

Competitive Neutrality Complaint Process

Ideal Standard

Council demonstrate a competitive neutrality complaint process is established and designed to register and deal with allegations of non-compliance.

Outline/Summary

Any business activity of local government to which full cost pricing applies must establish an appropriate process of dealing with complaints about competitive neutrality. The only exemption from the need for a complaints process is if the council has received accreditation from QCA. Currently no council is exempted in this way. Under the competitive neutrality process, council has the option of appointing QCA as referee or an independent referee of its choosing to deal with the formal complaints process.

The complaints process is a method of accountability involving a detailed and comprehensive investigation into a complaint including justifying the allegation and presenting preliminary recommendations¹. A report from this investigation is prepared by the council complaints officer and forms the basis of making an informed preliminary decision by local government.

¹ The *preliminary complaints process* is summarised as follows:

1. The complaint is acknowledged in writing and a fee remitted and the complaint is raised with the appropriate organisational staff.
2. The merits of the complaint is investigated and may involve convening a meeting between Council staff and the complainant.
3. A draft report is prepared with an appropriate response to the complaint and seeks the complainant's opinion on the draft and where appropriate incorporated into the report. Any amendments (if any) are incorporated and the report is presented to Council for noting.
4. The complainant is formally advised of the report and told of the appeal process using a referee should the complainant be unsatisfied with the outcome.

At the end of any preliminary full investigation a report must be prepared and submitted to Council for consideration and resolution. The final report of a preliminary complaint investigation should be finalised within 45 days from the lodgment of the claim.

The *formal complaint process* continues on as summarised:

1. The report to Council reflecting complainants who are unsatisfied with the outcome of the preliminary process and who request the complaint to proceed.
2. The complaint is formally acknowledged and relevant Council staff advised and an appropriate referee(s) is selected.
3. The referee considers the merits of the complaint and determines if an investigation is warranted, if so, the referee issues a notice to proceed and presents a draft report of the outcomes from the investigation.
4. The referee prepares a final report and provides all parties to the complaint with copies. Council decides if it wishes to implement the decision of the referee report by resolution.

Key Steps

The preliminary procedure acts as a filter before the formal complaint process commences. The procedure is to allow prospective complainants to express concerns about possible non-compliance with competitive neutrality principles and the possibility to resolve the concerns without exercising the formal complaint process. The keys steps are to:-

1. Pass the necessary Council resolutions to implement a complaints process
2. Appoint a complaints officer to co-ordinate the complaints process
3. Resolve to adopt the proposed preliminary procedure to deal with all initial complaints
4. Resolve to adopt the proposed complaint procedure that allows for an allegedly affected person or organisation to escalate their complaint to a referee after the preliminary process has been exhausted as per the report
5. Resolve to adopt the proposed process for recording all complaints, investigations, decisions and recommendations as per the legislation
6. Resolve to allow a fee for lodging a complaint, subject to review
7. Delegate the Councils CEO the authority to select appropriate referee(s) to investigate formal complaints.