



Own Motion Recommendations Report 2025

Judicial Entitlements Panel

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1. Panel foreword

The Judicial Entitlements Panel (the Panel) is pleased to provide this Own Motion Recommendations (OMR) Report to the Attorney-General. This is the first report in the Panel's third term.

In the four years since the last OMR report, the Panel has held a number of consultations with the Chief Justice of the Supreme Court, the Chief Judge of the County Court and the Chief Magistrate of the Magistrates Court, the President of the Children's Court and the State Coroner, along with other senior members of each jurisdiction and Court Services Victoria (CSV). The Panel has ensured that it understands the issues faced by the different jurisdictions as well as understanding the current fiscal environment.

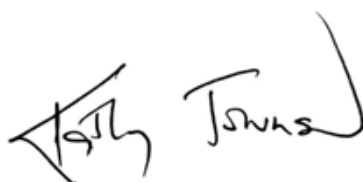
These consultations have been followed up with a formal request for submissions. In addition to considering the submissions, the Panel conducted its own research and sought advice from the Secretary of the Department of Treasury and Finance and the Office of the General Counsel for the Department of Justice and Community Safety. The Panel has also taken into account relevant comparisons with other Australian jurisdictions.

This report makes six recommendations for consideration by the Attorney-General.

In the course of its work, the Panel has been made aware of some concerns which while worthy of consideration, are outside its terms of reference. The Panel makes observations on two such matters in this report, which it believes are worthy of the Attorney-General's attention.



Warren McCann
Chairperson



Kathleen Townsend
Member



David Locke
Member

The Judicial Entitlements Panel

The Panel is a three-member, independent body, established in Victoria by under Section 15 of the *Judicial Entitlements Act 2015* (the Act). The Panel's functions include:

- Making own motion recommendations to the Attorney-General in relation to the conditions of service of judicial officers.
- Provision of advisory opinions to the Attorney-General in relation to the entitlements of judicial officers, judicial registrars and non-judicial members of VCAT; and
- Provision of advisory opinions to the Attorney-General in relation to any matter relating to the terms and conditions of office of judicial officers, judicial registrars and non-judicial members of VCAT, including any restrictions applying in relation to any of those offices.

The Attorney-General appoints a chair and members of the Panel for terms of up to 4 years. The present membership of the Panel is:

Chair: Mr Warren McCann

Member: Ms Kathleen Townsend

Member: Mr David Locke

Own Motions Recommendations

Under the Act the Panel must make and report its own motion recommendations to the Attorney-General at least once every 4 years.¹ The Panel may make a recommendation to the Attorney-General on the Panel's own motion in relation to conditions of service of judicial officers, including different conditions of service for different offices.

The Panel may make an own motion recommendation:

- (a) to create new conditions of service; or
- (b) to adjust existing conditions of service; or
- (c) to abolish or consolidate existing conditions of service.²

¹ *Judicial Entitlements Act 2015* section 26(2)(a).

² *Judicial Entitlements Act 2015* section 25.

2. Submissions received

On 18 November 2024 the Panel invited submissions for the 2025 OMR from the Chief Justice of the Supreme Court, Chief Judge of the County Court, Chief Magistrate of the Magistrates' Court, President of the Children's Court, the State Coroner, the Secretary of the Department of Treasury and Finance and the Chief Executive Officer (CEO) of CSV with submissions closing on 28 February 2025.

Court Services Victoria confirmed that it would not be making a formal submission for 2025. However, CSV was consulted during the OMR process. The Children's Court and the Coroner's Court indicated individual submissions would not be made as their concerns were addressed by other jurisdictions.

Written submissions were received from:

- The Supreme Court of Victoria (SCV)
- The County Court of Victoria (CCV)
- The Magistrates' Court of Victoria (MCV)
- The Department of Treasury and Finance (DTF)

The Panel invited jurisdictions to provide further information during face to face to meetings or to provide supplementary submissions with further evidence in writing. A face-to-face meeting was undertaken with SCV, and all jurisdictions supplemented their submissions in writing.

In total, eight recommendations and two observations were proposed by the Heads of Jurisdictions (HoJ). The Panel considered all submissions thoroughly; it undertook research and analysis and formed its own independent view on the recommendations it wished to make in its own motion report.

3. Summary of recommendations and observations

The Panel makes six recommendations and two observations:

Recommendation 1: Increase to magistrates' annual leave entitlements

The Panel recommends a two-week annual leave increase to the current Magistrates' entitlement. This increase should come into effect for the 2026/2027 financial year and should not be backdated.

In addition, the current judicial entitlement certificate dated 19 July 2007 should be updated to preserve magistrates' entitlement to purchase additional leave. The Panel recommends this entitlement be capped at a combined total of eight weeks annual leave.

Recommendation 2: Broadening of the judicial officers' medical assessment entitlement

The Panel recommends amending the current judicial entitlement certificate dated 8 January 2018 to include a broader range of preventative health activities. This should include rewording of the certificate and its definitions.

Recommendation 3: Creation of a judicial officers' security allowance

The Panel recommends the creation of a new entitlement for a residential and personal security allowance which should apply to all judicial officers. The allowance should be in-line with the South Australian entitlement of an initial set-up allowance of \$1,600 in addition to a security allowance of \$1,025 per annum for the purpose of personal security.

Recommendation 4: Creation of an associate judges' motor vehicle entitlement

The Panel recommends that a new vehicle entitlement is created for Associate Judges by amending the certificate dated 19 July 2007. This entitlement should provide the same vehicle entitlement as that provided to Judges of the County Court and should not apply retrospectively.

Recommendation 5: Amendment to the Head of Jurisdiction international travel entitlement

The Panel recommends amending the current judicial entitlement certificate dated 19 July 2007 to include a requirement for Heads of Jurisdiction to notify the Attorney-General of work-related international travel replacing the need to seek approval.

Recommendation 6: Amendment to the circuit travel entitlement

The Panel recommends amending the current judicial entitlement certificate dated 19 July 2007 to include work-related intrastate travel and that entitlement be available for all judicial officers.

Observation 1: Review of the terms and conditions for judicial registrars

The Panel repeats its 2021 observation that the Attorney-General consider a review of the terms and conditions of Judicial registrars.

Observation 2: Magistrates' income protection or disability insurance scheme

The Panel observes that the lack of access to the Judicial Pension scheme by Magistrates has resulted in situations where individual magistrates who, due to ill health, should retire prior to their retirement age of 70, remain in service. The Panel reiterates its previously made observations in relation to the need for a disability insurance and/or a loss of income scheme for magistrates as recorded in its 2018, 2020 and 2021 OMR reports.

4. Recommendations

Recommendation 1: Increase to magistrates' annual leave entitlements

Currently Victoria's magistrates are entitled to four weeks of accrued annual leave each year. Annual leave entitlements are a factor in attracting and retaining highly skilled people, and they are also important in contributing to the health and wellbeing of officials.

During the Covid-19 Pandemic the MCV saw significant change to its operations impacting the ways of working for its magistrates. This included a significant increase in on-line hearings; magistrates taking on additional cases in courts across the state, beyond where they would normally preside and an increased number of unrepresented litigants making hearings more complex. These changes occurred in conjunction with a general increase in the volume of matters initiated at the court. Subsequent to the pandemic these changes have become the new norm. MCV continues to hear more than 90 per cent of all criminal and civil matters in Victoria with data indicating that the volume of matters initiated at the court continues to increase. Internal modelling undertaken for CSV by consulting firm SGS in 2022, forecasts MCV's case growth for the period of 2025 – 2030 at 5.4%.³

In addition to the growth in its workload, the MCV has also seen an expansion of its jurisdiction to include the Bail and Remand Court which sits until 9pm seven days a week. There have been over 100 legislative amendments that have been incorporated by the court since 2016.

This expansion of the court's scope coupled with an increase in workload has seen a corresponding change in the nature and complexity of the matters heard by magistrates. In their paper *'Where stress presides: Predictors and correlates of stress among Australian judges and magistrates'* Schrever, Hulbert and Sourdin (2021) highlight that self-reported levels of workplace stress by magistrates in Australia is greater than that in superior courts and that magistrates have a significantly increased risk of experiencing vicarious trauma, burnout and elevated Post-Traumatic Stress Disorder (PTSD).⁴

Longitudinal studies into the impact of psychological distress and productivity on Australian workers demonstrated that "moderate to high psychological distress adversely affected employees' job productivity through increased sickness absence, and a higher likelihood of presenteeism".⁵ This issue is compounded where there are health conditions that are co-morbidities of psychological distress.⁶

The MCV submission to the 2025 OMR argues that four weeks leave per annum is not adequate to safeguard magistrates against the significant wellbeing risks associated with performance of their role. It also submits that the current entitlement signifies an apparent lack of recognition for the important and continually challenging work undertaken by magistrates.⁷

³ The Magistrates Court of Victoria (2025), *Submission to the Judicial Entitlements Panel*, 6.

⁴ Schrever, C, Hulbert, C, and Sourdin, T, (2021) 'Where stress presides: Predictors and correlates of stress among Australian judges and magistrates', *Psychiatry, Psychology and the Law*, 29(2), 290-322.

⁵ Keramat SA, Comans T, Pearce A, Basri R, Hashmi R, Dissanayaka NN, (2025) Psychological distress and productivity loss: a longitudinal analysis of Australian working adults, *The European journal of health economics*, electronic publication prior to publication.

⁶ Holden, L., Scuffham, P.A., Hilton, M.F. *et al.* Health-related productivity losses increase when the health condition is co-morbid with psychological distress: findings from a large cross-sectional sample of working Australians. *BMC Public Health*, 11, 417,

⁷ The Magistrates Court of Victoria (2025), 4.

In their more recent paper *‘The privilege and the pressure: judges’ and magistrates’ reflections on the sources and impacts of stress in judicial work’* Schrever, Hulbert and Sourdin (2024) surveyed a sample population of Australian magistrates and judges on role related wellbeing and satisfaction. The sample ranked job ‘productivity’ as their second highest source of satisfaction in judicial work. When questioned about strategies to manage stress in their role they ranked ‘travel/holiday/time in nature’ and ‘work/life balance’ as third and fourth respectively.⁸

The Panel considers that the current annual leave entitlement for magistrates is no longer appropriate, as it fails to provide sufficient time away from the acute pressures of the role, to safeguard the psychological wellbeing of the magistrates.

An increase to annual leave would provide magistrates with additional entitlements without impacting their remuneration or taxation. However, the Panel acknowledges that there are budgetary and operational implications when increasing leave entitlements as magistrates may require backfilling and matters may need to be redistributed amongst their colleagues.

Indicative costing for an additional 10 days of annual leave for approximately 150 magistrates could present an approximate cost of \$2.35 million per annum. This is based on a rate \$1,563 per day for a Reserve Magistrate (as of June 2025) as coverage for absent magistrates. The Panel recognises the current fiscal situation but believes this measure is necessary to protect the health and wellbeing of Magistrates.

This recommendation has been made by the Panel in its last three reports. It is the Panel’s view that the pressure on the Magistrates is much greater than at any time in the past, and that the evidence supporting this additional leave is very strong. The Panel make this recommendation because they believe it is important to mitigate the impact on the health and wellbeing of Magistrates and support the resilience and productivity of the court.

Panel recommendation:

The Panel recommends a two-week annual leave increase to the current magistrates’ entitlement, making six weeks in total. This increase should come into effect for the 2026/2027 financial year and should not be backdated.

In addition, the current judicial entitlement certificate dated 19 July 2007 should be updated to preserve magistrates’ entitlement to purchase additional leave. The Panel recommends this entitlement be capped at a combined total of eight weeks annual leave.

⁸ Schrever, C., Hulbert, C., & Sourdin, T. (2024). The privilege and the pressure: judges’ and magistrates’ reflections on the sources and impacts of stress in judicial work. *Psychiatry, Psychology and Law*, 31(3), 327–380.

Recommendation 2: Broadening of the judicial officers' medical assessment entitlement

Under the judicial entitlement certificate dated 8 January 2018 all Victorian Judicial officers are entitled to a medical assessment once every two years up to the value of \$1244.⁹ This acknowledges the unique impact of judicial work on the health and wellbeing of the Victorian judiciary and their capacity to fulfill their roles.

The certificate defines a medical assessment as “a comprehensive medical assessment conducted by a service provider engaged by Court Services Victoria, whose assessment is confidential to the judicial officer.”

In the 2016 OMR the Panel reasoned that the entitlement is:

both an expression of the duty of care provided to personnel in stressful and demanding roles, and is also an investment in the continued health of key people occupying these roles where a preventable, but unexpected, absence due to a health condition may occur. The unexpected absences can lead to significant costs for an organisation.¹⁰

Judicial work is often sedentary in nature with limited opportunity for extended periods of movement. This may impact physical wellbeing and potentially exacerbate health issues which are more likely to be more acute at the stage of life in which most judicial officers are appointed.

Submissions for the OMR assert that the “current version of the medical assessment allowance certificate is restrictive, out of date and may disincentivise judicial officers from taking advantage of the entitlement”.¹¹ Moreover, judicial officers may have their own preferred providers or specialised treatment professionals, or have private health insurance that provides a comparable service or may see more value in a broader range of preventative health interventions.

The World Health Organisation (WHO) defines prevention as “approaches and activities aimed at reducing the likelihood that a disease or disorder will affect an individual, interrupting or slowing the progress of the disorder or reducing disability”.¹²

A broadening of the entitlement to include a range of preventative or pro-active health services and interventions would promote judicial health, support a resilient and productive judiciary and align with the broader wellbeing strategies delivered by CSV and jurisdictions.

The Commonwealth’s *National Preventive Health Strategy 2021-2030* outlines that the benefits of prevention:

extend beyond reducing chronic conditions and living longer, healthier lives. Prevention generates benefits not only by reducing pressure on the health budget, but by also increasing workforce participation and productivity, and improving the health of future generations.¹³

⁹ Based on costs provided by Court Services Victoria as of financial year 2024-2025.

¹⁰ Judicial Entitlements Panel, (2016) *Own Motion Recommendations to the Attorney-General*, October 2016 Report.

¹¹ The Supreme Court of Victoria (2025), *Further matters for consideration by the Judicial Entitlements Panel*, Submission to the Judicial Entitlements Panel via letter May 2025.

¹² World Health Organisation, (2005), *Final report: WHO Global Forum on Chronic Disease Prevention and Control*, 44.

¹³ Commonwealth of Australia (Department of Health), (2021), *National Preventive Health Strategy 2021-2030*, 24.

Broadening the scope of the entitlement may see some increase in its take-up. However, as provision will already have been made based on universal access, there will in effect be no additional financial provision required.

Panel recommendation:

The Panel recommends amending the current judicial entitlement certificate dated 8 January 2018 to include a broader range of preventative or pro-active health activities. This should include rewording of the certificate and its definitions.

Recommendation 3: Creation of a judicial officers' security allowance

In July 2024 the *Nauru Declaration on Judicial Well-being* (Declaration) was developed and adopted at the Regional Judicial Conference in Nauru. The conference was organised by the United Nations Office on Drugs and Crime (UNODC), focused on judicial safety and wellbeing and was attended by representatives from the judiciary across the Pacific region and beyond.

The third principal of the Declaration proposes both an institutional and personal approach to responsibility and duty of care when it comes to judicial wellbeing:

judicial wellbeing as being essential for judges' occupational health and sustainability, for the experience of court users, for the quality of justice and, ultimately, for public confidence in the courts. It recognises that judicial wellbeing is the responsibility of both individual judges and judicial institutions, and that courts must create working conditions conducive to its attainment.¹⁴

In Victoria, recent shifts in the political and security landscape have impacted the personal security and safety of judicial officers and their families in and outside of the courtroom. Evidence indicates that risk to the personal safety and security of judicial officers is driven by the nature of the work of the judiciary, the visibility of that work to the community and the ease of access to personal information by the public.

Justice Steven Moore, President of the Australian Judicial Officers Association on the inaugural International Day of Judicial Wellbeing on the 25 July 2025, noted:

An essential element of and precondition to judicial wellbeing is the personal safety and security of judicial officers and their families. Regrettably, on this inaugural International Day for Judicial Wellbeing, it is necessary to publicly record that this foundation stone upon which judicial wellbeing and the work of the courts rests is under threat and in need of urgent attention.¹⁵

This issue is also evidenced across Australian jurisdictions. In 2022, researchers from New South Wales surveyed 205 sitting or retired judicial officers from that jurisdiction and found that approximately 61% of judicial officers had experienced some form of threat, with 41% having received a threat of harm.

Data provided by local jurisdictions indicates that the security landscape for courts and their officers has changed dramatically since 2021. This is attributed "a marked shift in both the volume and presentation of self-represented litigants at the Court over the last four years", querulous litigants and people identifying as 'sovereign citizens'.¹⁶

Since 2023, CSV has recorded data on judicial officers (including retired judicial officers) who have sought support from its Security and Emergency Management Group (SEMG) to manage a threat to their security. Incidents increased approximately 133% from 2023-2024 with the number

¹⁴ Justice Steven Moore, (2025), *Supporting judicial well-being: rising threats to the safety and security of judicial officers*, Report to the Australian Judicial Officers Association 25 July 2025, 1.

¹⁵ Ibid.

¹⁶ The Magistrates Court of Victoria (2025).

of reported incidents increasing from 15 to 35 and indicative data suggesting a greater increase for 2025 with 32 incidents reported in the first six months alone.¹⁷

Reported incidents include break-ins to judicial cars and CSV pool cars, attempts to “arrest” judicial officers, verbal threats made in person or by telephone, threats made by letter, email, or social media, and misuse of judicial officers’ personal information. These incidents can be one-off or part of a pattern of behaviour.

Risk mitigation strategies have been implemented by the courts to ensure that judicial officers are safe and secure at the workplace. However, they are still at risk outside of the courtroom.

In response to these risks, some jurisdictions have implemented a security allowance entitlement to support the safety of judicial officers. In South Australia judicial officers are reimbursed for the cost of the installation of a home security system at their residence, up to a maximum amount of \$1,600. In addition, a security allowance of \$1,025 per annum paid fortnightly is provided for expenditures for the purpose of personal security at the judicial officer’s residence.¹⁸

In the Northern Territory Local Court Judges are entitled to be reimbursed up to \$1000 per annum for the implementation of residential security measures which have been identified in a generic security assessment or identified in individual security assessments.¹⁹

A similar model in Victoria that assumes all judicial officers take full advantage of the entitlement would present an initial cost of approximately \$624,000 (for a \$1,600 set-up) and a yearly ongoing cost of \$400,000 (for a \$1,205 allowance).

The Panel acknowledged the increasing risk to judicial officers in the 2020 OMR:

there have been significant changes in the working arrangements of judicial officers arising from the COVID19 Pandemic, and the changing nature of security risks. This Recommendations to the Attorney-General September 2021 includes greater recognition of privacy risks with the internet, communications technology and social media. This may present physical security concerns by potentially putting at risk judicial officers’ personal safety, and that of their family members.²⁰

Whether by virtue of their role in the judicial system and public exposure judicial officers are at a higher risk to occupational violence, stress or injury. Recent changes to the security landscape may also impact the attraction and retention of the high skilled and experienced candidates required by the judiciary to support the Victorian justice system.

Panel recommendation:

The Panel considers that security threats and risk to the personal safety of the judiciary is real and recommends the creation of new entitlement for a residential and personal security allowance which will apply to all judicial officers. The allowance should be in-line with the South Australian entitlement of an initial set-up allowance of \$1,600 in addition to a security allowance of \$1,025 per annum for the purpose of personal security.

¹⁷ Ibid.

¹⁸ Remuneration Tribunal of South Australia, (2024), *Remuneration of Members of the Judiciary*, Determination of the Remuneration Determination Tribunal, November 2024.

¹⁹ Northern Territory of Australia Remuneration Tribunal, (2025), *Report and determination the entitlements of local court judges – salaries*, No.1 of 2025, 11 February 2025.

²⁰ Judicial Entitlements Panel, (2020) *Own Motion Recommendations to the Attorney-General*, May 2020 Report.

Recommendation 4: Creation of an associate judges’ motor vehicle entitlement

In Victoria Associate Judges are explicitly differentiated from Judges of the court under legislation and the Panel consider that current policy does not properly reflect the reality of the role that they play in the court system or recognise their value to the judicial system.

There are currently nine Associate Judges in Victoria who play an invaluable role in the function of the court, working to resolve a significantly high volume of the court’s case load. Associate Judges support the judicial system by hearing trials, publishing judgments and rulings and making ex tempore judgments and rulings. Associate Judges also conduct most judicial mediations within the Supreme Court, resolving disputes and avoiding the costs of trials and reducing the workload of judges. This is all in conjunction with fulfilling key leadership positions within Court operations.

The role of Associate Judge has evolved significantly from their historical predecessor of Master and from the introduction of the office of the Judicial Registrar. Associate Judges now undertake substantive and complex applications that would, in the past, have been heard by a Judge of the Court. This allows the court to deal with increasing demand on the court system without increasing the number of Judges, achieving a cost saving while increasing productivity.

The Panel has previously highlighted the issues of equity and disparity of entitlements between Associate Judges and their colleagues in both the 2018 and 2020 OMRs. The Panel recommended providing parity between the entitlements of Associate Judges and County Court Judges as that office provides a comparable salary, work value and required level of skill.

The Panel considers that this issue is even more pronounced in 2025 as the role that Associate Judges has expanded since these dates. On that basis the Panel recommends the introduction of a vehicle entitlement in line with that provided to Judges of the County Court.

Vehicles available to judicial officers under the current scheme are negotiated on a case-by-case basis by jurisdictions and administered by CSV Fleet Services. CSV Fleet Management provide a range of vehicles meaning an indicative total cost of approximately \$446,000 for nine mid-range vehicles to \$880,000 for top of the range vehicles over a three-year lease.²¹

Panel recommendation:

The Panel recommends that a new vehicle entitlement is created for Associate Judges by amending the entitlement certificate dated 19 July 2007. This entitlement should provide the same vehicle entitlement as that provided to Judges of the County Court and should not apply retrospectively.

²¹ These costs exclude any contribution made by the judicial officer and any consumables.

Recommendation 5: Amendment to the Head of Jurisdiction international travel entitlement

Under the current judicial entitlement certificate dated 19 July 2007 Heads of Jurisdiction (HoJ) are required to seek and obtain the approval of the Attorney-General prior to travelling overseas or interstate in an official capacity. Historically HoJs have written to the Attorney-General prior to their departure outlining the purpose of the travel and applicable acting arrangements as some offices carry a requirement for a formalised appointment process.

In 2016 the Panel recommended that the approval requirements for HoJs be replaced by an obligation to notify the Attorney-General of work-related overseas travel, more in keeping with the nature of the relationship between the Judiciary and Parliament

The Attorney-General's response tabled in Parliament accepted the recommendation with some variations:

Due to the independence of the courts and the heads of jurisdiction, it is appropriate to remove the requirement for the Attorney-General to approve the head of jurisdiction's overseas travel. However, it is also desirable for the spending of public funds to be subject to appropriate accountability measures. In addition to the requirement to notify the Attorney-General of overseas travel, it would also be appropriate for an overseas travel report to be published by the court which includes, the nature and objectives of the travel; and overall expenses incurred by the court²²

This change has yet to be implemented.

Panel recommendation:

The Panel recommends amending the current judicial entitlement certificate dated 19 July 2007 to include a requirement for Heads of Jurisdiction to notify the Attorney-General of work-related international travel, replacing the need to seek approval.

The Panel also recommends that an overseas travel report be published and that, for ease of administration, the report be incorporated into pre-existing reporting by the jurisdiction rather than as an additional ad-hoc or individual report.

²² Attorney-General of Victoria, *Statement of reasons in response to the Judicial Allowance and Conditions of Service Report: 1 of 2007*, 6 June 2007.

Recommendation 6: Amendment to the circuit travel entitlement

Visiting local communities and sittings in regional areas is a regular part of the work of the courts and is important for maintaining the court's connection to the State.

The entitlement certificate dated 19 July 2007 provides that when travelling on circuit or interstate Judges of the Supreme and County Courts and Magistrates are to be paid a travel allowance to cover meals, accommodation etc in accordance with the relevant DJCS travel policy.

It does not, however, provide any entitlement for intrastate travel required by or related to court work.

Judicial work-related travel within Victoria may include:

- attending regional court-based activities where attendance is expected by the court including conferences and professional development
- planning and leadership activities
- regional visits, outreach and community engagement.

Panel recommendation

The Panel recommends amending the current judicial entitlement certificate dated 19 July 2007 to include work-related intrastate travel and that the entitlement be available for all judicial officers.

5. Observations

Observation 1: Review of the terms and conditions for judicial registrars

In its submission to the 2025 report, SCV sought an observation from the Panel regarding the entitlements of judicial registrars potentially through an Advisory Opinion (AO).

In its 2021 OMR report the Panel made an observation “That there be a review of the terms and conditions of judicial registrars in all courts’ adding that:

Judicial registrars are not within scope of own motion recommendations in the Act. The Panel has therefore not made a specific recommendation regarding these entitlements, however; supports a holistic review of all judicial registrars’ entitlements.²³

Judicial registrars play an important role in the courts and make a significant contribution to the effective delivery of justice in Victoria. The role of judicial registrars has significantly evolved in scope and complexity over time providing further evidence that a review of their entitlements is now overdue.

Judicial registrars are not within scope of the Panel’s own motion recommendations in the Act, nor is it open to the Panel to trigger an AO; such action can only be initiated through a request from the Attorney-General. That being the case, the Panel repeats its 2021 observation that the Attorney-General consider a review of the terms and conditions of Judicial Registrars. The Panel notes that it would be an option for the Attorney-General to request an AO from the Panel should they wish to do so.

Observation 2: Magistrates’ income protection or disability insurance scheme

The MCV submitted for the Panel’s consideration:

the creation of an income protection or disability insurance scheme for Magistrates who need to retire early due to ill health or incapacity. We ask the JEP to recommend that Magistrates be transitioned onto the Judicial Pension Scheme to age 70.²⁴

Judges of the Supreme and County Courts have access to the Judicial Pension Scheme. Magistrates and reserve magistrates do not. They are however eligible to take part in the Emergency Services and State Super (ESSS) scheme with defined benefits, while some have independent arrangements such as Self-Managed Super Schemes.

Should a judge of the Supreme or County Court become afflicted with a permanent incapacity and is no longer able to perform the duties of a judge, they may be able to access their judicial pension.

The Panel observes that the lack of access to the Judicial Pension scheme by Magistrates has resulted in situations where individual magistrates who, due to ill health, should retire prior to their retirement age of 70, remain in service. The Panel reiterates its previously made

²³ Judicial Entitlements Panel, (2021) *Own Motion Recommendations to the Attorney-General*, 2021 Report.

²⁴ The Magistrates Court of Victoria (2025).

observations in relation to the need for a disability insurance and/or a loss of income scheme for magistrates as recorded in its 2018, 2020 and 2021 OMR reports.

The Panel considered this work to be beyond the scope of this report but would respond positively should the Attorney-General request an Advisory Opinion.

The Panel has previously made observations in relation to a disability insurance and/or a loss of income scheme for magistrates in its 2018, 2020 and 2021 OMR reports.

6. Rejected submissions

Change of magistrates' title

The Panel confirms that an observation regarding a change of title for magistrates is outside its scope of work.

Increase to long service leave for magistrates

Consideration was given to the MCV's submission to increase the Long Service Leave (LSL) entitlement for magistrates to a total of 65 days leave over seven years immediately, and to six months leave for every ten years of service in due course.

It is the Panel's view that the current LSL entitlement is consistent with and, in some cases, more generous than other jurisdictions. The Panel also recognises the current fiscal environment and financial restraints on the State of Victoria. Due to this, the Panel has chosen to prioritise its support for increasing the annual leave entitlements for magistrates.

The Panel confirmed it would not support the proposal in the 2025 OMR.

7. Appendices

Appendix A: Summary of submissions received

Proposed recommendations	Supreme Court	County Court	Magistrates
1. Increase to Magistrates' Annual Leave entitlements			•
2. Increase to Magistrates' Long Service Leave entitlements			•
3. Broadening of the judicial officers' medical assessment allowance	•	•	
4. Magistrates' income protection or disability insurance scheme			•
5. Judicial officers' security allowance	•	•	•
6. Associate Judges' Motor Vehicle Allowance	•		
7. Update to the Head of Jurisdiction international Travel entitlement	•		
8. Update to the judicial officer intra-state travel entitlement	•		
Proposed observations	Supreme Court	County Court	Magistrates
1. Judicial Registrars Entitlements	•		
2. Change of title from Magistrate to Judge			•

Appendix B: Summary of approximate costs of recommendations

Recommendation	Approximate cost
<p>Recommendation 1: Increase to magistrates' annual leave entitlements</p>	<p>As of June 2025, costs are calculated on:</p> <ul style="list-style-type: none"> • An additional 10 days of annual leave per magistrate • 150 magistrates • Day rate for a reserve magistrate of \$1,563. <p>This presents a total cost of \$2.35 million per annum.</p>
<p>Recommendation 3: Creation of a judicial officers' security allowance</p>	<p>As of June 2025, costs are calculated on:</p> <ul style="list-style-type: none"> • 390 judicial officers • \$1,600 once off payment • \$1,205 yearly allowance. <p>This presents a once off implementation cost of \$642,000* and an ongoing yearly cost of \$400,000.</p>
<p>Recommendation 4: Creation of an associate judges' motor vehicle entitlement</p>	<p>Total indicative costs for nine mid-range vehicles includes:</p> <ul style="list-style-type: none"> • \$446,000 total cost for a three-year lease period • Average total fuel cost per annum of \$56,853 or \$6317 per vehicle. <p>Total indicative costs for nine top of the range vehicle includes:</p> <ul style="list-style-type: none"> • \$880,000 total for a three-year lease period of nine vehicles • Average total fuel cost per annum of \$56,853 or \$6317 per vehicle.

*Excluding costs after initial roll out of the payment for new judicial officers