# Policy on Publicising of our Activities

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## Overview

This policy sets out the principles we adopt to balance:

* fairness to individuals, companies and businesses involved in our investigation and enforcement action
* informing the public about our enforcement work
* being transparent about what action we take and why.

We may inform the public about our enforcement work through:

* media releases distributed to outlets and published online
* news items published on this website
* social media publishing copies of Enforceable Undertakings we accept under section 218 of the *Australian Consumer Law (Victoria)* and/or section 198 of the *Australian Consumer Law and Fair Trading Act 2012*
* publishing copies of Public Warning Notices we issue under section 223 of the *Australian Consumer Law (Victoria)* and/or section 228 of the *Australian Consumer Law and Fair Trading Act 2012*.

This policy explains when and why we publicise our activities, as well as circumstances in which we may decide not to do so.

## Our statutory functions

Consumer Affairs Victoria (CAV) is Victoria’s consumer affairs regulator. We help Victorians to be responsible and informed businesses and consumers. To do this we:

* advise and educate consumers, renters, businesses, rental providers and organisations on their rights, responsibilities and changes to the law
* register and licence businesses, occupations and organisations
* conciliate disputes between consumers and traders, and renters and rental providers
* monitor, enforce and ensure compliance with consumer laws.

We do not:

* provide legal advice to individuals, businesses or organisations
* act for individuals in legal proceedings solely to obtain a remedy on their behalf.

Our goals include that:

* regulated businesses comply with consumer laws
* Victorians exercise their consumer rights
* Victoria has a fair and safe rental market
* we have a modern and effective consumer law framework
* we are an accountable, sustainable and innovative regulator.

CAV’s statutory powers and functions are derived from the legislation we administer. This includes the:

* *Australian Consumer Law and Fair Trading Act 2012*
* *Australian Consumer Law (Victoria).*

For information on how we ensure compliance with consumer laws and make our regulatory decisions, view our Regulatory approach and compliance policy section.

## Public comment on compliance and enforcement matters

We do not publicly comment on our compliance activities or compliance outcomes, unless we consider it to be in the public interest. We may publicise compliance activity or outcomes in order to:

* promote confidence in our market economy through consumers and business seeing consumer law working for them when we take action against those we believe are breaking the law
* deter companies, businesses or individuals from contravening the laws we administer
* promote compliance with the law by informing the public about the standards required by Victorian laws and regulations, and the consequences of failing to meet those standards
* ensure we demonstrate accountability for the work and actions we undertake.

Factors that may limit our ability to comment include:

* fairness to individuals, companies and businesses we investigate
* respecting a court or tribunal’s processes to ensure a fair hearing
* legislative restrictions (certain material cannot be disclosed)
	+ for example, in line with our obligations under the *Privacy and Data Protection Act 2014*, we do not publish the names of individuals or companies issued with infringement notices and will only disclose such information if required to do so by law
* safeguarding confidential or sensitive information (such as commercial-in-confidence, price or market sensitive information or the existence or details of whistle-blowers) and witnesses
* the potential to jeopardise investigations through the untimely release of information
* privacy legislation and guidelines.

We consider carefully if it is in the public interest to provide comment on a case-by-case basis. We take a range of factors into account when considering whether making a statement is in the public interest and outweighs the possible detrimental effect of public commentary. These include whether:

* information about an investigation is already in the public domain
* CAV has been publicly called upon to respond to an issue or undertake an investigation
* comment is necessary to maintain public confidence that CAV is fulfilling its responsibility by investigating issues of public concern
* comment is necessary for investigation purposes, for example, to encourage witnesses to come forward
* making a statement could prevent widespread misconduct or allay public concern.

We do not generally comment on individual contacts we receive from the public in relation to a specific issue or trader or on individual businesses or traders. From time-to-time we will publish de-identified aggregated investigation and/or infringement data for reporting purposes or to keep the community informed of our activities.

As part of our investigative, compliance or enforcement activity, we may contact individual complainants or witnesses. For the same reasons detailed above, we carefully manage that engagement on a case-by-case basis.

## Finalisation of legal proceedings and other enforcement outcomes

We will generally publicise the start of legal proceedings. When we do, we will also publicise the outcome of those proceedings, for example by a media release or news story on our website.

If a matter is appealed, CAV may update its website to reflect this and/or publicise the appeal to relevant media outlets and its outcome through a media release.

We will also ordinarily publish other formal enforcement outcomes, such as where the Director has accepted an enforceable undertaking offered by a party.

## Media filming

We will consider any requests to film CAV, or its operations, in the context of the purpose of filming and the strategic benefit to CAV. These requests must be directed to our media unit, and are subject to review by the relevant operational areas and Directors.

Filming requests are generally subject to strict legal contracts, which give CAV veto rights prior to broadcast. If we exercise our right to veto footage, it must not be broadcast by the media outlet or production company. To do so would be in breach of the contract.

Media will also be provided with specific advice about what can and cannot be filmed or broadcast and the extent of media involvement. At all times, media must follow the direction of the CAV officer in charge.

On occasion, we may also use our own resources to provide footage to media, to illustrate a story or promote our compliance work.

All decisions about filming or media accompanying CAV on operations may be subject to veto by the Director of Consumer Affairs Victoria.

## Spokespeople

Only authorised spokespeople for Consumer Affairs Victoria may be quoted in media. To ensure that only authorised spokespeople give comment to media, contact must be through the CAV media unit.

## Contact the CAV media unit

Call 03 8684 0313. This number will direct you to our media unit.