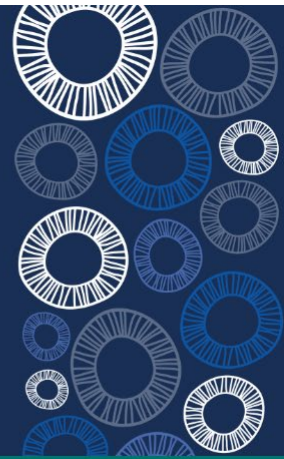




Administrative
Appeals Tribunal

AAT Bulletin



AAT Bulletin

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The *AAT Bulletin* is a fortnightly 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 online. 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.

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Recent developments

Administrative Appeals Tribunal - upcoming changes to application fees

On 1 July 2023, most application fees at the Administrative Appeals Tribunal will increase.

These changes have been published in the [Government Notices Gazette](#). Please visit our [website](#) for more information.

New paper application forms for the AAT's Migration and Refugee Division

Updates have been made to the paper application forms in the AAT's Migration Refugee Division to align with changes that were recently made to the [online application form](#) for that Division.

The following Migration and Refugee Division paper application forms have been updated, and the new versions are now available on our website:

- **Form M1** – Application for review – Migration (For persons **not** in immigration detention and for organisations (M1).
- **Form M2** – Application for review – Migration (For persons in immigration detention) (M2)
- **Form R1** – Application for review – Refugee (For persons applying for review of decisions about protection visas or protection findings) (R1).

Updates have been made to the personal details section of the forms. Additional updates have also been made to Forms M1 and M2 to address the new jurisdiction of the AAT to review a refusal to approve critical technology related study (visa condition 8208).

While the AAT provides access to the paper application forms, in light of clause 4.1 of the [Migration and Refugee Division Practice Direction](#), the AAT's [online application form](#) on the AAT website should be used to the extent possible.

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

[NPLR and Child Support Registrar](#) (Child support second review) [2023] AATA 1521 (2 June 2023); Deputy President J Sosso

Application for extension of time – AAT second review – moderate delay – explanation for delay – prospects of success – no prejudice to Registrar – extension of time granted

[RZQY and Child Support Registrar](#) (Child support second review) [2023] AATA 1517 (6 June 2023); Senior Member A Poljak

CHILD SUPPORT – percentage of care – whether the care percentage determination should be revoked – whether a pattern of care existed – unable to determine on the evidence a pattern of care to warrant a revocation of the percentage of care determination – decision under review affirmed

[XQTJ and Child Support Registrar](#) (Child support second review) [2023] AATA 1615 (24 May 2023); Dr L Bygrave, Member

CHILD SUPPORT – AAT second review – application for an extension of time – whether acceptable explanation for delay – whether prejudice in allowing an extension of time – whether substantive application has any prospects of success – extension of time granted

[Freckelton and Child Support Registrar](#) (Child support) [2023] AATA 1653 (24 April 2023); K Dordevic, Senior Member

CHILD SUPPORT – dismissal of application for review - particulars of the administrative assessment – no reasonable prospect of success - application for review dismissed

[Linnell and Lomas](#) (Child support) [2023] AATA 1658 (18 April 2023); R Ellis, Senior Member

CHILD SUPPORT – departure determination – income, property and financial resources of the liable parent – a ground for departure established – decision to depart - decision under review set aside and substituted

[McLean and Michell](#) (Child support) [2023] AATA 1657 (14 April 2023); K Synon, Deputy President

CHILD SUPPORT – non-agency payment - whether payment made to payee in lieu of child support - intention of both parents - decision under review set aside and substituted

[Sommer and Stott](#) (Child support) [2023] AATA 1639 (19 April 2023); M Baulch, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – existing percentage of care determinations revoked and new determinations made – decision under review affirmed

[Sykes and Laslett](#) (Child support) [2023] AATA 1645 (12 April 2023); M Martellotta, Member

CHILD SUPPORT – registration details – application for collection of the maintenance liability - whether the application for collection and arrears should be accepted – the application for collection and arrears should be accepted - decision under review affirmed

Citizenship

[Abdul Karim and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2023] AATA 1615 (15 June 2023); Deputy President B W Rayment OAM KC

CITIZENSHIP – application for citizenship by conferral – whether the applicant is of good character pursuant to s 21(4)(f) of the Australian Citizenship Act 2007 (Cth) – decision under review set aside and remitted

[Darwishi and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2023] AATA 1592 (9 June 2023); Senior Member Dr N A Manetta

CITIZENSHIP – whether Tribunal satisfied of applicant’s identity – meaning of ‘satisfied’ and ‘identity’ – applicant and witnesses giving unreliable evidence – ostensibly genuine ‘taskera’ accepted by applicant to be inaccurate in at least one respect – decision under review affirmed

[Fatehi and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2023] AATA 1551 (6 June 2023); Senior Member A Poljak

CITIZENSHIP – application for Australian citizenship by conferral – whether the applicant is a person of good character under paragraph 21(2)(h) of the Australian Citizenship Act 2007 (Cth) – where the applicant provided false or misleading information to the department – consideration of relevant medical information – consideration of relevant material, law and policy – decision under review set aside and remitted

[Sharifi and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2023] AATA 1597 (9 June 2023); S Evans, Member

CITIZENSHIP – Application for Australian citizenship by conferral – Refusal of citizenship application – Whether Applicant has satisfied section 21(2)(h) – Good character requirement – Citizenship Policy – Meaning of ‘good character’ – Enduring moral qualities – Common assault – Alleged domestic violence – numerous police records – not positively satisfied – Decision under review affirmed

[Sultan and Minister for Immigration, Citizenship, and Multicultural Affairs](#) (Citizenship) [2023] AATA 1569 (8 June 2023); Senior Member D J Morris

CITIZENSHIP – applicant applied for grant of Australian citizenship by conferral – applicant is citizen of the Federal Democratic Republic of Ethiopia – applicant satisfied certain requirements – delegate of Minister not satisfied of applicant’s identity – application refused – applicant sought review by Tribunal – National Identity Proofing Guidelines – Citizenship Procedural Instructions – state of satisfaction to be reached – applicant’s chain of identity – inconsistencies in life story – lack of any original documents from country of birth and citizenship – decision under review is affirmed

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

(Citizenship) [2023] AATA 1636 (12 May 2023); Senior Member Emeritus Professor P A Fairall

CITIZENSHIP – application for citizenship by conferral – refusal – good character requirement – common assault domestic violence offences – failure to disclose – decision under review set aside and remitted

THGS and Minister for Immigration, Citizenship and Multicultural Affairs (Citizenship) [2023]

AATA 775 (17 April 2023); Senior Member B J Illingworth

CITIZENSHIP – ‘Good character’ for the purposes of s 21(2)(h) – Affirmative Belief – Enduring Moral Qualities – Australian Citizenship Act 2007 (Cth) – Criminal Offences – Reasonable amount of time passed since offending – Pattern of good behaviour – Characteristics demonstrated over a long period of time – Decision under review affirmed

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

[2022] AATA 5256 (28 March 2022); Senior Member B J Illingworth

CITIZENSHIP – refusal to grant Australian citizenship – whether applicant is a permanent resident for the purposes of section 5 – permanent residency requirements not met – Australian Citizenship Act 2007 – decision under review affirmed

Compensation

Pitman-Keys and Australian Capital Territory (Compensation) [2023] AATA 1635 (7 June 2023);

S Webb, Member

PRACTICE AND PROCEDURE – compensation claim for psychological injury – liability denied – thresholds for satisfaction of disease provisions – dispute about employment contribution to ailment or aggravation of ailment and administrative action taken – applicability of exclusionary provisions – summons – production of psychological counselling records – objections to grant of access – relevant principles – adjectival relevance – right to privacy – sensitivity of records and privacy consideration outweighed – objection refused

Stamatopoulos and Linfox Australia Pty Ltd (Compensation) [2023] AATA 1601 (13 June 2023);

Senior Member Emeritus Professor P A Fairall

COMPENSATION – Whether Applicant entitled to incapacity payments under s 19 – Where employer previously accepted liability for Applicant’s condition – Where Applicant suffered from Major Depressive Disorder – Whether ailment contributed to, to a significant degree, by employment – Test of significant contribution – Whether ailment was as a result of reasonable administrative action taken in the course of employment – Whether incapacity for work a result of the injury – Calculation of incapacity payment under s 19(2) – decision under review set aside and substituted

Corporations

[Wang and Australian Securities and Investments Commission](#) [2023] AATA 1568 (7 June 2023); Senior Member R Cameron

CORPORATIONS – ASIC – banning order – determination pursuant to section 206F of the Corporations Act 2001 (Cth) by a delegate of ASIC that the applicant should be disqualified from managing corporations for five years – reviewable decision set aside and substituted

Customs and Excise

[Syngenta Australia Pty Ltd and Comptroller-General of Customs](#) [2023] AATA 1475 (29 March 2023); Senior Member P W Taylor SC

CUSTOMS – tariff concession order – whether substitutable goods were produced in Australia and put, or capable of being put to a use that corresponds with a use of the goods subject to the tariff concession order – substitutable goods found – decision affirmed

[Tradesman Technologies Pty Ltd and Comptroller-General of Customs](#) [2023] AATA 1618 (12 June 2023); Deputy President Boyle

CUSTOMS – decision to reject the Applicant’s application for a refund of dumping duty paid in respect of drilled rectangular hollow structures pursuant to the Customs Tariff (Anti-Dumping) Act 1975 – whether drilled rectangular hollow structures constitutes a structure for the purposes of Customs Act 1901 classifications – whether dumping duty payable – rectangular hollow structures fall within classification 7308 9000 – reviewable decision set aside and substituted

Migration

[GHSS and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2023] AATA 1602 (12 June 2023); Senior Member T Tavoularis

MIGRATION – Refusal to grant a Protection (Class XA) visa – where Applicant does not pass the character test – whether there is another reason to not exercise the power to refuse to grant the visa – consideration of Ministerial Direction No. 99 – decision under review set aside and substituted

[Harrison and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2023] AATA 1570 (23 May 2023); Senior Member D James and Senior Member R Bellamy

MIGRATION – Non-revocation of mandatory cancellation of a Skilled – Independent (Class BN) (Subclass 136) visa – where Applicant does not pass the character test – whether there is not another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 99 – frequent offending including serious violent offences – decision under review affirmed

[KSQQ and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2023]

AATA 1590 (4 April 2023); D Cosgrave, Member

MIGRATION – Mandatory visa cancellation – Burundian citizen – Class XB Subclass 200 refugee visa – failure to pass good character test – criminal record – whether another reason why the mandatory visa cancellation should be revoked – Ministerial Direction No. 99 applied – delegate’s decision affirmed

[Pihere and Minister for Immigration, Citizenship, and Multicultural Affairs](#) (Migration) [2023]

AATA 1508 (5 June 2023); Senior Member A Nikolic AM CSC

MIGRATION – Visa cancellation – citizen of New Zealand – Class TY Subclass 444 Special Category (Temporary) visa – substantial criminal record – history of juvenile offending – violent offending – Applicant fails character test – mandatory visa cancellation – non-revocation decision – Ministerial Direction No. 99 applied – reviewable decision affirmed

[SJHB and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2023]

AATA 1619 (14 June 2023); Deputy President Britten-Jones

MIGRATION – refusal to grant bridging visa on character grounds – whether discretion to refuse to grant a visa should be exercised – applicant committed domestic violence – primary considerations of protection and expectations of the Australian community – strong countervailing consideration of the best interests of minor children and ties with Australia – weighing up all considerations – decision under review set aside

[Zheng and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2023]

AATA 1593 (9 June 2023); Dr L Bygrave, Member

MIGRATION – Business Talent (Permanent) (Class EA) (subclass 132) visa – visa cancellations – whether genuine effort made to obtain substantial ownership interest in an eligible business in Australia – whether genuine effort to utilise skills in actively participating at a senior level in the day-to-day management of that business – whether there is an intention to continue to make such efforts – whether cancellation would result in extreme hardship – decisions affirmed

[2204478](#) (Migration) [2023] AATA 875 (6 April 2023); J Owen, Deputy President

MIGRATION – cancellation – Temporary Business Entry (Class UC) visa – Subclass 457 (Temporary Work (Skilled)) – criminal convictions, intensive correction order, supervision and fine – on appeal, one conviction quashed – no legislative provision but judicial authority that effect of quashing conviction is that person is taken to have never been convicted – guilty finding on other charge upheld, but without proceeding to conviction – grounds for cancellation cannot be made out – application for bridging visa not finalised and applicant unlawful in community – not appropriate case for referral for ministerial consideration – visa now expired in any case – loss of work rights and mental health – decision under review set aside

[2214671](#) (Migration) [2023] AATA 1067 (24 April 2023); M Martellotta, Member

MIGRATION – Child (Migrant) (Class AH) visa – Subclass 101 (Child) – law of the applicant’s home country permits the removal – consent of relevant parties – best interests of the applicant – sole legal custody rights – visa applicant moved between countries – common law presumption of death – father’s family connections unknown – no legal filiation link to the father – decision under review remitted

[2215688](#) (Migration) [2023] AATA 1050 (19 April 2023); M Sripathy, Member

MIGRATION – cancellation – Return (Residence) (Class BB) visa – Subclass (155) (Five Year Resident Return) – incorrect information in the visa application – exclusive relationship – child born to the applicant’s former partner – relationship ended in divorce – accounts continued in joint names – paternity claim unsupported – power to cancel the visa does not arise – decision under review set aside

[Alhaj Ahmad](#) (Migration) [2023] AATA 1057 (23 April 2023); M Moustafine, Member

MIGRATION – Medical Treatment (Visitor) (Class UB) visa – Subclass 602 (Medical Treatment) – genuine temporary stay for medical treatment – lengthy stay in Australia – permanent visa application – serious work-related injury – limited current medical evidence – compensated ongoing treatment – mental health issues – decision under review affirmed

[Robinson](#) (Migration) [2023] AATA 938 (29 March 2023); B Darcy, Member

MIGRATION – Child (Migrant) (Class AH) visa – Subclass 102 (Adoption) – legitimate guardianship in Kenya – adoption laws in Kenya – best interests of the child – moratorium on intercountry adoptions – no formal adoption in Australia – customary adoption under Australian law – full and permanent parental rights – age requirements – referral for Ministerial Intervention – sponsor’s long-term relationship with the visa applicant’s extended family – emotional and financial care – decision under review affirmed

National Disability Insurance Scheme

[Brewjo and National Disability Insurance Agency](#) [2023] AATA 1506 (5 June 2023); T Bubutievski, Member

NATIONAL DISABILITY INSURANCE SCHEME – jurisdiction – s 100 request of prior decision withdrawn – no s 100 decision – application dismissed

[NSGL and National Disability Insurance Agency](#) [2023] AATA 1572 (8 June 2023); I Thompson, Member

NATIONAL DISABILITY INSURANCE SCHEME – access to the scheme – disability requirements – early intervention requirements – consideration of language and learning disorders – decision set aside

[Smith and National Disability Insurance Agency](#) [2023] AATA 1616 (14 June 2023); Senior Member K Parker

NATIONAL DISABILITY INSURANCE SCHEME – review of decision relating to approval of statement of participant supports – adult participant with profound hearing impairment – Applicant already provided with hearing assistance dog free of charge by Australian Lions Hearing Dogs Inc (ALHD Inc) – Applicant requests \$40,000 so she may reimburse ALHD Inc for its costs of acquiring and training hearing assistance dog – concerns held by Applicant about feeling beholden to ALHD Inc and obligated to participate in fundraising, media campaigns and to donate monies to ALHD Inc – ALHD Inc denies such obligations exist – concerns held by Applicant about local Lions club members entering her home during induction period post-placement of hearing assistance dog – meaning of “community” within s 34(1)(e) of the National Disability Insurance Scheme Act 2013 (Cth) and whether it extends to supports provided by ALHD Inc – whether “reasonable to expect” ALHD Inc to provide hearing assistance dogs to persons such as the Applicant – Tribunal found that the mandatory criterion under s 34(1)(e) not met – decision under review affirmed

[TRVH and National Disability Insurance Agency](#) [2023] AATA (3 May 2023); Deputy President A Younes

NATIONAL DISABILITY INSURANCE AGENCY – review of supports in applicant’s plan – whether the support is reasonable and necessary – where the participant has Post Traumatic Stress Disorder – where the participant requests therapeutic remedial massage sessions – whether the support is value for money – whether the support is most appropriately funded by the NDIS – decision under review affirmed

Practice and Procedure

[Bunting and Secretary, Department of Social Services](#) [2023] AATA 1598 (12 June 2023); L Benjamin, Member

Administrative Appeals Tribunal Act – Applicant’s failure to proceed with application, or comply with directions, within a reasonable time – application dismissed

[Lowe and National Disability Insurance Agency](#) [2023] AATA 1599 (9 June 2023); I Thompson, Member

PRACTICE AND PROCEDURE – objection by the Applicant to the Respondent’s inspection of material produced under summonses – relevance of the material produced under summonses to the issues raised by the reviewable decision – objections disallowed

[Newsham and Secretary, Department of Social Services](#) (Social services second review) [2023] AATA 977 (11 April 2023); Senior Member B J Illingworth

JURISDICTION – Rate of Aged Pension – Income and assets test – when loan became irrecoverable – Tribunal’s Jurisdiction limited to matters before AAT1

[Towle and Secretary, Department of Social Services](#) (Social services second review) [2023] AATA 1507 (31 March 2023); Senior Member B J Illingworth

JURISDICTION – Rate of Disability Support Pension – Member of a Couple – Rate of Mobility Allowance – Tribunal’s Jurisdiction limited to matters before ARO and AAT1

[VZVX and National Disability Insurance Agency](#) [2023] AATA 1617 (14 June 2023); Deputy President A Younes

PRACTICE AND PROCEDURE – dismissal of application for review – whether Tribunal satisfied that it is appropriate to dismiss the application – proper notice – Applicant failed within a reasonable time to progress with his application – Applicant failed within a reasonable time to comply with a procedural direction of the Tribunal – procedural fairness – explanation for delay – prejudice to the parties if application dismissed – application dismissed under s 42A(5) and in 42A(2) of the *Administrative Appeals Tribunal Act 1975* (Cth)

[Weeks and Military Rehabilitation and Compensation Commission](#) (Veterans' entitlements) [2023] AATA 1614 (13 June 2023); L Benjamin, Member

Application withdrawn in error – application dismissed by operation of law

Refugee

[1706007](#) (Refugee) [2023] AATA 878 (27 February 2023); S Burford, Senior Member

REFUGEE – protection visa – Malaysia – original claims on political and economic grounds, and business debts to customers with gang links – no fear of harm expressed by first applicant and inconsistent and implausible claims and evidence by second applicant – later claims on grounds of religion and membership of particular social group – inter-faith marriage – Christian wife and Muslim husband – met and married in Australia, with Australia-born child – country information – marriage not recognised and child considered illegitimate unless wife converts – first applicant's genuine desire not to convert – potential consequences and real chance of harm – effective protection measure not available as perpetrators include state or its agents – credibility – inconsistent evidence about previous inter-faith relationship – decision under review remitted

[1711482](#) (Refugee) [2023] AATA 976 (20 February 2023); A Mendes Da Costa, Member

REFUGEE – protection visa – Malaysia – particular social group – transgender man – Pengkid – religion – Muslim – fear of terrorist activities – rehabilitation and re-education – Sharia Courts – fear of detention – fatwas – state protection – decision under review remitted

[1727101](#) (Refugee) [2023] AATA 1033 (20 January 2023); S Lee, Member

REFUGEE – protection visa – Sri Lanka – race – Tamil – ethnicity and imputed political opinion – forced recruitment into Liberation Tigers of Tamil Eelam (LTTE) as minor – non-combatant roles – arrest and torture by India peace-keepers – residence in third country because of fear of retribution from LTTE for failing to perform duties, and return during ceasefire – cousin arrested and disappeared, applicant interrogated and tortured and family threatened – physical and mental health and returned failed asylum seeker – credibility – generally consistent claims and evidence despite some discrepancies – country information – decision under review remitted

[1917894](#) (Refugee) [2023] AATA 993 (3 January 2023); K Chapple, Member

REFUGEE – protection visa – Liberia – race – Krahn ethnicity – Liberian civil war – UNHCR registered refugee in Ghana – returning to a place of previous trauma – economic hardship – capacity to subsist – unable to obtain a Liberian passport – victim of identity fraud – right to enter and reside in the United Kingdom – Indefinite Leave to Remain (ILR) expired – serious, ongoing and irreversible harm and continuing hardship – Australian citizen wife and children – Ministerial Intervention requested – decision under review affirmed

[1920844](#) (Refugee) [2023] AATA 1024 (12 January 2023); D James, Senior Member

REFUGEE – protection visa – Fiji – particular social group – failed asylum seeker – education – employment – expected denial of pension – financial support for family – return visits to Fiji – decision under review affirmed

[1926802](#) (Refugee) [2022] AATA 5215 (8 December 2022); K Chapple, Member

REFUGEE – protection visa – South Africa – ethnicity – White South African – well-founded fear of persecution – applicant subjected to violence and employment discrimination – applicant found to be a credible witness – no effective protection measures available – decision under review remitted

[1931136](#) (Refugee) [2023] AATA 1038 (18 January 2023); K Harvey, Senior Member

REFUGEE – Protection Visa – Venezuela – race – Hazara – religion – political opinions – political opposition to the dictatorial regime of Nicolas Maduro – publicly opposed to the Venezuelan government – would not be able to access subsidised food or medical services without the Carnet de la Patria – applicant has a well-founded fear of persecution for reason of her political opinion – State protection is not available to the applicant – decision under review remitted

Social Security

[Asad and Secretary, Department of Social Services](#) (Social services second review) [2023] AATA 1600 (13 June 2023); Senior Member A Poljak

SOCIAL SECURITY – carer payment (CP) – whether the applicant provided ‘constant care’ such that he would be eligible for CP – relevant law and material considered – relevant policy considered – decision under review affirmed

[Watkins and Secretary, Department of Social Services](#) (Social services second review) [2023] AATA 1567 (6 June 2023); Senior Member K Millar

SOCIAL SECURITY – pensions, benefits and allowances – claim for Disability Support Pension rejected – whether applicant’s conditions were fully diagnosed, treated and stabilised during the qualification period – whether applicant’s conditions attracted an impairment rating of at least 20 points – decision under review is affirmed

Trade

[Bond and Australian Trade and Investment Commission](#) [2023] AATA 1633 (16 June 2023); Senior Member R Cameron

FOREIGN AFFAIRS AND TRADE – application for payment of export market development grant – claimable expenses in respect of eligible promotional activities under section 33 of the Export Market Development Grants Act 1997 – obtaining, under the law of a foreign country, of rights in relation to eligible intellectual property – whether Australian intellectual property registration costs are eligible expenses – statutory construction of the word “obtaining” – patent applications not made under law of a foreign country – intellectual property registration costs are ineligible expenses – \$15,000 threshold not met – jurisdiction to entertain additional claim – additional claim not subject of review by respondent – no jurisdiction to hear additional claim – decision under review affirmed

[Direct Barrels Pty Ltd and Australian Trade and Investment Commission](#) [2023] AATA 1571 (8 June 2023); Senior Member R Cameron

FOREIGN AFFAIRS AND TRADE – application for payment of export market development grant – former grant recipient reached limit of eight grants – whether grantee is in substance conducting the business of another person that has ceased to exist – same business name – acquisition of intellectual property – same nature and characteristics of business – wine polymer oxygen-permeable maturation vessels and oak products used in the making of fine wine – continuity of trade and operation – new version of product derived from old version with improvements and efficiencies – decision under review affirmed

Veterans' Affairs

[Adams and Military Rehabilitation and Compensation Commission](#) (Veterans' entitlements) [2023] AATA 1596 (12 June 2023); Deputy President J Sosso

VETERANS' ENTITLEMENTS – Incapacity payments – injury or disease – when disease was contracted – gradual onset – relevance of SoP regime – disease contracted when veteran experienced the clinical manifestation of the disease – decision under review set aside and remitted

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
Belmont and Minister for Immigration, Citizenship and Multicultural Affairs	[2023] AATA 1285
JSMJ and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 4183
Rana and Minister for Immigration, Citizenship and Multicultural Affairs	[2023] AATA 1327

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Child Support Registrar v DQFY	[2020] AATA 2174	[2023] FCA 601
Frugniet v Australian Securities and Investments Commission & Anor	[2022] AATA 295	[2023] HCASL 95 [2023] FCAFC 14
Klewer v National Disability Insurance Agency	[2022] AATA 566	[2023] FCA 630
Nuuamoa v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 3295	[2023] FCA 587
Secretary, Department of Employment and Workplace Relations v Dooley	[2022] AATA 3027	[2023] FCA 651
Trout v Minister for Immigration, Citizenship and Multicultural Affairs	[2021] AATA 1361	[2023] FCA 583
Zhang v Minister for Immigration, Citizenship and Multicultural Affairs	[2021] AATA 1051	[2023] FCA 634



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