



Policy title:	COMPETITIVE NEUTRALITY COMPLAINTS
Policy number:	1.2.29
Objective:	To outline the process of assessment and responding to competitive neutrality complaints
Link to community vision/service:	LEADERSHIP AND PARTICPATION
Program Area:	GOVERNANCE
Policy created: May 2022	Council reviewed: 14/06/2022
Last reviewed by staff: May 2022	TRIM Ref: ED22/12884

Background:

Council is responsible for the implementation and operation of an effective mechanism to manage complaints relating to competitive neutrality.

Competitive neutrality is the concept of a “level playing field” between persons competing in a market place. The principle is that Council should operate in this market place without any net competitive advantages over businesses as a result of its public ownership.

A complaint regarding competitive neutrality is:

- A complaint that Council has not met its requirements under the Policy Statement or “Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality”. This includes a concern that Council has not established an effective complaints handling mechanism;
- A complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

Mechanism:

Complaints concerning competitive neutrality should be addressed in writing to the Public Officer, Lismore City Council.

The Public Officer will ensure the complaint is correctly registered in the Records Management System.

Notification of the complaint will be provided to the General Manager.

An assessment of the complaint will be undertaken and include a review of issues such as:-

- specific issue or issues raised in the complaint;
- the costing methodology of the business activity;
- the nature of the business and the number of competitors; and
- the administrative procedures relating to the action that instigated the complaint.

The assessment results will be reported to the General Manager.

Response Time:

A response to the complainant will be provided within four weeks.

Remedies:

Council will make it clear what remedies it can provide to resolve a competitive neutrality complaint. The most common forms of resolution may be:

- to provide more information to the complainant for a more accurate understanding of competition policy;
- to investigate / review the business activity if a legitimate complaint is made;
- to change business practice where a complaint is justified.

If the complainant is not satisfied with the Council's response, they will be provided with the NSW Office of Local Government's contact details.

References

Guidelines on the Management of Competitive Neutrality Complaints, NSW Department of Local Government, 1997

Review:

The policy will be reviewed at least once during the term of every council.