



FUNDS IN COURT NEWSLETTER

SUPREME COURT
VICTORIA



To give a better understanding of Funds in Court

JANUARY 2013

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Steven Wharton, Judicial Registrar and the Hon. Marilyn Warren, A. C., the Chief Justice of the Supreme Court of Victoria

Steven Wharton Appointed Judicial Registrar (Funds in Court)

On 11 December 2012, the Governor in Council appointed Steven Wharton as a Judicial Registrar of the Supreme Court. Steven is the third Judicial Registrar appointed to the Supreme Court. The other Judicial Registrars support other areas of the Court.

Steven was formerly the Office Manager and Special Counsel of Funds in Court and, prior to that, the Solicitor to the Senior Master.

Steven first commenced working with former Senior Master

Mahony in December 1986. As such, Steven brings an enormous wealth of knowledge and experience about the Funds in Court to his new role as Judicial Registrar. With the retirement of Associate Justice Mahony, Steven's appointment provides continuity and certainty for beneficiaries regarding applications for use of their funds held in Court.

The main advantages of appointing a Judicial Registrar are:

- As the Senior Master will not be involved in decisions concerning day-to-day applications for the use of funds, a final decision to reject an application by the Registrar can be referred to the Senior Master as he will not have been involved in the initial decision. This provides an additional level of appeal at no cost to the beneficiaries.
- Maintains one of the strongest protections for the prevention of risk to the beneficiaries' funds and the Court's reputation as the Registrar will be a judicial officer of the Court.

Editor:
Nanna Relina
Editorial Assistant:
Carol Anderson

Senior Master's (Funds in Court) Office changes name to Funds in Court

The Senior Master, with the approval of the Chief Justice of the Supreme Court of Victoria, has decided to change the name of the Senior Master's (Funds in Court) Office to **Funds in Court** [FIC].

FIC has always been considered a discrete area of the Court for two reasons:

- It is almost entirely self-funded.
- A Judicial Member of the Court has the final responsibility for the administration of the Office, the payment into and out of Court of funds, and the investment of beneficiaries' funds.

However, the work that FIC performs has always been done on behalf of the Court. Whilst FIC is now a large and complex organisation, the work it does is, in essence, that which was performed in the past by the Master in Equity.

Of course, the services provided by the Office are now much more extensive. Apart from its **core** work of administering the funds for people under disability the Office also:

- Gives support and advice to the Supreme Court Registry in the administration of all dispute funds.
- Deals with all inquiries from the legal profession and other interested parties in respect of dispute funds.
- Provides advice and support to Judges, Associate Judges and their Associates, when requested, in respect of all matters.

Pursuant to the *Courts Legislation (Funds in Court) Act*, the Senior Master administers all funds formerly held by the County and Magistrates' Courts, and by the Victims of Crimes Assistance Tribunal, for and on behalf of persons under disability.

Essentially, the Office now serves other Victorian jurisdictions in a manner similar to the Juries Commissioner's Office, the Costs Court and other divisions of the Court.

Changing the name of the Office makes it clear that FIC is an integral part of the Court and, like the other areas, serves all Victorian Courts and the Victorian community.

Legislative considerations

There are no legislative considerations affecting the change of name. The Senior Master will continue to administer all funds paid into Court and all investments made, on behalf of beneficiaries, will remain in the name of the Senior Master.

Impact on service to beneficiaries

There will be absolutely no impact on the high quality of service provided to beneficiaries and others who have dealings with FIC and the Court.

Our new website address:
www.fundsincourt.vic.gov.au

Our new e-mail address:
fic@supremecourt.vic.gov.au

General Manager (Funds in Court) Appointed

Following the appointment of Steven Wharton as Judicial Registrar (Funds in Court), the Senior Master, Associate Justice Efthim, announced that Steven's former position of Office Manager and Special Counsel has been abolished and the new position of General Manager (Funds in Court) has been created.

The new position of General Manager (FIC) was created as a result of one of the main recommendations arising from the review of FIC's organisational structure by Nous Consulting in June 2010. Nous recommended that:

This position [of Office Manager and Special Counsel] will be reshaped as a traditional CEO position that focuses solely on the operational management and leadership of the office.

Michael Karabogias has been appointed as FIC's first General Manager.

Michael was formerly the FIC Corporate Services Manager and, prior to that, the Senior Legal Officer. For much of his time at FIC, Michael has acted as Steven's deputy, first as Solicitor to the Senior Master and, since 2006, as Office Manager.

Michael first commenced working with FIC as a Legal Officer in 1995.

As part of FIC's succession planning, and in preparation for his replacing Steven as the administrative head of FIC, Michael recently completed an Advanced Diploma in Management from the Australian Institute of Management [AIM].



**Michael Karabogias,
General Manager, Funds in Court**

Michael is an Associate Fellow of AIM. Like Steven, Michael brings a wealth of knowledge and experience about FIC to his new role.

As General Manager, Michael will:

- Lead the office in supporting the Senior Master and the Judicial Registrar to meet their legal responsibilities to the beneficiaries of Funds in Court.
- Lead the development and implementation of strategic and operational business plans to guide the operational and reform activities of FIC.
- Manage the day to day operations of FIC in line with agreed expenditure budgets.
- In collaboration with executive managers, oversee the establishment of policies, procedures and practices to guide the operational activities of FIC staff.



**The Senior Master,
Associate Justice Efthim**

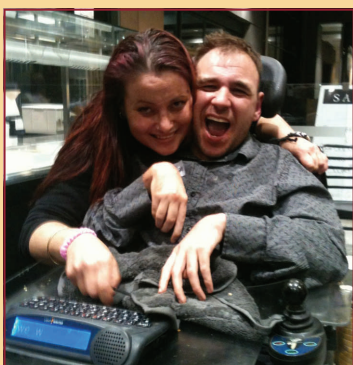


**Michael Karabogias,
General Manager, Funds in Court**

“Embrace” - a special event held for our beneficiaries and their families

In recognition of our beneficiaries' skills and abilities and to celebrate their achievements, on 5 October 2012, Funds in Court held a very special night of celebration. The event showcased beneficiaries' talent in arts, craft, singing and music. The event took place at Saporo restaurant. Over 40 beneficiaries participated in the event and over 100 guests attended the exhibition and the concert. The Senior Master, Associate Justice Efthim, opened the event.

All participants have been awarded a Certificate of Participation acknowledging their contribution to the event. The feedback from beneficiaries and their families indicates that the event was a big success. It is anticipated that the next event will take place in December 2014. Further information will be provided in due course.



Henry Chea



Donavelle Brain



Trevor Wolfe



TREVOR WOLFE



Trevor was involved in a workplace accident in September 2005, in which he received serious head injuries resulting in the loss of his right eye and an acquired brain injury. Since his accident, Trevor became a member of the Mens' Shed in Numurkah where he made new friends and learnt valuable woodworking skills.

Trevor now continues to use his woodworking skills at home to make outdoor furniture as shown in the pictures below.

In 2011, Trevor exhibited one of his chairs in the Numurkah Show, just to see how his work compared to other locals in the area. He was very surprised and proud to receive an award for 2nd place.

Trevor advises that all his furniture is made from donated 2nd hand wood and that the chairs have been constructed entirely with dowels – no nails or screws were used.

In the future, Trevor would like to acquire more woodworking tools so he can further enhance his furniture with the possibility of selling them online or at markets.



Angie Yaxley



Emma Green

EMMA GREEN



This poem is dedicated to my friends who have no voice.

Stuck in a corner I can't get out of,
Calling you with my eyes but you
can't hear me,
I use my voice but you don't know what I said,
So I sit and wait,
Stuck in a corner I can't get out of.

Learn what I'm saying when
I don't use my voice,
When I look at you I have
something to say,
I want some control,
I want to make choices,
Listen to me when I speak without my voice,
Don't leave me stuck in a corner
I can't get out of.

Copyright Emma Green 2009



Emma uses a communication device called a Dynavox V Max. It is a computer and a speech generating device combined.

Using it, Emma can access the internet, play music, talk and with the right programmes, paint and draw.



Emma accesses her Dynavox using a system called Ey Max. This technology uses a camera that picks up the movement of Emma's eyes, and when she keeps her eyes on a cell (piece of information), the computer recognises that as a mouse click, similar to if you or I did a right click on our computer mouse.

Emma uses her Dynavox to do presentations at conferences in Australia and overseas, and to talk to students at universities.

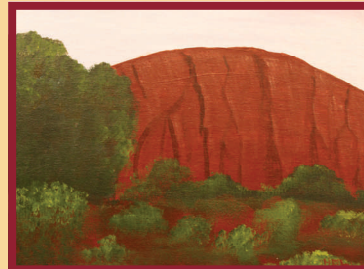
She also does her school work on it. Emma also uses a communication book called a POE, which has both words and symbols in it. This is what she used to write her poem and is what she routinely uses to communicate with people who know her.



Dean Grose



Shelley Matthews



Sidney Oakes



Gerard Prokop



James Remedios



Bill Dunn



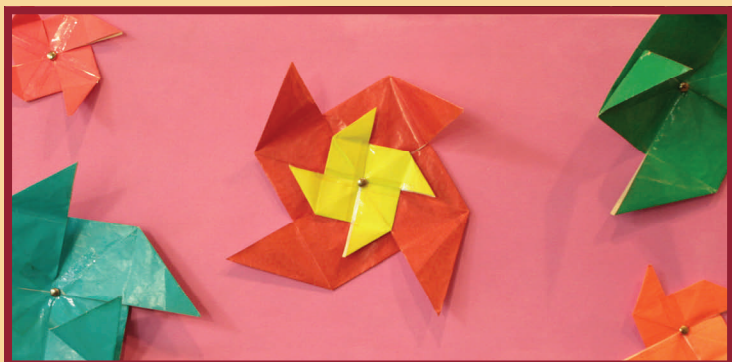
Stephanie Fernandez



Jacqueline Pringle



Felicity Brown



Ruth Burrill



Rebekah Hendy



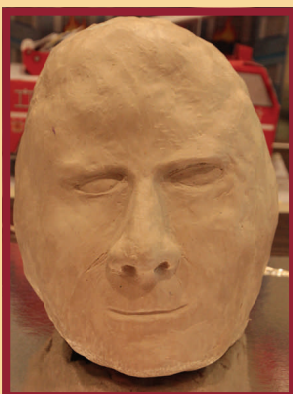
Rory Hutchinson



Hytham Alnabarawi



Stanley Newbury



Lindsay Sutherland



Danielle Bowen



Chris Hansen



Dion Felsinger



Rebecca Viney



Luke Cash



Roi Peretz



Glenn Thomas



Marea Breisch



Stuart Lerner



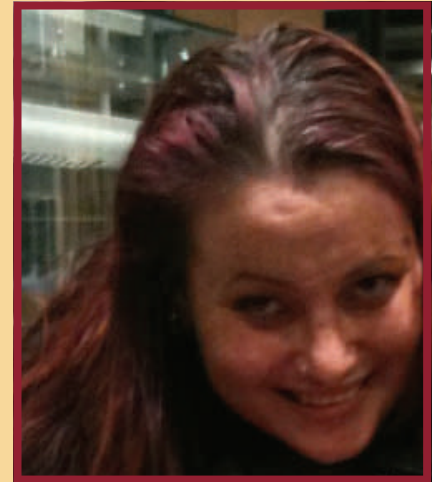
Sheridan Campbell



Raphael Green



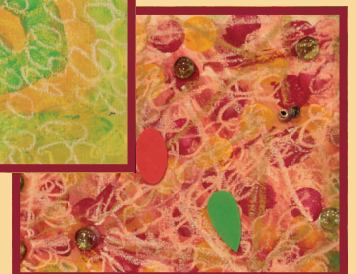
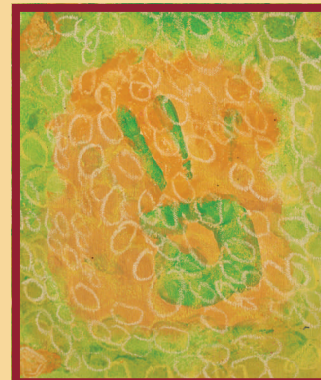
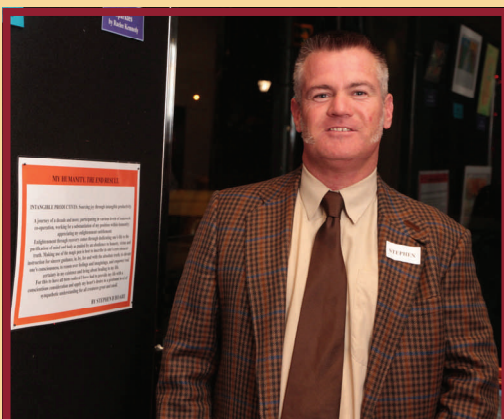
Raelee Kennedy



Mark Austin



Stephen Hoare



Timely Trust Statements

By Gary Georgios, Accounting and Taxation Manager

Why do beneficiaries receive a Trust Tax Statement?

You receive a Trust Tax Statement from the Funds in Court [FIC] as you have funds held in Trust by the Senior Master. The Senior Master is obligated by law to inform you of the tax implications of income earned by the funds held on your behalf.

Each year we lodge Trust taxation returns (more than 5,000 in total) in relation to the funds held by FIC on your behalf. The Trust pays any taxation liability raised by the Australian Taxation Office [ATO] on the Trust.

The Trust Taxation Statement

We understand that most beneficiaries require a Tax Statement for their individual affairs and we endeavour to complete this as efficiently as possible.

There are three main components:

- Preparation
- Review and
- Lodgement of taxation returns with the ATO.

In addition to our daily business services, every July, the Accounting and Taxation team focuses on:

- Completion of financial year accounts
- Assisting with the independent audit of all Common Funds completed by the Victorian Auditor General's Office.

Once the Victorian Auditor General completes the audit of our accounts, we can then proceed with the financial data for the tax return process.

During the process our staff complete and review the following:

- Reconciliations of all Common Funds income and expenditure against the total beneficiary income
- Legislation amendments
- Tax rebates
- Required changes to tax software (also completed throughout the year as advised by the ATO)
- Tax Statement letters

Tax deductible/rebateable expenditure for all beneficiaries:

- attendant care
- medical
- donations
- health insurance
- family related.

Each type of expense category is reviewed and signed off by the Accounting and Taxation Manager. For example in 2011-2012 there were 12,000 expenses reviewed relating to attendant care alone. While the process is time consuming, it is necessary to ensure we maximise each beneficiary's taxation position.

We are always looking for ways to send Tax Statements as early as possible; however we also have responsibilities to meet ATO obligations.

In the 2011-2012 financial year there was over \$10 million in tax deductions and \$1.9 million in rebates. In a team of five, we diligently review all aspects of our tax obligations to ensure tax returns and statements are in line with taxation laws.

Last year, some of the tax changes that had an impact on statements being issued were relating to disclosure changes to:

- franked income from shares and
- non-primary production income.

We sought tax advice and received training throughout the year and will continue to do so. Also, for the first time we created a Tax Guide to assist with Taxation Statements.

Every June we send a tax questionnaire to relevant beneficiaries. The information provided is updated in our system, to ensure all tax related information is accurate and current.

Once all reviews are completed, we then mail out Tax Statements and Tax Guides. In the future, the Tax Guide will only be updated each year to reflect changes in tax law relevant to our beneficiaries.

We will continue to strive to improve our service delivery and hope the statements are user friendly and received in a timely manner.

If you have any queries relating to the tax process please do not hesitate to contact us on 1300 039 390.

Send Us Your Stories and 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
Funds in Court
Supreme Court of Victoria
210 William Street, Melbourne, VIC, 3000
or email to: ficbag@supremecourt.vic.gov.au**