



SUPREME COURT OF VICTORIA

FUNDS IN COURT NEWSLETTER

JANUARY 2014

To give a better understanding of Funds in Court

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Editor:
Nanna Relina



Chief Justice's Awards 2013

By Michael Karabogias

The Chief Justice's Staff Awards are presented each year by the Chief Justice of the Supreme Court, The Honourable Marilyn L Warren AC, to employees in recognition of their outstanding contribution to the Court.

This year, FIC staff won awards in three of the four categories for which staff could be nominated. This is an excellent achievement.

I thank Tim West, James Stevens, Vicky Le, Karen Frkovic, Shalini Kumar and Tim Wilkinson for the high quality of their work throughout the year, the excellence of the service they have provided to beneficiaries, the Court and others and for contributing to the success and reputation of FIC. They follow in the proud, recent tradition, of the CLO team in 2012 and Dawn Pinto in 2011, in winning a Chief Justice's award and representing FIC with distinction.

The winners from FIC are:

Service Excellence Award Legal Services

James Stevens and
Tim West



Outstanding Team Award Payments In/Out Team

Vicky Le, Shalini Kumar and
Karen Frkovic



Leadership Award Legal Services

Tim Wilkinson



Charities in 2012 and 2013

By Carol Anderson

We have had a long-time philanthropic agenda at Funds in Court that aspires to helping others.

At Funds in Court, various fundraising events from 1 July 2012 to 30 June 2013, raised a total of \$4,525.95 that was distributed to the following charities:

- Lifeline: Stress Down Day
- Jeans for Genes: (Children's Medical Research)
- Ride to Conquer Cancer
- Movember
- Foodbank
- Cerebral Palsy
- Legacy
- Australia's Biggest Morning Tea
- Children's Protection Society

FIC's Silent Auction took place on 27 September 2013 and proceeds were distributed to:

- Doctors without Borders
- TLC for kids (Distraction Box Programme)
- Sacred Heart Mission
- Children First Foundation
- Save-a-Dog-Scheme

Our ongoing fundraising agenda aims to promote the care, respect and dignity of those in need of help in our community.

Another Successful Silent Auction

By Julie Fredrickson

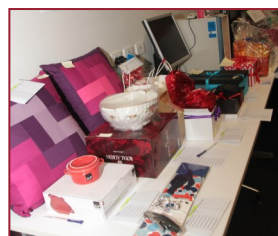
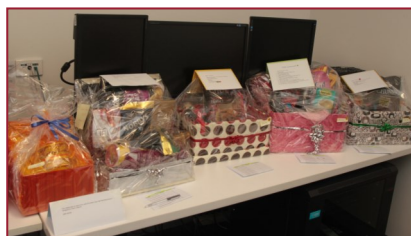
Last year's silent auction was the third Funds in Court has organised and, to the surprise of all staff, we achieved a level of success far beyond our expectations. We continue to have tremendous support from staff both in the preparation of the "big" day as well as donating items for the auction.

Last year we raised \$4,239.00 which eclipsed the total in 2012. A total of six charities benefited from the fund-raising effort; these charities included the Father Bob McGuire Foundation, the Peter Hughes Burn Foundation, TLC Distraction Box Program, The Make a Wish Foundation, Rescued with Love and the Tree Project.

The success of the auction is a reflection of the support of Funds in Court staff. A number of external parties also donated to the success of the auction. All donations are gratefully received and acknowledged.

The auction would not be the success it is without the hard work and dedication of Carol Anderson who tirelessly provides a level of support beyond anyone's expectations each year. She truly is remarkable. Thank you Carol.

Plans are already underway for the next Silent Auction. We hope to emulate the success of the past three years for many years to come.



New Faces of Funds in Court

General Manager's Office

**Liz Jago,
Executive Assistant
to Michael Karabogias,
General Manager (FIC)**



Liz has over 20 years of administrative experience. Her most recent role of almost 11 years was as an Executive Assistant with bioCSL, a major manufacturer of vaccines.

Liz joined FIC in September 2013. Liz stood out from the other candidates for the position of Executive Assistant because apart from her strong skill set, she has an engaging personality, a passion for people and claimed to make great cupcakes.

Liz enjoys spending time with her children and family, swimming, gardening and baking. Her favourite hobby is cake decorating. Her future goal is to someday travel to Paris with her daughter.

**Varsha Racha,
Human Resources Advisor**



Varsha commenced working at FIC as a Human Resources Advisor in September 2013. Varsha has over 7 years HR experience, having previously worked for Box Hill TAFE and GE Capital.

Supporting effective delivery of people services for Funds in Court, Varsha will also contribute to the organisational priorities of the Supreme Court of Victoria as a team member of the Court's Human Resources Area.

With a commitment to the values of FIC, Varsha says that making a positive difference in the work life of her colleagues would be the most gratifying part of her role.

On a personal level, Varsha loves adventure sport with sky-diving being one of her favourites. She also enjoys travel, watching movies and a good cup of coffee.

Varsha's love of adventure sports will hopefully come in handy when she has to give deadlines to Managers to complete their staff Performance Development Plans.

Beneficiary Services FIC Intensive Support Team

For beneficiaries in situations of crisis requiring intensive support, their file will be transferred to FIC Intensive Support Team [IST].

The IST was developed to support a small group of beneficiaries with challenging behaviours and/or with difficult and complex issues.

Treating beneficiaries with courtesy and respect, the IST supports the FIC's most vulnerable beneficiaries.

Aims of the IST

The aim of the team is to act in the best interest of the beneficiary and to:

- Manage and resolve major and complex issues faced by beneficiaries and resolve them in the best interests of the beneficiary.
- Act in consultation with the beneficiary, taking into account his or her wishes as far as practicable.
- Actively manage beneficiaries undertaking a Financial Independence Program with the aim of assisting them in developing the independence to manage his or her own money.

Outcomes

The primary intended outcome of the IST is to protect the interests (including financial welfare) of the beneficiary.

Other outcomes will depend on the goals identified for each beneficiary, including:

- Needs of the particular beneficiary are appropriately recognised and addressed.

- Access to appropriate supports (such as social agencies or other case management services) to effectively manage complex or crisis situations.
- Reduction in risk of harm and safety concerns for the beneficiary.
- Improved beneficiary wellbeing and enhanced quality of life.
- Maintain and strengthen relationship with FIC.
- Promote the development of the ability and capacity of beneficiaries to act independently.

Support

The IST will have a relatively low number of beneficiary files, as compared to other Trust Officers. This will enable the IST to work more intensively with beneficiaries and, if applicable, their support network, to assist the beneficiary with practical support that meets their needs and requirements.

The IST will adopt a wide-ranging focus in the beneficiary's best interests, working together with the beneficiary, case managers and guardians, parents and other members of the family network as deemed appropriate. The outcome of this support is to endeavour to achieve improvements in the beneficiary's circumstances that are in his or her best interests.

Support can include assistance with:

- Financial independence programs for beneficiaries who qualify.
- Assistance with complex housing/accommodation issues where the beneficiary has no family/case management support as first option.

- Assistance with access to government financial support.
- Protecting the beneficiary from financial neglect, abuse or exploitation.
- Assisting in VCAT-related matters such as the appointment of an administrator or guardian.
- Complex purchase/sale of assets for and on behalf of a beneficiary.
- Challenging behaviours which are jeopardising the best interests of the beneficiary.

FIC Financial Independence Program [FIP]

In addition to the **Intensive Support Program**, FIC also offers a **Financial Independence Program** for eligible beneficiaries seeking to establish increased independence in managing their own financial affairs.

Many beneficiaries consider financial independence and financial security an important priority.

FIC supports beneficiaries seeking increased independence and responsibility in managing their own financial affairs.

Aim of the FIP

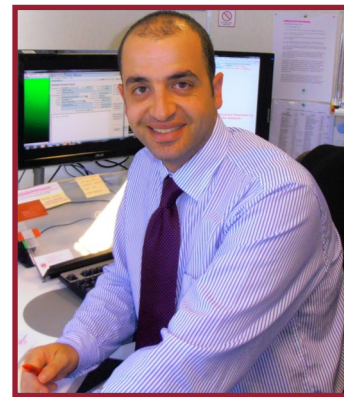
The primary aim of the FIP is to assist beneficiaries to learn and practise the skills needed to manage their own money (including the funds in Court) and to develop the confidence and independence to manage his or her own financial affairs.

The Team

FIC provides a range of support services for beneficiaries, which includes trust administration and client liaison to provide the full range of services and expertise to beneficiaries.

The team comprises:

Coordinating Senior Trust Officer Michael Nazaretian



For the beneficiaries in the intensive support program, a Coordinating Senior Trust Officer is appointed.

Michael is primarily responsible for supervising and coordinating the services of the Intensive Support Team, providing authoritative and reasoned recommendations on complex applications for consideration by the Senior Master or Judicial Registrar.

Michael also has the responsibility of facilitating mechanisms for the appropriate escalation of issues that are more serious and attempts to negotiate, mediate and resolve complex and sensitive issues as they arise.

Clinical Support Coordinator Glenn Jordan



An integral part of the IST is the role of Glenn, who visits beneficiaries in their homes, presenting an opportunity for beneficiaries to talk with us face to face.

Whilst not a VCAT-appointed Guardian or Case Manager for the beneficiary, Glenn gives us an opportunity to get to know beneficiaries and their families and in collaboration with the Coordinating Senior Trust Officer, make recommendations to the Senior Master or Judicial Registrar.

Glenn has significant expertise to assist beneficiaries in the following areas:

- Encouraging engagement with care organisations, relatives, case managers and guardians to assist with the provision and management of services that are required or have been requested.
- Investigating, reporting and making recommendations regarding the appointment of an Administrator and/or Guardian.
- Provision of advocacy in relation to support in dealing with rehabilitation providers and community organisations.

Administrative Support Officer Parita Vimawala



Parita assists Michael and Glenn with administrative work. She also manages a small portfolio of beneficiaries. As part of the IST, she is primarily responsible for providing quality customer service and following up on any issues or correspondence.

Client Liaison Team



Nigel is the newest Client Liaison Officer to join the Client Liaison Team. He is the seventh member of the team and a very welcomed addition. Nigel comes to FIC with twenty four years' experience in the disability and mental health sector.

He most recently worked at State Trustees as a Consultant in the Intensive Needs Team, and then as a Team Leader in the Client Services division. Prior to this, Nigel worked at Ashwood Special School and Bayside Special Developmental School in varied roles over a number of years.

Nigel enjoys four wheel driving, camping, hiking and is also a keen gardener. He has been with FIC for eight months and has settled in to the team exceptionally well. Nigel has already made his mark in his client visits and has taken to the role with enthusiasm and a desire to make a difference.

Nigel's experience in the disability sector has meant that he has a genuine appreciation of the challenges faced by those with limited capacity and has ensured that their best interests are represented in an empathetic and professional manner.

Welcome Nigel, we wish you all the best!

Brain Injury-Information for Supporters

By Melanie Atkins



My name is Melanie Atkins. I have an online blog www.changedlivesnewjourneys.com to share knowledge, tools, tips, and insights gathered about brain injury for supporters. I share the lessons learned after many years working closely with people living with brain injury, their families and support networks. I am still being challenged, still learning and still feel the same enormous sense of privilege being with people whose lives have been so significantly changed yet continue to approach life with courage and resilience.

A Few Short Lessons

My father has advanced dementia. As I sat with him recently, I thought about what an extraordinary organ the brain is. It can help us achieve incredible things. Yet it can also cause all sorts of changes when it is damaged, some of which seem beyond belief: a person finding they have a different accent when they speak, finding new, previously unknown skills, such as an accountant finding she had artistic skills she never dreamed of. Or a person having such rigid thinking, it prevents them changing a course of action, no matter how disastrous the outcome might be. And those like my father for whom the function of the brain slowly fades.

As I thought about the changes in my father's behaviour, I considered the many, many people I have met and the range of outcomes they each have from brain injury. This led me to count up the years. With a shock I realised that 2013 marked 25 years that I have been working with people living with brain injury, their families and support networks.

I started to wonder, as I watched my father, what I had learned in all those years that might be helpful now. Here are a few thoughts that came to mind. I hope it might also be useful to others.

Brain injury happens to families

Brain injury changes lives forever – for the person with brain injury, and for their family. Like throwing a stone into the pond, the ripples spread. Sometimes looking from the outside, it can seem families may not be doing the right thing. Mostly families are doing the best they can. They are the ones there for the long haul. Support the family, support each other, and you support the person with a brain injury.

We do better when we start from what we are good at

Most of us, brain injury or not, do better when we focus on our strong points, when we build on what is already working well.

We tend to do less well when the focus is on our faults, our difficulties or our weaknesses. Unfortunately, for people with brain injury shortcomings are often the focus.

Even if it is not your natural approach, work on finding out what a person can do. Find out what their strengths are. Build from these to change behaviour and develop skills.

‘Neuroplasticity’ is a word worth knowing more about

Science now knows what families have known for years; the brain can change. While brain injury might be lifelong, for people who have a traumatic brain injury, working towards improvement can have positive results. Improvement does not plateau, improvement can continue throughout life. Important new thinking is showing that other parts of brain can take over some functions from damaged cells.

The brain makes new pathways, cells take up new functions, but it needs practice to maintain them. Practice, practice, practice.

If you don’t use it, you lose it!

The more we do something, the stronger the connections in the brain will be, and the more likely it will become learned and continue. Like well-worn tracks the pathways become deeper and stronger. We can look for neural pathways (say, familiar activities) that are already strong build from these. We need to continue to use the skills and knowledge we have or they will fade.

Swearing has its own part of the brain - but that’s not an excuse

Brain injury can make people say and do things that are not OK. It’s not deliberate. It’s not personal. It’s the brain injury. It does not mean you do nothing about it.

Try and remember it’s the brain injury not the person. Don’t take things personally. Work together to find consistent strategies to help manage behaviour.

The brain is the BOSS, it controls everything we do. To do its job well, it needs to be well looked after

The brain is a greedy Boss, it needs constant and instant energy to keep it going. It has no place to store the energy it needs. With or without brain injury; before, during and after injury; the brain benefits from a good and healthy life.

Look after your brain. Give it the energy it needs with good food, exercise, adequate sleep, good health. Oh and avoid harmful substances.

Empathy and compassion are life changers

Blame, criticism, anger, guilt, sadness, grief, there are many emotions that every person involved can experience after brain injury. Empathy and compassion have a reputation for being soft and fuzzy, for being weak. When really, they take a lot of practice, they help understand the emotions that come with brain injury, and they can change lives.

Don’t be afraid. Learn about and practice kindness, compassion, and empathy. Put yourself in the other person’s shoes.

Woodpeckers don’t get brain injury even with all that pecking

I have no idea how that useless fact is known, nor what use it is, but it is fascinating to think upon.

Remember, we do not know all there is to know about the brain.

We could talk much more about each of these points, and there is so much more that has been, and will be discovered about living with brain injury. My final thought to myself and for you is to keep learning from each other, and never give up.

Easy English Booklets

We now have a set booklets specifically developed for people with Acquired Brain Injury:

- Your court money
- How to buy a house
- Building a house and doing work to your house
- How to buy a car
- How the Senior Master looks after your money
- Your tax
- Children under 18

All booklets are available on our website - www.fundsincourt.vic.gov.au. If you would like a hard copy, please contact Nanna on 1300 039 390.

The Feisty FiCsters Global Corporate Challenge 2013 By Mina Wahl and Sally Pacione

We started the trek in sunny Rio De Janeiro, with a bang. An explosion that rocked the city. We are walking, cycling or swimming 10,000 steps per day for 112 days.

We had our first challenge in July to beat our best steps it was a motivational time to pound the pavement.

Some team members achieved over an amazing 20,000 steps in the day.

We had mini challenges to complete: 100 000 steps in 7 days consecutively from the 3rd to the 8th of August and we had 95% success rate burning an awesome 8,429 calories which equated to 93 cookies (not sure if they were big, small or chocolate..... mmmm), great news either way.

Some competitors increased their fitness and challenged themselves by incorporating a 10.5-kilometre walk on the treadmill to reach over 20,000 steps.

As a team, we averaged 11 200 steps and we ranked 22,048 after 15 days and 834 kilometres out of 37,429 teams and 262 000 entrants. We were exhausted just contemplating the sweat and hopefully not too many tears.....what a milestone.

Wait, there's more.....an extra 2,000 steps out of the way to reach a milk bar to buy lollies seems fair, you are still stepping and going out walking after dinner, whatever the excuse, it works.

On a daily average of 10,773 steps coming into winter, we needed to keep warm, so increasing our steps, rain, hail or shine. Approaching the end, we stepped 10,421 and the team average reached a massive distance of 466 kilometres to make it to 21,186th position from 37,436 with a collective total of 8,149,364 steps.

Finishing on the top of the world at Mt Everest in Nepal on the 11th September a little lighter. You really extended yourselves, team Feisty FiCsters. Keep up the fitness, and get ready for 2014 with bigger and better results.

HELP STOP ANIMAL CRUELTY

By Dianne Farmer

My accident occurred in 2007, however I had to wait for 2 years to be assessed regarding my ability to re-enter the workforce. I wanted to return where I had been working at the time of my accident. I used to work as a Medical Receptionist. Part of my job was to make appointments, organise equipment, order vaccines and medical instruments etc. I was assessed by one of the doctors that I used to work with, he told me that I would never be able to work again. This news was hard to take but he was very caring and offered me some tissues.

Considering this news, I knew that I would have to find something else to do with my time. Prior to the accident I sponsored Animals Asia to help support the work they do in trying to help bears in Asia. Bears in this Asian country were made to suffer twice daily so that they would produce bile and this bile was used for medicinal purposes. This is no longer necessary as the bile equivalent can now be manufactured, this was one small win for our animals.

As I cannot return to work and I like to keep busy doing as much as my body will allow, I spend time researching things on my new laptop, which my husband bought me.

I researched animal cruelty and unfortunately, found too many things that I didn't enjoy reading. Some things upset me too greatly and I do not choose to read them.

However, I do sign as many petitions as I can to help stop animal cruelty.

Then I joined Facebook and again I found multiple societies created to help animals in need of support. I have joined some of these societies to receive updates on what they are trying to receive and hear about their successes. I am happy that through Facebook and the internet we are able to spread the word about things that people are not really aware of. I feel that this enables caring people to see what is happening to animals out there in the world and assists them in helping however they can.

If you are interested in helping out animals that are unduly suffering there are many websites out there including: WSPA, Animals Australia, Animals Asia and Causes.com, just to name a few. These websites are educational, help some wonderful causes and of course, help the animals in need.

If you have any animals, from a fish to a dog, just think how lucky that animal is to have you as its owner and all of your love and how unlucky some other animals are to face the cruelty that they do.

I have a Golden Labrador who was in the car accident with me. I am so happy that he wasn't hurt and he now follows me everywhere. He is wonderful and I would do anything for him. He is a part of the reason I try to help other animals as much as I do.

2012-2013 Interest Rates and Office Costs

Whilst FIC does not charge direct fees for the administration of beneficiary's funds, the Senior Master does partially recover FIC's operating costs by fixing a rate of interest in respect of Common Fund No. 2 that is slightly less than the income actually produced by CF-2 investments.

Interest Credited for Funds held in Court 2012 - 2013

Pursuant to sections 113(14) and (15) of the *Supreme Court Act* 1986 the Senior Master, with the approval of the Chief Justice, declared the following interest rates for funds held in Court on 31 May 2013 and for funds paid out of Court from 1 June 2013 to 30 May 2014:

Common Fund No. 1 [CF-1]	0.75% <i>per annum</i>
- Interim Rate	0.75% <i>per annum</i>
Common Fund No. 2 [CF-2]	
- For beneficiaries with funds invested in both CF-2 and CF-3 as at 1 June 2013	5.35% <i>per annum</i>
- For other beneficiaries with funds invested in CF-2	5.55% <i>per annum</i>
- Interim Rate	A rate 1% below the Cash Rate Target as fixed by the Reserve Bank of Australia from time to time, but not more than 5% <i>per annum</i> .

Note: Funds paid into Common Fund No. 1 represent "non-award" funds. Funds paid into Common Fund No. 2 represent funds held on behalf of people under a legal disability.

Separate Interest Rates Declared for CF-2

Separate rates of interest are fixed by the Senior Master in respect of CF-2. Fixing different rates of interest is possible, with the approval of the Chief Justice, pursuant to section 113(15) of the Act. The KPMG Review of Funds in Court conducted in 2005 noted that beneficiaries with funds in CF-2 were "cross-subsidising" beneficiaries with funds held in both CF-2 and CF-3 (the Australian Equities Common Fund). The Act permits no means for recovery of the operational costs of CF-3. As no cost recovery from the returns of CF-3 is possible, the costs of its operations were sustained within the overall operational expenses of the Office. Consequently, pursuant to the Senior Master's memorandum of 30 November 2010, the Chief Justice approved the fixing separate rates to overcome the accusation of cross-subsidisation, and effect a more equitable attribution of Office operational expenses.

Office Costs

Section 113(18) of the Act allows the Senior Master to pay from the Common Funds' Guarantee and Reserve Account [G&R] the operational expenses of the Office. G&R is also intended to serve as a prudential safeguard for the investments of the Common Funds.

G&R is applied to meet all Office expenses, including the salaries and on-costs of all staff employed in the Office. During the Financial Year 1 July 2012 to 30 June 2013, those expenses totalled approximately \$8.72 million. The interest which G&R produced met approximately one third of this cost. The bulk of the balance was made up by fixing rates of interest in respect of CF-2, pursuant to sections 113(14) and (15) of the Act, which are slightly less than the income actually produced by the investments of the Common Fund.

The income produced by CF-2 investments during the last Financial Year meant that a gross interest rate of approximately 6.33% could have been paid. The following table summarises cost recovery conducted over the last five years:

	Year Ended 30 June 2009	Year Ended 30 June 2010	Year Ended 30 June 2011	Year Ended 30 June 2012	Year Ended 30 June 2013
Actual Office Operational Expenses	\$4.83M	\$6.24M	\$6.901M	\$7.72M	\$8.72M
Gross CF-2 Interest Rate (%p.a.)	6.37%	6.23%	6.43%	6.84%	6.33%
Amount of interest transferred from CF-2 to G&R	(0.42%)	(0.53%)	(0.43% for CF-2 only) (0.63% for CF-2 & CF-3)	(0.64% for CF-2 only) (0.84% for CF-2 & CF-3)	(0.78% for CF-2 only) (0.98% for CF-2 & CF-3)
CF-2 Interest Rate actually paid (%p.a.) - CF-2 only - CF-2 & CF-3	5.95%	5.70%	6.00% 5.80%	6.20% 6.00%	5.55% 5.35%

Administration Expense Ratio

The above figures only show the amount of interest transferred from CF-2 to G&R to cover FIC's operating expenses.

The figure used by FIC to indicate the total cost of administering beneficiary's funds is called the Administration Expense Ratio (AER). The AER is defined as being:

$$\frac{\text{total operating expenditure including depreciation for the financial year}}{\text{total financial assets including property at the end of the financial year}}$$

The FIC AER for the last five financial years is:

Financial Year	AER
2008-2009	0.46%
2009-2010	0.52%
2010-2011	0.54%
2011-2012	0.58%
2012-2013	0.61%

Send us your suggestion or contribution to:

Funds in Court Newsletter
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