

**REFORM OPTIONS AND KEY DIFFERENCES****1. Significant Business Activities**

The significant business activity expenditure threshold for 2021-22 financial year is \$9.9 million. Competition reforms may be applied to significant business activities via Full Cost Pricing or Commercialisation.

**Full Cost Pricing**

- Reform option applied via public benefit assessment process.
- Retention of the business activity within Council's current organisational structure.
- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
  - Efficient operating expenses;
  - A return of capital (i.e. depreciation expense); and
  - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Full cost pricing reform implies the application of competitive neutrality principles.

**Commercialised Business Unit**

- Reform option applied via public benefit assessment process.
- Creation of a commercialised business unit (not a separate legal entity) to manage the business.
- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
  - Efficient operating expenses;
  - A return of capital (i.e. depreciation expense); and
  - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Increased managerial autonomy for day-to-day operations.
- Greater ability to source inputs from outside of Council.
- Own business and operating plan.
- More commercial orientation than full cost pricing.
- Additional reporting obligations such as annual tax equivalent returns, annual performance plan and separate reporting of performance in Council's annual report.
- Commercialisation requires the application of competitive neutrality principles.

**Corporatisation**

The corporatisation processes within the *Corporations Act 2001 (Cwlth)* applies to local governments seeking to establish corporations. Creation of separate legal entity to manage a

business results in the corporation being subject to National Competition Policy through the *Competition and Consumer Act 2010 (Cwlth)*.

## **2. Code of Competitive Conduct Business Activities**

- The business activity expenditure threshold for 2021-22 financial year is \$350,000.
- Reform option applied via annual Council resolution.
- Retention of the business activity within Council's current organisational structure.
- Setting prices in accordance with commercial full cost recovery principles, including recovery of:
  - Efficient operating expenses;
  - A return of capital (i.e. depreciation expense); and
  - A return on capital (i.e. cost of debt plus return on equity invested in the business).
- Code of competitive conduct implies the application of competitive neutrality principles.
- Automatic application of the code of competitive conduct to building certification and competitive roads activities.

## **3. No Reforms Elected to Be Applied**

### **Cost Recovery Pricing Principles**

- Retention of the activity within Council's current organisational structure.
- Setting prices to reflect the cost of providing non-competitive services including recovery of:
  - Efficient operating expenses; and
  - A return of capital (i.e. depreciation expense).
- Excludes the application of competitive neutrality principles to non- competitive services.
- Note: application of the code of competitive conduct must be applied if the activity engages in competitive services and is above the \$350,000 expenditure threshold.