

Tabled Petition Response

Petition No: 526

Petition Sponsored by: Georgie Crozier

Responsible Minister: Minister for Consumer Affairs

Tabled on: 14 May 2024

Title: Give owners corporations more control over short-term accommodation

Petition Grievance:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that owners have a right to quiet enjoyment and safety in their own home.

We need changes to the Owners Corporation Act 2006 in relation to short-term accommodation (STA) to protect owners and residents' safety and well-being.

Based on the increasing issues of STA properties, made available by Airbnb and other platforms, being used as unregulated party venues we are requesting that owners and residents should be granted the right to decide over their own building.

Leading tourist destinations around the world and Australia, including New York City, Amsterdam, Paris, Florence, Mornington Shire, Byron Bay and many others, have already taken drastic steps to curb these issues, while Victoria still has the weakest laws in Australia when it comes to controlling STA.

The current state laws are inadequate. Despite more than 50 cases against STA being heard since 2019, no hosts have been fined or suspended through VCAT under the current laws.

The constant parties, antisocial behaviour, noise, and loss of amenities that residents are suffering from all over Victoria is taking up unnecessary resources in VCAT, local government and Victoria Police. A simple change to the Owners Corporation Act 2006 will free up a lot of government resources and improve residents' wellbeing and safety.

Owners should not have to spend years in a slow VCAT system, spending hundreds of thousands of dollars in legal fees, while simultaneously suffering through noise and anti-social behaviour that impacts sleep and mental health on a weekly basis. Sections 159A to 159F of the Owners Corporation Act 2006 need to include a section allowing owners corporations the right to democratically limit or ban short-term rentals within their own building, taking back control over their own homes.

The petitioners therefore request that the Legislative Council call on the Government to amend the Owners Corporations Act 2006 to allow owners corporations to have the option to decide whether

short-term accommodation is allowed in their building, including but not limited to all past, present and future short-term accommodation, made effective by a 75 per cent democratic vote by owners.

Response:

I thank the Honourable Member for tabling the petition.

I acknowledge the petitioners' concerns regarding the provision of short stay accommodation in buildings managed by owners corporations.

The Victorian Government amended the *Owners Corporations Act 2006* (the OC Act) in 2019 to empower owners corporations to take action against owners of lots being used to provide short stay accommodation, or their guests, where that use is impacting amenity for other residents in a building managed by an owners corporation. The changes responded to concerns that some short stay accommodation was being used to host unruly parties.

Under the 2019 amendments, affected residents can seek compensation of up to \$2,000 for loss of amenity and owners corporations can issue breach notices in respect of a range of proscribed conduct, including making loud or excessive noise.

Where an apartment has been issued three breach notices in two years, an application can be made to the Victorian Civil and Administrative Tribunal (VCAT) to prohibit the lot owner from letting the apartment for short stay accommodation for a specified period.

The Government will commence a public review of the effectiveness of recent reforms to the OC Act in 2025. This will include an evaluation of the impact of the 2019 amendments and whether there is a need for further reform.

I will have more to say about the review in due course.



Gabrielle Williams MP
Minister for Consumer Affairs