

# Competitive Neutrality Complaint Process

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Approved by:	Chief Financial Officer
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## Head of Power

### *Local Government Act 2009*

*Section 43* requires that under the competitive neutrality principle, an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.

*Section 48* – a local government must adopt a process for resolving competitive neutrality complaints.

## Policy Objective

To ensure the fair and equitable management of competitive neutrality complaints received by Council in relation to its business activities.

## Policy Statement

Redland City Council, through its Corporate Plan, is committed to providing services that deliver our community's shared vision and collective aspirations; *Naturally wonderful lifestyle. Connected community. Embracing opportunities.* We are a values led organisation and our organisational values encapsulate what we care about, influence how we operate and support our mission: Make a difference, make it count.

Council has a complaints process for any business activities to which competitive reforms have been applied – this means any business activity where corporatisation, commercialisation, full cost pricing or the code of competitive conduct has been applied.

A competitive neutrality complaint is a complaint that:

- Relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle.
- Is made by an affected person.

An affected person is:

- A person who competes with the local government in relation to the business activity and claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
- A person who wants to compete with the local government in relation to the business activity and claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.

In accordance with section 48(5) of the *Local Government Act 2009*, Council does not have to resolve a competitive neutrality complaint relating to a business activity prescribed under a regulation.

# Competitive Neutrality Complaint Process

Section 46 of the *Local Government Regulation 2012* states that the competition authority must, subject to this part, investigate and report on a competitive neutrality complaint received under section 45 of the *Local Government Regulation 2012*.

Section 52 (1) of the *Local Government Regulation 2012* states that the competition authority must prepare a report on the results of the competition authority's investigation of a competitive neutrality complaint, and give it to—

- (a) the relevant local government; and
- (b) if a corporatised business entity is conducting the business activity—the corporatised business entity.

Council will ensure the public can inspect a copy of the competition authority's report in person at council offices as soon as practicable after receiving the report.

The Competitive Neutrality complaint process is dealt with in detail under Councils Competitive Neutrality Complaint Process Guideline FIN-002-002-G

Pursuant to section 56 of the *Local Government Regulation 2012*, Council must establish a register of business activities to which the competitive neutrality principle applies, including a list of current investigation notices, the business activities to which the complaints relate and council's response to the Competition Authority recommendations on the complaint.

## Definitions

Term	Definition
Business Activity (of a local government)	Trading in goods and services by the local government.
Competition Authority	The Queensland Competition Authority (QCA) established under the <i>Queensland Competition Authority Act 1997</i> .

## Associated Documents

Competitive Neutrality Complaint Process Guideline ([A214568](#))  
*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Complaints Management Policy (GOV-014-P)*

## Document Control

Only Council can approve amendments to this document by resolution of a Council Meeting, with the exception of administrative amendments which can be approved by the relevant ELT member. Refer to *Policy Instrument Development Manual* for an explanation on administrative amendments ([A4063988](#)).

Any requests to change the content of this document must be forwarded to relevant Service Manager(s). Approved documents must be submitted to the Corporate Meetings and Registers Team for registration.

# Competitive Neutrality Complaint Process

## Version Control

Version number	Date	Key Changes
2	October 2012	<ul style="list-style-type: none"> <li>Updated for <i>Local Government Act 2009</i> which required rewording throughout the policy.</li> <li>Simplified Policy Objective by removal of history.</li> <li>Move the policy from City Enterprises to Financial Services to align with the two Guidelines GL-0028-001 Competitive Neutrality Process and GL-0028-002 Competitive Neutrality Complaints Process – QCA</li> <li>Repealed <i>Local Government (Beneficial Enterprises and Business Activities) Regulation 2010</i> – replaced by <i>Local Government Regulation 2012</i> and updated for rewording throughout the policy.</li> </ul>
3	February 2016	<ul style="list-style-type: none"> <li>Queensland Competition Authority (QCA) replaced by Queensland Productivity Commission (QPC) to reflect changes to the legislation as stated above.</li> </ul>
4	April 2019	<ul style="list-style-type: none"> <li>Minor adjustments including the full name of QPC and change of word guideline to policy.</li> <li>Change of Finance Manager BPU to Service Manager BPU.</li> </ul>
5	September 2019	<ul style="list-style-type: none"> <li>Minor adjustments per recommendations arising from the Finance Policy Review.</li> </ul>
6	June 2020	<ul style="list-style-type: none"> <li>Review of Policy adopted at Council.</li> </ul>
7	March 2022	<ul style="list-style-type: none"> <li>Administrative update to include reference to the new Corporate Plan</li> </ul>
8	July 2023	Administrative updates; <ul style="list-style-type: none"> <li>Queensland Productivity Commission (QPC) replaced by Competition Authority.</li> <li>Definitions expanded to include Competition Authority reference</li> <li>Complaints Management Policy (GOV-014-P) added as an Associated Document</li> </ul>