



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.

Compensation

[Aboutaleb and Comcare](#) [2015] AATA 207; 2/4/2015; Senior Member G Friedman and Dr R Blakley, Member

Australian Taxation Office – allergy arising from exposure to pollutants – physical symptoms – Multiple Chemical Sensitivity – whether an ailment – decision under review affirmed

Customs

[Brackley Industries Pty Ltd and Chief Executive Officer of Customs](#) [2015] AATA 210; 8/4/2015; Senior Member J Handley

Applicant imported cases embossed with the Blu-ray trademark – applicable TCO is cases or trays, compact disc – respondent contended the cases were intended to hold discs of Blu-ray format – disc of that type is not a compact disc – applicant contended CD, DVD and Blu-ray discs are optical discs – each being of equivalent size and embossed for reproduction of sound and or image optically – sample products exhibited show Blu-ray trademark embossed covers presented to the public with discs of other formats – some Blu-ray discs housed and presented in CD type covers – prohibition on references to trademarks or end use – essential character of the goods satisfied the TCO – decision set aside

Foreign Affairs and Trade

[Nysan and Asia Pacific Pty Ltd and Australian Trade Commission](#) [2015] AATA 208; 7/4/2015; Deputy President B Tamberlin

Export market development grants – limitation on number of grants – whether applicant is carrying on a business that is the same or similar to previous business – degree of inter-relationship and continuation of previous activities – decision affirmed

Freedom of Information

[Jordan and Department of Defence](#) [2015] AATA 209; 2/3/2015; Senior Member G Friedman

Amendment of Certificate of Service and Army Service Record – whether document incorrect

Practice and Procedure

[Bates and Comcare](#) [2015] AATA 199; 31/3/2015; Deputy President PE Hack SC and Deputy President G Humphries

Application to reinstate dismissed applications – whether “dismissed in error” – no evidence proper weight not given to matter – whether, in light of new evidence, proceedings dismissed in error – application to reinstate allowed



Social Security

[Printzios and Secretary, Department of Social Services](#) [2015] AATA 153; 17/3/2015; Deputy President B Tamberlin

Overpayment of youth allowance – whether special circumstances – whether applicant knowingly made a false representation – financial hardship – decision under review affirmed

[Jenkins and Secretary, Department of Social Services](#) [2015] AATA 212; 31/3/2015; Ms S Taglieri, Member

Disability support pension – whether conditions in the spine result in 20 points impairment – 20 points found – whether continuing inability to work satisfied – not satisfied as requirement for participation in a program of support not met – decision under review affirmed

[XHGB and Secretary, Department of Social Services](#) [2015] AATA 205; 2/4/2015; Senior Member RW Dunne

Pensions, benefits and allowances – claim for disability support pension – physical, intellectual or psychiatric impairment – whether impairment rating of 20 points or more existed under the Impairment Tables – whether there was a "continuing inability to work" – reports of psychiatrist, treating doctor and psychologists considered – Job Capacity Assessment conducted – claim for disability support pension rejected – 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
Howes v Comcare	[2015] AATA 39
Minister for Immigration and Border Protection v GJRL & AAT	[2015] AATA 76
Mladenov v Secretary, Department of Social Services & Anor	[2015] AATA 99
Negri v Secretary, Department of Social Services	[2015] AATA 179
Olsen v Repatriation Commission	[2015] AATA 119
Frugtniet v ASIC	[2015] AATA 128

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Arifin v Secretary, Department of Social Services & Anor	[2013] AATA 429 [2013] AATA 502	[2015] HCASL 44 [2014] FCAFC 61 [2013] FCA 1162

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