. Council has committed to keep all 173 beds within the municipality and any new provider will be required to uphold the current residency agreement. Impact on residents can in part be mitigated by a strong transition process and the selection of a quality provider. In addition the option for staff to remain with the new provider may also assist in ensuring continuity of care.

- **Poor timing with a Royal Commission into Aged Care Quality and Safety currently underway.**

A number of submitters suggested that the process should not occur during the current Royal Commission into Aged Care. They recommended that Council should postpone any decision until after the final report of the Royal Commission is completed or at least until such stage that it can be determined which organisations were high quality.

Officers consider that while it is likely that the Royal Commission will publically identify poor performers, the quality of a rigorous assessment processes will ultimately provide Council with sufficient information to make a sound selection decision.

- **A reduction in community amenity and the level of public ownership.**

A number of submitters were concerned that once Council Aged Care facilities were in private hands the Community had lost an asset that would never return to public ownership. Submitters suggested that private aged care providers, who have a profit motive, were likely to have a negative impact on the health and wellbeing of residents.

Officers are aware of the range of community views in regard to Public or Private ownership of many services. Officers note, however, that many submitters assume that Council will sell to a 'for profit' provider, however, many aged care providers are not for profit providers. The assessment panel will assess each provider against a comprehensive set of assessment criteria and choose the provider that most closely meets the criteria.

- **That Council includes a resident representative throughout the sale process.**

While only one submitter has formally sought a resident representative throughout the sale process this issue was raised during consultation as was the potential of having a family member on the evaluation panel.

Officers have discussed with legal and probity advisors the potential of having a family or resident involved in the process or on the evaluation panel. Advice provided is that this will give rise to probity and conflict of interest concerns.

Officers are aware of aged care expertise amongst current family members and residents and sought advice around alternative ways to include that expertise. Probity advice has suggested that involving those with expertise and others who may have an interest in quality assessment, prior to the finalisation of the detailed assessment criteria is an acceptable approach to avoiding probity issues and yet still allowing Council to benefit from family and resident knowledge.

- **Concerns have been raised that if a purchaser on sells Council's facilities that the aged care beds may no longer remain in Glen Eira.**

A number of submitters expressed concern regarding the possibility that Council may sell to a provider who then on sells Council's aged care facilities. In these circumstances submitters were concerned that the bed licenses may subsequently be moved to another municipality

The requirement for the 173 aged care beds to remain in Glen Eira will be enshrined in any sale agreement with a purchaser of the residential aged care facilities. Council can also include in any sale an obligation on the purchaser to include a similar restriction with respect to the bed licences in any on sale to a future purchaser. In that way, the obligation transmits through and this requirement can be embedded in the original sale document. This approach has commonly been used by other Local Governments as part of the sale agreement.

Councillors are required to take the attached submissions into consideration prior to any decision to proceed to an Expression of Interest process. All submitters will be written to following this Council meeting to advise them of the outcome of the meeting and the reasons for Council's decision.

3. Current Issues Impacting Residential Aged Care

Overview

Glen Eira's aged care facilities were established at a time when opportunities for residents to age in the communities where they had lived were extremely limited. Consequently this Council, along with many others across Melbourne responded by building local residential aged care services, whilst also establishing a suite of community based aged care services.

Glen Eira is now the only Local Government that operates residential Aged Care. Since 2006 10 local governments have exited the sector including Banyule, Monash, Greater Dandenong, Whitehorse, Maroondah Frankston, Manningham and Kingston. Nationally Local Government now accounts for approximately only 2% of all aged care operators.

The residential aged care sector has changed over time and that rate of change has accelerated significantly over the last decade. In the future, changes associated with outcomes from the Royal Commission into Aged Care Quality and Safety and Consumer Directed Care will increase the complexity of operating residential aged care.

In this changing environment, increased scrutiny and regulation has directly impacted the complexity for small operators seeking to maintain high standards of care. Some larger highly specialised operators have entered the field, and with their capacity to increase operational size they have been able to achieve higher levels of specialist quality care through economies of scale that are not feasible for smaller operators.

Maintaining Quality

In the future maintaining the current level of quality care will become increasingly difficult for Glen Eira City Council. A number of factors make it difficult for small non-specialist providers such as a Council to continue to manage effectively in the industry and provide high quality care.

- Council provides a multitude of services and does not have the governance structures or personnel that focus on the specialist requirements of residential aged care. For example Council does not have an aged care board or specialist aged care finance staff to assist in management and governance arrangements.
- Council only operates 173 aged care beds and does not have the economies of scale that larger providers benefit from. Larger providers have specialist allied health staff and staff that develop expertise in areas such as pain management or dementia.
- The increasing complexity of operating aged care and the pace of change in the sector is difficult for small providers who do not have the depth of personnel to both operate facilities and implement major change.
- Council's facilities will require significant capital expenditure in the future and Council's older facilities are already seen by some as not meeting contemporary standards.

The above points are expanded in the following sections of this report.

In particular the relatively small size of Council's service impact the capacity to provide the range of programs and activities that a larger specialist, reputable provider is able to offer.

By way of example, some of the larger specialist services are involved in:

- Implementation of pain management strategies and evaluation processes to understand the effectiveness of pain treatments;
- Rehabilitation and restorative care strategies designed to assist recovery from neurological musculoskeletal conditions to regain mobility and quality of life;
- Best practice care through on-staff teams of educators;
- Specialist Aged Care funding Instrument (ACFI) staff that are able to maximise resident funding and access to specialised care;
- On-staff allied health staff who are able to develop ongoing relationships and expertise in specific areas.

- On-staff social workers staff that can provide high level individualised support to residents and their families.
- Many areas of research in palliative care including conducting translational research projects to embed evidence into practice, including the development of sophisticated pain guidelines, anxiety and depression pathways and advanced care planning;

Concern has been expressed by residents and families that a comparable provider to Glen Eira will not be found. While the Royal Commission focus is likely to continue to highlight poor performers within the industry the industry is also composed of many excellent providers. There are a number of reputable residential aged care providers that deliver care that is recognised as being equivalent to or better than the care that Glen Eira is able to provide.

For example in the City of Glen Eira all providers (including Council) who have recently undertaken accreditation have achieved full accreditation against the 44 standards. In addition many providers have excellent results in the independent “consumer experience” survey conducted by the accreditation authority as part of the accreditation process.

Should Council proceed to an Expression of Interest process it is important that a rigorous evaluation process is in place to ensure a high quality provider is selected.

Governance

Over the past decade Local Government in Victoria has recognised the challenges of managing business risk in the sector. Unlike a not-for profit or a private provider of aged care whose boards’ are focussed solely on the provision of services in the Residential Aged Care sector, Local Government is spread across a multitude of services.

Local Government is not specialist residential aged care service provider, at best in respect of aged care it only offers a broad governance and management regime. The diverse activities of local government make it difficult to effectively and efficiently operate services and manage risks which require specialist expertise at a number of levels throughout the organisation including; board, finance, governance and management. Glen Eira has a very small number of staff who have sufficient skills and experience in the operation of this highly complex business. Into the future specialist governance and support for operations are required to manage and mitigate increasing operational risks and ensure quality.

Adapting to increasing complexity.

Over the past five years the Residential Aged Care services sector has undergone significant change. This change has been driven by a combination of factors including increased regulation (such as quality, building and fire standards), increased governance requirements and increased requirements for capital expenditure. Changes include:

- a) Greater emphasis on financial and governance issues and the requirement to provide segmented financial reporting;
- b) Increased building requirements and obligations which have meant significant expenditure and is likely to require ongoing investment to meet regulatory requirements;
- c) The introduction of Residential Accommodation Deposits and stronger accountability for use of these funds which now substantially restricts how Council’s bond holding can be invested and used; and
- d) The introduction of the new Aged Care Funding Instrument which requires significantly greater skill, documentation and administration in order to maximise funding.

These changes will undoubtedly continue in the future, changes associated with outcomes from the Royal Commission into Aged Care Quality and Safety and Consumer Directed Care will increase the complexity of operating residential aged care.

In this changing environment, increased scrutiny and regulation has directly impacted the complexity for small operators such as Glen Eira City Council seeking to maintain high standards of care. With a small management structure and few specialist staff to operate the business and implement complex change continues to be challenging for Glen Eira aged care services.

Relatively small size of Council holdings.

Council operates 173 beds across three sites. Medium size residential aged care providers are now in the range of 800-1000 beds. Such a small holding means that Council cannot benefit from the economies of scale that are increasingly necessary to operate in the residential aged care market. Because of the increasingly complexities, as outlined above, providers have consolidated their holdings and developed specialist management structures and skills. In order to operate effectively in the sector scale is required to manage cost, maximise revenue and provide higher levels of quality.

As noted above Council does not have the management structure that the specialist providers have in place which is exclusively focussed on the residential aged care sector.

Financial Losses

Glen Eira City Council residential aged care services had an annual income in 2017-18 of \$13m.

Over the past 5 years Council's Residential Aged Care service had an average operating deficit (excluding on-costs such as corporate overheads and depreciation) of \$1.65M. In the year 2017-18 the deficit was \$1.88M.

Future Capital Requirements

In the future, two of Council's facilities are likely to require significant capital expenditure. Rosstown is approximately 40 years old and Spurway is 30 years old. Spurway is not of an economic size and is also not built to what many now consider a contemporary standard. For example not all residents have ensuite bathrooms; in house 2, ten residents share 3 bathrooms.

4 Proceeding to an Expression Of Interest (EOI)

Should Council proceed to an EOI process a major risk and the issue of greatest concern to families and residents is that any selection process ensures that a quality provider is chosen.

To mitigate this risk important selection strategies will be implemented.

1. A comprehensive set of assessment criteria which place an emphasis on a track record of provision of quality care outcomes.
2. A rigorous selection process which is overseen by probity and legal advisors to ensure that it adheres to best practice selection processes.
3. An evaluation panel which includes aged care industry experts who have a strong understanding of aged care quality

Assessment Criteria

To ensure that the sale of residential aged care services delivers the desired outcomes for Glen Eira Council and that quality care for residents can be assured, it is critical that Council has criteria that are capable of evaluating proposals.

Separate criteria have been established for the Expression of Interest Phase and for the Request for Tender Phase (RFT). Each phase has two mandatory criteria, these being:

a) Honoring Resident Agreements

Current residents will enjoy the same rights including tenure rights that they currently enjoy under their residence agreements; and

b) Restriction on Reallocation

A requirement that all residential aged care places will remain within the Glen Eira municipality.

EOI criteria will assess the high level operational and commercial competencies and suitability of respondents to be selected for inclusion in the RFT phase. Detailed criteria and weightings will be utilised in the assessment process.

Operators selected to proceed to the RFT phase will be required to submit comprehensive proposals addressing each of the evaluation criteria. Weightings will calibrate the assessment for each criterion and a scoring benchmark will ensure that the assessment process is robust and defensible. The assessment elements include:

- Service Quality. Respondents will be required to demonstrate their ability to deliver high quality residential aged care services against a number of specific criteria.
- Clinical Governance Model. Risk management, effective workforce profile, clinical effectiveness and consumer participation and experience.
- Staff. Staff satisfaction, industrial relations record and plans for treatment and management of employees.
- Relationship Management and Community Engagement. Respondents to demonstrate creation and participation in successful and productive partnerships/relationships with health and community services.
- Supported Resident Ratio. Evidence of a strategy to maintain the current supported resident ratio.
- Transition Arrangements. The Respondent's ability to implement a transition plan which supports a smooth transition for residents, families and carers and establishes a sustainable future model.
- Final Binding Offer. The quantum of the final offer and the capacity of the respondent to fund that offer. Offers will be analysed on a net present value using a discount framework.
- Contract and Completion Risk. The extent to which the respondent's final offer complies with the proposed contractual terms and the security provided to guarantee performance. Demonstration of capacity and intent to execute unconditional transaction documents within a timeframe acceptable to Council.

Evaluation Process and Transaction Timelines

The proposed divestment approach and timeline will involve a process conducted over 4 phases. Phases Two to Four will be the subject to Council decisions to proceed. K@L Gates will provide legal advice throughout this process. EY will provide commercial advice.

These advisors have been chosen because of their extensive industry expertise and are recognised as the experts in these aged care processes. The EOI phase aims to short list a small number of high quality providers who have the capacity to meet Council's evaluation criteria. Phase three (The Request for Tender) is a rigorous assessment of the short listed providers. It will include the assessment of quality through analysis of a range of clinical, staffing and quality indicators as well as site visits.

The proposed overall timelines are:

- a) Phase One: Section 189 and 223 Process
 - 5 February 2019. Council decision to sell contingent upon the outcomes of a section 189/223 process.
 - 7 February 2019. Placement of the public notice marking the beginning of the consultation process.
 - 12 March 2019. Submissions in relation to the section 189 Process heard at a special meeting of Council.
 - 2 April 2019 Special Council Meeting. Key decision point, with a decision being required to proceed with the sale and seek expressions of interest from potential purchasers.
- b) Phase Two: Preparation / Expression of Interest Process (EOI)
 - 29 April. Prospective respondents invited to make an application via an EOI process for progression to a Request for Tender stage.
 - April to June 2019. Evaluation Panel formed, assessments undertaken and shortlist prepared for Council consideration.
 - June. Key decision point to confirm acceptance of shortlist from EOI process. Respondents that meet threshold criteria that deem them a viable candidate for the purchase of Council's residential aged care services progress to Request for Tender phase.
- c) Phase Three: Request for Tender (RFT) / Final Negotiations
 - June/July 2019. Parties selected for inclusion on the Provider Panel to be invited to undertake confirmatory due diligence, inspect the facilities and submit unconditional binding offers.
 - August 2019. Detailed assessment of tenders by Evaluation Panel and recommendation provided for Council consideration.
 - Council meeting. Key decision point for endorsement of the successful tenderer (date to be confirmed).
 - Final negotiations culminating in announcement.
- d) Phase Four: Final Handover
 - Final handover would follow the completion of a carefully managed transition process that will minimize the impact on residents and their families (date to be confirmed).

Evaluation Panel.

The panel chosen to select the preferred provider will include:

- Legal advisors from K&L Gates.
- Industry experts including a partner from EY.
- Senior Council staff with expertise in residential aged care.

- Independent quality expert with extensive experience in aged care.

A probity advisor will provide guidance to ensure the process is rigorous and defensible and that no conflict of interest impact on the decision making process.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Glen Eira's Residential Aged Care services are a large and complex business. Over the past 5 years Council's Residential Aged Care service has had an average operating deficit (excluding on-costs such as corporate overheads and depreciation) of \$1.65M. In the year 2017-18 the deficit was \$1.88M.

Council would also receive a capital return from the sale. Council has previously indicated that any sale proceeds will assist projects that would ordinarily be beyond Council's ability to support from its rate base and will leave a lasting legacy. Council will prioritise projects that support vulnerable and isolated community members and align with Council's community plan

Should Council proceed to an EOI a comprehensive risk management plan will be developed and provided to the next meeting of Council's Audit Committee.

POLICY AND LEGISLATIVE IMPLICATIONS

By publishing a Public Notice of its intention to sell the Land and giving at least four weeks public notice of an intention to sell the Land, together with the receiving and hearing of submissions, Council has fully complied with its legislative requirements under sections 189 and 223 Local Government Act 1989.

The hearing and consideration of the submissions will assist Council to determine whether to proceed to an expression of interest process.

COMMUNICATION AND ENGAGEMENT

A Public Notice was published in The Age newspaper and on Council's website on Thursday 7 February 2019. A Public Notice was also printed in the local Leader newspapers in the week commencing 11 February 2019.

The closing date for submissions was 5pm Friday 8 March 2019, and a Special Meeting of Council to hear submissions was convened on Tuesday 12 March 2019. Ten submissions were received and eight of those submitters requested to speak at the Special Meeting of Council.

Following the announcement on 6 February 2019, Council representatives met with residents and families on nine occasions, with three meetings being conducted at each of the residential aged care facilities in the first week. The meetings focussed on the reasons for the sale and provided details around the sale process. Questions were answered and concerns were noted and followed up. A Community Liaison Officer attended all meetings and invited families and residents to make individual or group appointments.

The Manager of Residential Care has been on hand throughout to listen and to provide assistance and reassurance. In addition, a direct phone line was established to enable any questions, concerns or comments to be heard and responded to immediately. A commitment has been made to continue to listen to the concerns of residents, families and community members and to keep them informed during the process.

Scheduled information sessions and opportunities for individual meetings have also been held with staff and volunteers.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

By publishing a Public Notice of its intention to sell the Land, and by receiving submissions and hearing those submitters who wished to be heard in support of their submission, Council has complied with its legislative requirements under sections 189 and 223 Local Government Act 1989.

This report has provided information to assist Council to determine whether the proposed transaction of residential aged care will proceed to an expression of interest process for the purpose of identifying potentially suitable purchasers.

**SUBMISSION**

TO: CITY OF GLEN EIRA

FROM: DENNIS BOYD

DATE: 1 MARCH 2019

RE: INTENTION TO SELL LAND – 6-8 Ames Avenue, Carnegie, 89-93
Murrumbeena Road, Murrumbeena, and 854a Centre Road, Bentleigh East.

This submission is provided to inform Council of my concerns regarding the impact on services currently provided by Council from its Residential Aged Care Services located at the sites intended for sale – Rosstown Community, Spurway Community and Warrawee Nursing Home.

I write this submission in my capacities as a Glen Eira Ratepayer, a close family member of a resident at Rosstown Community and utilising my more than 40 years professional experience in managing Health and Aged Care organisations and consulting to providers of Residential Aged Care Services. I am also a former member of the Commonwealth Department of Human Services' Aged Care Administrator and Advisor Panel.

The City of Glen Eira has a long and proud record in providing Residential Aged Care Services and enjoys a reputation in the community and within the Aged Care Services Networks that is second to none. Selling the land upon which the Services are located will no doubt have a profound impact on the current group of residents and to those residents of Glen Eira who identify as potential future residents of these aged care services.

Claims that Glen Eira is the only Local Government in Victoria as a direct provider of Aged Care Services, is not in itself a valid reason to sell the land and cease to be a provider of Residential Aged Care Services.

Claims that specialist Aged Care providers are best placed to deliver more personalised Aged Care with enhanced allied health and activities have no foundation. Residents at Rosstown, Spurway and Warrawee enjoy the highest possible level of personalised care provided by highly trained and skilled staff with generous staffing ratios, have access to a wide range of Allied Health Services and extensive activities programs by far in excess of those provided in the private and not for profit sectors operating in the industry, from my direct observation and extensive knowledge of the sector.

The only compelling reason I can see for considering the sale of the said land is that of the cost to Council of providing services in the current configuration, resident mix and service delivery model.

The issue, in my view, is that there is a requirement for Council to subsidise the funding received from the Commonwealth through the various subsidies and the contributions made by residents through their care fees and the revenue generated from Accommodation Payments, in order to provide the current level of service in the current configuration, if there is an expectation for these services to break even.

I would ask Council – why can you not just be proud of the Services provided to our aged residents, and what is wrong with having to provide a level of subsidy to enable the continuation of a vital service to its aged population? What about the level of subsidies Council provides for Child Care, for the operations of GESAC, for Waste Disposal Services, for street lighting and security systems and so on?

I would then ask Council - what efforts have been made to maximise the level of subsidies received from the Commonwealth and what efforts have been made to look at cost reductions as strategies to reduce the required level of Council subsidies to the continued operation of the facilities? Why is there an expectation that these essential services for our vulnerable older residents should operate without top up from Council?

My experience would clearly suggest that a thorough review of current resident care planning, documentation and assessments made under the Aged Care Funding Instrument (ACFI) would identify opportunities for increased Commonwealth Subsidies.

My experience and my observations of the current operations at Rosstown would clearly suggest that a review of the current work practices, staffing profiles, systems and processes would identify significant cost saving opportunities.

I urge Council to demonstrate its commitment to the older residents of Glen Eira by giving an undertaking to explore all avenues to continue as a provider of Residential Aged Care Services prior to the final decision being made.

However, if the final decision has already been made to sell the 3 properties, as I suspect, then Council must ensure that the security, safety, care and support needs of the current residents are paramount in the transition to the new provider. I respectfully suggest that Council include a resident representative/advocate throughout the sale process to ensure that outcomes for residents are fully considered.

I would appreciate the opportunity to speak to my submission at the Special Council Meeting on 12 March 2019.

Dennis R Boyd



(2)

[REDACTED]

From: Helen Fischer [REDACTED]
Sent: Wednesday, March 6, 2019 11:46 AM
To: Submissions Property
Subject: Sale of Glen Eira's Three Nursing Homes

Dear Sir/Madam,

I am strongly against the sale of the three mentioned properties.

My parents have been in private nursing homes over the years, where I have been unhappy with many aspects of their care. These nursing homes put profits ahead of the most vulnerable people in the community.

On the other hand, I have several friends whose parents and relatives are in or have been in the Council nursing homes and they have all been very happy with the care there. The care is of a better standard. This is very important and something Glen Eira residents can be very proud of.

If Council sells these nursing homes, we will have no control of future care of the residents. Although, submissions may look good now for future owners, we cannot control their standards in the future, whereby they may sell off these assets or boards of control may change. The risk is too great for current and future residents.

That is why I am totally against their sale.

The Council is in a good financial situation and this is where money will be well spent if we keep these facilities.

I urge the Councillors and Council staff to not go ahead with this sale.

Kind Regards,
Helen Fischer

[REDACTED]

(3)

To: Glen Eira Shire Council

Wednesday 6th March, 2019

Submission on behalf of [REDACTED] regarding proposed sale of Spurway Community Residential Aged Care Facility.

[REDACTED] suffered a stroke in June 2016. As a result of this he suffers limited mobility, is confined to a wheelchair, and being unable to speak he has severe difficulty communicating. After the stroke, we knew that he would be unable to look after himself and would have to leave where he was living at the time of the stroke and move into an aged care facility. During his period of rehabilitation, we investigated several different aged care facilities, including Spurway Community. We decided that Spurway was our facility of choice.

We settled on Spurway for several reasons:

- the quality and cleanliness of the facility
- the quality and level of care received by the residents
- the location is in an area where [REDACTED] had previously served as the parish priest, and is close to St Peters Anglican Church, Murrumbene, where [REDACTED] spent time as the locum parish priest. [REDACTED] also knew the then priest [REDACTED] who visited the Spurway facility regularly.
- reputation. We had heard good reports from friends who had relatives who had resided at Spurway.

Fortunately for [REDACTED] and ourselves, [REDACTED] was admitted to your Spurway Community on 27th September 2016 where he has resided since.

[REDACTED] is well regarded at Spurway, even though his ability to communicate his desires is severely compromised, and he is happy there. We have been happy with the level of care that has been provided.

[REDACTED] agreement with Spurway states that the agreement will terminate upon his death. There are, however, several other conditions included which allow the agreement to be terminated prior to [REDACTED] death if [REDACTED] care requirements become beyond the capacity of Spurway to provide.

We are concerned about the proposed sale of Spurway along with Glen Eira's other Aged Care Facilities to a private provider for the following reasons:

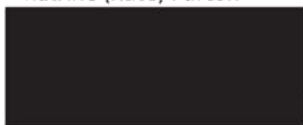
- all conditions of [REDACTED] existing agreement to be maintained under any new agreement with a new service provider, in particular the agreement for [REDACTED] to remain at the facility until his death. [REDACTED] has shown some anxiety about the sale, and we believe any move to a new facility would be detrimental to his health and shorten his lifespan.
- costs necessary for the maintenance of [REDACTED] care needs are guaranteed to remain in accordance with the existing agreement, and any credits in [REDACTED] care fees account are either refunded to his estate or passed on to and will be honoured by the new provider.
- given the stories that are currently emerging from the Royal Commission into Aged Care we are concerned that the quality and level of care provided by a new provider may be decreased, which would also be detrimental to [REDACTED] health.
- we recognize that some service provider's may be able to provide a level of care equal to or perhaps even better than [REDACTED] is currently receiving and require assurance that any new provider will be able to provide an equivalent or better level of care.

Signed:

Rodney Kruz



Katrine (Kate) Parton



Graham Smith



(4)

[REDACTED]

From: Martine Simpson [REDACTED]
Sent: Thursday, March 7, 2019 11:13 AM
To: Submissions Property
Subject: Submission to council on selling aged care facilities.

Sent from my iPhone

Begin forwarded message:

From: Martine Simpson [REDACTED]
Date: 5 March 2019 at 10:38:16 am AEDT

Subject: Submissions against sale of Glen Eira aged care facilities

To Glen Eira Council,

My family was sent a message from the Glen Eira Mayor to share their decision that they intend to sell the communities 3 residential aged care facilities.

As you can imagine it was then a huge shock to see how quickly this sale was advertised in the Age newspaper a day later.

We went on to attend a very awkward meeting run by council members at Warrawee on Sunday the 10th of March.

One argument raised by council is that they are no longer equipped to provide quality care. They believe that private specialist residential aged care facilities are much more suited to provide these services.

I find this hard to believe based upon the skyrocketing complaints and the increase in the number of disturbing incidents that are being reported and are occurring in many of these specialised facilities. Why else is a Royal Commission being undertaken? The Royal Commission may bring to light that a potential purchasers track record may not be as it seems. Are they rushing this decision through before such findings are released and brought to light?

Probably the most upsetting part of this decision made by Glen Eira council is the fact that there is no transparency in their decision making and their decision is not representative of the community. If it was it would not have been made behind closed doors without consultations. they have not Why have they not spoken to residents and sought community involvement or consultation when such important assets are to be sold off?

My parents have been rate payers in this area for the last 50 yrs. Rate payers deserve the right to have their say.

From a personal perspective we did not make the decision to put my father in care lightly. Unfortunately due to his care needs there are not many suitable options available close to home. If this site was to be redeveloped it would be extremely detrimental for my father and many others to be moved to an alternate site.

We spent many hours visiting aged care facilities and nothing stood up to Warrawee. We even had dad booked in to a local privately owned (very well known) facility. We were warned against our choice by a local GP as the care was not what they considered up to scratch. We were instead directed towards Warrawee. Our doctors could not recommend this council run facility highly enough. Their care is known to be exceptional and that is what we have found.

Instead of selling off such important community assets the Glen Eira council should be proud

of their success in aged care. Based on a report by the Australian governments Aged Care Quality Agency in May 2015 Warrawee met all 44 of the expected outcomes when audited. Just because everyone else has sold out doesn't mean we should too.
Martine Simpson

Based upon the above submission I would appreciate the following questions to be answered:

1. Why has council made such a huge decision to sell our aged care facilities without a community consultation process?
2. Why has council decided to sell prior to the release of findings of the Aged Care Royal Commission? Especially when providers council may consider may be exposed to be of poor standard in this Commission.
3. Why has council suddenly decided that they are not well suited to providing aged care when the auditing process clearly shows we have an exemplary record 44/44 outcomes met.

Sent from my iPhone

Sent from my iPhone

(5)

To The Director of Community Wellbeing,
PO Box 42, Caulfield, Vic, 3162.

Dear Mr Jones,

6th March, 2019.

This letter is in response to the proposed sale of the three aged care properties in Glen Eira. I write as a lifelong resident of Caulfield/Glen Eira, ratepayer and former volunteer warden to Spurney and Rosstown.

Like many others, I am concerned for the effect this proposal and its likely implementation must be having on the current residents, their families and the staff. It was reassuring to read that their needs were being carefully considered. I do have two other specific concerns,

The first relates to the time allowed for communication with the general Glen Eira community between 5th February Council decision night and the closing date for submissions on Friday 8th March. It is not realistic to expect that everyone in Glen Eira has personal access to Council's website. Many people would not have seen the Public Notice in The Age, and the local herald is no longer delivered to many parts of Glen Eira. Word-of-mouth is neither a good nor official way to spread information. The Glen Eira News is the one common information outlet available to us all. The March issue, with this news column (in fine print hard to read on coloured paper) arrived in early March, leaving less than a week to read, inquire and compose a submission to arrive at Council by 8th.

My questions: i) Aged care is an important issue for our whole community. Why was there not better communication and longer time given before submissions were due?

ii) Will Councillors think more carefully about this next time our issue of such general interest arises?

My second concern relates to the number of places available and criteria for entry, should one or more of the present facilities be sold. With the increase in our aging population here and elsewhere, it seems that at least the current number of places need to be available in the future. It is also my understanding that, at present, in regard to becoming a resident in the three Council facilities, there is consideration of financial circumstances and no discrimination on cultural or other grounds.

My questions: P.T.O.

My questions: Is Council willing and able to ensure

i) that at least the same number of care places will be available in the future as are now available at Springway, Rosstown and Liverside?

ii) that the same consideration of financial circumstances and the same policy of open entry will be maintained, in the future as in the past, in whatever aged care facilities will replace the current three?

I trust that these concerns and questions will be given serious consideration by Council members. I feel there is no need for me to support them by speaking at a meeting. I look forward to receiving a written response, however brief, at some stage.

I hope that some summary of issues raised through the submissions together with Council responses will be available and accessible for everyone in Glen Eira on an issue which will probably impact most of us at some stage in the future.

In the event of a sale, I hope much of the proceeds will go towards assisting the aged in Glen Eira.

Yours

yours sincerely,



MISS ANNIE ISON





8 March 2019

Mayor and Councillors

City of Glen Eira

I request to be heard at the Special Council Meeting Tuesday 12 March re

- (a) 6–8 Ames Avenue, Carnegie 'Rosstown Community'
- (b) 89–93 Murrumbeena Road, Murrumbeena 'Spurway Community'
- (c) 854A Centre Road, Bentleigh East 'Warrawee Nursing Home'

I strongly object to the proposed sale of these 3 properties.

These are valued community assets that Council is not empowered to sell off at a moments notice, without proper and extensive consultation with the community. To date no consultation process has been undertaken.

A confidential meeting to decide to sell these assets, no justification as to why these are to be disposed of, just not good enough!

Why was this discussed at a confidential meeting?

What are the reasons Council is suddenly not suited to running these facilities? (despite excellent accreditation assessments)

Why the rush to sell these before the Royal Commission has barely started its investigation into the sector?

If (as stated by the Mayor,) its nothing to do with the money, why are you trying to sell these facilities?

How will you ensure local residents still get access in the future to a range of high quality services without having to leave the area or be impacted financially because there is no alternative to for-profit services?

Councils own process, We Asked, You Said, We Did, which has been used in many, many consultations to make changes big and small to the City of Glen Eira, doesn't seem to apply here as the decision seems a fait accompli, and don't want interference from the community. Aside from anything, the timeframe for this whole decision is embarrassingly short, barely adequate.

At the very least, this is the poorest timing, with the Royal Commission into Aged Care hearings commencing a couple of weeks ago, it is impertinent of this Council to commence a process to sell off our assets into a marketplace that is under such scrutiny. There should be no further action

towards selling these community assets at least until the outcome of the Royal Commission is determined and recommendations made.

That would also give the community time to be properly consulted and informed about this proposal.

The most recent community satisfaction survey indicates that this council is great at providing services to residents and I commend the staff who carry out these services for doing so well – they deserve the accolade.

Where there is little or no improvement and the ratings are less than the average of metro councils is on this Council's ability to conduct community consultation, to lobbying on behalf of the community, and for decisions made in the interest of the community. This reflects directly on decisions that Council makes about how and why it chooses to make policy and budget decisions that don't reflect the needs and desires of its own community. This is a gross example of how this council ignores the community and doesn't want to hear what we want because you have made up your minds already.

We want to retain these assets and services and at the very least demand a halt to proceedings until the outcomes of the Royal Commission are available, a review of all possible options to address the needs of the community in relation to these services and to allow the community the time to properly find out about this and make up their minds about this major decision.

People in Glen Eira deserve and expect better for its older, vulnerable and isolated residents, and that starts with not selling our residential aged care.

Regards

Barbara Higgins



(7)

[REDACTED]

From: Carol Stals [REDACTED]
Sent: Friday, March 8, 2019 3:19 PM
To: Submissions Property
Subject: Selling off of Local Aged Care facilities

Good afternoon, I was shocked to hear that Glen Eira Council is considering selling of and privatising these three properties.

Like many older people I have a dread of going into a care facility, but had always felt that the local ones seemed far better than most. As I live on the same block as "Rosstown Community" and often speak to the patients, staff and visitors as I walk my dog past, or they come for a "walk" in their wheelchairs with the staff on occasion. People seem very satisfied with it and somehow the smaller size of the facility seems more humane.

I have always thought that Aged Care was part of the Council job description and am saddened by this expected change.

Outsourcing of these places doesn't work, as anybody who has read a paper or watched ABC news in the last few years would know. Would you like to be in one of the larger, for profit not care places? They are all about profit not people, either staff or residents.

I would love to think the Council had a collective humanity and would find a way to continue to support these places, as they are.

Yours sincerely,
Carol Stals



From: Suendermann, Brigitta [REDACTED]
Sent: Friday, March 8, 2019 4:30 PM
To: Submissions Property
Subject: HPECM: Divesting of Glen Eira Nursing Homes [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Council,
Re selling of the Council Aged Care Facilities and Business.

I am extremely happy with the current service and provision of Aged Care in Glen Eira, and would be disappointed if this level dropped.

Disappointment with the Process:

1. I am very disappointed with the apparent speed and lack of publicity of the process of selling the three Glen Eira Nursing Home Properties. The information to resident's families was still being sent out whilst the information sessions were actually occurring, making it difficult to attend. Public notification consisted of a notice of property sale – no mention of sale of the Aged Care business was mentioned and this was only in The Age newspaper – no hint appeared in any of the local papers (Glen Eira news or Leader). This gives the appearance of council having something to hide.
2. Council has 40 years of experience in Aged Care. Information sessions indicated that business people were to be on the committee for this process – I would hope that one of your experienced Aged Care staff were included too.
3. Information sessions implied that the income from the sale will go to needy areas, such as care for the disabled. I am disappointed that the disabled are not cared for already, and surely our aged population come under a broad heading of disabled – they cannot fully care for themselves or wouldn't be in Care.

Concern on Maintaining the Quality of Care:

4. Why not wait until the Royal commission into Aged Care is at least part-way complete in order to determine which organisations really have a good reputation and are a suitable replacement for the current great standard.
5. The current Communities give the residents freedoms that I did not see in most privately owned Aged Care in the area. These include residents being able to exit freely, on their own (if deemed not at risk) from their community and visit the local facilities. They can open windows in their rooms or use the air conditioner giving them control; make tea/coffee when they like. Small things but extremely important and the main reason My family preferred Rosstown over privately own facilities.
6. The location of the current Aged centres particularly Rosstown and Spurway, are within close proximity to shops, parks and public transport.
7. How long will council oversee the new management to ensure they will maintain the current high standards. Can they be sure that the new guidelines, when they eventually come into practice, will be upheld – surely there are currently guides which are obviously not always kept or there would not be a Royal Commission.

Just because other councils have divested of Aged Care does not mean it is a good thing. A report of the outcomes of their decisions should be part of your due diligence for this process. As should be the outcomes from the Royal Commission.

Thanks,
Brigitta,
[REDACTED]



From: Jane Karslake [REDACTED]
Sent: Friday, March 8, 2019 4:37 PM
To: Submissions Property
Subject: HPECM: Submission for the Special General Meeting 12 March

8 March 2019
The Glen Eira Mayor Cr. Jamie Hyams and Councilors
City of Glen Eira

I request to be heard at the Special Council Meeting Tuesday 12 March re:

- a. 6–8 Ames Avenue, Carnegie 'Ross town Community'
- (b) 89–93 Murrumbeena Road, Murrumbeena 'Spurway Community'
- (c) 854A Centre Road, Bentleigh East 'Warrawee Nursing Home'

As I write this submission I remember the experiences of my adored Grandmother who as a Caulfield resident could have used Glen Eiras residential aged care. Sadly that wasn't an option and I have memories of care that disturb me to this day. Another family member's experience more recently was not terrible but nor was it good. As the primary family carer the constant stress and anxiety that this caused was enormous. To not have confidence and trust that your most loved and cherished family member is being treated with dignity and with the best possible care is deeply distressing. To know that you have limited power to intervene or take corrective action is a torment.

Ageing and dying with dignity is being denied to far too many people in our society to treat the decision to sell this service lightly. We are all diminished by this experience.

Glen Eira Council have been a provider of residential aged care for over 40 years and deliver care that is rated at the highest possible standard. Why would we put this community asset at risk?

Do we know how many community members have used this service over the last 40 years?

My understanding is that Warrawee, Spurway and Ross town do not need to market or promote themselves as there is always a waiting list of residents. While we are inundated with residential aged care marketing our services quietly perform providing the type of care and ongoing connection with their community that we would all want.

How many rate payers would be residents in these aged care services over the next 40 years? Do these prospective residents have any idea of this sale?

I ask these questions as I am sure very few rate payers know of this decision and have had the opportunity to submit and speak here tonight. I have neighbours who have used these services, who had no idea of their existence until they reached a point in their life that it became clear they needed them. Warrawee, Spurway and Ross town are not at all well known.

I understand from discussions with the Mayor and council officers that consultation has occurred but only with the residents and their families. As the people directly affected by the decision this cannot be held up as community consultation. Clearly a provider withdrawing from their role as administrator and selling off their service must consult at a minimum with those who live in the facility.

Cr Hyams informed me that the matter of the sale of these services has been under discussion by Councillors over the last twelve months. Why is it that we the owners of these services only learn of this after the decision to sell?

The opportunity to make submissions has only been made available to us under the section of the Act that applies to public land sales. This is a legislative requirement and the barest minimum that you must provide.

This is not community consultation! The residents of Glen Eira have not been asked to engage on this issue and to be a part of this decision making process. Consultation should be a genuine engagement with community on the challenges that have motivated this proposal, the decision and the way in which the proceeds or savings would be spent if the decision was made.

Councillors invariably have projects and aspirations that require funds, but are the beneficiaries of these projects more important than the quality of care for the many thousands of older residents who have and will use these services.

Consultation is not about ticking the consultation box. None of you were elected with a mandate to sell off these services. To the best of my knowledge it was never mentioned at any time during your election campaigns. However let me remind you consultation was.

What is the emergency, where is the fire, what is the financial justification for the sale of these assets that will be lost forever if sold? If the proceeds of the sale are expected to fund your future commitments then make this transparent now so we can have a say. We expect no less transparency from state and federal governments, so why not from our Councillors?

It is difficult to believe that our views will be taken on board when the decision to sell has already been made. I have put up my hand to be consulted through Glen Eiras community voice but what a sham this is if the issues that really matter such as a significant asset sale are not included. As a resident I want to tell you that I feel patronised.

A lack of information, proper consultation and in camera decision undermine a transparent and democratic process. Transparency may be uncomfortable and difficult but it is the role of a democratically elected Council. We need Councillors who are brave and can provide a process for our voices to be heard. If you are not already aware of the Victorian Ombudsmen's report on transparency of local government decision making it is worth taking a look.

On page 10 the Ombudsman states;

When Councils make decisions on behalf of their communities and the information related to those decisions is not made accessible to the public, this reduces community confidence that Council is acting in the public interest. The exceptions to openness should be limited and handled with great care. (see report :<https://www.ombudsmen.vic.gov.au/getattachment/195a77c8-ed15-4a1d-9967-404474e1b4a6>)

I speak with Councillors regularly across Melbourne and I know that they are told that matters are confidential. Councillors need to find a process that enables a mature relationship with those that elect them on issues that matter to the community. These constraints on your dialogue with the community are inappropriate and undemocratic and if this is happening it means the process is flawed. There has been little to no information distributed to the community on this issue.

Even the most recent edition of Glen Eira news failed to mention your decision and process. However ironically for International Women's Day you featured Gladys Wallace who campaigned to ensure that Council delivered care; 'childcare and aged care ' in the same week that this special meeting is to be held. What would Gladys and all the other women, the community members and the councillors who fought, lobbied and campaigned to have Council deliver these services say to you now.

The other person I would like you to think of is dear Senator Barney Cooney, long term Glen Eira resident, a much loved and respected lawyer and politician who always worked to assist those that needed a voice. Barney died recently and his 'final submission' to the Aged Care Royal Commission was published in The Age.

Barney stressed to his submission transcriber Justice Vincent that he was in one of Melbourne's best facilities and not mistreated ... and I quote '....he wanted the Commission to know that the very process stripped the elderly of their dignity and left them to die miserably.'

In his submission Barney reports on his regular suffering and how inadequate the assistance provided to him was. Barney does not blame the staff for this as he understands that they are too few to attend to everyone's needs in a timely manner.

Age journalist John Silvester quotes Barney at length in the article, I will read you a small quote from his article;

"the systems and structures are clearly designed for their cost effective management and handling rather than the provision of personalised care. The staff members at my facility try their hardest to fill this gap but they lack adequate training and the support required to enable them to do more than quickly attend to the residents specific requests when time permits. From whatever perspective this situation is viewed, it is clearly very unsatisfactory. "

I won't pretend to be in a position to speak on Barney's behalf but I feel confident that he would be with the people in this room now who question the rationale of this decision. I think Barney would be with us.

If you haven't read Barney's submission and the letters in response I encourage you to do so.

We elect you to represent our interests. Selling off quality aged care in the midst of a crisis in care that has led to an Aged Care Royal Commission is a poor decision that is clearly not in the best interests of the community, selling is not in the interests of the high percentage of older residents in our community.

I think you should call a halt to this process, go back to the community with the grounds for the sale proposal, to properly consult and discuss, but before you do invite the Royal Commission into these services. Our community has an asset that too few enjoy; accessible, equitable quality care. We have a unique and precious asset that has not been valued and right now it has a broader value for the whole community which is examining this vexed issue. I won't ask for a show of hands to ask how many of you have visited a high care needs relative in an aged care facility, but I know that those that have will be troubled that care for some of those living in these facilities could be compromised.

Since I have started to follow this issue I have read and heard people suggesting that the new service will be even better. No one can actually make this claim. Care is hard work, it is physical, it is emotional and it involves the whole person. Respected workers whose work is secure and well rewarded provide the best care. Countless aged care reports point to the need to create these conditions to improve care. We have excellent care provided by a committed professional workforce, please do not take this from us. Glen Eira Aged Care has the highest care rating available and there is no way you can assure us that this will be preserved if these services are sold. The quality of care is dependent on the quality workforce which if made redundant will be expensive and a scarce resource lost. We will never be able to regain these services or buy back this land. Selling off these aged care services will not be a positive legacy of this Council, but the decision to preserve and upgrade will.

I respectfully request that Council reverse the proposal to sell these services and the land on which they are built. Should there be reasonable justification to sell these services, which I have yet to hear then a comprehensive community consultation process should be entered into.

Jane Karlake





Australian Services Union respectfully acknowledges that our building stands on the lands of the traditional owners and continuing custodians of Melbourne, the Boon Wurrung and Woi Wurrung language groups of the greater Kulin Nation.



This e-mail and any files transmitted with it are privileged and confidential information intended for the use of the addressee. The confidentiality and/or privilege in this e-mail is not waived, lost or destroyed if it has been transmitted to you in error. If you have received this e-mail in error you must (a) not disseminate, copy or take any action in reliance on it; (b) please notify the ASU immediately by return e-mail to the sender; and (c) please delete the original e-mail.

This email was scanned by Bitdefender



Submission to the City of Glen Eira in relation to the Public Notice to Sell Land

(re: Rosstown Community/Spurway Community/Warrawee Nursing Home)

8 MARCH 2019

Authorised by ASU Branch Secretary Lisa Darmanin

Australian Services Union • Victorian and Tasmanian Authorities and Services Branch • 1300 855 570

Branch Secretary

Lisa Darmanin

Branch Executive President

Billy King

MELBOURNE OFFICE

PO Box 37 / 116 Queensberry St

Carlton South, Victoria 3053

Phone: (03) 9342 3400

HOBART OFFICE

265 Macquarie Street,

Hobart TAS 7000

Phone: (03) 6224 3411

CONTACT US:

Email: info@asuvictas.com.au

Web: www.asuvictas.com.au

ABN: 76 569 632 753

Member Contact Centre

1300 855 570

Toll Free: 1800 133 096

Fax: (03) 9342 3499

INTRODUCTION

This submission is made in accordance with section 223 of the *Local Government Act 1989* as per the *Public Notice to Sell Land and Public Notice of Right to Make Submissions to Council* dated 7 February 2019.

POSITION OF THE ASU

The position of the ASU is to object to the proposal to sell the land known as the 'Rosstown Community', the 'Spurway Community' and the 'Warrawee Nursing Home' on the following grounds.

1) PUBLIC LAND CONSIDERATION

The City of Glen Eira is the first tier of government for local constituents. It owns, operates and manages a variety of assets for, and on behalf of, residents and ratepayers. The proposal to sell land would lead to a reduction of public land owned and operated by Council and diminishes the local government footprint of publicly-owned land in the municipality. This is another example of public land being transferred to private ownership and the on-going shift to privatising public space.

The unfortunate progression of these kinds of decisions is that once every parcel of public land is sold, there is nothing left to sell when it comes to the finite revenue that comes from the sale of public assets.

2) PUBLIC GOOD CONSIDERATION

The provision of residential aged care services by the City of Glen Eira is a significant 'public good'. This consideration is magnified by the fact that the service operates on a 'not-for-profit' basis. How best to deliver aged care services, from a number of angles, forms the terms of reference of the *Royal Commission into Aged Care Quality and Safety*, that is currently conducting public forums nationally. City of Glen Eira would be better informed to at least delay decision making about this matter until such time as the findings of the Royal Commission are known.

3) NO MANDATE FROM THE ELECTED MAYOR & COUNCILLORS

Throughout the local government elections held in late 2016, no elected councillor ran on an explicit, or implicit, political platform to close the residential aged care services at the City of Glen Eira.

Therefore, the ASU submits that there is no political mandate at the Mayor and Councillor level to sell the land and that the proposal to sell the land is 'out of order'.

4) NO MANDATE FROM RESIDENTS & RATEPAYERS

The City of Glen Eira has no mandate to proceed with the sale of these parcels of land from residents and ratepayers. At no stage has the City of Glen Eira conducted meaningful, extensive and thorough consultation with residents and ratepayers.

The City of Glen Eira states on its website, and in a variety of publications, that it has core values that guide the organisation including, out of the five (5) values, the value of:

Collaboration - *working better together*

The City of Glen Eira have simply acted on a unilateral basis without regard to 'consultation' or 'collaboration' with stakeholders.

There is no evidence available that the CEO, the Mayor, Councillors, and council officers consulted with or collaborated in line with articulated value of collaboration. Residents and ratepayers of the municipality, the residents and relatives of the residential aged care facilities and the impacted employees of Council were not consulted with nor did collaboration occur in manner that indicates 'working better together', before the decision taken at the Council Meeting of Tuesday 6 February, 2019.

On this basis that the ASU submits that the intention to sell the land should be rejected outright as to continue on with this fundamentally flawed process that renders the alleged value of 'collaboration' as nothing but a hollow and meaningless slogan not even worthy of a bumper sticker.

5) NON-APPLICATION OF BEST VALUE PRINCIPLES

The City of Glen Eira have failed to apply the respective provision of *Local Government (Best Value Principles) Act 1999* as it relates to the provision of residential aged care in the municipality as provided at the 'Rosstown Community', the 'Spurway Community' and the 'Warrawee Nursing Home'.

Council are legally obligated to apply this legislation to this service.

Therefore, the ASU submits that the intention to sell the land should be rejected and that the provision of residential aged care be subjected to a 'best value' exercise as per the *Local Government (Best Value Principles) Act 1999*.

6) 'IN-CAMERA' DECISION MAKING

The decision to proceed with the intention to sell these three sites was done 'in camera' at a Council Meeting held on Tuesday 6 February 2019. The City of Glen Eira state on its website, and in a variety of publications, that it has core values that guide the organisation including, out of the five (5) values, the value of:

Integrity - *being open and honest*

Please Note: the meaning of 'in camera', as per the Macquarie Concise Dictionary (6th Edition 2013) is as follows:

in camera adj. **1.** Law (of a case) heard by a judge in his or her private room or in court with the public excluded. -adv. **2.** In private; in secret: *the meeting was held in camera* (L: in the chamber)

On this basis the ASU submits that the intention to sell the land should be rejected outright. To continue with this fundamentally flawed process renders the alleged value of 'integrity' as nothing but a hollow and meaningless slogan not even worthy of a bumper sticker.

7) 'THE PRIMARY OBJECTIVE OF THE COUNCIL ...'

The City of Glen Eira is bound by the respective provisions of *the Local Government Act 1989*, specifically section 3C (1) which states that:

"The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions."

The ASU submits that the intention to sell the land is a short-sighted, 'grab for cash' that only looks at the short-term and fails to acknowledge the long-term consequences of this proposal or the cumulative effects of sending residential aged care recipients into the 'for profit' sector.

8) PUBLIC DECLARATION OF THE 'IN CAMERA' VOTE

The decision to proceed with the intention to sell these three sites was done 'in camera' at a Council Meeting held on Tuesday 6 February 2019.

There is no public record of the resolution considered by the Mayor and Councillors, no public record of the vote taken, no public record of the resulting vote including who voted for the resolution, who voted against the resolution and who abstained.

The City of Glen Eira state on its website, and in a variety of publications, that it has core values that guide the organisation including, out of the five (5) values, the value of:

Integrity - *being open and honest*

The ASU calls on the City of Glen Eira to publically reveal the resolution that was voted on by the Mayor and Councillors including who voted for the resolution, who voted against the resolution and who abstained.

This will give effect to the value of 'integrity' and provide to stakeholders an open and honest insight into the decision-making of those elected to represent to residents and ratepayers of the municipality. This may assist residents to make informed decisions in future council elections.

9) REQUEST FOR PUBLIC MEETINGS

Given the issues raised in this submission, the ASU calls on the City of Glen Eira to convene a series of public meetings with residents and ratepayers so that 'consultation' or 'collaboration' can take place face-to-face with the Mayor and Councillors with their constituents.

The ASU suggests that the City of Glen Eira consider a minimum of three (3) ward meetings so that this 'consultation' or 'collaboration' can take place.

10) PUBLIC PROVISION v PRIVATE PROVISION OF SERVICE

It is infinitely possible that should the City of Glen Eira proceed with the sale of this land, and the subsequent transfer of business from local government ('public provider') to private enterprise ('private provider'), that this will have a negative impact on the quality and standard of aged care in the municipality.

In the verbal testimony so far given in the public forums convened by the *Royal Commission into Aged Care Quality and Safety*, it is clear that when the 'profit motive' is inserted into aged care this can, and does, have a negative impact on the health, safety and well-being of residents that live in these aged care facilities. This experience is reflected in international research.

This consideration is echoed again, as per No. 7 of this submission, in that the City of Glen Eira is bound by the respective provisions of the *Local Government Act 1989*, specifically section 3C (1) which states that:

*"The **primary object** of a Council is to endeavour to achieve the **best outcomes** for the local community having regard to the **long term** and **cumulative effects** of decisions."* (our emphasis)

Accordingly, the ASU submits that the transfer of service provision from 'public provider' to 'private provider' contravenes section 3C (1) of the *Local Government Act 1989*.

This decision does not improve quality of life for the local community, nor promote appropriate employment opportunities. It does not ensure accessible and equitable access to services, and directly contradicts any transparency or accountability expected by local people, employees and the union.

ASU Contact:

Jane Karlake



5. CLOSURE OF MEETING