

180 APPENDIX 6: APPLICATION FEES

APPLICATION FEES AND REFUNDS

The rules governing fees that are payable to lodge applications with the Tribunal are in the Administrative Appeals Tribunal Act and the Administrative Appeals Tribunal Regulations. The primary rules relating to the payment and refund of fees are in regulations 19 and 19AA.

An application to the Tribunal is not taken to be made unless any prescribed fee is paid. Subject to a number of exceptions, an application fee is payable for lodging an application:

- for review of a decision,
- for a decision on whether a person was entitled to be given a statement of reasons for a decision, and
- for a declaration, under the Freedom of Information Act, that a statement of reasons for a decision is not adequate.

APPLICATION FEE AMOUNTS

The standard application fee in 2011–12 was \$777, and the fee to lodge an application in the Small Taxation Claims Tribunal was \$77.

From 1 July 2012, the standard application fee is \$816, and the fee to lodge an application in the Small Taxation Claims Tribunal is \$81.

APPLICATION FEE NOT PAYABLE

Applications for review of the following types of decisions do not attract a fee:

- any decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations, and
- any decision under the Freedom of Information Act that relates to a request made before 1 November 2010 and concerns a document that relates to a decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations.

Schedule 3 decisions include those in the areas of family assistance and social security, veterans' affairs and workers' compensation.

REDUCED APPLICATION FEE PAYABLE

A reduced application fee of \$100 is payable instead of the standard application fee if the person liable to pay the fee is:

- granted legal aid for the matter to which the application relates,
- the holder of a health care card, a health benefit card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions,

- an inmate of a prison, in immigration detention or otherwise lawfully detained in a public institution,
- a child under 18 years, or
- in receipt of youth allowance, austudy payment or benefits under the ABSTUDY Scheme.

The Tribunal can order that a \$100 fee is payable rather than the standard application fee if satisfied that payment of the full fee would cause financial hardship to the person.

The fee payable to lodge an application in the Small Taxation Claims Tribunal must be paid in all circumstances.

ONE FEE PAYABLE

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications.

REFUNDS

A person is entitled to a:

- full refund if they have paid an application fee that was not payable, or
- partial refund if they paid the standard application fee but were entitled to pay the \$100 fee.

A person is also entitled to a partial refund if the person paid the standard application fee or the equivalent of a standard application fee and the Tribunal certifies that proceedings terminated in a manner favourable to the applicant. The refund amount is the difference between the application fee paid and \$100. There is no refund if the person paid the reduced application fee or if their application was dealt with in the Small Taxation Claims Tribunal.

APPLICATION FEES IN 2011–12

In 2011–12, the Tribunal received \$688,593 and refunded \$280,114 in application fees.

Total revenue forgone on the basis that a person was eligible to pay a reduced fee or only one fee was payable for multiple applications lodged by the same person was \$700,695 (see Tables A6.1, 6.2, 6.3).

The Tribunal refused 12 applications to reduce the application fee on financial hardship grounds. There were four applications for review of decisions of this kind. In one case, the decision was affirmed (unchanged) and, in three cases, the decision was overturned.

TABLE A6.1 APPLICATION FEES SUMMARY

Total fee revenue	\$688,593
Total refunded	\$280,114
Total revenue forgone	\$700,695
Applications: fees reduced	307
Applications: fees not paid	763

TABLE A6.2 APPLICATIONS WHERE REDUCED FEE PAID

REASON	NUMBER OF APPLICATIONS AFFECTED
Applicant eligible to pay reduced fee	208
Fee reduced by Tribunal on financial hardship grounds	99
Total	307

TABLE A6.3 APPLICATIONS WHERE NO FEE PAYABLE FOR ADDITIONAL APPLICATIONS LODGED BY THE SAME APPLICANT

CATEGORY	NUMBER OF ADDITIONAL APPLICATIONS FOR WHICH FEE WAS NOT PAYABLE
Standard application fee	619
Reduced fee	35
STCT fee	109
Total	763