



Administrative
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The *AAT Bulletin* is a weekly 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 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

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.

Citizenship

[Haidari and Minister for Immigration and Border Protection](#) (Citizenship) [2019] AATA 997 (28 May 2019); Mr R Maguire, Member

CITIZENSHIP – citizenship cancellation – not of good character – counterfeit driver's licence – decision under review affirmed

[Nguyen and Minister for Home Affairs](#) (Citizenship) [2019] AATA 998 (27 May 2019); Deputy President J W Constance

CITIZENSHIP – application for review of decision to revoke Applicant's Australian citizenship – where Applicant committed serious breaches of Australian Citizenship Act 2007 (Cth) and Migration Act 1958 (Cth) – where Applicant not otherwise of good character – whether contrary to public interest for Applicant to remain an Australian citizen – whether discretion not to revoke citizenship should be exercised – importance of maintaining integrity of visa and citizenship programs – decision under review affirmed

Compensation

[Renouf and Comcare](#) (Compensation) [2019] AATA 1055 (29 May 2019); Deputy President J Sosso

COMPENSATION – benefits and entitlements – Applicant suffering from anxiety disorder/depression – condition initially caused by the Applicant's employment – whether liability for condition has ceased – Safety Rehabilitation and Compensation Act 1988 (Cth) – decision under review affirmed.

[Skobelkin-Mulcair and Comcare](#) (Compensation) [2019] AATA 1054 (29 May 2019); Mark Hyman, Member

WORKERS COMPENSATION – carpal tunnel syndrome and chronic pain condition – diagnosis – whether conditions contributed to by employment to the requisite degree – whether conditions constitutional – psychological overlay – evidence of expert witnesses – whether original causation continues – whether medical treatment provided in relation to accepted or reformulated condition – whether medical treatment reasonable – whether applicant incapacitated – decision set aside and substituted

[XBBS and Australian Capital Territory](#) (Compensation) [2019] AATA 1057 (29 May 2019); Mr M Hyman, Member

COMPENSATION – where applicant has an accepted physical injury and a secondary psychiatric condition for which liability has been denied – whether employment contributed in a material degree to the physical condition – equivocal medical evidence – whether employment continues to contribute to applicant’s physical condition – whether physical condition contributed in a material degree to psychiatric condition – whether compensation payable for permanent impairment and non-economic loss – two decisions set aside and substituted – two decisions remitted to the respondent

Migration

[PHMK and Minister for Home Affairs](#) (Migration) [2019] AATA 1002 (27 May 2019); Senior Member Theodore Tavoularis

MIGRATION – Non-revocation of mandatory cancellation of visa on character grounds – Class BS Subclass 801 Partner visa – where Applicant did not satisfy the character test – whether there is any other reason why the mandatory cancellation decision should be revoked – application of Primary and Other Considerations in Direction No 79 – decision under review affirmed

Practice and Procedure

[RBBT and Child Support Register](#) (Child support second review) [2019] AATA 1051 (29 May 2019); Mr W Frost, Member

CHILD SUPPORT – Application for extension of time – Whether or not the Applicant had received the reviewable decision – Application made within the prescribed timeframe – Set aside and remitted to the Social Services & Child Support Division

Social Services

[Betts and Secretary, Department of Social Services](#) (Social services second review) [2019] AATA 1000 (27 May 2019); Ms Anna Burke AO, Member

SOCIAL SECURITY – application for disability support pension – whether qualified – back pain, asthma/cough, generalised anxiety disorder/depression and osteoporosis (left hip pain)– whether impairment attracts rating of 20 points or more under Impairment Tables – whether program of support had been undertaken – decision under review affirmed

[Costello and Secretary, Department of Social Services](#) (Social services second review) [2019] AATA 1052 (29 May 2019); Mr C Edwardes, Member

SOCIAL SECURITY – disability support pension – medical conditions – stroke – depression – diabetes – vision – irritable bowel syndrome – chronic pain – no program of support (POS) – decision affirmed

[Gulic and Secretary, Department of Social Services](#) (Social services second review) [2019] AATA 1070 (30 May 2019); Dr I Alexander, Senior Member

SOCIAL SECURITY – Disability Support Pension – impairment tables – whether applicant qualified for DSP during claim period – whether condition fully diagnosed, treated, stabilised and likely to persist for more than two years – whether the applicant’s impairment attracts 20 points or more under the Impairment Tables – whether applicant has a continuing inability to work – decision under review affirmed

[Payne and Secretary, Department of Social Services](#) (Social services second review) [2019] AATA 1001 (27 May 2019); Senior Member B J Illingworth

SOCIAL SECURITY – pensions, benefits and allowances – claim for disability support pension rejected – physical, intellectual or psychiatric impairment – whether medical conditions fully diagnosed, fully treated and fully stabilised during the assessment period – whether an impairment rating of 20 points or more existed under the Impairment Tables – decision under review affirmed

[Ringham and Secretary, Department of Social Services](#) (Social services second review) [2019] AATA 1003 (28 May 2019); Senior Member D R Davies

AGE PENSION – cancellation – rate of age pension calculation – whether applicant is an attributable stakeholder in a designated private trust – whether the overpaid amount is correct – matter remitted

Veterans' Affairs

[Schulz and Repatriation Commission](#) (Veterans’ entitlements) [2019] AATA 999 (24 May 2019); Deputy President J Sosso

VETERANS’ AFFAIRS – service pension – surrender of three life insurance policies – income – when was income earned, derived or received – decision 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
FCFY and Minister for Home Affairs	[2018] AATA 4184
GZCK and Minister for Home Affairs	[2019] AATA 656
Kheir and Minister for Home Affairs	[2019] AATA 146
Maksoud and Minister for Home Affairs	[2019] AATA 825
Ward and Minister for Home Affairs	[2019] AATA 581

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
None finalised		



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