

This form sets out the information to be provided as part of a competitive neutrality complaint. 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 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. 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

A competitive neutrality complaint can only be made in relation to a government agency carrying out a significant business activity. A list of significant business activities is available on [our website](#). The government agencies on this list can be selected using the drop down list below. If the government agency that you wish to complain about is not on the list, please [contact us](#) to discuss your complaint.

7. **Please select the government agency that you are making a complaint about.**

Details of your business

The competitive neutrality complaint must include sufficient details to show:

- a) that the person making the complaint and the government agency are, or could be, in competition in a particular market (Part A); or
- b) how the person making the complaint is, or could be, adversely affected by the competitive advantage that they allege is enjoyed by the government agency (Part B).

Only one of Part A or Part B needs to be shown, not both, to meet the legislative requirements for a valid complaint. However, we encourage you to provide as much detail as possible for both Part A and Part B to assist us with fully investigating your complaint. If your circumstances do not satisfy one requirement, it may still satisfy the other requirement.

Part A: Being in competition in a particular market

For Part A, we will need detailed supporting information to show that your business is (or could be) competing with the government agency in a particular 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 government agency provides, you may be considered to be competing with the government agency 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.

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

9. Describe the geographic area in which your business operates.

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

The following question (question 11) 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 11.

11. Optional question: So that we can 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?

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 competitive advantage

For Part B, we need detailed information to show that your business is, or could be, adversely affected by the competitive advantage that the government agency allegedly enjoys.

12. What advantage do you allege the government agency enjoys? Provide as much detail as possible.

13. Provide information addressing how you are adversely affected by the advantage that the government agency enjoys. Provide supporting evidence, such as lost revenue, lost tenders, etc.

Alleged failure of government agency to comply with principle of competitive neutrality

The competitive neutrality complaint must contain details of the alleged failure of a government agency to comply with the principle of competitive neutrality

14. Describe how the government agency failed, in your view, to comply with the principle of competitive neutrality.

Attempt to contact the government agency

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

15. Describe your attempts to contact the government agency to resolve the dispute, and any responses you received from the government agency.

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 government agency, we may refuse to investigate your complaint.

You can request that the information provided in this section is 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.¹ Any information relating to a government agency may still be given to the responsible Minister for that government agency, even if it is accepted as confidential. 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.

I wish to make a confidentiality request over the information provided in the following questions and/or attachments:
(for example, information provided in question 11, information provided in question 14 and attachments to question 15)

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:

¹ 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.