



FUNDS IN COURT NEWSLETTER

SUPREME COURT VICTORIA



To give a better understanding of the Senior Master's Office

8
Info Packed
Pages

FEBRUARY 2010

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*Our new "home" at
469 La Trobe Street,
Melbourne*

Editor:
Michael Karabogias
Editorial Assistants:
Nanna Relina
Carol Anderson

The Senior Master's (Funds in Court) Office [SMO] has Moved

After 14 years at 436 Lonsdale Street, the SMO has moved to new premises at Level 5, 469 La Trobe St, Melbourne.

The SMO has grown substantially in recent years, particularly since 2004 when the law changed to provide for the payment to the SMO of all funds awarded to persons under disability in Victoria. The consequent growth in staff resulted in the SMO's former premises becoming inadequate to accommodate all the Office in a manner consistent with Occupational Health and Safety and government requirements.

Over the weekend of 19-20 December 2009 the SMO moved to its newly refurbished premises. To minimize disruption to beneficiaries and their families at a busy time of the year, the Office closed at lunchtime on the Friday, and was

fully operational the following Monday morning. This was a great result – achieved by thorough planning and the hard work of all staff. Nevertheless, inevitable "tweaking" continued to occur behind the scenes.

The SMO's new premises will allow it to continue to provide the highest quality, professional services to beneficiaries, in appropriate surroundings, for the benefit of beneficiaries, families and staff.

For example, the SMO now has:

- A larger, better appointed reception area to provide better access to the Office.
- Several client contact rooms in which to hold initial and subsequent meetings with beneficiaries.
- A large meeting room for meetings of the Beneficiaries' Advisory Group,

Investment Review Panel, Audit Committee and similar meetings.

- Staff training facilities.
- A computer build and storage room to ensure our "in-house" information technology support remains second to none.

The new premises also have a 5-star energy rating.

Finally, but importantly, contact with the Office by telephone has been enhanced. A new call management system, the NEC Qmaster, ensures that telephone contact with the SMO is easier and quicker. Dani and Sally, and staff who assist them, have all received training in the new system.

Our contact numbers:

Tel: 1300 039 390
Fax: 1300 039 388

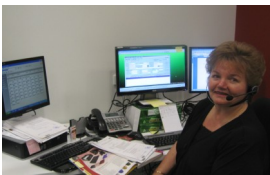
Some photos of our new home



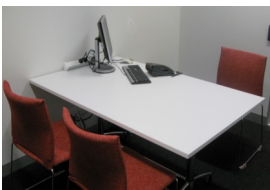
Entrance to Reception with a spectacular graphic showing an old photo of the main Court building.



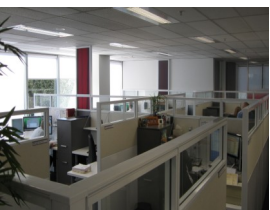
Inside Reception showing comfortable seating for visitors, the display of historical documents and SMO literature.



Dani using the QMaster on the SMO's 3-screen setup.



Interview room 1.



The Trust Section area.

Second Beneficiaries' Focus Group

By Lee Archer



On 23 October 2009, a group of people who have their money administered by the Senior Master met to provide feedback to the SMO for the second time. It was again a great experience for the beneficiaries, staff and facilitators.

For many it was a chance to catch up on friendships that began at the last meeting. For new attendees it was an opportunity to meet new people and provide feedback to the SMO.

Some of the feedback provided from the 2008 group was that the SMO needed to be more flexible when people's skills improved years after their accident. In response to this, the SMO is developing a project to help people

with their financial skills so as to become more independent.

The group also said that some of the information to beneficiaries was a little difficult to understand, so the SMO is undertaking to create a range of pamphlets and a DVD that will be easier to understand. The Office hopes that the Beneficiary Focus Group will have an active role in shaping the future of these projects.

A highlight of the day was the opportunity for the beneficiaries to meet staff from the Office over lunch, and for some people to meet their Trust Officers in person after speaking to them on the phone for many years!

In the afternoon, the group were given the opportunity to meet with Steven Wharton, Office Manager and the Senior Master's 'Right Hand Man' to ask questions about the SMO and their money.

For the Senior Master's Office, this was a rare opportunity to seek feedback from you, the beneficiaries, about how best to administer **your** funds in the best way possible. We thank all of the Focus Group members for providing their time and expertise, and look forward to continuing a collaborative working relationship with you in the future.

Victims of Crime Assistance Tribunal [VoCAT]

By Kathy Rundle

Awards

VoCAT (previously known as the Crimes Compensation Tribunal) provides financial assistance to victims of violent crime committed in Victoria.

An application for assistance is made by the victim to VoCAT. If the victim is under 18, the application may be made on the person's behalf by a parent or guardian.

VoCAT may make an award to a person to cover expenses already incurred; for future counselling and medical expenses; for loss of earnings; for loss of or damage to clothing; or an award of money for pain and suffering, which is referred to as "special financial assistance". In exceptional circumstances, VoCAT may award expenses to assist recovery, for example, an award for a holiday, gym membership, computer or school expenses. The VoCAT award will set out the type of compensation awarded.

When VoCAT makes an award for special financial assistance in favour of a person under 18, the money awarded will be directed by VoCAT to be paid to the Senior Master.

If VoCAT has made an award for compensation other than special financial assistance, the recipient should follow this up with VoCAT directly.

Variation of awards

A VoCAT award may be varied if further counselling, medical treatment or other expenses are required. An application needs to be made to VoCAT for a variation within 6 years of the making of the original award, or where the original award was made in favour of a person under 18 years of age, the application for variation can be made up until the age of 24 years.

Contact details

VoCAT can be contacted on **1800 882 752** or **9628 7855**. Information can also be found at: **www.vocat.vic.gov.au**.

Counselling services

Each state of Australia offers support services to victims of crime. Links to support services can be found at www.vocat.vic.gov.au under "Applying to VoCAT" and "Other Sources of Assistance".

In Victoria, the Victims Support Agency [VSA] provides counselling and assistance to victims of crime. The Victims of Crime Helpline (telephone 1800 819 817) is staffed by trained victim support officers and is open between 8:00am and 11:00pm weekdays.

In addition, the Victorian Centres Against Sexual Assault [CASA] provide free, confidential, 24 hour emergency or crisis care services; free and confidential

short to medium term individual counselling to victims of sexual assault as well as their non-offending family members/carers and significant others. Further information about CASA can be found at **www.casa.org.au** or by telephone on **1800 806 292**.

Use of funds

Funds held by the Senior Master can be used at any time for any constructive purpose. Requests for funds should be discussed with the Responsible Officer before committing to any use of the funds. However, the Senior Master will not consider the purchase of a motor vehicle unless the beneficiary has a current and valid driver's licence.

Payment out at 18 procedure

The Senior Master holds funds in Court for a person under a legal disability. A person is considered to be under a legal disability if he or she is under 18 years of age. The *Age of Majority Act* provides that a person attains capacity upon attaining the age of 18 years. However, the payment out of funds to a person upon attaining the age of 18 is subject to the Senior Master making an order for payment out.

The Senior Master will make such an order if satisfied, on the information he has, that the beneficiary is capable of managing his or her own affairs.

Law Week 2010 – Supreme Court Open Day

Law Week 2010 will be held from 17 May to 23 May 2010, with over 200 events in Melbourne and across Victoria.

Law Week includes the Supreme Court Heritage Tours, tours of the Dandenong and Frankston Courts and Moorabbin Justice Centre, Sunshine Court Open Day, Great Law Week Debate, various information sessions, and conferences.

The Supreme Court Heritage Tours will be conducted on 17, 19 and 21 May 2010. Participants will be provided with an opportunity to learn about the Court building and view judicial robes and wigs. Visitors may stay after the tour to observe the Court in session.

The SMO will participate in the Supreme Court Open Day on Saturday, 22 May 2010. We hope to have a bigger display showing the history of the SMO from the days of handwritten ledgers to today's modern organisation.

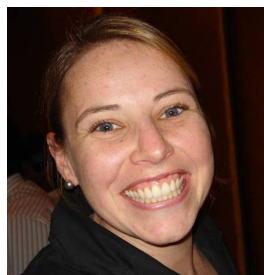
For further information, or to make a booking, please refer to our website.

Funds in Court Newsletter

Once an order for payment out is made, an application form will be sent out to the beneficiary a few weeks prior to turning 18. The beneficiary is required to complete and return to the SMO the application form along with a photocopy of photo identification.

When the SMO receives the correctly completed application form a Statutory Declaration will be prepared and sent to the beneficiary. The beneficiary cannot make the statutory declaration until 18 years of age. Signing of the Statutory Declaration will need to be witnessed by an authorised person. The SMO will provide the beneficiary with a list of such people. Alternatively, a beneficiary may make an appointment to attend the SMO to sign the statutory declaration.

Once the SMO has received the Statutory Declaration, if completed correctly, payment out of the beneficiary's funds in SMO generally occurs within two weeks.



Kathy is a Legal Officer who specialises in VoCAT and Centrelink matters.

She is a keen runner and Western Bulldogs fan.

Did you know?

The Senior Master administers funds for over 3,700 people who have received compensation from VoCAT.

Restricted Property Assessments

By Graeme Morris



Some people have asked what are

"restricted property assessments", and, why do we arrange for them to be conducted.

Restricted assessments are conducted regularly, usually every three years, on trust properties. They are conducted by a registered valuer who has usually completed the original valuation obtained when purchasing the property. The valuer, therefore, has access to details of the property as it was when purchased and would also be provided with information as to whether any significant modification or alteration to the property has been made since purchase.

Whilst the valuer visits the property and makes an assessment on the property, he does not actually enter the property unless specific arrangements have been made with the occupier beforehand. This is why they are referred to as *restricted* property assessments. The purpose of the assessment is both to provide current information as to the insurable value of the property and separately provide an indication as to the current market value.

The insurance aspect takes into account the current replacement value of the buildings and improvements on the property including the cost of demolition, site clearance, architects' fees and items that need to be covered in the policy in the event of a disaster such as last year's bush fires. The replacement building costs can often increase at a much faster rate than CPI increases on insurance cover.

A Beneficiary's Story

New Things on the Horizon

By Wayne Hall

It was May 1991 and I'd just graduated with a Fine Arts Degree from the Victorian College of the Arts. I loved my arts and had aspirations to start a career as a lecturer at VCA. All that changed a month later when I was run down by a car running a red light at a pedestrian crossing. My injuries were severe and survival was thought to be slim. Over time, my physical injuries did heal but I was left with an acquired brain injury.

After around eighteen months of hospital and rehabilitation, I began outpatient treatment. My brain was knocked about so badly from my injuries that the years of art knowledge all but vanished and my strong self confidence had disappeared with it. Thankfully, one patient activity helped me get back into art.

I was introduced to pottery sculpture and my creative juices slowly began to flow again. My artistic endeavours extended from there and I dabbled in printmaking, painting and multimedia and rekindled my literary interest.

It has been a long time and hard road. But eighteen years on and I've recently held a successful solo exhibition "Then and Now".

Running through my spirit is the empathy I feel for others who have experienced road trauma and the feeling that art is clearly an amazing cure.

Then and Now

Gather round, get around

*Ages before now, yes long ago
Was somewhat mentally unsound*

*Yet self-determination and care
From my loved ones hearts*

*The everyday battles revealed
themselves so was inundated with
stops and starts*

*Hope and longing to progress
From how I once began my
existence*

*Appeared thankfully more often
Than not and unfolded before my
poor soul a vibrant persistence*

*As I arose and until I retired
every day before my conscience
was an artistic task to be done*

*Ignored the physical shortcomings
and embraced mental progress
seen within*

My expressions where I have won

*Not at all the defeatist attitude
Stayed*

*As I desired not to lose yet forever
Win so quietly unlike a heathen
prayed*

*Gaze all over, look around and
view the iceberg's tip*



*Many, yes each and every day an
expressive element appears on the
edge of my artist's lips.*

*Multi-media I have chosen to
outpour what visits my heart and
mind*

*What you see is what you get, so
Look deeply at each piece and be at
ease with what you may find.*

*Not long ago was blessed
somewhat by a certain being's
plateful of common sense.*

*Many folk I've been rather near
have viewed the increased self
confidence*

*So from within my long ago
Muddled mind I am showing the
Innermost right then and now so
true*

*Well here is a moment I can pour
out my genuine feelings via a
literary ode that straightforwardly
conveys a thank you.*

IMPORTANT NOTICE – ELECTRICAL SAFETY

As of 11 February 2010, the Federal Department of the Environment will be undertaking a full program of electrical safety inspections on homes insulated with foil products under the Home Insulation Program between 3 February 2009 and 9 February 2010.

These inspections will be carried out by a licensed electrical contractor at no cost to the householder.

If rectification work needs to be undertaken as a direct result of an installation under the Program there will be no cost to the householder.

If you have had your home insulated with foil products under the Program, you will shortly receive a letter from the government about having your ceiling inspected. In the meantime you can contact the call centre on **131792** for further information.

"Please note that any maintenance payments received from your funds in SMO are not considered income for Centrelink purposes."

Home Insulation & Solar Hot Water Schemes Closed

The federal government's home insulation scheme and the solar hot water rebate scheme have been closed. They will be replaced by a new Household Renewable Energy bonus scheme.

Under the scheme households will be able to receive a rebate for the installation of ceiling insulation or a solar hot water system or a heat pump. \$1000 rebates will be available for ceiling installation and solar hot water systems and \$600 rebates for heat pumps systems.

The new rebate for solar hot water systems and heat pumps will be available for systems installed after 19 February 2010. The insulation component will come into operation by 1 June 2010.

For more information see: www.environment.gov.au

Centrelink By Kerry Flynn

Do you receive, or are you applying for a payment from Centrelink? Are you aware that Centrelink needs to be advised of your funds in SMO?

For the majority of pensions and/or benefits paid by Centrelink, the value of the funds in SMO, and the taxable income derived from their investment, affects the rate payable.

When applying for a payment, or when Centrelink reviews your payment, you need to make sure that you advise Centrelink of the funds in SMO.

Your Trust Officer can assist you, by providing a letter which includes all the information required by Centrelink.

Remember, if you are receiving a payment from Centrelink, or hold a Health Care or



Commonwealth Seniors Health Care Card, in most instances, you need to notify Centrelink of a change in your circumstances within 14 days.

Some examples of changes that may affect your payment include:

- Accommodation (i. e. changes of address or moving in and out of rental accommodation);

- Relationship (i. e. marriage, living with somebody in a marriage like relationship, separation and or divorce);
- Income (i. e. starting or ceasing employment, receiving income from boarders or lodgers).



Please note that any maintenance payments received from your funds in SMO are not considered income for Centrelink purposes.

The above list is not exhaustive. If you have any doubts, please contact Centrelink on:

- **132850**— Employment Services
- **132717**— Disability, Sickness & Carer Services
- **132300**— Retirement Services
- **136150**— Family Assistance Office

Or attend your local Centrelink office for assistance.

Eyes and Ears of the Senior Master's Office.....the Client Liaison Officer

By Renata Mayne and Glenn Jordan

The Senior Master's Office has a team of Client Liaison Officers whose role it is to visit our clients in their homes, and we have been performing this role since the early 1990s.

The purpose of the visit is to offer you the opportunity to talk to the SMO's Client Liaison Officers face to face, in your own home, and most of our clients find this a positive experience. It is a chance to raise any concerns you may have, and also take the time to discuss your plans for the future. The essential purpose of the visit is to get to know our beneficiaries and their families and to assist the Trust Officers in making recommendations to the Senior Master. We are all quite approachable and happy to discuss anything and everything with you on the day. Following the visit, recommendations are often made in relation to support services required or requested, financial assistance and advocacy in relation to support in dealing with rehabilitation providers and community organisations. We are often questioned in relation to Centrelink entitlements and the

effect the funds in Court will have on these entitlements. On the odd occasion the Client Liaison Officer will not be able to provide you with an immediate response to a question, but we are fortunate enough to be able to draw on the invaluable supports from the Senior Master's Legal, Trust, Taxation and Information Technology departments. We will always endeavour to respond to your queries or offer other contacts where you will likely receive the information. We have recently been working on a project to visit our beneficiaries who have not had a visit or who have not been visited for a number of years. We found this to be a great experience as we have spoken to many of you who we have not met before and have had many positive outcomes.

We met one beneficiary who has been residing in supported housing for a number of years. A recent move to a new house had left our beneficiary feeling quite unsettled and unhappy in her new surroundings. After meeting with her family and the staff at the house, it was suggested that

redecorating her room and adding some personal touches would go some way to making them feel more comfortable. This project is currently underway with the SMO being able to provide funding for this project. We eagerly await the results of this 'makeover'.

After meeting with another beneficiary and his wife, we have been able to partly fund a 'once in a lifetime' cruise around Europe. They are both absolutely delighted and are currently finalising the details of their trip.

Of course not all requests are about jet setting around the world. We had the pleasure of meeting a longstanding beneficiary recently who simply required assistance to help find suitable study and work options for next year. A referral was organised to a work and education psychologist and we await in anticipation the outcomes of the assessment. If you feel that you would like to meet with one of our CLOs, please speak to your friendly Trust Officer about your request.

We need your suggestions

The Funds in SMO Newsletter welcomes your suggestions. What kind of information would you like to see in future editions? Do you have a story you would like to share? Is there an Office procedure you would like explained? Whatever it is, send your suggestion or contribution to:

Funds in SMO Newsletter
c/ Senior Master's (Funds in SMO) Office
Supreme Court of Victoria
210 William Street, Melbourne, VIC, 3000
or email to:
smobag@supremecourt.vic.gov.au

Your Questions

What is RACV Fleet Care?

As many beneficiaries and family members know, the funds held in Court are sometimes used to purchase a motor vehicle for the beneficiary's needs. In fact, there are about 500 vehicles that have been purchased on behalf of beneficiaries.

One way to assist the drivers of these vehicles is to make available to them a reputable roadside service. With such a large number of vehicles RACV have offered to the SMO a "Fleet care roadside service" that has some advantages over individual membership.

This article explains the Fleet Care program.

What do you do if you lock your keys in your car, have a flat battery or blow a tyre? Breathe a sigh of relief if you have emergency roadside assistance.

In RACV's experience, nearly half of all RACV (emergency) call outs relate to human error (Source: RACV Fleet Care Pamphlet, p.5, 2009). These "non-mechanical" problems can occur with new as well as older motor vehicles.

For several years now, the SMO has had a **Fleet Care Membership** arrangement with RACV. Instead of

arranging individual emergency roadside assistance cover for each motor vehicle, the SMO can – if the beneficiary chooses – add the motor vehicle to the Fleet Care Membership.



Why RACV Fleet Care?

RACV Fleet Care Membership streamlines the management of emergency roadside assistance. As a result, member beneficiaries, or their nominated drivers, receive **additional benefits for emergency roadside assistance** than those afforded individual membership holders.

There are three levels of care provided through Fleet Care. The annual cost per vehicle is: Standard (\$78), Fleet Extra Care (\$130) and Fleet Total Care (\$172).

Services provided under the Standard level of Fleet Care include:

- a dedicated 1800 telephone number (**1800 686 464** – callers should quote the **Senior Master's Office Member No. 424 04 76**)
- 24 hour access and service
- no joining fee (usually \$78)

- 30 km towing (except in cases of an accident) in metropolitan area or towing to an attending service centre in country areas
- rental vehicle and taxi benefits available (conditions apply)
- additional call outs
- wheelchair assistance (away from home)
- accommodation benefits when more than 100km from home.

If you are not sure whether your motor vehicle is part of the Fleet Care arrangement, or wish to become a RACV Fleet Care member, please contact your Trust Officer.

Details are also available on the RACV website: www.racv.com.au



Send us your Questions

Do you have any questions about the functions of, or services provided by, the Senior Master's Office? Send them to us and we will do our best to answer them. Please send your questions to:

Funds in Court Newsletter
c/ Senior Master's
(Funds in Court) Office
Supreme Court of Victoria
210 William Street,
Melbourne, VIC, 3000
or email to:
smobag@supremeSMO.vic.gov.au

In the next edition:
*Another beneficiary's story
and more answers to your questions*