

AGRICULTURE VICTORIA

Agriculture Victoria  
**Regulatory  
Approach**

2022–2027



## Foreword

### **I am pleased to present Agriculture Victoria's first published Regulatory Approach.**

Agriculture Victoria's regulatory responsibilities are diverse, encompassing biosecurity, animal welfare, agricultural and veterinary chemicals, product integrity and traceability and food safety.

Effective regulation by Agriculture Victoria assists to protect and support Victorian agricultural industries worth over \$17 billion and the employment of around 146,600 people. Regulation contributes to the protection of Victoria's environment, community, economy and animals. Regulation supports efficient and environmentally sustainable industry practices, protects Victoria's market assurance, upholds animal welfare standards and improves the management and prevention of diseases, pests and weeds by industry and communities to grow the economy and build Victoria's reputation.

Agriculture Victoria is committed to improving the management and performance of our regulatory systems, aligning to the purpose and vision of the Department of Jobs, Precincts and Regions (DJPR). We have recently undertaken a regulatory capability framework and assessment to identify and improve our regulatory capacity.

This Regulatory Approach will further strengthen those capabilities by aligning our regulatory strategic direction across our diverse regulatory responsibilities.

This Regulatory Approach describes how we will regulate and how we will aim to meet community expectations of us as a regulator. Our regulatory focus and effort will ensure that we are able to deliver efficient and effective regulatory services into the future.

#### **Matt Lowe**

Chief Executive Agriculture Victoria



# Acknowledgement

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria’s land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria’s Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

# Contents

<b>Purpose</b> . . . . .	<b>4</b>
<b>Vision</b> . . . . .	<b>6</b>
<b>Scope</b> . . . . .	<b>8</b>
<b>Function</b> . . . . .	<b>10</b>
Our regulatory objectives . . . . .	11
Our regulatory role . . . . .	12
Our regulatory responsibilities . . . . .	14
<b>Systems</b> . . . . .	<b>16</b>
<b>Principles</b> . . . . .	<b>20</b>
<b>Approach</b> . . . . .	<b>24</b>
Stakeholder engagement and communication . . . . .	27
Achieving compliance . . . . .	28
Capability building . . . . .	29
Monitoring and evaluation . . . . .	29
<b>Appendix</b> . . . . .	<b>30</b>

# Purpose



## Purpose



The purpose of this document is to outline the approach Agriculture Victoria takes to regulation across all our regulatory responsibilities. Our regulatory responsibilities are directed by the legislation we administer.

We strive to be a consistent, responsive and trusted regulator that acts appropriately and proportionately and works together with regulated parties, industry and communities towards shared outcomes.

Our regulatory approach aims to be collaborative, evidence-based, risk-based, transparent and responsive. We are committed to reducing any regulatory duplication and burden, and to reducing barriers to compliance. In our regulatory activities, we aim to utilise the full range of modern regulatory tools to solve problems and reduce harm: advice and guidance, data capture and analytics, education, compliance monitoring and proportionate enforcement activities.

### This regulatory approach sets out:

**Why we regulate:**  
Achieving our vision

**What we regulate:**  
Our scope and systems

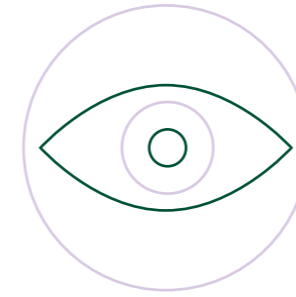
**How we regulate:**  
Our principles, function and approach

This Regulatory Approach applies to all our direct regulatory responsibilities; those regulatory powers and functions that are vested in DJPR's secretary or other staff (by delegation from the Minister of Agriculture or vested by an Act of Parliament or Regulation). It does not apply to those we co-regulate with, such as statutory authorities and portfolio regulators.

This document contributes to our regulatory strategic direction and frames our compliance policies and plans. It provides our staff, industry, other regulators and the public with a clear statement of how we will regulate and what can be expected from us as a regulator.

# Vision

## Vision



Agriculture Victoria is part of the Department of Jobs, Precincts and Regions (DJPR) and our work supports the purpose of the department. We are firmly focused on Victoria's economic growth and on ensuring it benefits all Victorians by creating more jobs for more people, building thriving places and regions, and supporting inclusive communities<sup>1</sup>.

The Victorian government's strategy for agriculture in Victoria, sees an agriculture sector that is strong, innovative and sustainable<sup>2</sup>. Agriculture Victoria aims to achieve this vision by working with community and industry to enhance productivity, improve animal welfare, connect the sector with international markets, create jobs, support growth and maintain effective biosecurity.

### Regulation contributes to this vision by:

**Managing risks** and responding to new challenges to protect Victoria's environment, community, economy and animals

Ensuring the **right conditions** to enable Victorian agriculture to grow in diversity, value and output

Ensuring Victoria continues to **improve animal welfare** and is respected for animal welfare practices.

<sup>1</sup> Department of Jobs, Precincts and Regions Strategic plan 2021.

<sup>2</sup> Strong, Innovative, Sustainable: A New Strategy for Agriculture in Victoria 2020.

# Scope

## Scope



Agriculture Victoria works with industry, other government agencies (both local and national) and community stakeholders in a model of shared responsibility; to protect animal welfare and support the agriculture, food and fibre sector to become more globally competitive, innovative, sustainable and resilient. Agriculture Victoria's regulatory functions are a key contribution to this work.

### Agriculture Victoria delivers:

**Policy and program development** for biosecurity, animal welfare, agricultural and veterinary chemicals, product integrity and traceability and food safety

Domestic animal and **animal welfare** research, policy and education

**Emergency preparedness,** response and recovery

**Research in science** and technology leading to innovative farming systems, products and services

Facilitation of **development projects**

Community and industry **engagement, education** and practice change

### Regulatory services

**Compliance,** prosecution and enforcement services

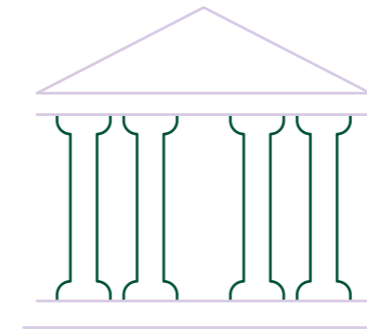
**Governance** and oversight of statutory regulators

Assistance to drive **export activity,** market access and investment attraction

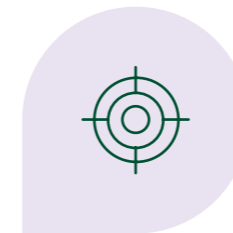
**Collaboration** with other agencies, both Victorian, interstate and commonwealth to support our strategic objectives.

# Function

Function



## Our regulatory objectives, role and responsibilities



### Our regulatory objectives

Agriculture Victoria's regulatory functions span much of our business.

We regulate to reduce harms and fulfil our objectives. Where possible and appropriate, we also adopt non-regulatory approaches. We aim to ensure our regulation supports and encourages business, balancing innovation and growth with our need to protect against harms.

Our regulatory objectives are to:

- protect plant, animal and human health and our unique environment from harms, such as biosecurity risks, emergencies, risks associated with chemical usage and reduction in biodiversity
- support jobs and the long-term success of our industries and businesses, promote productivity and trade, and leverage Victoria's competitive strengths
- protect and improve animal welfare
- minimise food safety risks
- support community, consumer and global trading partner confidence in both Victorian agriculture and animal welfare standards
- fulfil our legislative obligations.



## Our regulatory role

Agriculture Victoria is one part of an extensive local and international system that shares the responsibility of ensuring a safe, secure and thriving Victorian agricultural sector, that protects animal welfare and promotes biosecurity. Co-ordination among regulatory bodies is critical to minimise duplication within the extensive regulatory network.

Within this system, Agriculture Victoria has several regulatory roles and can use several tools to influence outcomes. Our diverse regulatory role is illustrated below.

### Biosecurity



Agriculture Victoria is a lead regulator:

- we are the lead agency for managing biosecurity legislative outcomes and biosecurity threats within Victoria
- we work with the Commonwealth and other state and territory governments to enhance both Australian and Victorian biosecurity through national committees, working groups, production of standards and shared emergency management exercises
- we collaborate with other Victorian government departments to ensure the effective delivery of biosecurity outcomes and compliance and to ensure enforcement is delivered within this system
- we work with local government and community groups to promote shared responsibility within our biosecurity system.

### Animal Welfare



Agriculture Victoria is a lead regulator:

- for managing animal welfare outcomes in Victoria;

and a co-regulator:

- we work with other Victorian government departments, agencies, local councils and the RSPCA Victoria to manage animal welfare and ensure compliance and enforcement is delivered in this system
- we work with the Commonwealth and other state and territory governments to promote animal welfare through national committees, working groups, national animal welfare standards and industry and community education materials.

### Agricultural and veterinary chemicals



Agriculture Victoria is a co-regulator:

- we collaborate with Commonwealth, state and territory governments and other Victorian government departments and agencies to manage the legislative obligations for the supply and use of agricultural and veterinary chemicals, fertilisers and stock foods, and to support compliance and enforcement within this system.

### Agricultural sector



Agriculture Victoria is a co-regulator:

- we undertake regulation of the agriculture sector on behalf of other regulators, including novel industries (e.g. medicinal cannabis, poppies and industrial hemp) and work with other regulators who have obligations for other aspects of these same industries.

### Product integrity and traceability



Agriculture Victoria is a co-regulator:

- we collaborate with the Commonwealth, other state and territory governments and other regulators to manage the legislative obligations for the integrity and traceability of agricultural and food products as they move through the supply chain from farm to national and international markets (e.g. the national livestock identification system)
- we manage enforcement and compliance of the product traceability system.

### Food safety



Agriculture Victoria is a co-regulator:

- we work with other levels of government (i.e. Commonwealth, state and territory government departments and local government) and statutory authorities such as PrimeSafe and Dairy Food Safety Victoria (DFSV), which all have regulatory obligations for differing aspects of food safety
- we are responsible for regulating primary food production and related activities, including on-farm food safety for eggs and seed sprouts
- we provide strategy and policy guidance to, and a governance function for PrimeSafe and DFSV
- each regulator operates under their own legislation and in line with a memorandum of understanding and explanatory schedule that specifies how they work together.





### Our regulatory responsibilities

Our regulatory responsibilities are diverse and complex.

## OVER 30 SEPARATE ACTS

Allocating a range of responsibilities for the Minister for Agriculture<sup>3</sup>.

We regulate

## OVER 140,000 ENTITIES

Licenced and/or registered parties.

These legislative responsibilities are part of a

## FRAMEWORK

of policy, regulation and programs.

Agriculture Victoria works with the

## VICTORIAN STATE GOVERNMENT

Departments, agencies and other regulators to develop and deliver this framework.

## LEGISLATION

Underpins all our regulatory responsibilities and shapes how we work and share regulatory responsibility.

<sup>3</sup> For a list of legislation see the Appendix.

### We achieve these responsibilities by:

establishing best practice **governance**

**education**, extension and training

**compliance** monitoring and enforcement

national liaison—working in **partnerships** with other states and territories to ensure a robust and workable national system

**working closely** with our co-regulators, statutory authorities, local government regulators, other Victorian Government departments and independent Commonwealth and State regulators, both in Victoria and inter-state

undertaking **research**, policy and legislative development to direct and inform our regulation

**regulatory** oversight of our emergency preparedness and response management.

We are committed to a shared regulatory responsibility with our partner agencies, industry and the community. Where possible, we recognise those regulated entities that are sufficiently mature by providing incentives for voluntary compliance.

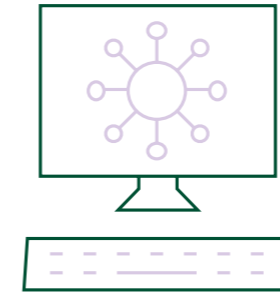
We expect regulated entities to work with us and commit to their involvement in this shared responsibility by:

1. understanding their obligations and requirements
2. engaging, collaborating and communicating with us
3. assisting us to analyse current and emerging risks and harms
4. informing us of changes to their environment
5. remaining accountable for their regulatory actions.



# Systems

## Systems



### The five regulatory systems we manage are:



#### **Biosecurity**

The management of risks to the economy, the environment and the community, of pests and disease entering, emerging, establishing or spreading.



#### **Food safety**

The management of risks to food safety including safeguarding and promotion and food standards.



#### **Animal welfare**

The safeguarding and promotion of standards of care for animals; domestic, livestock, aquatic, exotic and those used for scientific purposes.



#### **Property identification and traceability**

Identification and traceability of animals or plants or groups of animals or plants and their products through the supply chain to support biosecurity, market access and food safety outcomes.



#### **Agricultural and veterinary chemicals**

The management of risks surrounding the use of agricultural and veterinary chemicals in agriculture.

**These systems are:**

complex and **dynamic**

**interconnected** by many functions

subject to critical and **emergency situations**

subject to **evolving drivers** such as:

- demographic shifts
- community values and expectations
- technology advances and industry practice
- economic growth and market pressures
- environmental challenges and climate change
- international and national agreements
- emerging threats and evolving risk profiles.



The nature of these systems means that our work cannot always be proactive and planned. There are times we are called to react swiftly to emerging harm and to manage our regulatory activities accordingly. We will be agile and dynamic as we work and regulate across these systems.

**Agriculture Victoria will be an effective steward for these regulatory systems we manage on behalf of the Victorian Government and in doing so we will:**

review the **system's performance**, anticipating, and responding to, those changes

seek to identify, reduce and **prevent harms** within these systems

work collaboratively to **monitor and report** on the ongoing performance and condition of a regulatory system and the regulatory environment in which it operates

review the system regularly to determine whether it's still **fit for purpose** and likely to remain so in the medium to longer-term

ensure appropriate **governance** arrangements are in place to support integrity, accountability and transparency in the systems

understand and manage each system's **risks**

deliver an evidence base and implementation **support** for changes to regulatory systems and ensure affected and other interested parties can directly contribute to the design of the system

develop **legislation** and regulations

prepare and implement **policy** and procedures

utilise a suite of regulatory tools to promote **compliance** and achieve enforcement



# Principles



## Our regulatory principles

As a Victorian Government entity, we are committed to regulatory principles that are aligned with those published in the Victorian Guide to Regulation<sup>4</sup>.

These regulatory principles serve to focus our regulatory approach in a consistent way both within and across our regulatory systems and within DJPR. They will help us to improve our decision-making and maintain accountability to those we regulate and other regulators we work with.

### Effective in addressing the underlying causes of harm and to maximise impact



- We will proactively identify, assess and respond to risk to prevent or reduce the resultant harm and to maximise our impact.
- Whenever possible, we prioritise our regulatory efforts at determining and addressing causes of harm rather than responding once the harm has occurred.

### Cost effective



- We will allocate resources as efficiently as possible to achieve our outcomes.
- We will adopt the principle of price for value in our regulatory service delivery, to allow, wherever possible, services to be tailored to user needs, to support positive behaviours with costing incentives, in accordance with Treasury guidelines.
- We will consider, where possible, differential costing and ensure that the cost for our regulatory service provision is borne by those who benefit from those services

<sup>4</sup> [The Victorian Guide to Regulation](#)

### Proportionate to the harm or risk to the community



- We aim to respond to non-compliance using regulatory tools that are proportionate to the harm caused and risk posed.
- Wherever possible, we provide incentives to encourage the right behaviours, to make compliance the default position.

### Consistent with the government's priorities to enhance Victoria's liveability and growth in productivity and employment



- We will regularly review our efforts to ensure they are fit for purpose and aligned with the government's priorities.
- We aim to reduce administrative burden to those we regulate to promote efficiency and enhance productivity.

### Transparent



- We will be transparent in our regulatory decisions and outcomes whilst also protecting the privacy of those we interact with.
- We will be accountable for our regulatory actions.

### Consistent across government to avoid unnecessary overlap and duplication



- We aim to respond in a consistent, predictable and, where possible, standardised manner-in line with our policies and procedures.
- We strive for consistency between regulatory agencies, both local and national.

### Responsive to accommodate changes in technology, markets, risks and community views



- We will scan our environment, listen to all our stakeholders, review intelligence and analyse available data to identify changes early and to be both proactive and responsive in our regulatory priorities and activities.

### Evidence-based



- We will make lawful, evidence-based and transparent decisions.
- We aim to make decisions that are based in evidence collected from scientific research, data gathering across our systems and other appropriate sources (e.g. domestic and international data, industry and the community).

### Clear and easily understood by business and the community

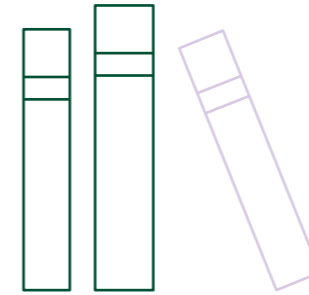


- Our decisions are objective and supported by a strong expectation of good governance, probity, accountability and integrity and consistent with community expectations of appropriate values and behaviours.
- Wherever possible, we engage with our staff, regulatory colleagues and our stakeholders when designing our policies and procedures.
- Wherever possible, we collaborate early in these processes and regularly review our work to ensure it remains clear, transparent and readily understandable.



# Approach

Approach



## Our regulatory approach

Regulation is not a one-size-fits-all activity in which legislation is enforced by responding reactively to adverse outcomes from non-compliance. Contemporary regulation calls for system-wide problem definition and examination to ensure that the most appropriate regulatory tools are applied. This best practice approach requires agility from both the regulator and those they regulate, as the problems that regulation seeks to address can evolve regularly and rapidly.

In our dynamic regulatory systems, it is impossible to prevent all potential harms (i.e. physical, economic, financial, emotional, social or environmental). We strive to use a risk-based problem-solving approach to regulation. This ensures we are in the best position to identify, analyse and prioritise harms, prevent those we can and react swiftly to those we cannot.

### Regulatory risks include:

The risk of harm that specific **legislation** is aiming to prevent or reduce

The risk posed by the **compliance** attitudes of our stakeholders

The risk inherent with changes both to our operations and the **environment** in which we do business

The risk of **resourcing** across our dynamic regulatory systems.

**We aim to make risk-based decisions and plan our regulation after collaboration with:**

our **stakeholders** (e.g. industry, the community and regulated entities)

our **staff**

**Gathering information from:**

our **monitoring** and evaluation activities

**research** work

**improvement** outcomes

**A risk-based approach will allow us to:**

make informed decisions in **resource allocation**, to target those activities of highest risk

**monitor** our regulation to ensure it is contemporary and fit for purpose

**regulate** along a continuum of activities and use a full suite of regulatory tools, according to the risks we are addressing

**solve problems** rather than react to the consequences of non-compliance

scan our environment to **recognise changes** and emerging community concerns

engage and collaborate with our **stakeholders** over potential concerns and tailor appropriate responses, which may or may not require our regulatory input

**respond effectively** when harm is caused.

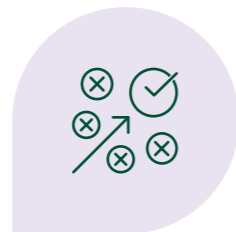
**There are four key components that inform and determine how we regulate.**



Stakeholder engagement and communication



Achieving compliance



Capability building



Monitoring and evaluation



**Stakeholder engagement and communication**

Throughout our regulatory processes we aim to listen to our stakeholders and keep them updated on how we are responding to their contributions. We are committed, wherever possible, to early engagement with our stakeholders to ensure they have an opportunity to influence decision making, a clear understanding of the regulation we expect them to comply with and, where relevant, how we expect them to comply. We recognise that understanding the values, beliefs, perceptions, ideas, motivations and barriers to compliance of our stakeholders will inform and improve our regulation.

**Our stakeholders include:**

- those we regulate
- the community
- industry
- co-regulators and partner agencies.

**We engage with them to:**

- collectively identify regulatory risks and priorities
- assist us in policy development and legislative reform
- identify and manage our various regulatory responsibilities
- provide our regulatory services such as issuing licences and permits
- educate and promote compliance with the law.

**We are committed to engagement in a manner that is:**

- meaningful
- inclusive
- transparent
- informed
- accountable
- valuable<sup>5</sup>.

**In response to this we expect our stakeholders to:**

- be respectful in all their dealings with our staff
- take responsibility for understanding their rights and complying with their obligations under relevant requirements and legislation
- assist us in identifying emerging risks and opportunities to reduce harm
- communicate with us honestly and openly
- provide us with accurate and complete information in a timely manner
- ensure a safe working environment for our staff who attend their premises.

<sup>5</sup> These stakeholder engagement principles are aligned with those from the [Victorian Government's Public Engagement Framework 2021–2025](#)



### Achieving compliance

Our compliance management policy describes our approach to compliance management. It defines how we recognise those entities who comply, address those who do not and how we identify harms and risks.

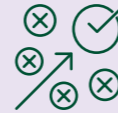
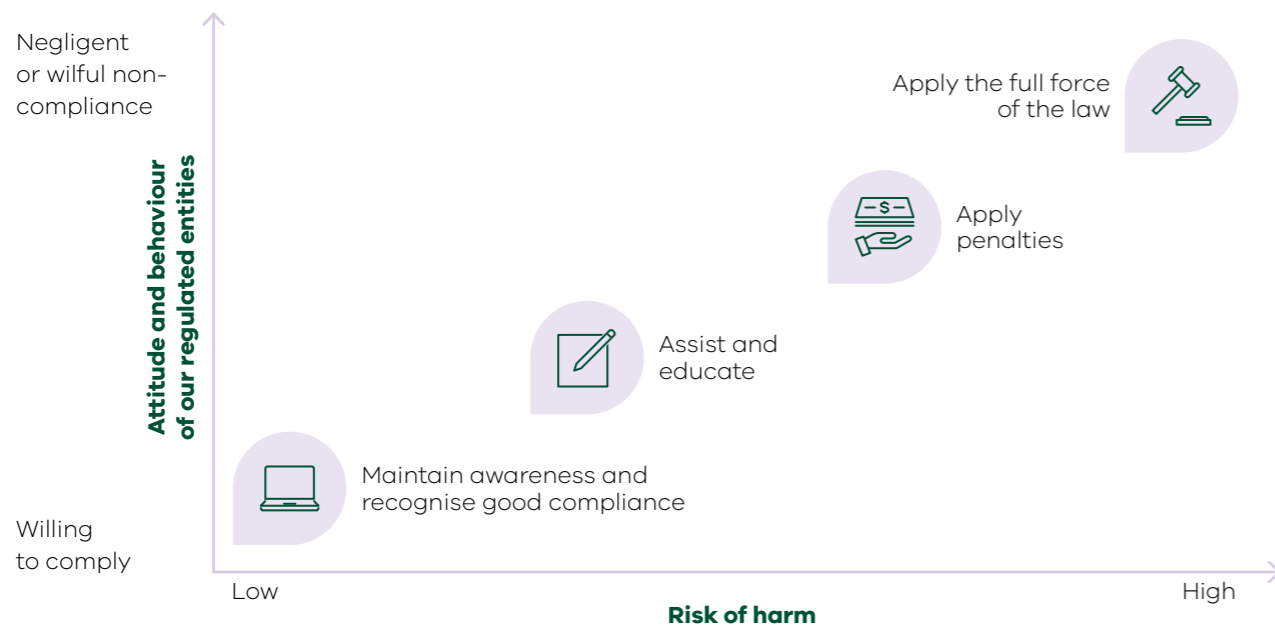
In our aim to achieve compliance we will:

- apply our compliance policy in a consistent and transparent manner
- apply risk-based principles and a proportionate response to non-compliance
- communicate our compliance expectations, including the need for privacy, clearly to our stakeholders
- aim to reduce regulatory burden whenever we can
- where possible, provide incentives and reduce regulatory burden to recognise the efforts of those entities who consistently comply
- have standardised criteria against which we audit and perform compliance checks
- recognise that stakeholder expertise and support, such as industry standards and quality assurance programs, form part of the regulatory toolkit and that these allow us to reduce our regulatory intervention.

Our approach to compliance is to invest our regulatory interventions and effort to those risks that potentially cause the most harm. As non-compliance becomes more likely and its consequences more harmful, we aim to increase our level of regulatory effort and intervention. Alternatively, when the likelihood of harm occurring is low and consequences of non-compliance are minor, then little regulatory intervention is required.

This approach is illustrated below. We will use a range of regulatory tools in our regulatory interventions, proportionate to the risk or harm.

We aim to move stakeholder attitudes toward a willingness to comply by mitigating and addressing risks as early as possible, maintaining our awareness of, and encouraging compliance through education and guidance. Our actions can, however, be initiated at any point along the compliance continuum. There are times, particularly with a high level of risk or harm, where it is appropriate to commence our compliance activities with penalties or the full force of the law.



### Capability building

Agriculture Victoria employs people in locations across Victoria. Our staff are our greatest asset and to build to become a best practice regulator we continue to strengthen, encourage and maintain the capabilities of our workforce.

To drive best practice regulation, we are enhancing our capabilities in areas such as risk management, information gathering, behavioural insights, data analysis, monitoring, evaluation, governance, problem identification and problem solving. We are building toward best practice by assessing our current capabilities and creating a capability framework that will serve to benchmark our performance and motivate us to continuously improve.

We support and collaborate with our co-regulators and statutory authorities to build their capabilities by policy advice, provision of fee for service arrangements, strategic uplift and promotion of ongoing cooperation and coordination across those areas we regulate together.

We are reforming Victoria’s animal welfare and biosecurity legislation to ensure our regulation is underpinned by modern, fit for purpose legislation.

As part of our capability building and our commitment to best practice regulation, we are producing a documented regulatory framework to enable these capabilities to be embedded in our culture and inform our regulatory practice now and into the future.



### Monitoring and evaluation

We are committed to continuous improvement in our regulatory practice and the associated monitoring and evaluation of our regulatory performance. We aim for regulation that can be readily applied, understood, complied with, monitored and appropriately enforced.

To enable this continuous improvement, we are currently building capabilities in:

- data collection and analysis
- data management systems
- risk management
- monitoring, evaluation and reporting to improve our regulatory practice.

Monitoring and evaluation of our performance will:

- be data driven – with data from a variety of sources, e.g., audit and compliance monitoring, research outcomes, field work data, stakeholder feedback, formal consultation.
- be benchmarked – against appropriate published performance indices and our SOE commitments
- inform our decisions – in resourcing, capability requirements and future activities
- enhance our accountability – to those we regulate with and other stakeholders
- ensure consistency – between our efforts and our objectives
- drive effective continuous improvement
- enable us to keep our regulatory practices contemporary and fit for purpose.

Our reporting will be:

- formalised and regular
- transparent
- compliant with legislative and policy requirements.

By being transparent and sharing both our successes and opportunities for improvement, we will demonstrate that we are a competent, flexible and modern regulator.



# Appendix

Appendix

**Allocation of responsibility to the Minister of Agriculture for Victorian acts of Parliament effective 16 April 2021.**

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992*

*Agricultural and Veterinary Chemicals (Victoria) Act 1994*

*Agricultural Industry Development Act 1990*

*Biological Control Act 1986*

*Conservation, Forests and Lands Act 1987\**

*Control of Genetically Modified Crops Act 2004*

*Dairy Act 2000*

*Domestic Animals Act 1994*

*Drugs, Poisons and Controlled Substances Act 1981\**

*Farm Debt Mediation Act 2011*

*Flora and Fauna Guarantee Act 1988\**

*Food Act 1984\**

*Forests Act 1958\**

*Forests (Wood Pulp Agreement) Act 1996*

*Game Management Authority Act 2014*

*Grain Handling and Storage Act 1995\**

*Impounding of Livestock Act 1994*

*Land Conservation (Vehicle Control) Act 1972\**

*Livestock Disease Control Act 1994*

*Livestock Management Act 2010*

*Meat Industry Act 1993*

*Melbourne Market Authority Act 1977*

*Plant Biosecurity Act 2010*

*Prevention of Cruelty to Animals Act 1986*

*Rain-making Control Act 1967*

*Rural Assistance Schemes Act 2016*

*Seafood Safety Act 2003*

*Stock (Seller Liability and Declarations) Act 1993*

*Sustainable Forests (Timber) Act 2004\**

*Veterinary Practice Act 1997*

*Wildlife Act 1975\**

\*The Minister of Agriculture only has responsibility for one or more sections of these Acts, which are otherwise administered by various ministerial portfolios.

For the detailed list of responsibilities for the Minister of Agriculture see [the General Order](#).



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