



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.

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AAT Recent Decisions

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

[**Baird and Comcare**](#) [2014] AATA 233; 17/4/2014; Senior Member RM Creyke

Whether condition significantly contributed to by employment – carpal tunnel syndrome in wrists – nature of condition

[**DNJN and Comcare**](#) [2014] AATA 237; 24/4/2014; Deputy President JW Constance

Safety, Rehabilitation and Compensation Act 1988 (Cth) – chronic fatigue syndrome – whether applicant suffered an ailment within the meaning of the Act – whether applicant suffered an aggravation of an ailment – whether aggravation was contributed to, to a significant degree by the applicant's employment – reasonable administrative action taken in a reasonable manner in respect of the applicant's employment – decision under review affirmed

[**Manning and Comcare**](#) [2014] AATA 240; 24/4/2014; Senior Member AK Britton

Requirement to give written notice of injury as soon as practicable – Whether failure to give notice resulted from a mistake or ignorance – Whether failure to give notice resulted from any other reasonable cause – Whether failure to give notice results in prejudice to the Respondent

[**Sowton and Military Rehabilitation and Compensation Commission**](#) [2014] AATA 239; 24/4/2014; Senior Member E Fice

Claim under the Commonwealth *Employees' Compensation Act 1930* – Absence of notice and claim within the prescribed periods – Mistake or other reasonable cause – Did the claimed injury arise out of or in the course of military service – Degeneration of cervical spine – Causal connection – Duties performed – Lack of evidence – 45 year delay between service and claim for injury

Migration Agents

[**Chang and Migration Agents Registration Authority**](#) [2014] AATA 235; 22/4/2014; Deputy President RP Handley

Migration agents registration – immigration assistance – conflict of interest – breach of the Migration Agents Code of Conduct – fit and proper person – decision under review affirmed

[**Haque and Migration Agents Registration Authority**](#) [2014] AATA 225; 17/4/2014; Mr C Ermert, Member

Registration as Migration Agent – fit and proper person – person of integrity – criminal convictions – character – decision affirmed

Practice and Procedure

[Archerfield Airport Chamber of Commerce Inc and Minister for Infrastructure and Regional Development and Anor](#) [2014] AATA 238; 24/4/2013; Deputy President PE Hack

Admissibility of evidence – whether evidence of equitable interests relevant – whether “interest” within the meaning of the legislation – whether evidence of Australian Noise Exposure Forecast relevant

Social Security

[Legro and Secretary, Department of Social Services](#) [2014] AATA 234; 22/4/2014; Ms R Perton, Member

Parenting payment (single) – s 80 of the *Social Security (Administration) Act 1999* – decision under review affirmed

[Munday and Secretary, Department of Social Services](#) [2014] AATA 231; 17/4/2014; Mr S Webb, Member

Claim for Disability Support Pension – impairments – not fully diagnosed treated and stabilised – less than 20 impairment points – decision affirmed

[Ray and Secretary, Department of Social Services](#) [2014] AATA 227; 16/4/2014; Ms R Perton, Member

Disability support pension – cancellation on residency grounds – whether applicant a resident of Australia at the time of cancellation – decision set aside and remitted for consideration of any other outstanding issues

[Stoneham and Secretary, Department of Social Services](#) [2014] AATA 236; 30/1/2014; Ms R Perton, Member

Payment of arrears – review not sought within 12 weeks – decision under review affirmed

[Udrzal and Secretary, Department of Social Services](#) [2014] AATA 232; 17/4/2014; Deputy President PE Hack

Pensions, benefits and allowances – disability support pension – portability - whether outside Australia when cancellation decision made – severe impairment -whether job capacity assessment required - whether fully treated and stabilised and likely to persist for more than two years

Veterans' Affairs

[Sheldon and Repatriation Commission](#) [2014] AATA 228; 17/4/2014; Deputy President PE Hack

Veterans’ entitlements – pension – special rate – what type of work may be undertaken with applicant’s skills, qualifications or experience – whether totally or permanently incapacitated – whether there are other reasons preventing continuing remunerative work – whether genuinely seeking to engage in remunerative work

Appeals

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

CASE NAME	AAT REFERENCE
Commissioner of Taxation v Macoun	[2014] AATA 155
Minister for Foreign Affairs v Lee	[2014] AATA 159
R.V. Investments Pty Ltd as trustee of the R.V. Unit Trust v Commissioner of Taxation & AAT	[2014] AATA 158

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Commissioner of Taxation v Altnot Pty Ltd	[2013] AATA 140	[2014] FCA 362
Salomonn v Migration Agents Registration Authority and AAT	[2013] AATA 146	[2014] FCA 380
Schulz v Repatriation Commission	[2012] AATA 561	[2014] FCA 387

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