



AAT Bulletin

ISSUE NO. 6/2014

17 FEBRUARY 2014

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.

The AAT does not make any representation or warranty about the accuracy, reliability, currency or completeness of any material contained in this Bulletin or on any linked site. While the AAT makes every effort to ensure that the material in the Bulletin is accurate and up-to-date, you should exercise your own independent skill and judgement before you rely on it. Information contained in this Bulletin is not legal advice and is intended as a general guide only. You should rely on your own advice or refer to the full cases and legislation in relation to any proceedings.

Enquiries regarding this publication may be directed to aatweb@aat.gov.au.

Contents

AAT Recent Decisions	2
Compensation.....	2
Immigration and Citizenship	2
Practice and Procedure	2
Social Security	2
Transport.....	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

[Doan and Australian Postal Corporation](#) [2014] AATA 66; 12/2/2014; Senior Member GD Friedman

Right shoulder and right and left elbow injuries – previously accepted conditions – whether liability has ceased – autologous blood injections – whether liability for medical treatment – decision under review set aside and substituted

[Vujacic and Comcare](#) [2014] AATA 63; 10/2/2014; Senior Member JF Toohey and Dr Alexander, Member

Lumbar spine – accepted injuries – whether applicant has permanent impairment resulting from injuries – degree of permanent impairment – assessment of degree – whether applicant has radiculopathy – decision under review affirmed

Immigration and Citizenship

[Okasheh and Minister for Immigration and Border Protection](#) [2014] AATA 69; 24/1/2014; Deputy President RP Handley

Citizenship by conferral – good character – previous convictions – whether the applicant has reformed – decision affirmed.

Practice and Procedure

[The Applicant and Principal Member, Social Security Appeals Tribunal and Anor](#) [2014] AATA 62; 7/2/2014; Senior Member JF Toohey

JURISDICTION – whether Tribunal has jurisdiction to review decision of SSAT refusing to reinstate application after withdrawal – no jurisdiction

Social Security

[Confidential and Secretary, Department of Social Services and Anor](#) [2014] AATA 70; 14/2/2014; Mr C Ermert, Member

Jurisdiction to review SSAT decisions – eligibility for family tax benefits – shared care – percentage of care – decision set aside – whether a debt is owed to the Commonwealth – can the debt be written off or waived – decision remitted

[Ramos and Secretary, Department of Social Services](#) [2014] AATA 71; 8/1/2014; Senior Member AK Britton

Disability support pension – portability period – discretionary power to determine portability period – decision affirmed

[Workneh and Secretary, Department of Social Services](#) [2014] AATA 64; 10/2/2014; Senior Member JF Toohey

Disability support pension – multiple impairments – whether conditions fully diagnosed treated and stabilised – decision under review affirmed

Transport

[Gadhvi and Minister for Infrastructure and Regional Development](#) [2014] AATA 65; 11/2/2014; Senior Member RW Dunne and Senior Member NA Manetta

Importation of vehicle (motorcycle) – nonstandard vehicle – no identification plate – vehicle not owned and used for a continuous period of at least 12 months – grounds for exercise of discretion – decision set aside – matter remitted to respondent with direction that he approve importation subject to conditions

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
-----------	---------------

None lodged

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
-----------	---------------	-----------------

Comcare v Simmons	[2012] AATA 687	[2014] FCAFC 4 [2013] FCA 484
--------------------------	---------------------------------	--

© Commonwealth of Australia 2014



With the exception of the Commonwealth Coat of Arms and any third party material, this work is licensed under a [Creative Commons Attribution 3.0 Australia Licence](#). Content from this publication should be attributed as: Administrative Appeals Tribunal, *AAT Bulletin*.

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed on the following website: <http://www.itsanhonour.gov.au/coat-arms/>.

Enquiries regarding the licence are welcome at aatweb@aat.gov.au.

This licence is limited to the *AAT Bulletin* and does not extend to the full text of AAT decisions. Separate licence terms for AAT decisions can be found on [AustLII](#). Those terms provide that section 182A of the *Copyright Act 1968* applies.