

5.6. EXPIRING TRUSTEE PERMIT FOR MARINE RESCUE SERVICES 2022 LOT 51 SP288958 WHARF ST PORT DOUGLAS

REPORT AUTHOR	Property Services
MANAGER	Lisa Golding, Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

- 1. Offers a further Trustee Permit to Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, for the purpose of providing marine rescue services from Ellis Beach to the Hope Islands, and for the storage of flares and associated flammable materials:**
 - i) for a term of 12 months commencing from 30 April 2022 and expiring 29 April 2023, or until such time as the dispute between the Marine Rescue Douglas Shire Inc (MRDSI) and the Australian Volunteer Coast Guard Association (AVCGA) is resolved and a trustee lease is formally in place;**
 - ii) utilising the terms and conditions of the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of Land Regulations 2020; and**
 - iii) rent for the term of the Trustee Permit to be waived.**
- 2. Delegates authority under Section 257 of the *Local Government Act 2009* to the Chief Executive Officer to determine and finalise all matters in relation to the Trustee Permit.**

EXECUTIVE SUMMARY

Council currently has a Trustee Permit in place over Lot 51 on SP288958, Wharf Street Port Douglas, providing tenure to Queensland Fire and Emergency Services (QFES). The purpose of this Trustee Permit is to allow for the provision of marine rescue services from the premises, covering an area from Ellis Beach to the Hope Islands. This Trustee Permit expires on 29 April 2022.

Certainty of tenure is required to ensure the continued operations of marine rescue services in the Douglas Shire.

BACKGROUND

The Australian Volunteer Coast Guard Association's (AVCGA) five-year Trustee Lease over the premises expired 30 April 2017. When the lease was close to expiring, Council was notified by Mossman and Port Douglas Coast Guard (QF10) of a dispute between QF10 and AVCGA management, with QF10 passing a motion of no confidence in the management and governance of the AVCGA and instructing QF10 Executive to investigate alternative management options.

At the time the Trustee Lease expired, the ongoing dispute prevented Council from entering into a new lease arrangement. A Trustee Permit was issued to AVCGA from 1 May 2017 to 31 October 2017. When this Trustee Permit expired, no agreement had been reached and a second Trustee Permit was issued to AVCGA, from 1 November 2017 to 30 June 2018.

When the AVCGA Trustee Permit expired in June 2018 the Minister confirmed the Public Safety Business Agency (PSBA), on behalf of QFES, would enter into a Trustee Permit with Council from 1 July 2018 to 30 April 2019 or until such time as the dispute between QF10, now known as Marine Rescue Douglas Shire Inc (MRDSI) and AVCGA was resolved, and a trustee lease was formally in place.

The Minister also confirmed that PSBA would maintain the permit, until the transition of MRDSI to the Volunteer Marine Rescue Association Queensland (VMRAQ) was complete.

PSBA held two further Trustee Permits from 1 May 2019 to 30 April 2020 and 1 May 2020 to 29 April 2021.

In 2021, the PSBA requested another Trustee Permit because the implementation of the outcomes from the investigation on marine rescue services delivery, called the Bluewater Review, was still under consideration by the Government and time was needed for any legislation to be in place to reform VMRAQ.

PSBA requested the new permit be issued in the name of QFES, as PSBA was going through a dis-establishment program due to a Machinery of Government change and would not exist after 1 July 2021.

COMMENTS

For the purposes of securing tenure for marine rescue services delivery in the Shire, Council has previously issued the following Trustee Permits:

- Australian Volunteer Coastguard Association Inc (1/05/2017 to 31/10/2017)
- Australian Volunteer Coastguard Association Inc (1/11/2017 to 30/06/2018)
- Public Safety Business Agency (1/07/2018 to 30/04/2019)
- Public Safety Business Agency (1/05/2019 to 30/04/2020)
- Public Safety Business Agency (1/05/2020 to 29/04/2021)
- Queensland Fire and Emergency Services (30/04/2021 to 29/04/2022)

With the current Trustee Permit being due to expire 29 April 2022, Council officers made enquiries with QFES regarding future tenure requirements for the subject premises, where it was advised that the Bluewater Review is still in progress, so QFES would therefore like to renew this permit for another 12-month period.

PROPOSAL

That Council continues to support the provision of marine rescue services in the Shire, by issuing a Trustee Permit to QFES to secure tenure over Lot 51 on SP288958, for a further 12-month period or until such time that the Bluewater Review is finalised and a long-term tenure arrangement can be entered into.

FINANCIAL/RESOURCE IMPLICATIONS

Given the interim nature of the arrangement advised by the Minister, Council Officers recommended that no rent be charged during the term of the new Trustee Permit. This is consistent with the previous permits issued.

RISK MANAGEMENT IMPLICATIONS

If Council was to proceed to offer a Trustee Lease to VMRAQ before the outcome of the Bluewater Review is determined, there is a risk AVCGA may seize assets (including boats and cash) which will compromise the ability of MRDSI to adequately provide marine rescue services to the community.

Officers recommend no Lease be entered into until the proposed Lessee can provide evidence to Council of their ability to provide this service on an ongoing basis.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Granting further tenure of the premises to an entity who can adequately maintain marine rescue services will ensure the provision of safety services to the large local boating community while out at sea.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Custodian Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

CONSULTATION

Internal: Nil

External: QFES

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

Nil