



AAT Bulletin

Issue No. 8/2020

2 March 2020

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, Small Business Taxation, Taxation & Commercial and Veterans' Appeals Divisions. The Bulletin also regularly includes a sample of decisions recently published in the AAT's Migration & Refugee Division and Social Services & Child Support 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.

The AAT does not make any representation or warranty about the accuracy, reliability, currency or completeness of any material contained in this Bulletin or on any linked site. While the AAT makes every effort to ensure that the material in the Bulletin is accurate and up-to-date, you should exercise your own independent skill and judgement before you rely on it. Information contained in this Bulletin is not legal advice and is intended as a general guide only. You should rely on your own advice or refer to the full cases and legislation in relation to any proceedings.

Enquiries regarding this publication may be directed to aatweb@aat.gov.au.

Contents

AAT Recent Decisions	3
Citizenship	3
Compensation.....	4
Migration.....	4
Practice and Procedure.....	7
Refugee	7
Social Services	9
Taxation.....	10
Veterans' Affairs.....	10
Appeals.....	11
Appeals lodged	11
Appeals finalised.....	11
Statements of Principles	12
Notification of Investigations relating to existing Statements of Principles.....	12
Notification of Investigations (where there is no existing Statement of Principles).....	13

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, Small Business Taxation, Taxation & Commercial and Veterans' Appeals. This list also includes selected child support decisions published by the Social Services & Child Support Division and examples of recent decisions published by 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

[Denham and Davidson](#) (Child support) [2020] AATA 272 (9 January 2020); Y Webb, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – no change determined – decision under review affirmed

[Keane and Child Support Registrar](#) (Child support) [2020] AATA 266 (16 January 2020); A Byers, Member

CHILD SUPPORT – refusal to grant an extension of time to object - no satisfactory explanation for the delay - little merit - weighing all factors the extension of time was correctly refused - decision under review affirmed

[Kingston and Child Support Registrar](#) (Child support) [2020] AATA 270 (14 January 2020); C Breheny, Member

CHILD SUPPORT – percentage of care – what was the likely pattern of care from the start of the administrative assessment – parents living under the same roof – shared care appropriate determined – decision under review affirmed

[Lynam and Sandriger](#) (Child support) [2020] AATA 265 (9 January 2020); A Schiwy, Member

CHILD SUPPORT – percentage of care – whether there was a change to the likely pattern of care – existing percentage of care determinations revoked and new determinations made - decision under review set aside and substituted

[Wygle and Wygle](#) (Child support) [2020] AATA 269 (13 January 2020); R King, Member

CHILD SUPPORT – non-agency payment - whether payment made to a third party in lieu of child support - intention of both parents - decision under review set aside and substituted

Citizenship

[Barrie and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs](#) (Citizenship) [2020] AATA 287 (18 February 2020); Deputy President SA Forgie

CITIZENSHIP – refusal – mother and minor daughters – application of citizenship policy – where applicant does not meet general residency requirements – whether applicant has close and continuing association with Australia – exercise of discretion under section 24 of Australian Citizenship Act to refuse approval – applicants under the age of 16 – definition of responsible parents – consideration of best interests of minor Applicants – decisions affirmed

Compensation

[Gordon and Comcare](#) (Compensation) [2020] AATA 352 (27 February 2020); Deputy President AG Melick AO SC

WORKER'S COMPENSATION – acute shoulder injuries – whether the applicant has suffered an ailment, or aggravation of an ailment – whether the ailment was contributed to, to a significant degree, by his employment – whether respondent liable under section 14 of the Safety, Rehabilitation and Compensation Act 1988 – decision under review set aside and substituted

[Zivanovic and Comcare](#) (Compensation) [2020] AATA 343 (27 February 2020); Dr S Fenwick, Senior Member

COMPENSATION – degenerative osteoarthritis in both knees and lumbar spine – hypertension – prior acceptance of aggravation of underlying left knee condition – prior acceptance of liability for right total knee replacement – whether conditions caused by altered gait and/or medical treatment – whether conditions contributed to, to a significant degree, by employment – impact of age and weight on conditions – first decision set aside and remitted – second and third decisions affirmed

[XKGN and Comcare](#) (Compensation) [2020] AATA 291 (25 February 2020); Senior Member R Cameron

COMPENSATION – adjustment reaction with anxious mood – psychological condition – whether injury significantly contributed to by employment – entitlement to compensation – whether to injury is a permanent impairment of at least 10% – first and second reviewable decisions set aside and substituted

Migration

[1718060](#) (Migration) [2019] AATA 6349 (16 October 2019); A Mercer, Member

MIGRATION – standard business sponsor – cancellation of approval as sponsor and two-year bar on applying again – departmental monitoring found two sponsored workers not present – worker worked mainly from home, coming to office when necessary – obligation to ensure equivalent terms and conditions – worker paid less than employment contract specified – pregnancy complications required extra unpaid leave – obligation to keep and provide records – partial response to request to provide records – unable to send documents by email, so sought fax number – no response from department – documents provided to tribunal – obligation to ensure sponsored worker works in nominated occupation – worker's job description and actual duties compared with ANZSCO occupation description – worker undertaking lower skill level clerical tasks – pregnancy and introduction of National Disability Insurance Scheme – filling out NDIS forms not a purely clerical duty, but requiring in-depth understanding of individual's situation and needs – worker since ceased employment – two-year bar expired before tribunal hearing – no breach of two obligations and inadvertent and minor breach two others – decision under review set aside

[1927605](#) (Migration) [2019] AATA 6412 (11 October 2019); T Flood, Member

MIGRATION – Bridging E (Class WE) visa – Subclass 050 (Bridging (General)) – on bail for criminal charges – family and community support, and access to mental health treatment – compliance with previous bridging visas – not aware at the time that last bridging visa expired – informed department of change of address after last bridging visa expired but before becoming aware – decision under review remitted

[Hussain](#) (Migration) [2019] AATA 6075 (9 October 2019); R Westaway, Senior Member

MIGRATION – cancellation – Student (Temporary) (Class TU) visa – Subclass 573 (Higher Education Sector) – genuine student – non-commencement, change of course, non-payment of fees, low attendance and cancellation of enrolment – no response to notice of intention to consider cancellation – English language levels required for courses – death of grandfather in Pakistan six days after applicant arrived in Australia – mental health – deferral of study granted but applicant not informed – continued attending classes, but struggled to concentrate and was unable to participate fully – victim of fraud and incorrect migration and education advice – relationship issues with family – education provider’s demands for payment of fees – treatment for mental health issues – enrolled in another course five days before visa cancelled – decision under review set aside

[Muthafar](#) (Migration) [2019] AATA 6079 (8 October 2019); K Raif, Senior Member

MIGRATION – cancellation – Residence (Return) (Class BB) visa – Subclass 155 (Five Year Resident Return) – incorrect information in visa application – in application for refugee and humanitarian visa (sponsored by mother), claimed not to be married or have dependents – in wife’s application for prospective marriage visa, she claimed to be widowed – bogus documents relating to her first husband, herself and son – in wife’s application for partner visa (sponsored by applicant), claimed to have married before applicant’s refugee visa application – marriage kept secret from mother for cultural reasons – older brother not married yet – birth of son not reported to department – other incorrect information not corrected – discretion to cancel visa – factors for and against cancellation – effect of incorrect information on refugee visa decision – eligibility for refugee visa not limited to persecution or harm, but also to family circumstances – at the time of the application for refugee visa as secondary applicant, was not a member of the immediate family of the primary applicant – inconsistent evidence as to whether mother unaware of marriage, or aware but chose not to include it – best interests of children, including two Australian citizens – applicant an Iraqi citizen who left at age one and a half, with no right of return to Iran – non-refoulement obligations – family’s life in Australia, including children’s schooling – entire family in Australia, and siblings are Australian citizens – mother’s health and applicant’s carer obligations – failure to inform Centrelink of cancellation of visa – decision under review affirmed with regard to first applicant, no jurisdiction with regard to other applicants

[Nguyen](#) (Migration) [2019] AATA 6083 (9 October 2019); M Cooke, Senior Member

MIGRATION – cancellation – Partner (Temporary) (Class UK) visa – Subclass 820 (Spouse) – risk to good order of Australian community – applied for partner visa while studying – student visa cancelled for poor study record – associated bridging visa ceased – unlawful non-citizen for one day – second bridging visa had ‘no work’ condition – work doing small tasks at a significant commercial cannabis cultivation operation – tribunal’s discretion to defer decision until after criminal trial completed – conviction without imprisonment – intensive corrections order – judge’s finding of prior good character, low-level role and low risk of re-offending – cooperation with police and assistance with inquiries – implausibility of some claims – likely consequences of cancellation and return to Vietnam – decision under review set aside

Dacanay and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 290 (25 February 2020); Senior Member DJ Morris

MIGRATION – mandatory cancellation of Class BB Subclass 155 Resident Return (Permanent) visa – citizen of the Philippines – delegate decides not to revoke mandatory cancellation – applicant’s submissions to Tribunal – offending history – considerations under Direction No. 79 – primary considerations – other considerations – decision under review affirmed

FRVT and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 294 (25 February 2020); Mr E Eteuati, Member

MIGRATION – Non-revocation of mandatory cancellation of Class XA Subclass 866 protection visa – applicability of BAL19 v Minister for Home Affairs [2019] FCA 2189 Applicant does not pass character test – whether there is another reason why the mandatory cancellation of the Applicant’s visa should be revoked – consideration and application of Ministerial Direction No 79 – decision under review set aside and substituted

Gage and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 326 (24 February 2020); Ms S Burford, Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – substantial criminal record – grievous bodily harm – driving offences – Direction No. 79 – primary and other considerations – protection of Australian community – nature and seriousness of criminal offending – risk to the Australian community – best interests of minor children – expectations of the Australian community – strength, nature and duration of ties – impact on victims – extent of impediments if removed to New Zealand – Tribunal not satisfied there is another reason why the decision to cancel the Applicant’s visa should be revoked – reviewable decision affirmed

Hanna and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 293 (25 February 2020); Senior Member DJ Morris

MIGRATION – mandatory cancellation of Class XB Subclass 200 Refugee visa – Iraqi citizen – delegate refuses to revoke mandatory cancellation of visa – applicant seeks review by Tribunal – consideration of ministerial Direction No. 79 – primary considerations – nature of offending – sexual offending involving a child – protection of the Australian community – nature and seriousness of the conduct – risk should non-citizen re-offend - best interests of minor children – expectations of Australian community – other considerations – non-refoulement obligations – extent of impediments if removed – decision under review affirmed

SLNY and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 344 (27 February 2020); Dr M Evans-Bonner, Senior Member

MIGRATION – decision of delegate of Minister not to revoke mandatory cancellation of visa – character test – substantial criminal record – conviction of with intent to harm omitted to do or did an act which resulted in life, safety or health being endangered – Direction No 79 – primary and other considerations – protection of the Australian community – nature and seriousness of criminal offending – risk to the Australian community – best interests of minor children – expectations of the Australian community – strength, nature and duration of ties to Australia – Applicant is a 34 year old man who arrived in Australia as a two year old child – extent of impediments if returned to United Kingdom – Tribunal finds that there is another reason why the decision to cancel the Applicant’s visa should be revoked – reviewable decision set aside and substituted

Tapara and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 321 (26 February 2020); Senior Member BJ Illingworth

MIGRATION – mandatory cancellation of applicant’s visa – applicant has substantial criminal record – whether discretion to revoke mandatory cancellation should be exercised – primary considerations – other considerations – decision under review affirmed

WQKK and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

(Migration) [2020] AATA 319 (26 February 2020); Deputy President Britten-Jones

MIGRATION – mandatory cancellation of applicant’s visa – applicant has substantial criminal record – whether discretion to revoke mandatory cancellation should be exercised – primary considerations – other considerations – non-refoulement obligations – applicant is stateless – consequence of non-revocation – whether removal would not be reasonably practicable – indefinite detention – decision under review set aside

Practice and Procedure

GFSG and Child Support Registrar (Child support) [2020] AATA 342 (26 February 2020); Mr R

West, Member

PRACTICE AND PROCEDURE – application for extension of time for review – appeal from Social Services & Child Support Division – extent of the delay – reasons for the delay – prospects of success – prejudice to parties – public interest – application granted

Pasquill and Secretary, Department of Social Services (Social services second review) [2020]

AATA 323 (11 February 2020); Mr R West, Member

PRACTICE AND PROCEDURE – application for extension of time for review – appeal from Social Services & Child Support Division – extent of the delay – reasons for the delay – prospects of success – prejudice to parties – public interest – application refused

Refugee

1611447 (Refugee) [2019] AATA 6433 (28 August 2019); M Sripathy, Member

REFUGEE – protection visa – Malaysia – membership of particular social group – gender identity – female-to-male transgender – harassment, threats and attacks by family, at school and work and in the community – married (as a woman, to a man) against wishes – forced sexual relations and pregnancy – legal, religious and social status of transgender people in Malaysia – living as, and accepted as male in Australia – decision under review remitted

[1611949](#) (Refugee) [2020] AATA 318 (15 January 2020); J Marquard, Member

REFUGEE – protection visa – Nigeria – religion – Tabligh background – practising Christian – particular social group – women in Nigeria – uncircumcised girls in Nigeria – victim of domestic violence – female genital mutilation (FGM) – sisters forcibly circumcised – credibility assessment – lack of education – mental health condition – incorrect information in visitor visa application – well-foundedness of fear – freedom of religion – inter-marriage and conversion – history of family abuse – prevalence of FGM – harm from non-state agents – gender-based violence – inadequate state protection – reasonableness of internal relocation – single woman without employment prospects – mother of young children – availability of mental health services – right to enter and reside in a third country – member of the European Community of Western African States (ECOWAS) – admissibility of non-citizens – valid travel document – international health certificate – decision under review remitted

[1615505](#) (Refugee) [2019] AATA 6440 (6 September 2019); S Baker, Member

REFUGEE – protection visa – India – particular social group – homosexual – abuse and threats by parents, bullying by family and schoolmates – openly gay identity and lifestyle in Australia – integration into work and social life – not reasonable to relocate due to real chance of persecution in all areas of India – right to enter and reside in Nepal according to Nepal-India treaty – fear of persecution or risk of harm in Nepal, as gay man, Indian or low-caste – mental health – referred to department for ministerial intervention – decision under review affirmed

[1728983](#) (Refugee) [2019] AATA 6435 (16 August 2019); S Baker, Member

REFUGEE – cancellation – protection visa – Iraq – incorrect answers in protection visa application – name – different transliterations from Arabic by interpreters and departmental officers – same Arabic name on passport and several other identity documents – voluntary return to home country on four occasions totalling 11 months, the first occasion three months after grant of protection visa – urgent family matters – travel to relative safe area – return suggestive but not determinative, but does not displace findings on applicant's claims – applicant may hold fears which do not eventuate – onus of establishing facts on minister/department – family's integration into life in Australia, including own business and older child's schooling – younger child may be an Australian citizen – rights of the child and principle of family unity – hardship in returning to and re-establishing life in Iraq – decision under review set aside

[1822836](#) (Refugee) [2019] AATA 6174 (27 August 2019); M Hawkins, Member

REFUGEE – protection visa – cancellation – stateless – identity – citizenship – stateless Faili Kurd or Iranian citizen – fraudulent activity of Iranian citizen mother – father's Iranian citizenship – applicant's social media account under real name – discretion to cancel visa – extended family in Australia – children's education and life in Australia – no family support in Iran – no knowledge of husband's present whereabouts – decision under review set aside

[1918250](#) (Refugee) [2019] AATA 6434 (13 September 2019); I O'Connell, Deputy Division Head

REFUGEE – protection visa – China – religion – Christianity – membership and activity in underground Catholic church – harassment by police – acquired new passport in different province and paid a people smuggler – evidence detailed and clearly articulated – country information – status of Christianity and Catholic church in China and Fujian – closures of underground churches – decision under review remitted

Social Services

[Burdekin and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 317 (26 February 2020); Mr I Fletcher, Member

SOCIAL SECURITY – Centrelink – Newstart Allowance – Income Maintenance Period – severe financial hardship – unavoidable and/or reasonable expenditure – reasonable expenses – decision affirmed

[Foenander and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 289 (25 January 2020); Mr R West, Member

SOCIAL SECURITY – disability support pension – mental health condition – spinal condition – right shoulder pain – cryptogenic organising pneumonitis – whether conditions fully treated and stabilised in the qualification period – whether impairments attract rating of 20 points or more under impairment tables – program of support not undertaken – whether applicant has a severe impairment – decision under review affirmed

[Michelsen; Secretary, Department of Social Services and](#) (Social services second review) [2020]
AATA 324 (26 February 2020); Ms DK Grigg, Member

SOCIAL SECURITY – Disability Support Pension – DSP – whether medical conditions fully diagnosed, fully treated and fully stabilised – whether 20 points or more under the Impairment Tables during the relevant period – whether continuing inability to work – decision under review set aside

[Morgan and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 322 (26 February 2020); Ms D Mitchell, Member

SOCIAL SECURITY – Disability Support Pension and Newstart Allowance – lump sum preclusion period – whether special circumstances exist – compensation lump sum – no evidence that special circumstances exist – decision under review affirmed

[Shurlock and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 320 (26 February 2020); Mr I Fletcher, Member

SOCIAL SECURITY – Disability Support Pension – Qualification Period – mental health condition – chronic widespread pain – whether Applicant has an impairment rating of

20 points or more under the Impairment Tables – decision under review affirmed

[Thomson and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 284 (21 January 2020); Dr D Cremean, Senior Member

SOCIAL SECURITY – Seniors Health Card – whether Applicant and his wife qualified – estimated taxable income in relevant year – decision under review denying they qualified – decision affirmed

[Wright and Secretary, Department of Social Services](#) (Social services second review) [2020]
AATA 288 (21 January 2020); Ms M East, Member and Ms D Fitzgerald, Member

SOCIAL SECURITY – pensions, allowances and benefits – disability support pension – whether Applicant's conditions were fully diagnosed, treated and stabilised – whether Applicant's impairments attract 20 points under Impairment Tables – whether Applicant has severe impairment – rheumatoid arthritis, fibromyalgia, osteoarthritis, obstructive sleep apnoea, anxiety and depression – decision is affirmed

Taxation

[Dobie and Commissioner of Taxation](#) (Taxation) [2020] AATA 292 (31 January 2020); Senior Member T Tavoularis

TAX AND COMMERCIAL – decision at audit to disallow Input Tax Credits – GST shortfall – application of a General Interest Charge – administrative penalty – decision under review varied

[Doyle and Commissioner of Taxation](#) (Taxation) [2020] AATA 345 (5 February 2020); Senior Member T Tavoularis

TAX AND COMMERCIAL – characterisation of net proceeds – whether proceeds of sale are capital in nature – capital gains – land acquired by a trust – sale of land – ordinary course of business – advice on structuring affairs – shortfall interest charges – administrative penalty – decisions under review affirmed

[Schiele and Commissioner of Taxation](#) (Taxation) [2020] AATA 286 (24 February 2020); Ms DK Grigg, Member

TAX – assessment of foreign citizens' income tax – whether applicant was a resident of Australia in the 2016 income tax year – decision under review affirmed

Veterans' Affairs

[Stanbury and Repatriation Commission](#) (Veterans' entitlements) [2020] AATA 285 (24 February 2020); Senior Member Katter

VETERANS' AFFAIRS – Veterans' Entitlements Act 1986 – disability pension – member of the Forces – British nuclear test defence service – decision under review 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, Small Business Taxation, 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

CASE NAME	AAT REFERENCE
Barque Institute Pty Ltd and Tertiary Education Quality and Standards Agency	[2020] AATA 70
XRXL and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	[2019] AATA 5984

Appeals finalised

CASE NAME	AAT REFERENCE	COURT REFERENCE
Klewer v National Disability Insurance Agency	[2019] AATA 4974	[2020] FCA 161

Statements of Principles

This section of the *Bulletin* provides information on recent developments including the notification or completion of investigations in relation to Statements of Principles made by the Repatriation Medical Authority (RMA) for the purposes of section 120A(2) of the [Veterans' Entitlements Act 1986 \(VEA\)](#) and section 338(2) of the [Military Rehabilitation and Compensation Act 2004 \(MRCA\)](#). These Acts require reference to be had to Statements of Principles made about particular conditions concerning injury, disease or death.

If the RMA gives notice that it intends to carry out an investigation in respect of a particular kind of condition, the Repatriation Commission cannot determine a claim made under the VEA about the incapacity or death of a person relating to that condition, until the RMA has determined a Statement of Principles or declares that it does not propose to determine a Statement of Principles about the condition. Also during this period, claims under the MRCA cannot be determined, reconsidered or reviewed by either the Repatriation Commission, the Veterans' Review Board or the AAT, until the RMA has determined a Statement of Principles about the condition concerned or declared it does not propose to do so.

Certain claims cannot succeed if the RMA has declared it does not propose to make a Statement of Principles in relation to the particular condition.

Existing Statements of Principles are also reviewed, amended or revoked from time to time.

Notification of Investigations relating to existing Statements of Principles

On 20 February 2020, the AAT was advised that the RMA intends to carry out **investigations** under subsection 196B(7) of the VEA in respect of the following:

Immunosuppressive drugs as a factor in diverticular disease of the colon -

<http://www.rma.gov.au/assets/Reviews/2020/8b2185e66e/015-4-Notice-of-investigation-diverticular-disease-of-the-colon-focussed-immunosuppressive-drug-26-February-2020.pdf>

This investigation will be carried out in the context of the following Statement of Principles Instruments:

Diverticular disease of the colon (Reasonable Hypothesis) – 15 of 2016

<https://www.legislation.gov.au/Details/F2016L00265>

Diverticular disease of the colon (Balance of Probabilities) – 16 of 2016

<https://www.legislation.gov.au/Details/F2016L00266>

The RMA intends to carry out **investigations** under subsection 196B(7) of the VEA in respect of the following:

Definition concerning trauma –

Definition concerning trauma - <http://www.rma.gov.au/assets/Reviews/2020/4ea66b5642/Notice-of-investigation-multiple-conditions-focussed-definition-concerning-trauma-26-February-2020.pdf>

This investigation will be carried out in the context of the following Statement of Principles Instruments:

Ganglion (Reasonable Hypothesis) – 71 of 2016

<https://www.legislation.gov.au/Details/F2016L01356>

Intervertebral disc prolapse (Reasonable Hypothesis) – 43 of 2016

<https://www.legislation.gov.au/Details/F2016L00563>

Intervertebral disc prolapse (Balance of Probabilities) – 44 of 2016

<https://www.legislation.gov.au/Details/F2016L00564>

Osteoarthritis (Reasonable Hypothesis) – 61 of 2017

<https://www.legislation.gov.au/Details/F2019C00582>

Osteoarthritis (Balance of Probabilities) – 62 of 2017

<https://www.legislation.gov.au/Details/F2019C00580>

Temporomandibular disorder (Reasonable Hypothesis) – 47 of 2018

<https://www.legislation.gov.au/Details/F2018L00539>

Temporomandibular disorder (Balance of Probabilities) – 48 of 2018

<https://www.legislation.gov.au/Details/F2018L00541>

Ulnar neuropathy at the elbow (Reasonable Hypothesis) – 65 of 2017

<https://www.legislation.gov.au/Details/F2017L01451>

Ulnar neuropathy at the elbow (Balance of Probabilities) – 65 of 2017

<https://www.legislation.gov.au/Details/F2017L01451>

Notification of Investigations (where there is no existing Statement of Principles)

On 20 February 2020, the AAT was advised that the RMA intends to carry out investigations under subsection 196B(4) of the VEA to determine whether a Statement of Principles may be determined in respect of the following conditions (where there is no existing Statement of Principles):

Hyperacusis - <http://www.rma.gov.au/assets/Reviews/2020/2498628fb7/444-1-Notice-of-investigation-hyperacusis-26-February-2020.pdf>



With the exception of the Commonwealth Coat of Arms and any third party material, this work is licensed under a [Creative Commons Attribution 3.0 Australia Licence](https://creativecommons.org/licenses/by/3.0/au/). Content from this publication should be attributed as: Administrative Appeals Tribunal, *AAT Bulletin*.

To the extent that copyright subsists in third party material, it remains with the original owner and permission may be required to reuse the material.

The terms under which the Coat of Arms can be used are detailed on the following website: <http://www.itsanhonour.gov.au/coat-arms/>.

Enquiries regarding the licence are welcome at aatweb@aat.gov.au.

This licence is limited to the *AAT Bulletin* and does not extend to the full text of AAT decisions. Separate licence terms for AAT decisions can be found on [AustLII](https://www.austlii.edu.au/au/other/dfat/page/aaat.html).