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JUDICIAL REMUNERATION TRIBUNAL ACT 1995 Section 14(2)

FURTHER STATEMENT OF REASONS

The Judicial Remuneration Tribunal (JRT) delivered its Report entitled *Judicial Allowances and Conditions of Service: Report 1 of 2007* (the Report) on 17 May 2007. The Report was laid before each House of the Parliament pursuant to s.14(1) of the *Judicial Remuneration Tribunal Act 1995* (the Act).

The Report made 23 recommendations concerning the allowances and conditions of service of the State's judges, masters and magistrates. In making these recommendations, the Report regularised a number of existing practises within the framework of the Act.

The Act allows the Attorney-General to accept, reject or vary recommendations made by the JRT.

Where a recommendation is to be varied or rejected, the Act requires a Statement of Reasons to be tabled before the Parliament. On 7 June 2007, as Attorney-General I tabled a Statement of Reasons which, among other things, informed the Parliament that the Government accepted the majority of recommendations made by the JRT, with three recommendations requiring clarification due to drafting issues.

In relation to two of those recommendations, the drafting issues were resolved and I have issued an Attorney-General's certificate implementing those recommendations.

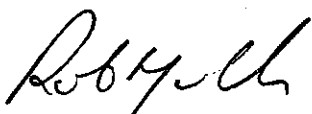
In relation to the third recommendation, which concerns car allowances for masters and magistrates, it has been necessary to vary the terms in order to resolve the drafting issues. The terms have been amended so that the car allowance is to be included in the salary of a magistrate for superannuation purposes. The JRT recommended that the allowance be included in a magistrate's salary for all purposes, however, legal advice obtained by my Department indicates that this cannot be done.

The varied recommendation is consistent with the JRT's objective of regularising current practice in relation to the magistrates' car allowance and ensures that magistrates' conditions of service are appropriate and in line with community expectations.

The JRT's original recommendation for a car allowance also applied to masters of the Supreme and County Courts. However, the drafting issues in relation to masters are such that they cannot be readily resolved.

As you may be aware, a review of the office of master was undertaken by Dr John Lynch, Crown Counsel in 2007. Dr Lynch has made a number of recommendations including abolishing the office of master and creating the office of associate judge. Those recommendations are currently under consideration and I have decided that in light of the drafting difficulties and the current review of masters, the issue of a separate car allowance for masters be deferred pending the outcome of the review.

It is unfortunate that this matter remains unresolved, however I note that since June 2004, the salary of a master has included an amount to cover car expenses and this of course will continue.



ROB HULLS MP
Attorney General

Date: 14 / 2 / 2008