



AAT Bulletin

ISSUE NO. 42/2013

21 OCTOBER 2013

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

[Turner and Military Rehabilitation and Compensation Commission](#) [2013] AATA 741; 15/10/2013; Senior Member JF Toohey

Military compensation – Carpal tunnel syndrome – Rotator cuff tendinosis – Osteoarthritis of neck, shoulder, hands and wrists – Whether employment contributed to in a material degree – Decisions under review affirmed

Corporations

[Cirillo and Registrar of Personal Property Securities](#) [2013] AATA 733; 11/10/2013; Deputy President K Bean

Securities – *Personal Property Securities Act 2009* – Amendment demand given seeking removal of registration from Personal Property Securities Register – Registrar refused to register a financing change statement amending registration – Whether reasonable grounds to suspect amendment sought not authorised – Collateral continues to secure debt owed by the applicant – Amendment sought not authorised – Decision under review affirmed

Immigration and Citizenship

[Carranceja and Minister for Immigration and Border Protection](#) [2013] AATA 738; 14/10/2013; Senior Member J Toohey

Visa cancellation – Substantial criminal record – Previous cancellation – Application of Direction No 55 – Offences due to gambling – High risk of applicant re-offending – Decision under review affirmed

Practice and Procedure

[Bates and Comcare](#) [2013] AATA 744; 20/9/2013; Professor RM Creyke, Senior Member

INTERLOCUTORY HEARING – Application by respondent for dismissal – Overlap between matters – Matter remitted for reconsideration by respondent – Matter dismissed

[Mori and Secretary, Department of Social Services](#) [2013] AATA 737; 10/10/2013; Mr S Webb, Member

Application for reinstatement following previous settlement by consent – Delay – No error in dismissal – Application refused

Social Security

[Avramovski and Secretary, Department of Families, Housing, Community Services and Indigenous Affairs](#) [2013] AATA 739; 13/9/2013; Senior Member GD Friedman

Disability support pension – Whether applicant satisfies residency requirements – Applicant not a resident at time of application – Decision affirmed

[Pascoe and Secretary, Department of Social Services](#) [2013] AATA 745; 17/10/2013; Mr S Webb, Member

Disability support pension – Rate – Member of a couple – Discretion to treat as not a member of a couple – Separate finances – Partner refuses to provide financial information – Reporting obligations – Communication difficulties in marriage – Health issues – No special reason – Discretion not enlivened – Decision affirmed

[Purdie and Secretary, Department of Social Services](#) [2013] AATA 743; 23/9/2013; Deputy President PE Hack SC

Member of a couple – Whether special reason in particular case not to treat applicant as member of a couple – Decision set aside and remitted

Portability – Whether statutory exception to general rule regarding maximum portability period applies – Decision affirmed

[Tobias and Secretary, Department of Social Services](#) [2013] AATA 740; 15/10/2013; Senior Member RG Kenny

Benefits and entitlements – Initial claim for newstart allowance – Subsequent claim for disability support pension – Qualifications for disability support pension met at time of initial claim for newstart allowance – Reasonable to treat subsequent claim as made on date of initial claim – Decision set aside – Start date for payment of disability support pension is date of initial claim

Veterans' Affairs

[Cairns and Repatriation Commission](#) [2013] AATA 742; 15/10/2013; Senior Member BJ McCabe and Dr M Denovan, Member

Pensions and benefits – Widow's pension – Connection between kind of death and service – Cerebrovascular disease – Link between alcohol consumption and service – Level of alcohol consumption – 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
De Vries v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs	[2013] AATA 691
Iliffe v Comcare	[2013] AATA 631

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Sharley v Repatriation Commission	[2010] AATA 474	[2013] FCA 1031
Dayal v Secretary, Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	[2012] AATA 787	[2013] FCA 1037
BHFC v Minister for Immigration and Citizenship & AAT	[2013] AATA 166	[2013] FCA 1049
Sami v Minister for Immigration, Multicultural Affairs and Citizenship & AAT	[2013] AATA 445	WAD281/2013

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