

COUNCIL POLICY - (CM03.14CP) ADMINISTRATIVE ACTION AND COMPETITIVE NEUTRALITY COMPLAINTS MANAGEMENT

OBJECTIVES

The objectives of this policy are:

1. For Council to adopt a process for resolving administrative action complaints, as required by section 268 *Local Government Act 2009*; and
2. For Council to adopt a process for resolving competitive neutrality complaints, as required by section 48 *Local Government Act 2009*.

POLICY STATEMENT

Council is committed to managing administrative action and competitive neutrality complaints:

1. In a quick, efficient, effective, economical, fair and objective way; and
2. In accordance with the requirements of the *Local Government Act 2009*, *Local Government Regulation 2012* and the Complaints Management Guideline CM03.14CP.01.

DEFINITIONS

An **administrative action complaint** is a complaint that—

- (a) is about an administrative action of a local government, including the following, for example—
 - (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - (ii) an act, or a failure to do an act;
 - (iii) the formulation of a proposal or intention;
 - (iv) the making of a recommendation; and
- (b) is made by an affected person.

An **affected person** for an administrative action complaint is a person who is apparently directly affected by an administrative action of a local government.

An **affected person** for a competitive neutrality complaint is—

- (a) a person who—
 - (i) competes with the local government in relation to the business activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
- (b) a person who—
 - (i) wants to compete with the local government in relation to the business activity; and
 - (ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.

A **competitive neutrality complaint** is a complaint that—

- (a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and
- (b) is made by an affected person.

RELATED DOCUMENTS

Local Government Act 2009

Local Government Regulation 2012

Complaints Management Guideline CM03.14CP.01

This policy supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Open and Responsive Government.

Approved By:

SCENIC RIM REGIONAL COUNCIL

Adopted 26.11.2018

Version Information

Version No.	Date	Key Changes
1	21/6/2011	
2	28/1/2014	
3	9/12/2014	
4	26.11.2018	Corporate and Community Service Committee 20.11.2018 Item No. 3.3 Redrafted into new policy template and adoption of new guideline. Redrafted to focus on key administrative action and competitive neutrality complaints as required by the Local Government Act 2009.