

 <p style="text-align: center;">GEORGE TOWN COUNCIL STRATEGY NO. 5 COMPETITIVE NEUTRALITY COMPLAINTS STRATEGY</p>		
Adopted	18 th May 2011	Minute Ref: 283/11
Amended		
Next Review Date	As required	

1. TITLE

Draft Competitive Neutrality Complaints Strategy.

2. STRATEGY STATEMENT

The George Town Council, in undertaking its business in the market place, will not use its position to gain an unfair advantage over a private sector competitor.

3. LEGISLATION

- Competition Principles Agreement

4. STRATEGIC PLAN

Key Area 1 – Governance

Objective

Develop a high level of trust, confidence and co-operation between Council and the community.

5. PURPOSE OF THE STRATEGY

Under the Government Prices Oversight Act 1995 (the Act), potential complainants are required to discuss any concerns relating to the application of the principles of competitive neutrality with the local government body providing the service or business activity in question.

The aim of this Strategy is to establish a system to manage complaints received by George Town Council in relation to Council's competitive neutrality.

6. COMPLAINT MECHANISM

Some complaints may be resolved informally by the complainant obtaining further information about the costing, structure and regulatory environment of Council's service or business activity.

Where a member of the public suspects that Council has not met its requirements relating to the competitive neutrality principles, they must submit any complaint in writing directed to the General Manager.



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6.1 Roles and Responsibilities

The General Manager will acknowledge receipt of the correspondence (complaint) in accordance with Council's correspondence actioning policy.

Upon investigation of the facts, the General Manager will determine the appropriate action to be taken to resolve the matter. If no further action is to be taken, the General Manager will provide reasons for the decision.

Council will advise the complainant, in writing, of the outcome within 30 days of the receipt of the complaint.

6.2 Formal Complaints – Government Prices Oversight Commission (GPOC)

Should the complainant consider that the complaint remains unresolved they may wish to take the matter further and refer the matter to GPOC.

Within 30 days of receiving a complaint and subject to GPOC being satisfied with the complainant's submission, GPOC must determine whether or not an investigation of the complaint is necessary or appropriate.

GPOC may resolve the complaint without investigation if it believes, taking the nature and seriousness of the complaint into consideration, that the complaint may be resolved promptly and to the agreement of the parties involved.

GPOC may refuse to investigate a complaint if it believes that the complaint does not contain information and evidence that the complainant has been adversely affected.

The Act limits the potential class of those who may lodge a complaint *"to a person who is "adversely affected" by Council's supposed contravention of the competitive neutrality principles. Complaints by industry, community groups or persons not directly affected by Council's business activity may not fall within the meaning of "adversely affected" and therefore would not be accepted by GPOC unless the group could establish that it, rather than it's members, has been 'adversely affected'."*

If GPOC decides to investigate the complaint, it will provide written advice of its intention to investigate to the complainant, Council and the Minister for Local Government and provide Council and the Minister with a copy of the complaint.



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Within 30 days of receiving advice from GPOC that Council is subject to a complaint, Council should complete and provide GPOC with a written review.

Council is to provide GPOC in writing the outcome of the review process and include a 'Statement of Facts'. *(Information to be provided in the Statement of Facts)*

6.3 Reporting Arrangements

Council is to keep detailed records of any complaints received in relation to the application of the competitive neutrality principle.

Council is to include summary information concerning any complaints lodged against it in its annual report.

Related Documents:

Strategy – Application of Competitive Neutrality Principle

Reference Material

- *Guidelines – GPOC's National Competition Policy, Competitive Neutrality Principles Complaints Mechanism*

Statement of Facts

- Where the complaint is accepted as being valid, whether in whole or in part, Council must advise GPOC of the proposed action to be taken by Council to correct the cause of the complaint. These actions will depend upon the category of the business activity in question. In many instances it is possible that action will already be planned by the government body under its own internal timetable for the application of the competitive neutrality principles to the agency.
- The Statement of Facts should address material questions of fact that were taken into account during the review process. If the Statement of Facts is silent on certain matters raised by the complainant, it may be inferred that the complainant's interpretation of these matters was an accurate account of the facts.
- The Statement of Facts should address relevant parts of the competitive neutrality documentation and comply with procedures set out in the Guidelines.
- The Statement of Facts should contain Council's conclusions in respect of the complaint and all the steps of reasoning linking the facts to its conclusion to enable the complainant to understand Council's position. The factors taken into account and the importance given to each of those factors should be stated.