

This form sets out the information to be provided as part of a competitive neutrality complaint.<sup>1</sup> We encourage you to provide us with all the relevant information that you reasonably can, as this will help us in assessing the application. Where possible, matters should be supported with evidence (such as emails, meeting notes, council resolutions, etc.).

However, we understand that not all of this information may be readily available. In these circumstances, we encourage you to provide as much detailed information as you can, even if they are estimates. If you are providing any information that you consider to be confidential, please also complete the confidentiality request form below.

We are available to discuss any proposed complaint before it is formally submitted and to help you to better understand the relevant requirements and processes. You can contact us by phone on 07 3222 0555 or through the [contact form](#) on our website.

## Contact details

1. **Name:**
2. **Email:**
3. **Address:**
4. **Telephone:**
5. **Name of business:**
6. **Address of business:**

## Government business/subject of complaint

### 7. Select the local government that you are making a complaint about.

You can use the [Find Your Council tool](#) provided by the Local Government Association of Queensland to find the relevant local government. If the local government is not on this list, please [contact us](#) to discuss your complaint.

### 8. Describe the business activity of the local government that you are complaining about.

Examples include running a sporting facility, running a caravan park, conducting public concerts, or providing public entertainment.

### 9. If the local government conducts the business activity through a separate business entity, name that business entity (if known).

A local government may establish a separate business entity to conduct an activity. For example, ABC council may establish a separate business, ABC Mowing Pty Ltd, to conduct mowing activities in the council's parks.

If you know the name of the local government business entity you are complaining about (for example ABC Mowing Pty Ltd), please provide it here. If you do not, your complaint will still be valid, and we will investigate this issue for you as part of our investigations.

1. The requirements for making a competitive neutrality complaint concerning a local government business are set out in section 45 of the Local Government Regulation 2012 (Qld). If your complaint is against the Brisbane City Council, the same requirements are set out in section 33 of the City of Brisbane Regulation 2012 (Qld).

## Alleged failure of government business entity to comply with the competitive neutrality principle

The competitive neutrality complaint must contain details of the local government business entity's alleged failure to comply with the principle of competitive neutrality in conducting the business activity that is the subject of the complaint.

The principle of competitive neutrality is that a local government business entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the local government business entity is in the public sector.

### 10. Describe how you consider the local government business entity failed to comply with the principle of competitive neutrality in conducting the business activity that you are complaining about.

For example, the local government business entity may have failed to abide by the code of competitive conduct, or it may enjoy competitive advantages because it is a public sector business entity.

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## Details of your business

The competitive neutrality complaint must include sufficient details to show:

- a) that the person making the complaint is, or could be, in competition with the local government business entity (Part A); and
- b) how the the person making the complaint is, or may be, adversely affected by the local government business entity's alleged failure to comply with the principle of competitive neutrality (Part B).

Both Part A and Part B need to be shown to meet the legislative requirements for your complaint to be valid. We encourage you to provide as much detail as possible for both Part A and Part B to assist us in investigating your complaint.

Please proceed to the next page to complete this question.

## Part A: Being in competition in a particular market

For Part A, we need detailed information to show that your business is (or could be) competing with the local government business entity.

Businesses compete with each other in a particular market. In order to check if your business competes with a local government business entity, we first need to establish whether your business and the local government business entity operate in the same market.

A market is an area of close competition between firms. A market is typically defined by reference to its product and geographic dimensions. A key part of defining the relevant market involves identifying strong or close substitutes for the goods or services that your business provides.

For example, if you sell a good or service that can be considered to be a substitute for a good or service that a local government business entity provides, you may be considered to be competing with the business entity in the market for that good or service. A market also has a geographic dimension—for example, a lawn-mowing business based on the Gold Coast is unlikely to be competing in the same market as a lawn-mowing business based in Cairns.

### 11. Describe in detail the goods and/or services that your business provides.

### 12. Describe the geographic area in which your business operates.

### 13. Does the environment in which your business operates have any special features (for example, an isolated population, government subsidies, etc.)?

The following question (question 14) is optional. It will help us to better understand your business; however, you do not have to answer it in order for your complaint to be valid. You can claim confidentiality over the information that you provide in this question by completing the confidentiality request form below. In the form, note that you wish to claim confidentiality over the information provided in question 14.

### 14. Optional question: In order for us to better understand your business, please complete the questions below. You can provide this information to us confidentially by completing the confidentiality request form below.

#### a) What is your business turnover and revenue?

#### b) Are there other businesses (private or government businesses) that you consider to be your competitors? Can you provide their names?

#### c) How long has your business been operating?

## Part B: Adversely affected by alleged failure to comply with competitive neutrality principles

For Part B, we need detailed information to show that your business is, or may be, adversely affected by the local government business entity's alleged failure to comply with the principle of competitive neutrality.

### 15. Provide information addressing how you are adversely affected by the local government business entity's alleged failure to comply with the principle of competitive neutrality.

Provide supporting evidence such as details of lost revenue, lost tenders, etc.

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### Attempt to contact the government agency

The competitive neutrality complaint must include sufficient details to show whether you have made a genuine, but unsuccessful, attempt to resolve your issue with the local government.

### 16. Describe your attempts to contact the local government to resolve the dispute, and any responses you received from the local government.

Please attach any supporting evidence, including emails, meeting notes, etc.

If you cannot show that you have made a genuine attempt to resolve the complaint with the local government, we may refuse to investigate your complaint.

You can request that the information provided in this section to be kept confidential by us, by completing the confidentiality request form below.

If you believe that the disclosure of any of the information that you have given to us as part of your competitive neutrality complaint is likely to damage your commercial activities, you may complete this form to request that we keep the information you have identified in your request confidential.

We may accept your confidentiality request if we are satisfied that your belief (that the disclosure of the information that you have claimed as confidential is likely to damage your commercial activities) is justified, and that the disclosure of the information would not be in the public interest.

If we accept your confidentiality request, we will not include the confidential information in the investigation report into your competitive neutrality complaint, or otherwise disclose it to an external entity.<sup>2</sup> Any information relating to a local government may still be given to the local government, even if it is accepted as confidential.

Please only claim confidentiality over sensitive or commercial-in-confidence information. Do not claim confidentiality over the entirety of your complaint, as it will hinder our ability to report on our investigation of your complaint, and we may not accept your confidentiality claim.

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I wish to make a confidentiality request over the information provided in the following questions and/or attachments:  
(for example, information provided in question 14, information provided in question 14 and attachments to question 16)

I believe that the disclosure of the information I have listed above is likely to damage my commercial activities, for the following reason(s):

(for example, commercial-in-confidence information about my business)

I therefore ask the QCA to not disclose this information to an external entity without my consent.

**Signed: [Print name]**

**Date:**

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<sup>2</sup> However, the legislation allows us to disclose the information in a report or to an external entity if it is disclosed in a way that could not reasonably be expected to identify the person requesting confidentiality.