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**DEECA**

Via email: [OCActReview@proximity.com.au](mailto:OCActReview@proximity.com.au)

[Review of the Owners Corporations Act 2006 | Engage Victoria](#)

## **Review of the Owners Corporations Act 2006**

### **Introduction**

The EVC welcomes the review of the Owners Corporations Act and appreciates the opportunity to consult. Roughly 1 in 6 Australians live in an owners corporation or strata type building arrangement.<sup>1</sup> The degree to which these occupants can access consumer energy resources (CER) such as electric vehicles (EVs) will have a meaningful impact on the transition.

The EVC has sought to answer a select number of questions relevant to EVs.

### **Questions**

*4) Have the current rules around sustainability items (such as solar hot water systems, solar energy panels or roof colours for solar absorption) made it easier for lot owners to implement environmentally friendly upgrades to common property? Are there still barriers? Please share examples.*

There are still barriers. The EVC and its members often receive emails from occupants of Owners Corporation (OC) buildings who are having trouble gaining permission to install an EV charging solution at their car parking space, such as power outlets for smart plugs (i.e. Mode 2 chargers) and EV supply equipment (EVSE, Mode 3). It can come about from a scepticism of the technology and fear, uncertainty and doubt (FUD) portrayed in mainstream media around EV fires concerning charging. Sometimes this uncertainty leads OC to ask questions of fire authorities (which is not required), who then caution against any changes such as EV charging solutions, that they assert require upgrades to fire suppression systems, stipulations of where chargers must be located etc. Ultimately this can lead to the solution not being installed. None of these are required under any of the current or future National Construction Codes (NCC).

Some insurance companies have also not been supportive of EV charging solutions in carparks and have either opted to increase premiums or decline to offer cover or simply

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<sup>1</sup> <https://www.strataplus.com.au/strata-insights-2024/#:~:text=The%20Australasian%20Strata%20Insights%202024,living%20in%20strata%2Ditled%20propertie>s.

remain silent. The actions of the fire services and the insurance sector have often lead to further hesitation from OC members to vote in favour of EV charging solution installations.

Further to this, we have heard examples of when lot owners engage in a dispute resolution process when they believe they have been unfairly denied permission to install EV charging infrastructure. The timeframes required for either party to respond are too long. This draws out the process and makes it costly both mentally and financially. Response timeframes warrant some attention.

*6) Are there any other aspects of the 2021 reforms that you think are not working well in practice? What changes could be made to further improve how owners corporations operate?*

When voting on renewable energy or EV related improvements, the pass mark should be reduced to a simple majority. As noted in the consultation paper (paper), NSW has moved to a simple majority benchmark and this has helped but there are still instances of fair applications being voted down. See below on right-to-charge considerations.

#### Short stay accommodation

Where short stay accommodation is allowed, EV charging services are a benefit to the leaser and the lessee. Presence of an EV charging option will be favoured by guests and leasers can charge for the service through various mechanisms – a flat rate on top of the lease charge or by using a smart power point or EVSE with billing capability.

When the leaser is staying at their property (that is sometimes let out for short stay), they can also benefit from presence of the EV charging option.

#### Suggestions for template by-laws

The EVC recently heard an example of an apartment building, furnished with a load management system (LMS) to control EVSE charging rates, where 3x EVSE had been installed yet, despite the electrical contractor being aware of the system's presence, elected not to integrate the EVSE with the LMS. It could be argued that the OC should have had oversight over this, but it is good policy to consider a by-law that any EVSE installed in a premises that has an LMS, needs to be compatible with (at least OCPP1.6J) and integrated into the LMS.

#### Right-to-Charge

Owners and renters of detached dwellings with off-street parking effectively have the right-to-charge for almost any other electrically powered device, meaning they can plug in and pay for the energy required without seeking permission. One barrier to EV uptake is that many occupants of Strata type buildings, like apartments and walk-ups, do not enjoy the same opportunity. This may be less of an issue for occupants of dwellings built since NCC2022 was in place, where buildings are EV-ready to a degree.

For the occupants of older strata buildings, right-to-charge legislation could be beneficial. Considerations should include an occupants' right to install an EVSE and potentially other forms of EV charging solution (noting the market is moving quickly with new products introduced regularly) at their car space *unless* the OC is in the process of organising a building-wide EV charging solution *or* some other valid reason (not including Fire risk or other reasons not supported by evidence).

### *Other resources*

[EVC Recommended development control plan for apartment buildings - Electric Vehicle Council](#)

### *Conclusion*

Current legislation forms a barrier to CER uptake and delays the transition. The government should consider;

- Shortening response timeframes for disputes,
- Introducing a simple-majority in place of a super-majority for sustainability investments,
- By-laws to ensure EVSE and compatible smart power points are integrated with LMS where present, and
- Introducing right-to-charge legislation for occupants of OC buildings.

The implications of not taking up the above measures are; a slower electrification of transport in VIC, lower access to the financial benefits of EVs for individuals and the economy, a lost opportunity to improve air quality and health outcomes sooner, as well as the economic benefits of reduced expenditure on foreign oil and other climate related externalities.

If you have any questions on this submission, please contact Michael, at [office@evc.org.au](mailto:office@evc.org.au).

Thank you for your consideration of our submission.

Yours sincerely,

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