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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.

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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

[Aitkens and Aitkens](#) (Child support) [2020] AATA 581 (6 February 2020); A Schiwy, Member

CHILD SUPPORT – particulars of the administrative assessment – whether parent is a resident of Australia – domicile and permanent place of abode – decision affirmed

[Lynam and Sandriger](#) (Child support) [2020] AATA 265 (9 January 2020); A Schiwy, 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 set aside and substituted

[Mullen and Mullen](#) (Child support) [2020] AATA 576 (5 February 2020); K Buxton, Member

CHILD SUPPORT – departure determination – costs of education - manner expected by both parents - cost of maintaining the children are significantly affected – financial resources of parents – high costs of child care - decision under review set aside and substituted

[Nelson and Bonham](#) (Child support) [2020] AATA 588 (10 February 2020); J Thomson, 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 set aside and substituted

[Wilder and Southgate](#) (Child support) [2020] AATA 579 (11 February 2020); P Sperling, 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

Citizenship

[Amiri and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2020] AATA 763 (8 April 2020); Dr S Fenwick, Senior Member

CITIZENSHIP – application for citizenship by conferral – identity – whether Applicant's identity can be positively established – inconsistencies in names provided historically – consideration of explanations – decision affirmed

[Damsaz and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#)

(Citizenship) [2020] AATA 735 (24 March 2020); Senior Member C Puplick AM

CITIZENSHIP – general eligibility – whether the applicant was a permanent resident at the time of a decision is made – permanent resident visa expired – whether the applicant has a close and personal connection with Australia – consideration of the totality of ties with Australia – marriage to Australian citizen alone insufficient – no meaningful or substantial ties to Australia – decision affirmed

[Kulkarni and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#)

(Citizenship) [2020] AATA 779 (9 April 2020); Mr R Reitano, Member

CITIZENSHIP – application for Australian citizenship by conferral – refusal of citizenship – whether applicant is of good character at the time of decision – meaning of ‘good character’ – enduring moral qualities – whether the applicant satisfies the requirements under s 21(2) – domestic violence – citizenship policy – decision under review set aside and substituted

Compensation

[Heales and Comcare](#) (Compensation) [2020] AATA 810 (14 April 2020); Senior Member D O'Donovan

WORKERS COMPENSATION – previously accepted right knee injury – Compensation in respect of medical treatment expenses – massage therapy – whether massage therapy obtained in relation to an ‘injury’ – ability of tribunal to form its own view on medical issues – massage therapy not reasonably obtained in relation to an ‘injury’ – decision under review affirmed

Corporations

[Polymath Investors Proprietary Limited and Australian Securities and Investments](#)

[Commission](#) [2020] AATA 767 (6 April 2020); Mr PW Taylor SC, Senior Member

CORPORATIONS – ASIC – application for waiver of ASIC Industry Funding Levy – regulatory costs – Australian Financial Services Licence – exceptional circumstances – whether exceptional circumstances justify waiver of levy components – wholesale trustees – custodians – wholesale personal adviser – managed investment scheme – s 258(1) of the Legal Profession Uniform Law (NSW) – decision under review affirmed

Education and Research

[Australia Institute of Business & Technology - International Pty Ltd and Australian Skills](#)

[Quality Authority](#) [2020] AATA 737 (7 April 2020); Deputy President RI Hanger AM QC

VOCATIONAL EDUCATION AND TRAINING – registered training organisation (RTO) – regulation – Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) – cancellation of RTO – non-compliance with legislative regime, standards and national code – whether applicant engaged in conduct that was misleading and/or deceptive – whether applicant breached stay order – whether applicant demonstrated a cavalier disregard to legislative requirements – whether the applicant failed to cooperate with the regulator – whether the applicant's registration should be cancelled under the National Vocational Education and Training Regulator Act 2011 – whether the applicant's registration should be cancelled under the Education Services for Overseas Students Act 2000 – whether application for a change to scope of registration should be granted – whether application for change of CRICOS registration should be granted – decisions under review affirmed

[Sand Goanna Institute Pty Ltd and Australian Skills Quality Authority](#) [2020] AATA 769 (3 April 2020); Senior Member BJ Illingworth

VOCATIONAL EDUCATION AND TRAINING – registration cancelled – non-compliance with the standards – standards 1.1, 1.2, 1.3, 1.5, 1.6, 1.8, 3.1 – training and assessment – non-compliance with s 211 of the NVR Act - decision affirmed

[Trades College Australia Pty Ltd and Australian Skills Quality Authority](#) [2020] AATA 812 (16 April 2020); Deputy President B W Rayment OAM QC and Emeritus Professor P A Fairall, Senior Member

VOCATIONAL EDUCATION AND TRAINING – cancellation of registration as a registered training organisation – where applicant has taken steps to rectify non-compliances – where applicant not given opportunity to demonstrate changes – where flaws were evident in auditor’s conclusions – where only desk audit was undertaken – where steps other than cancellation could be undertaken – whether chief executive officer was a fit and proper person – where chief executive officer previously charged with grievous bodily harm – no criminal propensity – chief executive officer is a fit and proper person – where financial viability of applicant uncertain – decision set aside and remitted

VOCATIONAL EDUCATION AND TRAINING – refusal of application to renew registration as a registered training organisation – where desirable for applicant to take further steps before applying for registration – decision affirmed

Industrial Law

[McCartney and Secretary, Attorney General's Department](#) [2020] AATA 765 (7 April 2020); Dr P McDermott RFD, Deputy President

FAIR ENTITLEMENTS GUARANTEE – national employment standards – employment terminated – insolvency or bankruptcy of employer – eligibility for advance redundancy payment – definition of service – definition of continuous service – whether the period in which the applicant was a casual employee before the applicant was engaged as a fixed-term employee should be considered as part of the applicant’s continuous service – calculation of redundancy payment – decision under review affirmed

Migration

[Adekoya and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2020] AATA 768 (8 April 2020); Senior Member DJ Morris

MIGRATION – remittal by consent – visa applicant is a citizen of Nigeria – review applicant is Australian citizen – refusal to grant visa applicant a Partner Provisional (Class UF) visa – refusal under s 501(1) of Migration Act – does visa applicant pass character test – if not should application be refused – claims made of involvement in serious crimes – claims subsequently retracted – reasonable suspicion visa applicant involved in crime against humanity or war crime – truthfulness in information given to immigration authorities – consideration of ministerial Direction No. 79 – primary considerations – protection of Australian community – best interests of minor children in Australia affected – expectations of Australian community – other considerations – decision under review affirmed

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

(Migration) [2020] AATA 776 (30 March 2020); Senior Member CJ Furnell

MIGRATION – mandatory visa cancellation – whether the mandatory cancellation should be revoked - where the Applicant does not pass the character test – where the Applicant has a substantial criminal record – whether there is another reason the cancellation decision should be revoked – consideration of primary and other considerations – decision affirmed

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

(Migration) [2020] AATA 764 (6 April 2020); Ms R Bellamy, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY 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 – decision under review set aside and substituted

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

(Migration) [2020] AATA 803 (9 April 2020); Dr M Evans-Bonner, Senior Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – substantial criminal record – traffic convictions – drug convictions – aggravated assault against former partner – 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 child – expectations of the Australian community – strength, nature and duration of ties to Australia – Applicant is a 35 year old man who arrived in Australia as a 17 year old child – extent of impediments if returned to New Zealand – impact of COVID-19 pandemic – Applicant subject to detention for indefinite period if decision affirmed – Tribunal finds that there is another reason why the decision to cancel the Applicant's Visa should be revoked – reviewable decision set aside and substituted

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

(Migration) [2020] AATA 804 (16 April 2020); Senior Member Tavoularis

MIGRATION – Non-revocation of mandatory cancellation of a Class C BC Subclass 100 – 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

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

(Migration) [2020] AATA 800 (14 April 2020); Dr Stewart Fenwick, Senior Member

MIGRATION – Mandatory visa cancellation – citizen of New Zealand – Class TY Subclass 444 Special Category (Temporary) visa – multiple convictions – reckless conduct endanger life – failure to pass character test – whether another reason why the mandatory visa cancellation should be revoked – Ministerial Direction No. 79 applied – decision affirmed

Tangataolakepa and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2020] AATA 798 (9 April 2020); Deputy President Boyle

MIGRATION – Migration Act 1958 (Cth) – mandatory visa cancellation – s 501CA(4) – another reason why the cancellation decision should be revoked – Direction 79 – protection of the Australian community – nature and seriousness of the conduct – the risk to the Australian community – best interests of the child – strength, nature and duration of ties – extent of impediments if removed – COVID-19 – decision set aside and substituted

Tsiaras and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2020] AATA 808 (6 April 2020); R West, Member

MIGRATION – mandatory cancellation of applicant's visa – applicant has substantial criminal record and does not pass the character test – whether discretion to revoke mandatory cancellation should be exercised – primary considerations – protection of the Australian community from criminal or other serious conduct – best interests of a minor child – expectations of the Australian community – other considerations – cancellation revoked

VNPC and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2020] AATA 799 (6 April 2020); Member S Burford

MIGRATION – refusal of protection visa under s 501(1) – effect of the Federal Court's decision in BAL19 v Minister for Home Affairs – decision is set aside and remitted for reconsideration in accordance with the direction that the Applicant's application for a protection visa be determined according to the law

1906824 (Migration) [2020] AATA 858 (19 March 2020); M McAdam, Member

MIGRATION – cancellation – Student (Temporary) (Class TU) – Subclass 573 (Higher Education Sector) – risk to safety of Australian community – criminal charge, guilty plea, intensive correction order and electronic monitoring – discretion to cancel visa – factors for and against cancellation – purpose of order – applicant's compliance – decision under review set aside

Muthukuda Arachchige Dona (Migration) [2020] AATA 753 (18 March 2020); M Bishop, Member

MIGRATION – Regional Employer Nomination (Permanent) (Class RN) visa – Subclass 187 (Regional Sponsored Migration Scheme) – Direct Entry stream – subject of an approved nomination – request for adjournment – COVID-19 virus – physical attendance of hearing – phone hearing offered – Tribunal's statutory purpose considered – decision under review affirmed

Pindoriya (Migration) [2019] AATA 6733 (9 December 2019); A Dronjic, Member

MIGRATION – Employer Nomination (Permanent) (Class EN) visa – Subclass 186 (Employer Nomination Scheme) – secondary applicant's document false or misleading in a material particular – proof of functional English – medium of instruction at the applicant's college – adverse effect upon sponsoring business – compelling circumstances to waive criterion – relevant to the criteria considered – decision under review remitted

[Tariq](#) (Migration) [2020] AATA 855 (15 March 2020); D Thompson, Member

MIGRATION – cancellation – Student (Temporary) (Class TU) visa – Subclass 573 (Higher Education Sector) – enrolled at lower level than visa requirement – poor course results and change of subject area – enrolment in lower-level vocational courses – discretion to cancel visa – factors for and against cancellation – intention to study at original level – enrolment in package of courses which will lead to that level – mental health – decision under review set aside

[Quach](#) (Migration) [2020] AATA 750 (20 March 2020); M Bishop, Member

MIGRATION – Regional Employer Nomination (Permanent) (Class RN) visa – Subclass 187 (Regional Sponsored Migration Scheme) – Direct Entry stream – Chef – subject of an approved nomination – linking a visa application to a nomination application – incorrect TRN declared in visa application – innocent mistake – ‘intended’ nomination application approved by the Department – decision under review remitted

Practice and Procedure

[Carter and Australian Securities and Investments Commission](#) [2020] AATA 809 (3 April 2020); Deputy President Boyle

PRACTICE AND PROCEDURE – extension of time application – jurisdiction of the Tribunal – merits of substantive application – prejudice to respondent – public interest – extension of time application granted

[Chhua and Commissioner of Taxation](#) (Taxation) [2020] AATA 832 (16 April 2020); Senior Member R. Pintos-Lopez

PRACTICE AND PROCEDURE – summons – summons to give evidence – objection to summons – Tribunal’s power to set aside summons – whether the evidence would assist in the review of the decision and determination of the principal application – summons set aside

[DXGQ and Commissioner of Taxation](#) (Taxation) [2020] AATA 807 (15 April 2020); The Hon. Justice Steward, Deputy President

PRACTICE AND PROCEDURE – where taxpayer filed an appeal in the Federal Court of Australia against the decisions of the Commissioner to disallow objections to amended assessments issued in respect of certain years (the “primary tax proceeding”) – where taxpayer also seeks relief in the Tribunal against adverse objection decisions on assessments of penalties (the “penalty review proceedings”) – whether the hearing and determination of the penalty review proceedings should be deferred pending the outcome of the primary tax proceeding

[Poidevin and Australian Securities and Investments Commission](#) [2020] AATA 782 (9 April 2020); The Hon. Justice DG Thomas, President and Deputy President J Redfern

PRACTICE AND PROCEDURE – withdrawal of applications – where effect of withdrawal is that the applications for review are deemed to have been dismissed – operative effect of s 42A(1A) and (1B) of the Administrative Appeals Tribunal Act 1975 (Cth) – whether effect of deemed dismissal in s 42A(1B) retrospective or prospective in nature – effect of deemed dismissal prospective in nature

PRACTICE AND PROCEDURE – Confidentiality orders – ancillary power of the Tribunal to make, vary and revoke confidentiality orders – whether Tribunal has power to revoke confidentiality orders in withdrawn applications – Tribunal has power to revoke – confidentiality order revoked

Refugee

[1608569](#) (Refugee) [2019] AATA 6658 (26 August 2019); R Smidt, Member

REFUGEE – protection visa – Rwanda – political opinion – senior role with Rwandan National Congress (RNC) in Australia – former member of Rwandan Patriotic Front (RPF) in Rwanda – threat of harm – court summons – father killed in ethnic violence – credibility – fraudulent documents – delay in making application – third country protection – risk of refoulement East African Community countries – decision under review remitted

[1700549](#) (Refugee) [2020] AATA 711 (12 March 2020); L Hardy, Member

REFUGEE – protection visa – Columbia – Chile – children's dual citizenship – bar on application unless lifted by Minister – claimed statelessness – not registered with relevant consular authorities – right by birth – fear of criminals and armed groups in Colombia – returnee from a 'rich' country – mere speculation – right to enter and reside in Chile – racism in Chile – decision under review affirmed – decision under review set aside and substituted

[1821738](#) (Refugee) [2019] AATA 6699 (4 November 2019); Dr C Huntly, Member

REFUGEE – protection visa – Ghana – particular social group – tribal chieftaincy recusants in Ghana opposed to instalment by kingmakers on religious grounds – subject of attempted abductions – state protection – rule of law society – reasonably effective police force – deference to traditional customary law – internal relocation – networks of influence and cooperation among the leaderships of tribal groups – reasonable modification of behaviour – decision under review remitted

[1906027](#) (Refugee) [2019] AATA 6729 (14 November 2019); M Hawkins, Member

REFUGEE – protection visa – Vietnam – religion – Roman Catholicism – particular social group – returning failed asylum seeker – human trafficking – unaccompanied minor – recruited from orphanage to work in cannabis cultivation – destroyed passport on boat – contacted by traffickers in detention centre – absconded and worked unlawfully – country information – effective protection measures – complementary protection – fear of harm from traffickers – real risk of significant harm – decision under review remitted

[1931381](#) (Refugee) [2020] AATA 662 (3 March 2020); D Creedon, Member

REFUGEE – protection visa – India – member of particular social group – homosexuality – fear of harm from family, community and police – homosexual lifestyle in Australia – victim of crime – student visa cancelled for non-enrolment – escape from detention centre – credibility – inconsistent evidence – delay in applying for protection – country information – legality of homosexuality – state and societal treatment of LGBTI people – decision under review affirmed

Social Services

[Aljbour and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 762 (3 April 2020); Senior Member C Puplick AM

SOCIAL SECURITY – carer payment – claim for back payment – requirements for making a social security claim – deemed claim – where application not in proper form – start day – decision affirmed

[Blake and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 831 (15 April 2020); The Hon. S Parry, Member

SOCIAL SECURITY - disability support pension – qualification – medical – whether applicant is qualified to be paid disability support pension – whether the applicant's impairments were fully diagnosed, treated and stabilised – whether the applicant's impairments attract 20 points or more under the Impairments Table – Decision under review affirmed

[Elisha and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 736 (7 April 2020); Ms B Pola, Senior Member

SOCIAL SECURITY – disability support pension – DSP – Whether medical conditions fully diagnosed, fully treated and fully stabilised – Whether 20 points or more under the Impairment Tables during the Relevant Period – Decision under review affirmed.

[Executor for the Estate of the late Raymond Allen Smith; Secretary, Department of Social Services and](#) (Social services second review) [2020] AATA 806 (16 April 2020); D K Grigg, Member

SOCIAL SECURITY – age pension – disposal of asset by power of attorney – no consideration received by age pension recipient for sale of property – whether value of disposed asset should have been taken into account in calculation of age pension payments - whether overpayment – whether debt should be waived or written off – consideration of special circumstances and whether they exist – decision under review set aside

[GCGD and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 802 (3 April 2020); Emeritus Professor P A Fairall, Senior Member

SOCIAL SERVICES – overpayment of disability support pension, aged pension and wife pension – debt owed to Commonwealth – failure to disclose additional property – whether debts should be written off or waived – whether debts were the sole administrative error of the Commonwealth – any special circumstances to justify waiver the debts – decision affirmed

[Grover and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 794 (14 April 2020); Dr L Bygrave, Member

SOCIAL SECURITY – disability support pension – eligibility – residence requirements – where applicant satisfied medical requirements – whether the applicant was an Australian resident at the time he first satisfied the criteria for continuing inability to work – applicant satisfied criteria at the date of his birth – residence requirements not met – decision affirmed

[Holland and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 734 (7 April 2020); Dr L Bygrave, Member

SOCIAL SECURITY – rent assistance – whether the applicant is entitled to arrears for rent assistance – where rent certificate issued but not received by applicant – 13 week review period – where Tribunal has no discretion under the Administration Act – decision under review affirmed

[NTVP and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 801(14 April 2020); Ms Anna Burke AO, Member

SOCIAL SECURITY – application for disability support pension – whether qualified – from diabetes, coronary artery disease, hypertension, depression and anxiety, diabetic retinopathy, postsurgical right eye cataract complications, diabetic neuropathy, urological disorder, tuberculosis, lower back pain, chronic muscle and joint pain – whether impairment attracts rating of 20 points or more under Impairment Tables – whether a program of support has been undertaken – whether continuing inability to work – decision under review affirmed on the papers

[Oliver and Secretary, Department of Social Services](#) (Social services second review) [2020] AATA 761 (3 April 2020); Senior Member C Puplick AM

SOCIAL SECURITY – disability support pension – where applicant has medical conditions causing impairment – whether the impairment is fully diagnosed, fully treated and fully stabilised – whether the applicant has an impairment rating of 20 or more points according to the Impairment Tables – neck condition – lower back condition – irritable bowel syndrome – obesity – decision under review affirmed

[Teymouri and Secretary, Department of Social Services](#) (Social services) [2020] AATA 784 (20 March 2020); Mr I Thompson, Member

SOCIAL SECURITY – Disability Support Pension – eligibility – whether conditions fully diagnosed, treated and stabilised – where spinal condition aggravated and applicant undergoing medical assessment and treatment during assessment period – where treatment for mental health condition commenced following assessment period – decision under review affirmed

[Trinick and Secretary, Department of Social Services](#) (Social services) [2020] AATA 805 (4 March 2020); Brigadier A G Warner, Member

SOCIAL SECURITY – disability support pension – whether Applicant's impairments were fully diagnosed, fully treated and fully stabilised at the qualification period – whether Applicant's impairments attract 20 points under Impairment Tables – whether Applicant has a continuing inability to work – decision under review affirmed

[Young and Secretary, Department of Health](#) (Social services) [2020] AATA 733 (6 April 2020); Mr A George, Member

AGED CARE – Combined income and assets assessment – Where parties sought remittal of decision under review – Where evidence of Applicant's net assets substantially different to figures used in previous decision – decision under review remitted to Respondent for reconsideration.

Taxation

[GDGR and Commissioner of Taxation](#) (Taxation) [2020] AATA 766 (30 March 2020); The Honourable Justice JA Logan RFD, Deputy President

TAXATION – INCOME TAX – where applicant was medically discharged from the Army – where applicant was classified under the Military Superannuation and Benefits Act 1991 (Cth) (MSB Act) as having a Class A invalidity – whether the invalidity pension payments under the MSB Act for the income years ended 30 June 2010, 2011, 2012, 2013, 2014 and 2015 (relevant income years) should be treated in the manner prescribed in s 307-145(1) of the Income Tax Assessment Act 1997 (Cth) (ITAA97) – whether the applicant made any election under reg 995-1.03 of the Income Tax Assessment Regulations 1997 (Cth) in respect of any of the applicant’s invalidity pension payments in any of the relevant income years – whether the applicant’s invalidity pension was paid in respect of an interest that is a defined benefit under s 291-175 of the ITAA97 – where the Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2018 (Cth) (amending regulations) were made during the course of the review proceedings – where at the times of assessment and when the applicant exercised statutory rights of objection against the assessments, at the time when the objection decisions were made, at the time when the right of review was exercised in respect of those objection decisions there was no specification in the Income Tax Assessment Regulations 1997 (Cth) of any “superannuation benefit” for the purposes of s 307-70(1) of the ITAA97

Veterans' Affairs

[Bird and Repatriation Commission](#) (Veterans’ entitlements) [2020] AATA 796 (16 April 2020); Senior Member Katter

VETERANS’ AFFAIRS – claim for travel expenses for attendant – decision under review varied

[Pendock and Repatriation Commission](#) (Veterans’ entitlements) [2020] AATA 781 (8 April 2020); Dr S Fenwick, Senior Member

VETERANS ENTITLEMENTS – disability pension – alcohol use disorder – substance use disorder – major depressive disorder with suicidal ideation – spondylolisthesis – spondylolysis – whether standard of proof consistent with relevant Statements of Principles met – decisions 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, 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
RQRP and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2020] AATA 437

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
DCR19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2019] AATA 933	[2020] FCA 501
Frugniet v Tax Practitioners Board & Anor	[2017] AATA 1393	[2020] HCASL 73 [2019] FCAFC 193 [2018] FCA 387
LQZW v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2019] AATA 93	[2020] FCA 478
Military Rehabilitation and Compensation Commission v Riley	[2019] AATA 3501	[2020] FCA 488
Zaghloul v Commissioner of Taxation	[2019] AATA 3351	[2020] FCA 469



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