

## **5.5. EXPIRING TRUSTEE PERMIT FOR PROVISION OF COAST GUARD SERVICES - LOT 51 ON SP288958, WHARF STREET PORT DOUGLAS**

**REPORT AUTHOR(S)** Graham Busby, Property Officer  
**GENERAL MANAGER** Joanne Jacobson, Acting General Manager Corporate Services

**DEPARTMENT** Governance

### **RECOMMENDATION**

**That Council:**

- 1. Offers a Trustee Permit to the Public Safety Business Agency (PSBA) on behalf of 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:**
  - a. for a term of 10 months commencing from 1 July 2018 and expiring 30 April 2019, or until such time as the dispute between the former Flotilla QF10 volunteers and its parent body the Australian Volunteer Coast Guard Association is resolved and a trustee lease is formally in place; whichever is the sooner;**
  - b. utilising the terms and conditions of the Standard Terms Document registered under dealing number 713488911 and also the State's Mandatory Standard Terms Document registered under dealing number 711932933; and**
  - c. rent for the term of the trustee permit to be waived.**
- 2. Delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009*, to determine and finalise any and all matters associated with the execution of the Trustee Permit.**

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### **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 Australian Volunteer Coast Guard Association Inc. (AVCGA). 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 30th June 2018.

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 Minister has now confirmed that the Public Safety Business agency (PSBA) on behalf of Queensland Fire and Emergency Services (QFES) is willing to enter into a Trustee Permit with Douglas Shire Council as soon as possible for the site in question, for a period ending no later than 30 April 2019.

Furthermore, the Minister has also confirmed that PSBA will maintain the permit until the transition of the former QF10 volunteers to the Volunteer Marine Rescue Association Queensland (VMRAQ) is complete.

## BACKGROUND

The AVCGA had a five (5) year Trustee Lease in place over the premises which expired on 30 April 2017. Around the time that the lease was about to expire, 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 further notified that as a consequence of these circumstances, QF10 has 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 that the Trustee Lease expired on 30 April 2017, the ongoing dispute prevented Council from entering into a new lease arrangement and therefore a Trustee Permit was issued to AVCGA for the period 1 May 2017 to 31 October 2017.

It was hoped that during the period of this Trustee Permit, an amicable agreement could be reached between both AVCGA and QF10. However this was not the case, in fact relations between both fractions became so strained towards the end of the permit period, it became necessary for the QFES to become involved by way of a service agreement, which allowed for marine rescue services in the Douglas Shire to be coordinated through that office, after AVCGA locked QF10 out of the premises.

Consequently when the Trustee Permit expired on 31 October 2017, no agreement had been reached, so a second Trustee Permit was issued to AVCGA, for the period 1<sup>st</sup> November 2017 to 30<sup>th</sup> June 2018.

## COMMENT

With the upcoming expiry of the second Trustee Permit on 30<sup>th</sup> June 2018, Council sought and have now received several advices regarding the continuation of marine rescue services from the premises. A summary of these advices is as follows:

- Minister for Fire and Emergency Services – The Minister has confirmed that the PSBA of behalf of QFES is willing to enter into a Trustee Permit with Douglas Shire Council as soon as possible for the site in question, for a period ending no later than 30 April 2019. He advises that PBSA will maintain the Permit until the transition of the former QF10 volunteers to the Volunteer Marine Rescue Association Queensland (VMRAQ) is complete. The Minister envisages that VMRAQ will then take over the Trustee Permit or enter into a new lease arrangement with Council. (Attachment 1)
- Volunteer Marine Rescue Association Queensland – VMRAQ advises that the former volunteers of QF10 have now become legally incorporated in their own right. As such VMRAQ are now able to allow the new body known as Marine Rescue Douglas Shire Inc (MRDS) to affiliate with their Association. Council has been informed by VMRAQ that MRDS will shortly commence to function as a marine facility within Queensland. VMRAQ advises that this transition may trigger AVCGA to seize assets and if this was to happen, they would not hold Council responsible. (Attachment 2)

With respect to the matter of seizer of assets, these assets are considered to be a critical component of any organisation being able to provide marine rescue services.

## PROPOSAL

That Council offers a Trustee Permit to PSBA in accordance with the Minister's advice. When Council is provided with evidence that marine rescue services can be provided to the community on an ongoing basis, Officers propose to present a recommendation to Councillors in regard to the establishment of a new Trustee Lease over the premises.

## FINANCIAL/RESOURCE IMPLICATIONS

Given the interim nature of the arrangement advised by the Minister, Council Officers recommend that no rent be charged during the term of the proposed trustee permit. Under the terms of the expired Trustee Lease with AVCGA, ten (10) month's rent would have equated to a sum of \$105.84 including GST.

## RISK MANAGEMENT IMPLICATIONS

If Council proceeds to offer a Trustee Lease to VMRAQ, there is a risk that AVCGA may choose to seize assets (including boats and cash) which will compromise the ability of MRDS to adequately provide coast guard 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

<b>Economic:</b>	Nil
<b>Environmental:</b>	Nil
<b>Social:</b>	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 2014-2019 Initiatives:

#### Theme 5 – Governance

*5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.*

## 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:

<b>Asset-Owner</b>	Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.
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## CONSULTATION

**Internal:** Acting Chief Executive Officer  
Acting General Manager Corporate Services

**External:** Minister for Fire and Emergency Services  
Volunteer Marine Rescue Queensland

## ATTACHMENTS

1. Letter from Minister for Fire and Emergency Services dated 14 June 2018 **[5.5.1]**
2. Letter from Volunteer Marine Rescue Queensland **[5.5.2]**



## Minister for Fire and Emergency Services

File No: QFS/14885  
Ref No: 02359-2018  
Your Ref: 857265

14 JUN 2018

1 William Street Brisbane  
PO Box 15457 City East  
Queensland 4002 Australia  
**Telephone +61 7 3008 3700**  
**Email** FireandEmergencyServices@ministerial.qld.gov.au  
ABN 65 959 415 158

Councillor Julia Leu  
Mayor  
Douglas Shire Council  
[Julia.Leu@douglas.qld.gov.au](mailto:Julia.Leu@douglas.qld.gov.au)

Dear Ms Leu *JULIA,*

Thank you for your email of 30 May 2018 about marine rescue operations in the Douglas Shire.

Firstly, thank you for meeting with me to discuss concerns about the provision of volunteer marine rescue services in Port Douglas given the dispute between the former QF10 volunteers and the Australian Volunteer Coast Guard Association (AVCGA).

As discussed, I am pleased to confirm that the Public Safety Business Agency (PSBA) on behalf of Queensland Fire and Emergency Services (QFES), is willing to enter into a Trustee Permit with Douglas Shire Council as soon as possible for the site in question, for a period ending no later than 30 April 2019. PSBA will maintain the Permit until the transition of the former QF10 volunteers to the Volunteer Marine Rescue Association Queensland (VMRAQ) is complete. It is envisaged that VMRAQ would then take over the Trustee Permit or enter a new lease arrangement with Council.

I trust this information is helpful to you. Should you wish to discuss this matter in more detail, please contact Mr Peter Clarke, Chief of Staff on telephone (07) 3008 3700.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Craig Crawford", with a large, sweeping flourish.

The Honourable Craig Crawford MP  
**Minister for Fire and Emergency Services**



# MARINE RESCUE

**Mail:** GPO Box 1425  
Brisbane QLD 4001  
**Phone:** (07) 3635 3879  
**Fax:** (07) 3247 8875  
**Mob:** 0447 389 135  
**Web:** <http://www.marinerescueqld.org.au>  
**Email:** [office@marinerescueqld.org.au](mailto:office@marinerescueqld.org.au)  
**ABN:** 46 387 273 867

**President:** Graham Kingston  
**Vice President:** Glenn Norris  
**Manager:** Keith Williams

To whom it may concern,

Recently in an arrangement under the service agreement held with Queensland Fire & Emergency Services, the Australian Volunteer Coastguard Flotilla based at Port Douglas will transition from affiliation with the Australian Volunteer Coastguard, to affiliation with Volunteer Marine Rescue Association QLD Inc. (VMRAQ).

Towards that end, this flotilla has now legally incorporated in its own right and as such has the power to affiliate with VMRAQ and make business arrangements on its own behalf. The newly formed "Marine Rescue Douglas Shire Inc" will shortly commence to function as a marine rescue facility within Queensland,

Pursuant to these transitional arrangements, we inform legitimately interested parties of the following:

- VMRAQ will monitor and ensure that Marine Rescue Douglas Shire Inc, remains generally compliant with the law, including but not limited to the Incorporated Associations Act QLD 1981 and the National Domestic Commercial Vessel Act of 2012 along with their attendant regulations
- VMRAQ will make arrangements for Marine Rescue Douglas Shire Inc to engage and maintain appropriate insurance cover for the entire spectrum of their operations

We further acknowledge that due to this transition, the executive of the Australian Volunteer Coastguard may choose to seize assets from the building once the lease has moved away from them. We notify you that VMRAQ has no intention of holding the Douglas Shire Council responsible for this or similar actions, should they occur.

Authority for VMRAQ General Manager to provide this undertaking is shown in the Minutes of the VMRAQ State Council meeting held Saturday 2<sup>nd</sup> of June, 2018.

Yours Faithfully,

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Keith Williams  
General Manager  
Marine Rescue QLD

Volunteers saving lives