



## AAT Bulletin

ISSUE NO. 2/2015

12 JANUARY 2015

The *AAT Bulletin* is a weekly publication containing a list of recent AAT decisions and information relating to appeals against AAT decisions. The Bulletin occasionally includes information on legislative changes that affect the AAT and other important developments.

It is recommended that the Bulletin be read on-line. This has the advantage of allowing the reader to use hyperlinks to access the full text of cases and other internet sites mentioned in the Bulletin.

The AAT does not make any representation or warranty about the accuracy, reliability, currency or completeness of any material contained in this Bulletin or on any linked site. While the AAT makes every effort to ensure that the material in the Bulletin is accurate and up-to-date, you should exercise your own independent skill and judgement before you rely on it. Information contained in this Bulletin is not legal advice and is intended as a general guide only. You should rely on your own advice or refer to the full cases and legislation in relation to any proceedings.

Enquiries regarding this publication may be directed to [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au).

### Contents

<b>AAT Recent Decisions</b> .....	<b>2</b>
Immigration and Citizenship .....	2
Social Security .....	2
Taxation .....	3
<b>Appeals</b> .....	<b>4</b>
Appeals lodged .....	4
Appeals finalised.....	4

---

## AAT Recent Decisions

---

This section of the Bulletin provides information about decisions recently published by the AAT. Only AAT decisions that have been published on [AustLII](#) have been included. Full copies of the decisions can be accessed through the hyperlinks provided below.

### Immigration and Citizenship

[Al - Boushama and Minister for Immigration and Border Protection](#) [2015] AATA 5; 7/1/2015; Professor R McCallum AO, Member

CITIZENSHIP – eligibility – whether the applicant is a person of good character – decision under review affirmed

[Zhao and Minister for Immigration and Border Protection](#) [2015] AATA 6; 7/1/2015; Professor R McCallum AO, Member

CITIZENSHIP – eligibility – whether applicant is of good character – decision under review set aside and remitted

### Social Security

[Deane and Secretary, Department of Social Services](#) [2014] AATA 970; 18/12/2014; Senior Member RW Dunne

Disability support pension – evidence obtained by respondent that applicant received excessive income during the relevant period – decision of the Social Security Appeals Tribunal referring matter back to Chief Executive Centrelink for reconsideration in accordance with directions – application for extension of time refused

[Menzies and Secretary, Department of Social Services](#) [2015] AATA 4; 6/1/2015; Dr I Alexander, Member

Pensions – disability support pension – whether applicant's conditions were fully diagnosed, treated and stabilised – whether applicant's impairment is rated 20 points or more under the Impairment Tables – decision affirmed

[Smalldon and Secretary, Department of Social Services](#) [2015] AATA 2; 5/1/2015; Dr M Denovan, Member

Pensions, benefits and allowances – Disability Support Pension – DSP – 20 points or more under the Impairment Tables – Seronegative inflammatory arthritis – Fibromyalgia – Costochondritis – Temporomandibular joint dysfunction – Tinnitus – chronic pain – whether fully diagnosed, fully treated and fully stabilised within relevant period – decision under review affirmed

## Taxation

[The Engineering Manager and Commissioner of Taxation](#) [2014] AATA 969; 24/12/2014;  
Senior Member G Lazanas

INCOME TAX – assessment – residence of taxpayer – employment in Oman – whether resident of Australia under ordinary concepts test – whether permanent place of abode was outside Australia - decision set aside and substituted

---

## Appeals

---

This section of the Bulletin provides information about appeals against AAT decisions that have been lodged or finalised. Only appeals in relation to AAT decisions that have been published on [AustLII](#) have been included. Full copies of the decisions can be accessed through the hyperlinks provided below.

### Appeals lodged

---

CASE NAME	AAT REFERENCE
<b>Contreras v Minister for Immigration and Border Protection &amp; AAT</b>	<a href="#">[2013] AATA 914</a>
<b>Cremona v AAT</b>	<a href="#">[2014] AATA 836</a>
<b>Upson &amp; Upson v Commissioner of Taxation</b>	<a href="#">[2014] AATA 896</a>

---

### Appeals finalised

---

CASE NAME	AAT REFERENCE	COURT REFERENCE
<b>None Finalised</b>		

---

© Commonwealth of Australia 2015



With the exception of the Commonwealth Coat of Arms and any third party material, this work is licensed under a [Creative Commons Attribution 3.0 Australia Licence](#). Content from this publication should be attributed as: Administrative Appeals Tribunal, *AAT Bulletin*.

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed on the following website: <http://www.itsanhonour.gov.au/coat-arms/>.

Enquiries regarding the licence are welcome at [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au).

This licence is limited to the *AAT Bulletin* and does not extend to the full text of AAT decisions. Separate licence terms for AAT decisions can be found on [AustLII](#). Those terms provide that section 182A of the *Copyright Act 1968* applies.