



Hon Marlene Kairouz MP

Minister for Local Government  
Minister for Consumer Affairs, Gaming and Liquor Regulation



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Ref: MIN040061



Dear Mayor

**BOROONDARA CITY COUNCIL - ILLEGAL TREE REMOVAL**

Thank you for your letter dated 29 January 2018 in relation to penalties for local laws under the Local Government Act 1989. I note also the 21 November 2016 letter to the then Minister, Hon Natalie Hutchins MP, from the then Mayor Cr Phillip Healy.

As has previously been noted, these matters are currently being addressed as part of the Local Government Act review.

In relation to the value of penalty units, the Local Government Act review proposes to bring the value of a penalty unit for local laws in line with other legislation, so that it is subject to annual increases.

In relation to increasing the maximum penalty that can be imposed by councils under local laws, the recently released exposure draft Local Government Bill sets this amount at 20 penalty units, which is the highest amount provided for in the Department of Treasury and Finance's guidelines on the *Subordinate Legislation Act 1994*.

While I can appreciate your concerns, the Department of Treasury and Finance's guidance on regulations state that penalties higher than 20 penalty units should be included in legislation rather than in subordinate legislation such as local laws passed by councils. This is to ensure that they are subject to Parliamentary scrutiny and to the checks and balances that this process involves.

I trust that this information is of assistance to you.

Yours sincerely

**Hon Marlene Kairouz MP**  
Minister for Local Government

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