

ATTACHMENT 2

BUSINESS ACTIVITY IDENTIFICATION

1. Current Statutory Requirements

The following issues continue to be relevant under legislation for councils when applying National Competition Policy to business activities:

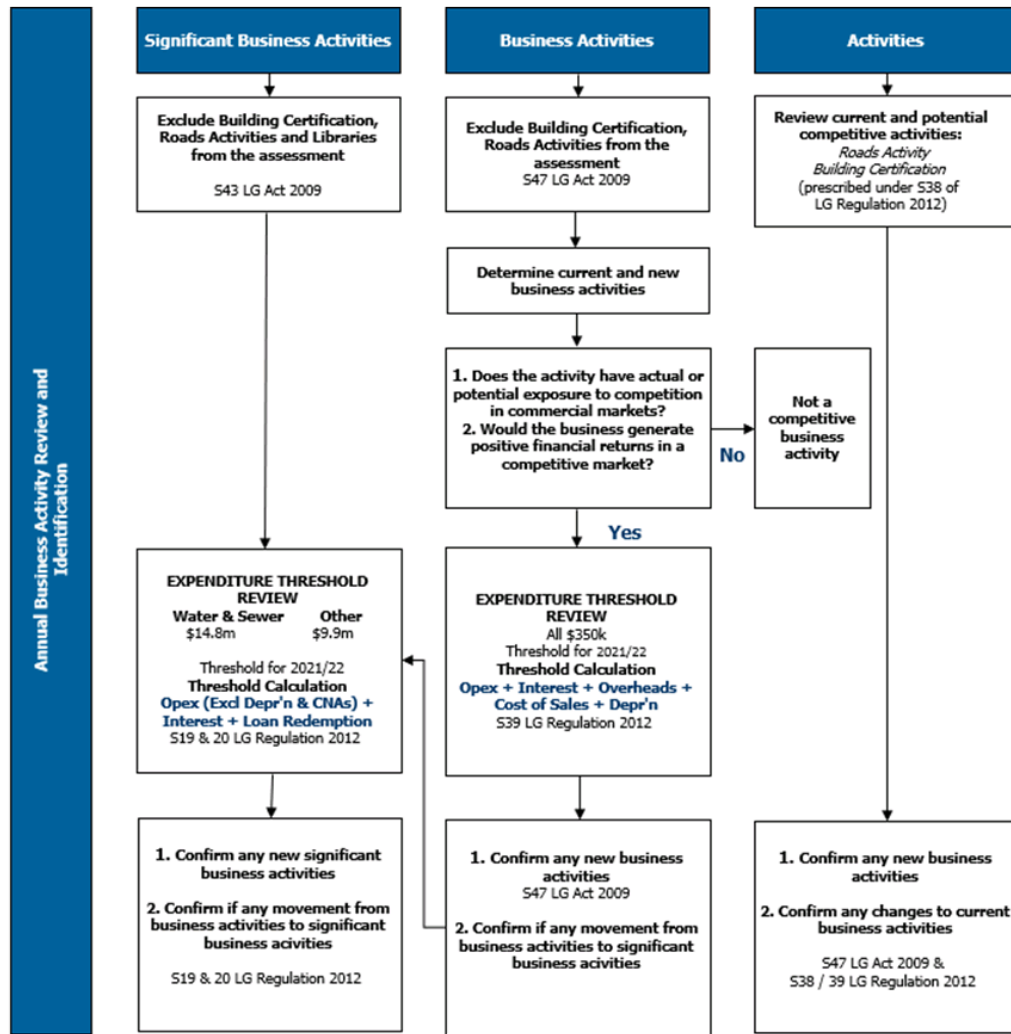
1. Annual identification of business activities (including significant business activities) where the local government is in competition with the private sector reviewed against the relevant thresholds. Refer to the flowchart in section 3 below for the process for business activity identification.
2. Undertake Public Benefit Assessments for newly identified (financially) significant business activities and apply appropriate competitive neutrality and structural reforms. Financially significant business activities do not include road construction and maintenance and library services, but may include water and sewerage services, cleansing services, off-street parking, and cultural, sporting and recreational facilities.
3. Councils are now responsible for formulating and carrying out their own benefit assessment process under section 46 of the *Local Government Act 2009*. The process was formerly prescribed by regulation to the extent of requiring it to comply with the 'Local Government Competitive Neutrality Public Benefit Assessment Guidelines 1997', made by the Department.
4. Continue to apply competitive neutrality and structural reforms to (financially) significant business activities.
5. The mandatory application of the Code of Competitive Conduct to roads business activities and building certification business activities, irrespective of the level of expenditure of the activities.
6. The voluntary recognition of business activities deemed to be in competition with, or potentially in competition with, the private sector, and the resulting application of a code of competitive conduct to those identified activities. Such activities may be identified if they are in competition with the private sector and feature more than \$350,000 in annual expenditure (including operating costs, administration/overhead costs, cost of resources and depreciation charges). Competitive activities do not include library services.
7. The application of competitive neutrality principles (including full cost pricing) to significant business activities and other activities. Full cost pricing in simple terms means that, on average, prices should fully recover all the relevant costs of supplying a product or service and total revenue received by the business should equal the sum of:
 - a. Efficient operating expenses;
 - b. A return of capital (i.e. depreciation expense); and
 - c. A return on capital (i.e. cost of debt plus return on equity invested in the business).Full cost pricing is achieved if the total expected revenue from all sources, including subsidies and customer service obligations, is sufficient to meet expected total costs as defined above.
8. The revenue requirement for:
 - a. significant business activities must cover the projected total costs of conducting the activity each financial year.
 - b. code of competitive conduct business activities must cover the projected total costs of conducting the activity over a period of up to five years.Refer to **Attachment 3** for business activity full cost pricing performance for 2019-2020.
9. Meet minimum reporting guidelines for business activities.

10. The implementation of a competitive neutrality complaints process for all identified business activities.
11. The disclosure of community service obligations and cross subsidies in service provision.

2. Annual Review and Identification of Business Activities

In accordance with the *Local Government Act 2009* and regulations, Council is required each year to identify any new 'financially significant' business activities, and also to identify its competitive business activities. Council must also resolve whether to apply the Code of Competitive Conduct to its identified business activities and the reason for non-application of the Code if relevant.

To simplify the review and identification process, the following flowchart has been developed:



Note:
 Opex = Operating Costs, Dep'n = Depreciation, CNA = Competitive Neutrality Adjustments

Generally changes to the status of a business activity may arise due to the following:

1. New business activities are established as a result in a change in Council's structure or as a result of the establishment of new business ventures.
2. Existing businesses are divested.
3. Annual expenditure threshold levels are reached or not (generally impacting on significant business activities); and

Once the process of reviewing current business activities and identifying potential new 'financially significant' business activities and all other types of business activities has been completed, it is necessary to apply the appropriate reforms to ensure legislative compliance.

2. Business Activity Threshold Analysis

Threshold analysis is based on the financial statements data.

	Threshold	Waste and Resources Management	Sunshine Coast Holiday Parks	Quarries Business Unit
	\$'000	\$'000	\$'000	\$'000
Actual Operating Expenditure including Interest		\$62,404	\$9,406	\$7,964
Less Depreciation		(\$4,127)	(\$921)	(\$268)
Less Competitive Neutrality Costs		(\$442)	(\$548)	(\$32)
Add Loan Redemption		\$0	\$0	\$0
Expenditure for Threshold Test Comparison		\$57,835	\$7,937	\$7,664
Significant Business Activity (SBA)	\$9,913	\$9,913	\$9,913	\$9,913
Business Activity (BA)	\$350		\$350	\$350
2020-2021 Business Activity Status		SBA	BA	BA
Recommended 2021-2022 Business Activity Status		SBA	BA	BA

Road Works

Council road works activities are predominantly non-competitive activities focused on internal construction and maintenance rather than external tendering for contract works. Road maintenance and construction activities are undertaken by a combination of day labour force and contract services.

Council does not actively submit competitive tenders for works on state controlled roads or other roads in neighbouring Council areas. Council undertakes minor works for Main Roads based on negotiated shared cost arrangements.

Accordingly, road works has not been identified as a business activity of Council.

New ventures – potential business activities

The *Local Government Act 2009* definition of a business activity of a local government means trading in goods and services by the local government.

During the course of the 2020-2021 Council completed one initiative that was assessed as potential business activity once the operational phase commenced.

International Broadband Submarine Cable Network

Council has facilitated the landing of a new international submarine cable to Maroochydore following an international submarine cable contract agreed between Sunshine Coast Council and RTI Connectivity Pty Ltd (RTI-C).

The project includes the installation of a 550km undersea fibre optic cable which connects the Sunshine Coast to the 7000km Japan-Guam-Australia South submarine cable. The cable which is laid out or buried under the sea floor, connects to the cable landing station adjacent to the new Maroochydore City Centre.

The project will help stimulate local business, generate new investment and improve telecommunications diversity to Australia's east coast. The cable will help to future proof the Sunshine Coast telecommunications capacity and increase our smart city capability, ensuring access to important data networks.

The cable landing station houses the connection point for the international submarine cable with landside communication networks. This vital piece of infrastructure has the capacity to cater for four submarine cables and house 24 data cabinets.

RTI-C control pricing and access to the network. As such the International Broadband Submarine Cable Network is not a business activity of Council.