



# Book Review

---

## ***Annotated Safety, Rehabilitation & Compensation Act 1988 (Cth), 10<sup>th</sup> Edition***

*Written by Peter Sutherland, John Oman Ballard and with Allan Anforth*

*Review by Brian Nugawela, Barrister, Sir Clifford Grant Chambers*

---

For those intending to, or already practising in, the area of Commonwealth statutory compensation for workplace injuries, the tenth edition of Sutherland & Ballard's *Annotated Safety, Rehabilitation and Compensation Act 1988 (Cth)* is, and will be your necessary bedfellow.

This book is 847 pages long.

The initial 467 pages are devoted to the first 59 sections of the Act, covering primary definitions; liability to pay compensation; incapacity and permanent impairment payments; household and attendant care services; rehabilitation; statutory claims; and common law restrictions. Naturally, these form the bulk of the approximately 1,550-plus cases referred to, concerning rights and liabilities arising under the Act.

The remaining 380 or so pages, concerning sections 60 - 161, discuss provisions relating to the determination of claims, administration and finance, licences, miscellaneous provisions, transitional provisions and defence-related injuries/deaths.

Whether accidental or intentional, I found the authors' emphasis upon, or predominant devotion to examining the principal sections governing rights and liabilities under the Act very reassuring.

By way of given examples, the exclusion of compensable injury where there has been a 'failure to obtain a promotion, transfer or benefit' alone occupies six pages of commentary on the decided cases. I also found the commentary on diseases very useful - whereas section 5B of the Act defines the concept of compensable 'disease' in less than 13 lines, the annotated commentary discusses 41 categories of physical and mental diseases (arranged alphabetically from 'asthma' to 'suicide'), by reference to the decided cases.

Apart from the annotated statute itself, I found the following inclusions and appendices very useful:

- The (unannotated) regulations and prescribed forms - very handy for those practising or intending to practise at the 'coalface';
- A detailed legislative history to the 1988 Act, its statutory modifiers, regulations and current bills (an especially useful platform for detailed statutory interpretation research);
- The various Declarations made under section 4 (declarations and revocations as to 'commonwealth authorities' to which the Act applies), section 5 (declarations as

to persons deemed to be employed by the Commonwealth) and section 7 (deemed lists of work-related diseases). These would save so much time otherwise spent researching delegated legislation databases and gazettal notices;

- List of tables - for example, Table 1 provides seasonal data (obtained from Comcare) for indexation of compensation payments under section 8 of the Act. There are a total of 16 tables providing such ancillary information relevant to the 'coalface' operation of the Act.
- Settlement guidelines.

Finally, the co-author contribution from Allan Anforth, in the form of a 'Practitioner's Guide' extends over 55 pages and discusses (also with reference to key authorities), the principal concepts underpinning the Act, before usefully advising on practice and procedure in the Administrative Appeals Tribunal (AAT).

Overall, I found this book very comprehensive, easy to use and very considerate of the various needs of practitioners at all levels within this interesting area of practice.

---