

## DISTRICT COUNCIL OF GRANT

### ORDINARY MEETING OF COUNCIL HELD – 15 APRIL 2019

REFER ITEM NUMBER      19057.1                      FILE      16.51.2/14

---

#### 19057 – CONFIDENTIAL ITEMS

1. Mount Gambier and Districts Saleyards – Licence Application – [16.51.2/14] Item 16.1.1

1. Moved Cr Little that:

1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except DJ Singe (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application.
2. The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed.

Seconded Cr Kuhl

CARRIED

2. Moved Cr Clayfield that:

1. Council call for Expressions of Interest for a Licence to Sell Livestock at the Mount Gambier & District Saleyards;
2. Expressions of Interest to include:
  - estimated annual throughput of Sheep and Cattle through the Saleyards;
  - membership of the Australian Livestock & Property Agents Association (ALPA);
  - willingness to comply with all aspects of the “Mount Gambier and District Saleyards Licence Agreement to Operate as a Stock Agent”.

Seconded Cr Mann

CARRIED

3. Moved Cr Little that:

1. That having considered Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report and minutes

relevant to Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application be retained in confidence until the matter is resolved.

2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein

Seconded Cr Dukalskis

CARRIED

## 16. CONFIDENTIAL ITEMS

### 16.1 Mount Gambier and Districts Saleyards – Licence Application – [16.51.2/14]

#### **PURPOSE OF REPORT:**

To exclude the public from attendance at so much of a meeting as it is necessary to receive, discuss or consider in confidence any information or matter listed, as per Section 90 of the Local Government Act 1999.

#### **STAFF RECOMMENDATION:**

1. *Moved Cr \_\_\_\_\_ that:*
  1. *Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except DJ Singe (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), AA Schutz (Works Manager), LJ McEvoy (Director of Environmental Services), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application.*
  2. *The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.*
  3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed.*

*Seconded Cr \_\_\_\_\_*

| <b>16.1.1 Mount Gambier and Districts Saleyards – Licence Application</b> |  |    |
|---|--|----|
| <b>MEETING DATE:</b>  | 15 April 2019  |    |
| <b>AUTHOR:</b>  | Jane Fetherstonhaugh, Deputy Chief Executive Officer   |    |
| <b>RESPONSIBLE OFFICER:</b>   | David Singe, Chief Executive Officer   |    |
| <b>PREVIOUS MEETING:</b>  | Nil  |    |
| <b>REFERENCES:</b>  | Nil  |    |
| <b>FILE NO:</b>   | 16.51.2/14   |    |
| <b>ATTACHMENTS:</b>   | <ul style="list-style-type: none"> <li>• Email from Scott Creek</li> <li>• Previous reports relating to the Licence</li> </ul> |    |
| <b>IN CONFIDENCE:</b>   | Yes  |    |
| <b>POLICY REFERENCE:</b>  | There are no known policy requirements related to this item.   |    |
| <b>LEGISLATIVE REFERENCE:</b>   | There are no known legislative requirements related to this item.  |    |
| <b>STRATEGIC MANAGEMENT PLAN REFERENCE:</b>                               | Goal:  |    |
|   | Outcome:   |    |
|   | Strategy:  |    |
| <b>FINANCIAL CONSIDERATIONS:</b>  | Budget:  | \$ |
|   | Actual (YTD):  | \$ |
|   | Budget Variation Required:   | No |
| <b>CONSULTATION UNDERTAKEN:</b>   | Saleyards Manager, CEO   |    |

**PURPOSE OF REPORT:**

To consider applications for a selling licence at the Mt Gambier & Districts Saleyards facility.

**BACKGROUND:**

The issue of licences for the Saleyards has been discussed previously with Council, with the last licence being issued in September 2016. There have traditionally been seven Agents Licences issued for the Mount Gambier & Districts Saleyards, however in September 2016 an eighth licence was issued to Green Triangle Livestock, on the condition that they share a loading ramp with an existing Agent. In early 2017, P&L Livestock ceased trading and Green Triangle took over their ramp.

Around the time the eighth licence was issued, Council received a further application from Jason Malseed for an Agents Licence. At this time the request was considered by the Saleyards Advisory Committee and at their meeting held on 7 November 2016 it was decided to undertake a review of Councils position on the issuing of licences as such the committee moved:

*A review is undertaken of the Mount Gambier and Districts Saleyards Licence Agreement to Operate as a Stock Agent by Council Administration including the issuing of licences, terms & conditions of licences, and any restrictions on number of licences to be issued.*

The previous CEO was working on the Licence review, and had commenced some modelling on impacts of changing the selling fees to a percentage of sales model with the new licence. Unfortunately, after his departure in March 2018, no further work was carried out on this. With the licence due to expire in June 2018, the Deputy CEO and Governance Officer worked together with the Saleyards Manager and Agents Group to

prepare a new licence, which due to time constraints, did not put any restrictions on the number of licences.

The following table illustrates the history of Agents Licence determinations:

| <b>Date</b> | <b>Council Reference</b>   | <b>Comment</b>  |
|-------------|--|---|
| 19/5/1995   | Mt Gambier & Districts Management Committee formed (by District Council of Mt Gambier) | Formed as a Controlling Authority with delegated authority to expend funds, prepare annual estimates, set fees & charges, employ casuals/seasonal workers, etc<br><br><b>Agents Licences</b> – no restriction on number of licences.  |
| 23/5/2001   | Mt Gambier & District Saleyards Management Committee Meeting                           | Amended Committee Terms of Reference<br><br><b>Agents Licences</b> – no restriction on number of licences (by Terms of Ref & Policy 7.1)  |
| 23/6/2008   | Mt Gambier & Districts Saleyards Management Committee Meeting                          | <b>Agents Licence (Policy)</b><br><br>Moved Kilsby/Hill<br>Committee recommended to Council that they reaffirm Saleyards Policies 7.1-7.4 (7.1 is Policy regarding Licences. Policy 7.1 had not changed since adoption in 2001,   |
| 7 July 2008 | Council Meeting  | <b>Agents Licences</b><br><br>Moved Collins/Bain<br>Council meeting adopted Committee recommendation to reaffirm Policy 7.1 (and others)  |
| 2/7/2012    | Council Meeting  | <b>Committee Change</b><br><br>Moved Collins/Bain<br>That Council staff prepare a report to Council proposing to change the Saleyards Committee Terms of Reference to an Advisory Committee, removing all decision making powers, with all decisions coming back to Council for approval. |
| 18/3/13     | Mt Gambier & Districts Saleyards Management Committee Meeting                          | <b>Committee Change</b><br><br>Moved Jenkin/Kuhl<br>That the committee recommend to Council to adopt the amended Terms of   |

| Date     | Council Reference | Comment   |
|----------|-------------------|---|
|          |                   | <p>Reference (as an Advisory Committee).</p> <p><b>Agents Licences</b><br/>No details included in Terms of Reference for any restrictions on licence numbers</p>  |
| 3/4/13   | Council Meeting   | <p><b>Committee Change</b></p> <p>Moved Collins/Kuhl<br/>Council adopted new Terms of Reference of Advisory Committee.</p>  |
| 18/11/13 | Council Meeting   | <p><b>Policy Review</b></p> <p>Moved Collins/Little<br/>Saleyards policies revoked:</p> <ul style="list-style-type: none"> <li>• Policy 7.1 Licences – policy that was adopted on 23/5/2001 – outlines that further selling licences may be issued, provided the applicant furnishes and agreement, in writing, to share such facilities as determined by the Saleyards Management Committee</li> <li>• Policy 7.6 Agreement between Agents, Buyers, and Saleyards – instead of a Policy, separate Agents Licences were developed.</li> </ul> |
| 5/9/16   | Council Meeting   | <p><b>New Licence</b></p> <p>Moved Kuhl/Clayfield<br/>New licence issued through Council Report and Motion of Council</p>   |
| 20/6/18  | Council Meeting   | <p><b>Licence Reviewed</b></p> <p>Moved Collins/Hill<br/>Adopt the “Mount Gambier and District Saleyards Licence Agreement to Operate as a Stock Agent”.</p>  |

**COMMENT:**

Due to the merger of Keatly Livestock and Landmark, there is now a spare ramp and office that could be used by another agent.

As per attached correspondence, we have received a further application from Creek Livestock or a licence to sell livestock at the Mt Gambier & Districts Saleyards.

As Council currently has no policy or position that limits the number of licences that can be issued, and as such, any application for a licence to operate as a stock agent at our Saleyards should be considered on its merits. As there are currently two licence applications it is recommended that Council call for Expressions of Interest for the issue of a seventh licence. Licence fees are currently \$1,000 per annum.

**STAFF RECOMMENDATION:**

***That:***

- 1. Council call for Expressions of Interest for a Licence to Sell Livestock at the Mount Gambier & Districts Saleyards;***
- 2. Expressions of Interest to include:***
  - estimated annual throughput of Sheep and Cattle through the Saleyards;***
  - membership of the Australian Livestock & Property Agents Association (ALPA);***
  - willingness to comply with all aspects of the “Mount Gambier and District Saleyards Licence Agreement to Operate as a Stock Agent”***

2. Moved Cr \_\_\_\_\_ that:
  1. *That having considered Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to Agenda Item 16.1.1 - Mount Gambier and Districts Saleyards – Licence Application be retained in confidence until the Expression of Interest is called.*
  2. *Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.*