

5.2. EXPIRING TRUSTEE PERMIT FOR PROVISION OF COAST GUARD SERVICES LOT 51 ON SP288958 WHARF ST PORT DOUGLAS

REPORT AUTHOR	Louise Dias, Property Officer
MANAGER	Terry Farrelly, Manager People and Community Services
DEPARTMENT	People and Community Services

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:**
 - i. for a term of 12 months commencing from 1 May 2020 and expiring 29 April 2021, or until such time as the dispute between the former Flotilla QF10 volunteers 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 713488911 and also 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 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 expired on the 30 April 2020.

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 volunteers 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.

Furthermore, the Minister 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.

The QFES Director of the Bluewater Review advised PSBA that whilst the Bluewater Review is now complete and a recommendation has been made to Government for a way forward for both the VMRAQ and the AVCGA, a decision may be some time off bearing in mind the current Covid 19 emergency. For this reason, PSBA wishes to renew the Trustee Permit for another year, for a period ending no later than 29 April 2021.

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 result of this dispute, 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 the Trustee Lease expired on 30 April 2017, 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.

During the period of the Trustee Permit, an agreement could not be reached between AVCGA and QF10. The relations between both fractions became strained towards the end of the permit period. The QFES became involved by way of a service agreement, allowing marine rescue services in the Douglas Shire to be coordinated through that office, after AVCGA locked QF10 out of the premises.

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 1 July 2018 to 30 April 2019 or until such time the dispute between the former Flotilla QF10 volunteers and the AVCGA is resolved and a trustee lease is formally in place; whichever is sooner.

Furthermore, the Minister confirmed the PSBA will maintain the permit until the transition of the former QF10 volunteers to the VMRAQ is complete.

As no final decision had been made upon the expiry another Trustee Permit was issued commencing on 1 May 2019 to 30 April 2020. This permit has now expired and PSBA would like a current Trustee Permit to be issued.

COMMENT

The QFES Director of the Bluewater Review advised PSBA that whilst the Bluewater Review is now complete and a recommendation has been made to Government for a way forward for both the VMRAQ and the AVCGA, a decision may be some time off, bearing in mind the current Covid 19 emergency.

As a result, PSBA wishes a Trustee Permit to be issued for a period starting on 1 May 2020 and ending no later than 29 April 2021. PSBA advises that a final decision will definitely be known by the end of this period.

PROPOSAL

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:
 - i. for a term of 12 months commencing from 1 May 2020 and expiring 29 April 2021, or until such time as the dispute between the former Flotilla QF10 volunteers 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 713488911 and also 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.

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.

RISK MANAGEMENT IMPLICATIONS

If Council proceeds to offer a Trustee Lease to VMRAQ, there is a risk that AVCGA may seize assets (including boats and cash) which will compromise the ability of MRDS (Marine Rescue Douglas Shire Inc. – formerly known as QF10) 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

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.*

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