

# Information Sheet

## How Decisions About Funds Are Made



### Who makes decisions about how funds are used?

At Funds in Court, decisions about how your funds are used are made by the Senior Master or Judicial Registrar. They are judicial officers of the Supreme Court of Victoria.

Knowing how the judicial officer makes decisions can help you understand:

- why they accept or decline applications
- why your Client Services Officer may ask you for more information.

When the judicial officer makes a decision, they must follow the law, but the law doesn't tell them how to make each decision. The judicial officer considers each application on its own merits and on the information they are given.

### What information will the judicial officer consider?

Your Client Services Officer will give the judicial officer all the information you have provided that is relevant to your application. The judicial officer will consider all of this information and other relevant commonsense matters. We have listed some of these commonsense matters in the 'Things the judicial officer will think about' section below.

### How do you know what information to provide?

Because our staff have lots of experience with some application types, they can give you guidance on what information you should provide.

For some applications, like buying a car or a house, your Client Services Officer can give you an information sheet. These information sheets are also available on our website [www.fundsincourt.vic.gov.au](http://www.fundsincourt.vic.gov.au) or you can call us on 1300 039 390 to get a printed copy mailed to you.

You can ask for your application to be submitted even if:

- it does not include all of the information your Client Services officer has asked for
- it does not follow all of the guidance your Client Services Officer has given you.

The judicial officer will consider your application on the basis of the information you have provided.

### What happens once the application is submitted?

The judicial officer will consider your application.

The judicial officer may ask for more information. Your Client Services Officer will tell you what information they have asked for. You can provide the information or ask for the judicial officer to consider the application without it.



## Things the judicial officer will think about

The judicial officer wants to make decisions that will help you use your money in a way that best suits your needs and goals. They will also think about how much money you have in Court and how long it needs to last for you.

Here is a list of some of the things the judicial officer will consider when reviewing an application.

### What do you want?

- This is very important.
- If someone else is making the application for you, then the judicial officer will want to know what you think.

### Will the item or service benefit you?

- Do you need the item or service?
- Is the item or service for you or for someone else?
- Who will benefit the most from the item or service?
- What benefit will you get from the item or service?
- Is it fair for you to pay for the item or service?

### Is the item or service the best one for you?

- Do you need an assessment or professional advice to work out what item or service will suit you best?

### Are you getting value for money?

- Are you paying market value for the item or service? The judicial officer might need more than one quote for an item, or a formal valuation. We use formal valuations for expensive things like real estate.
- If you want to buy a used item, the judicial officer will need proof the item is in good condition.

### Is this an item or service someone else should be paying for or providing?

- Should someone else pay for it, or pay for some of it? This could be:
  - your family
  - the Transport Accident Commission (TAC)
  - WorkCover
  - the National Disability Insurance Scheme (NDIS)
  - an insurer.



## **Can you afford it?**

- What other payments are being made using your funds in Court?
- What other payments do you want to make using your funds in Court?
- What other payments need to be made using your funds in Court, for example property maintenance or repairs?
- Do you have any assets or income outside your funds in Court?
- Can you afford to pay the ongoing costs related to the item, like insurance?

## **What was the money paid into Court meant for?**

- The judicial officer will think about why the money was paid into Court. Are the funds:
  - compensation for loss of earning capacity and income?
  - meant to pay for your living costs for the rest of your life?
  - compensation for the death of your parent?

## **What do the people around you think about it?**

- What does your family, administrator or guardian think?
- What do your carers or health professionals think?

## **Are there any psychological, social or cultural issues that the judicial officers need to consider?**

## **Can expensive items be protected from being lost?**

- If the item would use a lot of your funds in Court, the judicial officer will consider whether the item can be protected from fraud, scams or being lost or taken by other people. For example:
  - Significant assets such as houses may need to be registered in the name of the Senior Master or someone else to hold for you. This will help protect the item from being lost through fraud or scams.
  - The judicial officer would generally not approve an application to buy a house if you also needed to take out a mortgage. This is because if the mortgage repayments are not made, the lender will sell the house and your investment would be lost.

## **Can the item be insured?**

- This is something the judicial officer will consider if the item is expensive or would use a lot of your funds in Court. They want to be sure that if something happens to the item, an insurer would replace it or compensate you for its loss.

## **Are there any legal requirements?**

- Some items or services will have legal requirements, like a licence, permit or Working with Children Check. The judicial officer will need to know that all of the legal requirements have been met.



## Do you have any other supporting information?

- If you have any other documents or information that you want the judicial officer to consider, please give it to us.

## Appealing a decision

If you disagree with a decision made by the judicial officer, you can appeal it.

We have general information about this in our 'Making a Complaint and Giving Feedback' Information Sheet. We also have information sheets on 'Appealing a Decision Made by the Judicial Registrar' and 'Appealing a Decision made by the Senior Master'.

All of these information sheets are available on our website [www.fundsincourt.vic.gov.au](http://www.fundsincourt.vic.gov.au) or you can call us on 1300 039 390 to get a printed copy mailed to you.

## How to contact Funds in Court

We are open from Monday to Friday, 9am to 5pm. We are closed on public holidays.

**Phone:** 1300 039 390

**Email:** [requests@fundsincourt.vic.gov.au](mailto:requests@fundsincourt.vic.gov.au)

**Website:** [www.fundsincourt.vic.gov.au](http://www.fundsincourt.vic.gov.au)

**Located at:**

Level 5, 469 La Trobe Street  
Melbourne, Victoria 3000

**Postal address:**

Funds in Court, Supreme Court of Victoria  
210 William Street  
Melbourne, Victoria 3000

**Fax:** 1300 039 388

## If you are outside Australia

**Phone:** +61 3 9032 3777

**Fax:** +61 3 9032 3792

## Contacting Funds in Court in a language other than English

We will help you if you need to talk to us in a language other than English.

You or your representative can call us and we will arrange an interpreter. Please call on a weekday between 9am and 5pm.

You or your representative can write to us by letter or email in your language. We will get it translated into English.

We will not charge you for the interpreter or translation service.