# Chapter 03

OUR PERFORMANCE

The Tribunal seeks to manage its workload in an effective and efficient manner, responding flexibly to changes in the number and nature of applications. Performance targets define standards for dealing with applications, and assist the Tribunal to meet the outcome and program requirements defined in the Portfolio Budget Statements.

#### **WORKLOAD**

The Tribunal received 7,263 applications and finalised 6,748 applications in 2013–14. There were 5,061 applications current at 30 June 2014.

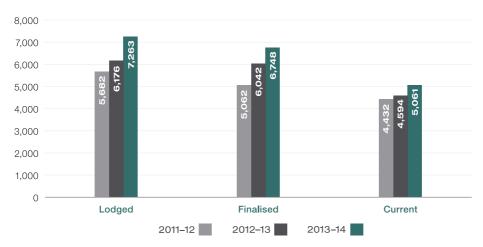
Lodgements during the reporting year were 18 per cent higher than in 2012–13. In relation to the Tribunal's major jurisdictions, increases were recorded in social security, tax and workers' compensation. Lodgements also rose in a broad range of other types of decisions that the Tribunal can review and the Tribunal received its first applications to review decisions made under the National Disability Insurance Scheme.

The number of applications finalised rose by 12 per cent in 2013–14. Finalisations increased in the social security and workers' compensation jurisdictions as well as in relation to the larger number of applications beyond the major jurisdictions that were lodged in 2013–14.

The number of applications on hand at 30 June 2014 was 10 per cent higher than a year earlier, reflecting the increase in lodgements in 2013–14. The majority of applications on hand at 30 June 2014 were less than 12 months old, and the proportion of cases older than 12 months decreased during the reporting year.

Chart 3.1 shows applications lodged and finalised in the three most recent reporting years, and applications current at 30 June in each year. More detailed information on the types of applications lodged and finalised, and the outcomes of cases finalised during the reporting year, is in Appendix 4.





#### WORKLOAD BY JURISDICTION

Applications for review of social security and tax decisions were the most common types of applications lodged with the Tribunal in 2013–14, each constituting 28 per cent of all lodgements. Applications in the workers' compensation and veterans' affairs jurisdictions comprised 21 per cent and 5 per cent of all lodgements respectively. All other applications constituted 19 per cent of total lodgements.

The number of applications lodged exceeded the number that were finalised in all of the major jurisdictions, including tax when applications in the Taxation Appeals Division and Small Taxation Claims Tribunal are combined. Lodgements also exceeded finalisations in relation to other types of applications. This led to some increase in the volume of applications on hand at 30 June 2014 in all areas of work. The difference between lodgements and finalisations, and therefore the increase in current applications, was lowest in relation to social security and veterans' affairs applications.

The number of applications lodged and finalised in each of the Tribunal's major jurisdictions in 2013–14 and the number of applications on hand at 30 June 2014, is shown in Chart 3.2.

2,500 2,000 1,500 1,000 500 0 Social Veterans<sup>1</sup> Workers<sup>1</sup> Taxation Small Taxation Other Appeals security affairs compensation Claims Tribunal Division Lodged Current Finalised

Chart 3.2 Applications lodged, finalised and current in 2013-14 - By jurisdiction

#### Social security

The number of applications lodged in 2013–14 for review of family assistance and social security decisions was eight per cent higher than in 2012–13, as shown in Chart 3.3. This increase was considerably less than the 29 per cent increase recorded in 2012–13. Applications about disability support pension and overpayments and debt recovery were the principal sources of the increase in lodgements in 2013–14, continuing the trend of recent years.

The departments that administer family assistance and social security entitlements made 54 of the applications that were lodged in 2013–14, up from 47 in the previous year and 38 in 2011–12.

The number of applications finalised in 2013–14 increased by 18 per cent, reflecting the increase in lodgements in this jurisdiction. The more modest increase in lodgements in 2013–14 resulted in only a three per cent increase in applications on hand at 30 June 2014.

2,500

2,000

1,500

1,000

Lodged

Lodged

Finalised

2011–12

2012–13

2013–14

Chart 3.3 Applications lodged, finalised and current - Social security

#### Veterans' affairs

The number of applications lodged in the veterans' affairs jurisdiction fell by nine per cent in 2013–14. This can be attributed to a decrease in the number of applications for review of decisions under the *Veterans' Entitlements Act 1986* relating to disability pension and war widows pension. This is consistent with the longer-term trend of fewer applications for review of these types of decisions.

The number of applications finalised in the jurisdiction decreased marginally in 2013–14, as shown in Chart 3.4. The three per cent increase in the number of current applications at 30 June 2014 reflects that it can take a longer time to resolve applications under the Veterans' Entitlements Act.

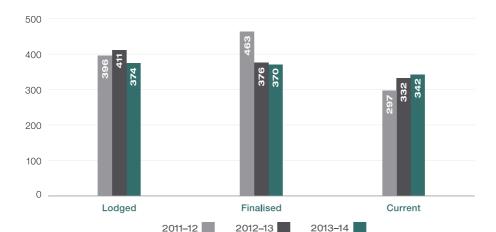


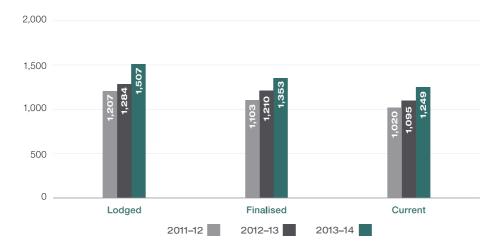
Chart 3.4 Applications lodged, finalised and current - Veterans' affairs

#### Workers' compensation

There was a 17 per cent increase in lodgements in the workers' compensation jurisdiction in 2013–14. In part, this can be attributed to an increase in the number of applications for review of decisions made under the *Safety, Rehabilitation and Compensation Act 1988*, particularly by Comcare and the Linfox companies. There was also an increase of 31 per cent in the number of applications for review under the seafarers' compensation scheme.

The number of compensation applications finalised in 2013–14 rose by 12 per cent, reflecting the increase in lodgements in the previous and current reporting years. The 14 per cent increase in the number of applications on hand at 30 June 2014 is consistent with the increase in lodgements for 2013–14, as shown in Chart 3.5.

Chart 3.5 Applications lodged, finalised and current - Workers' compensation



#### **Taxation**

The number of applications lodged in the Taxation Appeals Division increased in 2013–14 by 22 per cent, as shown in Chart 3.6. This increase relates primarily to a greater number of applications for review of decisions about income tax. There was an eight per cent increase in the number of applications finalised in 2013–14 and a 10 per cent increase in the number of applications on hand at 30 June 2014, trends which reflect the increase in lodgements.

In the Small Taxation Claims Tribunal, there was a small increase in lodgements of six per cent in 2013–14 which relates to an increase in the number of applications for review of income tax decisions and applications relating to release from tax liabilities. While the number of finalisations was 30 per cent lower than in the previous year, finalisations exceeded lodgements for the second consecutive year, contributing to a 27 per cent fall in the number of applications on hand at 30 June 2014.

2,500 219 270 348 2,000 207 1,722 1,500 1,438 1,063 101 1,471 1,000 500 Lodged Finalised Current STCT 2011-12 STCT 2012-13 STCT 2013-14 Taxation Appeals 2011-12 Taxation Appeals 2012-13 Taxation Appeals 2013-14

Chart 3.6 Applications lodged, finalised and current – Taxation Appeals Division and Small Taxation Claims Tribunal

#### Other jurisdictions

The number of applications lodged in other jurisdictions increased by 43 per cent in 2013–14. Lodgements increased in relation to a range of other decision types, including citizenship, civil aviation regulation, customs and higher education loan schemes. There was also a significant increase in the number of stand-alone applications lodged with the Tribunal seeking an extension of time within which to lodge an application for review.

There was a 27 per cent increase in finalisations in these other areas of the Tribunal's work in 2013–14 and a 34 per cent increase in applications on hand at 30 June 2014. These increases are consistent with the rise in the number of lodgements.

In relation to the review of decisions made by the National Disability Insurance Agency, the Tribunal received 19 applications for review of decisions in 2013–14. Eight of those applications were finalised, and 11 were current as at 30 June 2014. The number of applications lodged in this jurisdiction is expected to grow in coming years.

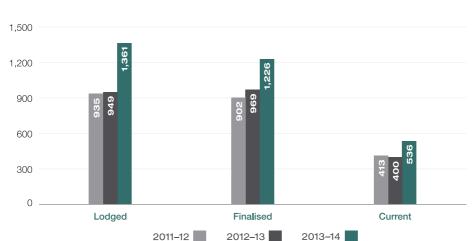


Chart 3.7 Applications lodged, finalised and current - Other jurisdictions

#### **PERFORMANCE**

#### OUTCOME AND PROGRAM INFORMATION

The Tribunal had one outcome specified in the 2013-14 Portfolio Budget Statements:

Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.

The Tribunal is a single program agency.

#### **DELIVERABLES**

The Tribunal's primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

- · applications finalised without a hearing, and
- applications finalised with a hearing.

The Tribunal's deliverables targets and its actual performance for 2013–14 are shown in Table 3.8.

Table 3.8 Deliverables targets and results, 2013-14

	Target	Result
Applications finalised without a hearing		
Number of matters finalised without a hearing	5,975	5,541
Applications finalised with a hearing		
Number of matters finalised with a hearing	1,494	1,207

The number of applications finalised by the Tribunal, both with and without a hearing, was lower than the budget projections for 2013–14. The Tribunal received a lower than anticipated number of applications for review of National Disability Insurance Scheme decisions.

#### KEY PERFORMANCE INDICATORS

The Tribunal reviewed and changed its key performance indicators for 2013–14, to better reflect its disposition of review applications. The indicators are:

- to finalise 75 per cent of applications within 12 months of lodgement, and
- to resolve 80 per cent of applications without a hearing.

For the second indicator, the Tribunal uses alternative dispute resolution to help the parties try to reach agreement about how their case should be resolved. The Tribunal conducts a hearing and makes a decision if an application cannot otherwise be resolved.

The Tribunal's actual performance for 2013–14 is shown in Table 3.9.

The Tribunal also measures its performance periodically through client satisfaction surveys and includes the results of the surveys in the annual report in the relevant year.

Table 3.9 Key performance indicators and results, 2013-14

	Target	Result
Percentage of applications finalised within 12 months of lodgement	75%	82%
Percentage of applications resolved without a hearing	80%	82%

In relation to the timeliness of dealing with applications, the Tribunal exceeded its target in the Portfolio Budget Statements by seven percentage points. This target would also have been exceeded in the two previous financial years had the indicator applied in those years: 76 per cent of applications were finalised within 12 months in 2012–13 and 78 per cent in 2011–12. The Tribunal recorded a six percentage point improvement in timeliness from 2012–13 to 2013–14.

In relation to resolving applications without a hearing, the Tribunal exceeded its target by two percentage points in 2013–14. The result for each of the two previous financial years was 79 per cent, marginally below the target. For more information on the percentage of applications finalised without a hearing in the major jurisdictions, see Table A4.4 in Appendix 4.

See Appendix 5 for the summary table showing total resources for the Tribunal compared with the total payments made during 2013–14. The appendix also includes a summary table showing the total resources for the Tribunal's outcome.

#### TIME STANDARDS

The Tribunal monitors its performance against time standards for steps in the review process as well as for the finalisation of applications, both generally and in its major jurisdictions.

#### Time standards for steps in the review process

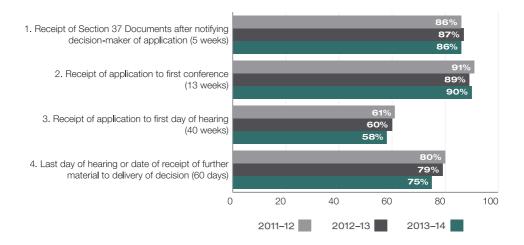
The Tribunal reports on the timeliness of completing four steps in the review process:

- the time taken by the decision-maker to lodge the documents relating to the decision under review that are required under section 37 of the Administrative Appeals Tribunal Act 1975 after receiving notice of an application
- the time between lodging an application and holding the first conference
- the time between lodging an application and holding a hearing
- the time taken by the Tribunal to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

The decision-maker controls step one; the Tribunal and the parties share the responsibility for the timeliness of steps two and three; and the Tribunal controls the timeliness of step four.

Timeliness results for 2013-14 and the two previous reporting periods are shown in Chart 3.10.

Chart 3.10 Performance against time standards



The proportion of applications in which the decision-maker lodged the Section 37 Documents within five weeks of receiving notice of the application was marginally lower in 2013–14 than in the previous year.

The Tribunal continued to hold a high proportion of first conferences within 13 weeks of the lodgement of an application and achieved a small improvement in performance in 2013–14. The proportion of applications in which the hearing was held within 40 weeks of lodgement decreased slightly in the reporting year.

In relation to the timeliness of delivering decisions after a hearing, the majority of decisions continued to be delivered within the Tribunal's target. However, the proportion declined by four percentage points in 2013–14.

#### Time standards for finalising applications in major jurisdictions

The Tribunal aims to finalise the majority of applications within 12 months of lodgement and has set specific targets for each of the major jurisdictions. In relation to the Small Taxation Claims Tribunal, the Tribunal's goal is to finalise applications within 12 weeks of lodgement.

The Tribunal's performance for 2013-14 and the two previous reporting years are in Table 3.11.

Table 3.11 Percentage of applications finalised within time standards

Jurisdiction	Target %	2011–12 %	2012–13 %	2013–14 %
All	_	78	76	82
Social security <sup>a</sup>	90	93	93	93
Veterans' affairs <sup>a</sup>	80	66	70	70
Workers' compensation <sup>a</sup>	75	70	68	70
Taxation Appeals Division <sup>a</sup>	75	65	67	77
Small Taxation Claims Tribunal <sup>b</sup>	_	41	27	33

a Time standard: percentage of applications finalised within 12 months

b Time standard: percentage of applications finalised within 12 weeks

The proportion of applications finalised within 12 months in the social security jurisdiction in 2013–14 exceeded the 90 per cent target by three percentage points, maintaining the results achieved in the previous two reporting years. Sixty-six per cent of all social security applications were finalised within six months of lodgement, and 98 per cent within 18 months.

The Tribunal was also able to maintain its level of performance in the veterans' affairs jurisdiction in 2013–14 with 70 per cent of applications finalised within 12 months. Eighty-seven per cent of applications were finalised within 18 months.

The Tribunal has focused on improving case management in the workers' compensation jurisdiction and has significantly improved its performance in relation to timeliness since 2009–10. Seventy per cent of workers' compensation cases were finalised within 12 months in 2013–14, an improvement of two percentage points from 2012–13. Eighty-nine per cent of applications were finalised within 18 months, which was slightly lower than the result for 2012–13.

There was a significant improvement in timeliness in the Taxation Appeals Division in 2013–14. The proportion of applications finalised within 12 months improved by 10 percentage points from 67 per cent in 2012–13 to 77 per cent in the reporting year. Eighty-seven per cent of applications were finalised within 18 months. The result for 2013–14 continues the trend of improved performance in this division over recent reporting years.

In the Small Taxation Claims Tribunal, the proportion of applications finalised within 12 weeks improved by six percentage points but remains relatively low. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal cannot necessarily be completed faster than other types of tax reviews. Although the amount of tax in dispute may not be large, the issues in dispute can be complex and the parties may require additional time to gather relevant material.

There are a number of reasons why an application may not be finalised within the Tribunal's time standards. The pace that applications progress through the pre-hearing stage is heavily influenced by the time the parties need to obtain expert evidence, undertake other investigations and gather relevant material. Some applications are delayed pending a decision by a department or agency on a related matter, the decision of a court in a test case, or by criminal proceedings. There are cases where additional time is required to allow the parties further opportunities to resolve the dispute without a hearing. Delays also occur when parties cannot proceed because of illness or other adverse circumstances. The Tribunal's ability to list hearings in a timely manner is affected generally by the availability of parties, representatives and witnesses for the hearing. Delays in the delivery of decisions following a hearing can also contribute to delays in finalising applications.

The Tribunal continued to monitor the time that applications spend in each of the major stages of a review in 2013–14 and registries conducted regular file audits on older cases. The Tribunal will continue to seek to identify sources of avoidable delay, and work with stakeholders on minimising such delays.

#### **EXTERNAL SCRUTINY**

Tribunal decisions may be appealed to the courts. The Tribunal's operations are also subject to external scrutiny by way of complaints to the Commonwealth Ombudsman and other bodies, requests under the *Freedom of Information Act 1982*, inquiries by Parliamentary Committees, and audits by the Australian National Audit Office.

#### APPEALS FROM TRIBUNAL DECISIONS

A party may appeal to the Federal Court, on a question of law, from most final decisions of the Tribunal pursuant to section 44 of the AAT Act. The Federal Court may transfer the appeal to the Federal Circuit Court unless the Tribunal was constituted by, or included, a presidential member.

A party may also seek judicial review of decisions made in the course of the review process and certain final decisions under the *Administrative Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* or section 75(v) of the Constitution. Applications may be made to the Federal Court, the Federal Circuit Court or the High Court.

In 2013–14, 96 appeals made under section 44 of the AAT Act were lodged with the Federal Court. There were 11 applications for judicial review made under other enactments, seven relating to decisions concerning visas under the Migration Act. Table A4.9 in Appendix 4 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 97 appeals lodged under section 44 of the AAT Act and 20 applications for judicial review under other enactments were determined in the courts. The Tribunal's decision was set aside in 34 cases, representing 29 per cent of all appeals determined and fewer than one per cent of all applications that the Tribunal finalised in the reporting year. The proportion of Tribunal decisions set aside on appeal in 2013–14 was nine percentage points lower than in 2012–13.

Table A4.10 in Appendix 4 offers more information on appeals determined during the reporting year and their outcomes.

During the reporting year, there were no judicial decisions or decisions of other tribunals that had, or may have had, a significant impact on the operations of the Tribunal.

#### FREEDOM OF INFORMATION

The Tribunal received ten requests for access to documents under the Freedom of Information Act in 2013–14. Nine requests were finalised in the reporting year and one request was outstanding at 30 June 2014.

Table 3.12 shows the number of requests made over the last three years.

Table 3.12 Freedom of Information requests

	2011–12	2012-13	2013–14
Number of requests made	5	7	10

Of the nine requests that were finalised, three requests were granted in full, three were granted in part and one was withdrawn. Two requests were refused on the basis that the Tribunal held no documents falling within the scope of the request.

The Tribunal did not receive any requests to amend or annotate records.

#### Information publication scheme

Agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme. This requirement is in Part II of the Freedom of Information Act. The Tribunal's plan is on the website, meeting the requirement that each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

#### **OMBUDSMAN**

During 2013–14, the Commonwealth Ombudsman received 25 approaches concerning the Tribunal, two fewer than in the previous reporting year.

The Ombudsman conducted one investigation and concluded further investigation was not warranted in the circumstances.

#### **COMPLAINTS TO OTHER BODIES**

There were two privacy-related complaints made to the Office of the Australian Information Commissioner during the reporting period. The Office declined both complaints, determining they were not an interference with privacy.

There were no complaints made to the Australian Human Rights Commission during the reporting period.

### REPORTS BY THE AUDITOR-GENERAL OR PARLIAMENTARY COMMITTEES

The Tribunal's operations were not the subject of any report by the Auditor-General or any Parliamentary Committee during the reporting period.

#### SERVICE CHARTER

The Service Charter sets out the Tribunal's service standards and information relating to making complaints about the Tribunal, including the standards for responding to complaints.

Information on the extent of the Tribunal's compliance with the service standards (where information is available) is in Table 3.13.

Table 3.13 Service standards

Commitment	Result for 2013-14			
WE WILL TREAT YOU WITH RESPEC	WE WILL TREAT YOU WITH RESPECT AND COURTESY			
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal members and staff strive to be polite, respectful and courteous and use language that is clear and understandable so that Tribunal users can understand the processes. Of the complaints finalised in 2013–14, no complaints were upheld in relation to issues of this kind.			
WE WILL MAKE OURSELVES ACCESSIBLE				
Country residents can contact us on our national telephone number for the cost of a local call.	The Tribunal's national telephone number was available throughout the year.			
People who are deaf or have a hearing or speech impairment can contact the Tribunal.	The Tribunal uses the National Relay Service to provide users with a range of contact options including TTY and internet, SMS and video relay.			

Table 3.13 continued

Commitment	Result for 2013–14		
Wheelchair access and hearing induction loops will be available at each office.	All Tribunal premises are wheelchair-accessible and have portable induction loops available.		
Hearings will be held in capital cities and in country centres.	The Tribunal conducted 83 hearings, two conferences, two mediations and one interlocutory hearing in locations outside capital cities.		
Where appropriate you may participate in a hearing by telephone or by video-link.	The Tribunal conducted the following matters by telephone: conferences $-6,031$ other alternative dispute resolution processes $-7$ directions hearings $-1,486$ interlocutory hearings $-281$ hearings $-75$		
If you need an interpreter, we will provide one free of charge.	The Tribunal arranges for an interpreter to participate in an alternative dispute resolution process or hearing where needed. Interpreters are provided free of charge.		
If you are self-represented, we will help you understand Tribunal procedures through our Outreach program. Outreach officers will contact self-represented parties by telephone within six weeks of an application being lodged.	Data collated for Outreach, for 1,154 parties, shows the average time from lodgement of an application to Outreach was 39 days, approximately five and a half weeks.		
WE WILL DEAL WITH YOU FAIRLY			
A private conference will usually be held within 10 weeks of an application being lodged.	74 per cent of first conferences were held within 10 weeks of lodgement, marginally lower than the 75 per cent result achieved in 2012–13.		
WE WILL OPERATE IN AN EFFICIENT MANNER			
If a decision was not given orally at a hearing, written decisions will usually be provided within two months.	75 per cent of decisions were delivered within 60 days of the last day of hearing or the receipt of further submissions or other material, down from 79 per cent in 2012–13 (see Table 3.10).		

#### **COMPLAINTS TO THE TRIBUNAL**

Complaints may be made orally or in writing. In accordance with guidelines adopted in 2013, complaints relating to Tribunal members are dealt with by the President, while complaints about staff members or other matters are dealt with by the Registrar, one of the Executive Directors or a District Registrar.

When a complaint is made in person or by telephone, the Tribunal attempts to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days, or 30 working days if the complaint is submitted in a language other than English. The length of time before a final response is provided depends on the extent of investigation which is necessary. If more time is required, because of the complexity of the complaint or the need to consult with other persons before providing a response, the Tribunal advises the complainant of progress in handling the complaint.

If a complaint is upheld, possible responses include an apology, a change to practice and procedure or consideration of additional training and development for Tribunal personnel.

During 2013–14, the Tribunal received complaints from 25 individuals. Chart 3.14 shows the number of complaints made over the three most recent reporting years.

The 25 complaints made in 2013–14 were about the issues shown in Table 3.15.

Table 3.14 Complaints to the Tribunal

	2011–12	2012-13	2013–14
Number of complaints made	41	24	25

Table 3.15 Issues raised in complaints to the Tribunal

Issue	Number of complaints
Tribunal decisions	12
General procedural issues	7
Conduct of Tribunal members	4
Conduct of conferences	2
Total	25

The Tribunal provided a substantive response to 24 complaints in 2013–14, responding within 20 working days to 23 of the complaints. The average number of days from complaint to final response was eight working days.

The Tribunal found that it could have handled matters more appropriately in relation to three complaints which raised issues concerning timetabling and delay in the review process, and the conduct of Tribunal personnel. The Tribunal offered an apology in each case and raised the matters with the relevant personnel.

The Tribunal does not measure whether a complainant believes his or her complaint was resolved. Two complainants wrote again to the Tribunal after receiving an initial response to their complaint. They were given further information to address any outstanding concerns.

# ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the AAT Act, Tribunal members may exercise powers under a range of other Acts in their personal capacity.

## WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS

All Deputy Presidents and full-time Senior Members, and any part-time Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be nominated by the responsible Minister to:

- issue telecommunications interception warrants and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the Surveillance Devices Act 2004, and
- vary controlled operations authorities under the Crimes Act 1914.

The President, all Deputy Presidents, and any Senior Member who has been enrolled as a legal practitioner for at least five years, may be nominated to make orders allowing information given

to the Inspector of Transport Security to be disclosed to another government agency under the Inspector of Transport Security Act 2006.

All Deputy Presidents, and any non-presidential member who has been enrolled as a legal practitioner for at least five years, can be nominated to issue search warrants and exercise related powers under the *Tobacco Plain Packaging Act 2011*.

The President and all Deputy Presidents are also eligible to be appointed as issuing authorities for making continued preventative detention orders under the *Criminal Code Act 1995*. All presidential members of the Tribunal may be nominated to issue examination notices under the *Fair Work (Building Industry) Act 2012*.

All members of the Tribunal are authorised to exercise a range of powers relating to monitoring overseas students' compliance with visa conditions under the *Education Services for Overseas Students Act 2000* and the Migration Act. Table 3.16 shows the number of occasions on which Tribunal members considered applications under any of these Acts over the past three years. There was a two per cent decrease in the number of appointments held in 2013–14.

Table 3.16 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2011-12	2012-13	2013-14
Number of occasions on which applications considered	2,496	2,764	2,715

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 171 out-of-hours appointments (before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday).

In a proportion of applications, the issue of a warrant or other authorisation is only granted after further information is provided at the request of the authorised member. A small number of warrant applications are refused, some only granted after conditions are imposed (including conditions in relation to privacy) and, in some instances, the warrant is issued for a lesser period of time than that sought by the law enforcement agency.

#### PROCEEDS OF CRIME EXAMINATIONS

All presidential members of the Tribunal, and any Senior Member or Member, who has been enrolled as a legal practitioner for at least five years, may be appointed by the responsible Minister as an approved examiner under the *Proceeds of Crime Act 2002* or the *Proceeds of Crime Regulations 2002*. Approved examiners are authorised to issue examination notices at the request of the Australian Federal Police and to oversee compulsory examinations in connection with confiscation proceedings.

Table 3.18 shows the number of examination sessions conducted by Tribunal members in the last three years. The number of examinations has increased since 2013–14 but remains relatively low.

Table 3.17 Examinations held under the Proceeds of Crime Act 2002

	2011–12	2012-13	2013–14
Number of examination sessions held	2	28	28