



## 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

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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

[Fernandez and Australian Postal Corporation](#) [2014] AATA 703; 26/9/2014; Senior Member GD Friedman

Right upper limb injury – previously accepted condition – whether liability has ceased – whether compensation payable for two periods in 2012 – whether 2013 right wrist/arm injury significantly contributed to by employment – decision set aside

### Customs

[Mercator Lighting Pty Ltd and Chief Executive Officer of Customs](#) [2014] AATA 694; 23/9/2014; Deputy President FJ Alpins

Classification of goods – composite goods made up of different components – determination of essential character – application of Interpretation Rules – *Customs Tariff Act 1995* (Cth) – decision affirmed

### Practice and Procedure

[Singh and Administrative Appeals Tribunal](#) [2014] AATA 701; 25/9/2014; Deputy President SA Forgie

SOCIAL SECURITY – application dismissed as frivolous or vexatious and applicant directed not to make any further application without leave of the Tribunal – direction limited to applications to Tribunal – whether direction should be discharged or varied – Tribunal decides not to discharge or vary direction

### Social Security

[Casey and Secretary, Department of Social Services](#) [2014] AATA 690; 22/9/2014; Senior Member G Ettinger

Overpayment of pension – Applicant did not disclose purchase of land in Queensland to the Respondent – Applicant claims he bought it for his son – he did not tell his son about it – Tribunal finds that the Applicant has used the names Patrick Peter Casey and Peter Patrick Casey interchangeably for most of his life – decision under review affirmed.

[Edwards and Secretary, Department of Social Services](#) [2014] AATA 698; 25/9/2014; Senior Member D Letcher

Pensions – disability support pension – whether applicant's conditions were fully diagnosed, treated and stabilised – whether applicant's impairment is rated 20 points or more under the Impairment Tables – whether applicant had a continuing inability to work – decision set aside

[Giles; Secretary, Department of Social Services and](#) [2014] AATA 685; 19/9/2014; Senior Member NA Manetta

Pensions, benefits and allowances – Disability Support Pension – eligibility – Impairment Tables – whether 20 impairment points could be assigned under one or more tables – continuing inability to work – program of support – decision under review affirmed

[HLMS and Secretary, Department of Social Services](#) [2014] AATA 693; 23/9/2014; Senior Member AK Britton

Disability support pension – portability period – discretionary power to determine portability period – decision affirmed

[Marwood; Secretary, Department of Social Services and](#) [2014] AATA 686; 19/9/2014; Senior Member NA Manetta

Pensions, benefits and allowances – Disability Support Pension – Impairment Tables – whether conditions warranted 20 impairment points or more under one or more tables – continuing inability to work – whether participation in program of support – decision set aside

[Menzies and Secretary, Department of Social Services](#) [2014] AATA 689; 1/8/2014; Senior Member AK Britton

Disability Support Pension – Whether the Applicant's conditions were permanent – Whether the Applicant suffers a "severe impairment" – Whether the Applicant has undertaken a program of support – Decision affirmed

[Thomson and Secretary, Department of Social Services](#) [2014] AATA 696; 24/9/2014; Senior Member NA Manetta

Pensions, benefits and allowances – Disability Support Pension – whether conditions fully treated, diagnosed and stabilised – whether impairments from conditions warrant 20 points under one or more tables – continuing inability to work – decision affirmed

[Vo and Secretary, Department of Social Services](#) [2014] AATA 697; 25/9/2014; Senior Member G Ettinger

Youth Allowance – Whether Applicant satisfies activity test – Whether Applicant undertaking full-time study at the relevant time – Whether an overpayment of Youth Allowance – Whether debt should be waived – Decision under review affirmed

## **Tax Agents**

[Burnett and Tax Practitioners Board](#) [2014] AATA 687; 19/9/2014; Deputy President K Bean

Tax agents – Whether applicant a fit and proper person to be registered as a tax agent – Decision under review affirmed

## **Taxation**

[KNNW and Commissioner of Taxation](#) [2014] AATA 691; 22/9/2014; Senior Member FD O'Loughlin

Relief from taxation debt – serious hardship – whether there is serious hardship – if there is serious hardship whether discretion to release ought be exercised – decision affirmed

## Veterans' Affairs

[Fielden and Repatriation Commission](#) [2014] AATA 702; 25/9/2014; Brigadier C Ermert (Retd), Member

Veteran not yet turned 65 – totally and permanently incapacitated – incapacity from war-caused injury or war-caused disease alone – prevented from continuing to undertake remunerative work – decision set aside

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## Appeals

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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

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CASE NAME	AAT REFERENCE
<b>Coshott v Commissioner of Taxation</b>	<a href="#">[2014] AATA 622</a>
<b>O'Loughlin v Linfox Australia Pty Ltd</b>	<a href="#">[2014] AATA 577</a>
<b>Von Stieglitz v Comcare &amp; Ors</b>	<a href="#">[2013] AATA 908</a>

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### Appeals finalised

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CASE NAME	AAT REFERENCE	COURT REFERENCE
<b>Comcare v Nicolas</b>	<a href="#">[2014] AATA 189</a>	<a href="#">[2014] FCAFC 122</a>

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