

APPENDIX 4: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

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This statistical information on different aspects of the Tribunal's workload for 2012–13 includes some data for earlier years for comparative purposes.

Table A4.1 sets out information on applications lodged with, and applications finalised by, the Tribunal in 2012–13, divided into five groups, and then into areas. The five groupings are:

- applications for review of decisions in the Tribunal's major jurisdictions – social security, veterans' affairs, workers' compensation and taxation
- other applications for review of decisions by Australian Government portfolio
- applications for review of decisions under the *Archives Act 1983*, *Australian Security Intelligence Organisation Act 1979*, *Freedom of Information Act 1982*, decisions of the Tribunal and decisions in relation to which the Tribunal does not have jurisdiction
- other types of applications made under the Administrative Appeals Tribunal Act, and
- applications for review of decisions of the Norfolk Island Government.

Table A4.1 Applications lodged and applications finalised, 2012–13

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – MAJOR JURISDICTIONS				
SOCIAL SECURITY				
Age pension/Pension bonus scheme	142		149	
Austudy payment	11		11	
Baby bonus	25		15	
Carer allowance and carer payment	59		72	
Compensation preclusion period	65		59	
Disability support pension	929		741	
Disaster recovery payment	10		5	
Family tax benefit	55		50	
Newstart allowance	81		80	
Overpayments and debt recovery	310		293	
Parenting payment	20		29	
Participation failure	38		43	
Rent assistance	14		19	
Special benefit	23		17	
Youth allowance	17		21	
Other	55		65	
Subtotal	1,854	30	1,669	28

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	72		51	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	234		214	
Service pension/Income support supplement/ Pension bonus	30		35	
Widows pension	67		69	
Other	8		7	
Subtotal	411	7	376	6
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	10		11	
Australian Postal Corporation	283		187	
Chubb Security Services Limited	30		26	
Comcare	386		389	
Commonwealth Bank of Australia and related companies	33		38	
John Holland Group Pty Limited/John Holland Pty Limited/John Holland Rail Pty Limited	16		16	
K & S Freighters Pty Limited	25		14	
Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	79		69	
Military Rehabilitation and Compensation Commission	146		140	
National Australia Bank Limited/National Wealth Management Services Limited	29		17	
Optus Administration Pty Limited	11		14	
Telstra Corporation Limited	81		145	
TNT Australia Pty Limited	23		23	
Transpacific Industries Pty Limited	37		35	
Other decision-makers	31		32	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	64		54	
Subtotal	1,284	21	1,210	20

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
TAXATION				
Taxation Appeals Division				
Excess contributions tax	24		21	
Fringe benefits tax	7		12	
Fuel schemes	1		2	
Goods and services tax	149		142	
Income tax (other than tax schemes)	1,140		1,140	
Income tax (tax schemes)	0		2	
Private rulings	56		24	
Self-managed superannuation fund regulation	6		2	
Superannuation contributions surcharge	5		30	
Superannuation guarantee charge	46		29	
Taxation administration	15		21	
Other	22		45	
<i>Subtotal</i>	<i>1,471</i>	<i>24</i>	<i>1,470</i>	<i>24</i>
Small Taxation Claims Tribunal				
Excess contributions tax	1		3	
Fringe benefits tax	0		1	
Goods and services tax	3		3	
Income tax	88		109	
Refusal of extension of time to lodge objection	48		117	
Release from taxation liabilities	64		29	
Superannuation contributions surcharge	0		79	
Superannuation guarantee charge	2		7	
Other	1		0	
<i>Subtotal</i>	<i>207</i>	<i>3</i>	<i>348</i>	<i>6</i>
Subtotal	1,678	27	1,818	30
SUBTOTAL for major jurisdictions	5,227	85	5,073	84

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – BY PORTFOLIO				
AGRICULTURE, FISHERIES AND FORESTRY				
Fisheries	1		0	
Subtotal	1	< 1	0	0
ATTORNEY-GENERAL'S				
Background checking	2		3	
Bankruptcy	17		32	
Customs	30		37	
Human rights	1		1	
Marriage celebrants	0		1	
Personal property securities	4		3	
Prohibited imports and exports	0		1	
Waiver of fees in courts	3		3	
Subtotal	57	< 1	81	1
BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY				
Communications and media	0		1	
Subtotal	0	0	1	< 1
DEFENCE				
Defence Force retirement and death benefits	6		13	
Employer support payments	2		3	
Other	3		4	
Subtotal	11	< 1	20	< 1
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS				
Education services for overseas students	14		5	
Mutual recognition of occupations	9		6	
National vocational education and training regulation	69		49	
Rehabilitation services	2		2	
Subtotal	94	2	62	1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS				
Child care services	1		1	
Indigenous corporations	0		1	
Paid parental leave	20		15	
Subtotal	21	< 1	17	< 1
FINANCE AND DEREGULATION				
Electoral matters	1		1	
Lands acquisition	0		1	
Subtotal	1	< 1	2	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	10		8	
Passports	8		9	
Subtotal	18	< 1	17	< 1
HEALTH AND AGEING				
Aged care	16		22	
Food standards	0		1	
Industrial chemicals	3		1	
Pharmacists	17		20	
Therapeutic goods	8		10	
Other	2		4	
Subtotal	46	< 1	58	1
HUMAN SERVICES				
Child support – percentage of care review	27		32	
Child support – review of SSAT refusal to extend time	3		4	
Child support – other	16		12	
Subtotal	46	< 1	48	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
IMMIGRATION AND CITIZENSHIP				
Business visa cancellation	5		7	
Citizenship	153		118	
Migration agent registration	6		8	
Protection visa cancellation or refusal	1		1	
Visa cancellation or refusal on character grounds	76		94	
Subtotal	241	4	228	4
INDUSTRY, INNOVATION, CLIMATE CHANGE, SCIENCE, RESEARCH AND TERTIARY EDUCATION				
Automotive industry	0		1	
Higher education funding	25		33	
Industry research and development	3		5	
National measurement system	2		1	
Patents, designs and trademarks	2		9	
Tertiary education regulation	2		1	
Subtotal	34	< 1	50	< 1
INFRASTRUCTURE AND TRANSPORT				
Airports regulation	3		1	
Aviation and maritime transport security	6		3	
Civil aviation	28		28	
Maritime safety	0		3	
Motor vehicle standards	5		7	
Subtotal	42	< 1	42	< 1
REGIONAL AUSTRALIA, LOCAL GOVERNMENT, ARTS AND SPORT				
Protection of movable cultural heritage	1		0	
Sports anti-doping matters	1		3	
Tax offsets for films	0		1	
Subtotal	2	< 1	4	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES				
Environment protection and biodiversity	3		3	
Subtotal	3	< 1	3	< 1
TREASURY				
Auditors and liquidators registration	1		1	
Business names registration	10		9	
Consumer credit regulation	6		4	
Corporations and financial services regulation	26		25	
Tax agent registration	21		15	
Subtotal	64	1	54	< 1
SUBTOTAL for portfolios	681	11	687	11
APPLICATIONS FOR REVIEW OF DECISIONS – OTHER				
SECURITY APPEALS				
ASIO assessments	8		8	
Decisions of National Archives of Australia relating to ASIO records	1		0	
Subtotal	9	< 1	8	< 1
WHOLE OF GOVERNMENT				
<i>Archives Act 1983</i>	6		6	
<i>Freedom of Information Act 1982</i>	42		44	
Subtotal	48	< 1	50	< 1
CASE MANAGEMENT AND TRIBUNAL DECISIONS				
No jurisdiction/Uncertain jurisdiction	132		131	
Review of decision relating to fees	3		3	
Review of decision relating to taxation of costs	1		0	
Subtotal	136	2	134	2
SUBTOTAL for other	193	3	192	3

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS – OTHER ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Application for extension of time to lodge an application for review of a decision	75		89	
Application under the AAT Act relating to a finalised case	0		1	
Subtotal	75	1	90	1
APPLICATIONS – NORFOLK ISLAND				
	0		0	
Subtotal	0	0	0	0
TOTAL^a	6,176	100	6,042	100

^a Percentages do not total 100% due to rounding.

Chart A4.2 Applications lodged – By state and territory



Chart A4.3 Applications finalised – By state and territory



Table A4.4 Percentage of applications finalised without a hearing^a

Jurisdiction	2010-11 %	2011-12 %	2012-13 %
All	79	79	79
Social security	76	77	76
Veterans' affairs	73	73	71
Workers' compensation	87	87	87
Taxation			
Taxation Appeals Division	85	79	85
Small Taxation Claims Tribunal	82	90	73

^a Applications finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the Administrative Appeals Tribunal Act. Includes applications finalised in accordance with terms of agreement lodged by the parties (sections 34D and 42C), applications withdrawn by the applicant (section 42A(1A)) and applications dismissed by the Tribunal (sections 42A and 42B).

Table A4.5 Outcomes of applications for review of a decision finalised, 2012–13

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation			
	No	%	No	%	No	%	No	%	Taxation Appeals Division	Small Taxation Claims Tribunal		
BY CONSENT OR WITHDRAWN												
Decision affirmed ^a	396	7	10	<1	5	1	347	29	27	2	5	1
Decision varied ^a	503	9	16	<1	18	5	42	3	339	23	82	24
Decision set aside ^a	1,244	21	306	18	75	20	352	29	364	25	51	15
Dismissed by consent ^b	71	1	18	1	1	<1	10	<1	26	2	1	<1
Dismissed by operation of law ^c	203	3	203	12	0	0	0	0	0	0	0	0
Withdrawn by applicant	1,635	27	526	32	155	41	274	23	334	23	70	20
Subtotal	4,052	68	1,079	65	254	67	1,025	85	1,090	74	209	60
BY DECISION												
Decision affirmed ^d	888	15	317	19	68	18	104	9	132	9	103	30
Decision varied ^d	75	1	11	<1	4	1	5	<1	30	2	14	4
Decision set aside ^d	312	5	70	4	37	10	52	4	62	4	13	4
Subtotal	1,275	21	398	24	109	29	161	13	224	15	130	37

Table A4.5 continued

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation		Small Taxation Claims Tribunal		
	No	%	No	%	No	%	No	%	Taxation Appeals Division	No	%	No	%
OTHER													
Dismissed by Tribunal ^e	205	3	78	5	7	2	6	<1	81	5	6	2	
No jurisdiction ^f	207	3	24	1	3	<1	15	1	30	2	1	<1	
Extension of time refused	104	2	80	5	1	<1	3	<1	2	<1	0	0	
No application fee paid	86	1	0	0	0	0	0	0	33	2	2	<1	
Other ^g	23	<1	10	<1	2	<1	0	0	10	<1	0	<1	
Subtotal	625	11	192	12	13	3	24	2	156	11	9	3	
TOTAL^h	5,952	100	1,669	100	376	100	1,210	100	1,470	100	348	100	

^a Applications finalised by the Tribunal in accordance with the terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D of the Administrative Appeals Tribunal Act) or at any stage of review proceedings (section 42C).

^b Applications dismissed by consent under section 42A(1) of the Administrative Appeals Tribunal Act.

^c If an application in the family assistance and social security area relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed: section 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999*, section 182 of the *Social Security (Administration) Act 1999* and section 326A of the *Student Assistance Act 1973*.

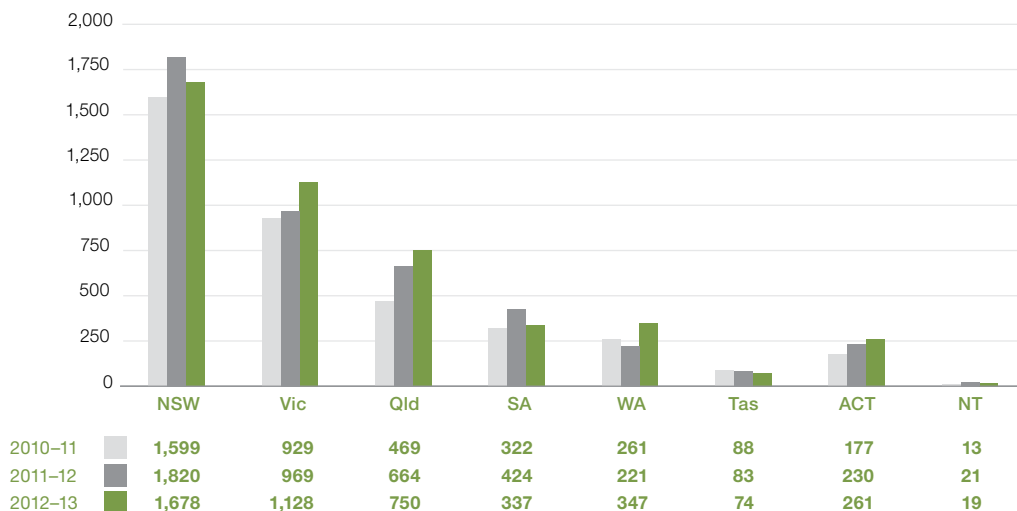
^d Applications finalised by a decision of the Tribunal under section 43 of the Administrative Appeals Tribunal Act.

^e Applications dismissed under section 42A(2) of the Administrative Appeals Tribunal Act (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and section 42B(1) (application is frivolous or vexatious).

^f Applications in relation to which the Tribunal has determined it does not have jurisdiction or dismissed under section 42A(4) of the Administrative Appeals Tribunal Act on the basis that the applicant has failed to demonstrate that a decision is reviewable.

^g Includes applications for review of a decision that have been lodged out of time and in relation to which no extension of time application is subsequently received.

^h Percentages do not total 100% due to rounding.

Chart A4.6 Applications current at 30 June 2013 – By state and territory**Table A4.7** Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2010-11	2011-12	2012-13
Conferences	6,897	6,761	7,606
Case appraisals	4	4	3
Conciliations	527	469	485
Mediations	38	49	42
Neutral evaluations	57	39	32
Interlocutory hearings ^a	380	373	437
Hearings	1,166	931	1,011

^a Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- to extend the time to lodge an application for review
- to be joined as a party to a proceeding
- to make a confidentiality order under section 35 of the Administrative Appeals Tribunal Act
- to stay the operation or implementation of a reviewable decision
- to dismiss an application
- to reinstate an application.

Table A4.8 Constitution of tribunals for hearings

Tribunal type	2010–11		2011–12		2012–13	
	No	%	No	%	No	%
Judge alone	2	< 1	3	< 1	0	0
Judge with 1 other member	5	< 1	5	< 1	8	< 1
Judge with 2 other members	2	< 1	3	< 1	0	0
Deputy President alone	169	14	135	15	176	17
Deputy President with 1 other member	49	4	45	5	50	5
Deputy President with 2 other members	2	< 1	1	< 1	2	< 1
Senior Member alone	602	52	467	50	449	44
Senior Member with 1 other member	121	10	81	9	80	8
Senior Member with 2 other members	4	< 1	1	< 1	1	< 1
Member alone	189	16	180	19	235	23
Two Members	21	2	10	1	10	< 1
Three Members	0	0	0	0	0	0
TOTAL^a	1,166	100	931	100	1,011	100
Total multi-member tribunals	204	17	146	16	151	15

^a Percentages do not total 100% due to rounding.

Table A4.9 Appeals against decisions of the Tribunal – By jurisdiction

Jurisdiction	2010–11		2011–12		2012–13	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	16	0	11	1	8	0
Veterans' affairs	14	1	10	0	8	1
Workers' compensation	18	0	18	1	17	2
Taxation						
Taxation Appeals Division	14	1	17	1	22	4
Small Taxation Claims Tribunal	0	0	0	0	0	0
Immigration and citizenship	11	21	7	14	4	21
Other	25	0	12	2	13	2
TOTAL	98	23	75	19	72	30

^a Appeals lodged in the Federal Court under section 44 of the Administrative Appeals Tribunal Act. In some circumstances, a party may lodge an application seeking relief under section 44 of the Administrative Appeals Tribunal Act and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

^b Applications for judicial review made under other enactments, including the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* and section 75(v) of the Constitution.

Table A4.10 Outcomes of appeals from Tribunal decisions — By jurisdiction^a

Outcome	2010–11		2011–12		2012–13	
	Section 44	Other	Section 44	Other	Section 44	Other
SOCIAL SECURITY						
Allowed/Remitted	3	0	1	0	4	0
Dismissed	9	0	10	2	6	0
Discontinued	7	0	2	0	1	0
Subtotal	19	0	13	2	11	0
VETERANS' AFFAIRS						
Allowed/Remitted	5	0	6	0	5	0
Dismissed	4	0	9	1	3	1
Discontinued	3	1	0	0	0	0
Subtotal	12	1	15	1	8	1
WORKERS' COMPENSATION						
Allowed/Remitted	4	0	6	0	9	0
Dismissed	7	0	16	0	9	1
Discontinued	3	0	4	0	1	0
Subtotal	14	0	26	0	19	1
TAXATION						
Taxation Appeals Division						
Allowed/Remitted	3	0	7	1	7	1
Dismissed	9	1	5	1	11	1
Discontinued	1	1	5	0	3	0
Subtotal	13	2	17	2	21	2
Small Taxation Claims Tribunal						
Allowed/Remitted	1	0	0	0	0	0
Dismissed	0	0	0	0	0	0
Discontinued	0	0	0	0	0	0
Subtotal	1	0	0	0	0	0
Subtotal	14	2	17	2	21	2

Table A4.10 continued

Outcome	2010-11		2011-12		2012-13	
	Section 44	Other	Section 44	Other	Section 44	Other
IMMIGRATION AND CITIZENSHIP						
Allowed/Remitted	2	1	1	3	1	9
Dismissed	6	15	6	9	2	12
Discontinued	1	1	1	2	2	1
Subtotal	9	17	8	14	5	22
OTHER						
Allowed/Remitted	11	0	4	0	2	0
Dismissed	11	1	8	3	7	2
Discontinued	3	0	4	0	0	0
Subtotal	25	1	16	3	9	2
TOTAL	93	21	95	22	73	28
ALL						
Allowed/Remitted	29	1	25	4	28	10
Dismissed	46	17	54	16	38	17
Discontinued	18	3	16	2	7	1
TOTAL	93	21	95	22	73	28

^a Where a decision of a judge of the Federal Circuit Court, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.