

22 February 2018

The Hon. P.D Cummins AM.
The Victorian Law Reform Commission
GPO Box 4637
Melbourne Victoria 3001

By email: natalie.lilford@lawreform.vic.gov.au

Dear Phillip

Neighbourhood Tree Disputes – Consultation Paper

We refer to your letter dated 18 December 2017 attaching the Victorian Law Reform Commission's Neighbourhood Tree Disputes Consultation Paper.

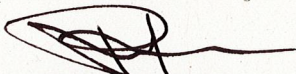
We thank the Commission for engaging the Municipal Association of Victoria (the 'MAV') in preliminary discussions during the research stage and inviting it to provide submissions in response to the consultation paper.

The MAV welcomes the opportunity to provide its preliminary submissions and looks forward to the opportunity to be consulted in any future stages of this project, so that we can consult with our member councils in relation to any proposed legislative or policy changes.

It is our understanding that the inquiry being undertaken by the Victorian Law Reform Commission applies only to disputes between neighbours in relation to trees on neighbouring private land that cause interference, damage or harm. The inquiry does not consider disputes about light or views and does not address disputes concerning trees situated on public land. The MAV supports this approach and considers it is important that the inquiry and any subsequent recommendations to change or develop new legislation and processes be restricted to disputes between neighbours on private property.

It is considered important that trees on public land not be included in this review. Further, it is considered that private trees that impact public land or roads not fall within this review, as this may impede councils in relation to their responsibilities under the Road Management Act and other legislation.

Yours sincerely



ROB SPENCE
Chief Executive Officer