



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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CONTENTS

AAT Recent Decisions	2
Compensation	2
Immigration and Citizenship	2
Maritime Security.....	2
Patents	3
Practice and Procedure	3
Social Security	3
Taxation	3
Appeals	4
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.

Compensation

[Greene and Comcare](#) [2013] AATA 61; 5/2/2013; Senior Member RM Creyke and Dr I Alexander, Member

Commonwealth employees – *Safety, Rehabilitation and Compensation Act 1988* (Cth) s 14 – Applicant suffered from vertigo, fibromyalgia and chronic cervical condition – Whether incident in 2010 classified as vertigo – Whether vertigo arose out of or contributed to by employment – Whether contributed to by employment to a significant degree – Whether aggravated by employment – Decisions under review affirmed.

[Rahman and Offshore Marine Services Pty Ltd](#) [2013] AATA 57; 4/2/2013; Deputy President RP Handley

Applicant injured during an intra-State voyage – Applicant compensated under *Workers Compensation and Injury Management Act 1981* (WA) – Whether *Seafarers Rehabilitation and Compensation Act 1992* (Cth) or *Workers Compensation and Injury Management Act 1981* (WA) applies in respect of Applicant's injury – Decision under review affirmed

Immigration and Citizenship

[Romanov and Minister for Immigration and Citizenship](#) [2013] AATA 63; 8/2/2013; Deputy President RP Handley

Visa cancellation – Direction No 55 – Character test – Substantial criminal record – Primary considerations – Other considerations – Decision under review set aside and substituted

Maritime Security

[Ruffin and Secretary, Department of Infrastructure and Transport](#) [2013] AATA 60; 4/2/2013; Mr C Ermert, Member

Maritime security identification card (MSIC) – Adverse criminal record – MISC required for work on maritime and offshore facilities – Whether applicant is a threat to security – Secretary's discretion to approve issue of MSIC to person with criminal record – discretion to impose conditions – Decision under review set aside

Patents

[Celgene Corporation and Commissioner of Patents and Children's Medical Center Corporation \(Joined Party\)](#) [2013] AATA 55; 1/2/2013; Deputy President RP Handley and Senior Member Dr T Nicoletti

Application for extension of patent terms – Whether each patent specification disclosed pharmaceutical substance per se – Meaning of pharmaceutical substance per se – Timing of applications for extension of patent – Decisions under review affirmed

Practice and Procedure

[Bundy and Anor and Australian Securities and Investments Commission](#) [2013] AATA 59; 4/2/2013; the Hon BJM Tamberlin QC, Deputy President

Stay application – Tribunal not of the opinion that it is desirable to make stay order – Applicants' request for stay order refused.

Social Security

[Blake and Secretary, Department of Families, Housing, Community Services and Indigenous Affairs](#) [2013] AATA 54; 1/2/2013; Dr M Denovan, Member

Pensions, benefits and allowances – Age pension – Member of a couple – Discretion to treat recipient as not being a member of a couple – No special reasons – Decision under review affirmed

[Quinn and Secretary, Department of Families, Housing, Community Services and Indigenous Affairs](#) [2013] AATA 62; 6/2/2013; Deputy President RP Handley

Application for Disability Support Pension (DSP) – Tables of Impairment – Whether Applicant's conditions were fully diagnosed, treated and stabilised at the time of his application for DSP – Insufficient medical evidence – Decision under review affirmed

Taxation

[Purvis and Ors and Commissioner of Taxation](#) [2013] AATA 58; 4/2/2013; Senior Member RW Dunne

Income tax – Loss of licence payments – Whether employment termination payments – whether exempt capital payments to, or in respect of, personal injury – Whether fringe benefits – Whether statutory income – Whether CGT Event C2 happens, and if so, whether the payments are compensation received for a wrong, injury or illness – Each of the objection decisions under review is 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 [AustLI](#) have been included. Full copies of the decisions can be accessed through the hyperlinks provided below.

Appeals lodged

CASE NAME	AAT REFERENCE
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None lodged

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
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Yazbek v Commissioner of Taxation	[2012] AATA 477	[2013] FCA 39
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Bawden v Repatriation Commission	[2011] AATA 283	M4/2013
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		[2012] FCAFC 176
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		[2012] FCA 345
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Christanty v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs	[2012] AATA 497	[2013] FCA 33
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		[2012] FCA 1360
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