



Administrative
Appeals Tribunal

AAT
Bulletin

AAT Bulletin

Issue No. 15/2022

25 July 2022

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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Contents

AAT Recent Decisions	3
Child Support.....	3
Citizenship.....	4
Compensation	4
Freedom of Information	5
Migration.....	5
National Disability Insurance Scheme.....	9
Practice and Procedure.....	9
Refugee.....	10
Social Services.....	11
Taxation.....	13
Veterans' Affairs	13
Appeals	14
Appeals lodged.....	14
Appeals finalised	14

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

[Awford and Lightbody](#) (Child support) [2022] AATA 1558 (26 April 2022); S Letch, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – no change to the likely pattern – decision under review affirmed

[Murnan and Murnan](#) (Child support) [2022] AATA 1562 (22 April 2022); P Jensen, Member

CHILD SUPPORT – collection of arrears – non-agency payments - whether payment made to a third party in lieu of child support – no intention of both parents - decisions under review affirmed

[Ratliff and Ratliff](#) (Child support) [2022] AATA 1566 (20 April 2022); H Moreland, Member

CHILD SUPPORT – particulars of the administrative assessment – application to extend the child support assessment beyond the child's eighteenth birthday – whether the child was in full-time secondary education on his eighteenth birthday – application should be accepted - decision under review set aside and substituted

[Walden and Masland](#) (Child support) [2022] AATA 2095 (21 April 2022); Y Webb, 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

[Welch and Child Support Registrar](#) (Child support) [2022] AATA 1563 (20 April 2022); D Cox, Member

CHILD SUPPORT – application for extension of time – departure determination - no satisfactory explanation for the delay – some merit – prejudice to the other parent - extension of time refused

Citizenship

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

(Citizenship) [2022] AATA 2285 (18 July 2022); S Boyle, Deputy President

CITIZENSHIP – s 24(3) of the Australian Citizenship Act – refusal to approve the Applicant becoming an Australian citizen – delegate not satisfied of the Applicant's identity – prohibition on approval of citizenship – Applicant claims to have been born in Somalia – government policy documents applied – Three Pillars of Identity – lack of source biometric documents – UNHCR documentation – Applicant's life story – Tribunal satisfied of the Applicant's identity – reviewable decision set aside and remitted

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

(Citizenship) [2022] AATA 2231 (13 July 2022); Dr D Cremean, Senior Member

CITIZENSHIP – application for Australian citizenship refused – requirement of identity allegedly not satisfied – lack of documentation provided by Applicant – no response to requests for further documents – identity not established – decision under review affirmed

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

(Citizenship) [2022] AATA 2223 (7 July 2022); L M Gallagher, Member

CITIZENSHIP – application for citizenship by conferral – eligibility – refusal of citizenship — evidence of identity unsatisfactory – Applicant is an Afghan citizen – reviewable decision affirmed

[WPSQ and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2022]

AATA 2297 (19 July 2022); D J Morris, Senior Member

CITIZENSHIP – where applicant is citizen of Afghanistan – where applicant applied for Australian citizenship by conferral – where applicant had also made applications for visas for wife and children – information proffered about family composition – siblings – activities prior to settling in Australia – where applicant admits incorrect information provided – motivation for providing incorrect information – consideration of Citizenship Procedural Instructions – importance of truthfulness in dealings with Department – opportunities for applicant to correct wrong information not taken – tribunal must reach positive state of satisfaction as to good character – decision under review is affirmed

Compensation

[JFFZ and Comcare](#) (Compensation) [2022] AATA 2283 (4 July 2022); D Mitchell, Member

COMPENSATION – accepted injury – rehabilitation – whether the Applicant is obliged to undertake the rehabilitation programs determined for her – whether the Applicant refused or failed to undertake the rehabilitation program – Applicant's compensation payments suspended – whether the Applicant had a reasonable excuse for refusing or failing to undertake the rehabilitation program – decisions under review affirmed

[Moiler and Comcare](#) (Compensation) [2022] AATA 2292 (15 July 2022); B W Rayment OAM QC, Deputy President

COMPENSATION – whether Comcare is liable to pay the Applicant compensation for injuries, particularly in respect of medical expenses under the Safety, Rehabilitation and Compensation Act 1988 (Cth) – decisions under review set aside and substituted

[Shakespeare and Comcare](#) (Compensation) [2022] AATA 2260 (8 July 2022); J W Constance, Deputy President

WORKERS' COMPENSATION – anxiety – depression – post traumatic stress disorder – claim of psychological injury – whether Respondent liable to compensate the Applicant in respect of the claimed injury – decision affirmed

Freedom of Information

[Lever and Australian Nuclear Science and Technology Organisation](#) (Freedom of information) [2022] AATA 2259 (12 July 2022); C Puplick AM, Senior Member

FREEDOM OF INFORMATION – OAIC declined to undertake further review under 54W of the FOI Act – freedom of information decision under review by the Tribunal – decision altered under 26 of the AAT Act – whether respondent has taken all steps to find documents within the scope of the applicant's freedom of information request – whether conditional exemptions in 22 and 47F of the FOI Act properly applied – decision affirmed

Migration

[Barrantes and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2022] AATA 2280 (12 July 2022); The Hon. J Pascoe AC CVO, Deputy President

MIGRATION - visa cancellation – discretionary cancellation under s 501(2) of the Migration Act 1958 – whether the applicant passes the character test - where the applicant has been convicted of a sexually-based offence involving a child – consideration of Direction No. 90 – protection of the Australian community – expectations of the Australian community – links to the Australian community – extent of impediments if removed from Australia – where the offence is the first offence – where the applicant's conduct was in the presence of children but not directed at children – decision under review set aside and substituted

[BLBY and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2022]
AATA 2282 (15 July 2022); L M Gallagher, Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – criminal record – sexual offence against a child – Direction No. 90 – primary and other considerations – protection of the Australian community – family violence – 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 40-year-old man who came to Australia as a 27-year-old – non-refoulement obligations – Sri Lanka – extent of impediments if returned to Sri Lanka – reviewable decision affirmed

[Dawson and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2022]
AATA 2281 (6 July 2022); A Nikolic AM CSC, Senior Member

MIGRATION – Mandatory visa cancellation – citizen of New Zealand – Class TY Subclass 444 Special Category (Temporary) visa – failure to pass good character test – substantial criminal record – prolonged juvenile and adult offending – Applicant refused to appear at directions hearing or substantive hearing – whether another reason to revoke the mandatory cancellation – Ministerial Direction No. 90 applied – decision affirmed

[DVHR and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2022]
AATA 2318 (21 July 2022); Dr M Evans-Bonner, Senior Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of the Applicant's Visa – character test – substantial criminal record – Direction No 90 – primary and other considerations – protection of the Australian community – nature and seriousness of the conduct – risk to the Australian community – whether there was family violence – best interests of the Applicant's minor step-grandchildren – 18-year-old step-grandson with mental health issues – expectations of the Australian community – extent of impediments if removed to New Zealand – links to the Australian community – strength, nature and duration of ties to Australia – Applicant is a 56 year old man who has resided in Australia for 37 years – there is another reason to revoke the Cancellation Decision – Reviewable Decision set aside and substituted

[Gibbons and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Migration) [2022] AATA 2222 (12 July 2022); M Griffin QC, Senior Member

MIGRATION – mandatory cancellation of visa – Class TY Subclass 444 Special Category (Temporary) visa – where visa was cancelled under s 501(3A) because applicant did not pass character test – substantial criminal record – Ministerial Direction No. 90 – primary considerations – protection of the Australian community – seriousness of offending and future risk – family violence – expectations of the Australian community – other considerations – extent of impediments if removed – Impact on victims – links to the Australian community – the strength, nature and duration of ties to Australia – decision set aside and substituted

Jadidi and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2022] AATA 2217 (22 June 2022); T Tavoularis, Senior Member

MIGRATION – Non-revocation of a mandatory cancellation of a Resident Return (Subclass 155) 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. 90 – extensive criminal history – various drug-related and traffic offences – violent offending committed against police officers – non-refoulement obligations (Iran) and indefinite detention considerations – decision under review affirmed

Knight and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2022] AATA 2203 (21 June 2022); A McLean Williams, 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. 90 – decision under review affirmed

LZQZ and Minister for Immigration, Citizenship, and Multicultural Affairs (Migration) [2022]
AATA 2261 (14 July 2022); Dr S Fenwick, Senior Member

MIGRATION – Mandatory visa cancellation – failure to pass character test – whether another reason the mandatory cancellation should be revoked – Ministerial Direction No. 90 applied – various instances of criminal offending – multiple minor children in Australia – decision set aside and substituted

Peng and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
(Migration) [2022] AATA 2279 (24 June 2022); A George, Senior 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 – consideration of Ministerial Direction No. 90 – domestic violence – decision under review affirmed

QGMJ and Minister for Immigration, Citizenship and Multicultural Affairs (Migration) [2022]
AATA 2314 (7 June 2022); P Britten-Jones, Deputy President and Member Ben-Tovim

MIGRATION – mandatory cancellation of applicant's visa – applicant has substantial criminal record – serious offending involving domestic violence – whether discretion to revoke mandatory cancellation should be exercised – applicant suffers from schizophrenia and is owed non-refoulement obligations – serious risk of harm if returned to Kenya – the decision under review is set aside and substituted by a decision revoking the cancellation

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

(Migration) [2022] AATA 2201 (21 June 2022); D O'Donovan, Senior Member

MIGRATION – Non-revocation of mandatory cancellation of a Special Category (Class TY) (Subclass 444) visa – where Applicant does not pass the character test – whether “another reason” to revoke visa cancellation – Decision under review affirmed

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

(Migration) [2022] AATA 2329 (21 July 2022); T Tavoularis, Senior Member and L Benjamin, Member

MIGRATION – Non-revocation of mandatory cancellation of a Class TY Subclass 444 Special Category 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. 90 – serious violent offence against law enforcement officer in performance of their duties – multitude of property and traffic-related offending – decision under review affirmed

1828598 (Migration) [2022] AATA 1913 (26 January 2022); J Clarke, Member

MIGRATION – Child (Residence) (Class BT) visa – Subclass 802 (Child) – criteria for applicants over 18 – relationship status and history – not engaged in full-time work – full-time study requirement – 21-month study gap – depression – ADHD – Asperger’s syndrome – whether ‘incapacitated for work’ due to partial loss of mental functions – applicant offshore – finding restricted to time of application criteria – decision under review remitted

Erro (Migration) [2022] AATA 1757 (11 April 2022); A Dronjic, Member

MIGRATION – Visitor (Class FA) visa – Subclass 600 (Visitor) – Tourist stream – Schedule 3 criteria – whether holder of a substantive visa at the time of application – first visitor visa no longer in effect – definition of ‘visa period’ – application lodged outside of relevant timeframe – decision under review affirmed

Sharma (Migration) [2022] AATA 2001 (4 May 2022); B Darcy, Member

MIGRATION – cancellation – Student (Temporary) (Class TU) visa – Subclass 500 (Student) – ground for cancellation – risk to safety of Australian community or individual – non-compliance with COVID-19 Diagnosed Persons and Close Contacts Directions – attendee at a Tier 1 exposure site – negative Covid test – lacks a degree of due diligence and respect for the community’s health – consideration of discretion – genuine student – non-compliance with other visa conditions – no extenuating compelling circumstances – low or negligible risk to the community’s health – decision under review set aside

[Sethi](#) (Migration) [2022] AATA 2039 (21 June 2022); B Darcy, Member

MIGRATION – Other Family (Residence) (Class BU) – Subclass 835 (Remaining Relative) – dependent child – remaining relative of an Australian relative – usual residence in Australia – no near relative requirement – sibling in Canada – filial estrangement – sibling’s financial circumstance – no waiver available – compassionate circumstances – serious, ongoing and irreversible harm – applicant’s health condition – Ministerial Intervention requested – decision under review affirmed

[Zhang](#) (Migration) [2022] AATA 1901 (28 January 2022); P Ranson, Member

MIGRATION – Business Skills (Residence) (Class DF) visa – Subclass 892 (State/Territory Sponsored Business Owner) – ownership interest in the main business – indicators of ‘actively operating’ – health deterioration – business paused for 18 months – ‘continues to satisfy’ – decision under review affirmed

National Disability Insurance Scheme

[Galea and National Disability Insurance Agency](#) [2022] AATA 2263 (14 July 2022); D Connolly, Senior Member

NATIONAL DISABILITY INSURANCE SCHEME – access criteria – disability requirements – chronic regional pain syndrome – meaning of “substantially” reduced functional capacity – whether impairments result in substantially reduced functional capacity – decision under review affirmed

Practice and Procedure

[Dortkamp and Australian Securities and Investments Commission](#) [2022] AATA 2286 (18 July 2022); B Rayment OAM QC, Deputy President

PRACTICE AND PROCEDURE – STAY – application for stay of decision under section 41(2) of the Administrative Appeals Tribunal Act 1975 – where decision is banning order – prospects of success – financial consequences for the Applicant of a refusal of stay – public interest – expedition of application arranged – stay granted with conditions

[Morgan and Registrar of Aboriginal and Torres Strait Islander Corporations](#) [2022] AATA 2234 (15 June 2022); S Boyle, Deputy President

PRACTICE AND PROCEDURE – Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) – scope of review – reviewable decision not to register changes to corporation’s constitution – correct or preferable decision must answer question asked of original decision-maker – applicants seek different course of action, not different decision – tribunal cannot exercise powers vested in original decision-maker under other non-reviewable sections of enabling legislation – Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL applied

[Witson and National Disability Insurance Agency](#) [2022] AATA 2205 (7 July 2022); P Smith, Member

PRACTICE & PROCEDURE – NATIONAL DISABILITY INSURANCE SCHEME – request for order under s 38 of the AAT Act for additional statement of – obligations of administrative decision-maker under section 28(1) and subsection 37(1)(a) of the AAT Act – whether the Tribunal should exercise its discretion under section 38(1)– whether there is any utility in the Tribunal exercising its discretion – whether an additional statement would advance the fairness and justice of the case – where reviewer did not consider evidence or information as part of internal review – limited evidence or information considered by the reviewer as part of the internal review – function of the Tribunal on a review de novo considered - function of the Tribunal not to scrutinize reviewable decisions for error – public confidence in the exercise of power – statement of issues lodged not a substitute for a statement of reasons or an additional statement of reasons – discretion to make the order refused.

Refugee

[1730305](#) (Refugee) [2022] AATA 1930 (2 May 2022); S Lee, Member

REFUGEE – protection visa – Pakistan – fear of harm from sectarian conflict, political insecurity, socio-economic conditions and father's former business partner and associates – partner's fraudulent property dealings, attacks and threats – attempted recruitment by religious/political groups – credibility – inconsistent and implausible claims and evidence – delays in applying for student visa, departing after visa granted and applying for protection – elapse of time – no harm to family members – prevalence of fraudulent documents – country information – conditions and risks faced by population generally – decision under review affirmed

[1808191](#) (Refugee) [2022] AATA 2049 (19 May 2022); S Roushan, Senior Member

REFUGEE – protection visa – Iraq – imputed political opinion – critical of Iraqi government – anti-corruption – particular social group – academics in Iraq – journalists or employees of media organisations in Iraq – persons with disabilities in Iraq – fear of harm from extremist groups and security forces – threats, deaths of brother and colleagues and arson attack on workplace – relocations and living in hiding – continuing involvement in relevant activities in Australia – mental health – members of family unit – child's genetic condition, intellectual and physical disabilities and treatment –risk to daughter of gender-based violence or sexual abuse – decision under review remitted

[1829741](#) (Refugee) [2022] AATA 1975 (31 May 2022); T Flood, Member

REFUGEE – protection visa – Ghana – religion – Christian fearing harm from traditional religious relatives – initiation, period of service as assistant to local chief and participation in rituals – credibility – inconsistent claims and evidence – long residence in local area after claimed service ceased with no serious harm – first arrived in Australia using another person's passport – delay in applying for protection – applied after partner visa refused and period in immigration detention – no fear of harm expressed in partner visa application – country information – decision under review affirmed

[2119363](#) (Refugee) [2022] AATA 1775 (14 April 2022); A Murphy, Member

REFUGEE – cancellation – protection visa – Afghanistan – incorrect information in the visa application – identity details – family composition – race – Hazara – protection obligations – visa would still have been granted – contribution to the community – consequential cancellations – indefinite detention – best interests of the Australian citizen children – decision under review set aside

[2203237](#) (Refugee) [2022] AATA 1864 (11 March 2022); S Clarey, Member

REFUGEE – protection visa – Ukraine – nationality – race – Ukrainian – imputed political opinion – anti-Russian or pro-Ukrainian opinions – forced conscription – military conflict – targeting of Ukrainian civilians – fear of torture – fear of killing – annexation of Ukrainian lands – state protection – internal relocation – decision under review remitted

[2204633](#) (Refugee) [2022] AATA 2225 (11 May 2022); S Baker, Member

REFUGEE – Protection visa – Afghanistan – social group – women – no male protection – potential forced marriage to uncle’s creditor – arrival in Australia as a minor – credibility issues due to actions of stepfather – current situation in Afghanistan – decision under review remitted

Social Services

[Ali-Ahmad and Secretary, Department of Social Services](#) (Social services second review) [2022] AATA 2218 (5 July 2022); C Puplick AM, Senior Member

SOCIAL SECURITY – whether carer payment was properly cancelled and debt should have been raised – whether applicant provided care to the care receiver for the relevant period – nature and extent of care – status and provenance of medical report – whether care amounted to “constant care” – whether decision to cancel carer payment was correct – whether Applicant was overpaid carer payment and debt should be raised – size of debt and whether debt should be waived – decision affirmed

[Brady and Secretary, Department of Social Services](#) (Social services second review) [2022] AATA 2323 (1 July 2022); K Millar, Senior Member

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 – whether applicant had a continuing inability to work – decision under review is affirmed

[Iapadre and Secretary, Department of Social Services](#) (Social services second review) [2022]
AATA 2298 (20 July 2022); G Hallwood, Member

DEBT - New Start Allowance - Whether to write-off the debt – Whether to waive the debt as result of sole administrative error – Whether an event or changes in circumstances are reportable in situations in which they do not affect the payment of a social security payment – Where policy is used to make the decision and the policy does not accord with the legislation - Whether payments were received in good faith – Whether to waive the debt as a result of special circumstances – Whether speculative circumstances should be applied as special circumstances – Reviewable decision set aside

[Raineri and Secretary, Department of Social Services](#) (Social services second review) [2022]
AATA 2258 (14 July 2022); R Cameron, Senior Member

SOCIAL SERVICES – review of a decision of the Social Services and Child Support Division – decision of the authorised review officer affirmed – decision to seek recovery of a disability support pension debt – whether applicant was an attributable stakeholder of the trust – what is the appropriate attribution percentage – whether trust assets are receivable – whether assets are unrealisable – whether decision was correct – whether applicant has a debt – whether debt should be recovered – decision affirmed

[Rofail and Secretary, Department of Social Services](#) (Social services second review) [2022]
AATA 2317 (21 July 2022); Dr C Huntly, Member

SOCIAL SECURITY – disability support pension – Applicant received disability support pension overpayment – Agency raised overpayment debt – determining reasons for overpayment debt – quantum of overpayment debt – whether overpayment debt period is correct – whether overpayment debt is repayable – whether overpayment debt can be written off – whether overpayment debt can be waived – consideration of special circumstances – Applicant found not to meet eligibility requirements – overpayment debt recalculation required – Reviewable Decision set aside and remitted

[Thomas; Secretary, Department of Social Services and](#) (Social services second review) [2022]
AATA 2324 (21 July 2022); J Sosso, Deputy President

SOCIAL SECURITY – Age Pension – whether property registered in Applicant's name should be excluded – whether Applicant held property on trust for his son – whether a constructive trust exists – whether Applicant held to be an attributable stakeholder pursuant to s 1207X of the Social Security Act 1991 (Cth) – decision under review affirmed

[Townsend and Secretary, Department of Social Services](#) (Social services second review) [2022] AATA 2233 (13 July 2022); Brigadier A G Warner, AM LVO (Retd), Member

SOCIAL SECURITY – disability support pension – whether the applicant met eligibility requirement for disability support pension – qualification period – assigning impairment ratings – whether the applicant suffers from permanent impairments that attract 20 points or more under the Impairment Tables – whether conditions are fully diagnosed, fully treated and fully stabilised – continuing inability to work – Reviewable Decision affirmed

[Trzcinski and Secretary, Department of Social Services](#) (Social services second review) [2022] AATA 2262 (14 July 2022); B Cullen, Senior Member

SOCIAL SECURITY – whether applicant qualifies for disability support pension – whether conditions fully diagnosed, treated and stabilised during the qualification period – whether impairments were of 20 points or more under s 94(1)(b) – decision affirmed

Taxation

[Kennedy and Tax Practitioners Board](#) (Taxation) [2022] AATA 2316 (20 July 2022); B J McCabe, Deputy President

TAX AGENT REGISTRATION – termination of applicant’s registration as tax agents – whether applicants breached Code of Professional Conduct – whether applicant “fit and “proper” as required by the Tax Agents Services Act 2009 – appropriate length of prohibition to reapply for registration - decision under review affirmed

Veterans' Affairs

[Elton and Repatriation Commission](#) (Veterans’ entitlements) [2022] AATA 2232 (13 July 2022); Dr D Cremean, Senior Member

VETERANS’ AFFAIRS – Veterans’ entitlements – Whether veteran's war-caused incapacity ‘alone prevented’ him from continuing to work – Whether applicant has suffered loss – Entitlement to special rate of pension – decision under review varied

[MZWW and Military Rehabilitation and Compensation Commission](#) (Veterans' entitlements) [2022] AATA 2284 (18 July 2022); The Hon. M Groom, Senior Member

DEFENCE RELATED CLAIMS – whether the Applicant’s depressive condition is a symptom of his post-traumatic stress disorder – whether the Applicant has major depressive disorder – post-traumatic stress disorder – alcohol use disorder – comorbidity of post-traumatic stress disorder and depression – relevance of Guidelines for Psychiatric Compensation Claims to medicolegal assessment – whether Guidelines are a directive or form part of the legislative scheme – decision under review set aside

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
Manuel and Minister for Immigration, Citizenship and Multicultural Affairs	[2022] AATA 1747
Shewakramani and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2022] AATA 1585
TVVT and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2022] AATA 1659

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
AIO21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2018] AATA 457	[2022] FCAFC 114 [2021] FCA 1105
De Silva v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 1848	[2022] FCA 831
Deng v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 2097	[2022] FCAFC 115 [2021] FCA 1456
Galuak v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 674	[2022] FCA 798
Hammad v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 2249	[2022] FCA 833
LPDT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2021] AATA 2224	[2022] FCA 810
Secretary, Attorney-General's Department v Warren	[2019] AATA 95	[2022] FCAFC 118 [2021] FCA 89



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