

## Book Review

### Social Security and Family Assistance Law

by Peter Sutherland with Allan Anforth;  
Federation Press, 2001; 1008 pp; \$88.00  
softcover.

The *Annotated Social Security Act* was first published in 1984. At that time it was somewhat slimmer than the present version, as was the 1947 Act itself.

As the legislation has become more complex, so has the 'annotation'. As social security/social welfare legislation is changing rapidly it becomes more difficult for all those in contact with the legislation to keep abreast of those changes. This book is useful both to those who regularly work in the area, and perhaps even more so to those who may be asked occasionally to give advice to someone floundering with their rights or obligations under the new system.

There are positive references to a previous edition of the book by Weinberg J in *Anstis v SDSS* (1999), where he endorsed criticisms of an earlier AAT

decision as to the meaning of 'a pension year' with respect to disposal of assets.

The authors have managed to be remarkably up to date in their review of the cases and the legislative changes. What this area needs is a 'no frills looseleaf service'.

There are also some areas that are a problem, partly the outcome perhaps of the need to get the book out as quickly as possible to ensure it remains up to date. The Acts are complex and not easily accessible to all. It is therefore unfortunate that the entire Acts referred to are not reproduced, especially when commented on. The whole area of compensation payments, of recovery of payments made to a beneficiary who receives a compensation payment, and preclusion periods for those who receive compensation payments is complicated, is frequently amended and is the subject of many applications for review. However, when the authors discuss the application of s.17(2B), dealing with separate or split settlements of compensation, the section is not reproduced and the reader

is referred instead to an earlier edition of the book. This makes understanding the issue even more difficult.

This is not an isolated incident — there is a lengthy discussion of the concept of 'pre-pension year' which is defined in s.11(10A), but it is in the absence of the subsection itself. The discussion is hard enough to follow, but in the absence of the subsection it becomes almost impossible.

Again, a discussion about s.4(2)(b)(i), with regard to member of a couple, and specifically 'a person of the opposite sex', refers the reader to another discussion regarding differential age qualifications for men and women, and the definition of a woman. Unfortunately, the reader is referred to paragraph [23.04], which is a completely unrelated paragraph.

These are, however, minor annoyances in a book which will be as useful as its predecessor volumes for those who try to navigate their way through the increasing complexities of social security legislation.

## INDEX: Vol 4, Nos 7-12, 2001

### AAT and Federal Court Review of decisions

#### AAT review/practice and procedure

Jurisdiction: reviewable decision

*Meschino (Fed Ct): 111*

#### Age pension

Age pension: deprivation of assets; death benefit

*Garbutt: 132*

Age pension income test: whether life insurance payout an 'exempt lump sum'?

*Varcoe: 88*

Age pension: married rate

*Cocks: 119*

Age pension: married rate

*Cocks (Fed Ct): 124*

Age pension: principal home; absence exceeding 12 months

*Attard: 94*

Aged person's savings bonus: not member of a couple; provisions not ambiguous

*Maddison: 143*

#### Assets test

Actual means test: assets of a partnership

*Green: 104*

#### Carer pension

Carer pension: knowingly make statement; waiver

*Woodward: 144*

#### Compensation

Compensation: lump sum preclusion period; interest on economic loss

*Mourilyan: 87*

Compensation: lump sum preclusion period; small component for economic loss

*Keighley: 109*

Compensation: lump sum preclusion period; special circumstances

*Gulcan: 129*

Compensation: periodic payments or lump sum

*Reid (Fed Ct): 133*

Compensation: special circumstances; small component for economic loss

*Woolrich: 87*

Compensation: special circumstances

*Edwards (Fed Ct): 110*

Compensation: preclusion period; calculation

*Morgan: 129*

Compensation preclusion period: special circumstances

*Kirkbright (Fed Ct): 112*

Lump sum preclusion: special circumstances; unfairness or injustice

*Hooper: 107*

Lump sum preclusion: special circumstances; compensation divisor

*Allan: 108*

Preclusion period: recovery; special circumstances

*Karaarslan: 139*