



## 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

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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

[Barrington and Comcare](#) [2015] AATA 29; 21/1/2015; The Hon Mr B Tamberlin QC, Deputy President

Commonwealth employee – normal weekly earnings – ‘relevant period’ – requirements – ‘regular’ – whether period of overtime should be included in calculation of normal weekly earnings – decision under review set aside and substituted

[Chau and Australian Postal Corporation](#) [2015] AATA 24; 19/1/2015; Senior Member JF Toohey

Back injury – liability accepted – whether original injury arose out of or in the course of employment – whether effects of injury had ceased – Tribunal not satisfied effects of injury had ceased – decision under review set aside

### Immigration and Citizenship

[Linge and Minister for Immigration and Border Protection](#) [2015] AATA 26; 21/1/2015; Deputy President SD Hotop

Application for Australian citizenship by conferral – applicant aged 17 years at time of application – applicant eligible to become Australian citizen – applicant did not satisfy residence requirement – departmental policy guidelines – applicant would not suffer significant hardship or disadvantage by having to satisfy residence requirement – applicant does not meet policy guidelines for grant of Australian citizenship – circumstances of applicant's case not sufficiently unusual as to warrant approval of application for Australian citizenship notwithstanding failure to meet policy guidelines – preferable decision to refuse to approve application for Australian citizenship – decision under review affirmed

### Social Security

[Chang and Secretary, Department of Social Services](#) [2015] AATA 30; 22/1/2015; Senior Member PW Taylor SC

Pensions – disability support pension – whether the applicant's impairment is of 20 points or more under the Impairment Tables – decision affirmed

[Hasan and Secretary, Department of Social Services](#) [2015] AATA 31; 22/1/2015; Senior Member JF Toohey

Carer payment – carer allowance – child – claim by father – congenital heart disease – evidence that medical reports not genuine – evidence of moderate developmental delay – no reliable evidence of care needs – decision under review affirmed

[Levchenko and Secretary, Department of Social Services](#) [2015] AATA 20; 16/1/2015; Senior Member J Toohey

Social security – disability support pension – osteoarthritis – hypertension – cerebrovascular disease – obesity – psychological condition – whether conditions fully diagnosed, treated and stabilised – whether conditions rated 20 or more points – decision under review affirmed

[Mitchell and Secretary, Department of Social Services](#) [2015] AATA 28; Professor R McCallum AO. Member

Parenting Payment – eligibility – residence requirements – Australian Citizen – whether Applicant was an Australian Resident at the time of the claim – decision affirmed

## **Veterans' Affairs**

[Smith and Repatriation Commission](#) [2015] AATA 27; 21/1/2015; Deputy President SA Forgie

VETERANS' AFFAIRS – remittal – general disability pension paid to veteran – application for increase in rate – accepted PTSD war-caused injury – whether veteran by reason of incapacity alone prevented from continuing to undertake remunerative work and so is suffering loss of salary or wages or earnings – veteran satisfied s 24(1)(c) – decision set aside

VETERANS' AFFAIRS – interpretation of the law – differing roles assigned to courts and Tribunal – need for an administrative decision-maker to identify principles underlying conclusions of law in order to apply it in reaching decisions on related issues – examination of principles underlying separate judgments given by Full Court of Federal Court

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## Appeals

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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

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CASE NAME	AAT REFERENCE
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**None lodged**

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### Appeals finalised

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CASE NAME	AAT REFERENCE	COURT REFERENCE
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**None finalised**

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