



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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AAT Recent Decisions

This section of the *Bulletin* provides information about decisions recently published by the AAT. 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.

Compensation

[Hand and Comcare](#) [2015] AATA 238; 21/4/2015; Senior Member E Fice

Particular injuries, diseases and disabilities – Mental and nervous disorders – Entitlement to compensation – Exclusions – Stress injuries resulting from reasonable administrative action by employer – Decision under review affirmed

[Parr and Military Rehabilitation and Compensation Commission](#) [2015] AATA 239; 22/4/2015; Dr M Denovan, Member

Entitlements – Dependants – Eligible Young Person Payment – Whether dependant was an “eligible young person” at the time the veteran became eligible for 80 impairment points – Dependant no longer an “eligible young person” at the time of veteran’s eligibility – Decision under review affirmed

Defence

[Kann and Secretary, Department of Defence](#) [2015] AATA 249; 8/4/2015; Deputy President PE Hack SC

Defence Home Ownership Assistance Scheme – applicant serving officer in Naval Reserve – transition of entitlements – whether applicant entitled to continuation of subsidy payments – maximum subsidy period exhausted – decision under review affirmed

Social Security

[Brodie and Secretary, Department of Social Services](#) [2015] AATA 242; 23/4/2015; Senior Member BJ McCabe

Disability support pension – 13-week assessment period – application of ‘medical criteria’ – no impairment points attributed to clinical depression – chronic fatigue syndrome and fibromyalgia not fully diagnosed, treated and stabilised – decision under review affirmed.

[Cropp and Secretary, Attorney-General’s Department](#) [2015] AATA 246; 24/3/2015; Professor R McCallum AO, Member

Australian victims of terrorism overseas payment – residence requirement – decision affirmed

[Koden and Secretary, Department of Social Services](#) [2015] AATA 236; 20/4/2015; Mr C Ermert, Member

Disability support pension – whether the Applicant’s impairment attracts 20 points – decision affirmed

[Masri and Secretary, Department of Social Services and Anor](#) [2015] AATA 241; 23/4/2015; Senior Member PW Taylor SC

Family Tax Benefit – whether there has been a change to care percentages such that earlier percentages should be revoked and new percentages determined – whether Applicant satisfies 35 percent care threshold to satisfy FTB child criterion – whether Applicant had nil percentage of care for children from 22 April 2012 – whether Applicant overpaid FTB – repayment of FTB debt – no special circumstances exist – decision affirmed

[Pavilupillai and Secretary, Department of Employment and Anor](#) [2015] AATA 240; 18/3/2015; Senior Member E Fice

Pensions, payments and allowances – Newstart allowance – Rules for determining rates and payments – Assets test – Disposal of assets – Applicant exceeded assets value limit – Disability support pension – Impairment assessment – Insufficient impairment points allocated to applicant's conditions – decisions under review affirmed

Superannuation

[McDonald and Commonwealth Superannuation Corporation](#) [2015] AATA 237; 21/4/2015; Dr J Pople, Senior Member

Defence Force Retirement and Death Benefits Scheme – member resumed continuous full time service – whether member made an election to remain in DFRDB scheme – requirements to make election – member completed form and took steps to have form sent to ComSuper – decision set aside and substituted

Taxation

[Applicant 6115 of 2013 and Commissioner of Taxation](#) [2015] AATA 244; 23/4/2015; Senior Member CR Walsh

INCOME TAX – capital gains tax – property rezoned from "Rural" to "Special Rural", subdivided and sold – whether applicant's capital gain for 2007 year should be offset by carried forward capital losses – whether applicant's capital gain for 2009 year should be reduced as a result of increase in cost base of CGT asset – whether applicant should be allowed deductions for interest, land tax, council rates incurred in prior income years – whether "intention" of taxpayer to use property acquired for turkey farming business changed – objection decision affirmed

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
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None lodged

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
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None finalised

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