

### Appendix 3: Statistics for the year ended 30 June 2007

This appendix contains statistical information on different aspects of the Tribunal's workload during 2006–07. In some areas, information relating to previous years has been provided for the purposes of comparison.

The information contained in this appendix is summarised below.

<b>Table or chart reference</b>	<b>Overview of information contained in table or chart</b>
A3.1	Applications lodged and finalised in 2006–07
A3.2	Applications lodged in each registry
A3.3	Applications finalised in each registry
A3.4	Percentage of applications finalised without a hearing
A3.5	Outcomes of applications for review of decisions finalised in 2006–07
A3.6	Applications current in each registry as at 30 June
A3.7	Appeals from decisions of the Tribunal by jurisdiction
A3.8	Appeals from decisions of the Tribunal — outcomes of appeals determined
A3.9	Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction

Table A3.1 provides more detailed information on applications lodged with the Tribunal and finalised by the Tribunal in 2006–07. Information relating to the Tribunal’s major jurisdictions is set out first. This is followed by information on other applications grouped by Australian Government portfolio.

**Table A3.1 Applications lodged and finalised in 2006–07**

	Applications lodged		Applications finalised	
	No	%	No	%
<i>APPLICATIONS FOR REVIEW OF A DECISION</i>				
<b>Compensation</b>				
<i>Safety, Rehabilitation and Compensation Act 1988: Australian Postal Corporation</i>	385		387	
<i>Safety, Rehabilitation and Compensation Act 1988: Comcare</i>	513		494	
<i>Safety, Rehabilitation and Compensation Act 1988: Military Rehabilitation and Compensation Commission</i>	274		305	
<i>Safety, Rehabilitation and Compensation Act 1988: Optus Administration Pty Limited</i>	14		6	
<i>Safety, Rehabilitation and Compensation Act 1988: Other decision-makers</i>	23		24	
<i>Safety, Rehabilitation and Compensation Act 1988: Telstra Corporation Limited</i>	242		253	
Seafarers' compensation	50		63	
<i>Subtotal</i>	<i>1,501</i>	<i>20</i>	<i>1,532</i>	<i>21</i>
<b>Social security</b>				
Age pension/Pension bonus scheme	159		134	
Austudy payment	13		7	
Carer allowance/payment	89		65	
Compensation preclusion period	61		64	
Disability support pension	665		653	
Family tax benefit	110		78	
Maternity payment	34		28	
Newstart allowance	161		133	
Other	57		41	
Overpayments and debt recovery	549		540	
Parenting payment	71		69	
Rent assistance	10		12	
Youth allowance	31		23	
<i>Subtotal</i>	<i>2,010</i>	<i>27</i>	<i>1,847</i>	<i>25</i>
<b>Veterans' affairs</b>				
<i>Military Rehabilitation and Compensation Act 2004</i>	16		3	
Other	33		20	

	Applications lodged		Applications finalised	
	No	%	No	%
<i>Veterans' Entitlements Act 1986: Disability pension</i>	534		617	
<i>Veterans' Entitlements Act 1986: Service pension/Income support supplement/Pension bonus</i>	134		58	
<i>Veterans' Entitlements Act 1986: Widows pension</i>	140		152	
<i>Veterans' Review Board: Procedural decisions</i>	1		2	
<i>Subtotal</i>	858	12	852	12
<b>Taxation Appeals Division</b>				
Australian Business Number	16		15	
Fringe benefits tax	19		37	
Goods and services tax	258		152	
Income tax (other than taxation schemes)	941		564	
Other	77		49	
Self-managed superannuation fund regulation	10		8	
Superannuation guarantee charge	52		55	
Taxation administration	46		30	
Taxation schemes	471		1,146	
<i>Subtotal</i>	1,890	26	2,056	28
<b>Small Taxation Claims Tribunal</b>				
Fringe benefits tax	1		–	
Goods and services tax	4		4	
Income tax	47		41	
Other	25		39	
Refusal of extension of time to lodge objection	20		11	
Release from taxation liabilities	27		52	
Superannuation guarantee charge	1		–	
<i>Subtotal</i>	125	2	147	2
<b>Agriculture, Fisheries and Forestry Portfolio</b>				
Agricultural and veterinary chemicals	1		1	
Fisheries	1		9	
Wine and brandy	–		3	
<i>Subtotal</i>	2	<1	13	<1
<b>Attorney-General's Portfolio</b>				
Bankruptcy	23		29	
Customs	58		29	

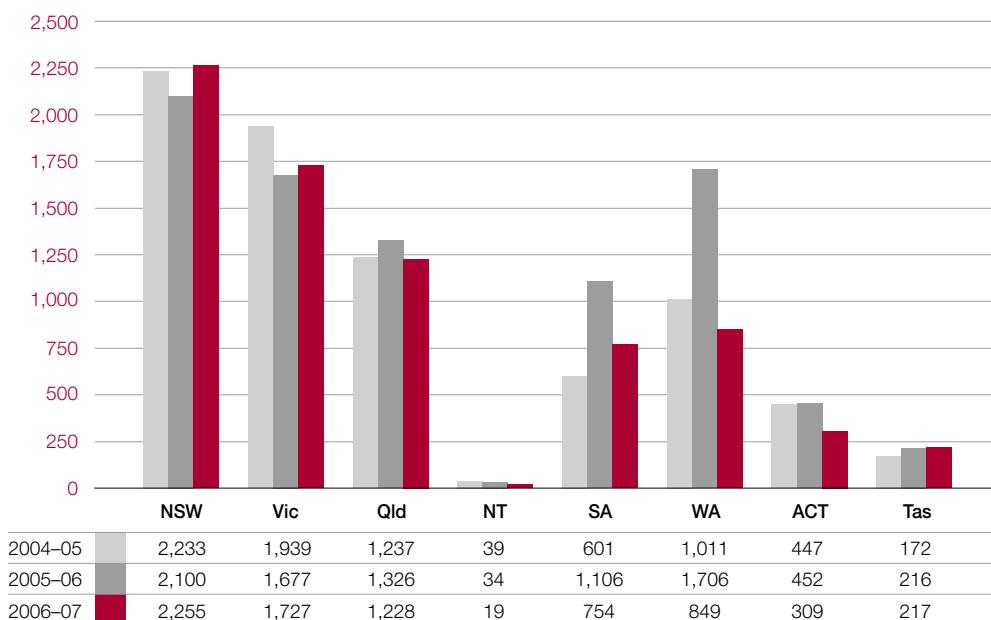
	Applications lodged		Applications finalised	
	No	%	No	%
Import and export of prohibited goods	1		1	
Waiver of fees in courts	4		2	
<i>Subtotal</i>	86	1	61	<1
<b>Communications, Information Technology and the Arts Portfolio</b>				
Communications and media	3		4	
Sports anti-doping	3		1	
<i>Subtotal</i>	6	<1	5	<1
<b>Defence Portfolio</b>				
Defence Force retirement and death benefits	8		15	
Decisions under defence legislation or legislative instruments	5		2	
<i>Subtotal</i>	13	<1	17	<1
<b>Education, Science and Training Portfolio</b>				
Education services for overseas students	2		1	
Higher education funding	10		13	
Mutual recognition of occupations	4		2	
<i>Subtotal</i>	16	<1	16	<1
<b>Employment and Workplace Relations Portfolio</b>				
Disability services	2		2	
<i>Subtotal</i>	2	<1	2	<1
<b>Environment and Water Resources Portfolio</b>				
Environment protection and biodiversity	3		1	
Great Barrier Reef Marine Park	1		–	
<i>Subtotal</i>	4	<1	1	<1
<b>Families, Community Services and Indigenous Affairs Portfolio</b>				
Child support	27		29	
<i>Subtotal</i>	27	<1	29	<1
<b>Finance and Administration Portfolio</b>				
Superannuation Acts	1		1	
<i>Subtotal</i>	1	<1	1	<1
<b>Foreign Affairs and Trade Portfolio</b>				
Export market development grants	13		11	
Passports	23		23	
<i>Subtotal</i>	36	<1	34	<1

	Applications lodged		Applications finalised	
	No	%	No	%
<b>Health and Ageing Portfolio</b>				
Aged care	20		9	
Industrial chemicals	1		3	
Other	3		5	
Pharmacists	13		13	
Therapeutic goods	3		5	
<i>Subtotal</i>	40	<1	35	<1
<b>Immigration and Citizenship Portfolio</b>				
Business visa cancellation	159		144	
Citizenship	121		84	
Migration agent registration	15		12	
Protection visa cancellation or refusal	3		2	
Visa cancellation or refusal on character grounds: Visa applicant or holder in Australia	40		41	
Visa refusal on character grounds: Visa applicant outside Australia	50		24	
<i>Subtotal</i>	388	5	307	4
<b>Industry, Tourism and Resources Portfolio</b>				
Automotive industry	–		5	
Industry research and development	–		1	
Patents, designs and trademarks	4		3	
Textiles, clothing and footwear	3		4	
<i>Subtotal</i>	7	<1	13	<1
<b>Transport and Regional Services Portfolio</b>				
Airports	3		–	
Aviation and maritime security	12		10	
Civil aviation	23		19	
Maritime safety	1		4	
Motor vehicle standards	24		21	
<i>Subtotal</i>	63	<1	54	<1
<b>Treasury Portfolio</b>				
Auditors and liquidators registration	4		2	
Corporations	33		16	
Insurance and superannuation regulation	6		11	
Tax agent registration	25		23	
<i>Subtotal</i>	68	<1	52	<1

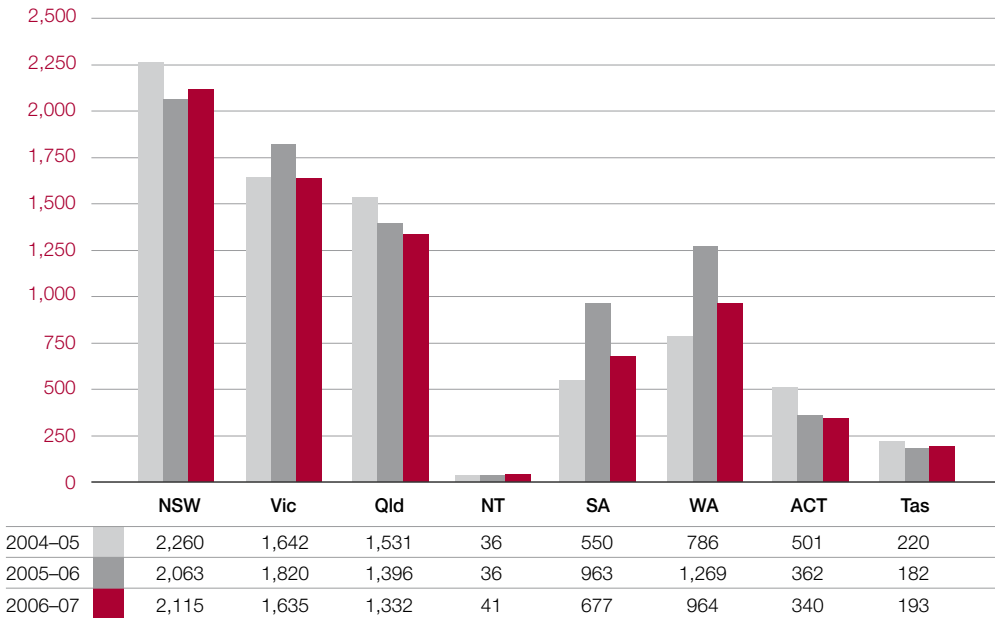
	Applications lodged		Applications finalised	
	No	%	No	%
<b>Security Appeals</b>				
ASIO assessments	2		7	
<i>Subtotal</i>	2	<1	7	<1
<b>Whole of Government</b>				
<i>Freedom of Information Act 1982</i>	120		128	
<i>Subtotal</i>	120	2	128	2
<b>Case Management and Tribunal Decisions</b>				
No jurisdiction/Uncertain jurisdiction	54		50	
<i>Subtotal</i>	54	<1	50	<1
<b>OTHER APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975</b>				
Application for extension of time to lodge application for review of a decision	38		37	
Application for stay of a primary decision	1		1	
<i>Subtotal</i>	39	<1	38	<1
<b>Total<sup>a</sup></b>	<b>7,358</b>	<b>100</b>	<b>7,297</b>	<b>100</b>

a Percentages do not total 100% due to rounding.

**Chart A3.2 Applications lodged in each registry**



**Chart A3.3 Applications finalised in each registry**



**Table A3.4 Percentage of applications finalised without a hearing**

Jurisdiction	2004-05	2005-06	2006-07
	%	%	%
All applications	78	81	81
Compensation	87	85	85
Social security	73	68	72
Veterans' affairs	71	72	78
Taxation Appeals Division	83	94	92
Small Taxation Claims Tribunal	75	78	77

Note: Applications finalised without a hearing are applications that were finalised otherwise than by a Tribunal decision under section 43 of the *Administrative Appeals Tribunal Act 1975*. This includes applications finalised in accordance with terms of agreement lodged by the parties pursuant to sections 34D or 42C of the AAT Act, applications withdrawn by the applicant under subsection 42A(1A) and applications dismissed by the Tribunal under sections 42A and 42B.

Table A3.5 Outcomes of applications for review of a decision finalised in 2006–07

Outcome	All applications		Compensation		Social security		Veterans' affairs		Taxation Appeals Division		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
<b>By consent</b>												
Decision affirmed under section 34D or 42C	457	6	370	24	17	<1	14	2	49	2	1	<1
Decision varied under section 34D or 42C	1,176	16	60	4	25	1	97	11	947	46	28	19
Decision set aside under section 34D or 42C	1,301	18	459	30	218	12	222	26	263	13	28	19
Dismissed by consent under subsection 42A(1)	142	2	28	2	28	2	20	2	32	2	2	1
Dismissed by operation of law <sup>a</sup>	310	4	N/A	–	310	17	N/A	–	N/A	–	N/A	–
<b>By decision under section 43 of the Administrative Appeals Tribunal Act 1975</b>												
Decision affirmed	899	12	148	10	374	20	116	14	72	4	34	23
Decision varied	74	1	6	<1	14	<1	8	<1	37	2	0	–
Decision set aside	402	6	69	5	132	7	61	7	49	2	0	–
<b>Other</b>												
Withdrawn by applicant	1,994	27	366	24	593	32	299	35	458	22	50	34
Dismissed by Tribunal <sup>b</sup>	207	3	9	<1	65	4	8	<1	82	4	0	–
No jurisdiction <sup>c</sup>	126	2	11	<1	15	<1	4	<1	20	1	4	3
Extension of time refused	61	<1	5	<1	43	2	2	<1	6	<1	0	–
No application fee paid	85	1	N/A	–	N/A	–	0	–	33	2	0	–
Other <sup>d</sup>	25	<1	1	<1	13	<1	1	<1	8	<1	0	–
<b>Total<sup>e</sup></b>	<b>7,259</b>		<b>1,532</b>		<b>1,847</b>		<b>852</b>		<b>2,056</b>		<b>147</b>	

a Where an application in the social security jurisdiction 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 182 of the Social Security (Administration) Act 1999 and section 146 of the A New Tax System (Family Assistance) (Administration) Act 1999.

b These figures refer to applications dismissed under subsection 42A(2) of the Administrative Appeals Tribunal Act 1975 (non-appearance at a case event), subsection 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subsection 42B(1) (application is frivolous or vexatious).

c These figures refer to applications in relation to which the Tribunal has determined that it does not have jurisdiction and applications dismissed under subsection 42A(4) of the Administrative Appeals Tribunal Act 1975 on the basis that the applicant has failed to demonstrate that the decision is reviewable.

d These figures include 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.

e Percentages do not total 100% due to rounding.



Chart A3.6 Applications current in each registry as at 30 June

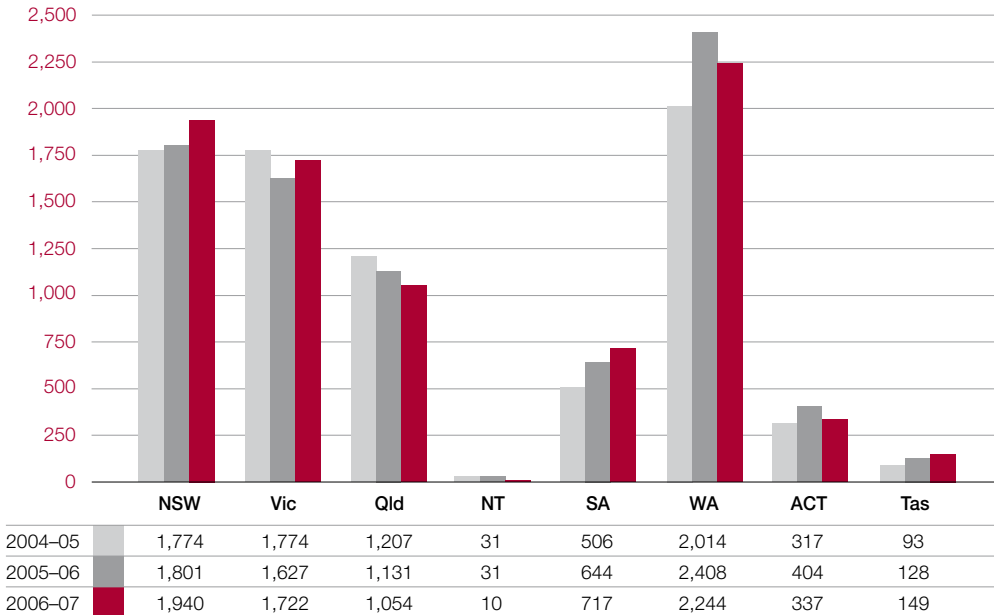


Table A3.7 provides information in relation to appeals from decisions of the Tribunal that were lodged in 2006-07 and in the two previous years. The table distinguishes between appeals lodged in the Federal Court under section 44 of the *Administrative Appeals Tribunal Act 1975* and applications for 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 A3.7 Appeals from decisions of the Tribunal by jurisdiction

Jurisdiction	2004-05		2005-06		2006-07	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation	25	3	22	4	21	1
Social security	11	0	29	4	39	0
Veterans' affairs	21	0	27	0	24	0
Taxation Division	21	0	19	0	18	0
Small Taxation Claims Tribunal	2	0	3	0	0	0
Other	47	8	42	15	25	6
<b>Total</b>	<b>127</b>	<b>11</b>	<b>142</b>	<b>23</b>	<b>127</b>	<b>7</b>

Note: In some circumstances, a party may lodge an application seeking relief under section 44 of the *Administrative Appeals Tribunal Act 1975* and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

Tables A3.8 and A3.9 provide information on the outcomes of appeals from decisions of the Tribunal that were finally determined in 2006–07 and in the two previous years.

**Table A3.8 Appeals from decisions of the Tribunal — outcomes of appeals determined**

Outcome	2004–05		2005–06		2006–07	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	51	1	32	6	52	3
Dismissed	80	5	67	11	59	7
Discontinued	20	3	21	9	26	1
Other	1	0	0	0	0	0
<b>Total</b>	<b>152</b>	<b>9</b>	<b>120</b>	<b>26</b>	<b>137</b>	<b>11</b>

Note: Where a decision of a Federal Magistrate, 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.

During the reporting year, 12 appeals under section 44 of the *Administrative Appeals Tribunal Act 1975* were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the *Administrative Appeals Tribunal Act 1975*.

**Table A3.9 Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction**

Outcome	2004–05		2005–06		2006–07	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>Compensation</b>						
Allowed/Remitted	13	0	5	2	10	1
Dismissed	7	1	16	0	10	1
Discontinued	4	0	4	0	2	0
<i>Subtotal</i>	<i>24</i>	<i>1</i>	<i>25</i>	<i>2</i>	<i>22</i>	<i>2</i>
<b>Social security</b>						
Allowed/Remitted	2	0	4	0	7	0
Dismissed	16	0	9	1	14	0
Discontinued	5	0	8	3	10	0
<i>Subtotal</i>	<i>23</i>	<i>0</i>	<i>21</i>	<i>4</i>	<i>31</i>	<i>0</i>
<b>Veterans' affairs</b>						
Allowed/Remitted	19	0	9	0	14	0
Dismissed	17	0	12	0	9	0
Discontinued	3	0	1	0	3	0
Other	1	0	0	0	0	0
<i>Subtotal</i>	<i>40</i>	<i>0</i>	<i>22</i>	<i>0</i>	<i>26</i>	<i>0</i>
<b>Taxation Appeals Division</b>						
Allowed/Remitted	3	0	4	0	9	0
Dismissed	9	0	11	1	6	0
Discontinued	1	0	5	0	5	0
<i>Subtotal</i>	<i>13</i>	<i>0</i>	<i>20</i>	<i>1</i>	<i>20</i>	<i>0</i>
<b>Small Taxation Claims Tribunal</b>						
Allowed/Remitted	0	0	1	0	0	0
Dismissed	0	0	0	0	3	0
Discontinued	1	0	0	0	0	0
<i>Subtotal</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>3</i>	<i>0</i>
<b>Other</b>						
Allowed/Remitted	14	1	9	4	12	2
Dismissed	31	4	19	9	17	6
Discontinued	6	3	3	6	6	1
<i>Subtotal</i>	<i>51</i>	<i>8</i>	<i>31</i>	<i>19</i>	<i>35</i>	<i>9</i>
<b>Total</b>	<b>152</b>	<b>9</b>	<b>120</b>	<b>26</b>	<b>137</b>	<b>11</b>