

**Own Motion Recommendations to the Attorney-General**

***May 2020 Report***

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# Panel foreword

The Judicial Entitlement Panel’s recommendations and our response to the submissions received are grounded in the factors the *Judicial Entitlements Act 2015* requires us to consider.

The legislation requires us to consider, *inter alia*:

* the importance of the judicial function to the community
* the need to maintain the standing of the judiciary in the community
* the need to attract and retain suitably qualified candidates to judicial office, and
* the capacity of the State to meet any proposal for more generous conditions of service.

We were also guided by the principles of equity, sustainability and practicality.

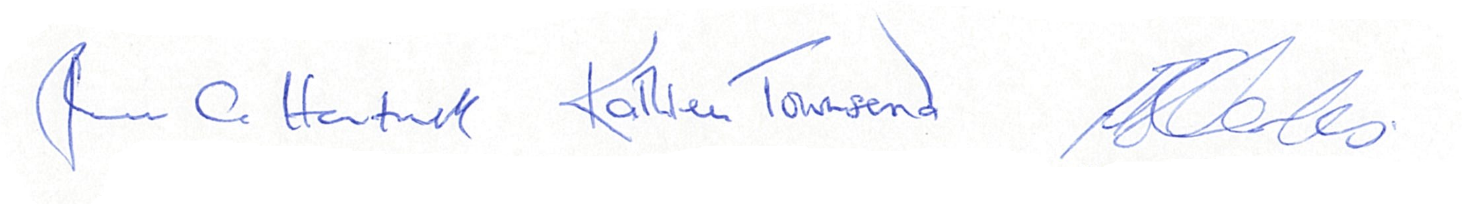
Equity underpins our support for the modest submissions of the Supreme Court of Victoria in relation to associate judges and reserve associate judges. The cost of implementing our recommendations on these issues is negligible.

Equity also requires the Government to address the recommendation in our previous report, reiterated here, that magistrates are granted six weeks’ annual leave as a first step. Judges enjoy eight weeks’ annual leave. Members of Victoria Police and Emergency Service workers also have annual leave entitlements in excess of those enjoyed by the wider community. Magistrates work at the sharp end of the judicial system and – for reasons for equity, well-being and sustainability – should be similarly entitled to longer annual leave. The cost of implementing this recommendation, which would require the appointment of an additional three magistrates, is not insignificant, but is a small increase to the Budget and the overall cost of the Victorian justice system.

Fiscal prudence, as required by the legislation, is reflected in our recommendations on the issues the Panel supported and also in the many submissions we did not support, as detailed in the report that follows.

Lastly, it is key for judicial entitlements to be practical and simple to administer. This view underpinned our recommendation to clarify long service leave accrues in accordance with standard practice, rather than after each completed year of service. The importance of practically also led us to reject administratively complex proposals.

In addition to these three principles, the recommendations are based on our research and consultations with the Courts, which allowed us to gain an understanding of the operation of existing entitlements and concerns among judicial officers.



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| **Bruce Hartnett AM**  Chairperson | **Kathleen Townsend**  Member | **Ilona Charles**  Member |

# Summary of recommendations and observations

Page references in this section of the report are to the first page of the discussion of the issue.

## Recommendations

|  |  |  |
| --- | --- | --- |
|  | | *(page 15)* |
|  | The Panel recommends the Attorney-General entitle associate judges of the Supreme Court to the same motor vehicle entitlements as County Court judges. | |
|  | | *(page 16)* |
|  | The Panel recommends the Attorney-General amend the entitlement certificate issued under the JRT, dated 24 February 2012, to clarify long service leave for judges and the Chief Magistrate accrues on a daily basis, and not on an anniversary basis. The entitlement certificates dated 8 January 2018, 26 August 2019 and 19 July 2007 should also be amended to clarify that this approach applies to associate judges, reserve judges and magistrates. | |
|  | | *(page 17)* |
|  | The Panel recommends the Attorney-General amend the entitlement certificate dated 26 August 2019 to provide that reserve judges’ entitlement to be paid out long service leave is calculated on a *pro rata* basis on the salary for the period of accrual. | |
|  | | *(page 17)* |
|  | The Panel recommends the Attorney-General amend the entitlement certificate dated 19 July 2007 to recognise prior service as an acting magistrate for long service leave purposes. | |
|  | | *(page 19)* |
|  | The Panel recommends the Attorney-General create the following entitlements for reserve associate judges of the Supreme Court:   * long service leave when serving on a full-time basis pro rata to the entitlement of associate judges * *pro rata* motor vehicle entitlement * *pro rata* professional development allowance * *pro rata* public transport entitlement during periods of engagement * travel allowances to cover accommodation (where necessary), meals and incidentals when travelling on circuit, in accordance with the CSV judicial travel policy, and * overseas or interstate travel in accordance with the CSV judicial travel policy.   The motor vehicle entitlement should reflect any amendments to the entitlement provided to associate judges in response to the Panel’s recommendations. | |
|  | | *(page 21)* |
|  | The Panel recommends the Attorney-General increase magistrates’ annual leave from four weeks to six weeks. | |
| ***Recommendation 7*** | | *(page 22)* |
|  | The Panel recommends the Attorney-General amends the entitlement certificate dated 24 February 2012 to increase the value of magistrates’ living away from home allowance, to better reflect the actual costs of assignments away from magistrates’ principal place of residence. | |

## Observations

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|  | | *(page 23)* |
|  | The Panel encourages CSV to review the living away from home allowance policy and the relocation policy with a view to clarifying the scope of each and how they interrelate to reduce confusion regarding their application. | |
|  | | *(page 25)* |
|  | The Panel again encourages CSV to engage with other relevant stakeholders to establish a scheme for magistrates similar to the scheme that exists to protect judicial officers in the Supreme and County Courts from loss of income, whether through loss of capacity, ill health or disability. | |
|  | | *(page 27)* |
|  | The Panel supports a review of the car scheme available to magistrates and coroners, with a focus on whether changes to the VPS car scheme resulted in increased costs for these judicial officers for which they are not being compensated. Any increase in the allowance arising from this review should be backdated to 1 July 2019 to ensure magistrates are not financially disadvantaged.  The Panel reinforces the need for magistrates and coroners to have access to vehicles with the highest safety standards. | |
|  |  | |

# Summary of approximate costs of recommendations

The following table gives approximate funding increases that would be necessary to implement the proposal in each recommendation. As approximate costs, they are intended to be indicative only.

|  |  |  |
| --- | --- | --- |
| **#** | **Recommendation** | **Indicative funding ($)** |
|  | Entitling associate judges of the Supreme Court to a motor vehicle under the Judicial Car Scheme, for an annual contribution of $837, in line with the current arrangements for County Court judges | 100,000 per year |
|  | Clarifying long service leave for judicial officers accrues on a daily basis | 0 |
|  | Calculating reserve judges’ entitlement to be paid out long service leave on a *pro rata* basis on the salary for the period of accrual | Minimal |
|  | Recognising prior service as an acting magistrate for long service leave purposes | Negligible |
|  | Entitling reserve associate judges of the Supreme Court:   * long service leave when serving on a full-time basis pro rata to the entitlement of associate judges * *pro rata* motor vehicle entitlement * *pro rata* professional development allowance * *pro rata* public transport entitlement during periods of engagement * travel allowances to cover accommodation (where necessary), meals and incidentals when travelling on circuit, in accordance with the CSV judicial travel policy, and * overseas or interstate travel in accordance with the CSV judicial travel policy. | Negligible |
|  | Increasing magistrates’ annual leave from four weeks to six weeks | 1,250,000 per year |
|  | Increasing magistrates’ living away from home allowance | Variable |
| **Total** | | **Minimally in excess of**  **1,350,000 per year** |

# Background

## Legislative background

The *Judicial Entitlements Act 2015* (JE Act) regulates the determination of salaries, allowances and conditions of service for Victorian judicial officers.

Section 11 of the JE Act entitles a judicial officer to the conditions of service provided for in any entitlement certificate applicable to his or her office. The Attorney-General issues these entitlement certificates under section 35 of the JE Act.

Some certificates issued under the previous legislation, the now repealed *Judicial Remuneration Tribunal Act 1995* (JRT Act), remain current. Under section 43 of the JE Act, any certificate issued under section 15 of the JRT Act in force immediately before its repeal is considered an entitlement certificate under the JE Act.

The Judicial Entitlements Panel (Panel) was established by the JE Act and consists of three members who are appointed by the Governor in Council, on the recommendation of the Attorney-General. The inaugural panel was appointed on 15 June 2016 for a period of four years.

#### Panel Responsibilities

Under the JE Act, the Panel is responsible for:

* making own motion recommendations to the Attorney-General in relation to leave entitlements, accrued leave, allowances and benefits provided to or on behalf of judicial officers
* providing advisory opinions in relation to entitlements of judicial officers, judicial registrars and non-judicial members of the Victorian Civil and Administrative Tribunal (VCAT), when requested by the Attorney-General, and
* providing advisory opinions in relation to any matter relating to leave entitlements, accrued leave, allowances and benefits provided to or on behalf of judicial officers, judicial registrars, and non-judicial members of VCAT, when requested by the Attorney General.

#### Panel members

The Panel's members are:

* Mr Bruce Hartnett AM, Chairperson
* Ms Kathleen Townsend, Member, and
* Ms Ilona Charles, Member.

#### Reporting

The JE Act requires the Panel to report any own motion recommendations it makes to the Attorney-General at least once every 4 years. This is the third report of the Panel’s own motion recommendations, following reports in October 2016 and August 2018.

When the Attorney-General receives a report of an own motion recommendation or advisory opinion of the Panel, the Attorney-General, subject to personal or confidential information, must table the report before each House of the Parliament within 10 sitting days.

The Attorney-General must table a Recommendation Statement (Statement) before each House of the Parliament no later than the first sitting day after 4 months from the tabling of a report of own motion recommendation. The Statement must specify whether the Attorney-General intends to vary or accept the Panel's recommendations, either in part or in full, supported with reasons.

# Methodology

Section 16 of the JE Act provides that, when carrying out its functions, the Panel is required to act in an independent, impartial and timely manner. The Panel may inform itself in any manner it sees fit and is not bound by the rules of evidence.

Section 31(1) sets out the factors that the Panel must consider when making an own motion recommendation. The factors are:

1. the importance of the judicial function to the community
2. the need to maintain the standing of the judiciary in the community
3. the need to attract and retain suitably qualified candidates to judicial office
4. the level and nature of conditions of service of judicial officers in other Australian jurisdictions
5. movement in the Consumer Price Index
6. the level and nature of conditions in other public offices in Victoria
7. how any proposed own motion recommendation affects the total remuneration packages of judicial officers
8. relevant economic and remuneration factors in Victoria, including the capacity of the State to meet any proposal for more generous conditions of service, and
9. any other relevant matter.

In drafting this report, the Panel met with the representatives of the Magistrates’ Court and invited written submissions from the Supreme Court, County Court, Magistrates’ Court, Children’s Court, Coroners Court, and the Victorian Civil and Administrative Tribunal (VCAT).

The Department of Justice and Community Safety was not asked to provide a submission, but was consulted by the Panel.

The Panel invited the Secretary of the Department of Treasury and Finance (DTF) to make a submission in accordance with the requirement under s 30(1) of the JE Act.

A summary of the submissions from the courts and the Secretary of DTF are provided in the next section.

The Panel advised the heads of jurisdiction it would not revisit the conditions of service considered in its previous reports. While the Panel agreed in limited circumstances to revisit some issues raised by the courts, most proposals addressed by previous reports were rejected for this reason.

## Submissions received

In 2019 and 2020, the Panel received the following written submissions:

|  |  |  |
| --- | --- | --- |
| Jurisdiction | Description | Submission date |
| Supreme Court | Submission | 7 June 2019 |
| Magistrates’ Court | Submission | 21 June 2019 |
| County Court | Submission | 28 June 2019 |
| Supreme Court | Further submission on reserve associate judges | 16 September 2019 |
| CSV | Letter | 11 February 2020 |
| Secretary of DTF | Submission | 25 May 2020 |

The Panel did not receive submissions from the Children’s Court, Coroners Court or VCAT.

Following are summaries of the submissions received.

### Supreme Court submissions

In its submission, dated 7 June 2019, the Supreme Court proposed the following amendments to judicial conditions of service:

* associate judges of the Supreme Court should be provided with the same motor vehicle entitlement as a judge of the County Court
* pay out of accrued long service leave of reserve judicial officers be *pro rata* at the salary rate at which it was accrued
* accrual of sabbatical/long service leave be clarified to operate on a *pro rata* basis after 7 years at the rate of 6/7ths of a month each year, and
* the words ‘engaged by Court Services Victoria’ from the medical assessment entitlement to allow the assessment to be undertaken with a judicial officer’s regular medical practitioner.

In its further submission on reserve associate judges, dated 16 September 2019, the Supreme Court proposed that reserve associate judges of the Supreme Court should be provided with the same non-salary entitlements as associate judges. Specifically, the Supreme Court proposed reserve associate judges be provided with:

* *pro rata* long service leave when serving on a full-time basis
* *pro rata* motor vehicle entitlement (depending on the recommendations made with respect to associate judges)
* *pro rata* professional development allowance
* *pro rata* public transport entitlement, and
* travel allowances.

The Supreme Court noted there had been no appointments to the office of reserve associate judge as of the date of its submission.

### County Court submission

In its submission, dated 28 June 2019, the County Court endorsed the submission made by the Supreme Court on 7 June 2019.

### Magistrates’ Court submissions

In its submission, dated 21 June 2019, the Magistrates’ Court proposed amendments to certain magistrates’ entitlements and allowances and the creation of new ones. Specifically, the Magistrates’ Court proposed:

* an amendment to the living away from home and relocation allowances, which are currently mutually exclusive, to provide magistrates with a daily fee for meals and incidentals, accommodation, and reimbursement for range of relocation expenses including travel expenses and education expenses of dependent children and/or a spouse
* annual leave of eight weeks for magistrates
* long service leave for magistrates equivalent to that provided to County and Supreme Court judges
* recognising a magistrate’s prior service as an acting magistrate for the purposes of long service leave
* providing magistrates with the equivalent of the statutory disability scheme provided to County and Supreme Court judges, as a minimum and on an interim basis
* granting magistrates, coroners and associate judges of the Supreme Court access to the Judicial Car Scheme currently available to judges of the Supreme and County Courts
* removing restrictions on the category of VicFleet vehicles a magistrate can access
* payment of all E-Tag expenses for magistrates
* five days’ conference leave per annum for each magistrate, on a cumulative basis and in addition to any court-organised personal development days
* conducting an annual security audit at each magistrate’s residence with a court-appointed security expert, with any security issues at the property paid for by CSV
* personal duress alarms for magistrates that are monitored 24/7 by security or law enforcement bodies
* increasing medical assessment allowance to $1500 every two years, indexing the allowance, and allowing the allowance to be used for any medical provider
* providing reserve magistrates with a percentage of the book allowance (known as the professional development allowance) and a daily allowance for attending professional development days, as approved by the Chief Magistrate, and
* entitling magistrates to the same travel allowances as associate judges of the Supreme Court.

### CSV letter

CSV provided a letter on 11 February 2020, in response to the Panel’s request for further advice in its 2018 report of Own Motion Recommendations.

CSV made the following submissions regarding magistrates’ living away from home and relocation allowances:

* the living away from home allowance should be $453 per week for magistrates assigned from metropolitan courts to regional courts (no change to the current rate) and increased to $553 for magistrates assigned from regional courts to metropolitan courts
* the living away from home allowance should be extended to include:
  + a residential allowance to reimburse the actual costs of a second residence, and
  + a discretionary allowance to ensure magistrates required to work away from their primary place of residence are not financially disadvantaged
* CSV should implement a concierge service to facilitate relocation, and
* the entitlement certificate dated 24 February 2012 should be amended to reflect these changes, and backdated to 1 January 2020 to ensure magistrates are not financially disadvantaged.

CSV recognised the merit in providing magistrates with access to the Judicial Car Scheme available to Supreme and County Court judges.

CSV noted the costing formula for the current vehicle scheme available to magistrates was altered on 1 July 2019. CSV proposed that, if the Panel recommended retaining the current scheme, magistrates’ vehicle allowance be increased and backdated to 1 July 2019, to ensure magistrates are not financially disadvantaged.

### Secretary of the Department of Treasury and Finance

Under section 30(1) of the JE Act, before the Panel makes an own motion recommendation, it must, in writing, invite a public service body Head nominated by the Minister to make a submission to the Panel providing:

1. information about relevant economic and remuneration factors in Victoria, and
2. any other relevant information that the nominated public service body Head considers appropriate.

The previous Attorney-General, the Hon Martin Pakula MP, as the then Minister responsible for the JE Act, nominated the Secretary of DTF on 27 September 2016 as the public service body Head for the purposes of section 30(1).

The Secretary of DTF made a submission to the Panel on 25 May 2020 in response to a written invitation from the Panel. The submission provides an update on the economic outlook for Victoria since the Secretary of DTF’s January 2019 submission to the Panel’s Advisory Opinion to the Attorney-General.

## Issues addressed in this report

The issues for which recommendations and observations have been made in this report include:

|  |  |
| --- | --- |
| **#** | **Issue** |
|  | Motor vehicle entitlements for associate judges of the Supreme Court |
|  | Calculation of long service leave for judicial officers |
|  | Entitlements for reserve associate judges of the Supreme Court |
|  | Annual leave for magistrates |
|  | Living away from home allowance for magistrates |
|  | Income protection scheme for magistrates |
|  | Motor vehicle entitlements for magistrates |

A detailed discussion of all the issues about which the Panel has made recommendations or observations follow this section of the report.

Issues and proposals about which the Panel has decided not to make an own motion recommendation, are provided in a ‘Table of rejected proposals’ later in this report (refer to   
*page 28*). Issues and proposals in the table include those that are outside the scope of the Panel as defined in the JE Act or because the Panel does not support them. The table includes the Panel’s reasons for deciding not to make recommendations on the respective issues and proposals, in accordance with the requirements of section 32(3) of the JE Act.

# Discussion of issues with recommendations and observations

# 1 **Motor vehicle entitlements for associate judges of the Supreme Court**

The Supreme Court submitted that, in recognition of their workload and value, associate judges should be accorded the same motor vehicle entitlement as judges of the County Court.

## Current entitlement

Associate judges have access to the VicFleet car scheme provided to Victorian Public Service (VPS) executives, which requires associate judges to contribute to the costs of the vehicle in the same way as other salary sacrifice arrangements in the public and private sectors.

In comparison, judges of the County Court and Supreme Court, and the Chief Magistrate, are granted access to a motor vehicle in accordance with the Judicial Car Scheme set out in the CSV *Fleet Management Policies and Guidelines* (or any other relevant policy as applicable from time to time). These judicial officers are required to contribute $837 per annum towards the running costs of the vehicle. This entitlement is secured in the entitlement certificate dated 19 July 2007.

Under the current policy, Supreme Court judges, the Chief Judge of the County Court and the Chief Magistrate have access to all categories of vehicles in VicFleet. Other eligible judicial officers may access all categories except for ‘prestige’.

## Issues

The Supreme Court submitted, reiterating its views in 2016, there has been a significant increase in the complexity, standing and value of the office of associate judge.

Following changes to the operations of the Supreme Court, associate judges routinely hear trials and complex substantive matters on a vast range of legal issues. Associate judges also have a significant role in a range of specialist areas, including corporations, testator family maintenance, judicial review and appeals. The increased work of associate judges has enabled the Supreme Court to meet growing demand without appointing additional judges, which achieves a cost saving while increasing productivity.

Associate judges may be compared to judges of the County Court for the following reasons:

* the salary of an associate judge is only marginally less than that of a County Court judge – associate judges receive 84.65 per cent of the salary of a Supreme Court judge, while County Court judges receive 86.64 per cent
* associate judges undertake both trial and interlocutory work, and
* associate judges produce and publish substantial written reasons.

Associate judges are undertaking increasingly complex work. Moreover, as the role of associate judge becomes more complex, it is important to provide proportionate increases in compensation in order to attract and retain suitably qualified candidates to the office.

The Panel supported providing associate judges with equivalent entitlements to County Court judges in its August 2018 report of Own Motion Recommendations, specifically in respect of public transport entitlements and library allowances.

The Panel continues to support parity between associate judges and County Court judges, and therefore supports the view of the Supreme Court.

### Cost implications

This proposal is estimated to cost approximately $100,000 per year, assuming all associate judges of the Supreme Court take advantage of the judicial car scheme.

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| Recommendation 1 The Panel recommends the Attorney-General entitle associate judges of the Supreme Court to the same motor vehicle entitlements as County Court judges. |

# 2 Calculation of long service leave for judicial officers

The Supreme Court proposed the current entitlement certificate be amended to require judges’ long service leave to be accrued on a daily basis, and not on an anniversary basis. In addition, the Supreme Court submitted reserve judges’ entitlement for the pay out of long service leave, be calculated on a *pro rata* basis on the salary for the period of accrual.

The clarification sought by the Supreme Court is intended only to apply to long service leave that accrues after the initial qualifying period for a judicial officer – for example, after the judicial officer has completed seven years of service and has accrued their initial 6 months of long service leave. The Panel does not intend to change the initial qualifying period.

## Current entitlement

The entitlement certificate issued under section 15 of the JRT Act, dated 24 February 2012, entitles judges of the Supreme Court and County Court, as well as the Chief Magistrate, to six months’ long service leave after seven years of service, one month of which may be accessed after five years of service, and ‘6/7th of a month’s leave to accrue for every additional year of service completed.’

This entitlement was extended to reserve judges of the Supreme Court and County Court under the entitlement certificate dated 26 August 2019.

## Issues

In its submission, the Supreme Court noted the administration of the Court has operated for several years under the interpretation that long service leave accrues on a day-by-day basis. However, under the current entitlement certificate, the entitlement may be interpreted to accrue on an annual basis due to the words ‘additional year of service completed’.

It is common practice throughout the public and private sectors for employees to accrue long service leave on a daily basis, similar to annual leave. The same approach should be applied to judges and the relevant entitlement certificates should be amended to clarify this approach.

For consistency, a daily accrual basis should also apply to the long service entitlements of the Chief Magistrate, associate judges, reserve judges and magistrates.

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| Recommendation 2 The Panel recommends the Attorney-General amend the entitlement certificate issued under the JRT, dated 24 February 2012, to clarify long service leave for judges and the Chief Magistrate accrues on a daily basis. The entitlement certificates dated 8 January 2018, 26 August 2019 and 19 July 2007 should also be amended to clarify this approach applies to associate judges, reserve judges and magistrates. |

Reserve judges are appropriately entitled to long service leave and, when engaged, are paid the difference between their judicial pension and the salary of a tenured judge. Under the current arrangements, if a reserve judges’ leave is paid out, this is based on non-pension salary received as a reserve judge. As this amount is lower than the salary of a tenured judge, this can lead to inequitable outcomes. For example, if an individual served as a judge for six years, followed by one year as a reserve judge, his or her leave payout would be based on the lower payment received as a reserve judge.

The Panel accepts the Supreme Court’s submission that reserve judges’ long service leave should be paid out on a *pro rata* basis on the salary for the period of accrual. This method of calculation will better recognise the period of service provided by a reserve judge.

To avoid administrative complexity, the new method of calculation should apply to presently accrued, but untaken, long service leave, as well as future long service leave. It should not apply retrospectively to leave already taken.

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| Recommendation 3 The Panel recommends the Attorney-General amend the entitlement certificate dated 26 August 2019 to provide that reserve judges’ entitlement to be paid out long service leave is calculated on a *pro rata* basis on the salary for the period of accrual. |

The Panel is also cognisant that magistrates who were appointed as acting magistrates prior to a permanent appointment do not have their earlier service included in the calculation of their long service leave entitlements.

Acting magistrates performed the same services as permanently appointed magistrates. As such, it is equitable to recognise this valuable service for long service leave purposes.

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| Recommendation 4 The Panel recommends the Attorney-General amend the entitlement certificate dated 19 July 2007 to recognise prior service as an acting magistrate for long service leave purposes. |

### Cost implications

As the Courts currently calculate long service leave on a daily accrual basis, Recommendation 2 will not have a financial impact.

The cost of paying out reserve judges’ long service leave *pro rata* for the period of accrual will vary significantly depending on the circumstances of each reserve judge. As such, there is little utility in providing an estimated cost of Recommendation 3. Notwithstanding, the Panel expects the majority of reserve judges would have previously served as a tenured judge for at least seven years, and therefore the cost of this recommendation will be minimal.

The Panel anticipates the cost of implementing Recommendation 4 will be negligible, given the minimal number of judicial officers who previously served as acting magistrates.

# 3 Entitlements for reserve associate judges of the Supreme Court

The Supreme Court submitted that reserve associate judges should be entitled to travel allowances and, *pro rata* to the entitlements of associate judges: long service leave; motor vehicle entitlements; professional development allowances; and public transport benefits.

## Current entitlement

Reserve associate judges are not entitled to travel allowances, long service leave, motor vehicles, professional development allowances or public transport benefits. Currently, reserve associate judges’ entitlements are confined to *pro rata* annual leave when serving on full-time basis.

To date, there has been one appointment to the office of reserve associate judge of the Supreme Court.

## Issues

In 2018 and 2016, the Panel recommended removing disparities between the entitlements of judges and reserve judges engaged on a full-time basis. This was on the principle that reserve judges who serve alongside other judges should be provided with equal compensation for their work, and to appropriately recognise their judicial experience and service to the community. This reasoning is equally applicable to the entitlements of associate judges and full-time reserve associate judges.

In addition, providing reserve associate judges with proportionate entitlements reflects their standing in the community, and is key to attracting and maintaining suitably qualified candidates to the role.

Associate judges of the Supreme Court are entitled to:

* six months’ long service leave after seven years of service, one month of which can be accessed after five years of service, followed by 6/7th of one month of long service leave for each year of service after seven years
* access to the car scheme provided to VPS executives (refer to *page 14*)
* professional development allowance of 84.65 per cent of that provided to a judge of the Supreme Court
* travel on Victorian public transport (trains including V/Line services, trams and buses) at no personal cost
* travel allowances to cover accommodation (where necessary), meals and incidentals when travelling on circuit, in accordance with the CSV judicial travel policy, and
* overseas or interstate travel in accordance with the CSV judicial travel policy.

As such, the Panel supports providing reserve associate judges with the following on the same basis as their non-reserve counterparts:

* *pro rata* long service leave when serving on a full-time basis
* *pro rata* motor vehicle entitlement
* *pro rata* professional development allowance
* *pro rata* public transport entitlement during periods of engagement, and
* travel allowances.

If Recommendation 1 of this report (*page 15*) is accepted to amend the motor vehicle entitlement of associate judges of the Supreme Court, the *pro* rata entitlement of reserve associate judges should, naturally, be based on the amended entitlement.

The Panel notes travel allowances would not be *pro rata*, as this entitlement would cover travel expenses as they are incurred.

### Cost implications

As there is currently only one reserve associate judge of the Supreme Court, the financial implications of this recommendation will be minimal.

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| Recommendation 5 The Panel recommends the Attorney-General create the following entitlements for reserve associate judges of the Supreme Court:   * long service leave when serving on a full-time basis *pro rata* to the entitlement of associate judges * *pro rata* motor vehicle entitlement * *pro rata* professional development allowance * *pro rata* public transport entitlement during periods of engagement * travel allowances to cover accommodation (where necessary), meals and incidentals when travelling on circuit, in accordance with the CSV judicial travel policy, and * overseas or interstate travel in accordance with the CSV judicial travel policy.   The motor vehicle entitlement should reflect any amendments to the entitlement provided to associate judges in response to the Panel’s recommendations. |

# 4 Annual leave for magistrates

The Magistrates’ Court reiterated its previous proposal to entitle magistrates to eight weeks’ annual leave. Its submission emphasised the increasing volume and complexity of matters handled by magistrates, and the impact of this on magistrates’ wellbeing.

## Current entitlement

Magistrates are entitled to four weeks’ annual leave, in addition to an indeterminable period between the Christmas break and the first court sitting day, during which magistrates are ‘on call’ to attend to the business of the Magistrates’ Court. Magistrates also have access to the ‘48/52’ purchased leave scheme, by salary sacrifice.

By comparison, Supreme Court and County Court judges are entitled to eight weeks’ annual leave.

## Issues

The Panel maintains its support for the recommendation in its August 2018 report of Own Motion Recommendations to increase the annual leave entitlement of magistrates to six weeks. The Panel has considered a range of issues, including the:

* nature and complexity of the matters handled by magistrates, including violent and/or sexual offences, and the emotional and mental impact this can have on magistrates
* significant increase in the workload of magistrates, in part due to magistrates’ increased jurisdiction over indictable offences, expansions to Victoria Police, population increases and the introduction of the Bail and Remand Court, which operates until 9pm seven days a week (including public holidays)
* potential career restrictions faced by magistrates, as a magistrate who resigns is unable to appear in the Magistrates’ Court for five years following the resignation, and the difficulties faced by those seeking to re-enter the legal profession after considerable absences
* limited benefit of the ‘48/52’ entitlement, as it involves a personal financial cost to the magistrate (approximately $26,000 per annum) and is at the discretion of the Chief Magistrate, who is constrained by the operational needs of the Court, and
* absence of permanent staff for magistrates, while Supreme Court and County Court judges generally receive the assistance of at least one legally-trained staff member.

The Panel reiterates its view that increasing annual leave for magistrates is necessary to adequately care for the health and wellbeing of magistrates. Increasing the entitlement also demonstrates recognition of the expanded role of magistrates and the benefit they bring to the community.

The Panel is required to consider the conditions of services of other Victorian public offices. As noted above, judges receive eight weeks’ annual leave. Members of Victoria Police and emergency services workers also receive in excess of four weeks’ annual leave, in recognition of the nature of their work.

However, given the significant financial cost, the Panel considers magistrates’ annual leave should be increased to six weeks in the short-to-medium term, then ultimately increased to eight weeks.

### Cost implications

The cost of increasing magistrates’ annual leave to six weeks is estimated to be $1.25 million per year. If annual leave were increased to eight weeks, the Panel estimates this would have an annual cost of $2.5 million.

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| Recommendation 6 The Panel recommends the Attorney-General increase magistrates’ annual leave from four weeks to six weeks. |

# 5 Living away from home allowance for magistrates

The Magistrates’ Court again raised concerns over the inequity of the current arrangements surrounding the living away from home allowance for magistrates.

## Current entitlement

Magistrates required to live away from home in a regional area on a temporary basis are entitled to a living away from home allowance of $453 per week for up to 3 years. The allowance is adjusted for inflation and is the same regardless of whether magistrates are assigned to metropolitan or regional courts.

## Issues

There is a legitimate concern that magistrates undertaking assignments are financially disadvantaged, given most magistrates are expected to undertake a regional placement, the majority of which are for 12 months or more. It is common for magistrates to need to maintain two residences – one at the assignment location and the family home. The current living away from home allowance does not adequately cover out-of-pocket expenses. In some cases, the allowance does not even cover rent.

In addition, the time and effort taken in finding suitable accommodation can be extensive and adds to the stress experienced by magistrates needing to relocate.

Given the basic principle that magistrates who are asked to relocate should not be out-of-pocket as a result, any step to make this process cost-neutral and more efficient is beneficial. This is consistent with CSV’s letter to the Panel, dated 11 February 2020, which supports changes to the current arrangements.

The Panel notes there is often confusion between magistrates’ undertaking an assignment for up to three years and magistrates being relocated permanently. The living away from home allowance should only apply to those being asked to relocate for a specified term.

The cost of this recommendation will vary depending on the value of the increase to the allowance, the number of magistrates required to live away from home, and the length of these assignments.

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| Recommendation 7 The Panel recommends the Attorney-General amends the entitlement certificate dated 24 February 2012 to increase the value of magistrates’ living away from home allowance, to better reflect the actual costs of assignments away from magistrates’ principal place of residence. |

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| Observation 1 The Panel encourages CSV to review the living away from home allowance policy and the relocation policy with a view to clarifying the scope of each and how they interrelate to reduce confusion regarding their application. |

# 6 Income protection scheme for magistrates

The Magistrates’ Court commended the Panel’s observation in its 2018 report of Own Motion Recommendations that CSV should engage with other relevant stakeholders to establish a scheme to protect magistrates from loss of income, whether through loss of capacity, ill health, or disability.

The Magistrates’ Court noted the Panel is awaiting analysis from CSV on this proposal and submitted that, in the interim, magistrates should be granted the statutory disability scheme provided to Supreme and County Court judges.

## Current entitlement

Magistrates are not entitled to an allowance for removal from office in a ‘no fault’ situation, such as loss of capacity, ill health or disability.

In comparison, a judge of the Supreme and County Court appointed before the age of 60 has access to a judicial pension if he or she becomes afflicted with a permanent incapacity and is no longer able to perform the duties of a judge.

## Issues

Magistrates who are afflicted by long-term incapacity are in a precarious position, as they do not have access to a judicial pension or an allowance for ‘no fault’ removal from office.

Paid sick leave for magistrates is at the discretion of the Chief Magistrate. As no guidance is available to magistrates on how this discretion is applied, magistrates who suffer a medium or long-term medical issue face financial uncertainty and job insecurity. This may result in significant stress and anxiety, on top of the affected magistrate’s illness or injury. Moreover, the uncertainty may result in a magistrate continuing to perform his or her duties, despite experiencing poor health, which would negatively impact the magistrate’s health and may affect the administration of justice.

Magistrates also face difficulties in independently obtaining income protection. In addition to being expensive, this cover is typically only available until age 65 at the latest. As the retirement age for magistrates is 70 years, this results in a five year period where income protection is not a possibility.

The Panel reiterates its view that the insecurity magistrates face regarding loss of office due to no fault of their own cannot be reconciled with their value to the community. An appropriate income protection scheme is necessary to maintain the standing of magistrates in the community, attract suitably qualified candidates to the Magistrates’ Court of Victoria, and would increase parity between magistrates and judges.

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| Observation 2 The Panel again encourages CSV to engage with other relevant stakeholders to establish a scheme for magistrates similar to the scheme that exists to protect judicial officers in the Supreme and County Courts from loss of income, whether through loss of capacity, ill health or disability. |

# 7 Motor vehicle entitlements for magistrates

The Magistrates’ Court proposed that magistrates, coroners and associate judges of the Supreme Court are granted access to the Judicial Car Scheme available to Supreme and County Court judges. In its letter to the Panel, CSV noted there was merit in this proposal.

The Magistrates’ Court also submitted that magistrates should have access to all categories of vehicle in VicFleet.

## Current entitlement

Magistrates have access to the VicFleet car scheme provided to VPS executives. Magistrates also receive $11,720 per annum (in addition to salary) for a motor vehicle allowance, which is adjusted for inflation.

Under the current policy, magistrates do not have access to ‘prestige’ vehicles in VicFleet. This category is only available to Supreme Court judges, the Chief Judge of the County Court and the Chief Magistrate.

## Issues

The VicFleet car scheme provided to VPS executives requires the recipient to substantially contribute to the costs of the vehicle. In contrast, recipients of vehicles under the Judicial Car Scheme are only required to contribute $837 per annum to the cost of the vehicle.

CSV raised concerns regarding the costing formula for the VPS executive car scheme. The costing formula was amended from 1 July 2019, which impacts judicial remuneration and requires judicial officers to pay the applicable fringe benefits tax through payroll deductions. Magistrates’ car allowances and salaries have not been altered to reflect the changes in vehicle costs.

The Panel does not support granting magistrates and coroners access to the Judicial Car Scheme, due to the significant financial cost and complexities involved in implementing such a reform.

However, the Panel supports reviewing the car scheme available to magistrates and coroners, with a focus on whether changes to the VPS car scheme have resulted in increased costs for magistrates for which they are not being compensated.

The Panel strongly believes magistrates and coroners should have access to vehicles with the highest safety standards. This is particularly important for magistrates who are required to drive long distances and in regional areas. The Panel notes restrictions on the categories of, and range of cars judicial officers may access are due to current CSV (and previously, Department of Justice) policy, rather than the wording of the relevant entitlement certificate.

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| Observation 3 The Panel supports a review of the car scheme available to magistrates and coroners, with a focus on whether changes to the VPS car scheme resulted in increased costs for these judicial officers for which they are not being compensated. Any increase in the allowance arising from this review should be backdated to 1 July 2019 to ensure magistrates are not financially disadvantaged.  The Panel reinforces the need for magistrates and coroners to have access to vehicles with the highest safety standards. |

# Table of rejected proposals

Under section 32 of the JE Act, if the Panel decides not to make an own motion recommendation on a subject in relation to which it has invited submissions, the Panel must give its reasons for not making the recommendation. This section of the report is made in accordance with the requirement under section 32 of the JE Act.

The Panel advised the heads of jurisdiction it would not be revisiting conditions of service addressed in previous reports. As such, except in limited circumstances, proposals that had been previously considered were rejected.

| All jurisdictions | | |
| --- | --- | --- |
| **Biennial health assessment** | |  |
| Current entitlement / Issue | A judicial officer is entitled to a medical assessment once every two years, up to a value of $1,000 per assessment. The value of the entitlement is adjusted annually in accordance with the increases in the Melbourne All Groups consumer price index (CPI).  Medical assessment for the purposes of the certificate means a comprehensive medical assessment conducted by a service provider engaged by CSV, whose assessment is confidential to the judicial officer. | |
| Submission | The Supreme Court and Magistrates’ Court proposed changes to the health assessment entitlement.   * The Supreme Court submitted more judicial officers would utilise the entitlement if any medical practitioner could complete the assessment, rather than practitioners engaged by CSV. * The Magistrates’ Court proposed magistrates be able to undergo an equivalent medical assessment from alternative providers if magistrates raise privacy or confidentiality concerns. * The Supreme and Magistrates’ Courts noted the ability for regional magistrates to access the entitlement was limited, as Epworth HealthCare, CSV’s chosen medical provider, is centred in Melbourne. * The Magistrates’ Court proposed the entitlement be increased to $1,500 per assessment, indexed to prevent devaluation. | |
| Comment and determination | The Panel does not agree with the submissions of the Supreme and Magistrates’ Courts. Notwithstanding, the Panel supports ensuring regional magistrates have access to services engaged by CSV.  The current entitlement ensures the allowance is used effectively, as medical practitioners engaged by CSV have specific expertise in undertaking medical assessments. Moreover, if a judicial officer is able to choose their own providers, the personal relationship between the practitioner and the judicial officer may affect the opinion of the practitioner.  The Panel does not perceive any privacy or confidentiality issues with the current arrangements. The medical assessments are provided to judicial officers’ own general practitioners, and are covered by the doctor-patient confidentiality protections in statute and the common law.  The Panel considered and did not accept the Magistrates’ Court’s submission to increase the value of the current health assessment in 2018. The Panel’s research indicated a comprehensive health assessment can be obtained for the amount provided under the current entitlement. In the absence of compelling evidence demonstrating the current entitlement is insufficient, and noting the entitlement is indexed for CPI, the Panel rejects this proposal again. | |

| Magistrates’ Court | | |
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| **Long Service Leave** | | |
| Current entitlement / Issue | Magistrates are entitled to three months long service leave after ten years of service. Magistrates accrue and may access their long service entitlement on a *pro rata* basis after seven years of service. After 10 years of service, magistrates accrue and may access 3/10th of a month of long service leave for each completed year of service. | |
| Submission | The Magistrates’ Court submitted magistrates should receive the same long service leave entitlement as judges of the Supreme and County Courts. This would entitle magistrates to:   * six months’ long service leave after 10 years, one month of which may be accessed after five years, and * 6/7th of a month’s leave for every additional year of service completed.   The Magistrates’ Court proposed the four magistrates who were previously appointed as acting magistrates have their service in the role of acting magistrate recognised for the purposes of the long service leave entitlement. | |
| Comment and determination | The Panel does not support the proposal to double the amount of long service leave for magistrates, consistent with its view in 2018. | |
| **Motor vehicle entitlements** | | |
| Current entitlement / Issue | Magistrates have access to the car scheme provided to VPS executives, which requires magistrates to substantially contribute to the costs of the vehicle. | |
| Submission | The Magistrates’ Court reiterated its previous proposal that magistrates and coroners are granted access to the Judicial Car Scheme currently available to Supreme and County Court judges. These judges, and the Chief Magistrate, are entitled to a motor vehicle in accordance with the Judicial Car Scheme, for an annual contribution of $837.  In its submission, the Magistrates’ Court suggested that, if the Panel did not accept its above proposal, the Panel should recommend the car allowance for magistrates be increased by $4,000 per annum, to compensate for changes to the VPS car scheme resulting in increased costs for magistrates.  The Magistrates’ Court also submitted magistrates should have access to all categories of vehicle in VicFleet. | |
| Comment and determination | As noted in the Panel’s 2018 report of Own Motions Recommendations, the number of different arrangements for car entitlements for judicial officers that currently operate present significant complexities for the reform of the entitlement. All magistrates presently receive $11,720 per annum (in addition to salary) for a motor vehicle allowance, regardless of whether they access the car scheme or not.  The Panel notes restrictions on the categories of a range of vehicles judicial officers may access are due to current CSV (and previously, Department of Justice) policy. The current policy prevents all judicial officers except for Supreme Court judges, the Chief Justice of the County Court and the Chief Magistrate from accessing ‘prestige’ vehicles.  The panel has made an observation on this matter. | |
| **E-Tag expenses** |  | |
| Current entitlement / Issue | Magistrates do not receive any entitlements regarding E-Tags. | |
| Submission | The Magistrates’ Court submitted magistrates’ vehicle-related entitlements include the payment of all E-Tag expenses. The Magistrates’ Court noted  E-Tag expenses vary among magistrates, depending on the court each magistrate is assigned to and where he or she lives. | |
| Comment and determination | The Panel does not support extending magistrates’ entitlements to cover  E-Tag expenses. As magistrates may be using E-Tags for personal use, as well as for travel to and from work, it would not be appropriate for all these expenses to be covered by the State of Victoria.  The Panel does support the reimbursement of work-related E-Tag expenses. | |
| **Conference leave** | | |
| Current entitlement / Issue | Magistrates are not entitled to conference leave. | |
| Submission | The Magistrates’ Court repeated its previous submission that each magistrate be entitled to five days’ conference leave per annum on a cumulative basis, in addition to any court-organised professional development days. | |
| Comment and determination | The Panel supports the commitment of the judicial system to ongoing professional development. The Panel notes that, following its recommendation in 2018, the library allowance was replaced by the professional development allowance. Among other activities and purchases, this new allowance may be used for the costs of attending professional conferences, courses or tuition.  The Panel does not support making an entitlement to leave for the purpose of engaging in professional development activities. Such leave should be provided with approval by the head of jurisdiction on a case-by-case basis. | |
| **Home Security Audit and Allowance** | | |
| Current entitlement / Issue | Any member of the public can identify the personal property address of a judicial officer through a property list index search. A judicial officer’s interests in any company or business can also be discovered using an ASIC company or business name search.  Magistrates may receive threats to their or their family’s safety, due to the nature of their work and magistrates’ frequent exposure to violent offenders and organised crime. | |
| Submission | The Magistrates’ Court proposed:   * an allowance be provided to conduct an annual security audit of each magistrate’s residence with a court-appointed security expert, and any security issues at the property are paid for by CSV * magistrates and their families’ personal identities on any public register be protected and/or removed, and * magistrates be provided with personal duress alarms that are monitored 24/7 by security or law enforcement bodies. | |
| Comment and determination | The Panel has not found a compelling reason to provide magistrates with a home security audit and allowance when other judicial officers, both in Victoria and interstate, do not receive such an entitlement.  The publication of magistrates’ details on the Land Titles and ASIC registers falls outside the remit of the Attorney-General, and therefore the Panel cannot make a recommendation to the minster on this issue.  If a magistrate faces specific security issues, the magistrate should raise these with the Court and CSV. | |
| **Public transport** | | |
| Current entitlement / Issue | Magistrates do not receive a public transport entitlement. | |
| Submission | The Magistrates’ Court repeated its previous submission that magistrates receive an entitlement to free travel on public transport, in line with Supreme and County Court judges.  The Court contended this entitlement would be in the interests of the community and the environment, and had a trivial cost implication. | |
| Comment and determination | The Panel recognises the increased use of public transport provides a range of savings for the community. Notwithstanding, consistent with its view in 2018, the Panel does not support extending the public transport entitlement to magistrates.  While Supreme and County Court judges receive such an entitlement, the enhanced entitlements for these judges reflects their higher position in the judicial system.  The Panel continues to support magistrates’ work-related public transport costs being covered, but does not support covering both work and personal travel. | |
| **Reserve magistrates’ professional development allowances** | |  |
| Current entitlement / Issue | Reserve magistrates are not entitled to a professional development allowance or professional development days. | |
| Submission | The Magistrates’ Court proposed reserve magistrates be entitled to:   * a percentage of the book allowance, now known as the professional development allowance, as approved by the Chief Magistrate, in proportion to the days the reserve magistrate attends to the business of the court over the financial year, and * a daily allowance for attending professional development days approved by the Chief Magistrate. | |
| Comment and determination | The Panel considers the proposal to entitle reserve magistrates to a percentage of the professional development allowance would involve an administrative burden disproportionate to the benefit provided.  The professional development entitlement in the certificate dated 26 August 2019 provides certain judicial officers with a monetary allowance, rather than days. Therefore, providing reserve magistrates with professional development days would be inconsistent with the entitlements of other judicial officers. | |

# Appendices

## Appendix 1

### Extract of relevant approaches to costings from the former Chief Executive Officer, Magistrates’ Court of Victoria

#### Note to the extract

On 14 February 2020, the Panel received an email from the former Chief Executive Officer of the Magistrates’ Court of Victoria, Mr Andrew Tenni, regarding the estimated costs of an increase to magistrates’ leave entitlements. Relevant extracts from that email are reproduced below.

This costing information is reflected in the ‘Summary of approximate costs of recommendations’ and ‘Annual leave for magistrates’ sections of this Report.

[…]

**Estimated cost**  
There is no one agreed formula to assessing the cost of any increase to Magistrates leave entitlements. It is somewhat dependent on the management of the court business and the need for reserve or additional Magistrates.   
   
Accordingly, I provide 3 separate approaches.  
   
**2018**  
The Magistrates’ Court provide advice on the estimated cost to the Panel when it considered the Magistrates request in 2018. For convenience I set this out here:  
   
*Assuming the leave is a prospective entitlement:  Based on the current rate of remuneration of a Magistrate ($311,694 plus $11,720 Car plus Super $30,724) and there being 128 Magistrates (numbers and rem reported in previous response), the cost of the proposal would be the loss of 9,728 court hours (2 weeks leave x 128 Magistrates) which equates to $1,737,481 or circa five Magistrates.*  
  
**2019 (a)**  
Further analysis undertaken for the purpose of this advice has arrived at a different estimate based upon the cost of Reserve Magistrates to cover an average of 88 Magistrates sitting across the state per day;

|  |  |
| --- | --- |
| **Additional two weeks of annual leave (10 days)** |  |
| Magistrates' Courts | $1,233,036 |
| Image removed by sender. | Image removed by sender. |
| **Additional four weeks of annual leave (20 days)** | Image removed by sender. |
| Magistrates' Courts | $2,466,072 |

**2019 (b)**  
The Court’s 2019 records show that Magistrates took 2840.60 days of annual leave. Of this, 932 days where filled by reserve Magistrates. This Equates to 27% of annual leave being filled by Reserve Magistrates. Based on this experience the estimated actual cost of an additional 2 weeks would be $373,081.41 and 4 weeks $ 746,162.82.  
   
It is however the view of the Magistrates’ Court that due to a range of internal organisational reform underway, the Court will be in a position to absorb the cost and over time the change in entitlements would be cost neutral. That is, the resultant loss of judicial capacity occasioned by an increase in the leave entitlement available to Magistrates would be offset by efficiency creating initiatives, which are in the process of being implemented and would likely achieve their aims over the next few years. These initiatives would be enhanced by the welfare benefits flowing from increased and appropriate leave.  
   
Further, the above calculations do not consider the reality of the way the Court is organised and operates. The number of Reserve Magistrates used by the Court is at capacity and cannot be increased. The costing based upon full cover of increased leave by reserve Magistrates is therefore illusory.  
   
This cost neutral analysis applies to the Magistrates’ Court**.** While it is a matter for other Jurisdictions, I think it is unlikely that the economies of scale available to the Magistrates’ Court are available to the Children’s and Coroners Court. As such you would be advised to invite those Courts to provide their analysis of the financial impact.  
   
I turn now to the logic behind this analysis.    
   
Assuming that the additional entitlements were agreed, and no additional Magistrates provided there would be a reduction in the number of days available to list however the Court would seek to manage the impact through a range of procedural improvements.  
   
The Court is constantly implementing new procedures and initiatives to reduce court waiting times and streamline procedure which would ameliorate and / or offset the potential effects of granting extra leave to Magistrates for their health and safety. A number of those new procedures and initiatives include:

* The rollout of CMS (Case Management System, a new court computer program for court case management) will have a significant impact on the Courts productivity.  This is due to come online in 2022;
* Reviewing and streamlining the judicial functions of Magistrates and to allocate non judicial functions to administrative support staff;
* An analysis to better utilise Judicial registrars and review their delegated responsibilities, so Magistrates are allocated cases that more complex in nature;
* The appointment of a strategic advisor to review State-wide, listings and Judicial allocations to better allocate judicial and non-judicial resources to create greater workflow efficiencies;
* Considering an increase in the “over listings ratio” creating greater efficiencies;
* Considering a realignment of the maximum sitting hours of the Court via review/revocation of a current practice direction in relation to sitting hours being restricted to 10 am to 4 pm; and
* Implementation of a range of mental health and welfare initiatives to supplement and support Magistrates welfare.

Should extra annual leave be granted, it is anticipated that, through these efficiencies, each region of the Court will be able to largely absorb its own leave obligations without calling upon extra resources with the impact on listings being minimal over time.  
   
Further, the granting of extra leave will have a positive impact on welfare which has a direct flow upon effect to Magistrates capacity and thus listings and finalisations.  In this regard the Court refers to a PWC report in 2014 which concluded:

* *Mental health conditions present substantial costs to organisations. However, through the successful implementation of an effective action to create a mentally healthy workplace, organisations, on average, can expect a positive return on investment (ROI) of 2.3. That is, for every dollar spent on successfully implementing an appropriate action, there is on average $2.30 in benefits to be gained by the organisation.*
* *These benefits typically take the form of improved productivity, via reduced absenteeism and presenteeism (reduced productivity at work), and lower numbers of compensation claims.*
* *Implementing multiple targeted actions is likely to lead to further increases in ROI, noting that the cumulative benefits of multiple actions will be less than their sum as actions may apply to the same group of employees.*
* *The productivity gains generated from different actions may vary depending on the industry and size of an organisation.*

* *Actions tend to be more effective when implemented in smaller sized organisations because the single most critical success factor is employee participation. This may mean that actions are best implemented on a team or group basis in larger organisations.*
* *In order to achieve a positive ROI, organisations will need to have addressed the critical success factors for change. In particular, implementing one or several actions is unlikely to be effective unless there is leadership and management support for improving the culture and mental health of the workplace.*
* *These benefits typically take the form of improved productivity, via reduced absenteeism and presenteeism (reduced productivity at work), and lower numbers of compensation claims.”*

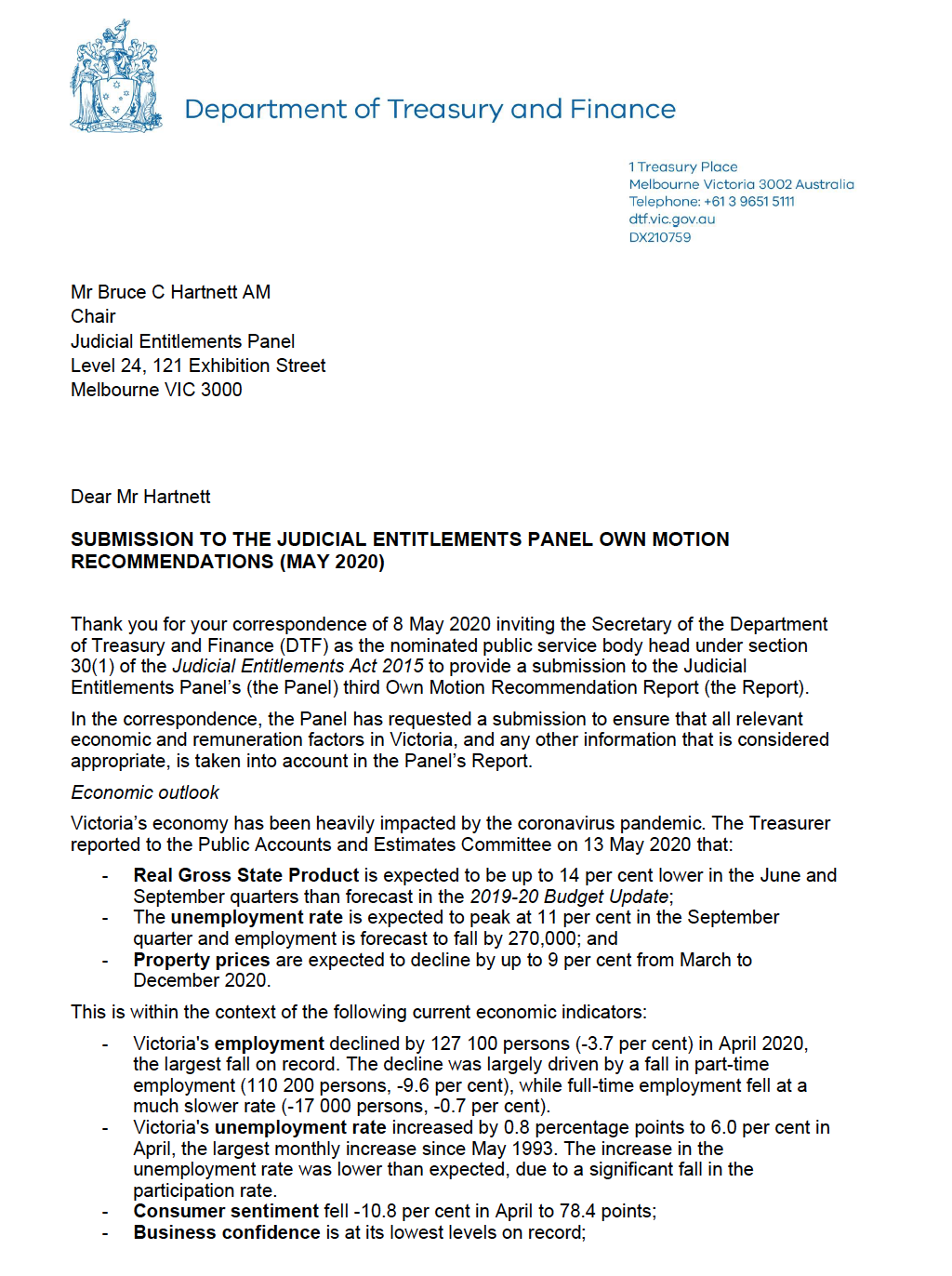
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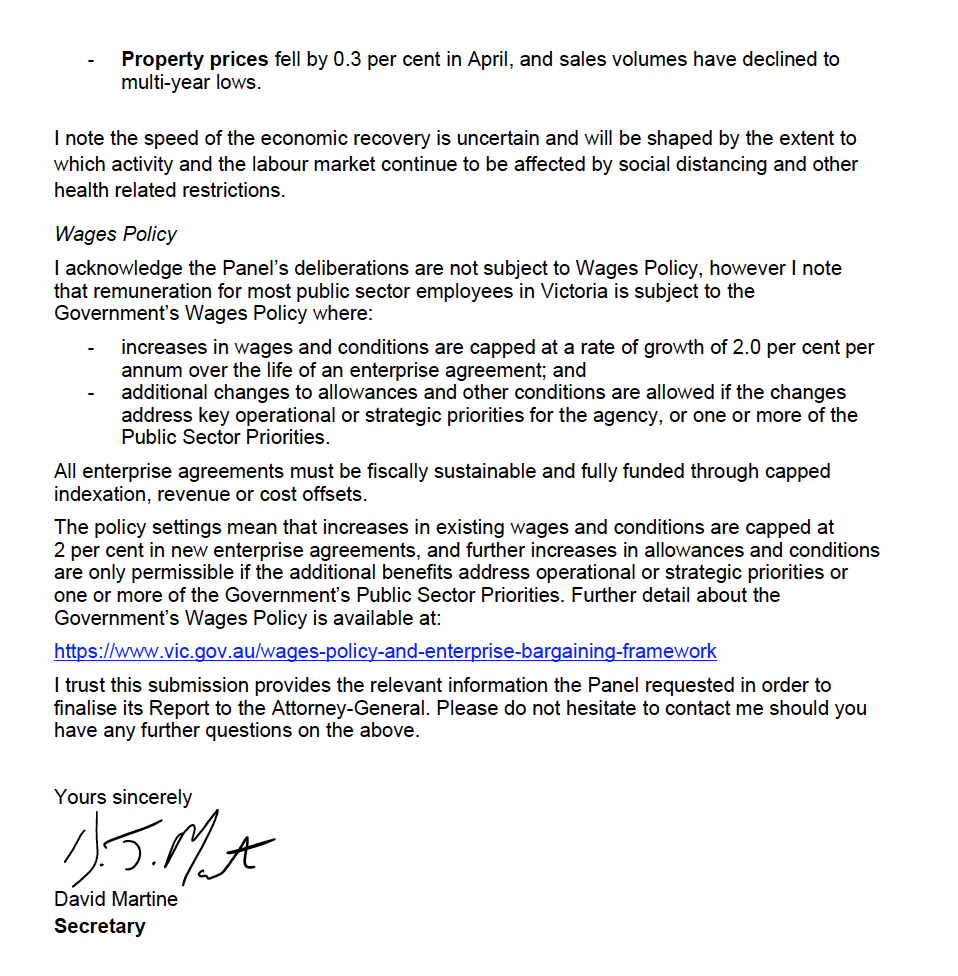
## Appendix 2

### Copy of the submission of the Secretary to the Department of Treasury and Finance

#### Note to the submission

Following an invitation under section 30(1) of the JE Act, the Panel received a letter from Mr David Martine, Secretary of the Department of Treasury and Finance, on 25 May 2020. This letter primarily addressed Victoria’s economic outlook and remuneration factors for public sector employees.





## Appendix 3

### Copy of the letter received from CSV on 11 February 2020

#### Note to the submission

The Panel received a letter from Ms Louise Anderson, Chief Executive Officer of Court Services Victoria, in February 2020. This letter primarily addressed magistrates’ living away from home allowance and vehicle entitlements.

The issues raised by CSV are reflected in Recommendation 7 and Observation 2 of this Report.

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