



Policy

Responding to and Investigating Complaints

1 July 2026

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Introduction

The **Local Jobs First Act 2003** (Act) is the legislative framework ensuring small and medium-sized enterprises (SMEs) and local workers benefit from Victorian Government procurement and projects. The Act is Australia's longest-standing industry participation legislation and enables the Victorian Government to provide opportunities for local businesses and workers to supply into government projects.

The **Local Jobs First Policy** is established by the Act and comprises the Victorian Industry Participation Policy and the Major Projects Skills Guarantee which ensure that Victorian businesses, workers, apprentices, trainees and cadets benefit from Victorian Government procurement.

The **Local Jobs First Commissioner** is an independent statutory officer whose role is established under the Act. The Commissioner's functions and powers are set out in the Act and include advocacy, engagement, facilitation, compliance and enforcement roles and responsibilities relating to the Act, Local Jobs First Regulations and the Local Jobs First Policy.

This **Responding to and Investigating Complaints Policy** is published as required by the Act. The policy sets out how the Commissioner will respond to and investigate complaints relating to Local Jobs First. This policy is effective from the date that it is published on the Local Jobs First Commissioner website <https://localjobsfirst.vic.gov.au/commissioner>.

Purpose

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
- establish timeframes for responding to complaints
- ensure complaints are handled in a way that is open, transparent, objective and fair
- explain how data related to the handling complaints will be used

Scope

This policy is limited to complaints made in relation to the *Local Jobs First Act 2003* and related regulations and policies including Local Industry Development Plans.

Acronyms

Apprentices Trainees Cadets (ATC)

Local Jobs First (LJF)

Local Industry Development Plan (LIDP)

Local Industry Engagement and Sourcing Plan (LIESP)

Office of the Local Jobs First Commissioner (OLJFC)

Guiding principles

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

| Value | Behaviour |
|----------------|---|
| Responsiveness | <ul style="list-style-type: none"> • Provide frank, impartial and timely advice to the government • Provide high quality services to the Victorian community • Identify and protect best practice |
| Integrity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Demonstrate leadership by actively implementing, promoting and supporting these values and behaviours |
| Human rights | <ul style="list-style-type: none"> • Make decisions and provide advice consistent with human rights • Actively implement, promote and support human rights |

How to make a complaint

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

The complaint should provide specific information, including:

- who your complaint is about
- which Victorian government project is involved
- what happened.

Website: <https://localjobsfirst.vic.gov.au/commissioner/contact-us>

Post:

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

If you have accessibility difficulties, please use the website address and we will contact you by phone.

How we will respond to your complaint

We will respond to your complaint according to the following steps:

1. Acknowledge receipt of a complaint

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

2. Initial assessment

The Commissioner's office will conduct an initial assessment according to the following criteria to determine whether the complaint will be investigated. The assessment looks at whether the complaint is:

1. Unrelated to the performance of the Commissioner's function or exercise of the Commissioner's powers under the Act
2. Frivolous, vexatious or unreasonable¹
3. Lacking in substance or does not warrant investigation
4. More appropriately dealt with, or is already being dealt with, by an agency or another body
5. Being or has been considered by a court, board or tribunal or does not relate to the Commissioner's functions or powers

Before finalising the initial assessment, the Commissioner's office may contact you to obtain further information on the scope and nature of your complaint.

3. Actions following initial assessment

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

The Commissioner may refuse to investigate a complaint

If the complaint meets one or more of the 5 measures listed in the initial assessment, the Commissioner may refuse to investigate the complaint.

If the complaint is received in writing, the Commissioner will respond in writing (TEMPLATE – Investigation Refusal).

¹ [Managing Unreasonable Complaints 2025](#) as referred to by the Victorian Ombudsman.

The Commissioner's response will include the reason for declining to investigate the complaint and if appropriate and relevant to criteria 3-5 above, 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 project audit, stakeholder engagement and education to improve compliance with Local Jobs First.

Investigate the complaint

If the Commissioner decides to investigate the complaint, the investigation stages are:

Stage 1. Investigation plan and complainant updates

An investigation plan will outline the steps and actions the Commissioner's office will take to investigate the complaint (TEMPLATE – Investigation Plan).

Following the Commissioner's **Regulatory Framework** 5 principles will be used to inform the investigation, including the type of information gathering powers the Commissioner's office will use to consider the complaint:

1. Positive Local Jobs First outcomes
2. Continuous improvement
3. Victorian Public Sector values
4. Proportionate
5. Evidence based.

Where possible and as part of the investigation plan, the Commissioner's office will aim to keep the complainant informed of the status of the investigation, noting there may be times and circumstances that the Commissioner's office 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 (under section 22 of the Act)
- issue an information notice (under section 24 of the Act)
- conduct a site inspection (under section 18C of the Act)

The diagram below categorises the range of tools and powers according to possible likelihood of the tool or power being used, with agency / contractor meetings being the most likely information gathering tool.



Stage 3. Information analysis

The information will be analysed and assessed to determine if there has been non-compliance with the Act. The Commissioner's office may assess the information using Actions 1 and 2 (above) as part of an iterative process.

Stage 4. Finalise investigation report

Once the Commissioner is satisfied that the complaint has been adequately investigated, a final investigation report will be prepared (TEMPLATE – Investigation Report). The investigation report includes the recommended actions the Commissioner will take in response to the complaint.

Stage 5. Actions in response to the complaint

Using the factors listed in Stage 1, the following actions 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 and wilful misconduct whereas powers for advocacy, promotion and collaboration will support and educate industry on how to comply.



Privacy

The information complainants provide the Commissioner is kept strictly confidential. The Commissioner will share information regarding the complaint with a third party only after receiving written consent from the complainant.

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 Victorian Government archiving requirements. The number of complaints investigated by the Commissioner may be reported to the Minister with responsibility for Local Jobs First as part of periodic reporting requirements.

Your rights to seek a review

Where you are dissatisfied with how your complaint was investigated by the Commissioner, you have the right to seek a review through the Victorian Ombudsman. The Victorian Ombudsman is set up to deal with complaints about government and can be contacted through their website <https://www.ombudsman.vic.gov.au/>.

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