



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.

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.

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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

[HGNT and Child Support Registrar](#) (Child support second review) [2020] AATA 5181 (22 December 2020); Senior Member P J Clauson AM

SOCIAL SECURITY – Family Assistance – Percentage of Care – Consideration of correct percentage of care – whether decision should be varied – decision affirmed

Citizenship

[Hussain and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2020] AATA 5138 (18 December 2020); Senior Member C Puplick AM

CITIZENSHIP – application for citizenship by conferral – refusal of citizenship application – whether prohibition under subsection 24(3) applies – satisfaction of the identity of the Applicant – whether Applicant has satisfied paragraph 21(2)(h) – good character requirement – providing false documentation in relation to identity – decision under review is varied

[May and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2020] AATA 5155 (21 December 2020); L M Gallagher, Member

CITIZENSHIP – application for citizenship by conferral – eligibility – refusal of citizenship – whether Tribunal satisfied applicant was of good character – evidence of identity unsatisfactory – reviewable decision affirmed

[Ossendryver and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2020] AATA 5137 (18 December 2020); Dr P McDermott RFD, Deputy President

CITIZENSHIP – application for Australian citizenship by descent – refusal of application – Australian Citizenship Act 2007 (Cth) subsection 16(2) – whether a parent of the applicant was an Australian citizen at the time of the applicant's birth – proxy marriage – decision under review affirmed

Compensation

[Karabolovska and Comcare](#) (Compensation) [2020] AATA 5189 (23 December 2020); Deputy President J W Constance

WORKERS' COMPENSATION – whether the Respondent is liable to compensate Applicant in respect of the cost of any medical treatment obtained by her in relation to the compensable injury on or since 30 September 2017 – aggravation of major depressive disorder, recurrent episode – evaluation of medical evidence – where exacerbation of condition by workplace incident transient – where Applicant's condition had returned to baseline level – decision affirmed

[Watson and Comcare](#) (Compensation) [2020] AATA 5162 (22 December 2020); D K Grigg, Member

COMPENSATION – employees – whether applicant entitled to compensation for permanent impairment – whether impairment became permanent prior to the commencement of the Safety, Rehabilitation and Compensation Act 1988 (Cth) – application of the transitional provisions under the Safety, Rehabilitation and Compensation Act 1988 (Cth) – whether section 24(2) of the Safety, Rehabilitation and Compensation Act 1988 (Cth) is applicable to a determination of the permanency of an impairment prior to 1 December 1988 – whether permanency can be considered with hindsight – whether applicant suffered from a new impairment arising out of the same injury – decision under review affirmed

Migration

[Ali and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2020] AATA 5232 (9 December 2020); Senior Member T Tavoularis

MIGRATION – Non-revocation of mandatory cancellation of a Class UK Subclass 820 Partner 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

[Bates and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2020] AATA 5183 (22 December 2020); R Reitano, Member

MIGRATION – cancellation of Applicant's Class BB, Subclass 155 Five Year Resident Return visa – Applicant is a citizen of the Republic of Ireland – failure of the character test – whether there is another reason to revoke the visa cancellation – Direction No. 79 – protection of the Australian community – expectations of the Australian community – strength, nature and duration of ties – extent of impediments if removed – another 'other consideration' – loss of sporting opportunity to the Applicant – loss of sporting contribution to Australian community – decision under review affirmed

BFMV and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5213 (8 December 2020); Senior Member L Kirk

MIGRATION – non-revocation of mandatory cancellation of visa – where visa was cancelled under s 501(3A) because applicant did not pass the character test – substantial criminal record under s 501(7) – whether discretion in s 501CA to revoke mandatory visa cancellation should be exercised – considerations in Direction No 79 – risk of re-offending – the protection and expectations of Australian community – minor children – consideration of non-refoulement obligations – strength nature and duration of ties – impediments to establishing and maintaining basic living standards if applicant removed – giving meaningful consideration to risk of harm – decision affirmed

HBJF and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5187 (23 December 2020); Senior Member J C Kelly

CITIZENSHIP – application for citizenship by conferral – eligibility – refusal on character grounds – whether the Applicant was of good character at the time of the decision on the application for citizenship – decision under review set aside and remitted

Hone and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5211 (24 December 2020); Senior Member P Q Wood

MIGRATION – Non-revocation of mandatory cancellation of a 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 – consideration of Australia’s international non-refoulement obligations – decision under review affirmed

Jones and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5184 (27 November 2020); Senior Member M Griffin QC

Refusal of application for a visa – Working Holiday (Temporary) (Class TZ) visa – whether the Applicant satisfies the character test – change in circumstances of the Applicant – Applicant not in Australia – Applicant previously has been in Australia as the holder of a Subclass 417 visa – if Applicant is in Australia at time of application, Applicant must be in Australia at time of grant – Applicant not in Australia at time of hearing – application dismissed

KCCD and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5145 (20 November 2020); The Hon. M Groom, Senior Member

MIGRATION – refusal of visa on character grounds – citizen of South Sudan – Applicant does not pass the character test – whether there is another reason the visa should not be refused on character grounds – consideration of primary and other considerations – decision set aside and substituted – Direction 79 – Class XB Subclass 200 Special Humanitarian Visa – Decision set aside

KXXH and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5313 (15 December 2020); Senior Member L Kirk

MIGRATION – cancellation of Applicant’s Class TY, Subclass 444 Special Category (Temporary) visa – citizen of New Zealand – failure to pass character test – domestic violence offences – whether there is another reason to revoke the visa cancellation – Direction No. 79 – primary considerations – other considerations – decision under review affirmed

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

(Migration) [2020] AATA 5161 (22 December 2020); S Evans, Member

MIGRATION – mandatory visa cancellation – failure to pass character test – whether there is another reason why the decision-maker should exercise its discretion to revoke the original visa cancellation decision – consideration of Direction No. 79 – primary considerations – protection of the Australian community – best interests of minor children in Australia – expectations of the Australian community – relevant other considerations – strength, nature and duration of ties – extent of impediments if removed – decision under review set aside and substituted

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

(Migration) [2021] AATA 4 (6 January 2021); Senior Member A Nikolic AM CSC

MIGRATION – Mandatory visa cancellation – citizen of Vietnam – Partner (Residence) (Class BS) Subclass 801 Partner Visa – failure to pass good character test – cultivate commercial quantity of cannabis – theft of electricity – whether another reason why the mandatory visa cancellation should be revoked – Ministerial Direction No. 79 applied – decision affirmed

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

(Migration) [2020] AATA 5190 (23 December 2020); Senior Member D J Morris

MIGRATION – applicant held refugee visa – visa – visa cancelled under s 501 of Migration Act as applicant sentenced to period of at least 12 months' imprisonment – applicant concedes unable to pass character test – what is country of reference of applicant – finding that he is South Sudanese National – consideration of whether another reason under Act to revoke mandatory cancellation of applicant's visa – Ministerial Direction No. 79 – Part C – primary considerations – other considerations – decision under review affirmed

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

(Migration) [2020] AATA 5165 (22 December 2020); Deputy President Boyle

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – substantial criminal record – Applicant declared a drug trafficker – Direction 79 – primary and other considerations – protection of the Australian community – nature and seriousness of criminal offending – risk to the Australian community – best interests of minor children – expectations of the Australian community – strength, nature and duration of ties to Australia – Applicant is a 51-year-old man who arrived in Australia as a 12-year-old child – extent of impediments if returned to United Kingdom – impact on victims – reviewable decision affirmed

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

(Migration) [2021] AATA 1 (6 January 2021); Dr M Evans-Bonner, Senior Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – substantial criminal record – multiple driving offences – drug related offending – approximately 100 offences in total – Applicant received prior written warning and previously had his Visa cancelled – Direction No 79 – primary and other considerations – protection of the Australian community – nature and seriousness of criminal offending – risk to the Australian community – best interests of minor children – expectations of the Australian community – strength, nature and duration of ties to Australia – Applicant is a 32 year old man who arrived in Australia as a 10-year-old child – extent of impediments if returned to New Zealand – impact of COVID-19 pandemic – reviewable decision affirmed

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

(Migration) [2020] AATA 5141 (21 December 2020); Senior Member D J Morris

MIGRATION – refusal of Bridging E (Class WE) visa – section 501 of Migration Act – does applicant pass character test – if not should discretion be exercised not to grant applicant visa – consideration of Ministerial Direction No. 79 – primary considerations – protection of Australian community from criminal or other serious conduct – the best interests of minor children in Australia – expectations of the Australian community – other considerations – international non-refoulement obligations – impact on family members – impact on victims – impact on Australian business interests – disposition of the applicant – decision set aside and new decision substituted

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

(Migration) [2020] AATA 5214 (24 December 2020); Senior Member D J Morris

MIGRATION – remittal to Tribunal – where the applicant held Class BB Subclass 155 Five Year Resident Return visa – where the visa was mandatorily cancelled because of substantial criminal record – where the applicant is a Vietnamese citizen – finding that the applicant does not pass character test – application of Ministerial Direction No. 79 – whether another reason to revoke mandatory cancellation of visa – primary considerations – protection of the Australian community – the nature and seriousness of the applicant’s conduct – the risk should the applicant offend again – the best interests of affected minor children – the expectations of Australian community – other relevant considerations – international non-refoulement obligations – the strength, nature and duration of the applicant’s ties to Australia – extent of impediments if removed – discretion not enlivened – decision under review affirmed

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

(Migration) [2020] AATA 5292 (2 December 2020); Dr N A Manetta, Senior Member

MIGRATION – failure of character test – primary considerations – risk of reoffending – protection of Australian community – best interests of minor children – expectations of Australian community – low risk of reoffending – stabilising partner relationship – Tribunal revokes mandatory cancellation of visa – decision under review set aside and substituted

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

(Migration) [2020] AATA 5186 (23 December 2020); The Hon. John 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 – sexual and indecent assault offences – risk of reoffending – protection of the Australian community – expectations of the Australian community – strength, nature and duration of ties to Australia – best interests of minor children – impediments to removal – international non-refoulement obligations – decision affirmed

WLMG and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5143 (7 December 2020); Senior Member D O'Donovan

MIGRATION – non-revocation of mandatory cancellation of visa – where visa was cancelled under s 501(3A) because applicant did not pass the character test – substantial criminal record under s 501(7) – whether discretion in s 501CA to revoke mandatory visa cancellation should be exercised – considerations in Direction No 79 – risk of re-offending – the protection and expectations of Australian community – minor children – consideration of non-refoulement obligations – strength nature and duration of ties – impediments to establishing and maintaining basic living standards if applicant removed – giving meaningful consideration to risk of harm – decision affirmed

ZDGY and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5228 (24 December 2020); Dr S Fenwick, Senior Member

MIGRATION – visa refusal – partner visa – withdrawal and reinstatement of visa sponsorship – domestic violence offending – whether the applicant passes the character test – involvement of child protection authorities – decision set aside and remitted for reconsideration

PRACTICE AND PROCEDURE – where new evidence arose at the hearing – where further relevant material provided to the Tribunal following the hearing – where Applicant recalled on two occasions to respond to evidence and material – where evidence and material subject to confidentiality orders – s 2A of the Administrative Appeals Tribunal Act 1975 considered

Practice and Procedure

Heer and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2020] AATA 5258 (18 December 2020); Senior Member T Tavoularis

PRACTICES AND PROCEDURES – migration – where applicant failed to appear – application of section 42A(2) of the Administrative Appeals Tribunal Act 1975 – application dismissed

Hodges and Comcare (Compensation) [2020] AATA 5210 (24 December 2020); Emeritus Professor P A Fairall, Senior Member

EXTENSION OF TIME – applicant seeking an extension of time to make an application to review a decision – substantial delay – legally represented – whether application for extension of time is reasonable in all the circumstances – prejudice to the respondent and general public – whether the applicant rested on her rights – merits of the substantial application – extension of time refused

Hojbota and Secretary, Department of Social Services (Social services second review) [2020] AATA 5185 (22 December 2020); Deputy President I R Molloy

PRACTICE AND PROCEDURE – Confidentiality – Whether Tribunal should retroactively prohibit publication of decision in the circumstances – Whether Applicants' identities should be suppressed – Application dismissed

[Jasen and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5346 (8 December 2020); A Maryniak QC, Member

PRACTICE AND PROCEDURE – interlocutory – scope of review – review of decision made by Social Security and Child Support Division – application for review limited to the determination of the statutory questions answered in the primary decision

[KPTT and Commissioner of Taxation](#) (Taxation) [2020] AATA 5309 (21 December 2020); Deputy President Bernard J McCabe and P Ranson, Member

PRACTICE AND PROCEDURE – interlocutory application – jurisdictional question – extend the grounds of objection pursuant to s 14ZZK (a) – filing of amended documents

[McCredden and Australian Postal Corporation](#) (Compensation) [2020] AATA 5142 (21 December 2020); A Maryniak QC, Member

PRACTICE AND PROCEDURE – extension of time application – application one year out of time – application two years out of time – motorcycle injury – respondent prejudiced – substantial delay – application refused

[Ng: Secretary, Department of Social Services and](#) (Social services second review) [2021] AATA 2 (8 January 2021); Senior Member A Poljak

PRACTICE AND PROCEDURE – stay application – age pension – cancellation – debt private controlled company – attributable stakeholder – prospects of success – prejudice to the parties – public interest – whether review would be rendered nugatory – stay application granted

[Pierre and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5180 (22 December 2020); Senior Member A Poljak

PRACTICE & PROCEDURE – application for confidentiality order – hearing of a proceeding before the Tribunal must be in public – whether grounds to make the order – application refused

[RMBR and National Disability Insurance Agency](#) [2021] AATA 3 (8 January 2021); The Hon. John Pascoe AC CVO, Deputy President

PRACTICE AND PROCEDURE – JURISDICTION – Freedom of information – application to amend a record made under an enactment – whether Tribunal has the power to amend certain sentences within a decision – no jurisdiction to review decision

[Taylor; Secretary, Department of Social Services and](#) (Social services second review) [2020] AATA 5230 (3 December 2020); Emeritus Professor P A Fairall, Senior Member

PRACTICE AND PROCEDURE – substance and form – whether Tribunal decision containing two reviewable decisions is a single reviewable decision for the purposes of a second level review in the Tribunal – decision should be regarded as two separate decisions – where extension of time required for one of the reviewable decisions

EXTENSION OF TIME – principles to be applied – reasons for delay – merits of substantive application – jobseeker payment – potential inconsistency with associated matter under review if extension of time not granted – extension of time granted

STAY – application for a stay of decision – parenting payment – merits of substantive application – reasonable prospects of success – prejudice to the applicant and public interest if stay refused – stay granted

Social Services

[Abdelrahim; Secretary, Department of Social Services and](#) (Social services second review) [2020] AATA 5140 (18 December 2020); Senior Member C Puplick AM

SOCIAL SECURITY – Parenting Payment – Family Tax Benefit – whether Respondent was a member of a couple – legally married – influence of cultural norms – financial aspects of relationship – nature of household – social aspects of relationship – sexual relationship – nature of commitment to each other – whether living separately and apart on a permanent or indefinite basis – decision under review set aside and substituted

[JDKD and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5212 (22 December 2020); K Parker, Member

SOCIAL SECURITY ENTITLEMENTS – parenting payments – both parents had child which met definition of “PP child” under the Social Security Act 1991 (Cth) - both parents had equal care – determination must be made specifying only one parent to be deemed principal carer – consideration of which parent was most in need of a favourable determination – consideration of factors listed in Social Security Guide – mother earned more income during Qualification Period but father had significantly greater assets including over \$700,000 in superannuation funds he was able to access due to his age, albeit subject to taxation – Tribunal not satisfied the father was most in need of favourable determination - decision under review affirmed

[Longford and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5136 (18 December 2020); W Frost, Member

Youth Allowance debt – whether debt should be written off or waived – income not reported correctly – whether special circumstances exist – administrative error – debt originally calculated using ATO income averaging data - recalculation of debt in accordance with pay records from employer – decision under review affirmed

[Stavroudakis and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5229 (24 December 2020); Dr D Cremean, Senior Member

SOCIAL SECURITY – claim made for carer payment and carer allowance – lump sum compensation payments – application rejected – whether preclusion period applies – whether special circumstances – applicability of the Guide to Social Security Law – decision under review set aside

[Travers and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 5182 (22 December 2020); Senior Member C Puplick AM

SOCIAL SECURITY – disability support pension – Newstart Allowance – accepted claims – whether earlier date of payment possible – no appeal within 13 weeks – decisions under review affirmed

Taxation

[Apted and Commissioner of Taxation](#) (Taxation) [2020] AATA 5139 (21 December 2020); The Hon Justice D G Thomas, President and Deputy President B J McCabe

TAXATION – Small Business – Coronavirus Economic Response Payment (Jobkeeper) – whether applicant eligible for Jobkeeper payment – requirement under Coronavirus Economic Response Package (Payments and Benefits) Rules 2020 (Cth) (CERP Rules) that applicant have an active Australian Business Number (ABN) on 12 March 2020 – where applicant did not have an active ABN on 12 March 2020 and applied to the Australian Business Registrar to have his ABN reinstated with retrospective effect – whether backdating of ABN by Registrar satisfies eligibility requirement in CERP Rules – consideration of CERP Rules and A new Tax System (Australian Business Number) Act 1999 (Cth) – Decision under review set aside and substituted

PRACTICE AND PROCEDURE – Jurisdiction – whether Tribunal has jurisdiction to review decision made by Commissioner of Taxation under s 11(6) of the CERP Rules to not allow applicant further time to have an ABN – consideration of Part IVC of the Taxation Administration Act 1953 (Cth) and s 11 of the CERP Rules – Tribunal has jurisdiction

[Hedges and Commissioner of Taxation](#) (Taxation) [2020] AATA 5307 (23 December 2020); Deputy President McCabe

TAXATION – Capital gains tax – disposal of goodwill – work in progress amounts – reduction – disposal of capital proceeds – decision under review affirmed

[Pitman and Commissioner of Taxation](#) (Taxation) [2020] AATA 5308 (21 December 2020); Deputy President S A Forgie

TAXATION – whether bankrupt person charged with criminal offences relating to a tax debt may apply to the Tribunal for an extension of time within which to lodge an application for review of a reviewable objection decision – whether dissatisfied with reviewable objection decision – no standing to make an application

Veterans' Affairs

[Hunt and Repatriation Commission](#) (Veterans' entitlements) [2020] AATA 5156 (21 December 2020); Senior Member R Cameron

VETERANS AFFAIRS – conditions – war caused – Statement of Principles – Deledio steps – Category 1A Stressor – Category 1B Stressor – Category 2 Stressor – Anxiety Disorder – Alcohol Disorder – Colorectal Adenoma – Irritable Bowel Syndrome – Bullying and Disharmony – decision under review set aside and substituted

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 |
|---|----------------------------------|
| Cau and Victorian Building Authority | [2020] AATA 4851 |
| DVDP and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs | [2020] AATA 4671 |
| JZGW and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs | [2020] AATA 4430 |
| Mack; Secretary, Department of Social Services and | [2020] AATA 4204 |
| Site Skills Group Pty Ltd and Australian Skills Quality Authority & Anor | [2020] AATA 4805 |
| YPQF and Commissioner of Taxation | [2019] AATA 518 |

Appeals finalised

| CASE NAME | AAT REFERENCE | COURT REFERENCE |
|---|----------------------------------|---------------------------------|
| MKBL v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs | [2019] AATA 5292 | [2020] FCA 1827 |

Statements of Principles

This section of the *Bulletin* provides information on recent developments including the notification or completion of investigations in relation to Statements of Principles made by the Repatriation Medical Authority (RMA) for the purposes of section 120A(2) of the [Veterans' Entitlements Act 1986](#) (VEA) and section 338(2) of the [Military Rehabilitation and Compensation Act 2004](#) (MRCA). These Acts require reference to be had to Statements of Principles made about particular conditions concerning injury, disease or death.

If the RMA gives notice that it intends to carry out an investigation in respect of a particular kind of condition, the Repatriation Commission cannot determine a claim made under the VEA about the incapacity or death of a person relating to that condition, until the RMA has determined a Statement of Principles or declares that it does not propose to determine a Statement of Principles about the condition. Also during this period, claims under the MRCA cannot be determined, reconsidered or reviewed by either the Repatriation Commission, the Veterans' Review Board or the AAT, until the RMA has determined a Statement of Principles about the condition concerned or declared it does not propose to do so.

Certain claims cannot succeed if the RMA has declared it does not propose to make a Statement of Principles in relation to the particular condition.

Existing Statements of Principles are also reviewed, amended or revoked from time to time.

Notification of Investigations relating to existing Statements of Principles

On 24 December 2020, the AAT was advised that the RMA intends to carry out [investigations](#) under subsections 196B(7) and 196B(7A) of the VEA in respect of the following:

the content of the following Statements of Principles listed in this [gazette](#)

the definition of hypopituitarism - <https://www.legislation.gov.au/Details/C2021G00008>

This investigation will be carried out in the context of the following Statement of Principles Instruments:

hypopituitarism (Reasonable Hypothesis) - No. 11 of 2019

<https://www.legislation.gov.au/Details/F2019L00009>

hypopituitarism (Balance of Probabilities) - No. 12 of 2019

<https://www.legislation.gov.au/Details/F2019L00012>

the association between infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which causes coronavirus disease 2019 (COVID-19)

This investigation will be carried out in the context of the following Statement of Principles Instruments:

cerebrovascular accident - No. 65 of 2015

<https://www.legislation.gov.au/Details/F2018C00672>

cerebrovascular accident - No. 66 of 2015

<https://www.legislation.gov.au/Details/F2017C00775>

Guillain-Barre syndrome (Reasonable Hypothesis) - No. 23 of 2018

<https://www.legislation.gov.au/Details/F2018L00187>

Guillain-Barre syndrome (Balance of Probabilities) - No. 24 of 2018

<https://www.legislation.gov.au/Details/F2018L00189>

ischaemic heart disease (Reasonable Hypothesis) - No. 1 of 2016

<https://www.legislation.gov.au/Details/F2018C00631>

ischaemic heart disease (Balance of Probabilities) - No. 2 of 2016

<https://www.legislation.gov.au/Details/F2018C00634>

Notification of Investigations (where there is no existing Statement of Principles)

On 24 December 2020, the AAT was advised that the RMA intends to carry out investigations under subsection 196B(4) of the VEA to determine whether a Statement of Principles may be determined in respect of the following conditions (where there is no existing Statement of Principles):

Hypogonadism - <https://www.legislation.gov.au/Details/C2021G00006>

Posterior tibialis tendinopathy - <https://www.legislation.gov.au/Details/C2021G00012>

New Statements of Principles

The AAT has been advised that the RMA has made the following new Statements of Principles. These take effect from **25 January 2021**:

Acute infectious mononucleosis (Reasonable Hypothesis) - No. 17 of 2021

<https://www.legislation.gov.au/Details/F2021L00002>

Acute infectious mononucleosis (Balance of Probabilities) - No. 18 of 2021

<https://www.legislation.gov.au/Details/F2021L00003>

Allergic contact dermatitis (Reasonable Hypothesis) - No. 1 of 2021

<https://www.legislation.gov.au/Details/F2021L00032>

Allergic contact dermatitis (Balance of Probabilities) - No. 2 of 2021

<https://www.legislation.gov.au/Details/F2021L00033>

Angle-closure glaucoma (Reasonable Hypothesis) - No. 5 of 2021

<https://www.legislation.gov.au/Details/F2021L00014>

Angle-closure glaucoma (Balance of Probabilities) - No. 6 of 2021

<https://www.legislation.gov.au/Details/F2021L00016>

Anosmia (Reasonable Hypothesis) - No. 19 of 2021

<https://www.legislation.gov.au/Details/F2021L00004>

Anosmia (Balance of Probabilities) - No. 20 of 2021

<https://www.legislation.gov.au/Details/F2021L00005>

Aortic aneurysm and aortic wall disorders (Reasonable Hypothesis) - No. 21 of 2021

<https://www.legislation.gov.au/Details/F2021L00011>

Aortic aneurysm and aortic wall disorders (Balance of Probabilities) - No. 22 of 2021

<https://www.legislation.gov.au/Details/F2021L00012>

Chronic venous insufficiency of the lower limb and varicose veins of the lower limb (Reasonable Hypothesis) - No. 7 of 2021

<https://www.legislation.gov.au/Details/F2021L00020>

Chronic venous insufficiency of the lower limb and varicose veins of the lower limb (Balance of Probabilities) - No. 8 of 2021

<https://www.legislation.gov.au/Details/F2021L00022>

Dementia pugilistica (Reasonable Hypothesis) - No. 9 of 2021

<https://www.legislation.gov.au/Details/F2021L00035>

Dementia pugilistica (Balance of Probabilities) - No. 10 of 2021

<https://www.legislation.gov.au/Details/F2021L00036>

Giant cell arteritis (Reasonable Hypothesis) - No. 11 of 2021

<https://www.legislation.gov.au/Details/F2021L00008>

Giant cell arteritis (Balance of Probabilities) - No. 12 of 2021

<https://www.legislation.gov.au/Details/F2021L00010>

Hereditary haemochromatosis (Reasonable Hypothesis) - No. 23 of 2021

<https://www.legislation.gov.au/Details/F2021L00017>

Hereditary haemochromatosis (Balance of Probabilities) - No. 24 of 2021

<https://www.legislation.gov.au/Details/F2021L00018>

Hyperacusis (Reasonable Hypothesis) - No. 27 of 2021

<https://www.legislation.gov.au/Details/F2021L00028>

Hyperacusis (Balance of Probabilities) - No. 28 of 2021

<https://www.legislation.gov.au/Details/F2021L00029>

Irritant contact dermatitis (Reasonable Hypothesis) - No. 3 of 2021

<https://www.legislation.gov.au/Details/F2021L00007>

Irritant contact dermatitis (Balance of Probabilities) - No. 4 of 2021

<https://www.legislation.gov.au/Details/F2021L00009>

Otitis externa (Reasonable Hypothesis) - No. 25 of 2021

<https://www.legislation.gov.au/Details/F2021L00026>

Otitis externa (Balance of Probabilities) - No. 26 of 2021

<https://www.legislation.gov.au/Details/F2021L00027>

Psoriasis (Reasonable Hypothesis) - No. 13 of 2021

<https://www.legislation.gov.au/Details/F2021L00013>

Psoriasis (Balance of Probabilities) - No. 14 of 2021

<https://www.legislation.gov.au/Details/F2021L00015>

Psoriatic arthritis (Reasonable Hypothesis) - No. 15 of 2021

<https://www.legislation.gov.au/Details/F2021L00019>

Psoriatic arthritis (Balance of Probabilities) - No. 16 of 2021

<https://www.legislation.gov.au/Details/F2021L00021>

Amended Statements of Principles

The AAT has been advised that the RMA has made the following instruments amending the Statements of Principles for the specified conditions. These take effect from **25 January 2021**:

Rotator cuff syndrome - No. 29 of 2021

<https://www.legislation.gov.au/Details/F2021L00030>

Rotator cuff syndrome - No. 30 of 2021

<https://www.legislation.gov.au/Details/F2021L00031>

Statements of Principles to be revoked

The AAT has been advised that the following Statements of Principles determined by the RMA **will be revoked** on **25 January 2021**:

Acute infectious mononucleosis - No. 3 of 2012

<https://www.legislation.gov.au/Details/F2012L00007>

Acute infectious mononucleosis - No. 4 of 2012

<https://www.legislation.gov.au/Details/F2012L00008>

Allergic contact dermatitis - No. 112 of 2011

<https://www.legislation.gov.au/Details/F2011L01750>

Allergic contact dermatitis - No. 113 of 2011

<https://www.legislation.gov.au/Details/F2011L01753>

Angle-closure glaucoma - No. 25 of 2012

<https://www.legislation.gov.au/Details/F2012L00470>

Angle-closure glaucoma - No. 26 of 2012

<https://www.legislation.gov.au/Details/F2012L00471>

Anosmia - No. 118 of 2011

<https://www.legislation.gov.au/Details/F2011L01751>

Anosmia - No. 119 of 2011

<https://www.legislation.gov.au/Details/F2011L01752>

Aortic aneurysm - No. 9 of 2012

<https://www.legislation.gov.au/Details/F2012L00017>

Aortic aneurysm - No. 10 of 2012

<https://www.legislation.gov.au/Details/F2012L00015>

Dementia pugilistica No. 11 of 2012

<https://www.legislation.gov.au/Details/F2012L00018>

Dementia pugilistica - No. 12 of 2012

<https://www.legislation.gov.au/Details/F2012L00019>

Giant cell arteritis - No. 71 of 2012

<https://www.legislation.gov.au/Details/F2012L02082>

Giant cell arteritis - No. 72 of 2012

<https://www.legislation.gov.au/Details/F2012L02083>

Haemochromatosis - No. 21 of 2012

<https://www.legislation.gov.au/Details/F2012L00450>

Haemochromatosis - No. 22 of 2012

<https://www.legislation.gov.au/Details/F2012L00451>

Irritant contact dermatitis - No. 110 of 2011

<https://www.legislation.gov.au/Details/F2011L01746>

Irritant contact dermatitis - No. 111 of 2011

<https://www.legislation.gov.au/Details/F2011L01747>

Otitis externa - No. 58 of 2012

<https://www.legislation.gov.au/Details/F2012L01801>

Otitis externa – No. 59 of 2012

<https://www.legislation.gov.au/Details/F2012L01803>

Psoriasis - No. 31 of 2012

<https://www.legislation.gov.au/Details/F2012L00938>

Psoriasis - No. 32 of 2012

<https://www.legislation.gov.au/Details/F2012L00939>

Psoriatic arthropathy - No. 5 of 2012

<https://www.legislation.gov.au/Details/F2012L00009>

Psoriatic arthropathy - No. 6 of 2012

<https://www.legislation.gov.au/Details/F2012L00010>

Varicose veins of the lower limb - No. 120 of 2011

<https://www.legislation.gov.au/Details/F2011L02137>

Varicose veins of the lower limb - No. 121 of 2011

<https://www.legislation.gov.au/Details/F2011L02138>



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