

BOOK REVIEWS

MOYS CLASSIFICATION AND THESAURUS FOR LEGAL MATERIALS / ELIZABETH M MOYS

3rd ed revised and expanded. London: Bowker Saur, 1992. \$136.00

The Moys Classification Scheme is rightly acclaimed as a most significant development in law librarianship. It is designed specifically for law libraries and is based on an English model. Its faceted structure provides for great accuracy in classification.

In preparation of the third edition, the author was assisted by an editorial board of three eminent British law librarians. The contribution of the two corresponding members in Australia and Canada ensured breadth of approach over several countries.

There was a very regrettable delay of several years between the announcement of this edition and its publication. This added fuel to the fire of critics of the Scheme who argued that with the uncertainty surrounding its expansion and updating, the long term prospects for survival were not good. Miss Moys states in the preface that it is her hope that the Users Group will gradually take over the editorial side of the Scheme. Invitations to join the Users Group are accompanying all copies of the third edition at distribution. There are now at least 169 libraries in several countries using Moys and with the recent proliferation of law firm libraries and university law libraries, the number will almost certainly swell. The likelihood is therefore quite strong that there will be a sufficiently committed Users Group to ensure the survival of the Scheme.

The preface indicates that the main subject areas which have been expanded in this edition are courts and court administration, the legal profession, the environment, copyright law, computer law, family and social laws, including public health and labour law, commercial and tax laws, and the law of the European Communities.

Many other changes have been made throughout the Scheme, changes of number being avoided wherever possible. A table listing changed numbers is included.

Family law is one of the areas which has the largest expansion with detailed provision in the fields of reproduction and fertility and a greatly enhanced section for the law on children, to replace the previous brief treatment.

Public health and medical law is also expanded to include topics such as determination of death and health administration. However it is not quite clear how works on medical ethics should be treated.

Predictably, another major expansion is in European Community law. A nine page schedule is now provided at KW, or alternatively KV1-50 may be used with tables.

The new section, court management and techniques, fits in well at KL230 between treatment of particular courts at KL221-9 and KL240, Judiciary.

The treatment of the legal profession, KL50-93 represents additional detail for numbers already in use, but the inclusion of KL94-99 gives places for restrictive practices, complaints, practice management, including structure and management of clients' affairs, and advertising.

Moys 'is intended to be suitable for use in various types of libraries, academic, professional or public, anywhere in the English-speaking world' (*Moys, E. M., ed. Manual of Law Librarianship, 2nd ed. (Aldershot: Gower, 1987). p.786*) With the increasing amount of United States published materials being incorporated into Australian law libraries there are still some topics in the 3rd edition which are not well covered. For example in Constitutional Law it is not possible to give detailed treatment to all the works on specific topics in US constitutional law under KM72. Similarly there really is no adequate way

of handling the vast body of material on the US Supreme Court.

In KL221 I feel that a more detailed treatment of narcotics is required. There is a choice between "Offences" in KM565 D7 and "Food and drugs" in KN185.8, but no suitable place for works on control of narcotics.

The tables are logical and well laid out and the index-thesaurus has been expanded by 25%.

Despite the occasional typographical error (e.g. in Table V and in the apparent disappearance of KN315 Deeds of arrangement), the physical format is attractive. The binding is handsome and the layout and type-face combine to provide a very pleasing publication.

This new edition of Moys has, I think, met the challenge of taking into account those topics which arose as issues during the 1980s. With the establishment of a Users Group and hopefully continuous revision, it will remain a vital tool for law librarians for many years to come.

Helen Culshaw

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**ANNOTATIONS TO THE SOCIAL SECURITY
ACT 1991 / PETER SUTHERLAND WITH
PETER JOHNSON**

Sydney: Federation Press, 1992 \$60.00 (pbk)

As anyone with experience in the field of social security law can attest, it is very hard to keep track of developments in this area without a serious ongoing involvement. Since the "Plain English" re-write of the *Social Security Act* was assented to in April 1991, there have been 19 pieces of amending legislation passed (up to January 1993). Approximately 50 pages are devoted to detailing these changes in the *Cumulative Supplement to the Federal Legislation Annotations*. Only the *Income Tax Assessment Act* regularly attracts a similar degree of alteration. With this in mind, compare the volume of commentary available on both Acts.

The appearance of new texts on taxation closely matches the relentless pace of reform. The same cannot be said for social security. One can keep up with legislative changes through CCH's looseleaf *Australian Social Security Guide*. Unfortunately, the speed with which commentary is published does not parallel that with which amendments are incorporated. For case law, the most reliable source is the *Social Security Reporter* (published by the *Alternative Law Journal*). The only publication which brings together cases and legislation in a comprehensive way is the *Annotations to the Social Security Act*.

This book follows the previous five editions of *The Annotated Social Security Act* (written since 1984 by staff of Canberra's Welfare Rights and Legal Centre). Peter Johnson, the consultant editor of this publication, has played an important role in all of the *Annotated Acts*. During this time the books have acquired a reputation as an invaluable resource. The *Annotations* provide an in-depth legal analysis of the most important and recurring aspects of social security law. The book is not a practical guide to dealing with the Department of Social Security (DSS). This role is filled by Sydney Welfare Rights Centre's *Independent Social Security Handbook*. The *Annotations* are more academic in nature and should appeal to an audience outside the community sector.

For example, solicitors with a personal injuries practice would find the commentary on recovery of payments made by DSS to persons awarded compensation of great value. Lawyers advising banks, trust funds, and other bodies which provide investment vehicles for retirees should consult the sections on the income and assets tests, as should rural finance advisors. And in light of the findings of the recently published study by the Australian Institute of Family Studies (*Settling Down: Pathways of Parents After Divorce*) that most custodial parents require social security payments after separation, family lawyers should all be aware of the provisions relevant to the sole parent pension.

The nature of social security law is such that any attempt to publish in the field is bound to fall out of date almost as soon as the book is finalised. The legislation presented in the book and the commentary state the law as at 1 May 1992. The authors have taken account of bills which were before Parliament in May 1992. So, at the start of the commentary on family allowance and family allowance supplement the reader is alerted to the fact that the *Social Security (Family Payment) Amendment Bill 1992* will repeal the provisions outlined in the book and introduce a major reform package as regards assistance to families, commencing on 1 January 1993.

However, the *Annotations* do incorporate the two most important reforms since the publication of the 1989 edition: the introduction of jobsearch and newstart allowances and the replacement of the invalid pension and sickness benefits with the disability support pension and sickness allowance. In areas which have been recently reformed, and in cases where it is likely that issues will have to be determined under the previous law, the *Annotations* provide an account of both the old and new provisions. A prime example of this treatment is the commentary on section 1237 of the Act dealing with the issue of the waiver (by DSS) of debts to the Commonwealth. This topic has been the subject of considerable contention and modification, and the history and principles applicable for debts arising at different times are all set out. There is an extensive discussion of the Ministerial direction issued on 5 May 1992, with reference to journal articles, which provides valuable guidance on the topic prior to any decision of the Federal Court.

One of the ideas behind the plain English rewrite of the Act was to rearrange it so that all the provisions relevant to a particular payment could be found together. This has meant that there is a considerable amount of replication of provisions which are essentially the same. The *Annotations* deal with this characteristic by way of cross references to one portion of commentary. In fact, so far as useful cross references and other

finding aids are concerned, this book is excellent. No doubt, this feature is a by-product of the way in which the *Annotations* were presumably written. Both Peter Sutherland and Peter Johnson are seriously involved in the development of computerised systems to aid decision-making in areas of government administration. Such systems are of great assistance in the task of identifying legislative interrelationships. Wherever the interpretation of a defined term is of relevance, the reader is alerted to the treatment of that definition elsewhere in the book.

The *Annotations* do not extract or explain every single section of the Act. Apart from cases of duplication, some parts of the Act are simply not reproduced. On close examination of the text, it is possible (I think) to determine which provisions are not included. At the start of each part of the Act there is an index of sections. The section number appears in bold typeface if the section is either reproduced or there is any commentary on it. Unfortunately, this convention is not described anywhere in the book, and it is possible that some confusion may arise in the mind of the reader when the annotations jump, for example from section 666 to 688, without any indication of the status of the provisions in between.

But the criticisms which may be made of this book are minor. Overall, the *Annotations to the Social Security Act 1991* is a valuable, well written, book in which every effort has been made to be up-to-date, with an appeal which should, in these times of recession, go beyond that sector of the legal profession with an active interest in social security law. As with any publication in this area of law, it has a limited shelf life but, given that the recently returned Labor government is not expected to alter the fundamental aspects of the current system, this book will continue to be of value in the next three years.

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SUPERANNUATION GUARANTEE HANDBOOK /CCH EDITORS

Sydney: CCH Australia Limited, 1992. \$46.00
(limp)

The Superannuation Guarantee Scheme ("Scheme") commenced on 1 July 1992. The Scheme forms part of the Federal Government's retirement incomes policy and aims to provide a minimum level of superannuation cover for almost all employees. Based on legislation as at 31 August 1992, the *Superannuation Guarantee Handbook* provides a summary of key aspects of the Superannuation Guarantee legislation from an employer's perspective.

The complex legislation and the equally difficult issues which arise from the legislation have been presented in easily digestible form for the lay person. The *Handbook* utilises tables, flow charts and worked examples extensively which assist significantly in the understanding of the various issues and the workings of the Scheme.

The *Handbook* begins by explaining the way the Scheme works and how it affects employers. This includes a summary of the employees who are covered by the Scheme and the level of support required and how these are determined. Also provided is a detailed explanation, together with worked examples, of how an employer can determine whether or not it has fulfilled its obligations under the Scheme in respect of each employee, and accordingly, whether or not it is subject to the Superannuation Guarantee Charge ("Charge") in respect of any of its employees.

An explanation of what constitutes a "complying superannuation fund" is included in the *Handbook*. This, together with a discussion of the practical issues arising from the setting up of a complying superannuation fund, provides a useful introduction to the issues which must be taken into consideration in deciding whether or not to establish a superannuation fund for the purpose of complying with the Scheme. Of course the section on the requirements for a complying superannuation fund will require updating if the recently tabled *Superannuation Industry (Supervision) Bill 1992* is passed.

The interaction between the Scheme and industrial awards which have superannuation provisions is another area covered by the *Handbook*. The discussion provides answers to some of the more commonly asked questions in the area.

For the employer who has failed to provide the requisite level of superannuation support for an employee, the *Handbook* devotes a whole chapter to the calculation of the Charge, complete with worked examples. This is particularly useful given that employers have to self-assess for the Charge, as is the case with the Training Guarantee Scheme. Also provided is a guide to completing a Superannuation Guarantee statement which has to be lodged with the Australian Taxation Office setting out the employer's own assessment of liability for the Charge.

An explanation of how the Scheme is administered and the kinds of records which should be kept completes the *Handbook*.

All in all, the *Handbook* should prove to be a useful tool for employers in coming to grips with the impact of the Superannuation Guarantee legislation on their organisations. It also provides sufficient information for employers to at least consider the issues of how they wish to comply with the requirements of the Scheme.

For practitioners in the superannuation industry, the *Handbook* sets out a clear and concise summary of the legal aspects of the Superannuation Guarantee legislation.

Catherina Toh

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AUSTRALIAN SPORT AND LAW ANNOTATED INDEX 1990 / HAYDEN OPIE

Canberra: National Sport Information Centre in co-operation with the Law School of The University of Melbourne, 1992. \$25.00 (pbk)

The *Australian Sport and Law Annotated Index* is a new specialist index that fulfils a need for those who deal with, or have to find information about sports law issues. The author, Hayden Opie, is a senior lecturer at the University of Melbourne Law School with a special interest in sports law. It is envisaged that the index will be published annually by the National Sport Information Centre in co-operation with the Law School at the University of Melbourne. As the introduction states, the index lists "books, book analytics (chapters), book reviews, journal articles, some feature newspaper and magazine reports, conference papers and proceedings, reported court and tribunal decisions and legislation on Australian sport and law. Foreign material with Australian content is included".

The arrangement of entries is by broad subject (a list of those used is included) and within the subject area they are further subdivided by type, e.g. books, articles, cases. A very practical and useful feature, given the likely range of users (from lawyers, law librarians, general librarians through to laypersons) is the grading of the material indexed. The entries are arranged in three levels:

- I Basic, easy reading material
- II Intermediate with some technical language
- III Advanced or research material, usually requiring understanding of legal terms and concepts.

These categories are further enhanced by the fact that the index is annotated, i.e. has a detailed abstract of the content of the entry. The inclusion of relevant case and legislative material is very convenient given the time it takes to use the general finding tools for those types of material.

This first volume published in 1992 actually contains material of 1990 origin. The publication of the 1991 and 1992 indexes would be a welcome addition in terms of current information. The index only provides access by subject. An author index may be a useful feature for the serious researcher. Overall, however, this specialist index is a very convenient and practical tool for those requiring primary and secondary references to Australian sport law information.

John Bahrij

Law Librarian, University of Wollongong

Reference query of the century

Scene: Lionel Murphy Library. Middle of the day.

Patron: I would like a transcript of today's Hansard debate.

Reference Librarian: You will have it first thing in the morning.

Patron: No. I want it now!

(P.S. This actually happened!)

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