



## 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

[Brown and Comcare](#) [2014] AATA 884; 28/11/2014; Deputy President K Bean

Commonwealth employees – Permanent impairment – Whether applicant's impairment results from compensable injury – Applicant's impairment does not result from compensable injury – Decision under review affirmed

[JRKH and Military Rehabilitation and Compensation Commission](#) [2014] AATA 883; 27/11/2014; Deputy President IR Molloy, Dr M Denovan, Member

Service injury or disease – Low testosterone levels – Suppression of hypothalamic pituitary gonadal axis – Establishing diagnosis – Standard of proof – Medical evidence – Reviewable determination as varied affirmed

### Immigration and Citizenship

[Gorshechnikova and Minister for Immigration and Border Protection](#) [2014] AATA 891; 2/12/2014; Senior Member BJ McCabe

Applicant living in Singapore – Failure to meet general residence requirement – Discretion to treat periods of absence as time spent in Australia not enlivened – No “close and continuing association with Australia” – Reviewable decision affirmed

### Practice and Procedure

[Australian Vocational Driving Institute Pty Ltd and Australian Skills Quality Authority](#) [2014] AATA 889; 1/12/2014; Deputy President PE Hack SC

Application for extension of time – application for stay – whether applicant misunderstood time limits for lodging application – whether granting of stay in public interest – extension of time granted – stay refused

[Australian Vocational Driving Institute Pty Ltd and Australian Skills Quality Authority](#) [2014] AATA 892; 20/11/2014; Deputy President PE Hack SC

Application for extension of time – application for stay – no evidence provided by applicant – applications adjourned until 27 November 2014 to allow applicant to put on evidence – interim stay refused

[Palmer Aviation and Airservices Australia and Anor](#) [2014] AATA 890; 24/11/2014; Deputy President PE Hack SC

Joinder application – confidentiality application – joinder application refused – confidentiality application refused

## Social Security

[Hage and Secretary, Department of Social Services](#) [2014] AATA 895; 4/12/2014; Professor R McCallum AO, Member

Application for pension – Disability support pension – Whether the applicant has an impairment that is diagnosed, fully treated and stabilised – whether the applicant has impairments that are assessed under the Impairment Tables at a minimum 20 points – Whether the applicant has a continuing inability to work – Decision affirmed

[Moss and Secretary, Department of Social Services](#) [2014] AATA 901; 5/12/2014; Senior Member AF Cunningham

Disability support pension – cancellation for failure to report income – no income earned – no application for review of decision – decision under review affirmed

[QKQX and Secretary, Department of Social Services](#) [2014] AATA 899; 5/12/2014; Senior Member RW Dunne

Pensions, benefits and allowances – claim for disability support pension rejected – physical, intellectual or psychiatric impairment – whether impairment rating of 20 points or more existed under the Impairment Tables – whether there was a "continuing inability to work" – reports of medical practitioners considered – Job Capacity Assessment conducted – decision under review affirmed

[Stojanovski and Secretary, Department of Social Services](#) [2014] AATA 901; 5/12/2014; Mr C Ermert, Member

Disability Support Pension – period in question – physical impairment – Impairment Tables – not fully treated – not permanent – decision affirmed

[Tuma and Secretary, Department of Social Services](#) [2014] AATA 888; 1/12/2014; Senior Member N Isenberg

Pensions – disability support pension – whether conditions causing impairment are permanent – whether the Applicant had an impairment rating of 20 points or more under the impairment tables – decision affirmed

## Taxation

[Upson and Commissioner of Taxation](#) [2014] AATA 896; 4/12/2014; Deputy President PE Hack SC

Default assessments – administrative penalty imposed – objection to amended assessments – decisions under review affirmed

## Veterans' Affairs

[Ashton and Repatriation Commission](#) [2014] AATA 897; 4/12/2014; Senior Member BJ McCabe and Senior Member AC Cotter

Whether death of veteran from ischemic heart disease connected to circumstances of operational service – Lumbar spondylosis – Signs and symptoms did not persist for seven days following the injury – Principles establishing connection between injury and service not satisfied – Decision under review affirmed

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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>Frugniet v Tax Practitioners Board</b>	<a href="#">[2014] AATA 766</a>
<b>Secretary, Department of Social Services v Vaneski</b>	<a href="#">[2014] AATA 728</a>

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### Appeals finalised

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CASE NAME	AAT REFERENCE	COURT REFERENCE
<b>Commissioner of Taxation v Macoun</b>	<a href="#">[2014] AATA 155</a>	<a href="#">[2014] FCAFC 162</a>
<b>Hutchinson v Comcare</b>	<a href="#">[2014] AATA 588</a>	<a href="#">[2014] FCA 1300</a>
<b>Clement v Comcare</b>	<a href="#">[2013] AATA 638</a>	<a href="#">[2014] FCAFC 164</a> <a href="#">[2014] FCA 654</a>

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