



AAT Bulletin

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The *AAT Bulletin* is a weekly publication containing information about recently published decisions and appeals against decisions in the AAT's General, Freedom of Information, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation & Commercial and Veterans' Appeals Divisions. The Bulletin also regularly includes a sample of decisions recently published in the AAT's Migration & Refugee Division and Social Services & Child Support Division. It occasionally includes information on legislative changes that affect the AAT.

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 all decisions recently published in the AAT's General, Freedom of Information, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation & Commercial and Veterans' Appeals. This list also includes selected child support decisions published by the Social Services & Child Support Division and examples of recent decisions published by the Migration & Refugee Division. 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.

Child Support

[Ahmad and Chalmers](#) (Child support) [2020] AATA 5101 (28 October 2020); S Cullimore, Member

CHILD SUPPORT – departure determination – costs of education – manner expected by both parents – cost of maintaining the child are significantly affected – a ground for departure established – financial resources of both parents – just and equitable to depart – decision under review set aside and substituted

[Ali and Ali](#) (Child support) [2020] AATA 5102 (29 October 2020); J Longo, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – no change to the likely pattern – refusal to revoke the existing percentage of care determinations – decision under review affirmed

[Cabe and Farrell](#) (Child support) [2020] AATA 5098 (15 October 2020); J Thomson, Member

CHILD SUPPORT – departure determination – income, property and financial resources of the liable parent – reduced income and reduced capacity to work – decision under review set aside and substituted

[Hutton and Hutton](#) (Child support) [2020] AATA 5097 (21 October 2020); F Hewson, Member

CHILD SUPPORT – non-agency payment – whether certain payments should be credited – no mutual intention – condition for crediting as prescribed payments not satisfied – refusal to credit non-agency payments – decision under review affirmed

[Iverson and Child Support Registrar](#) (Child support) [2020] AATA 4772 (21 August 2020); P Jensen, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – existing percentage of care determinations correctly revoked and new determinations made – whether an interim period should apply – reasonable action not taken – decision under review affirmed

Citizenship

[Behrouzian and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2021] AATA 17 (15 January 2021); Senior Member C Puplick AM

CITIZENSHIP – Application for Australian citizenship – citizenship by conferral – refusal on character grounds – whether Applicant had demonstrated “good character” – whether false documentation provided in application for registration as a migration agent – whether Applicant was providing “immigration assistance” without being registered as a migration agent – decision under review affirmed

[YCSW and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2021] AATA 29 (12 January 2021); Brigadier A G Warner, AM LVO (Retd), Member

CITIZENSHIP – application for citizenship by conferral – national of Republic of India – refusal of application – whether Tribunal satisfied of Applicant’s good character – assault occasioning bodily harm – breach of protective bail conditions – minor offending – failure to declare conviction in Application for Citizenship – consideration of references – reviewable decision affirmed

Compensation

[Davis and Australian Postal Corporation](#) (Compensation) [2021] AATA 30 (19 January 2021); Senior Member R Cameron

COMPENSATION – Whether the Applicant suffered a pre-existing ailment to right shoulder – whether applicant injured right shoulder in fall during employment – applicant found to have pre-existing ailment – arthritis to the right shoulder – fall aggravated pre-existing ailment – whether aggravation contributed to a significant degree by employment – whether entitled to compensation – respondent liable to pay compensation – decision under review set aside and substituted

[Dempsey and Military Rehabilitation and Compensation Commission](#) (Compensation) [2021] AATA 25 (20 January 2020); S Webb, Member

MILITARY COMPENSATION – claimed service injury or service disease – anosmia the result of viral infection while rendering defence service – reasonable satisfaction – statement of principles applied from clinical onset of anosmia – consideration of causal factors – meaning of ‘inability to obtain appropriate clinical management’ – factors in statement of principles not made out or not related to service – consideration of symptoms not covered by statement of principles – causal tests – meaning of “an occurrence” for the purposes of the legislation – service injury or service disease not made out – decision affirmed

[Walters and Comcare](#) (Compensation) [2020] AATA 14 (14 January 2021); Deputy President G Humphries AO

WORKERS COMPENSATION – chronic fatigue syndrome – whether chronic fatigue syndrome is a disease pursuant to section 5B of the Safety, Rehabilitation and Compensation Act 1988 – if so, whether chronic fatigue syndrome was contributed to, to a significant degree, by a viral infection contracted while the Applicant was posted in India – whether the Applicant’s employment contributed, to a significant degree, to the contracting of the viral illness – chronic fatigue syndrome not contributed to, to a significant degree by the Applicant’s employment – Military Rehabilitation and Compensation Commission v May (2016) 257 CLR 486 considered – chronic fatigue syndrome does not satisfy the definition of an injury for the purposes of section 14 of the Safety, Rehabilitation and Compensation Act 1988 – decision under review affirmed

[WMZC and Comcare](#) (Compensation) [2021] AATA 23 (19 January 2021); A Ward, Member and L Stephan, Member

COMPENSATION – Claim for psychological injury – Whether employment contributed to aggravation of condition – Whether entitled to compensation – Failure to prove claimed aggravation arises from employment – Failure to disclose condition in pre-employment process – Hiding condition from employer – Claim defeated by non-disclosure – Decision under review affirmed – Anonymizing identity of applicant

[WNBR and Comcare](#) (Compensation) [2021] AATA 32 (20 January 2021); Deputy President B W Rayment OAM QC

WORKERS’ COMPENSATION – aggravation of bipolar affective disorder and post-traumatic stress disorder – where applicant engaged in return to work process with employer – whether applicant’s pre-existing condition aggravated arose out of or in the course of employment – whether return to work process part of employment – whether aggravation satisfies s 5A of the Safety, Rehabilitation and Compensation Act 1988 (Cth) – whether return to work process is administrative action – whether aggravation satisfies s 5B of the Safety, Rehabilitation and Compensation Act 1988 (Cth) – decision under review affirmed

Migration

[Anae and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2021] AATA 6 (11 January 2021); The Hon. J Pascoe AC CVO, Deputy President

MIGRATION – mandatory visa cancellation – failure to pass the character test – whether another reason why the visa cancellation should be revoked – Ministerial Direction No. 79 applied – nature and seriousness of offending conduct – risk of reoffending – protection of the Australian community – best interests of minor children – expectations of the Australian community – strength, nature and duration of ties to Australia – international non-refoulement obligations – impact on Australian business interests – impediments to removal – impact on victims – decision set aside and substituted

[Dougherty and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2021] AATA 8 (12 January 2021); Senior Member A Nikolic AM CSC

MIGRATION – Visa refusal – citizen of Thailand – Prospective Marriage (Temporary) (Class TO) visa – foreign convictions – possession of unregistered pistol and ammunition in a public place – failure to declare foreign criminal offending – failure to pass character test – whether discretion to refuse visa should be exercised – Ministerial Direction No. 79 applied – reviewable decision affirmed

Fevaleaki and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2021] AATA 34 (21 January 2021); R Bellamy, Member

MIGRATION – refusal of application for Return (Residence) (Class BB) (Subclass 155) visa under section 501(1) – where Applicant does not pass the character test – whether the discretion to refuse to grant the visa should be exercised – consideration of Ministerial Direction No. 79 – sexual offences – no prior or subsequent offending – genuine remorse and remote risk of re-offending – significant ties to community – decision under review set aside

Gallo and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2021] AATA 18 (15 January 2021); Ms C Burnett-Wake, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY Subclass 444 Special Category visa – where Applicant does not pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 79 – decision under review affirmed

GVQH and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2021] AATA 33 (21 January 2021); R Maguire, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY Subclass 444 Special Category visa – where Applicant does not pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 79 – decision under review affirmed

JNMK and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2021] AATA 26 (20 January 2021); Dr M Evans-Bonner, Senior Member

MIGRATION – refusal to grant a permanent partner visa – applicant initially came to Australia on student visa – character test – substantial criminal record – offences include Dangerous Driving Occasioning Death and Dangerous Driving Occasioning Bodily Harm – subsequent offences for driving under the influence of alcohol and unlicensed driving – Direction No 79 – primary and other considerations – protection of the Australian community from criminal or other serious conduct – nature and seriousness of conduct – risk to the Australian community should the Applicant commit further offences – best interests of minor children in Australia – expectations of the Australian community – impact on family members – impact on victims – impact of the COVID-19 pandemic – reviewable decision affirmed

JWKG and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2021] AATA 21 (19 January 2021); Senior Member D J Morris

MIGRATION – citizen of Vietnam – applicant held Class WE Subclass 050 – Bridging (General) visa – visa cancelled – substantial criminal record – applicant concedes fails character test – applicant separately refused protection visa – consideration of Direction No. 79 – primary considerations – protection of Australian community – expectations of Australian community – non-refoulement considerations – strength, nature and duration of ties – impediments to removal – decision under review set aside and new decision substituted

Kane and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2021] AATA 35 (21 January 2021); R Bellamy, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY Subclass 444 Special Category (Temporary) visa – where Applicant does not pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 79 – grievous bodily harm – driving under the influence of alcohol – best interests of minor children – decision under review affirmed

MGRD and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 5372 (24 December 2020); R Bellamy, Member

MIGRATION – Non-revocation of mandatory cancellation of a Five Year Resident Return (Class BB)(Subclass 155) visa – where Applicant does not pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 79 – drug addiction – possession of drugs for a commercial purpose – decision under review – set aside

Moreau and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2021] AATA 7 (11 January 2021); Ms A E Burke AO, Member

MIGRATION – refusal of visa on character test – criminal record – primary and other considerations – protection of the Australian community – nature and seriousness of the conduct – risk of reoffending – expectations of the Australian community – decision under review set aside

Taylor and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2021] AATA 19 (14 January 2021); Senior Member A Nikolic AM CSC

MIGRATION – Mandatory visa cancellation – citizen of United Kingdom – Class BB Subclass 155 Five Year Resident Return visa – multiple identities – summons objections – constitutionality submissions – jurisdiction – recusal application – prolonged dishonesty offending – failure to pass good character test – whether another reason why the mandatory visa cancellation should be revoked – Ministerial Direction No. 79 applied – decision affirmed

TRXW and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2021] AATA 9 (12 January 2021); R Bellamy, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY Subclass 444 Special Category (Temporary) visa – where Applicant does not pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 79 – domestic violence – decision under review affirmed

Zhang and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 5363 (23 December 2020); Deputy President J W Constance

MIGRATION – mandatory cancellation – where offending very serious – supply prohibited drug of not less than a large commercial quantity – protection of the Australian community – where low risk of reoffending – where best interests of minor children in Australia affected by the decision weigh in favour of revocation – expectations of the Australian community – strength, nature and duration of ties to Australia – decision set aside and substituted

[1927352](#) (Migration) [2020] AATA 5109 (21 September 2020); A Younes, Senior Member

MIGRATION – cancellation – Student (Temporary) (Class TU) visa – Subclass 500 (Student) – incorrect information – bogus document – counterfeit or altered family registration certificate – brother living in Australia – migration agent completed the application form – brothers not listed on certificate – family ties to Australia – gaps in studies – decision under review affirmed

[Alhaddad](#) (Migration) [2020] AATA 5197 (18 November 2020); M Bishop, Member

MIGRATION – Employer Nomination (Permanent) (Class EN) visa – Subclass 186 (Employer Nomination Scheme) – Temporary Residence Transition stream – subject of an approved nomination – unique or exceptional circumstances – 10-year residence in Australia – employment ended through no fault of the applicant – engaged to be married to an Australian permanent resident – Ministerial Intervention requested – decision under review affirmed

[Calero Kaisin](#) (Migration) [2020] AATA 5200 (16 November 2020); W Stooke AM, Member

MIGRATION – Employer Nomination (Permanent) (Class EN) visa – Subclass 186 (Employer Nomination Scheme) – Temporary Residence Transition stream – Maintenance Planner – subject of an approved nomination – unique or exceptional circumstances – unfair or unreasonable results – occupation of short supply – highest priority of skills list in July 2020 – demonstrated a continuity of employment – deceptive and dishonest behaviour of the migration agent – flexibility in relation to work for associated entities – serious, ongoing and irreversible harm to Australia employer – exceptional economic, scientific, cultural and other benefits – Ministerial Intervention requested – decision under review affirmed

[Ngetich](#) (Migration) [2020] AATA 5069 (18 September 2020); D Thompson, Member

MIGRATION – cancellation – Student (Temporary) (Class TU) visa – Subclass 573 Higher Education Sector – enrolment in a registered Higher Education course ceased – applicant entered a relationship with an Australian citizen – partner's pregnancy – children of the relationship – separation from partner and children – financial hardship – decision under review affirmed

[Srilakondee](#) (Migration) [2020] AATA 5048 (13 October 2020); H Sanderson, Member

MIGRATION – Return (Residence) (Class BB) visa – Subclass 155 (Five Year Resident Return) – no substantial business, cultural, employment or personal ties with Australia – mother's permanent visa grant – applicant spent less than 16 days in Australia – pursued university study in Thailand – living independently – decision under review affirmed

[Zahoor](#) (Migration) [2020] AATA 5049 (13 October 2020); J Bakas, Member

MIGRATION – cancellation – Subclass 457 (Temporary Work (Skilled)) visa – breached conditions – ceased employment for more than 90 consecutive days – sponsor's fraudulent behaviour – applicant's resignation and attempt to find another employer – driving taxi in breach of visa condition for 40 days – car accident and medical treatment – young child – decision under review set aside

Practice and Procedure

[Australia Institute of Business & Technology - International Pty Ltd and Australian Skills Quality Authority](#) [2021] AATA 36 (21 January 2021); Deputy President I R Hanger AM QC

PRACTICE AND PROCEDURE – application for recusal on grounds of apprehended bias – application granted

[Cuthbert and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs \(Citizenship\)](#) [2021] AATA 13 (14 January 2021); Senior Member C Puplick AM

PRACTICE AND PROCEDURE – application for dismissal of substantive application – AAT Act s 42B – whether application for review has reasonable prospect of success – decision to refuse application for Australian citizenship by conferral – Applicant fails residence requirements – application dismissed

[Dillon and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 31 (21 January 2021); Senior Member D O'Donovan

PRACTICE AND PROCEDURE – extension of time – Tier 1 AAT decision to confirm carer payment debt and refuse to waive or write off debt – interlocutory application for an extension of time – application for review made outside the prescribed time – applicant considered seeking review and initially decided not to – changed her mind when advice on alternative discovered to be erroneous – prospects of success – application refused

[Elliott and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 20 (6 January 2021); Deputy President S A Fergie

PRACTICE AND PROCEDURE – corrigenda – whether decision made in response to a request for corrigenda a decision to which section 13(1) of the Administrative Decisions (Judicial Review) Act 1977 applies – power to correct obvious errors may be exercised more than once – meaning of “obvious error” – further corrigendum made

[Kais and Commissioner of Taxation](#) (Taxation) [2021] AATA 16 (15 January 2021); Senior Member R J Olding

PRACTICE AND PROCEDURE – EVIDENCE – where witness statement filed on behalf of Applicants but witness passed away before the hearing – where Respondent opposed admission of the statement into evidence – where Respondent conceded the statement was relevant to issues for determination but submitted relevance outweighed by the statement's unfairly prejudicial nature – Tribunal not bound by rules of evidence – consideration of principles underpinning rules of evidence and provisions of Evidence Act 1995 (Cth) – statement admitted into evidence

[Linck and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 28 (20 January 2021); Deputy President G Humphries AO

PRACTICE AND PROCEDURE – extension of time – Social Services – disability support pension – decision to not pay the disability support pension while the Applicant was outside of Australia – portability provisions of Social Security Act – decision affirmed by Social Services and Child Support Division of this Tribunal at Tier 1 – application for review of Tier 1 decision made outside the prescribed time – whether it is reasonable in all the circumstances to grant the extension of time – where application for review is made out of time because the applicant withdrew his previous application and could not have it re-instated – explanation for the delay reasonable – delay insignificant – meaning of “eligible medical treatment” – eligible medical treatment considered by Tribunal at Tier 1 may not have been the treatment claimed by the applicant – application granted

Professions and Trades

[Caring Home Care Pty Ltd and Aged Care Quality and Safety Commissioner](#) [2021] AATA 24 (19 January 2021); The Hon. D Cowdroy AO QC, Deputy President

HEALTH AND AGED CARE – refusal of application for approval as an approved provider of aged care – whether the Applicant has experience in providing aged care or other relevant forms of care – whether the Applicant demonstrated understanding of its responsibilities as a provider of the type of aged care for which approval is sought (home care) – whether the Applicant has systems, or proposes to have systems, in place to meet its responsibilities as a provider of the type of aged care for which approval is sought – whether the Applicant has sound financial management – decision under review affirmed

Refugee

[1603702](#) (Refugee) [2020] AATA 5062 (2 October 2020); L Mojsin, Member

REFUGEE – protection visa – Ukraine – political opinion – membership of the Communist Party of the Soviet Union – membership of the Party of Regions – imputed pro-Russian and anti-Ukrainian views – perceived support for separatist ideologies – particular social group – Russian-speaking ethnic Ukrainian – rise of right wing extremists – access to mental health care services – independent country information – left the country legally with a passport in own name – obtaining evidence from witnesses – WhatsApp phone call – confidentiality issues – procedural fairness – claims of interpreting error and/or omissions – decision under review affirmed

[1622223](#) (Refugee) [2020] AATA 5126 (21 October 2020); D McCulloch, Member

REFUGEE – protection visa – Ghana – divorced woman – single woman in Ghana – fear of first husband – credibility issues – decision under review affirmed

[1821622](#) (Refugee) [2020] AATA 5149 (28 October 2020); Dr C Huntly, Member

REFUGEE – protection visa – Pakistan – Federal Circuit Court remittal – political opinion – anti-TTP and anti-radical Islamic militant convictions and activities – particular social group – member of the Mangal tribe – tribal chief – ‘Malik’ designation – appointment of a Malik in absentia – departure from strict primogeniture in the transfer of the Malik designation – effectiveness of state protection – reasonableness of internal relocation – decision under review remitted

[1916109](#) (Refugee) [2020] AATA 5083 (17 November 2020); J Marquard, Member

REFUGEE – protection visa – Ghana – Federal Circuit Court remittal – religion – Muslim background – conversion to Christianity – credibility concerns – inconsistencies with information in previous visa application – country information – general tolerance for Christianity and conversion – no harm suffered after conversion – decision under review affirmed

[1920491](#) (Refugee) [2020] AATA 5080 (18 November 2020); L Nicholls, Senior Member

REFUGEE – protection visa – Iran – entering Australia at Ashmore Reef and Cartier Islands – validity of protection visa application – validity of applicant’s Temporary Safe Haven (TSH) visa grant – Tribunal’s jurisdiction to review TSH grant – Minister’s power to lift the bar in ss.46A and 91K – Tribunal’s power to review the merits of the case – decision under review set aside and substituted

Social Services

[Clark; Secretary, Department of Social Services and](#) (Social services second review) [2021] AATA 10 (11 January 2021); Senior Member C Puplick AM

SOCIAL SECURITY – Carer Payment – Family Tax Benefit – whether debt should be recovered – writing off debt – waiver of debt arising from sole administrative error – whether there was sole administrative error – waiver of debt in special circumstances – whether special circumstances exist – reviewable decision is set aside and substituted

[Gunton and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 15 (14 January 2021); D Mitchell, Member

SOCIAL SECURITY – disability support pension – DSP – whether medical conditions fully diagnosed, fully treated and fully stabilised – whether 20 points or more under the impairment tables during the relevant period – decision under review affirmed

[Karunatilake and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 5 (12 January 2021); Brigadier A G Warner, AMLVO (Retd), Member

SOCIAL SECURITY – age pension – rate of payment – income test – transfer of 50% share – disposal of asset – rate reduction – consideration of financial hardship rules – decision under review affirmed

[Ryan and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 12 (14 January 2021); Mrs J C Kelly, Senior Member

SOCIAL SECURITY – disability support pension – rate – whether Applicant paid at the correct rate – whether Applicant reported change of circumstances – whether there was administrative error by the Respondent – decision under review affirmed

[Sahin and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5439 (10 December 2020); A Maryniak QC, Member

SOCIAL SECURITY – disability support pension – qualification – conditions of ulcerative colitis, right wrist and arm pain and a psychological condition – conditions not fully treated and stabilised – insufficient medical evidence – decision under review affirmed

[Shawyer and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 22 (18 January 2021); Senior Member D Cremean

SOCIAL SECURITY – Age Pension – whether in the circumstances possible to pay the Applicant a backdated increase – no statutory or other discretion – decision affirmed

[Zilioli and Secretary, Department of Social Services](#) (Social services second review) [2021] AATA 11 (14 January 2021); S Barton, Member

SOCIAL SECURITY – Austudy – overpayment – waiver of debt – administrative error – full-time study – special circumstances – write off debt – legally recoverable debt – notional entitlement – decision affirmed

Veterans' Affairs

[Dalgrin and Military Rehabilitation and Compensation Commission](#) (Veterans' entitlement) [2020] AATA 5475 (19 October 2020); A George, Member

VETERANS' ENTITLEMENTS – compensation – injury or disease – arise out of or in the course of Defence service – induce or encourage the employee to engage in activity – expectations of a soldier – set aside and substituted

[Elton and Repatriation Commission](#) (Veterans' entitlements) [2020] AATA 5361 (30 October 2020); Deputy President S A Forgie

VETERANS' AFFAIRS – disability pension – claim for post-traumatic stress disorder, generalised anxiety disorder, lumbar spondylosis and/or spondylolisthesis and spondylolysis – whether conditions war-caused – relevance of material from previous proceedings – Tribunal satisfied beyond reasonable doubt that applicant's lumbar spondylosis and/or spondylolisthesis and spondylolysis not war-caused – Tribunal satisfied on balance of probabilities that applicant not suffering from post-traumatic stress disorder or generalised anxiety disorder – decision affirmed

[Stevens and Repatriation Commission](#) (Veterans' entitlements) [2021] AATA 27 (20 January 2021); Dr M Evans-Bonner, Senior Member

VETERANS' ENTITLEMENTS – whether Applicant entitled to claim a disability pension – appeal from decision of Veterans' Review Board – eligible war service – operational service – operational area – whether continuous full-time service in an operational area as a member who was allotted for duty in that area – Applicant seeking recognition for involvement in operation in Laos in February 1970 – no official record of Applicant serving overseas whilst in the Australian army – reviewable decision affirmed

Appeals

This section of the Bulletin provides information about appeals that have been lodged or finalised against decisions in the AAT's General, Freedom of Information, National Disability Insurance Scheme, Security, Small Business Taxation, Taxation & Commercial and Veterans' Appeals Divisions. Information is only included about appeals relating to AAT decisions that have been published on [AustLII](#). Full copies of the decisions can be accessed through the hyperlinks provided below.

Appeals lodged

CASE NAME	AAT REFERENCE
Apted and Commissioner of Taxation	[2020] AATA 5139
Filipovich and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 4697
Hedges and Commissioner of Taxation	[2020] AATA 5307
KPTT and Commissioner of Taxation	[2020] AATA 5309
QGDC and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 4804
Shrestha and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 4511
VZKW and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 4959

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
BVLD v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 2582	[2021] FCA 6
Hooley v Comcare	[2019] AATA 5176	[2020] FCA 1880



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