

**POLICY ON COMPETITIVE
NEUTRALITY AND COMPLAINTS
HANDLING SYSTEM FOR
COMPETITIVE NEUTRALITY ISSUES**



CITY OF RYDE

1 Purpose

The purpose of this document is to explain:-

- (a) the policy of City of Ryde on competitive neutrality, and
- (b) the system which will be used by City of Ryde to deal with any complaints received in relation to competitive neutrality issues.

2 Policy

It is the policy of City of Ryde to support the principles of competitive neutrality by ensuring that Council businesses operate without any net competitive advantages over other businesses as a result of their public ownership.

In addition, even if Council is not required to apply a particular element of competitive neutrality to its business activities, where Council competes in the market place it will do so on the basis that it does not use its public position to gain an unfair advantage over a private sector competitor.

Council will receive and deal with any complaints in relation to competitive neutrality issues. Complaints will be acted upon quickly and appropriately.

Where necessary, relevant information will be provided to a complainant for a complete understanding of competition policy.

The operation of a Council business activity will be investigated and reviewed if a legitimate complaint is made.

A change will be made to a Council business practice if a complaint is substantiated.

3 What is a complaint regarding competitive neutrality?

A complaint regarding competitive neutrality is:

- (a) a complaint that Council has not met its requirements under this Policy Statement or the Department of Local Government publication "*Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*" dated July 1997, as amended, or
- (b) a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity

A complaint may be made by any person or corporation.

4 Who is responsible for receiving a complaint?

All complaints will be received by the Council's National Competition Policy Complaints Handling Officer.

5 How may a complaint be made?

All complaints shall be made in writing giving the following information:-

- (a) name, address and telephone number/s of the complainant
- (b) the product/s or service/s of the Council which is/are the subject of the complaint
- (c) Specific details of the nature of the complaint

6 How will a complaint be dealt with?

A complaint will be dealt with as follows:-

- (a) The complaint will be received and recorded by the National Competition Policy Complaints Handling Officer.
- (b) A written acknowledgment of the complaint will be posted to the complainant within 5 days of receipt.
- (c) The National Competition Policy Complaints Handling Officer will conduct an investigation into the complaint seeking any necessary clarification or additional information from the complainant.
- (d) The complainant will be advised in writing of the progress of the investigation into the complaint at intervals not exceeding 4 weeks.
- (e) The National Competition Policy Complaints Handling Officer will report the findings of the investigation to the General Manager.
- (f) The General Manager will consider the findings of the investigation, receive any verbal representations the complainant may wish to make and determine whether or not the complaint is substantiated.
- (g) Written advice of the General Manager's determination will be posted to the complainant within 5 days of the determination being made.
- (h) Where a complaint is substantiated, the General Manager will, within one month, report the matter to a Council Meeting for a decision on what action is to be taken to resolve the complaint
- (i) The Council shall decide what action to be taken to resolve the complaint.
- (j) Written advice of the Council's decision will be posted to the complainant within 5 days of the decision being made.

- (k) The General Manager will implement the decision of the Council.

7 What action may be taken by a complainant who is not satisfied?

A complainant who is not satisfied by a determination of the General Manager may seek, in writing, a review of the determination by the Council providing any additional information which will assist the Council in its review.

The Council shall consider the additional information, review the determination of the General Manager and advise the complainant.

Where a complaint has been substantiated and a complainant is not satisfied by the decision of the Council on what action is to be taken to resolve the complaint, the complainant may seek, in writing, a review of the decision by the Council. The Council shall conduct such a review.

8 What other action may be taken by a complainant who is not satisfied?

If at any time a complainant is not satisfied by the way in which a complaint or request for a review has been dealt with or determined, a complaint may be made to the Director General of the Department of Local Government.

9 Fees

There are no fees charged by Council for the lodging of a complaint or a request for a review.

10 National Competition Policy Complaints Handling Officer

The Council's National Competition Policy Complaints Handling Officer is Richard Nankivell, phone 9952 8025. All enquiries about competitive neutrality issues should be made to the National Competition Policy Complaints Handling Officer.