

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Consumer Affairs Victoria

In this fact sheet, we introduce Consumer Affairs Victoria (**CAV**). We outline how complaints can be made by people to CAV.

CAV is Victoria's consumer marketplace regulator. The vision of this body is to ensure a fair, safe and competitive marketplace in Victoria. It does so by administering over 30 legislative schemes in Victoria and undertaking regulatory functions and providing services to support Victorians to exercise their consumer rights and to ensure that businesses and rental providers act appropriately.

Legislation and Key Terms

Relevant Legislation: As Victoria's consumer affairs regulator, CAV administers over 30 legislative schemes. Please see the full list of legislation administered by CAV here:

<https://www.consumer.vic.gov.au/resources-and-tools/legislation/legislation-we-administer>.

Below are some links to the more significant legislation relevant to CAV's complaint handling work:

- [*Australian Consumer Law and Fair Trading Act 2012 \(Vic\)*](#)
- [*Business Licensing Authority Act 1998 \(Vic\)*](#)
- [*Estate Agents Act 1980 \(Vic\)*](#)
- [*Fundraising Act 1998 \(Vic\)*](#)
- [*Motor Car Traders Act 1986 \(Vic\)*](#)
- [*Owners Corporations Act 2006 \(Vic\)*](#)
- [*Partnership Act 1958 \(Vic\)*](#)
- [*Residential Tenancies Act 1997 \(Vic\)*](#)
- [*Sale of Land Act 1962 \(Vic\)*](#)

Key Terms: Below are key terms that appear throughout this fact.

Australian Consumer Law (ACL): The national law which protects consumers from unfair and unsafe business practices – it applies to all states and territories in Australia, thus providing standardised protections and expectations across the country.

Australian Consumer Law and Fair Trading Act 2012 (Vic) (ACLFTA): The legislation in Victoria which governs consumer protection and fair trading practices between businesses and consumers, with the purpose of ensuring that consumers are treated fairly when buying goods and services. It is part of the broader Australian Consumer Law.

Consumer Affairs Victoria (CAV): Victoria's consumer marketplace regulator, whose key vision is to ensure a fair, safe and competitive marketplace in Victoria.

Director of Consumer Affairs Victoria (Director): The Director of CAV has numerous responsibilities, including receiving and handling complaints from the public, as well as monitoring compliance with the legislation administered by CAV. The current Director is Nicole Rich.

Domestic Building Dispute Resolution Victoria (DBDRV): An independent government agency designed to help resolve domestic building disputes.

Victorian Civil and Administrative Tribunal (VCAT): The role of VCAT is to provide fair, affordable justice by helping reach an agreement and settle their case, or through making a decision at a hearing that everyone involved (parties) must follow.

Step 1: What type of Complaints can be made to this body?

Complaints can be made about the conduct of Victorian businesses, rental providers and property managers. CAV focuses on complaints about, but not limited to:	
Sub-category	Example
Renting a home	You should make a complaint if you are a tenant and the landlord or property manager fails to meet their legal responsibilities, such as repairs, maintenance, or compliance with rental agreements. <i>Examples:</i> • Repairs and maintenance: Jenny has requested her landlord repair the broken air conditioner in her apartment. Despite the lease agreement and numerous requests, the landlord refuses to fix it during a heat wave. • Bond disputes: Liam moved out of his apartment, leaving it clean and undamaged. His landlord refuses to return the bond, claiming non-existent damages. • Illegal eviction: Maria was locked out of her rental property without notice, despite being up to date on her rent.
Pets in rentals	You should make a complaint if your rental provider unreasonably refuses your request to keep a pet in a rental property or does not follow the required process. <i>Example: Angela submitted a pet request to keep her small dog in her unit. The landlord refused without giving a valid reason or applying to VCAT for an order. This breached her rental rights.</i>
Rental property not secure or unsafe	You should make a complaint if your rental home is unsafe or not secure, and the rental provider is not fixing it. <i>Example: Luca's front door lock is broken and he feels unsafe. The landlord keeps ignoring his urgent requests to repair it.</i>
Unlawful entry or harassment by landlord	You should make a complaint if your landlord or agent enters your home without proper notice or harasses you. <i>Example: Dana's property manager showed up unannounced multiple times and let themselves in without permission, making her feel unsafe.</i>
Short-stay rental problems (e.g. Airbnb, unlicensed operators)	You should make a complaint if a property is being used for short-stay accommodation in breach of local laws or causing harm to neighbours. <i>Example: Neighbours of a unit in Liam's building constantly host loud Airbnb parties. The property is being used as a short-stay without complying with regulations.</i>
Retirement villages	You should make a complaint if you have a problem with the management of the retirement village or a dispute with another resident at the retirement village. <i>Examples:</i>

	• Dispute with management: John, a resident of a retirement village, is disputing his monthly fees and the failure of the village operator to maintain the agreed upon level of services including cleaning and gardening. Despite raising concerns, the operator has not provided adequate explanation or addressed the service deficiencies. • Dispute with village member: Betsy, a resident of a retirement village, has reported that she feels uncomfortable living next to her current neighbour because he often sleepwalks at night and is very disruptive. Despite raising her complaints through the internal dispute resolution scheme, she continues to be regularly disrupted by her neighbour's behaviour.
Buying or selling a property	You should make a complaint if you experience issues during the buying or selling process of a property. This includes: • Unlicensed real estate agents: Real estate agents operating without the required license or registration. • Underquoting and estate agent practices: Deliberate misrepresentation of property prices or misleading conduct by estate agents. • Undisclosed property issues: Agents failing to disclose material defects about a property. <i>Examples:</i> • Martin recently engaged a real estate agent to assist him sell his property in Melbourne. After many months of unsuccessful attempts to contact the agent, John discovers that the agent was not registered with CAV and as such was operating without a valid license. • Damien is looking to purchase a property and attends an open house. The agent informs him the bidding price is \$450,000. After submitting an offer, Damien learns that the agent had been expecting bids closer to \$500,000. He feels misled because the agent deliberately quoted a lower price to attract more buyers. • Jess purchased a home only to discover extensive termite damage that was not disclosed during the sale.
Motor Car Traders	This includes: • Odometer tampering or fake history You should make a complaint if a car dealer tampers with the odometer or misleads you about the car's history. <i>Example: Aaron bought a car that was advertised with 80,000km. Later he found out the odometer had been rolled back from 120,000km.</i> • Lack of roadworthy certificate You should make a complaint if you buy a used vehicle from a dealer that doesn't come with a valid roadworthy certificate.

	<i>Example: Nadia bought a used car that broke down within a week. She later found the dealer had sold it without a valid certificate.</i>
Owners Corporations	You should make a complaint if owners' corporation managers or members breach rules or fail to comply with their responsibilities under the Owners Corporations Act. <i>Examples:</i> • Unregistered Managers: Sam's owners corporation manager collected fees but failed to provide proof of registration or financial transparency • Failure to arrange repairs: In an apartment complex, the owners corporation ignored repeated requests to address a dangerous leak in the common area. • Unfair decisions by owners corporation: Tracey's owners corporation raised her fees significantly without explaining why or getting proper approval.
Clubs, fundraisers or not-for-profits that are not registered charities	You should make a complaint if fundraisers or not-for-profits fail to maintain appropriate standards, such as record-keeping or lawful operations. Consumer Affairs Victoria can investigate complaints about clubs, community fundraisers, and not-for-profit organisations that are not registered as charities. These bodies are typically incorporated associations under Victorian law and must comply with fundraising and governance obligations. If the organisation is a registered charity (listed on the ACNC Register), complaints about governance, misuse of funds, or record-keeping must be directed to the Australian Charities and Not-for-profits Commission (ACNC). Note: You can check whether an organisation is a registered charity by visiting the ACNC Register: https://www.acnc.gov.au/charity. If it is listed there, your complaint should be made to the ACNC, not CAV. <i>Examples:</i> • Misuse of funds: A not-for profit organisation failed to allocate donations as promised to the public. • Poor record keeping: A club fails to maintain accurate records of funds raised and how they were spent. • Improper use of donations: A fundraiser uses donations for personal gain or purposes unrelated to the scope of the fundraiser. • False advertising: A charity promised donations would go to bushfire relief, but funds were used for unrelated expenses. • Failure to maintain authority: A fundraiser operated without proper permits, raising concerns about legitimacy. • False sponsorship claims: A small charity used the Red Cross logo on flyers without permission to boost credibility.

Building or renovating	You should make a complaint if builders or contractors engage in misconduct, perform substandard work, or fail to comply with permits and regulations. <i>Examples:</i> • Unlicensed work: <i>Jamie hired a builder for a granny flat, only to find the builder lacked permits for the project.</i> • Defective workmanship: <i>Hannah's renovated bathroom developed leaks within weeks due to poor-quality plumbing.</i> • Significant delays in work: <i>Kaya hired a builder to design a pool in her new house. It was agreed this would be done within a 3-month period, but it has been 5 months and the builder indicated that it will take a further 2 months without providing sufficient reasons for the significant delay.</i> • Failure to provide required domestic building contract: <i>Theo paid \$30,000 upfront to a builder without a contract. The work started late and was left unfinished.</i> • Non-compliance with building permits: <i>Grace's contractor built a large deck on her property without a building permit. Council later issued a demolition order.</i>
A product or service	You should make a complaint if there are issues with goods or services you purchased. This includes: • Goods or services not as described: Products or services do not match the description, sample or demonstration provided at the time of sale. • Unsafe or faulty products: Products that are unsafe to use, defective, or fail to meet acceptable quality standards. • Refunds and warranties: Businesses refusing to honour refunds, warranties or promotions as required by consumer law. • Poor quality work by tradespeople: Tradespeople who provide work that is of poor quality, incomplete, or not in line with agreed terms. • Misleading conduct by motor car traders: Traders engaging in deceptive practices, failing to disclose key information, or overcharging. • Faulty repairs: Goods have been sent for repair, and the repair was not done with due care and skill or did not fix the original problem. • Travel and event services: Issues including cancellations or unfulfilled travel and event services agreements. • Fake online stores or impersonators: If someone is using a fake or scam website and pretending to be a real business. • Lay-by or 'buy now pay later' problems: If a business mishandles your lay-by agreement or misuses a buy now, pay later arrangement.

	• Vouchers, gift cards and store credit: If a business refuses to honour valid gift cards or vouchers. <i>Examples:</i> • <i>Jacob orders a red scarf online, but the scarf delivered is a deep orange. The product is significantly different to the description – it has a major problem, so Jacob has asked for a refund. The business has refused to issue a refund.</i> • <i>Miyuki buys a café-quality blender, but the blades snap after only two weeks of using it to make vegetable juice. The product is not of acceptable quality - it has a major problem, so Miyuki asked for a replacement or a refund. The business which sold the product refuses to provide a replacement or refund.</i> • <i>Sammy spots a 'buy one get one free' deal at a shop selling phone cases. When she tries to claim the second phone cases free of charge, the shop refuses, alleging that it was a misprint and the deal does not apply.</i> • <i>Alex contacts a tradesperson to renovate his kitchen, but the work is done to a poor standard and the builder refuses to fix the problem.</i> • <i>A car dealership is advertising Jace's dream car for \$20,000 but when he goes to the dealership to purchase the car, the salesperson tries to charge him \$25,000.</i> • <i>Anna's car repair was incomplete, leaving her vehicle unsafe to drive.</i> • <i>Sophie's travel agency cancelled her trip but refused to provide a refund.</i> • <i>Ben was denied a refund for a concert that was cancelled by the organiser.</i>
Debt Collection	You should make a complaint if you experience harassment or coercion by debt collectors into paying a debt. You should make a complaint if a debt collector lies about what they can do or pretends to be from a government agency. <i>Example: A debt collector told Narelle she would be jailed if she didn't pay immediately, which made her panic. The threats were false and illegal.</i>
Scams	Complaints can be made to CAV for those who believe they have been a victim of a fraudulent or misleading business practice, such as being tricked into buying a product or service with false information, ranging from online scams, phone scams, door-to-door sales scams, investment scams, fake product claims, and any other situation in which a business has engaged in a deceptive practice to gain your money or personal information. This includes:

	• Online purchase scams: Ravi paid for sneakers through an Instagram ad, but never received anything and the seller blocked him. • Ticket scams: Sarah bought concert tickets from a third-party resale site. The tickets were fake and she couldn't get into the event. • Romance scams: An online 'friend' convinced Bianca to send money to help with a fake visa application. She later realised it was a scam. • Phishing and impersonation: David clicked a link in a fake email pretending to be from his bank. Scammers stole his personal details.
Exclusions	You should not contact CAV for the following: • Employment problems: Issues with your employer, wages, unfair dismissal, or workplace discrimination. • Financial products and services: Complaints about banking, superannuation, insurance, credit cards, or financial advice. • Personal or neighbourhood disputes: Fights between neighbours about fences, noise, trees, or pets (unless it involves a business or rental provider). • Legal services: Issues with a lawyer's fees, conduct, or handling of a case. • Disputes already at VCAT or another tribunal/court: If your issue is already being reviewed by the Victorian Civil and Administrative Tribunal (VCAT) or a court, CAV cannot investigate it again. • Utilities and telecommunications: Problems with phone, internet, electricity, gas, or water providers. • Medical and health complaints: Complaints about doctors, dentists, allied health, or hospitals (unless it's a retirement village or business issue). • School or education complaints: Issues with school fees, enrolment, bullying, or education providers (unless related to misleading advertising or a business transaction).

Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State <i>Sch 2, Competition and Consumer Act 2010 (Cth)</i>	CAV is part of the Victorian Government's Department of Government Services (DGS). It has jurisdiction over the rules and regulations that protect consumers in Victoria.

Geographical Scope	The <i>Australian Consumer Law and Fair Trading Act 2012 (Vic)</i>, the basis of CAV's general regulatory jurisdiction, applies to: ¹ • Victorian businesses and members of the public • the engaging of conduct in Victoria by persons outside Victoria • conduct outside of Victoria by persons in Victoria • the supply of goods and/or services in Victoria where the contract for the supply of goods and/or services is made in Victoria • where the contract for the supply of goods and/or services is made outside Victoria, to the supply of goods and/or services to a person normally resident in Victoria or a body corporate whose principal place of business is in Victoria.
Time Limitations	There are no strict time limits for making complaints to Consumer Affairs Victoria (CAV). However, some laws or internal policies might set time limits depending on the type of complaint. It's best to report problems and lodge complaints as soon as possible, as certain breaches may need to be acted on within a specific timeframe, such as 12 months from the date of the incident, to allow for prosecution.
Exclusions	CAV does <u>not</u> act for an individual person solely to obtain redress on their behalf – there must be a public benefit for every enforcement action.
Exercise of discretion	<u>Exercising discretion on case selection</u> CAV decides whether to take enforcement action based on several factors, including: • The seriousness of the issue: For example, ongoing or significant harm to consumers. • Disregard for the law: Repeated or deliberate non-compliance by a business. • Special circumstances: Issues affecting vulnerable or disadvantaged groups. • Wider impacts: Cases involving industry-wide misconduct, new or emerging issues, or actions that could harm market integrity. • Effectiveness: Whether enforcement would educate or deter others or clarify how the law applies. • Other options: If less severe measures are unlikely to address the problem. CAV typically doesn't act on: • Isolated, low-impact incidents. • Issues better handled by another agency.

¹ s5, *Australian Consumer Law and Fair Trading Act 2012 (Vic)*.

- Disputes that can be resolved privately or through an industry resolution process.

Exercising discretion on jurisdiction

The Director of CAV has discretion in deciding how and where to take enforcement action. This involves three main considerations:

1. Civil vs Criminal Action:

- Civil cases allow for flexible outcomes, like penalties, bans on directors, corrective advertisements, and other remedies.
- Criminal action may be pursued for severe misconduct where a conviction, fine, or even imprisonment is appropriate.

2. State vs Commonwealth Law:

- CAV often uses Commonwealth laws, such as the Australian Consumer Law, to ensure consistency across the country.
- Joint actions with other regulators may be used for cases affecting multiple states or businesses.

3. Choice of Court or Tribunal:

- Higher courts may be used for cases with significant consumer harm, to set legal precedents, or to seek stronger penalties.
- Tribunals or lower courts may be chosen for simpler cases where quicker resolutions are needed.
- Costs, time, and whether public attention is important are also considered.

CAV aims to ensure that its actions are effective, fair, and align with its goals to protect consumers.

Step 3: Who can you make a complaint against?

CAV can deal with a complaint about a business or rental provider/property manager

Respondent	Description
Businesses	Businesses operating in Victoria that have not complied with Victorian consumer laws. This includes physical and online businesses involved in the sale of goods or services. Specific business types include: • Motor car traders. • Debt collectors.

	• Builders or tradespeople. • Service providers (e.g., retailers, repair services, professional services). • Online or physical businesses operating in Victoria.
Motor Car Traders	Businesses or individuals selling vehicles who are required to be licensed under the <i>Motor Car Traders Act 1986</i> .
Debt Collectors	Individuals or companies involved in collecting debts, including third-party debt collection agencies, that must follow conduct standards under the <i>Australian Consumer Law (ACL)</i> .
Builders or Tradespeople	Individuals or businesses providing domestic building or renovation services, including unregistered or unlicensed operators, under the <i>Domestic Building Contracts Act 1995</i> and <i>Building Act 1993</i> .
Service Providers	Businesses providing services to consumers, including trades, repairs, cleaning, beauty, pet grooming, personal training, tutoring, etc., that must comply with the Australian Consumer Law.
Retailers	Stores (online or physical) selling goods or products to consumers, whether they are large chains or small sole traders.
Professional Services	Businesses offering paid advice or services, such as conveyancers, real estate agents, removalists, mechanics, and event planners (but not legal or medical professionals).
Rental Providers (Landlords)	Individuals or entities who own residential rental properties and are responsible for meeting legal obligations under the <i>Residential Tenancies Act 1997</i> .
Property Managers	Real estate agents or agencies acting on behalf of rental providers to manage tenancies.
Rooming House Operators	People or companies that manage or operate rooming houses and are subject to additional compliance under rental laws.
Caravan Park or Site Owners	Businesses or individuals who provide long-term site agreements or dwellings within caravan parks.
Rental provider or property manager	You can make a complaint against rental providers (landlords), property managers acting on behalf of rental providers, rooming house operators and/or caravan park or site owners that have not complied with the laws administered by CAV.
Retirement village management and residents	You can make a complaint against managers of retirement villages or a fellow retirement village member if you are unable to resolve the issue internally.
Incorporated Associations	Clubs, community groups, or not-for-profit organisations registered under the <i>Associations Incorporation Reform Act 2012</i> who fail to meet governance, record-keeping, or conduct standards.

Exclusions

You cannot make complaints against:

- **Consumers:** Individuals acting in a private, non-business capacity, including buyers or sellers in one-off private transactions (e.g., someone selling a second-hand couch on Facebook Marketplace).
- **Renters or Tenants:** Individuals renting a property (including sub-tenants). CAV provides support to tenants making complaints, but complaints cannot be made against renters or tenants themselves.
- **Financial Service Providers:** Banks, credit unions, insurance companies, superannuation providers, or financial advisers. These are regulated by the Australian Securities and Investments Commission (ASIC) and the Australian Financial Complaints Authority (AFCA).
- **Telecommunications Providers:** Phone and internet companies are outside CAV's scope. Complaints should go to the Telecommunications Industry Ombudsman (TIO).
- **Airlines and Other Federal Services:** National or international carriers and federally regulated industries (e.g., Australia Post, airlines) fall outside CAV's jurisdiction.
- **Medical or Health Practitioners:** Doctors, hospitals, allied health professionals, or clinics. These complaints should be made to the Health Complaints Commissioner or AHPRA.
- **Legal Practitioners:** Lawyers and law firms are not regulated by CAV. Complaints must be directed to the Victorian Legal Services Board + Commissioner (VLSB+C).
- **Schools and Educational Institutions:** Public and private schools, universities, or training organisations, unless the issue involves misleading business conduct. Most complaints should go to the Department of Education or education regulators.
- **Registered Charities:** CAV does not have jurisdiction over registered charities. If your complaint relates to the governance, fundraising practices, or use of donations by a registered charity, it must be directed to the Australian Charities and Not-for-profits Commission (ACNC).

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	You may be eligible to make a complaint if you are a member of the public/consumers and you have had interactions with a business which may not have complied with the laws administered by CAV. This includes, but is not limited to, property buyers, sellers or landlords, consumers, businesses or service providers, lot owners, tenants, members of an owners corporation or its managers.

Have you tried to resolve your complaint directly with the business or the rental provider or property manager?	CAV will not be able to take your complaint further until you have first tried to resolve the problem with the business first. To facilitate this process, CAV sets out a step-by-step guide here on how you may go about attempting to resolve any issue first. • Step 1: Learn about your rights • Step 2: Talk to the people involved • Step 3: Write to the people involved
Can a complaint be made on behalf of someone?	The general complaint form requires input of personal information but does not explicitly present an option for complaining on someone else's behalf. If making a complaint about the handling of personal information under the <i>Privacy and Data Protection Act 2014 (Vic)</i>, in order to protect everyone's privacy, CAV only accepts complaints made by the person involved – or an authorised representative. If you want to complain on behalf of another person, you will be directed to provide written proof of your authority to do so.
Exclusions	CAV does <u>not</u> act for an individual person solely to obtain redress on their behalf – there must be a public benefit for every enforcement action.
Additional information you need to know	CAV provides various templates you may use to attempt to resolve any issue before CAV steps in to assist. The templates provided are as follows: • Complaint letter/email template (Word, 58KB) • Example letter requesting a refund for a faulty item (Word, 48KB) • Example email requesting a refund for a faulty item bought online (Word, 53KB) • Example letter requesting a remedy for a service (Word, 48KB)

Step 5: What remedies/options to address non-compliance are available at this body?

CAV's main goal is to stop harm before it happens. They focus on encouraging people and businesses to follow the rules on their own (this is called voluntary compliance). When they need to take action, they focus their time and resources on those causing the most harm.	
Power	Description
Education letter	CAV may send an education letter when there is evidence that a business, which may be in breach of the law, is unaware of its

	obligations and has generally been cooperative during interactions with the regulator.
Without prejudice discussions	CAV may hold an informal discussion with the business about alleged non-compliance to resolve a matter promptly, without resorting to Court or Tribunal involvement.
Business improvement engagement	This involves CAV actively working with businesses in Victoria to help them improve their practices and comply with consumer protection laws, often through initiatives like providing information, advice, training, and support to ensure they are meeting consumer rights standards and minimising potential complaints or legal issues.
Compliance Monitoring Inspection	An inspection aims to detect whether there are breaches of the law. Inspections are used to determine whether enforcement action is required. CAV conduct a planned and targeted state-wide inspection program based on compliance and enforcement priorities.
Warning Letter	A warning letter may be issued when there is evidence that a law has been broken and the business can be reasonably expected to know of and understand their obligations.
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.
Public Statement	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 is in the public interest. Public statements can take a variety of forms, including: • consumer warning notices concerning particular products, 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. Public statements are a particularly timely and effective tool to prevent ongoing consumer harm where the issue is widespread, and in instances where CAV have issued court proceedings which can be lengthy. A public statement provides an immediate option for both informing consumers and deterring businesses from engaging in similar conduct.
Enforcement 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 publicity orders and compliance programs. The undertaking is enforceable in a court.

Asset freezing order	A court may make 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 and it releases the assets.
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.
Civil proceedings	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.
Criminal Prosecution	The Director may institute proceedings in court on behalf of the public for the conviction and punishment of a party under the criminal provisions of the ACL and associated consumer Acts.

Step 6: Preparing your complaint. What should your complaint look like? What should it include?

Requirement	Description
Format	If you are unable to resolve your problem with the business, you can submit a General Complaint form. The form has four stages: Stage 1: What is your complaint about? You can select between the following options: • renting a home • buying or selling a property • owners corporations • clubs, fundraisers or not-for-profits • building or renovating • a product or service. Stage 2: Company/complaint details Stage 3: Your details Stage 4: Review

Personal Details	In stage 3 of the General Complaint form you are required to give the following personal information: • given name • family name • phone number • email address. It is optional whether you wish to provide your address.
Respondent's Details	Stage 1 of the complaint form requires you to select the area of your complaint. The details of the Respondents to be provided under each area of complaint are prescribed as follows: <u>Renting a home</u> Landlord details (if known) • Given name (optional) • Family name (optional) • Phone number (optional) • Email address (optional) Property manager details (if known) • Given name (optional) • Family name (optional) • Phone number (optional) • Email address (optional) <u>Estate agency details (if known)</u> • Name of estate agency (optional) • Phone number (optional) • Email address (optional) <u>Buying or selling a property</u> Estate agency details • Name of estate agency (optional) • Phone number (optional) • Email address (optional) • Address (optional) Contact person (if you have been dealing with a specific contact person, please provide their details): • Given name (optional) • Family name (optional)

Owners Corporations

Organisation involved

- Name of organisation
- Phone number
- Email address (optional)
- Address (optional)

Contact person (if you have been dealing with a specific contact person, please provide their details):

- Given name (optional)
- Family name (optional)

Clubs, Fundraisers, or not-for-profits

There is no specific field for entering details about the club, fundraiser or not-for-profit.

Building or renovating

Business involved

- Name of business
- Phone number
- Email address (optional)
- Address (optional)

Contact person (if you have been dealing with a specific contact person, please provide their details):

- Given name (optional)
- Family name (optional)

A product or service

Business involved

- Name of business
- Phone number
- Email address (optional)
- Address (optional)

Contact person (if you have been dealing with a specific contact person, please provide their details):

- Given name (optional)
- Family name (optional)

Relevant Facts	In Stage 2, you are asked to detail your complaint. The word limitation is 5000 characters. You should provide as much detail as possible, including: • relevant dates, such as the date the problem occurred or the date of purchase • how you tried to resolve the issue; and • how you would like your problem solved. The more information you give CAV, the more quickly and accurately it can assess your complaint.
What NOT to include	Do not make false or misleading statements. This may be an offence.
Additional information you need to know	The General Complaint form has four stages and you have 20 minutes to complete each stage. Each stage automatically refreshes after 20 minutes and clears all data.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	You can make a formal complaint via the online form: General Complaint Form Once you have completed this form, CAV will determine whether they can help you resolve the matter over the phone. If your matter is complex, or if they need more information – such as documentation or receipts – CAV may ask you to send further relevant information through.
Receipt	You will hear from CAV if: • you have completed steps 1 to 3 on Resolve your problem or complaint (i.e., you have learnt about your rights, talked to the people involved and if required, written to the people involved), and the matter still remains unresolved • CAV decide that the complaint requires their involvement, or is likely to be resolved with their involvement • there is evidence of the business not complying with the laws administered by CAV • there is potential that the issue may have a broader impact, or cause widespread harm to Victorians • CAV is the most appropriate organisation for the issue outlined in the complaint. You may <u>not</u> hear from CAV if:

	• you have not tried to resolve the matter yourself • you have already lodged a complaint with CAV about this issue and they are unable to resolve it, or they did not accept the complaint • you have applied to have the matter heard at a tribunal, such as the Victorian Civil and Administrative Tribunal (VCAT), or a court, or the matter has already been through a tribunal or a court.
Assessment Process	If CAV accepts your complaint and decides that it is suitable for its dispute services, CAV will: • contact the business or rental providers/property manager on your behalf • identify the issues • explore options for a resolution that are consistent with the law. CAV cannot make anyone speak to them and they cannot enforce an outcome - only a court or tribunal have this power. If CAV's involvement does not resolve the problem, they will generally give you information on taking your complaint further by applying to a court or tribunal, such as VCAT, or getting your own legal advice.
Misdirected and Excluded complaints	If a complaint falls outside of the jurisdiction of CAV, they will try to provide you with details of other organisations who may be able to assist. Please see the ‘who to go for help’ page on the CAV website generally for more information of the organisation that may be best suited to handle your complaint.
Conciliation	CAV's primary dispute service offering is delivered by telephone with the aim of obtaining a timely resolution. In limited circumstances, a more tailored conciliation service may be offered, based on specific legislative provisions and case complexity. You are not required to engage a lawyer for this conciliation process.
Additional information you need to know	CAV will keep a record of any information they receive for possible further compliance or enforcement action. It is recommended that you keep a record of the complaint made as well. To the greatest extent possible, it is best to provide all relevant information to CAV at the outset to ensure your complaint is dealt with most efficiently, but you should update CAV about any changes that impact on your complaint.

It is also important to be aware of CAV's 'unreasonable complainant conduct policy'. More details can be found [here](#) but essentially, if you engage in inappropriate and unacceptable behaviour throughout the complaint process, it is open to CAV to restrict your access to its services or otherwise completely terminate access to CAV's services.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Internal review opportunities	<u>Director of CAV</u> A person may complain to the Director about the exercise of a power by an inspector². These appointed inspectors form part of a state-wide inspection program where CAV inspects Victorian businesses to assess their compliance with the legislation administered by CAV. The powers of appointed inspectors under 6.4 of ACLFTA include: arranging a time to meet with businesses to discuss compliance obligations; visiting businesses without prior notification to conduct an inspection; entering and searching business premises; requiring businesses to produce documents and information; inspecting documents; making copies or taking extracts of documents; and seizing documents or goods. The Director must investigate any complaints made and provide a written report to the complainant on the results of the investigation. You can submit feedback (including a complaint generally about CAV): • online via CAV's Online feedback form on the CAV website. This form will ask you to select the type of feedback you wish to provide, which may include a complaint about CAV. You will also be asked to specify the outcome you are seeking (you have 2000 characters in which to do this). You are also asked whether CAV can make contact with you for further information. You will also have the option to attach supporting documents to this form if you wish, but such documents must be: ○ in .doc, .docx, .xls, .xlsx, .txt, .pdf, .jpg or .png format ○ no larger than 5MB each ○ no larger than 15MB (3 files maximum). • via email to cav-executiveservices@justice.vic.gov.au – please type 'Feedback' in your subject line • by telephone: 1800 00 81 94 • by post: Customer Feedback CAV PO Box 123 Melbourne 3001 Once you have submitted your feedback or complaint regarding CAV, they will:

² s179, Australian Consumer Law and Fair Trading Act 2012 (Vic).

	• acknowledge receipt of your submission and provide you with a reference number • work with the business area to formulate a response • respond to you within 14 days or advise you of a revised timeline if they think it may take longer.
External review/ remedies	<u>Secretary, Department of Government Services (DGS)</u> A person may complain to the Secretary of the Department of Government Services about the exercise of a power by the Director. You can contact the Secretary via: GPO Box 4356 Melbourne VIC 3001 Phone: 03 8684 0000 Regional: 1300 365 111 <u>Victorian Ombudsman</u> The Victorian Ombudsman has the power to investigate complaints about State and local government authorities. You can contact the Ombudsman via: Level 1 North Tower 459 Collins Street Melbourne VIC 3000 03 9613 6222 1800 806 314 (Regional) <u>Other Agencies</u> Certain compliance and enforcement activities and decisions are subject to review and comment by a range of other bodies such as the Privacy Commissioner or Civic Compliance Victoria. In particular, for privacy complaints, contact the Office of the Victorian Information Commissioner on 1300 006 842 (1300 00 OVIC) or via email on enquiries@ovic.vic.gov.au.
Additional information you need to know	If challenging any complaint raised with CAV, remember to act reasonably and respectfully, as you may otherwise engage CAV's complainant conduct policy.

Step 9: Overlapping or Related Jurisdiction to the complaints body?

If you are unsure who to contact regarding your complaint, CAV has provided a summary of the most appropriate organisations to handle your matter for different areas of complaint. See [here](#) a table summarising the potentially relevant complaint bodies.

Jurisdiction	Description
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of you ex, disability, race, age or sexual preference the AHRC may be able to help. There are also State Government discrimination complaint bodies who may also be able to assist.
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers. There are also State Government privacy and information complaint bodies who may also be able to assist.
National Anti-Corruption Commission	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector. There are also a State Government corruption complaint bodies who may also be able to assist.
Australian Competition and Consumer Commission (ACCC)	National agency for fair trading and competition matters, including: • price monitoring • franchising • product labelling • industry codes.
Office of the Victorian Small Business Commissioner	Handles disputes about commercial or retail leases and small businesses.
Australian Charities and Not-for-profits Commission (ACNC)	The independent national regulator of charities: • registers organisations as charities and helps them meet their obligations • provides advice or acts on complaints about charities • maintains a free and public register on charities in Australia.
Dispute Settlement Centre of Victoria (DSCV)	For help resolving a dispute in respect of an owners corporation, contact this body. They can also help with resolving disputes involving retirement village management.

Domestic Building Dispute Resolution Victoria	If a dispute arises between you and your builder, CAV sets out various steps you can take to resolve your issue including how to discuss the issue with the builder, and potentially sending them a letter or email formally outlining the issue and requesting a response. CAV refers builders or home owners to the Domestic Building Dispute Resolution Victoria (DBDRV). You can lodge an online application for dispute resolution through DBDRV. DBDRV provides building disputes resolution without the cost and time often associated with courts and tribunals, and has the power to issue dispute resolution orders to resolve disputes that are not completely resolved by agreement.
Energy and Water Ombudsman Victoria	Handles disputes about gas, electricity and water providers, including: • billing issues • disconnections and restrictions • incorrect installation of smart meters.
Victorian Ombudsman	Investigates complaints about any Victorian government department, public statutory body or municipality
Courts and Tribunals	If the involvement of CAV does not resolve the problem, they will generally give you information on taking your complaint further by applying to a court or tribunal, such as VCAT, or getting your own legal advice.

Need help?

Organisations that can help you make your complaint, provide support or advocacy or give you more information

Organisation	Contact Details	How they can help
CAV	Website: https://www.consumer.vic.gov.au/contact-us General Enquiry form: Access this form Telephone: 1300 55 81 81 or 132 VIC (132 842) and select option 4 (9am to 5pm Monday to Friday, except public holidays) Post: • General correspondence: GPO Box 123, Melbourne VIC 3001 • Complaints: GPO Box 4567 Melbourne VIC 3001	You can contact CAV directly if you have any further questions or need assistance with your complaint.
Yarrka Barring – First Nations Renting and Consumer Rights Guidance	Yarrka Barring, CAV's dedicated helpline for First Nations people is 1300 661 511. The call takers on this phone line are trained in Aboriginal cultural awareness and provide a culturally safe space to discuss any concerns about your consumer or renting rights. Website: https://www.consumer.vic.gov.au/resources-and-tools/yarrka-barring-first-nations-renting-and-consumer-rights-guidance CAV is a National Indigenous Consumer Strategy (NCIS) reference group member. The Group develops a range of resources for Aboriginal and Torres Strait Islander consumers and businesses. For more information, visit the National Indigenous Consumer Strategy website.	CAV has specific information and services to help First Nations people understand their rights and resolve common renting and consumer problems. CAV information for First Nations people has been developed in response to feedback from First Nations communities and organisations about the issues that affect them most.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provides interpreting and translation services for people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and additional resources

Resource	How this helps
Consumer Affairs Victoria – Resources and Tools	This section of the CAV website provides various resources and tools to assist consumers. The resources and tools include: • Forms and publications • Information in a range of languages • Tools and resources for consumers with a disability, including Easy English factsheets on key consumer topics • Guidance on how to change the rental agreement or leaving a property if you are affected by family violence • Yarrka Barring • Links to various public registers that CAV administers • Advice for Victorians whose home, car or business is affected by a bushfire, flood or other disaster • A list of all the laws CAV administers, as well as its consultations and reviews • Informational about different forms of accommodation in Victoria for international students, renting and consumer rights and organisations that can help • Research studies on consumer and business-related issues.
Consumer Affairs Victoria Compliance Policy	This page sets out in detail CAV's compliance policy including as they relate to the following: • Compliance objectives • Information services to support compliance • Options to address non-compliance • Choosing a compliance option • Considering the public interest • Exercising discretion on a case selection • Exercising discretion on jurisdiction • A link to CAV's regulatory approach and compliance policy
Be Smart – Buy Smart	In an endeavour to provide Indigenous consumers with information on their consumer rights, the Be Smart - Buy Smart booklet provides helpful tips and information about shopping rights and responsibilities under the ACL.

	It is part of a joint consumer awareness initiative by all state and territory consumer protection agencies in Australia, with support from the National Indigenous Consumer Strategy Reference Group.
<u>Indigenous consumer issues videos – Australian Competition and Consumer Commission (ACCC) YouTube channel</u>	Delivers consumer protection messages to Indigenous consumers.
<u>Indigenous section – MoneySmart website</u>	Money tips and resources for Aboriginal and Torres Strait Islander peoples
<u>Indigenous Consumer Assistance Network (ICAN) website</u>	The Indigenous Consumer Assistance Network (ICAN) provides consumer education, advocacy and financial counselling services to Indigenous consumers across the nation.
<u>Law Society: Know your rights</u>	Guidance for individuals who are uncertain about where to start when seeking legal advice.