

# Att 3 - Risks Derived from Council Decisions



as at 29 August 2017

Date of Meeting	Item Title	Primary	Rating	Principle Risk Theme	Risk Action Plan	Initial Officer Comments	Officers Status Update	Directorate Responsibility	Residual Rating	Due Date
22/08/16	Council Decision - 15.1 Statement of Financial Activity for the period ended 31 May 2016	Community Contribution Mia Mia	High (12)	Financial Impact - 4 Major - \$300,001 - \$3M	Manage by transferring income received to reserve such that the organization does not rely on the revenue for operations.	The 2015/16 Adopted Budget includes a community contribution of \$464,845 under the Mia Mia lease. This lease expires in December 2019 and income is uncertain after this date.	Previously In communication with Mia Mia via legal team. Mia Mia reply received, claims rejected by TOPH, reply send by TOPH Legal team. Possible discussion regarding reduction of the Community contribution to take place. Await Mia Mia response. No response received from Mia Mia regarding Town's offer to discussion on acceptable terms. Advised A/CEO to proceed with debt recovery of all outstanding rates and lease fees, but negotiate on reduction in Community Facilities Contribution. Acting Director Corporate Services initiated debt recovery proceedings for the full amount owing. Debt recovery for rates and outgoings in progress. Discussion regarding community contribution to follow between Mia Mia and CEO. No feedback received from Mia Mia. Await permission to resume debt recovery of full outstanding amount. Response received from Mia Mia, currently under consideration. Letter send 4/8/17 advising client of Town's intention to go to Arbitration.	Director Corporate Services		Ongoing
22/08/16	Council Decision - 15.1 Statement of Financial Activity for the period ended 31 May 2016	FMG Memberships	High (12)	Financial Impact - 4 Major - \$300,001 - \$3M	Manage by transferring net income to reserve	FMG under agreement with the Town provide an annual contribution of \$500,000 towards the operations of Wanangkura Stadium. Under the agreement FMG employees are entitled to drawdown on this amount for activities through the Leisure Facilities and Matt Dann, with budgeted expenses of \$240,000 for Stadium activities and \$10,000 for Matt Dann activities, effectively providing a subsidy of \$250,000. FMG have a five year agreement with the Town which commenced on the 1 October 2012 and ends on the 30 September 2017.	Revised Agreement with FMG was signed on 7/4/16, effectively reducing contribution by \$300,000. This event is deemed closed, revised agreement for current period only.	Director Development, Sustainability and Lifestyle		30/09/17
27/07/16	Council Decision - 12.2.3 South Hedland Bowling and Tennis Club Self Supporting Loan	That SHBTC default on the loan in its entirety	High (12)	Financial Impact - 4 Major - \$300,001 - \$3M	The item will be by the placed on the Risk Register and monitored by the administration and overseen by the Audit, Risk & Governance Committee.	Principle loan amount was \$500,000 (plus interest) Annual payments are \$40,838.00	Loan repayment extended to 23/2/2017. Financial condition of SHBTC improving and expected to meet the obligation. Payment of outstanding monies received 15/3/17. Future payments will be closely monitored. 10/8/17 - Next Loan repayment due 26/8/17 and indications from the SHBTC committee is that payment will be made on time. They have commenced \$500 weekly payments which are being held until such a time that the invoice is raised.	Director Development, Sustainability and Lifestyle	Medium (8)	Ongoing
28/09/16	12.3.1 Kingsford Smith Business Park – Heavy Vehicle Access	That there is a serious traffic accident directly attributable to the larger RAV5A vehicle	High (12)	Health - 4 Major - Lost time injury >5 days	Control through a traffic plan	Await response from Main Roads regarding access of RAV5A vehicles to Wallwork road. Action will be considered on receipt of response	Main roads responded and accepted the TOPH proposal for limited RAV access between GNH and KSBP. Risk is reduced to minor. No further traffic plans is required, the risk assessment was made after Wallwork road was downgraded off the RAV network. The initial risk rating was overstated. Residual risk rating to be done	Director Works and Services		Ongoing
24/05/17	12.2.1 Hedland Aquatic Facility Operation and Master Planning	There is a risk rating of 15 (High) assigned to the reputational risk associated with the inability to return South Hedland to full operation during winter months and the delay associated with development of a new facility.	High (15)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Monitor the operation of the South Hedland Aquatic Centre.	Council supported the motion to approve the operational use for the SHAC for winter months only. Risk will be ongoing.	Work is continuing to try and get the pool operational this Winter. Council has supported and funded masterplanning of the South Hedland Sports precinct, including investigating a replacement facility for SHAC. Issues with the plant mean the risk is ongoing.	Director Development, Sustainability and Lifestyle		31/12/17
24/05/17	15.2 Port Haven TWA Village – Lease Renewal	There is a risk rating of high (15) assigned to the risk that failure to reach agreement on terms for an extension of the Port Haven lease will create lasting and serious damage to the Town's relationship with BHPBIO.	High (15)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Risk is ongoing until negotiation has been finalised.	Council approved the "in principle" extension of the Port Haven Lease at the Ordinary Council meeting held on 24 May 2017. Lease is yet to be negotiated. Risk will be ongoing until the risk has been mitigated.	Formal discussions between BHP and the Town have not yet commenced although Council's in principle support has allayed some concerns about the future of the lease. The risk is ongoing until discussion commence and a formal lease extension is requested.	Executive Services		31/12/17