Victoria State Government | Government Services

Consumer Affairs Victoria Regulatory Approach and Compliance Policy

August 2026

Table of Contents

Introduction

1. This policy sets out how Consumer Affairs Victoria (CAV) approaches compliance with the laws we administer and makes regulatory decisions. It informs the public about CAV's objectives and principles that guide our compliance and enforcement activities.

2. This policy clearly establishes how CAV will approach its regulatory activities, including by taking an intelligence-led, risk-based, and outcomes-focused regulatory approach. We will strategically allocate resources to ensure we deliver the greatest benefit to the Victorian community by targeting consumer harms and strengthening consumer market integrity.

Department of Government services

3. CAV is part of the Department of Government Services (DGS). DGS brings together government services to continuously improve Victorians' experience of interacting with government.

4. DGS pairs a strong culture of customer service with a deep understanding of digital services and the capability to translate policy intent into efficiently scaled services.

5. DGS upholds the public sector values as enshrined in the *Public Administration Act 2004*: accountability, human rights, impartiality, integrity, leadership, respect and responsiveness

Who we are and what we do

6. CAV is a risk based, intelligence-led and outcome-focused consumer regulator.

7. CAV is led and overseen by the Director of Consumer Affairs Victoria (Director), a statutory office created under the *Australian Consumer Law and Fair Trading Act 2012* (ACLFTA). Under sections 109 and 110 of the ACLFTA, the Director has significant powers and functions. These predominantly cover operational matters including education, compliance monitoring and enforcement.

8. We also provide administrative support to several statutory offices and bodies. These include the Business Licensing Authority, and the Residential Tenancies Bond Authority.

9. Further information can be viewed on the CAV website (www.consumer.vic.gov.au).

CAV's Strategic Plan

10. Our vision is for a fair, safe, and competitive marketplace in Victoria.

11. The CAV Strategic Plan sets out the outcomes we seek to achieve to realise this vision, and the strategic directions and key focus areas under which we will direct our efforts to achieve these outcomes for the Victorian community.

12. Further information about the CAV Strategic Plan can be found on the CAV website.

CAV's Regulatory Priorities

13. CAV's statutory remit includes the application of the Australian Consumer Law in Victoria as well as residential tenancies and diverse industry and sector-specific regulation. Our broad statutory responsibilities and multiple functions under more than 30 pieces of legislation mean we must have clear priorities for our activities to meet the needs of the Victorian community.

14. Our Regulatory Priorities set out the specific areas and consumer harms we are concerned about in the marketplace, that we will focus proactive efforts on addressing in the coming year.

15. Further information about the CAV Regulatory Priorities can be found on the CAV website.

Jurisdiction

16. CAV's jurisdiction spans the general and industry-specific regulatory schemes that make up Victoria's consumer protection system. It includes a range of industry and sector specific legislation that affects consumers, not-for-profit organisations, renters and rental providers, and establishes occupational licensing and registration schemes.

17. At the basis of CAV's general regulatory jurisdiction is the ACLFTA, which applies the *Australian Consumer Law* (Schedule 2 of the *Competition and Consumer Act 2010* (Cth)) as a law of Victoria, known as the Australian Consumer Law (Victoria) or ACL). This is a national, uniform law that operates under a 'one law, multiple regulators' model, administered by the Commonwealth and all States and Territories.

18. The ACL applies equally to all businesses, Australia-wide. It covers general standards of business conduct, prohibits unfair trading practices, regulates specific types of business-to-consumer transactions, provides basic consumer guarantees for goods and services, and regulates the safety of consumer products and product-related services.

19. Beyond its consumer law functions, CAV is the regulator of Victoria's private rental market under the *Residential Tenancies Act 1997*. This includes educating renters and rental providers about their rights and responsibilities, conciliating disputes, and administering programs providing advocacy support to renters and people living in retirement housing. CAV also reviews proposed rent increases and non-urgent repair requests when asked by a renter, and undertakes compliance and enforcement activity to ensure fair, safe and lawful conduct across the rental sector.

20. CAV also regulates a diverse range of licensed and registered industries to maintain professional standards and protect consumers. This includes overseeing compliance for estate agents, conveyancers, professional engineers, owners corporation managers, rooming house operators, motor car traders, second-hand dealers and pawnbrokers. CAV administers several registration regimes, such as retirement villages and funeral providers, and is responsible for non-industry

regulatory schemes including incorporated associations, co-operatives, limited partnerships, fundraisers and patriotic funds. Across these schemes, CAV's role is to ensure operators meet statutory obligations, support fair and trustworthy markets, and promote confidence in Victoria's regulated sectors.

CAV's Regulatory Approach

21. Regulation by CAV involves the implementation and enforcement of laws to influence the behaviour of regulated entities, to ensure a fair, safe and competitive Victorian marketplace, where businesses and rental providers do the right thing and Victorians exercise their consumer rights.

22. CAV's regulatory approach is intelligence-led, risk-based and outcome-focused. This approach enables us to target conduct which poses the highest risk to Victorians, while making best use of our available resources. This is described in further detail below and illustrated in Figure 1.

FIGURE 1: CAV'S APPROACH TO MANAGING REGULATORY RISKS

Intelligence-led

23. A core element of CAV's regulatory approach is the effective use of intelligence to inform decision making about how to manage key compliance risks.

24. Intelligence obtained during our regulatory operations is supplemented by other sources, including information shared among ACL regulators and from local councils, state regulators and law enforcement agencies. CAV is also exploring digital technologies including social media, online forums, artificial intelligence, and sophisticated data analytics to gain greater insights into consumer harms and better target our interventions.

25. An important source of intelligence is information provided by industry stakeholders, peak body representatives, community advocates and members of the community. CAV receives a large number of reports from consumers about business conduct or potential breaches of the law. While we do not pursue all of these individually, we use them as an important source of information that helps us assess risks and take action as appropriate.

Risk-based

26. Where possible, we aim to identify and treat risks before they lead to actual consumer harm.

27. Regulatory risks are market behaviours that:

- represent non-compliance with the laws we administer
- present potential or actual consumer harm
- impact our ability to be an effective regulator
- require a regulatory response due to public concern.

28. We put our effort where it counts and target the areas of greatest risk of consumer harm.

29. CAV monitors markets, and uses evidence to shape a targeted compliance program, focusing on those issues that pose the highest risk to Victorians. Levels of risk are determined by:

    - the willingness and ability of an entity to comply with their regulatory obligations,
    - the vulnerability to harm of the affected consumers, and
    - the likelihood, consequence and evidence of consumer harm.

30. Risks can take many forms, for example, risks posed by a particular product; by the conduct of an individual business; by a new or emerging business practice; or by the conduct or business model of an entire industry.

31. This approach recognises while it may not be practical or appropriate to take compliance and enforcement action in response to every risk, we focus our resources on conduct that may cause the greatest harm to consumers or markets. It also helps us to determine the most appropriate action, commensurate with the level of risk, to achieve the most effective outcome. This ensures we focus on harms that matter most, and where a regulatory intervention can meaningfully change outcomes, strengthen market norms or prevent ongoing detriment.

Outcome-focused

32. CAV uses a range of compliance tools that are appropriate and proportionate to the harms we seek to address and the market outcomes we seek to achieve. These outcomes focus on preventing or minimising consumer harm, strengthening market integrity, and supporting fair trading behaviours that persist beyond individual enforcement actions.

33. CAV takes enforcement action that both promotes and is in the public interest, that is, for the welfare and good of the general public or community as a whole. Our focus is not limited to securing sanctions for non-compliance; a central priority is achieving meaningful remediation for consumers who have been harmed. We design enforcement responses to stop the conduct, deter future breaches, and ensure affected consumers are appropriately compensated or supported wherever possible.

34. Given CAV's broad regulatory remit, exercising discretion is a necessary part of how we operate. We think beyond traditional assumptions about enforcement. We will commence court proceedings as and when necessary to enforce against non-compliance while recognising there may be other ways to achieve regulatory outcomes and taking alternative approaches where appropriate.

35. CAV's regulatory response to non-compliance will be proportionate and appropriate to the outcomes we seek to achieve, taking into account the overall circumstances of the non-compliance and consumer harms, and our capacity to implement an effective and timely response. From direct interventions to collaborative solutions, we adapt our approach to create the greatest harm-reduction impact with the tools available.

CAV's Compliance Policy

Our compliance objectives

36. We work to prevent harm to consumers and businesses through a compliance approach that emphasises prevention and careful targeting of enforcement action.

37. By using a risk-based, intelligence-led and outcomes focused approach to compliance decisions, we can allocate our resources more efficiently, to target those that do the most harm. This enables us to act quickly against those that present the highest risk to Victorians and achieve more sustainable outcomes.

38. Our compliance activities are guided by our Regulatory Priorities, which set out the specific areas of consumer harm and market detriment that CAV will focus its proactive efforts on addressing in the coming year. However, this does not stop us from responding to new or emerging areas of harm; where non-compliance and harmful conduct occurs in areas outside the Regulatory Priorities, CAV will not hesitate to take appropriate compliance action

39. Our compliance objectives have two limbs:

- **Voluntary compliance** – We proactively engage with business to inform them of their responsibilities and assist them to make sure they know how to comply.
- **Targeted compliance action** – We concentrate our efforts on conduct causing the greatest harm to consumers and the integrity of markets, ensuring that regulatory action delivers maximum public benefit.

Our information and assistance services to support compliance

Informing and educating

40. CAV undertakes a range of activities aimed at providing information and support to regulated businesses and individuals to enable compliance with their regulatory obligations. CAV also provides information and education to consumers and other parties that are affected by these regulations and could be impacted by non-compliance. The aim of these activities is to promote compliance with the law, empower consumers to exercise their rights, and ultimately to prevent harm. This preventative work is central to reducing the likelihood and scale of consumer harm before it occurs.

41. We recognise communities have different needs and want to provide genuinely helpful and responsive services. A key priority is our commitment to improve and strengthen engagement and support to First Nations people across Victoria- ensuring they are aware of their rights as consumers, while also ensuring our engagement and service responses are culturally safe.

42. Key activities that CAV undertakes to inform and educate the public include:

Website

43. CAV's extensive website is a key tool used to educate and support business to comply with their obligations and to inform consumers about their rights. This includes accessible website design and content, including in languages other than English to reflect the diversity of the Victorian community.

Social media

44. CAV engages with the public via a number of social media accounts. These accounts inform and educate citizens about their rights and obligations as well as collect information about possible non-compliance or emerging regulatory issues.

Contact centre services

45. CAV's contact centre plays a fundamental role in ensuring that the public is informed and educated about their rights and obligations. Through phone and online channels, CAV directly engages with the public to answer questions about the law and support resolution of issues where possible.

News alerts and media engagement

46. CAV regularly issues news alerts on key matters, including when initiating proceedings, when we obtain enforcement outcomes or when seeking to educate or inform the public about compliance matters. We also engage with the media who may seek information about compliance matters, to inform and educate the public.

Communications activities and campaigns

47. CAV communicates directly with specific industry and sector participants about news and issues relevant to them, through regular direct email messages and on occasion by SMS.
48. CAV participates in nationally coordinated and consistent consumer education campaigns each year, in partnership with other ACL regulators. These campaigns promote awareness of important product safety and fair trading matters.
49. CAV undertakes larger coordinated communications campaigns each year, often digital-focused, to raise awareness of consumer rights and trader responsibilities in priority areas. These campaigns make use of both paid and owned channels to reach greater numbers of Victorians.

Engagement with stakeholders

50. CAV's engagement with its stakeholders is key to supporting compliance with the law. We work closely with groups representing consumers and various industries to support our prioritisation of issues and efforts to help consumers better understand and exercise their rights. CAV's stakeholders are also a key source of intelligence and support to CAV in understanding what may be happening in various markets.

Tailored compliance support

51. CAV provides a range of specific services to better support compliance by businesses and to support individuals and groups to better understand and exercise their rights. These services are generally tailored towards individuals and communities that are more vulnerable to consumer harms and to make compliance with the law as easy as possible.

52. Key tailored compliance support services that CAV provides include:

Advice, support and conciliation services for specific groups

53. CAV runs a range of specific contact centre services for people who are more vulnerable to consumer harms.

54. These include specific lines for consumers affected by a disaster, consumers with a disability including support for specialist disability accommodation, and the Yarrka Barring resource for First Nations people. These aim to ensure that people have improved access to information and support. CAV also provide an online resource to support international students.

55. CAV also provides a frontline response to possible compliance breaches. This service provides more tailored conciliation support for specific individuals and groups vulnerable to consumer harms, by engaging with both the consumer and the trader to educate about what the law requires and seek a resolution of the issue.

56. When deciding whether to offer a conciliation support service, CAV considers a range of factors, including but not limited to the following:

    - Is there a likely breach of legislation administered by CAV or a failure to comply with legal obligations?
    - Is the enquiry better handled by another jurisdiction or regulator?
    - Has the consumer attempted to appropriately resolve the matter themselves?
    - Does the consumer detriment justify CAV involvement?
    - Is the consumer experiencing vulnerability or disadvantage in the marketplace?
    - Are there other or better ways to deal with the issue?
    - Has the issue already been dealt with by CAV or VCAT?
    - Is the issue reasonably likely to be resolved?

57. Information gathered during interactions with consumers and businesses during the provision of conciliation services is also a valuable source of intelligence about potential non-compliance with consumer laws.

Focused engagement with specific groups

58. CAV may focus on engagement with particular groups, including those who are vulnerable to consumer harm. By offering specific engagement and support to these groups, CAV can assist them to protect their basic rights, such as the right to safety, information, choice, and redress. CAV may also focus on engagement with business

and industry groups that may also have fewer resources or capability to comply with the law.

Systems, tools and templates

59. CAV has developed a range of systems, tools and templates to support consumers to understand their rights and for businesses to comply with the law. For example, the myCAV system aims to make compliance easier for licensed businesses and the rental bond management system supports both renters and rental providers (and their agents) to comply with their responsibilities. CAV also has a range of tools, such as a rent calculator, and templates such as guides, checklists and toolkits available on its website to support consumers, renters, rental providers and businesses.

Community programs

60. CAV funds a range of community organisations to provide individually tailored support and advocacy services for consumers and renters experiencing vulnerability or disadvantage. Details about CAV's community programs can be found on the CAV website and include:

- Financial counselling services
- Renter services
- Consumer services
- Domestic Building Legal Service

61. Information and reports from our service delivery partners under these community programs is another valuable source of intelligence about risks of harm in the marketplace and potential non-compliance with consumer laws.

Our options to address non-compliance

62. CAV has a range of options to address non-compliance under the ACLFTA, ACL and other consumer Acts. These range from warnings and infringement notices through to court action for the most serious matters. The tools can also be used in combination. The broad range of tools ensures that CAV has the flexibility to respond in a way that is both targeted and proportionate to the seriousness of the problem. This flexibility allows us to match the response to the type, scale and consequences of the harm involved, and to intervene early in ways that most effectively prevent or limit ongoing detriment.

Without prejudice discussions	**Rapid response letter**
CAV may hold an informal discussion with the business about alleged non-compliance to resolve a matter promptly, without resorting to other enforcement actions, such as a fine, or court or tribunal involvement.	This may be used when intelligence identifies potential breaches relating to a specific business, to advise them of their obligations, the possible consequences for failing those obligations and request that they comply.

	It is used where consumer harms or marketplace impact is at risk but may not have yet occurred, CAV believes the business may be unaware of their obligations, or if this is the most efficient way to resolve the matter.
Compliance monitoring inspection An inspection aims to detect breaches of the law. Inspections are used to help determine if enforcement action is required. CAV conducts a planned and targeted state inspection program based on risks and compliance and enforcement priorities.	**Show cause notice** This is a notice the Director may issue to a business requiring them to justify why they should be allowed to continue operating their business.
Official warning This is a letter issued by CAV to a business identifying specific issues and reminding the business of their legal obligations under the relevant legislation administered by CAV. A warning letter may be issued when there is evidence that a law has been breached and the business can be reasonably expected to know of and understand their obligations. This allows for the business to correct the issue and prevent the conduct from occurring again. It is issued in lieu of an infringement notice.	**Infringement notice** This is a notice asserting a breach of the law and imposing a financial penalty. This allows straightforward breaches of the law to be dealt with by payment of a fine, rather than court proceedings. An infringement is only available where regulations made under the primary legislation prescribe the relevant offence in the legislation as infringeable. The regulations will also set a fixed penalty amount for the infringement notice.
Public statements (including public warning notices) Public statements are issued by the Director to the public, warning consumers of an issue. Public statements are published on the CAV website and other digital platforms. The Director has the power to make public warnings about consumer risks from unsatisfactory goods and services or unfair business practices, and a general power to educate and inform people on fair trading issues. This includes identifying individuals or businesses, where this in the public interest. Public statements can take a variety of forms including:	**Formal cautions** The purpose of a Formal Caution is to deter any future offending by drawing the recipient's attention to the nature of its legal obligations and notifying the recipient that CAV considers the recipient has breached their legal obligations. Formal cautions may be issued in circumstances where CAV has reasonable grounds to believe that a breach of the law has occurred but it may not be in the public interest to initiate court proceedings and no other action is reasonable in the circumstances to address the alleged breach.

• consumer warning notices concerning particular products, services, sectors, practices, businesses or other consumer risks • industry warning notices outlining CAV's intentions for compliance activities • reporting contacts, disputes, infringements or other data and information held by CAV • public notification of the commencement of court proceedings or the outcomes of proceedings. A public statement provides an immediate option for both informing consumers and deterring businesses from engaging in similar conduct. This makes public statements a timely and effective tool to prevent ongoing consumer harm where the issue is widespread, and given court proceedings can be lengthy.	A formal caution also serves the purpose of supporting CAV in any future actions that it may take against the recipient.
Enforceable undertaking This is an administrative alternative to court action. An undertaking is a document offered to the Director by the business. It generally contains an acknowledgement of the offending conduct, and remedial measures such as providing refunds to affected consumers, publicity orders or compliance programs. Breach of an undertaking is enforceable in a court.	**Licence suspension** Licence suspension may be appropriate for serious non-compliance or where it is appropriate to exclude a licensee from operating in a market. Court or tribunal action in relation to the licensee's conduct must be initiated within 14 days of licence suspension or the suspension lapses.
Disciplinary action The Director may take disciplinary action against a person or business operating under a licensing regime, which may result in the cancellation or suspension of an occupational licence, the imposition of conditions on a licence, or fines.	**Asset freezing order** An application may be made by the Director to a court for an order that restrains a person from dealing with their assets or those held on behalf of others, until proceedings before the court are resolved.

Criminal prosecution	Civil proceedings
The Director may institute criminal proceedings in a court on behalf of the public and prosecute a party for contravention of criminal provisions of the ACL or other consumer Acts.	The Director may commence civil proceedings in a range of jurisdictions. Civil remedies available to CAV include injunctions relating to specific behaviours, 'cease trading' injunctions, requiring a business to cease trading altogether or to trade subject to court order conditions, adverse publicity orders, compensation orders, disqualification of directors and civil pecuniary penalties. These are particularly effective in achieving specific conduct outcomes.

Choosing a compliance approach

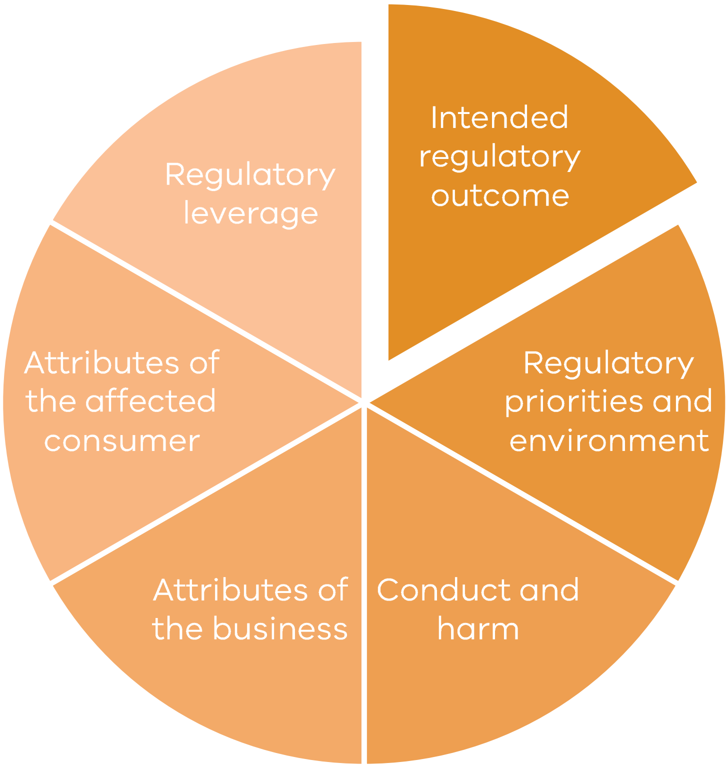
63. CAV has a wide spectrum of options to achieve compliance. As seen above, these include not only formal legal actions but a broad range of activities to promote and secure compliance. These tools may be used individually or in combination where businesses choose not to cooperate, or where there is a serious contravention of administered legislation.

64. Lower-intensity compliance tools are used more frequently. They are less resource-intensive and are well-suited to the large number of matters where businesses are willing and able to comply once expectations are clarified. These tools help prevent harm, correct issues early and support our objective of voluntary compliance.

65. Higher-intensity enforcement tools such as civil or criminal proceedings or disciplinary action are reserved for the most serious matters. These actions are resource-intensive and are typically used where conduct is blatant, deliberate, systemic, ongoing, or poses a high risk of significant consumer harm or market detriment.

66. CAV does not apply these options in a fixed, linear sequence. We do not move through a series of steps sequentially before taking stronger action. Instead, we take an attributes-based approach to select the most appropriate tool or combination of tools based on:

    - the attributes of the affected consumer, such as their vulnerability and risk of harm for the affected consumers;
    - the attributes of the business or businesses, such as the business history and attitude to non-compliance;
    - the attributes of the conduct and harm, such as the nature and seriousness of the conduct and the type and scale of harm involved;
    - CAV's regulatory priorities and the overall regulatory environment;
    - the opportunities for regulatory intervention, such as where CAV's powers are most likely to influence behaviour, reduce harm or improve compliance; and
    - the outcomes we are seeking to achieve.



67. Taking all these attributes and factors into account informs what compliance approach is most appropriate in the circumstances. In some cases, this may mean moving directly to high-intensity enforcement options to stop ongoing harm quickly or to address serious non-compliance.

68. In some priority areas, CAV adopts a zero-tolerance approach to non-compliance. This means that every instance of misconduct, regardless of scale, receives a regulatory response, such as an official warning or infringement notice. These are areas where the risk to consumers, market fairness or confidence in the regulatory system is too great to tolerate inaction.

69. The selection of compliance and enforcement options is further informed by public interest considerations and CAV's Strategic Plan and Regulatory Priorities.

Considering the public interest

70. CAV exercises its regulatory powers in the public interest, that is, for the welfare and good of the general public or community as a whole, as opposed to private interests. At the heart of the public interest test is an assessment of consumer harm – its nature, scale, and preventability. In enforcing compliance with consumer laws, CAV aims to serve the public at large by pursuing outcomes that maintain competitive and fair markets for all consumers and which mitigate consumer harms.

71. For this reason, there must be a public benefit for every enforcement action. While we place a high priority on achieving remediation for affected consumers, we do not act for an individual person solely to obtain redress on their behalf. CAV's objectives in taking an enforcement action include to:

- stop the unlawful conduct

- ensure future compliance
- raise awareness of the law
- deter and punish wrongdoers.

72. There is also public interest in the efficient use of public resources. This means that:
    - the resource cost of a particular action is relevant
    - the use of lower cost compliance tools will be favoured where these can address non-compliant conduct effectively without resorting to more costly court action
    - a broad legislative or regulatory response may be more appropriate than one-off enforcement actions in some cases.

Exercising discretion on case selection

73. In selecting matters appropriate for enforcement action, CAV exercises discretion, focusing on the nature and extent of harm, the cause of the conduct, and the likelihood that regulatory action can meaningfully reduce current or future harm. We prioritise matters where intervention has a high potential to stop, prevent or reduce significant harm, and taking into account CAV's Regulatory Priorities

74. Factors that make enforcement action likely include:
    - Seriousness of harm: there is evidence of significant consumer detriment, or a clear risk that harm will continue, escalate, or spread if CAV does not intervene.
    - Blatant or deliberate non-compliance: the conduct indicates disregard for the law, repeated breaches, or a pattern of behaviour that suggests a risk of future misconduct.
    - Impact on groups who may be more vulnerable or disadvantaged in the marketplace: the conduct disproportionately affects people who are less able to protect their own interests.
    - Wider market or systemic impact: the conduct is industry-wide, affects market integrity, involves a new or emerging issue, or has the potential to influence behaviour across a sector.
    - Deterrence and educative value: enforcement action would send a strong signal to the market or clarify the application of the law.
    - Legal or jurisdictional significance: court action may be useful to determine the meaning, scope or operation of the law in areas of uncertainty.
    - Limited alternatives: other compliance options are unlikely to be effective in addressing the harm or changing the conduct.

75. CAV generally does not take enforcement action where:
    - the issue involves a one-off event causing minimal detriment.
    - the matter is better addressed by another regulator or dispute resolution channel.

- the matter relates purely to individual redress that can be more appropriately resolved between the parties or through a private right of action.
- intervention would be unlikely to produce a meaningful reduction in harm or improvement in market conduct.

76. This discretionary approach ensures that CAV focuses on cases where regulatory action can have the greatest impact — stopping or reducing harm, promoting compliance, denouncing serious wrongdoing, and strengthening the integrity and fairness of Victorian markets.

Exercising discretion on jurisdiction

77. CAV also has discretion to determine the most appropriate jurisdiction in which to initiate enforcement action.
78. This discretion arises from direct powers to commence legal action under the ACLFTA, ACL and industry-specific legislation, as well as from the Director's general powers to commence legal proceedings.
79. CAV will determine the pathway that best aligns with our regulatory objectives in each matter. This includes considering the nature of the alleged conduct, the likely outcomes, the resources required, and the complexity of the legal processes involved.
80. There are three (at times overlapping) dimensions to this discretion:

Civil action vs. criminal prosecution

81. Key consumer protection legislation, including the ACL, creates both civil obligations and criminal offences, with considerable overlap between the two.
82. CAV may take civil action against a company, an individual, or both, depending on which approach will most effectively stop the misconduct, prevent recurrence, and drive broader compliance.
83. Action against a company is generally preferred where the conduct arises from organisational systems, culture or incentives, and where remedies such as injunctions, corrective advertising, compliance programs, or pecuniary penalties can shift behaviour across the business model.
84. Civil action against individuals—directors, officers or managers—may be necessary where the misconduct was authorised, directed, or wilfully ignored, where personal accountability will create stronger deterrence, or where disqualification or bans are required to prevent future harm.
85. In many cases, the most effective regulatory outcome comes from pursuing both the corporate entity and responsible individuals, ensuring systemic change is achieved alongside personal accountability.
86. Criminal prosecution remains an important enforcement tool. CAV will consider pursuing criminal charges when doing so is likely to be the most effective option. This may include matters where:
    - The conduct is particularly serious or deliberate

- A conviction would serve a strong deterrent purpose
- Imprisonment or significant fines are warranted or available.

87. Each decision is guided by an assessment of what will best promote compliance, deter misconduct, and protect Victorian consumers.

The choice to commence action under State or Commonwealth law

88. In the context of a national consumer protection framework, there is a priority on pursuing action in the Commonwealth jurisdiction, under the ACL. This achieves national consistency and benefits for consumers in all states. Joint action in collaboration with other ACL regulators can achieve effective outcomes where businesses operate across multiple jurisdictions, or different businesses are engaging in the same conduct in multiple jurisdictions.

The court or tribunal in which to commence actions

89. Courts and tribunals differ in the sanctions and remedies they are able to impose. Action in higher courts may be more appropriate where there is a need to establish precedent, where the consumer detriment is substantial, or where more severe penalties are sought. Other considerations include differences in the cost, time and expense involved in taking action, and whether a high public profile is sought for a matter.

Our future direction

90. CAV will continue to strengthen its regulatory approach by ensuring that decisions are guided by the best available intelligence, a clear understanding of harm and risk, and a focus on the outcomes that matter most for Victorian consumers. Our future direction emphasises early identification of emerging harms to consumers or markets, targeted interventions where regulatory levers can be most effective, and sustained action in areas where harm is ongoing or escalating.

91. We will continue building our capacity to respond quickly to urgent or high-impact consumer issues, while maintaining a strong compliance and enforcement program across our broader remit. This includes improving the way we gather, analyse and use intelligence to understand patterns of behaviour, pinpoint sources of harm, and determine where our interventions can have the greatest impact.

92. More broadly, CAV is committed to a continuum of service excellence that supports safe, fair and well-functioning consumer markets. This includes:

    - Improved business compliance through effective and proportionate enforcement, particularly in areas where harm is significant or affects vulnerable consumers.
    - Accessible, accurate and timely information via our digital platforms and contact centre that empowers consumers and businesses to understand and exercise their rights and obligations.

93. By directing our resources to where they can prevent or reduce the greatest harm, we will continue to support confident Victorian consumers, strengthen market integrity, and focus our efforts on protecting those most vulnerable to unfair or unsafe practices.

Feedback and review

94. There are mechanisms and contacts provided below which provide oversight of CAV's enforcement activity.

The courts

95. The criminal and civil remedies accessible to CAV under administered legislation and in particular, the ACLFTA, are available only from the courts and the Victorian Civil and Administrative Tribunal. In addition, some of the investigative tools available to CAV, for example search warrants, are accessible only by court order.

96. For a full list of courts and contact details please see the Victorian Courts and Tribunals page on the Court Services Victoria website.

The Director of Consumer Affairs Victoria

97. Section 178 of the ACLFTA provides that CAV must maintain a register of the exercise of powers of entry under that part.

98. Section 179 of the ACLFTA provides that a person may complain to the Director about the exercise of a power by an inspector under Part 6.4. The Director must investigate any complaint made and provide a written report to the complainant on the results of the investigation.

99. You can submit feedback or complaints:

- online via our feedback form on the Consumer Affairs Victoria website.
- by telephone: 1300 55 81 81 or 132 VIC (132 842) and select the 'Consumer Affairs Victoria' option.
- for the National Translating and Interpreting Service: 131 450 and ask to be put through to Consumer Affairs Victoria.
- by post:

  Customer Feedback
  Consumer Affairs Victoria
  PO Box 123
  Melbourne VIC 3001

Secretary, Department of Government Services

100. Section 131 of the ACLFTA provides that a person may complain to the Secretary of DGS about the exercise of a power by the Director under Part 6.2, Division 4 (obtaining information, documents and evidence).

101. You can contact the Secretary:

- online via the general enquiries form on the DGS website.

- by telephone: 1300 366 356 or 1300 365 111 (Regional)
- by post:

  Customer Feedback
  Secretary, Department of Government Services
  GPO Box 4356
  Melbourne VIC 3000

Victorian Ombudsman

102. The Victorian Ombudsman has the power to investigate complaints about State and local government authorities.

103. You can contact the Ombudsman

- by telephone: 1800 806 314
- online via its online complaints portal

Other agencies

104. Certain compliance and enforcement activities and decisions are subject to review and comment by a range of other bodies such as the Office of the Victorian Information Commissioner or Fines Victoria.

Review

105. This Regulatory Approach and Compliance Policy will be reviewed three years after the date approved by the Director and may be reviewed earlier than that date if the Director considers it necessary.

Approval by Director

106. This CAV Regulatory Approach and Compliance Policy was approved by the Director of Consumer Affairs Victoria to come into effect from 06 August 2026.

Nicole Rich
Director, Consumer Affairs Victoria
6 August 2026