District Council of Grant	***Mount Gambier & District Saleyards – Selling Agents Licences Policy*** ***Policy No. SALPOL 05***	**Version No:**	1
		Responsible Officer/s:	Business Manager Saleyards
		Classification:	Administration
		Issued:	6 May 2019
		Next Review:	**October 2025**

1. Purpose

The purpose of this policy is to provide guidance to the District Council of Grant (the Council) on the restriction of the maximum number of Selling Agents Licences to be issued to operate from the Mount Gambier & District Saleyards (**the Saleyards**), and the process for consideration of application for, and issuing of such Licences.

2. Scope

This policy applies to all Stock Agents wishing to operate from the Saleyards under licence from Council.

3. Definitions

Agents	registered stock agents who manage the purchase and sale of livestock for owners.
Licence	Licence Agreement to operate as a stock agent and conduct business selling and buying livestock at the Mount Gambier & District Saleyards
Mount Gambier & District Saleyards	the Saleyards facility owned and operated by the District Council of Grant.

4. Policy

Council is responsible for the issuing of Licences to Agents to operate from the Saleyards.

Historically, Council has maintained different positions as to the matter of capping the number of Licences issued, and now wishes to adopt a policy to guide:

- Capping of number of Licences
- Process for applying for Licences
- Process for issuing of licences, including the assessment criteria for selecting licensees;
- the basis for determining the licence fee; and
- Terms and conditions of Licences.

The Council **can** lawfully restrict the number of licences issued based on the functionality of the Saleyard facilities and the practical limitations (including the number of stock ramps and/or office space). Provided that the Council engages in fair and honest dealings with prospective licensees (including through establishing a transparent expressions of interest process for the selection of licensees by reference to clear assessment criteria), a decision to restrict the number of licences available to stock agents at the Saleyard based on the capacity of the Saleyard does not, of itself, constitute anti-competitive behaviour within the meaning of Australian Competition and Consumer law

4.1. Capping of Number of Licences

Council, through the adoption of this Policy, caps the number of licences to be issued at any one time to operate from the Saleyards at seven (7). This cap is based upon:

- Practical restrictions of having only seven (7) cattle ramps currently available for use by Agents;
- Practical restrictions of having only seven (7) sheep ramps currently available for use by Agents;
- Practical restrictions of only having eight (8) Site Office's available for use by Agents

4.2. Process for applying for Licences

Council will call for applications by way of expressions of interest, and this process will ensure that there is opportunity for all interested persons to apply for a license. The expressions of interest process will be called 12 months prior to expiry of existing Licences (which will all have a common expiry date).

4.3. Process for issuing of licences, including the assessment criteria for selecting licensees

Council will follow its Procurement Policy process, and assess all complying expressions of interest against assessment criteria. Any non-complying expressions of interest will not be assessed.

If there are more applications than the required number of available Licences, then based on the assessment criteria outcomes:

- Council will offer a Licence to the preferred (maximum) 7 applicants;
- Council requires such offer to be accepted within 21 working days, otherwise offer lapses;
- Council may offer unsuccessful complying applicants a licence if initial offer(s) are not accepted within the expected timeframe.

The assessment criteria (which will be detailed within the Expression of Interest documentation) for selecting licensees will include:

- Current licences required to enable operations as a Stock Agent
- Financial security
- Insurances applicable to these operations
- Local employment
- Work Health & Safety approach
- Consideration will be given for current or past licence holders, and in particular, compliance with terms and conditions of Licence
- Estimated annual throughput of sheep and cattle through the Saleyards

4.4. Basis for determining the licence fee.

The annual licence fee for each licence will be based upon a set fee of $1,000 per annum. The annual licence fee will be subject to annual increases equal to the

increase in the Consumer Price Index (**CPI**) published by the Australian Government for Adelaide (All Groups) for the previous twelve months. If there is no increase in the CPI then the annual lease fee will not change.

5. Responsibilities

The Deputy Chief Executive Officer must ensure the requirements of this Policy are met.

6. References / Other Documents

6.1. Council Policies / Procedures

Procurement Policy (FINPOL 04)

Leases and Licenses Policy (GOVPOL 18)

6.2. Other

License Agreement to Operate as a Stock Agent at the Mount Gambier & District Saleyards

7. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	6 May 2019	19061.5
Minor formatting amendments	4 May 2020	Governance Officer