

5.7. EXPIRING TRUSTEE PERMIT FOR MARINE RESCUE SERVICES 2023 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, to provide marine rescue services from Ellis Beach to the Hope Islands, and store flares and associated flammable materials:**
 - i) For a term of 12 months commencing from 30 April 2023 and expiring 29 April 2024, 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 s 3 of *Land Regulations 2020*; and**
 - iii) Rent for the term of the Trustee Permit to be waived.**
- 2. Delegates authority under s 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

A Trustee Permit over Lot 51 on SP288958, Wharf Street Port Douglas, provides tenure to Queensland Fire and Emergency Services (QFES), to provide marine rescue services from the premises, covering Ellis Beach to the Hope Islands. This Trustee Permit expired 29 April 2023.

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

BACKGROUND

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. QF10 passed a motion of no confidence in the management and governance of the AVCGA and instructed 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 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, PSBA requested another Trustee Permit because implementing outcomes from the investigation on marine rescue services delivery, the Blue Water 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.

In March 2023 Council officers advised QFES the Trustee Permit was due to expire 29 April 2023 and sought an update on the Bluewater Review and tenure requirements.

QFES requested tenure to continue, advising their program will transition to the Queensland Police Service (QPS) on 1 July 2024 whereby a longer-term tenure arrangement will be discussed.

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)
- Queensland Fire and Emergency Services (30/04/2022 to 29/04/2023)

COMMENTS

Currently Queensland's coastline is serviced by two volunteer marine rescue organisations, Australian Volunteer Coast Guard Association (AVCGA) and Volunteer Marine Rescue Association (VMRAQ). The Blue Water Review, released in 2019, identified issues impacting volunteer marine rescue service delivery, and recommended a single integrated marine rescue service in Queensland. In 2024, Marine Rescue Queensland (MRQ) will commence service as the state's primary marine rescue service.

QFES requested the tenure arrangement to continue and advised their program will transition to the Queensland Police Service (QPS) on 1 July 2024.

PROPOSAL

The proposal is for Council to:

1. Offer a further Trustee Permit to Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, to provide marine rescue services from Ellis Beach to the Hope Islands, and store flares and associated flammable materials:
 - i) For a term of 12 months commencing from 30 April 2023 and expiring 29 April 2024, 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 s 3 of *Land Regulations 2020*; and
 - iii) Rent for the term of the Trustee Permit to be waived.
2. Delegate authority under s 257 of the *Local Government Act 2009* to the Chief Executive Officer to determine and finalise all matters in relation to the Trustee Permit.

FINANCIAL/RESOURCE IMPLICATIONS

Keeping consistent with previous Trustee Permits, Council Officers recommend no rent be charged during the term of the Trustee Permit.

RISK MANAGEMENT IMPLICATIONS

In 2024, Marine Rescue Queensland (MRQ) will commence service as the state's primary marine rescue service.

If Council proceeded to offer a Trustee Lease to VMRAQ before the outcome of the Bluewater Review was determined, there was a risk of AVCGA seizing assets, compromising MRDSI's ability to adequately provide marine rescue services to the community.

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

Once MRQ is fully operational tenure will be reviewed to consider a longer-term arrangement.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Security of tenure to the marine rescue service will ensure the provision of safety services to the large local boating community.

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: Councillor Workshop held 2 May 2023

External: Queensland Fire and Emergency Services

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

Nil