



The Hon. Sonya Kilkenny MP

Attorney-General

GPO Box 4356
Melbourne Victoria 3000
Telephone: +61 3 8684 1111

Our ref: 26013692

Judicial Entitlements Act 2015

RECOMMENDATION STATEMENT PURSUANT TO SECTION 34

The Own Motion Recommendation 2025 Report (Report) of the Judicial Entitlements Panel (Panel) was laid before both houses of Parliament on 2 December 2025. Pursuant to section 34 of the *Judicial Entitlements Act 2015*, this recommendation statement sets out my response to the recommendations of the Report.

The Report made 6 recommendations regarding the allowances and conditions of service of Victoria's judicial officers, and 2 observations.

RECOMMENDATIONS

After considering the recommendations of the Panel:

- I do not accept Recommendations 1, 3 and 4.
- I accept Recommendations 2, 5 and 6.

Recommendation 1- Increase to the magistrate's annual leave entitlements.

The Panel recommended a two-week annual leave increase to the current magistrates' entitlement to come into effect for the 2026/2027 financial year without backdating. It also recommended that the current entitlement certificate be updated to preserve magistrates' entitlement to purchase additional leave, subject to cap of a combined total of eight weeks annual leave.

Attorney-General's response

Magistrates are currently entitled to four weeks of annual leave and may also purchase additional leave. I acknowledge the demanding and complex nature of the role of a magistrate, including the need to manage heavy caseloads.

The Panel's previous recommendations to increase the annual leave entitlement for magistrates' have not been accepted due to the lack of a substantiated evidence base linking access to annual leave to improved wellbeing and productivity.

Although the Panel has now provided a strengthened evidence base, and the benefits of providing workforces with additional leave to support wellbeing and overall job productivity are well established, the operational risks and impact of increased annual leave for magistrates and coroners on the workload of the MCV and the Coroners Court of Victoria (CCoV) and for judicial and non-judicial workforces is not clear.

While additional leave will provide benefits to individual wellbeing and productivity, there is also a risk that reduced judicial capacity during periods of leave, and the associated redistribution of work could contribute to the accumulation of court backlogs and place additional pressure on the justice system beyond the MCV and CCoV. Judicial officers themselves could be impacted by an overall increase in the intensity of their work. These risks may undermine the intended purpose of the recommendation.

In these circumstances, and in the absence of a clear workforce management model to mitigate both individual and system-wide impacts, it is not apparent that the reform would have the intended impact on judicial wellbeing, and therefore that it can be justified.

The health and wellbeing of magistrates is fundamental to the effective functioning of the court and to ensuring timely and efficient access to justice. I encourage Court Services Victoria to undertake further work to assess the operational and financial impacts of additional annual leave across the court system, and identify how any risks, particularly those arising from reduced capacity and the redistribution of workload, can be appropriately managed.

For these reasons I do not accept Recommendation 1.

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

The Panel has recommended an amendment to the current entitlement certificate to include a broader range of preventative or proactive health activities. This should include rewording of the certificate and its definitions.

Attorney-General's response

The Panel has provided an evidence-based link between preventative healthcare and improved individual wellbeing and productivity. It has observed that broadening the

entitlement to include proactive health services and interventions would support a healthier, more resilient and productive judiciary, resulting in a positive impact across the broader court system. I support these findings.

The Panel's recommendation is an expansion of the scope of the entitlement that does not alter the quantum of the allowance.

I accept Recommendation 2 in full.

Recommendation 3 - Creation of a judicial officers' security allowance

The Panel has recommended 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.

Attorney-General's response

I acknowledge the Panel's observations regarding the importance of the security and personal safety of judicial officers in the community.

While some Australian jurisdictions have created entitlements to support the security and safety of judicial officers outside of court, they are generally applied on an individual basis where a security threat assessment has been undertaken, and specific security measures have been recommended.

Existing arrangements through Court Services Victoria provide a coordinated and scalable mechanism to manage the inherent security risk to judicial officers. The introduction of a new ongoing allowance is not justified in the current fiscal environment, in both its quantum and nature.

For these reasons I do not accept Recommendation 3.

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

The Panel recommended that a new vehicle entitlement is created for associated judges by amending the 2007 certificate. This entitlement should provide the same vehicle entitlement as that provided to Judges of the County Court and should not apply retrospectively.

Attorney-General's response

The nature of the associate judges' motor vehicle entitlement has a complex history. Prior reports and recommendations have sought to clarify both the nature and quantum of the entitlement.

Under the 1996 entitlement certificate, associate judges have an existing entitlement to a motor vehicle allowance which may be offset against the cost of a car to be provided through the executive motor vehicle scheme. The 2004 entitlement certificate incorporated an existing car allowance into the associate judges' salary for "all purposes", which includes for the purposes of pension calculation.

As a result, the allowance component of a judicial officer's salary has continued to attract increases under subsequent judicial salary certificates. Given that this amount is included in an individual's pension calculation it represents a long-term financial advantage for associate judges. Furthermore, providing any additional or supplementary entitlements for associate judges financial or otherwise risks inequity with those provided to judges of the County Court.

I acknowledge the complex and long-standing history behind this entitlement, and I note that these certificates are not currently available on the Department of Justice and Community Safety's public register. They will be published by the department to ensure transparency on existing judicial entitlements.

For these reasons I do not accept Recommendation 4.

Recommendation 5 - Amendment to the Head of Jurisdiction travel entitlement

The Panel recommended 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 recommended 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.

Attorney-General's response

The Panel's recommendation is administrative in nature, supports the independence of the judiciary and reinforces the nature of the relationship between Heads of Jurisdiction and the Attorney-General.

I request that Court Services Victoria and the Jurisdictions consider the nature of the travel report recommended by the Panel and provide advice to the Department of Justice and Community Safety on how and where this will be published.

I accept Recommendation 5 in full.

Recommendation 6: Amendment to the circuit travel entitlement

The Panel recommended 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.

Attorney-General's response

The Panel's recommendation is an expansion of the scope of the entitlement that is administrative in nature and is aligned with Court Services Victoria's *Judicial Travel and Expense Policy*.

I accept Recommendation 6 in full.

OBSERVATIONS

The Panel made two observations in the Report. The *Judicial Entitlements Act 2015* makes no provision for me to respond to observations. I ask Court Services Victoria and the Department of Justice and Community Safety to consider the observations and, where appropriate, undertake further analysis.

I thank the Panel for its Report.



The Hon Sonya Kilkenny MP
Attorney-General

Date: 28 / 04 / 2026