



FUNDS IN COURT NEWSLETTER

SUPREME COURT
VICTORIA



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

AUGUST 2010

IN THIS ISSUE:

- Special Event—
"Four Seasons in
One Day"
- New Trust Officer
- Client Satisfaction
Survey 2009
- Videolink
- SMO DVD
- Litigation
Guardians,
Administrators
and Guardians
- Beneficiary's
Story—My
Achievements to
Date in Boccia
- 2010 Supreme
Court Open Day
- Reception
- Beneficiary's
Story—Focus
Group Day Out
- Excess Franking
Credits
- RACV-
Wheelchair
Assistance
- Digital Television

Editor:

Michael Karabogias

Editorial Assistants:

Nanna Relina

Carol Anderson

FOUR SEASONS IN ONE DAY

**OPENING NIGHT—1 DECEMBER 2010
6.00PM—9.00PM**

**SECOND VIEWING—2 DECEMBER 2010
10.00AM—3.00PM**

AT 15 WILLIAM STREET, MELBOURNE

In recognition of our beneficiaries' skills and abilities and to celebrate their achievements, the Senior Master's Office will be holding a special night of celebration to showcase beneficiaries' talents.

The event will include:

**Arts and craft
Singing
Music performances**

If you would like to participate in the event or attend to support other beneficiaries, please contact **Nanna or Julie on 1300 039 390 by 30 September 2010.**

Client Satisfaction Survey 2009

By Graeme Morris

Late last year a client survey was undertaken on behalf of the SMO by Ernst & Young. Ernst & Young randomly selected 1,000 beneficiaries to receive a survey form consisting of a number of questions.

For comparison purposes, the format of the questions remained similar to the questions of surveys conducted in 2006, 2003, and 2000.



The recipients of the survey were asked to rate the various services of the SMO on a satisfaction level from 1 to 7, with 7 being the most positive.

Whilst each previous survey gave the SMO a good rating overall, it was pleasing to note that the response in 2009 again was well above average with 19 of the 20 questions showing a rating of 5.1 or greater. Most notable were improved ratings in answers "Were you treated with

dignity and respect?" (6.3 in 2009 compared with 6.1 in 2006) and "Were your needs listened to in a sensitive manner?" (6.1 in 2009 and 5.8 in 2006).

This is not to say that everybody is always pleased with every action of or response given by the SMO. There are times when the advice or response given will not be what a beneficiary wants to hear. However, the survey also provides an opportunity for beneficiaries to indicate their concerns about aspects of our service with which they are not satisfied by asking for "Additional Comments". These comments are considered by the SMO and, where reasonable and practical, acted upon to improve services to beneficiaries.

The surveys are a valuable tool for the SMO. They help us to understand how the work we do is rated by the people who have the most important stake in that work: our beneficiaries.

We would like to thank the beneficiaries and carers who took the time to complete and return the survey forms. For further information, please see:

www.supremecourt.vic.gov.au/fundsincourt.

New Trust Officer

By Graeme Morris

After some seven years in the Trust Section, an opportunity has arisen for Nanna Relina to assist the office in the Operations Section for the next twelve months. Nanna has relished the opportunity to broaden her experience and to utilise some of her creative skills in a different area of the office. She will be missed by many of her beneficiaries and her team in the Trust Section.

I am pleased to advise that Nanna's position will be filled by Vesna Petrovska from 2 August 2010.

Vesna also comes to us with a wealth of experience in trust administration, having worked in that area for some 13 years. Furthermore, she has also had experience at TAC and her "inside knowledge" should prove to be of valuable assistance to the Trust Section as a whole.

"...it was pleasing to note that the response in 2009 again was well above average with 19 of the 20 questions showing an average of 5.1 or greater."

Videolink at the SMO

By Michael Karabogias

As part of the move to our new office, the SMO has installed a video conferencing facility.

Video conferencing allows the Senior Master, who has retained his Chambers at 436 Lonsdale Street, to meet with staff at times when he is unable to attend his Chambers at 469 La Trobe Street, for example when he is sitting in court.

However, we also intend to use the SMO's video conferencing facilities as a service to beneficiaries who live in regional Victoria and interstate. Our intention is for beneficiaries to utilise video conferencing facilities in their area to speak with their Trust Officers or a Client Liaison Officer in situations when a phone call is not sufficient to discuss a particular matter, for example where there is a need for both a Trust Officer and a Client Liaison Officer to speak with the beneficiary.

This process is still in its infancy. In future issues of the Newsletter we will provide further information about how the SMO's video conferencing facility can be used. However, if you have access to video conferencing facilities in your area, and wish to utilise these to contact the SMO, please contact your Trust Officer who will inform you of the procedure and arrange a time for the video conference.

SMO DVD

By Marlo Rae

The SMO has created a series of short films that explain what we do, as well as what you need to know about your money and some of the processes involved in accessing it.

The idea for this project came from the SMO Focus Group which consists of 15 beneficiaries. Last year, the group provided feedback that the legal and financial information produced by the SMO can be very hard to understand, especially for people with a disability.

The DVD tries to present information in a new format so that it is easier to understand, and aims to answer some of the main questions people ask the SMO staff.

We were very proud to receive a grant from the Courts Portfolio Innovation Council partly to fund the project.

Some beneficiaries also helped us to develop the scripts for the films, and gave feedback along the way, which helped us make sure we were on the right path. We also talked to a neuropsychologist to make sure that the information was presented in a way that made it easy to understand for a person with an Acquired Brain Injury.

The films cover a number of topics including an introduction to the Senior Master's Office, and a look at how your money works. There are also films on buying a car, buying and modifying a house, dealing with Centrelink or TAC and how to make a complaint.

Some of the staff members of the SMO agreed to star in the films, so you might see familiar faces in them!



We were also lucky to have Andrew Daddo agree to be our main presenter in each of the films. The films will be launched during Brain Injury Awareness Week, 16-22 August. After the launch they will be made available on the Supreme Court website, at www.supremecourt.vic.gov.au/fundsincourt.

Did you know?

Litigation guardian is a person appointed to instruct lawyers and make decisions about a another person's court proceedings.

Administrators look after a person's legal and financial affairs.

Guardians make lifestyle decisions and, depending on the case, a guardianship order will limit the guardian to making decisions about issues such as a person's accommodation, health or access to services.

Litigation Guardians, Administrators and Guardians

By Susan May

Where a person has a legal disability another person may be appointed to make certain decisions on his or her behalf. This article will look at three different substitute decision makers – litigation guardians, administrators and guardians.

Litigation guardians

A litigation guardian is a person appointed to instruct lawyers and make decisions about another person's court proceedings. A litigation guardian will be required where a party to a court proceeding is under a legal disability, either because they are under 18 years of age, or they have an injury, disease, illness or infirmity that means that they cannot manage their own affairs in relation to the proceeding. The appointment of the litigation guardian is for the purpose of the court proceeding only. Once a proceeding is resolved, either because the court has approved a settlement agreed to by all the parties or the Court has heard evidence and a judgment has been given, the litigation guardian's role as a substitute decision maker ceases. When funds are paid into Court following the compromise of a proceeding, the funds are managed for

the beneficiary by the Senior Master and payments can only be made from the funds in Court pursuant to a Court order. Orders made regarding the funds in Court are often headed with the names of the parties to the original proceedings (including the name of the litigation guardian) even though those proceedings are finished and the only party relevant to ongoing orders is the beneficiary.

Administrators and guardians

Administrators and guardians are appointed by the Victorian Civil and Administrative Tribunal (VCAT) and have different decision making roles. Before VCAT will make an administration or guardianship order, it must be satisfied that the person needing assistance has a disability that means they cannot make certain decisions for themselves. Administrators look after a person's legal and financial affairs. The administration order may be limited to a specific action such as selling an asset to fund accommodation, or may be a general order allowing the administrator to take control of all of the person's assets, income and expenses. In some courts already having an

administrator means that a litigation guardian is not required. An administrator does not make decisions about the funds in Court and it is possible for a person to have funds in Court, managed by the Senior Master, and an administrator to look after other assets or income.

Guardians make lifestyle decisions and depending on the case, a guardianship order will limit the guardian to making decisions about issues like a person's accommodation, health or access to services. Guardians are very different from litigation guardians and may decide things like where a person lives and what medical treatment they receive. Like administrators, guardians do not make decisions about funds in Court.

Administration and Guardianship orders can be valid for up to 3 years after which VCAT must reassess whether the order is still required. VCAT cannot make orders regarding person under 18 years of age.

My Achievements To Date in Boccia

By Gavin Thorneycroft

I began my career in Boccia in late 2006. Boccia Australia came to the school where I attended to introduce students with disabilities to this sport. Boccia has been a sport that is played all over the world right up to the Olympics and is designed for people with cerebral palsy only. I am in the BC3 category, which means that I need a ramp assistant to assist me to play the game. However, I should point out that at no time can the ramp assistant turn and see any of the game until the finish, so as not to influence in any way.

I would like you to know that I train on my own with my carers in a shed that has a concrete floor designed by my father and myself. My father has been my training partner and mentor for the past four years as I do not have a team in Victoria. I am the only representative in Boccia BC3 category for Victoria, so when I play in the Nationals, I wear my Victorian uniform very proudly.

My family drives long distances to Canberra and to Sydney to watch me play in competitions. They hope, and so do I, that one day they will be able to travel overseas to watch me play. My biggest fan and supporter is my little sister Tara. She trains with me and my dad lots of times.

She tells me when I am playing well and not so well. My mother is my rock who has the worry of my health when I travel and the one who does all the hard work trying to budget the family so I can afford to travel overseas. I would not be here without the total support of my parents and my brothers and sisters.

Last year in Hong Kong, I was ranked 7th in South East Asia, 25th in the world and 1st in Australia in the BC3 category. I was hoping to go even higher after Portugal in May/June 2010.

I have played recently in the Nationals in May in Canberra and in June this year I went to Lisbon, Portugal to compete in the World Titles, where I was undefeated after the first two days of competition and not conceding a single point in both games against Denmark, 8-0 and South Africa 9-0. I secured a place in the finals finishing at the top of my group.

My career record is as follows:

- **2007**—Victoria National Titles—Silver in singles.
- **2007**—New Zealand Nationals—Silver in pairs.
- **2008**—New Zealand Nationals—Silver in pairs.



- **2008**—Queensland Nationals—Silver in singles and Silver in pairs.
- **2009**—Sydney Nationals—Silver in singles and Bronze in pairs.
- **2010**—Sydney State Titles—Silver in singles.
- **2010**—Canberra Nationals—Gold in singles, Gold in pairs, awarded the President Shield and trophy for “Most Outstanding Player Award”.
- **2010**—World Championships (Portugal) - Finalist.

Now I am ranked 20th in the world as an individual and 17th in the world as a member of the Australian team.



Tim West, Legal Officer, represented the SMO on 22 May 2010



Part of the SMO Publication display. Visitors were provided with Information Folders and pamphlets, outlining the services provided by the SMO.



The Supreme Court Library consists of series of law reports, statutes and textbooks. The library is used by Judiciary and legal professionals.

Supreme Court Open Day - 2010

On 22 May 2010, the SMO participated in the Court's Open Day. As promised last year, we had a bigger display showing our history from the days of handwritten ledgers to today's computerised office.

Visitors started to arrive at 9.30 am. Over 1,400 people attended the Open Day. The attendees included solicitors, law students and people interested in the history of the Supreme Court and our legal system.

Once again, the most popular attraction was the dungeon tours. The dungeons are the original prison cells located underneath the main building of the Supreme Court.

Justice Emerton and Associate Justice Zammit gave presentations in the Banco Court. It is interesting to note that the first sitting of the High Court of Australia was in the Banco Court. In 2001, the Banco Court was used to celebrate the Centenary of Federation and in 2003, to make the Centenary of the first sitting of the High Court.

Justice Ferguson spoke to the visitors in the library. The current Library building is 124 years old. The library consists of series of law reports, statutes and textbooks. The library is used by the Judiciary and



legal professionals. The oldest book in the library was published in the 1490s.

The SMO is planning to participate in the Supreme Court Open Day in 2011.

Reception By Sally Pacione and Dani Zivkovic

Since moving to 469 La Trobe Street, we are now working together at reception.

Previously, we worked on different floors at 436 Lonsdale Street. Even though we communicated by phone on numerous occasions throughout the day, we rarely saw each other.

The move to La Trobe Street has meant that we are now both at

reception and enjoy working together.



It has been particularly interesting for Dani as she now has the pleasure of meeting the beneficiaries and their families and also members of the legal profession.

Focus Group-Day Out By Ruth Burrill

Focus Group met last year at Flinders Street Station, a location that we all know and easy for us all to get to.

We waited until all who said they were coming arrived. Then we decided to go to the Transport Public Bar in Federation Square for lunch. We chatted, ate and enjoyed the independence of the outing.

We then went to the big screen in the city to watch the Australian Open. It was fun. The sunshine was out, great atmosphere, with people finding a space on the ground anywhere to sit and watch the tennis. Some of us decided it was time to boot scoot, while others stayed on to chat more. All in all, it was a fantastic day and one of many to come.

Excess Franking Credits

By Jan Sutherland

What Are They?

A franking credit is the tax paid by a company in which a person holds shares for which that person is entitled to get a refund when lodging a tax return.

Most companies pay dividends. Some of them are franked (or taxed) and some are not.

Franked shares mean that the company has paid tax at the company tax rate of 30%. This tax is available back to the investor as a credit on their personal tax when a tax return is lodged.

If some of your funds are invested in Common Fund No. 3 then you will be receiving franked and unfranked dividends over the course of a year.

The SMO previously was able to claim these credits from the Australian Taxation Office [ATO]. However, due to a number of changes in 2002 to the Income Tax Legislation, the SMO can only claim the credit

back up to an amount equal to the taxation liability of the trust (i.e. your funds in Court).

This means that the trust effectively loses the benefit of the full credit if the franking credit exceeds any tax due.

The only way in which this "excess" franking credit can be claimed is by lodgement of a personal taxation return by the beneficiary.

When the Taxation Statements are sent each year, the information stated in relation to franking credits is the amount that the SMO is able to claim. A separate letter is enclosed which outlines the "excess" amount. The actual figure included in the personal tax return is the total of the amount of the sum claimed by the SMO and the "excess" amount.

The total of these two amounts is what the SMO has actually received as franking credits for the financial year from Common Fund No. 3 but not able to claim from the ATO.

If some or all of the "excess" franking credit is offset against

any tax liability then the SMO requires a copy of the Tax Assessment Notice. A refund is not expected if you also have a tax liability.

However, if you have no other income and lodge a personal tax return to retrieve the "excess" franking credits then the refund received from the ATO should be sent to the SMO to be credited to your account in Common Fund No. 2.

Why Should You Do This?

Considering that the franking credits came into existence due to investments held in Common Fund 3, the Senior Master requires that the refund be returned to the SMO.

In order to maximise the funds held on your behalf, all funds should be re-invested on your behalf.

The staff of the Taxation Section of the Senior Master's Office have been trained in this area and can assist with most challenges which can arise. If you have any questions in relation to this matter, please do not hesitate to contact the Tax Section.

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

RACV Fleet Care— Wheelchair Assistance

In the February 2010 issue of the SMO newsletter there were two errors in the article about “RACV Fleet Care”.

First, wheelchair emergency assistance was incorrectly listed as one of the services provided under the **Standard** level of RACV Fleet Care. Beneficiaries who have the highest level of cover with RACV Fleet Care i.e. **Total** Care are entitled to wheelchair emergency assistance at no extra cost. RACV Fleet Care requires details of the wheelchair.

Beneficiaries who have RACV Fleet Standard or RACV Fleet Extra Care can add emergency wheelchair assistance to their cover (for an additional \$41.00 per year for Standard Care or Extra Care). Contact your Trust Officer to arrange this or for more information.

Secondly, the fee for RACV Fleet Total Care in 2010-2011 is \$180.00, not \$172.00, as stated in the article.



Digital Television

Analog television signals will be switched off and replaced with digital signals between 2010 and 2013. The word 'digital' refers to the way in which television signals are broadcast and received by your television. The main benefit of digital television is more channels and better picture and sound quality.

There are two ways to receive digital TV :

Option 1 - You can convert your existing analog television by installing a digital set top box.

Option 2 – Upgrade to a television with an in-built digital tuner.

Digital television is currently available in most areas. You may contact your local broadcaster to confirm what is currently available in your area.



For more information, please see:
www.digitalready.gov.au.

NB The purchase of a new television is subject to the Senior Master's usual requirements such as need, affordability etc.

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@supremecourt.vic.gov.au

In the next edition:

*Another beneficiary's story
and more answers to your questions*