



SUPREME COURT OF VICTORIA
FUNDS IN COURT NEWSLETTER
SEPTEMBER 2016
Funds in Court beneficiaries update



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Editor:
Nanna Relina



Friday, 25 November 2016, 5.30pm

**FIC will again be holding Embrace,
a special evening showcasing
beneficiaries' talents.**

**If you would like to participate in the
event or attend to support our
beneficiaries and their families,
please contact Nanna Relina
on 1300 039 390 or
fic@supremecourt.vic.gov.au**

**Embrace will be held at the
County Court of Victoria
250 William Street, Melbourne.**

Send us your suggestion or contribution to:
Funds in Court Newsletter
Funds in Court, Supreme Court of Victoria
210 William Street, Melbourne VIC 3000 or email to
ficbag@supremecourt.vic.gov.au

175th Anniversary of the Supreme Court of Victoria

This year marks the 175th anniversary of the Supreme Court in Victoria.

On 12 April 1841, Judge John Walpole Willis arrived as the first resident Supreme Court judge. He took his place on the Bench in a courthouse located on King Street. He quickly got to work hearing commercial cases, equity matters and serious criminal matters.



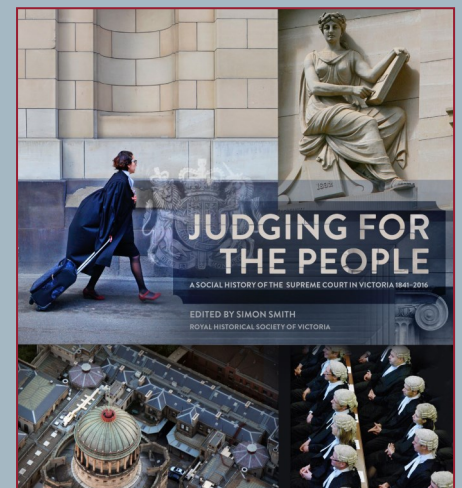
Photograph by Norm Oorloff

To celebrate its 175th anniversary, the Supreme Court building was lit up for six weeks. More than 100 years on, the grand heritage-listed Trial Division building once again became a draw card when it was alight in red, gold and white. Images of justice were also projected on the building behind the library.

A fitting tribute to the Court's contribution to the rule of law and the state of Victoria in its 175 year history.

To further commemorate the anniversary an exhibition showcasing historical items of significance was displayed in the Supreme Court Library. The 'pink book' containing Justice Menhennitt's 1969 ruling on the legality of abortions in the trial of R v Davidson, the black execution cap worn by judges when sentencing a prisoner to death, and the Court book that records the fate of Ned Kelly, were among the items on display.

A special book celebrating the 175th anniversary of the Court, '*Judging for the People: A social history of the Supreme Court of Victoria 1841-2016*', was also released to the public on 12 April 2016. The book was produced as a partnership between the Supreme Court and the Royal Historical Society of Victoria. Expert scholars, historians and members of the Victorian Bar are some of the many contributing authors in the book. The book contains a great insight into the amazing contribution that the Supreme Court has made to the people of Victoria-shaping the Court and our community to what it is today. Copies of the book can be ordered from the Supreme Court Library, please phone (03) 9603 6282 for more information.



By Bronwyn Gardiner, Communications Officer, Supreme Court of Victoria

Courts Open Day 2016

The Courts Open Day welcomed approximately 900 people through the doors of the Supreme Court on Saturday 21 May 2016 when the courts, once again, opened their doors to the public. Karen Frkovic and Shalini Kumar represented Funds in Court and assisted other Court staff, as well as volunteers from the Witness Assistance Service and Court Network to greet visitors when they first entered the building.



**Karen Frkovic, Team Leader and
Shalini Kumar,
Legal Administrative Officer**

We had the recent newsletter and information about the upcoming “Embrace” (event for our beneficiaries and their families) to hand out for those who were interested in learning more about Funds in Court.

As usual, the ever popular dungeon tours and the tours of the Supreme Court were a highlight. Unfortunately there were many disappointed visitors because the tours were all booked out with on-line bookings beforehand. There were, however, a few lucky people who managed to squeeze on to the tours.

The Banco courtroom was well utilised throughout the day. First at 11am there was a Judge’s guide to a Supreme Court trial.

This was very popular and the courtroom was very busy.

At 12.30pm the Banco courtroom hosted VCE legal studies students who were given the rare opportunity to meet and interact with Court staff and legal professionals. Some students had travelled from remote country areas to attend and said it was well worth the trip.

Finally at 2pm, Rod Ratcliffe, the Acting Juries Commissioner, held an informative discussion on the role of a juror. From all accounts, it was very well received.

The day came to a close at 3pm, with many people commenting that they needed more time. We reminded them that the Court would be open again next year and many said they would definitely be returning.

**By Karen Frkovic, Team Leader and Shalini Kumar, Legal Administrative Officer,
Funds in Court**

Retirement of Steven Wharton

Steven Wharton commenced duties with the (then) Senior Master's (Funds in Court) Office, on a twelve month secondment in December of 1986. From 1987, the new *Rules of Court* meant that "Masters" (now known as Associate Judges) were given broader responsibilities in general Court work. Senior Master Mahony wanted assistance with funds in Court so that he could devote more of his time to those other duties. Steven and John Hartigan (later Office Manager) were seconded from the (then) State Trust Corporation of Victoria to provide that assistance to the existing staff of Funds in Court.

In his early years at the Court, Steven provided indispensable and invaluable support to Senior Master Mahony. He assumed responsibility for administrative legal work and worked closely with the beneficiaries, some of whom he came to know very closely.



Steven Wharton

The Guardianship and Administration regime also commenced operations from 1987. The Senior Master considered that the potential benefits of that regime, as well as the additional services which could be offered by the State Trust, were such that, should a person for whom funds were then held consent to the funds being transferred to the State Trust, he would make an order to provide for the transfer of funds. Many such orders for transfer were made.

It was in June of 1989, in the case of *Smith v Reynolds* (No. 2), that the Senior Master was required to consider what should be done when a person objected to the transfer of the funds to the State Trust. Steven Wharton, who was then the

Solicitor to the Senior Master, appeared *amicus curiae* ("friend of the Court") to assist the Court, and brought evidence to the attention of the Court which ultimately stopped the transfer of funds by the Senior Master to the State Trust.

After it became apparent that the transfer process would not resume soon, Senior Master Mahony resolved to modernise Funds in Court, and to offer service delivery to the clients of the Office as good as, if not better than, that offered by alternative forms of administration, mainly now provided by professional Trustee Companies.

Of course, this required much change. An in-house computer system was designed and built over time. It still operates to this day, after much updating and improvement. Alternative forms of investments were investigated and implemented, with improvements made to prudential safeguards, accounting practices, and office practices and procedures.

Steven was involved with many of the important decisions made by the Senior Master. At first, it was as the Solicitor to the Senior Master and then, from 2002, as Office Manager and Special Counsel, upon the retirement of John Hartigan.

It was this incomparable working relationship with Senior Master Mahony, one that would last some 26 years and provide Steven with infinite mentorship that saw them do great things. Chief Justice Marilyn Warren recently remarked that together, Steven and Senior Master Mahony developed Funds in Court to something that is a “national exemplar”.

As the demands on the Office grew exponentially, Steven drove several fundamental changes that would revolutionise the Office. The introduction of a computerised system into the Office created efficiency of many processes, whilst the implementation of Common Fund No. 3 in 2004 would generate substantial capital growth to the beneficiary's funds. In addition to these successes, Steven went on to create and cement the role of the Client Liaison Officers, become a member of the Investment Review Panel, and participate in the establishment of the Audit Committee and the Beneficiary Advisory Group, two bodies that continue to function within the Office to this day. One of Steven's greatest accomplishments was drafting the legislation that would provide for the transfer of awards from the County Court, Magistrates' Court and the Victims of Crime Assistance Tribunal. The consolidation tripled the files managed by Funds in Court from 1,500 to 4,500. Today the Office manages in excess of 5,000 files on behalf of the beneficiaries. Steven also supervised liaison with the Australian Taxation Office to ensure that there were no adverse tax consequences upon the creation of Common Fund No. 3.

However, it was on 11 December 2012, some 26 years after arriving at the Court, that Steven reached the pinnacle of his legal career when he was appointed as the third Judicial Registrar of the Supreme Court. As Judicial Registrar, Steven meticulously considered daily applications for the payment of funds to or for beneficiaries and for their needs, in addition to providing invaluable support to Associate Justice John Eftim, who is the Senior Master who had replaced Senior Master Mahony.

After three years of dedication to his role as Judicial Registrar, in March of 2016, Steven “hung up his boots” and entered into a well-deserved retirement. He will find joy in travelling with his partner Grant, enjoying the odd wine, and he also intends to pursue his other passions. Steven will continue to advocate as a member of the Investment Review Panel and Audit Committee.

Steven's contribution to Funds in Court has been immeasurable. But it is the positive impact that Steven's work has had on the lives of countless beneficiaries that will prove to be his greatest and most enduring success.

By Fiona Halloran, Legal Officer, Funds in Court

Retirement of Graeme Morris and Albert Hutchison



Graeme Morris



Albert Hutchison

This year sees the retirement of two very valuable Officers: Graeme Morris, former Beneficiary Services Manager and Albert Hutchison, former Trust Officer.

On 4 March 2016, Graeme decided to finally hang up the boots after 24 years of service to Funds in Court. Over the years, Graeme gradually built up the Beneficiary Services Section from just a handful of staff to what is now the largest functional area at FIC, ensuring that beneficiaries and their families are provided with a high quality service. He established many friendships and contacts along the way which continue to hold FIC in good stead.

A keen Geelong supporter, Graeme is a great believer in maintaining a good work/life balance and constantly encouraged his staff to undertake some form of physical exercise and stay healthy. Even the most reluctant of staff members were eventually persuaded to accompany him for a walk around Flagstaff Gardens at lunch time! Graeme always made the time to talk to his staff, discuss problems (both personal and work-related) and share a quick joke. He will be greatly missed.

Dawn Pinto, Graeme's former Deputy, was appointed as the new Beneficiary Services Manager on 15 March 2016. Dawn joined FIC in 1999 as a Trust Officer. In 2004, she was appointed as a Senior Trust Officer and in 2012, became Deputy Beneficiary Services Manager.

Albert commenced at FIC in 2004 with a background in trust administration and telecommunications. Albert's quiet nature, patience and experience served him well in Beneficiary Services, allowing him to manage a heavy caseload and build a great rapport with beneficiaries and their families. Well-travelled, Albert was a good source of information and practical tips to any member of staff embarking overseas for the first time. Albert also became FIC's unofficial event photographer. Albert's flair with telling a yarn, his beautiful writing skills and wry sense of humour will be missed. Albert retired on 8 July 2016.

Graeme and Albert have been valuable members of Beneficiary Services. Staff and clients will miss their experience, expertise and friendship. We wish them well in their retirement.

Beneficiary Focus Group



Beneficiary Focus Group meeting in 2015

The Focus Group held its annual get together on 8 June 2016. Attendees continue to be receptive to this gathering and an enjoyable day was had by participants. Gary Georgios, General Manager (FIC), opened the event. The forum was facilitated by Miranda Bain, Director, Strategy, Government and Community Relations and Funds in Court representatives. As always, Funds in Court staff enjoyed meeting with the group at lunch time.

On this occasion arrangements were made for the group to meet with representatives of VALID and BrainLink. Rick Ruiu, Co-Ordinator VALID Self

Advocacy, NDIS Engagement spoke to the group as well as Suzanne Shaw, Community Liaison Program Manager at BrainLink. Both presenters provided information to the group in relation to their respective organisations. In particular, Rick spoke about the recent "Having a Say Conference" which was held in Geelong earlier this year. The Focus Group participants are considering attending the next conference and may even give a presentation. Rick's presentation was very well received by the group.

VALID Inc. – The Victorian League for Individuals with a Disability is an advocacy group for adults with intellectual disabilities and their families. VALID is managed by an independent Committee made up of people with a disability, family members and concerned citizens. To contact VALID please call 9416 4003 or Freecall (Rural Victoria only) 1800 655 570; their mailing address is 235 Napier St, Fitzroy.

Suzanne from BrainLink spoke about their initiatives and services about which the group was very keen to be provided with information. BrainLink offers programs for people living with an acquired brain injury which includes a BrainLink group, a recreational group as well as a LifeMoves Peer Support Program. The service also offers a range of programs and events designed to help carers. The BrainLink office is situated at 54 Railway Rd, Blackburn; they can be contacted on Toll Free: 1800 677 579 or 9845 2952. For further information on BrainLink's LifeMoves program contact Greg Quinn on lifemoves@brainlink.org.au.

In the meeting, the Beneficiary Focus Group also met a representative from the National Disability Insurance Scheme. If you are a person with disability, you can become a participant in the scheme when it is available in your area. It is currently operating in Barwon Region. The scheme is a new way of providing disability support and funding that takes a lifetime approach. If you want to take part in the scheme, you need to let the NDIS know about the money you have at Funds in Court. You will not be disadvantaged by the funds you have at Funds in Court. For more information about the scheme, please call 1800 800 110.

If you would like to attend the Focus Group in 2017 we would welcome new attendees. Please contact either Janine or Julie at Funds in Court on 1300 039 390 to express your interest.

By Julie Fredrickson, Co-ordinating Client Liaison Officer, Funds in Court

Beneficiary Advisory Committee

The Beneficiary Advisory Group (BAG) met again on 27th May to discuss a number of things taking place at Funds in Court. It was decided that the responsibilities and the impact of the BAG have grown so much that the name of the group should be changed to the **Beneficiary Advisory Committee (BAC)**. The BAC also invites younger members to join to ensure a wide ranging demographic is in place.

The BAC was created around ten years ago to ensure that beneficiaries have their ideas heard and are involved in decision made at Funds in Court. The group started with parents and carers of beneficiaries and has grown to include representatives from organisations such as the Office of the Public Advocate, the Law Institute of Victoria and the Victims of Crime Support Agency.

In the latest meeting, a draft **Disability Action Plan** was presented to the group for review and feedback. A Disability Action Plan is about ensuring that everyone, regardless of their disability, has an opportunity to access and improve the services provided Funds in Court. It is a key step to creating a more inclusive community and protecting human rights.

It is important that the BAC's voices are part of this plan as it will increase the likelihood of beneficiaries' needs being taken into account in the evaluation of existing services and the design of new programs. An *easy access* Disability Action plan will also be discussed at the next focus group and the two will be registered with the Human Rights Commission.

Miranda Bain gave a presentation of the **Inspire Awards®**, some of which were won by our beneficiaries. The feedback received was very positive - the awards were deeply respectful and dignified and it was great to see people being recognised for their achievements in the community and not their disability.

Some of the new initiatives taking place at Funds in Court were discussed, including the **Ambassador's Program**, a program which pairs a beneficiary with their local MP in order to create awareness for the work done at Funds in Court.

There is also work being done involving human rights, litigation guardians, intermediaries for victims of crime, and protocols surrounding the compensation of people with severe disability to ensure they are being protected.

If you are interested in joining the BAC, please call Funds in Court or email miranda.bain@supremecourt.vic.gov.au.

By Julia Greacen, Project Officer, Funds in Court

Inspire Awards®

After years of careful planning, the inaugural **Inspire Awards®**, an initiative of Miranda Bain - Director Strategy, Government and Community Relations (FIC) with the support of the Senior Master, took place on 21 April 2016 at the Price Waterhouse Coopers building in Southbank. The purpose was to recognise people who identify with a disability for their outstanding achievements.

The nominees, Victorian based and aged 18 years or older, are selected confidentially by their peers and are acknowledged not only for their contribution to their work but for their outstanding leadership qualities, role modelling and mentoring.

In her speech, Chief Justice of Victoria, Marilyn Warren, commented that the award nominees "have shown qualities of great richness, joy, and generosity. I say again how remarkable everyone here is. And how greatly those around them, in their workplaces, their communities and their families must appreciate this vitality."

The awards recognised the work of people across a wide range of professional groups and communities including law, human rights, disability advocacy, medicine and the arts. One of the award categories, the **Funds in Court Individual Excellence and Achievement Award**, presented by the Senior Master, Associate Justice Efthim, was open only to Funds in Court beneficiaries. Many of our beneficiaries have developed exceptional skills and have had a significant impact on their communities.



Winning Nominations:
The Senior Master, Associate Justice Efthim, and Funds in Court Individual Excellence and Achievement Winners: Christopher Rigg APM, Glenn Thomas, Marea Breisch and Chris Rotering
 (Not pictured: James Remedios)

Marea Breisch was a highly respected secondary art teacher before she suffered a head injury in 1995. After her injury, Marea had to re-learn basic communication skills and has since returned to painting and participates in regular classes. She joined an art group trip to Italy, has sold a number of her paintings and aspires to have an exhibition of her own work in the future.

James Remedios has made remarkable progress since first coming to Funds in Court. He has travelled to India on several occasions, juggles work and study, has assisted a music group for people with disability, and has performed two songs at Embrace 2012.

Chris Rigg APM is an ex-police officer who had to retire after a car accident which resulted in personal injury. Despite this, he has been a committee member of Haddon Community House for 10 years, a member of Haddon Lions Club for 13 years and has chaired many projects with both

organisations. In April 2015 he was responsible for a project which saw 3,800 poppies attached to plaques along Ballarat's Avenue of Honour to commemorate Gallipoli. The project was entirely his idea and he was at the coalface from start to finish, enlisting students from Ballarat Specialist School and Phoenix College to help. He has performed countless work assisting disadvantaged local residents as well as significant fundraising for charity.

Chris Roterling is passionate about educating the public in Acquired Brain Injury. He is part of a group called ABI Road that visits local schools in the Bendigo area and has spoken at many conferences about his own ABI experience.

Glenn Thomas has a passion for photography and has been an avid photographer for many years. He often travels to shoot interesting subjects and creates very beautiful photographs for people to enjoy.

The focus of the awards was to acknowledge the outstanding work our beneficiaries do and encourage them to continue. They promote the principles underpinning human rights and advocate for our beneficiaries and for all people with a disability. The winning nominees received a trophy and commendation certificates were also awarded.

The awards also provided an important opportunity to raise awareness about disability issues more broadly across the community and, ultimately, to support the development of an inclusive Australian society.

Special guests also included the President of the Australian Human Rights Commission, Professor Gillian Triggs.

Addressing the 200 people in attendance, Professor Triggs spoke about what inspiration really means to her, "It's about encouraging leadership in the community – leadership can be exercised quietly at one end of the spectrum – or, at the other, in a blaze of media publicity. I am particularly pleased with the award category today for speaking out because in my current job I have come to believe that, one way or another, we must speak up and speak out about the injustices we see in society."

The Inspire Awards® will take place again in 2017. If you know someone who could be nominated for an award or to find out further information, please call Funds in Court or email Miranda.Bain@supremecourt.vic.gov.au and Julia.Greacen@supremecourt.vic.gov.au.

Everyday Independence



Ruth Burrill

Last year I started doing some voluntary work for an organisation called Everyday Independence, based in Carlton. Jobs included sorting client files in chronological order.

We have moved premises to Blackburn. The area is not funky, but it is much closer to me. I now work 2 days per week. Work has enabled a set structure. I walk to my local station and catch the train there. Walking from Blackburn station to work! Figure out what attire I'm going to wear, make-up and shoes. As well as what I'm going to have for lunch for the next day.

I'm now able to do the filing confidently and also shred papers upstairs. I help our receptionist out and have answered the telephone.

It's an extremely social environment and great to feel a part of something that I can contribute towards. My other duties involve folding invoices, placing them into envelopes, addressing and placing stamps upon them.

I suppose it's never giving up within myself. Knowing that if I can become the best version of myself I possibly can be, it will draw me to where I'm supposed to be.

Same for everybody reading this. Although you'll want to, you must never give up. Delight in who you are and what you're able to do.

I know for sure, my past has never made as much sense as it does now.

Updated Funds in Court Website

We are pleased to announce the release of our updated website, designed with a fresh new look, user friendly navigation and updated with the latest information about our services. The website contains information for beneficiaries and their families, and professionals and presents several great features. The web address remains the same:

www.fundsincourt.vic.gov.au

We encourage you to visit and explore the updated website. Please feel free to send us your feedback on fic@supremecourt.vic.gov.au.

