



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

[McCarron and Comcare](#) [2014] AATA 360; 6/6/2014; Deputy President SD Hotop

Commonwealth employees – applicant suffered knee injury in workplace in February 2010 – applicant claimed compensation – respondent accepted liability to pay compensation for knee injury – respondent ceased payment of compensation for knee injury in February 2013 – respondent continues to be liable to pay compensation for medical treatment for knee injury – respondent continues to be liable to pay compensation for incapacity for work resulting from knee injury – decision under review set aside

Immigration and Citizenship

[Gettings and Minister for Immigration and Border Protection](#) [2014] AATA 357; 6/6/2014; Senior Member RW Dunne

Subclass 801 (Partner) visa – permanent resident – application for Australian citizenship by conferral – applicant married to an Australian citizen – applicant does not meet general residence requirement – application of Australian Citizenship Instructions – whether the applicant had, and will maintain, a close and continuing association with Australia – decision under review affirmed

Practice and Procedure

[Soong and Inspector-General in Bankruptcy](#) [2014] AATA 372; 13/6/2014; Senior Member D Letcher QC

BANKRUPTCY – jurisdiction – application for review by Inspector-General lodged more than 60 days after bankrupt was notified of assessment – whether the Respondent made a reviewable decision – whether a refusal of a request to review decision on own initiative was reviewable – no jurisdiction

[VXYH and Director-General of Security](#) [2014] AATA 368; 11/6/2014; Senior Member BJ McCabe

NO JURISDICTION – Applicant's employment terminated after security clearance cancelled – previous application before Tribunal dismissed – Tribunal directed it had no jurisdiction – fresh application argues new approach to interpretation of legislation – consideration of Parliamentary intention to exclude decision from review – decided that Tribunal has no jurisdiction to review the decision

Social Security

[Worthington and Secretary, Department of Social Services](#) [2014] AATA 358; 6/6/2014; Deputy President K Bean

Disability services – rehabilitation program – decision to "exit" applicant from disability employment services program – decision to issue notice requiring applicant to attend appointment with different provider – whether appropriate to refer applicant to another provider – more intensive assistance required to address identified barriers to employment – decisions under review affirmed

Taxation

[Huckle and Commissioner of Taxation](#) [2014] AATA 362; 6/6/2014; Senior Member AF Cunningham

Taxation liability – application for release – whether payment of tax liability would cause serious financial hardship – substantial income and investment properties – no serious hardship found – decision under review affirmed

[Mack and Commissioner of Taxation](#) [2014] AATA 367; 11/6/2014; Deputy President PE Hack SC

Income tax – profit washing scheme – whether applicants participated – tax treatment of funds – accrued directors fees – deferral of profits – forced disposal of livestock – whether supported on the evidence – power of the Commissioner amend assessments

[North Sydney Development Pty Ltd and Commissioner of Taxation](#) [2014] AATA 363; 6/6/2014; Senior Member PW Taylor SC

Goods and services tax – input tax credits – notification of entitlement to input tax credits – sufficiency of notice

Veterans' Affairs

[Ryan and Repatriation Commission](#) [2014] AATA 370; 12/6/2014; Dr M Denovan, Member

Service pension – special rate of pension – whether applicant ceased remunerative work for reasons other than his war-caused incapacity – decision under review 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
Mentink v Secretary, Department of Human Services	[2014] AATA 249
Samson Maritime Pty Ltd v Aucote	[2014] AATA 296

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Singh v Minister for Immigration and Border Protection & AAT	[2014] AATA 37	[2014] FCA 598

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