

# Competitive Neutrality Complaint Process

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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 enriching community lifestyles and making a positive difference in our customers' lives through the services we provide. We are forward thinking, engaged and strive to maintain the highest standards of service to ensure we are delivering real value.

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

Council will ensure the public can inspect a copy of the Queensland Productivity Commission (QPC) report in person at council offices as soon as practicable after receiving the report.

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 QPC's recommendations on the complaint.

## Definitions

Term	Definition
Business Activity (of a local government)	Trading in goods and services by the local government.

## Associated Documents

Competitive Neutrality Complaint Process Guideline ([A214568](#))

*Local Government Act 2009*

*Local Government Regulation 2012*

## 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.

## 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>