

SOCIAL SECURITY

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Opinion

Changes to the SSAT

The *Social Security (Administration) Act* No. 191 of 1999 will operate from March 2000 and make some changes to the procedure of the SSAT.

Importantly, some matters contained in the Bill, which had adopted recommendations made by Dame Guilfoyle in her review of social security appeal processes, were rejected in the Senate. For example, the Bill had proposed restrictive time limits, such that a person aggrieved by a decision was required to appeal to an authorised review officer within 52 weeks of the original decision, and then lodge an appeal to the SSAT within 28 days. The Bill would have enabled a matter to be heard on the papers and would have required the SSAT to refer new information back to the original decision maker, unless satisfied that the applicant had reasonable grounds for not providing the information to the original decision maker.

The Act, as amended by the Senate, contains no time limits for seeking review and there is no requirement for the discretion to refer new information back to the original decision maker to be exercised. The Act does enable matter to be heard on the papers, but only with the consent of the parties to review.

While it was expected that there would be amendments introduced to allow for Centrelink representation at SSAT hearings, this did not occur. The Act does allow for greater flexibility in the constitution of panels, with a maximum of four, but the ability to constitute smaller panels of one, two or three members.

It is still anticipated that the Administrative Review Tribunal will proceed, with legislation to be introduced in the Autumn session, and the current expected commencement date being February 2001.

[A.T.]

In this Issue

AAT Decisions

Assets test: valuation of shares
Wyndham ... 2

Age pension: deprivation of assets
Koschitzke ... 2

DSP: assets test; constructive trust or beneficial interest
Sadto ... 3

Parenting payment debt: income from business or employment; waiver
Crook ... 4

Lump sum compensation: receipt of social security unrelated to event giving rise to compensation
Genat... 5

Compensation preclusion period: special circumstances
Males ... 6

Lump sum compensation: whether in respect of lost earnings or lost earnings capacity
Lawlor... 7

Sole parent pension: joint custody; determining eligibility
Holmes ... 8

Marriage-like relationship: ex-spouses sharing a residence
House and Coote... 9

Order to stay implementation of SSAT decision: prejudice, hardship and prima facie merits of case
SRKK ...10

Federal Court Decisions

Compensation preclusion period
Kertland ... 11

SSAT Decisions

... 12

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