



Administrative
Appeals Tribunal

AAT Bulletin

AAT Bulletin

Issue No. 15/2024

29 July 2024

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.

The AAT does not make any representation or warranty about the accuracy, reliability, currency or completeness of any material contained in this Bulletin or on any linked site. While the AAT makes every effort to ensure that the material in the Bulletin is accurate and up-to-date, you should exercise your own independent skill and judgement before you rely on it. Information contained in this Bulletin is not legal advice and is intended as a general guide only. You should rely on your own advice or refer to the full cases and legislation in relation to any proceedings.

Contents

AAT Recent Decisions	3
Child Support	3
Citizenship	4
Compensation	5
Corporations	6
Migration	6
National Disability Insurance Scheme	8
Practice and Procedure	9
Professions and Trades	10
Refugee	10
Social Security	11
Superannuation	12
Taxation	12
Veterans' Affairs	12
Appeals	13
Appeals lodged	13
Appeals finalised	13

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

[DPQT and Child Support Registrar](#) (Child support second review) [2024] AATA 2603 (23 July 2024); P Ranson, Member

CHILD SUPPORT – percentage of care determination – change in care – whether a child can self-select which parent to live with – whether care has been withheld - whether special circumstances apply – whether reasonable action was taken to enforce care orders - interim period applied – decision under review varied

[Ferguson and Little](#) (Child support) [2024] AATA 1876 (16 April 2024); D Lambden, Member

CHILD SUPPORT – particulars of the administrative assessment – adjusted taxable income – income estimate – estimate reconciliation – method statement – partial year income amount – application for review set aside and substituted

[Jordison and Keate](#) (Child support) [2024] AATA 2023 (3 April 2024); K Hamilton, Member

CHILD SUPPORT – percentage of care – whether there was a change to the pattern of care – decision under review set aside and substituted

[LRJQ and Child Support Registrar](#) (Child support second review) [2024] AATA 2458 (15 July 2024); Dr N A Manetta, Senior Member

CHILD SUPPORT – percentage of care – 50/50 split in care over many years – adolescent child opting to spend more time with mother – child then prevented from residing with father due to impact of Covid restrictions – very little care provided by father over more than two months despite his willingness to do so – found on facts that pattern of care had changed – Level 1 decision affirmed

[Maquire and Nicoll](#) (Child support) [2024] AATA 2311 (18 April 2024); Y Webb, Member

CHILD SUPPORT – departure determination – particulars of the administrative assessment – special circumstances – conditions to not apply adjusted taxable income – unjust and inequitable determination – changing the income to higher amounts – decisions under review set aside and substituted

[Marris and Pether](#) (Child support) [2024] AATA 2074 (9 April 2024); D Tucker, Member

CHILD SUPPORT – extension of time for lodgement of application for review – 28-day period in which to lodge an objection is extended – relevant considerations – special circumstances – decision under review set aside and substituted

[Michelmore and Adkins](#) (Child support) [2024] AATA 1900 (11 April 2024); M King, Member

CHILD SUPPORT – particulars of the administrative assessment – estimate of income – employer’s final payments received after estimate – decision under review set aside and substituted

Citizenship

[Akram and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2024] AATA 2576 (22 July 2024); D J Morris, Senior Member

CITIZENSHIP – Australian citizenship by conferral – applicant is a citizen of the Islamic Republic of Pakistan – applicant first arrived in Australia as unauthorized maritime arrival – visa history – applicant held Safe Haven Enterprise (subclass 790) visa – applicant sought ministerial intervention to enable him to apply for a visa with a pathway to permanent residency – applicant sought ministerial intervention under one part of Migration Act - minister decided to intervene to grant applicant Former Resident (subclass 151) visa under different part of Act – Department advised applicant he needed to consent to have his visa cancelled – applicant agreed – Notice sent to applicant alerted him that cancellation of visa will make him unlawful non-citizen in Australia – applicant confirmed he understood consequences of cancellation – applicant invited to attend Department – visa cancelled – applicant held in administrative detention – minister intervened and granted fresh visa – applicant later lodged application for Australian citizenship by conferral – general residence requirement – has applicant been unlawful non-citizen in four year period before applying for citizenship – applicant found to have been unlawful non-citizen in Australia for period of approximately two and a half hours – no distinction between administrative detention and detention – has there been administrative error – choice of discretionary power exercised by minister – administrative process followed by Department – no administrative error – other exemptions not relevant to applicant – no other discretion available to decision-maker – decision under review is affirmed

[Ivany and Minister for Immigration, Citizenship, and Multicultural Affairs](#) (Citizenship) [2024] AATA 2422 (27 June 2024); S Webb, Member

AUSTRALIAN CITIZENSHIP – application for conferral of citizenship – permanent resident – absence from Australia – conferral refused – requirement for close and continuing association with Australia – applicable citizenship policy – relevant considerations – likely to maintain a close and continuing association with Australia – decision set aside and remitted

[Kaki and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2024] AATA 2557 (19 July 2024); A Younes, Deputy President

CITIZENSHIP — Application for Australian citizenship by descent — Cessation of Australian citizenship — Papua New Guinea Independence Act 1975 (Cth) — Papua New Guinea Independence (Australian Citizenship) Regulations 1975 (Cth) — Whether section 16 of the Australian Citizenship Act 2007 (Cth) is satisfied — Decision under review affirmed

[Rahman and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2024] AATA 2604 (22 July 2024); J Cipolla, Senior 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 — Domestic violence — Decision under review affirmed

[Rahmati and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2024] AATA 2556 (19 July 2024); D J Morris, Senior Member

CITIZENSHIP – applicant is a citizen of Islamic Emirate of Afghanistan – applicant arrived in Australia as an irregular maritime arrival – applicant gave false information on name and date of birth – applicant also gave false information on family composition – applicant granted permanent visa – applicant applied for citizenship by conferral – supplied incorrect information about immediate family and bogus Taskera – applicant subsequently provided genuine Taskera but based on incorrect information – explanations as to conduct – applicant provided third Taskera – whether Tribunal satisfied of identity – Tribunal is satisfied – whether Tribunal satisfied applicant of good character at time of decision – testimonials – evidence of employment and community contribution – whether s 42D remittal appropriate – Tribunal not satisfied given proximity of incorrect information that good character requirement met – prohibition in Act not applicable – however decision not to grant citizenship is affirmed

[Teoh and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Citizenship) [2024] AATA 2577 (19 July 2024); S Webb, Member

AUSTRALIAN CITIZENSHIP – application for conferral of citizenship refused on character grounds – permanent resident – applicable citizenship policy – relevant considerations – enduring moral quality – good character – decision set aside and substituted

Compensation

[Ziade and Australian Postal Corporation](#) (Compensation) [2024] AATA 2586 (16 July 2024); S Webb, Member

WORKERS COMPENSATION – compensation claims – alleged shoulder injuries – left and right shoulder pathology – delivery driver duties in employment – work incident involving impact on shoulder – nature and conditions of employment – causal thresholds for ‘disease’ and ‘injury (other than a disease)’ – meaning of ‘aggravation’ – unreliable evidence – divergent expert medical opinions – temporary symptoms with use in the course of the employment – no aggravation injury – natural progression of degenerative condition – effusion indicative of acute injury – temporary impairment and incapacity for work – medical treatment – entitlements to compensation during a period – decision varied

JURISDICTION – scope of reviewable decision – alleged invalidity of primary determination – determination of temporal limit on liability – legislative construction – contemporaneous determination of threshold liability and entitlement under specific heads of compensation – requirement for a claim – imprecise language – determination not invalid ↯ defect in determination curable on reconsideration or review ↯ power to make fresh decision – jurisdiction to review reviewable decision – power to decide all matters before previous decision-maker – Tribunal has jurisdiction

Corporations

[Fry and Australian Securities & Investments Commission](#) [2024] AATA 2509 (16 July 2024); L Benjamin, Member

BUSINESS NAME REGISTRATION – where business name registration cancelled after failure to renew – where Applicant attempted to re-register business name and ASIC refused – whether proposed business name is identical or nearly identical to third party company name – where Applicant ownership of trade mark not relevant to determination – ASIC prohibited under Business Names Registration Act 2011 to register proposed business name – decision affirmed

Migration

[1907240](#) (Migration) [2024] AATA 2111 (6 May 2024); D Petrovich, Member

MIGRATION – Partner (Temporary) (Class UK) visa – Subclass 820 (Spouse) – health criteria – potential cost of treatment found by medical officer of commonwealth represents extreme case – applicant’s condition mild, and actual costs much lower and covered by Medicare – full-time work in physically demanding occupation – compassionate and compelling circumstances – same-sex relationship – length of relationship, registration, acceptance by families, friends and colleagues, and future plans – possibility of persecution and financial hardship in home country – decision under review remitted

[Asif](#) (Migration) [2024] AATA 1431 (21 May 2024); T Downes, Member

MIGRATION – Partner (Provisional) (Class UF) visa – Subclass 309 (Partner (Provisional)) – secondary visa applicants – members of the family unit – sponsor’s mother and sisters – wholly or substantially reliant – primary applicant financially supported the visa applicants in Iran at an earlier time – decision under review affirmed

[Ba and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2507 (20 June 2024); T Tavoularis, Senior Member

MIGRATION – remittal - non-revocation of mandatory cancellation of a visa – failure to pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 99 – alcohol addiction – family violence- risk of recidivism found to acceptable – best interest of minor child – where the child is in foster care - where factors against revocation outweighed by factors in favour - Tribunal finding there is another reason to revoke the mandatory cancellation decision - decision under review set aside and substituted

[CDGJ and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2612 (20 June 2024); R Bellamy, Senior Member

MIGRATION – Application for Bridging E (Class WE) visa – where Applicant does not pass the character test – serious fraud against vulnerable victims – limited remorse – whether to exercise the discretion to refuse the application – consideration of Ministerial Direction No. 99 – decision affirmed

[Daknach](#) (Migration) [2024] AATA 1190 (17 May 2024); D Crawshay, Member

MIGRATION – Other Family (Residence) (Class BU) visa – Subclass 836 (Carer) – member of the family unit – visa applicant over 23 years – visa processing delays – visa applicant in employment – request for Ministerial Intervention – able to apply for a Partner visa onshore – decision under review affirmed

[GQHJ and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2630 (15 July 2024); W Frost, Member

MIGRATION – cancellation of Applicant's Refugee (Class XB) Subclass 200 visa – mandatory cancellation of visa under s501(3A) Migration Act – whether Applicant passes the character test – substantial criminal record – consideration of Ministerial Direction 110 – whether 'another reason' why decision should be revoked under s501CA(4) – decision under review affirmed

[Hodgson and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2608 (23 July 2024); R Cameron, Senior Member

MIGRATION – mandatory cancellation of applicant's visa – direction 110 – whether there is 'another reason' to revoke mandatory cancellation decision under s 501CA(4) of the Migration Act 1958 – crimes of a sexual nature – crimes against children - family violence – primary considerations and expectations of the Australian Community – decision affirmed

[Lucas and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2459 (20 June 2024); T Tavoularis, Senior Member

MIGRATION – remittal – non-revocation of mandatory cancellation of a visa – failure to pass the character test – whether there is another reason to revoke the mandatory cancellation decision – consideration of Ministerial Direction No. 99 – risk of recidivism found to be low and acceptable – satisfactory levels of rehabilitation achieved by Applicant – where factors against outweighed by factors in favour of revocation – Tribunal finding there is another reason to revoke the mandatory cancellation decision – decision under review set aside and substituted

[Puohotaua and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2620 (16 July 2024); R Bellamy, Senior Member

MIGRATION – Non-revocation of mandatory cancellation of a Special Category (Temporary) (Class TY) (subclass 444) 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. 110 – serious violent offending including family violence – drug trafficking – decision under review affirmed

[Sanchez and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2578 (17 July 2024); S Evans, Member

MIGRATION – Applicant citizen of the Philippines - visa mandatorily cancelled pursuant to section 501(3A) of the Migration Act 1958 (Cth) – substantial criminal record – review of decision to refuse to revoke mandatory cancellation under section 501CA(4) - decision under review set aside

[Strickland and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2606 (20 June 2024); D Cosgrave, Member

MIGRATION – Mandatory visa cancellation – New Zealand citizen – failure to pass character test – criminal record – whether another reason why the mandatory visa cancellation should be revoked – Ministerial Direction No. 99 applied – delegate’s decision set aside and substituted with a decision revoking the original visa cancellation

[Trass-Maraki and Minister for Immigration, Citizenship and Multicultural Affairs](#) (Migration) [2024] AATA 2417 (11 June 2024); D Cosgrave, Member

MIGRATION – discretionary visa cancellation – failure to pass the character test – suspicion of involvement with unlawful organisations in Australia – where Applicant suffers from delusions of fantasy and grandeur – evidence unable to substantiate the reasonable suspicion claim – Tribunal finding Applicant passes the character test – decision under review set aside and substituted

National Disability Insurance Scheme

[Iviglia and National Disability Insurance Agency](#) [2024] AATA 2609 (23 July 2024); D Barker, Member

NATIONAL DISABILITY INSURANCE SCHEME – access criteria – disability requirements – early intervention requirements – left side sciatica – lower back pain – left foot injury - whether the impairments are, or likely to be, permanent – whether the impairments result in substantially reduced functional capacity – support under the National Disability Insurance Scheme for the person’s lifetime – decision under review affirmed

[XVCP and National Disability Insurance Agency](#) [2024] AATA 2626 (24 July 2024); L Proske, Member

NATIONAL DISABILITY INSURANCE SCHEME – reasonable and necessary supports – child participant – request for additional funding for support worker assistance – value for money – what is reasonable to expect families to provide – effective and beneficial – decision set aside and remitted to the Respondent for reconsideration

[YVTM and National Disability Insurance Agency](#) [2024] AATA 2432 (25 June 2024); D Connolly, Senior Member

NATIONAL DISABILITY INSURANCE SCHEME – Applicant is a participant with a severe psychosocial impairment – reasonable and necessary supports – Applicant seeks funding for the further supports – support worker assistance – cannabidiol – care and maintenance of dog – ready made meals – continence aids – low cost assistive technology and consumables – short term accommodation and assistance including respite – home modifications – psychology – exercise physiology – art therapy – naturopathy – level 3 specialist support coordination – psychosocial recovery coaching – legal support – advocacy or social work support – access to the complex support needs pathway – the Applicant also seeks self-management – decision varied

[ZVTR and National Disability Insurance Agency](#) [2024] AATA 2635 (26 July 2024); S Smith, Member

NATIONAL DISABILITY INSURANCE SCHEME – National Disability Insurance Scheme Act - reasonable and necessary supports – hearing loss – request for a hearing assistance animal – where purchased prior to training as an assistance animal - reimbursement for purchase, training and maintenance costs expended – funding for future training and maintenance costs – value for money – lower cost alternatives - whether assistive technology offers a comparable benefit at a substantially lower cost - effective and beneficial – degree of benefit relative to costs – whether support related to the applicant’s disability – consideration of applicant’s functional capacity – access criteria - whether sufficient assessment undertaken - decision set aside and remitted for reconsideration

Practice and Procedure

[Able Australia Services and National Disability Insurance Agency](#) [2024] AATA 2470 (15 July 2024); K Parker, Senior Member

NATIONAL DISABILITY INSURANCE SCHEME – application for reinstatement – Tribunal granted application and reinstated proceeding – jurisdictional issue – Applicant is an NDIS registered service provider – Applicant seeking review of a decision by an NDIA payment officer to refuse to pay an invoice for services provided to a National Disability Insurance Scheme (NDIS) participant – whether decision has been made under s 100 of the National Disability Insurance Scheme Act 2013 (Cth) following review of a “reviewable decision” under s 99 – no reviewable decision before the Tribunal – application dismissed under s 42A(4) of the Administrative Appeals Tribunal Act 1975 (Cth)

[Luff and Australian Securities & Investments Commission](#) [2024] AATA 2634 (3 July 2024); B J McCabe, Deputy President

PRACTICE AND PROCEDURE – STAY APPLICATION – CONFIDENTIALITY APPLICATION – conditional interim stay application granted – ASIC undertaking – objectives of the regulators in making a decision – protection – objective of transparency – confidentiality order refused

[Luff and Australian Securities & Investments Commission](#) [2024] AATA 2637 (17 July 2024); B J McCabe, Deputy President

PRACTICE AND PROCEDURE – STAY APPLICATION – interim stay application – ASIC undertaking – objectives of the regulators in making a decision – protection – objective of transparency – stay application and confidentiality orders refused

[Sasso and Australian Securities & Investments Commission](#) [2024] AATA 2617 (23 July 2024); D Benk, Senior Member

PRACTICE AND PROCEDURE – application for stay of decision and confidentiality orders – applicant banned from providing any financial services for five years – whether discretion of the Tribunal is enlivened to grant a stay – whether a stay is desirable for the purpose of securing the effectiveness of the hearing – applicant no longer providing financial services – whether consequences for applicant and third parties substantiated – public interest considerations – presumption of openness and transparency of proceedings – whether grounds for confidentiality orders made out – reputational damage and financial hardship not sufficient – applications for stay and confidentiality orders refused

[SYRL and Australian Securities & Investments Commission](#) [2024] AATA 2636 (23 July 2024); D Benk, Senior Member

CONFIDENTIALITY ORDER – application for confidentiality order — section 35 Administrative Appeals Tribunal Act 1975 – consideration given to openness, open justice, maintaining public confidence – application refused

Professions and Trades

[Dou and Tax Practitioners Board](#) [2024] AATA 2580 (19 July 2024); D Benk, Senior Member

APPLICATION FOR REGISTRATION AS A TAX AGENT – whether the applicant has the required relevant experience to be registered – whether the applicant has worked under the supervision and control of a registered tax agent for the required period – paucity of evidence to demonstrate ‘supervision and control’ – decision under review affirmed

Refugee

[1810702](#) (Refugee) [2024] AATA 1243 (24 February 2024); Dr G Weeks, Member

REFUGEE – protection visa – China – entirely fabricated claims prepared by agent withdrawn at hearing – religion – Christianity – introduced by parents and grandparents as child, and attended and proselytised in in third country and home country – detained, interrogated and threatened, and cousin died during detention – original purpose of travel to find work and earn money – church attendance and activities in Australia – services, bible study and preparation for baptism – supporting statements and photos – country information – state-sanctioned and non-registered churches – decision under review remitted

[1829644](#) (Refugee) [2024] AATA 2494 (19 April 2024); J Pennell, Member

REFUGEE – protection visa – Malaysia – particular social group – mixed religious relationship – religion – Christian – Borneo Evangelical Church – Muslim conversion to Christianity – marriage would not be recognised – children would be considered illegitimate – decision under review remitted

[1833941](#) (Refugee) [2024] AATA 1379 (7 February 2024); D Dragovic, Senior Member

REFUGEE – protection visa – Pakistan – religion -- Shia – sectarian violence – general criminal violence – business closed under pressure from Sunni militants – country information – lived close to Afghan communities – extrajudicial violence – blasphemy laws – association and attendance of particular Shia mosque – reasonable behaviour modification – decision under review affirmed

[1909220](#) (Refugee) [2024] AATA 2489 (8 April 2024); S Roushan, Senior Member

REFUGEE – protection visa – Turkey – membership of particular social groups – harassed by classmate and abducted and sexually assaulted by associates of his parents – threatened by perpetrators to withdraw complaint and beaten by father – fear of societal discrimination and violence or honour killing – separated but not divorced – new relationship and Australian citizen child – claims of harassment, assault and threats accepted – no harm after complaint withdrawn or during return visit and no recent threats – country information – possibility of some discrimination not serious or significant harm – further late claims about beating by other relative not accepted – passage of time – claims as single mother speculative and dependant on divorce and remarriage – physical and mental health – best interests of child – referred for ministerial consideration – decision under review affirmed

[2108684](#) (Refugee) [2024] AATA 1233 (6 March 2024); S Nyabally, Member

REFUGEE – protection visa – Fiji – particular social group – homosexual men – physical assault – child sexual abuse – fear of forced heterosexual relationship – employment – decision under review remitted

[2302768](#) (Refugee) [2024] AATA 2618 (8 April 2024); B Butler, Member

REFUGEE – protection visa – Malaysia – particular social group – women – victim of family violence – fear of former husband – physical assault – husband’s drug addiction – fear of killing – extortion – decision under review affirmed

[2315029](#) (Refugee) [2024] AATA 2427 (13 March 2024); K Hoang, Member

REFUGEE – protection visa – Papua New Guinea – fear of harm from rival clan wanting to take over family land – family members, including father and brother, killed by sorcery and witchcraft and houses burned down – relocation to small city – previous returns before father’s and brother’s death and recent increases in violence – links to Australia and perceived wealth – mother granted protection on similar claims – country information and academic articles – land, clans and violence – from Western perspective, no evidence of sorcery – applicant’s cultural background and prevailing cultural norms – decision under review remitted

[2318644](#) (Refugee) [2024] AATA 2627 (13 February 2024); P Vlahos, Member

REFUGEE – protection visa – East Timor – economic hardship – access to employment opportunities – capacity to subsist – fear of unemployed youth gangs – complementary protection – significant harm – third country protection – Portugal – Indonesia – decision under review affirmed

Social Security

[Isherwood and Secretary, Department of Employment and Workplace Relations](#) (Social services second review) [2024] AATA 2534 (18 July 2024); D J Morris, Senior Member

SOCIAL SECURITY – pensions, benefits and allowances – where applicant was in receipt of jobseeker payment – where payment cancelled on basis applicant failed to comply with his reconnection requirement – where applicant’s payment cancelled by respondent – where applicant sought internal review – where internal review affirmed decision to cancel payment – where applicant sought review by Tribunal – where Tribunal at first review affirmed decision – where applicant sought second review by Tribunal – where respondent submitted second review should vary but otherwise affirm first review decision – first review decision varied but otherwise affirmed

[Towle and Secretary, Department of Social Services](#) (Social services second review) [2024] AATA 2579 (22 July 2024); K Millar, Deputy President

SOCIAL SECURITY – disability support pension – whether the applicant was a member of a couple – whether the absence of a permanent visa precludes conclusion that a person is a member of a couple – whether rate of disability support pension was calculated correctly – mobility allowance – whether applicant qualified for mobility allowance – whether rate of mobility allowance was calculated correctly – decisions under review set aside and remitted for reconsideration

Superannuation

[Coronica and Commissioner of Taxation](#) (Taxation) [2024] AATA 2592 (19 July 2024); G Lazanas, Senior Member

SUPERANNUATION – decision by Commissioner of Taxation to disqualify the applicant from acting as trustee of self-managed superannuation fund – multiple contraventions of the Superannuation (Industry) Supervision Act 1993 (SISA) established – nature and seriousness and number of contraventions – applicant not a fit and proper person – exercise of discretion - decision to disqualify applicant affirmed

Taxation

[YNVP and Commissioner of Taxation](#) (Taxation) [2024] AATA 2588 (30 June 2024); F D O'Loughlin KC, Deputy President

SMALL BUSINESS TAX AND COMMERCIAL – burden of proof – tribunal powers on review – alleged unreported income – decisions set aside and remitted.

Veterans' Affairs

[Wiencke and Repatriation Commission](#) (Veterans' entitlements) [2024] AATA 2605 (22 July 2024); A George, Senior Member and Lieutenant-Colonel R Ormston, Member

VETERANS – Qualifying Service – National Servicemen – Veterans Entitlement Act — Speech by Gough Whitlam – decision under review affirmed

Appeals

This section of the Bulletin provides information about appeals that have been lodged or finalised against decisions in the AAT's General, Freedom of Information, National Disability Insurance Scheme, Security, 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
LLQQ and Minister For Immigration, Citizenship and Multicultural Affairs	[2024] AATA 1666
Marson (Hanley) and Minister for Immigration, Citizenship and Multicultural Affairs	[2024] AATA 2114
Stoneley and Minister for Immigration, Citizenship and Multicultural Affairs	[2024] AATA 1591
VFQF and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2024] AATA 1665

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Lasalo v Minister for Immigration, Citizenship and Multicultural Affairs	[2022] AATA 4018	[2024] FCA 790
Moradi v Comcare	[2022] AATA 3168	[2024] FCA 812
Pewhairangi v Minister for Immigration, Citizenship and Multicultural Affairs	[2022] AATA 2596	[2024] FCAFC 94 [2023] FCA 1322
Prasad v Minister for Immigration, Citizenship and Multicultural Affairs	[2023] AATA 3438	[2024] FCA 791
Rauhina v Administrative Appeals Tribunal	[2024] AATA 34	[2024] FCA 767
Rusanov v Commissioner of Taxation	[2023] AATA 2782	[2024] FCA 777
Thompson v Minister for Immigration, Citizenship and Multicultural Affairs	[2023] AATA 96	[2024] FCA 776
Verrill v Minister for Immigration, Citizenship and Multicultural Affairs	[2023] AATA 4246	[2024] FCA 802



With the exception of the Commonwealth Coat of Arms and any third-party material, this work is licensed under a [Creative Commons Attribution 3.0 Australia Licence](#). Content from this publication should be attributed as: Administrative Appeals Tribunal, *AAT Bulletin*.

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed on the following website: <https://www.pmc.gov.au/government/commonwealth-coat-arms>.

Enquiries regarding the licence are welcome at aatweb@aat.gov.au.

This licence is limited to the *AAT Bulletin* and does not extend to the full text of AAT decisions. Separate licence terms for AAT decisions can be found on [AustLII](#).