



LOCAL JOBS FIRST
COMMISSIONER

RESPONDING TO AND INVESTIGATING COMPLAINTS

Policy



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1 Purpose

This Responding to and Investigating Complaints policy is published as required by section 18A(5) of the *Local Jobs First Act 2003* (the Act). This policy sets out how the Local Jobs First Commissioner will respond to and investigate complaints relating to Local Jobs First.

This policy aims to:

- explain how the Commissioner responds to and investigates complaints about compliance with Local Jobs First or a Local Industry Development Plan
- clarify the role and responsibilities of the Commissioner regarding complaints
- ensure that complaints are handled in a way that is open, transparent, objective and fair
- explain how data related to the handling of complaints will be used.

This policy is effective from the date that it is published on the Local Jobs First Commissioner's website <https://localjobsfirst.vic.gov.au/commissioner>.

2 Scope

This Responding to and Investigating Complaints policy is limited to complaints made in relation to the Act and related regulations and policies including Local Industry Development Plans.

3 About Local Jobs First

Local Jobs First is the scheme established under the Act and, as set out in the Act, any regulations made under the Act and the Local Jobs First Policy. For the purposes of the Act, the Local Jobs First Policy includes any guidelines or material prepared by the Minister responsible for Local Jobs First regarding the application of, and procedures to be followed in complying with the Act, the regulations or the Local Jobs First Policy. This includes the Local Jobs First Policy document, Local Jobs First Agency Guidelines and Local Jobs First Supplier Guidelines.

Local Jobs First is administered by the Department of Jobs, Skills, Industry and Regions (DJSIR).

Local Jobs First is mandatory and must be applied by all Victorian Government agencies defined as either a public body or a department under section 3 of the *Financial Management Act 1994*, and suppliers, contractors and grant and loan recipients for projects that fall within the scope of Local Jobs First.

Detailed instructions that agencies and suppliers must follow to ensure compliance with Local Jobs First are provided in the Agency Guidelines and Supplier Guidelines, which are publicly available on the Local Jobs First [Key Documents](#) page.

In line with the Act, the Local Jobs First Policy includes the policy document, the Victorian Industry Participation Policy, the Major Projects Skills Guarantee, Agency Guidelines and Supplier Guidelines.

4 Guiding principles

The following Victorian Public Service values guide how the Commissioner will respond to and investigate complaints.

Value	Behaviour
Responsiveness	• Provide frank, impartial and timely advice to the government • Provide high quality services to the Victorian community • Identify and protect best practice
Integrity	• Being honest, open and transparent in their dealings • Use powers responsibly • Report improper conduct • Avoid any real or apparent conflicts of interest • Strive to earn and sustain public trust of a high level
Impartiality	• Make decisions and provide advice on merit and without bias, favouritism or self-interest • Act fairly by objectively considering all relevant facts and fair criteria • Implement government policies and programs equitably
Accountability	• Work to clear objectives in a transparent manner • Accept responsibility for my decisions and actions • Seek to achieve best use of resources • Submit to appropriate scrutiny
Respect	• Treat colleagues, other public officials, Victorian community members fairly and objectively • Ensure freedom from discrimination, harassment and bullying • Use the views of colleagues, other public officials, Victorian community members to improve outcomes on an ongoing basis
Leadership	• Demonstrate leadership by actively implementing, promoting and supporting these values and behaviours
Human rights	• Make decisions and provide advice consistent with human rights • Actively implement, promote and support human rights

5 How to make a complaint

A complaint to the Local Jobs First Commissioner can be made by using the digital form on the Commissioner's website or by writing to the Commissioner at the postal address below.

Your complaint should provide specific information, including:

- your name and contact details
- who your complaint is about
- which Victorian government project is involved
- what action happened to cause your complaint
- evidence to support your complaint, such as date stamped photographs, copies of documents.

Website: <https://localjobsfirst.vic.gov.au/local-jobs-first-commissioner/complaint-form>

Post: Local Jobs First Commissioner
Level 33
121 Exhibition Street
MELBOURNE VIC 3000

If you have accessibility difficulties, please use the website address and the office of the Local Jobs First Commissioner will contact you by phone.

6 How the Commissioner will respond to your complaint

The Commissioner will respond to your complaint according to the following steps.

6.1 Acknowledge receipt of your complaint

On receiving a complaint, the Commissioner's office will respond within 3 business days to acknowledge receipt of the complaint.

6.2 Initial assessment

The Commissioner's office will conduct an initial assessment according to the following criteria to determine whether the complaint may be investigated. Before finalising the initial assessment, the Commissioner's office may contact you to obtain further information on the scope and nature of your complaint.

6.3 Actions following initial assessment

After the initial assessment of the complaint, the Commissioner will take one of the following actions:

6.3.1 The Commissioner may refuse to investigate a complaint

Under section 18A(2) of the Act, the Commissioner may refuse to investigate a complaint that the Commissioner believes on reasonable grounds meets any of the 5 assessment criteria listed below:

1. frivolous or vexatious
2. lacking in substance or does not warrant investigation
3. more appropriately dealt with, or is already being dealt with, by an agency or another body
4. being or has been considered by a court, board or tribunal or does not relate to the Commissioner's functions or powers
5. unrelated to the performance of the Commissioner's function or exercise of the Commissioner's powers under the Act

If the complaint is received in writing, the Commissioner will respond in writing.

The Commissioner's response will include the reason for declining to investigate the complaint and if appropriate and relevant to reason 3 in the above list, the agency or body to be contacted regarding the complaint.

While the Commissioner may decline to investigate a complaint, the complaint may nevertheless be used to inform the Commissioner's activities, such as a project audit, stakeholder meeting or educational activities to improve compliance with Local Jobs First. Information collected by the Commissioner is handled in accordance with the applicable requirements of the *Privacy and Data Protection Act 2014*.

6.3.2 Investigation of the complaint

If the Commissioner decides to investigate the complaint, the investigation process occurs according to the following stages:

Stage 1. Investigation plan and complainant updates

An internal investigation plan will outline the steps and actions the Commissioner's office will take to investigate the complaint.

Where possible and as part of the investigation plan, the Commissioner will aim to keep the complainant informed of the status of the investigation, noting there may be times and circumstances that the Commissioner is unable to provide updates due to legal reasons that could, for example, compromise the integrity of the investigation or information that is subject to legal professional privilege.

Stage 2. Information gathering

The Act provides the Commissioner with a range of information gathering powers including:

- meeting with agencies, departments and contractors
- request information from an agency, which may provide, at its discretion under section 22 of the Act, the specified information or document to the Commissioner
- request, under section 23 of the Act, an agency to provide a report following the agency's conduct of an audit in relation to compliance with Local Jobs First or a Local Industry Development Plan
- issue an information notice under section 24 of the Act
- issue an inspection notice and, subject to section 18C, conduct a site inspection under section 18C of the Act.

Stage 3. Information analysis

The information will be analysed and assessed to determine if there has been non-compliance with Local Jobs First, as defined in the Act, or a Local Industry Development Plan.

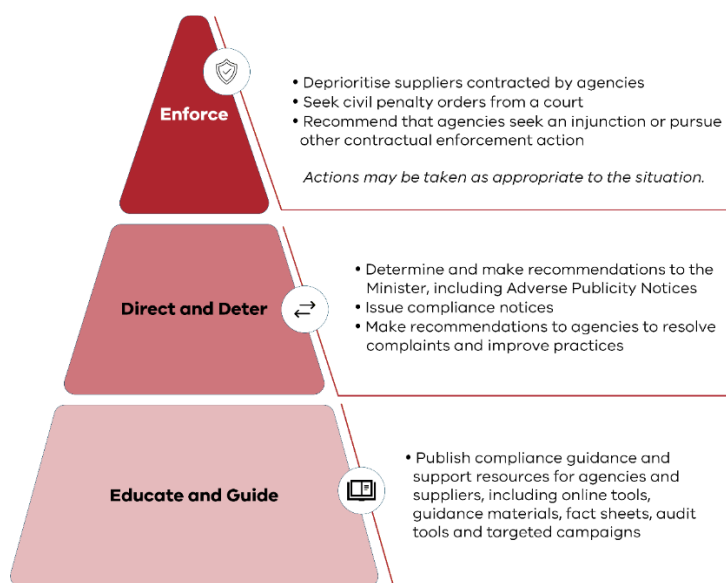
The Commissioner will assess the information using some or all of the types of meetings and information requests listed above as part of an iterative process.

Stage 4. Finalise the internal investigation report

Once the Commissioner is satisfied that the complaint has been adequately investigated, a final internal investigation report will be prepared. The internal investigation report includes the recommended actions the Commissioner may take in response to the complaint.

Stage 5. Actions in response to the complaint

There are several actions that may be taken by the Commissioner in response to the finalised investigation of a complaint. The diagram below categorises the range of actions available under the Act.



The Commissioner's strongest enforcement powers will be reserved for serious misconduct whereas powers for advocacy, promotion and collaboration will support and educate industry on how to comply with Local Jobs First.

7 Privacy

The information that a complainant provides to the Commissioner is confidential so far as practicable and permitted by law. All information held by the Commissioner is handled in accordance with applicable requirements of the *Privacy and Data Protection Act 2014* and any other relevant legislation, such as the *Freedom of Information Act 1982*.

8 Record keeping and reporting

Information provided to the Commissioner will be stored securely on the Commissioner's complaints case management system. The information will be stored securely according to the *Public Records Act 1973* and any other applicable requirements. The number of complaints investigated by the Commissioner must be reported to the Minister with responsibility for Local Jobs First as part of annual reporting requirements.

OFFICIAL

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