



COMPETITIVE NEUTRALITY COMPLAINT PROCESS POLICY

Original Adoption Date: 28 February 2018
Policy Number: GRC 0088
Policy Type: Legislative
Responsible Officer: Chief Executive Officer
Department: Executive Office

Version	Decision Number or CEO Approval	Decision Date	Status / History
1	Adopted OM-028/18	28 February 2018	Review January 2021
2	Reviewed OM-083/21	28 April 2021	Review April 2024
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1. PURPOSE

The purpose of this process is to provide, in accordance with Section 48 of the *Local Government Act (LGA) 2009*, a means for resolving complaints by affected persons about failures of Council's local government business entities to carry out activities in a way that complies with the competitive neutrality principles applying to the activities.

2. POLICY STATEMENT

Preliminary Procedures

The preliminary procedure for affected persons to raise concerns about alleged failure of business activities to comply with the relevant competitive neutrality principles, and for clarifying and, if possible, resolving those concerns is:

- Complainant advises Council verbally or in writing of their concerns. If the complaint is made verbally, it should be referred to the CEO if available or another senior officer and all relevant details obtained.
- Council will acknowledge receipt of the concerns in writing within seven working days and advise the person expressing the concerns that the CEO is investigating the matter;
- The CEO will seek to establish the facts relating to the concerns expressed by the person. Investigation of the matter may involve meeting with the person, collecting data, and holding further meetings;
- The CEO will develop a proposed response to the concerns and seek, within a reasonable time, the person's views on the proposed response;
- The CEO shall make a response to the person in writing.

Advice to Applicants of the Complaints Procedure

In the case where a person has expressed concerns that have not been resolved under the preliminary process, and Council becomes aware that the person proposes to make a formal complaint about Council's business activities, Council will make the information in Appendix A available to the complainant to ensure that they are able to make the complaint.

How to Make a Complaint

- A person who wants to make a competitive neutrality complaint must make the complaint in writing to the relevant local government or the Queensland Productivity Commission (QPC).
- The complaint must contain—
 - details of the business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint; and
 - information that shows—
 - the person (the **complainant**) is, or could be, in competition with the business entity; and
 - how the complainant is, or may be, adversely affected by the business entity's alleged failure; and
 - the complainant has made a genuine attempt to resolve the complaint through the process mentioned in [section 44](#) (2)(a) the Local Government Regulation 2012 as detailed in section 2 of this process.

Sending Complaints to and Investigation of Complaints by Referee

- Formal complaints received by Council are to be directed to the QPC and acknowledged in writing within two working days;
- Formal complaints are to be recorded, showing the date of referral of the complaint to the QPC and an outline of the complaint; and
- The relevant business activity or business unit is to be informed that a formal complaint has been received.

Recording System

- The recording system will record the following information in regard to complaints made about the competitive neutrality of Council's business activities:
 - Details of the complaint process established;
 - Where persons express concerns about the operations of Council's business activity, the concerns and the outcome of the preliminary procedures are to be recorded;
 - Where persons have made a complaint to Council, details of the complaint are to be recorded;
 - Details of when the complaint was sent to the QPC for investigation;
 - Where the QPC has issued a report on the complaint, the receipt of the report and any recommendations contained in the report are to be recorded;
 - Where Council has made a decision on a report by the QPC, the resolution incorporating the decision, the date of the resolution and any directions to implement the decision that are given to a business activity are to be recorded;

3. COUNCIL DOCUMENTS NECESSARY TO COMPLY WITH THIS POLICY

- Complaints Management Policy

4. REVIEW DATE

April 2024

5. ATTACHMENTS

Appendix A - Information on how to make a complaint about competitive neutrality of a local government business activity

APPENDIX A

INFORMATION ON HOW TO MAKE A COMPLAINT ABOUT COMPETITIVE NEUTRALITY OF A LOCAL GOVERNMENT BUSINESS ACTIVITY

WHERE TO MAKE A FORMAL COMPLAINT

The Chief Executive Officer
Goondiwindi Regional Council
LMB 7, Inglewood Qld 4387
Phone: (07) 4671 7400
Fax: (07) 4671 7433
Email: mail@grc.qld.gov.au

Or

The Queensland Productivity Commission
PO Box 12112
George Street
BRISBANE QLD 4003
P 07 3015 5111
F 07 3015 5199

HOW TO MAKE A COMPLAINT

Requirements for complaint.

A person who wants to make a competitive neutrality complaint must make the complaint in writing to the relevant local government or the QPC.

The complaint must contain—

- details of the business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint; and
- information that shows—
 - the person (the **complainant**) is, or could be, in competition with the business entity; and
 - how the complainant is, or may be, adversely affected by the business entity's alleged failure; and
 - the complainant has made a genuine attempt to resolve the complaint through the process mentioned in section 44 (2)(a) the Local Government Regulation 2012 as detailed in section 2 of this process.