

COUNCIL POLICY



Policy name	Competitive Neutrality Complaints
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Abstract

To establish and advise of a management system to handle Competitive Neutrality Complaints in compliance with the National Competition Policy.

Dates	Policy or amendment approved Policy or amendment takes effect Policy is due for review (up to 4 years)	16 Dec 2020 01 Jan 2021 16 Dec 2024
Endorsed by	Gunnedah Shire Council Policy Review Working Group at its meeting of 23 July 2012	
Approved by	Gunnedah Shire Council at its Ordinary Meeting of Council held 16 Dec 2020. Resolution number: 5.12/20	
Policy Custodian	Director of Community and Corporate Services	
Relevant to	Public, Gunnedah Shire Community, elected members and staff	
Superseded Policies	Competitive Neutrality Complaints (1998)	
Related documents	Policy Framework, Policy – Tenders and Procurement	
Related legislation	Local Government Act 1993, National Competition Policy	

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1. Purpose

- 1.1 To establish and advise of a management system to handle competitive neutrality complaints in compliance with the National Competition Policy.

2. Scope

- 2.1 The Policy applies to Council as a whole, Councillors and staff in dealing with the provision of financial assistance; and any person, group or body approaching Council for financial assistance.

3. Definitions

- 3.1 A complaint regarding competitive neutrality **IS**:

- A complaint that Gunnedah Shire Council has not met its requirements under the National Competition Policy Statement of *Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality* and includes concern that the Council has not established an effective Competitive Neutrality Complaints Management System.
- A complaint that Gunnedah Shire Council has not abided by the spirit of competitive neutrality in the conduct of Council business activities.

- 3.2 A competitive neutrality complaint is **NOT**:

- A complaint regarding the level of service provided by a business activity such as inadequate water quality, a mobile garbage bin not collected or the condition of a road or footpath.
- A complaint regarding the cost of the service, unless it is that Gunnedah Shire Council has not costed the service to take competitive neutrality into account.
- A complaint regarding the trade practices laws and their application to Gunnedah Shire Council.

4. Policy principles

- 4.1 Competitive neutrality is one of the principles of National Competition Policy which is being applied throughout Australia at all levels of Government, including Local Government. Competitive neutrality is based on the concept of a “level playing field” for competitors in a market, be they public or private sector competitors. Government business organisations, whether they are Commonwealth, State or Local Government, should operate without net competitive advantages over businesses as a result of their public ownership.

- 4.2 Where Gunnedah Shire Council competes in the market place with private businesses, the Council will do so on the basis that it does not utilise its public position to gain an unfair advantage over private businesses who may be in competition with the Council.

5. Policy statement

- 5.1 Gunnedah Shire Council accepts its obligation under the National Competition Policy to apply Competitive Neutrality in its business activities when in competition with the private sector.

- 5.2 Council will establish and make known that it has established a mechanism for receiving and acting on complaints that it has not fulfilled its obligation to act with Competitive Neutrality.

- 5.3 Competitive neutrality complaints will be handled according to the Gunnedah Shire Council Complaints Policy and Procedures.

- 5.4 Competitive neutrality complaints will be investigated by an officer who is independent of the business activities that are the subject of the complaint, the “Public Officer” would normally be that person.
- 5.5 Where a complaint is substantiated, Council will alter its business practices to ensure future and continued compliance with the principle of competitive neutrality.

6. Accountability, roles and responsibilities

6.1 Policy Custodian – Director Community and Corporate Services

The Policy Custodian is the officer accountable for managing policy compliance and initiating the policy review process. They will also have the responsibility for all aspects of policy implementation, unless appropriately delegated to another officer. These responsibilities include being the primary contact point for advice on the policy or its implementation; establishing and maintaining Council’s records in relation to the policy; proposing amendments; and managing the consultation process when the policy is due for review.

6.2 Authority

Responsible Officer – Director Community and Corporate Services.

7. Acknowledgements

- 7.1 No acknowledgements.

8. Version control and change history

Date	Version	Approved by & resolution no.	Amendment
21 Oct 1998	For revision	122.4	
23 July 2012	Draft	Policy Working Group	For consideration by Council at August Ordinary meeting
16 Dec 2020	Review	Council Meeting 16.12/20 Resolution 5.12/20	