



Administrative  
Appeals Tribunal

# AAT Bulletin

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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, Taxation & Commercial and Veterans' Appeals Divisions. The Bulletin also regularly includes information about decisions of interest recently published in the AAT's Migration & Refugee 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](mailto: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, Taxation & Commercial and Veterans' Appeals Divisions as well as about select decisions recently published in 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

[BWCH and Principal Member, Social Security Appeals Tribunal](#) (Child support second review) [2016] AATA 396 (16 June 2016); Miss EA Shanahan, Member

Child support payments – disputed earnings – multiple requests to the agency for review of assessments – application to Social Security Appeals Tribunal (SSAT) – out of time – request for extension of time denied 20 December 2013 – application to the AAT second review – decision affirmed

## Compensation

[O'Kane and Comcare](#) (Compensation) [2016] AATA 389 (10 June 2016); Senior Member Dr J Popple

Liability accepted for workplace injury to right knee – claim for further compensation for current impairment – whether current impairment a result of accepted injury – whether accepted injury aggravated pre-existing condition – current impairment a result of gout and its natural progression – reviewable decision affirmed

## Migration

[Do and Minister for Immigration and Border Protection](#) (Migration) [2016] AATA 390 (14 June 2016); Deputy President B McCabe

Decision not to revoke mandatory cancellation – where applicant is New Zealand citizen – where applicant has substantial criminal record – cultivation of cannabis – theft – primary considerations weigh against revoking cancellation – decision under review affirmed

## Social Security

[Aquilina and Secretary, Department of Social Services](#) (Social services second review) [2016] AATA 394 (16 June 2016); Senior Member Ms AF Cunningham

Qualification for disability support pension – conditions of cerebral palsy, epilepsy – whether conditions fully diagnosed, treated and stabilised – Impairment Rating – Program of Support provisions not satisfied – Inability to Work provisions not satisfied – decision under review affirmed

[Grant and Secretary, Department of Social Services](#) (Social services second review) [2016] AATA 391 (14 June 2016); Member, EA Shanahan

Application for disability support pension – psychiatric disorder – psychiatric opinion and psychologist opinion obtained post-lodgement of claim – prior psychiatric records not available – condition not fully diagnosed, treated and stabilized – decision affirmed.

[Mitchel and Secretary, Department of Social Services](#) (Social services second review) [2016] AATA 387 (9 May 2016); Deputy President K Bean and Member, Ms K Millar

Disability support pension – Chronic headaches/migraine – Condition fully diagnosed, treated and stabilised during assessment period – Potentially attracted 20 points under Impairment Tables – No severe impairment – Program of support requirements not met – Decision under review affirmed

## **Taxation**

[FLZY and Commissioner of Taxation](#) (Taxation) [2016] AATA 348 (27 May 2016); Deputy President SE Frost

Income tax – sale of a property – whether capital gain – whether revenue gain – identification of business carried on by the taxpayer – profit on sale of the property was a capital gain – objection decision set aside and remitted

# 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, 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

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CASE NAME	AAT REFERENCE
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None lodged

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## Appeals finalised

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CASE NAME	AAT REFERENCE	COURT REFERENCE
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<b>Lim v Comcare</b>	<a href="#">[2015] AATA 189</a>	<a href="#">[2016] FCA 709</a>
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