



AAT Bulletin

ISSUE NO. 50/2013

16 DECEMBER 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

[Edwards and Australian Postal Corporation](#) [2013] AATA 874; 9/12/2013; Dr P McDermott RFD, Senior Member

Australia Post employee – Liability for aggravated condition – Bilateral Achilles tendonitis – Decision under review set aside

Practice and Procedure

[CuDeco Limited and Chief Executive Officer of Customs](#) [2013] AATA 873; 6/12/2013; Senior Member BJ McCabe

Confidentiality order – Confidential evidence – Applicant excluded from accessing certain evidence – Prejudice to parties – Public interest – Application adjourned pending receipt of draft orders

Small Taxation Claims

[Guissouma and Commissioner of Taxation](#) [2013] AATA 875; 9/12/2013; Senior Member G Lazanas

Income tax – Whether Australian resident – Whether resident according to ordinary concepts – Decision under review set aside and substituted

Social Security

[Al-Habboby and Secretary, Department of Social Services](#) [2013] AATA 879; 9/12/2013; Senior Member N Bell

Disability support pension – Impairment tables – Continuing inability to work requirement – Participation in a program of support – Decision under review affirmed

[Dransfield and Secretary, Department of Social Services](#) [2013] AATA 880; 10/12/2013; The Hon RJ Groom AO, Deputy President

Disability support pension – Rent assistance – Applicant required to provide current rent details – Applicant handed lease agreement to Centrelink staff but retrieved the document on same day – Centrelink has no record that rent details provided – Applicant given notice that rent assistance cancelled – Applicant has no recollection of receipt of notice – Notice properly given – No request for review within 13 weeks – Decision under review affirmed

[Hubbuck and Secretary, Department of Social Services](#) [2013] AATA 883; 12/12/2013; Senior Member BJ McCabe

Pensions, benefits and allowances – Disability support pension – Closed period for assessment – Various impairments – Impairment Tables – Conditions not fully treated, stabilised and permanent in the relevant period – Unable to obtain necessary points for impairment under Impairment Tables – Decision under review affirmed

[Warren and Secretary, Department of Social Services](#) [2013] AATA 881; 11/12/2013; Senior Member AF Cunningham

Newstart allowance – Termination payment – Income maintenance period – Severe financial hardship – Unavoidable or reasonable expenditure – Reasonable costs of living – Decision under review affirmed

Veterans' Affairs

[Bottrill and Repatriation Commission](#) [2013] AATA 878; 9/12/2013; Senior Member GD Friedman

Veterans' entitlements – Widow's claim – Death from ischaemic heart disease and hypertension – Whether alcohol consumption contributed to hypertension – Clinical worsening of hypertension – Decision under review affirmed

[Cavanagh and Repatriation Commission](#) [2013] AATA 876; 9/12/2013; Senior Member RG Kenny

Operational service with Royal Australian Navy – Kind of death – Death from ischaemic heart disease – Statements of Principles concerning posttraumatic stress disorder, hypertension and ischaemic heart disease – Clinical onset – Reasonable hypotheses of relationship to service raised – Evidence of facts inconsistent with the hypotheses – Satisfied beyond reasonable doubt that death not war-caused – Defence service with Royal Australian Navy – Kind of death – Death from ischaemic heart disease – Statements of Principles concerning posttraumatic stress disorder, hypertension and ischaemic heart disease – Clinical onset – Reasonably satisfied that death not related to defence service – Decision under review affirmed

[Duncan and Repatriation Commission](#) [2013] AATA 877; 9/12/2013; Senior Member BJ McCabe

Benefits and entitlements – Eligibility for special rate of pension – Whether “alone test” satisfied – Decision under review set aside and substituted

[Reason and Repatriation Commission](#) [2013] AATA 882; 11/12/2013; Senior Member BJ McCabe

Pensions and Benefits – Pension at the special rate – PTSD diagnosis – Reason for ceasing work – “Alone test” – Decisions under review set aside and varied

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
None lodged	

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Roberts-Billett v Commonwealth Superannuation Corporation	[2013] AATA 440	[2013] FCA 1328

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