

5.4. EXPIRING TRUSTEE PERMIT FOR PROVISION OF MARINE RESCUE SERVICES LOT 51 ON SP288958 WHARF ST PORT DOUGLAS

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

RECOMMENDATION

- 1. Offers a Trustee Permit to the Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, for the purpose of providing marine rescue services covering an area 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 2021 and expiring 29 April 2022, or until such time as the dispute between the Marine Rescue Douglas Shire Inc (MRDSI) and its parent body the Australian Volunteer Coast Guard Association (AVCGA) is resolved and a trustee lease is formally in place, whichever is the sooner;**
 - ii) utilising the terms and conditions of the Standard Terms Document registered under dealing number 717940164 and the State's Mandatory Standard Terms Document registered under dealing number 711932933; 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 any, and all, matters associated with the execution of the Trustee Permit.**

EXECUTIVE SUMMARY

Council currently has a Trustee Permit in place for the land described as Lot 51 on SP288958, Wharf Street Port Douglas (the premises), which provides tenure to the Public Safety Business Agency (PSBA).

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 the 29 April 2021.

Council officers have been waiting on direction from the Minister for Police, Fire and Emergency Services regarding who should provide marine rescue services from the subject premises, the dispute is between the former Flotilla QF10, now known as MRDSI and its parent body the AVCGA.

In June 2018, the Minister confirmed that the PSBA on behalf of QFES were willing to enter into a Trustee Permit with Douglas Shire Council.

The Minister also confirmed that PSBA would maintain the permit until the transition of the MRDSI to the proposed parent body named Volunteer Marine Rescue Association Queensland (VMRAQ) is complete.

The Bluewater Review is still under consideration by the Government and time is needed for legislation to be in place to reform VMRAQ. For this reason, PSBA would like a new Trustee Permit to be issued.

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

BACKGROUND

The AVCGA had a five (5) year Trustee Lease over the premises which expired on 30 April 2017. When the lease was close to expiring, Council received notification from the Mossman and Port Douglas Coast Guard (QF10) that there had been a long running dispute between themselves and the Management of the AVCGA.

Council was notified that, as a result of this dispute, QF10 passed a motion of no confidence in the management and governance of the AVCGA and instructed the 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 for the period of 1 May 2017 to 31 October 2017.

When the Trustee Permit expired on 31 October 2017 no agreement had been reached and a second Trustee Permit was issued to AVCGA, for the period 1 November 2017 to 30 June 2018.

In June 2018 the AVCGA Trustee Permit expired, and the Minister confirmed the PSBA on behalf of QFES were willing to enter into a Trustee Permit with Douglas Shire Council commencing on 1 July 2018 to 30 April 2019 or until such time as the dispute between the MRDSI and the AVCGA is resolved and a trustee lease is formally in place, whichever is sooner.

The Minister confirmed the PSBA would maintain the permit until the transition of the MRDSI to the VMRAQ is complete.

Subsequently, PSBA have held two further Trustee Permits dated 1 May 2019 to 30 April 2020 and 1 May 2020 to 29 April 2021.

The latest permit is now close to expiring and PSBA would like a new Trustee Permit to be issued. The reason for this request is that the implementation of the outcomes from the investigation on marine rescue services delivery, called the Bluewater Review, is still under consideration by the Government and time is needed for any legislation to be in place to reform VMRAQ.

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

COMMENT

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

- Trustee Permit to Australian Volunteer Coastguard Association Inc (1/05/2017 to 31/10/2017)
- Trustee Permit to Australian Volunteer Coastguard Association Inc (1/11/2017 to 30/06/2018)
- Trustee Permit to Public Safety Business Agency (1/07/2018 to 30/04/2019)
- Trustee Permit to Public Safety Business Agency (1/05/2019 to 30/04/2020)
- Trustee Permit to Public Safety Business Agency (1/05/2020 to 29/04/2021)

By issuing a new Trustee Permit Council will allow vital marine search and rescue services to continue to be delivered to the Shire and the Australian boating community until such time the Bluewater Review is finalised and a long-term tenure arrangement can be entered.

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 period of 12 months.

FINANCIAL/RESOURCE IMPLICATIONS

Given the interim nature of the arrangement advised by the Minister, Council Officers recommend that no rent is charged during the term of the proposed Trustee Permit.

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 that 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 that 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 that the safety of the large local boating community while out at sea will continue to be monitored appropriately.

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.*

Operational Plan 2020-2021 Actions:

5.3.4 - *Implement a Council Lease Framework that supports community and commercial leases and shared facilities. Transitions to lease arrangements for all groups in Community Owned facilities to maximise the community benefits arising from the use while ensuring responsible management of community assets, and accountability.*

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: Public Safety Business Agency (PSBA)

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

Nil