



AAT Bulletin

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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.

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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.

Civil Aviation

[McSherry and Civil Aviation Safety Authority](#) [2014] AATA 119; 6/3/2014; Deputy President K Bean and Professor P Reilly AO, Member

Conditions imposed on class 1 medical certificate issued to applicant – whether applicant meets medical standard 1 – whether deep vein thrombosis and risk of bleeding as a side effect of Warfarin are safety-relevant conditions – negligible risk of an adverse event having safety consequences occurring – conditions not likely to reduce applicant's ability to perform as a commercial helicopter pilot – decision under review set aside

Compensation

[Farrell and Comcare](#) [2014] AATA 113; 3/3/2014; Senior Member N Bell

Commonwealth Employees – reasonable medical treatment – reasonable duration and frequency of psychological treatment – expired decision under review affirmed – decision under review set aside

[Watson and Australian Postal Corporation](#) [2014] AATA 120; 6/3/2014; Deputy President PE Hack SC

INJURY – whether applicant did suffer from claimed injury – whether injury arose out of, or in the course of, employment.

Practice and Procedure

[Applicant 5611 of 2013 and Military Rehabilitation and Compensation Commission](#) [2014] AATA 121; 6/3/2014; Deputy President SD Hotop

Jurisdiction – military compensation – applicant made claim for acceptance of liability for medical conditions – respondent made determination declining claim – applicant applied to Veterans' Review Board (VRB) for review of respondent's determination – during hearing before VRB applicant made request to withdraw application for review – VRB consented to withdrawal of application for review – VRB did not make reviewable determination – Tribunal does not have jurisdiction

[Ekinci and Ors and Civil Aviation Safety Authority](#) [2014] AATA 114; 3/3/2014; The Hon B Tamberlin QC, Deputy President

Application for stay order – relevant factors to be taken into account – review would be rendered nugatory if stay refused – safety and public interest – the prospects of success – consequences for the Applicant of refusal of a stay – stay granted with conditions

Social Security

[Chand and Secretary, Department of Social Services](#) [2014] AATA 116; 5/3/2014; Senior Member JF Toohey

Disability support pension – anxiety and depression – post traumatic stress disorder – hypertension – musculoskeletal conditions – high cholesterol – whether applicant's conditions fully diagnosed, treated and stabilised – program of support – decision under review affirmed

[Cremona and Secretary, Department of Social Services](#) [2014] AATA 122; 6/3/2014; Miss EA Shanahan, Member

Carer allowance child under the age of 16 – change in disability care load assessment by determination 2010 – review of eligibility October 2012 followed by cancellation of carer allowance payment – cancellation based on the carer questionnaire score – decision affirmed

[Steele and Secretary, Department of Social Services and Anor](#) [2014] AATA 123; 7/3/2014; Senior Member N Bell

Family tax benefit – shared care – percentage of care – decision under review set aside

Taxation

[Ayles and Tax Practitioners Board](#) [2014] AATA 112; 28/2/2014; Deputy President PE Hack SC

TAX AGENT – REGISTRATION – criteria for applicant – requirements – tertiary degree or award – other than accountancy – whether degree is relevant to tax agent services to which application relate – decision under review affirmed

Veterans' Affairs

[Fotek and Repatriation Commission](#) [2014] AATA 117; 5/3/2014; Senior Member RG Kenny

Disability pension – operational service with Royal Australian Navy – application of Statement of Principles – appropriate diagnosis of psychiatric conditions – no factual basis for diagnosis of posttraumatic stress disorder – posttraumatic stress disorder not war-caused – decision under review affirmed

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 |
|---|--------------------------------|
| Yiasemides v Inspector General in Bankruptcy & AAT | [2014] AATA 51 |

Appeals finalised

| CASE NAME | AAT REFERENCE | COURT REFERENCE |
|---|---------------------------------|---|
| Borcherdt v Commissioner of Taxation | [2011] AATA 939 | [2014] FCA 56 |
| Burke v Comcare | [2013] AATA 619 | [2014] FCA 169 |
| Yao v Minister for Immigration and Border Protection | [2013] AATA 209 | [2014] FCA 873 [2014] FCAFC 17 |

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