



Administrative  
Appeals Tribunal

# 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, 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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Enquiries regarding this publication may be directed to [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au).

# Contents

<b>AAT Recent Decisions</b> .....	<b>3</b>
Freedom of Information .....	3
Migration.....	3
Primary Industry .....	3
Professions and Trades .....	3
Veterans' Affairs .....	4
<b>Appeals</b> .....	<b>5</b>
Appeals lodged.....	5
Appeals finalised .....	5

# 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, 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.

## Freedom of Information

### [Utopia Financial Services Pty Ltd and Australian Securities and Investments Commission](#)

[2017] AATA 269 (28 February 2017); Deputy President SA Forgie

Exemptions claimed under ss 42 (legal professional privilege), 45 (breach of confidence), 47C (deliberative processes) – 47E(d) (certain operations of agencies), 47F (personal privacy) and 47G (business interests) of the Freedom of Information Act 1982 – varied

## Migration

### [NRVC and Minister for Immigration and Border Protection](#) [2017] AATA 295 (3 March 2017);

Senior Member CR Walsh

Mandatory cancellation of applicant's visa – applicant has “substantial criminal record” and does not pass the “character test” – primary considerations and other relevant considerations considered – decision under review affirmed

## Primary Industry

### [Rust-Oleum Australia PTY LTD and Australian Pesticides & Veterinary Medicines Authority](#)

[2017] AATA 298 (9 March 2017); Deputy President SA Forgie

Agricultural and veterinary chemicals – Stay application – notice to recall and cease supply of product containing unregistered constituent – postponement of hearing – whether decision should continue to be stayed – partial stay ordered

## Professions and Trades

### [Kishore and Tax Practitioners Board](#) [2017] AATA 271 (28 February 2017); Deputy President

SE Frost

Tax Agents – Code of Professional Conduct – termination of tax agent registration – whether conduct constituted breach of the Code – whether tax agent registration should be terminated – whether an alternative sanction is appropriate – decision set aside – decision in substitution that the Applicant be given a written caution

## Veterans' Affairs

[Donnan and Secretary, Department of Veterans' Affairs](#) [2017] AATA 296 (8 March 2017);

Mr C Ermert, Member

Aged care – assessment of assets for Aged Care – sale of properties – release of obligation to repay loans – deprived assets – disposal of assets – contracts for sale – contracts abandoned – disposition of assets included in asset calculations for period of five years after date of disposition – decision set aside

[French and Repatriation Commission](#) [2017] AATA 297 (8 March 2017); Deputy President

JW Constance

Veterans' Entitlements Act 1986 – service related-condition – war-caused injury – whether applicant rendered operational service – Statement of Principles – reasonable satisfaction – whether applicant suffered generalised anxiety disorder – decision affirmed

[Handley and Repatriation Commission](#) [2017] AATA 270 (28 February 2017);

Dr P McDermott RFD, Deputy President

Veteran deceased – claim for compensation by war widow – veteran's accepted war-caused conditions of posttraumatic stress disorder and sensorineural hearing loss – hypothesis connecting the death of the veteran with the circumstances of the service rendered – whether veteran's war-caused conditions caused him to not adequately respond to the presence of a motor vehicle which struck and killed him – decision under review set aside and substituted – war widow pension granted.

[Parkin and Repatriation Commission](#) [2017] AATA 272 (28 February 2017); Senior Member

JF Toohey

Whether veteran entitled to special rate of pension – whether veteran totally and permanently incapacitated by accepted conditions alone – whether veteran prevented from continuing in remunerative employment by accepted disabilities alone – intermediate rate of pension – decision under review 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, 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

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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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**Blain v Repatriation Commission**

[\[2016\] AATA 702](#)

[\[2017\] FCA 114](#)

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