



## AAT Bulletin

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The *AAT Bulletin* is a weekly publication containing a list of recent AAT decisions and information relating to appeals against AAT decisions. The Bulletin occasionally includes information on legislative changes that affect the AAT and other important developments.

It is recommended that the Bulletin be read on-line. This has the advantage of allowing the reader to use hyperlinks to access the full text of cases and other internet sites mentioned in the Bulletin.

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

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## AAT Recent Decisions

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The following decisions were recently delivered by the Tribunal. The Library compiles this list. If the decision is to be summarised, this will be noted. Click on the links for direct access to the full text of the decision.

Recent decisions can also be viewed on the [AAT website](#).

### Compensation

[Azary and National Australia Bank Limited](#) [2014] AATA 222; 16/4/2014; Senior Member J Toohey and Dr M Couch, Member

Psychological impairment – whether applicant suffered a psychiatric illness – diagnosis – causation – whether employment contributed to a significant degree – surveillance material – whether reasonable administrative action – whether taken in a reasonable manner – decision under review affirmed

[Brockett and Military Rehabilitation and Compensation Commission](#) [2014] AATA 224; 17/4/2014; Senior Member E Fice

Injury while performing duties during the course of service in the Australian Defence Force – Compensation for injuries – Commonwealth Public Servant with Department of Health and Ageing – Voluntary retirement from Department of Health and Ageing – Statutory construction of s 20 of the *Safety, Rehabilitation and Compensation Act 1988* – Interpretation of the expression 'retired from his or her employment' – The expression 'double dipping' – Statutory interpretation – Use of extrinsic materials in interpreting legislation – Decision set aside and remitted

[Kosteski and Comcare](#) [2014] AATA 217; 14/4/2014; Deputy President RP Handley

Definition of injury – excludes diseases or injuries resulting from reasonable administrative action taken in a reasonable manner – injury resulted from being told to return to a workplace where she perceived she had been bullied and harassed – employer on notice of perception – should have been clear to employer that insistence on a return to that workplace would likely result in an injury – not reasonable – decision set aside and substituted

[Reinhold and Comcare](#) [2014] AATA 221; 15/4/2014; Senior Member N Bell

Compensation for injuries – whether injury permanent – degree of whole person impairment – non-economic loss – decision under review set aside and remitted

### Practice and Procedure

[Confidential and Child Support Registrar and Anor](#) [2014] AATA 220; 15/4/2014; Deputy President SD Hotop

Extension of time – application for review lodged out of time – no satisfactory or acceptable explanation for delay – applicant rested on rights – Tribunal not satisfied that reasonable in all the circumstances to grant extension of time – application for extension of time refused

[Ripszam and Minister for Infrastructure and Regional Development](#) [2014] AATA 216; 11/4/2014; Mr S Webb

Application for reinstatement – original application found to be frivolous or vexatious and dismissed – scope of discretion to reinstate – meaning of error – jurisdictional fact – possibility of error – discretion to reinstate not enlivened – application refused

## **Tax Agent**

[Cleary and Tax Practitioners Board](#) [2014] AATA 218; 3/4/2014; Senior Member AF Cunningham

Suspension of registration – stay order of Tax Practitioner Board set aside

## **Veterans' Affairs**

[Ferdinands and Repatriation Commission](#) [2014] AATA 215; 11/4/2014; Senior Member RG Kenny

Benefits and entitlements – disability pension payable at 100% of general rate – eligibility for special rate of pension – incapacity from war-caused conditions sufficient to prevent the applicant from undertaking remunerative work for more than 8 hours per week – accepted disabilities alone not responsible for inability to undertake remunerative work – decision under review affirmed

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## Appeals

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This section of the Bulletin provides information about appeals against AAT decisions that have been lodged or finalised. Only appeals in relation to AAT decisions that have been published on [AustLII](#) have been included. Full copies of the decisions can be accessed through the hyperlinks provided below.

### Appeals lodged

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CASE NAME	AAT REFERENCE
<b>El-Mohammed v Secretary, Department of Social Services</b>	<a href="#">[2014] AATA 160</a>
<b>Housego v Secretary, Department of Social Services</b>	<a href="#">[2014] AATA 146</a>

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### Appeals finalised

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CASE NAME	AAT REFERENCE	COURT REFERENCE
<b>De Vries v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs</b>	<a href="#">[2013] AATA 691</a>	<a href="#">[2014] FCA 368</a>
<b>Swire Pacific Ship Management (Australia) Pty Ltd v Bose</b>	<a href="#">[2013] AATA 307</a>	<a href="#">[2014] FCA 378</a>
<b>Taniela v Minister for Immigration and Border Protection &amp; AAT</b>	<a href="#">[2013] AATA 632</a>	<a href="#">[2014] FCA 375</a>

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