

# Chapter 3: Workload and performance

## Workload

This section of the Annual Report provides key statistical information on the number of applications lodged and finalised in 2006–07 and the number of applications current at the end of the reporting period. This section also provides more detailed information relating to the Tribunal's major jurisdictions: workers' compensation, social security, taxation and veterans' affairs. Information relating to the previous two reporting periods is provided for the purposes of comparison.

### Overall results

Chart 3.1 sets out the total number of applications lodged and finalised in the three most recent reporting years. It also sets out the number of applications on hand as at 30 June for those three reporting years.

The number of applications lodged with the Tribunal in 2006–07 was 15 per cent lower than the number lodged in 2005–06. As Chart 3.2 demonstrates, this decrease can be attributed primarily to a significant decrease in the number of applications relating to taxation decisions.

The Tribunal finalised 7,297 applications in 2006–07, 10 per cent fewer than in 2005–06. This can be attributed primarily

to the finalisation of a smaller number of applications in the Taxation Appeals Division and the veterans' affairs jurisdiction.

The number of applications current as at 30 June 2007 was similar to the number on hand at the end of the previous reporting period. Changes in the number of current applications in particular jurisdictions are discussed in more detail below.

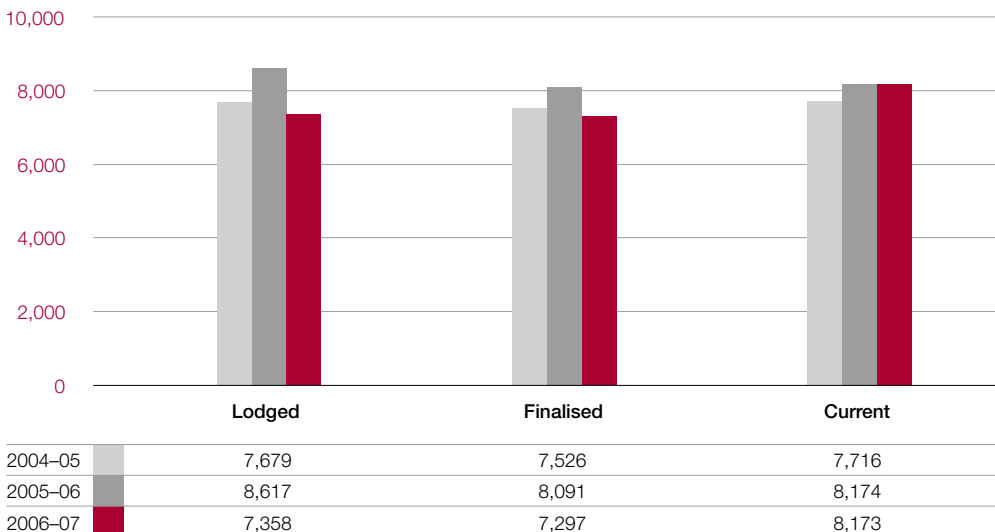
### Applications lodged

The number of applications lodged in the Tribunal's major jurisdictions in each of the three most recent reporting years is shown in Chart 3.2.

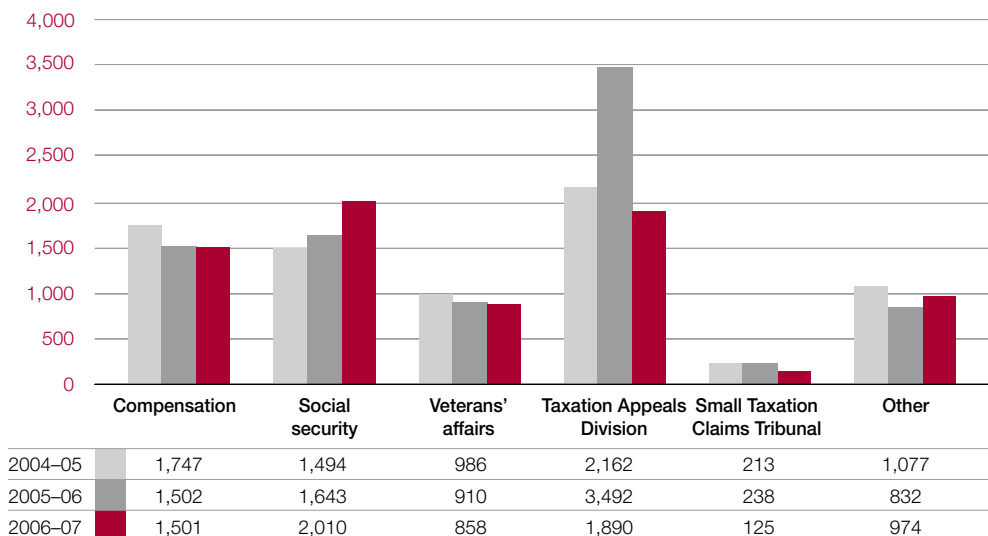
Applications for review of family assistance and social security decisions were the most common type of application lodged with the Tribunal in 2006–07, constituting 27 per cent of all lodgements. Applications in the Taxation Appeals Division and the workers' compensation jurisdiction were the next most common types of applications comprising 26 per cent and 20 per cent of total lodgements respectively.

The number of applications lodged in the social security jurisdiction increased by 22 per cent in 2006–07. Applications from individuals increased across a range

**Chart 3.1 Applications lodged, finalised and current**



**Chart 3.2 Applications lodged in major jurisdictions**



of decision types, including decisions concerning family tax benefit and newstart allowance. There was also a further increase in the number of applications lodged by the Departments responsible for the administration of family assistance and social security entitlements. The Tribunal recorded 441 departmental applications in 2006-07, 22 per cent of total lodgements in this jurisdiction. The Department of Employment and Workplace Relations was an applicant in 84 per cent of these applications while the Department of Families, Community Services and Indigenous Affairs was an applicant in almost 16 per cent. The Department of Education, Science and Training was an applicant in a small proportion of applications. The Tribunal notes that the number of departmental applications decreased during the course of the reporting year. The number of applications lodged in the second-half of 2006-07 was 38 per cent lower than the number lodged in the first six months of the reporting year.

The volume of applications lodged in the workers' compensation jurisdiction in 2006-07 remained at a similar level to 2005-06. The Tribunal notes that the number of corporations granted licences under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988*

continues to grow. This is likely to lead to an increase in applications in the future in this jurisdiction. During the reporting year, the Tribunal received its first applications relating to employees of the Linfox group of companies.

There was a 46 per cent decrease in the number of applications lodged in the Taxation Appeals Division in 2006-07. This can be attributed to a significant decrease in the number of applications relating to taxation schemes: 2,354 applications of this kind were lodged in 2005-06 compared with 471 in 2006-07. The number of applications for review of other types of taxation decisions, including decisions relating to assessments of income tax generally and goods and services tax, increased in 2006-07.

There was a 47 per cent decline in the number of applications lodged in the Small Taxation Claims Tribunal. The decrease in application numbers applied across the range of decisions that may be dealt with in the Small Taxation Claims Tribunal.

The number of applications lodged in the veterans' affairs jurisdiction also decreased in 2006-07 by 6 per cent. While there was a small increase in applications for review of decisions made under the *Military Rehabilitation*

and *Compensation Act 2004*, the number of applications under the *Veterans' Entitlements Act 1986* continues to decline over time.

Table A3.1 in Appendix 3 provides more detail on the applications lodged in the reporting year for all jurisdictions. Chart A3.2 in Appendix 3 provides details in relation to the number of applications lodged in each registry.

### Applications finalised

The number of applications finalised in the Tribunal's major jurisdictions in each of the past three years is shown in Chart 3.3.

The Tribunal continued to finalise a significant number of applications in the Taxation Appeals Division in 2006–07. Approximately 56 per cent of the applications finalised in this Division were applications relating to taxation schemes. The Tribunal has adopted a case management strategy to ensure that the large number of these types of applications progress in a coordinated and timely manner. This is described in more detail in Chapter 4.

There was a 36 per cent increase in the number of applications finalised in the social security jurisdiction. This reflects the recent increases in applications in this jurisdiction. As shown in Table 3.9, the Tribunal has continued to finalise over 90 per cent of applications within 12 months of lodgement.

The number of applications finalised in the workers' compensation jurisdiction remained steady in 2006–07. This reflects the fact that the number of applications lodged in this jurisdiction in the two most recent reporting years has remained at a consistent level.

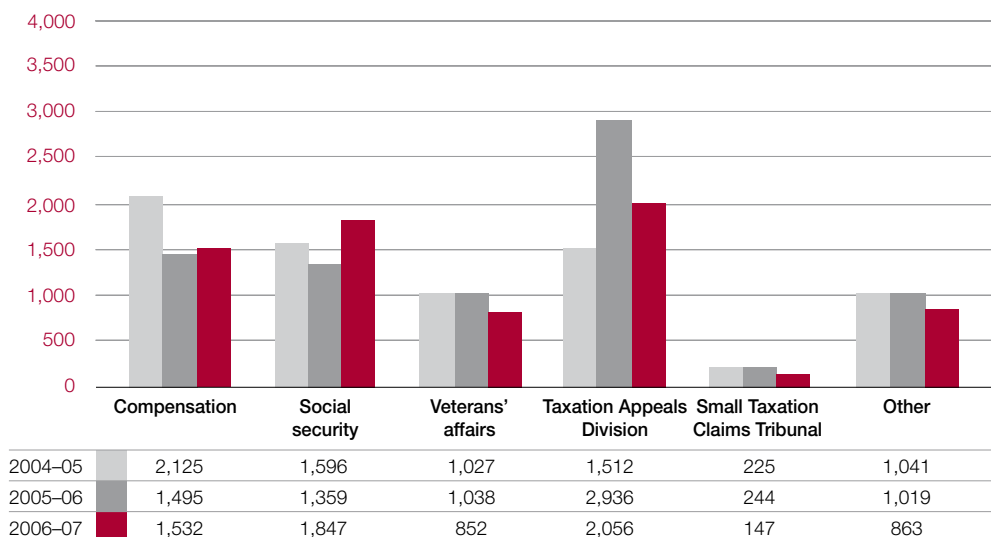
There was an 18 per cent decrease in the number of applications finalised in the veterans' affairs jurisdiction in 2006–07 and a 40 per cent decrease in the number of applications finalised in the Small Taxation Claims Tribunal. These results are consistent with the decline in the number of applications lodged in these areas in the two most recent reporting periods.

Table A3.1 in Appendix 3 provides more detail on applications finalised in the reporting year for all jurisdictions. Chart A3.3 in Appendix 3 provides information in relation to the number of applications finalised in each registry. Table A3.5 in Appendix 3 provides statistical information on the outcomes of matters finalised in the reporting year.

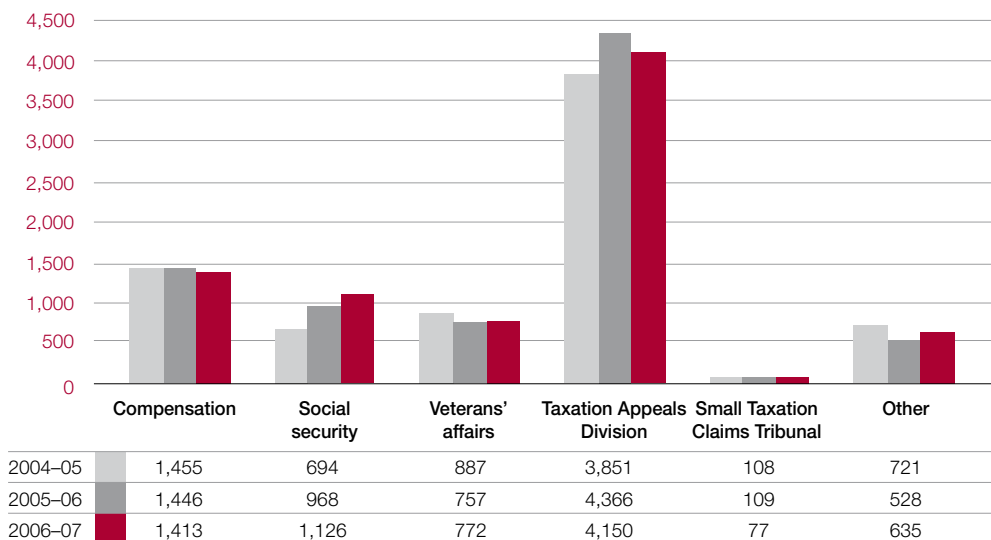
### Current applications

The number of applications current in the Tribunal's major jurisdictions at the end of the current and the two previous reporting periods is shown in Chart 3.4.

**Chart 3.3 Applications finalised in major jurisdictions**



**Chart 3.4 Applications current in major jurisdictions**



The social security jurisdiction is the only area in which there has been any significant increase in the number of applications current at the end of the reporting period. The 16 per cent increase in applications on hand as at 30 June 2007 is directly related to the greater volume of applications lodged in 2006-07.

The number of applications on hand in the veterans' affairs jurisdiction at the end of the reporting period increased marginally despite a decline in the number of applications lodged in 2006-07. As discussed in more detail below, this reflects the fact that there can be delays in progressing applications in this jurisdiction.

There was a five per cent decrease in the number of applications in the Taxation Appeals Division that were current at the end of the reporting period. Approximately 55 per cent of these are applications relating to taxation schemes, a further third of which were lodged prior to 1 July 2005. While the Tribunal has a case management strategy in place for dealing with these applications, it can take some time to finalise all applications relating to a particular scheme.

The number of applications on hand in the Small Taxation Claims Tribunal decreased by

29 per cent, reflecting the small number of applications lodged in the reporting period. The number of applications on hand in the workers' compensation jurisdiction remained relatively steady.

Chart A3.6 in Appendix 3 provides information about the number of applications current in each registry.

## Our performance

### Outcome and outputs structure

The Tribunal has one outcome specified in the 2006-07 Portfolio Budget Statements:

*Improve the quality of administrative decision-making through the provision of a review mechanism that is fair, just, economical, informal and quick.*

There is one output group relating to this outcome:

*Output group 1.1* — Completed review of decisions

*Output 1.1.1* — Applications finalised without a hearing

*Output 1.1.2* — Applications finalised with a hearing

### Total resourcing for outcome

Table 3.5 shows how the 2006–07 budget appropriations for the Tribunal translate to total resourcing for the Tribunal's outcome, including administered expenses, revenue from the government (appropriation), revenue from other sources and the total price of the outputs.

### Performance measures

Table 3.6 sets out the performance measures for the Tribunal's outcome. The Tribunal's performance against these standards is described below.

**Table 3.5 Total resources for Outcome 1 (\$'000)**

	Budget 2006–07	Actual expenses 2006–07	Variation	Budget 2007–08
<i>Departmental appropriations</i>				
Output group 1.1 — Completed reviews of decisions				
Output 1.1.1 — Applications finalised without a hearing	13,494	14,049	555	13,619
Output 1.1.2 — Applications finalised with a hearing	17,981	17,426	(555)	18,147
<i>Total revenue from government (appropriations) contributing to the price of departmental outputs</i>	31,475	31,475	--	31,766
<i>Revenue from other sources</i>				
Output 1.1.1 — Applications finalised without a hearing	530	566	36	535
Output 1.1.2 — Applications finalised with a hearing	706	702	(4)	714
<i>Total Revenue from other sources</i>	1,236	1,268	32	1,249
<b>Total price of departmental outputs</b> (Total revenue from government and other sources)	32,711	32,743	32	33,015
<b>Total estimated resourcing for Outcome 1</b> (Total price of outputs and administered expenses)	32,660	32,276	(384)	33,015

**Table 3.6 Performance standards 2006–07**

Performance information for departmental outputs	
Output description	Performance measure
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	<i>Price:</i> \$2,713 per completed application <sup>a</sup>
	<i>Quality:</i> 85% of matters have first conference within 13 weeks
	<i>Quantity:</i> 5,218 finalisations <sup>a</sup>
Output 1.1.2 — Applications finalised with a hearing	<i>Price:</i> \$12,778 per completed application <sup>a</sup>
	<i>Quality:</i> 85% of matters to hearing within 40 weeks
	<i>Quantity:</i> 1,476 finalisations <sup>a</sup>

a Projection for 2006–07; see Table 3.7 for actual figures.

## Performance results

Table 3.7 sets out the Tribunal's actual performance against the performance measures related to applications finalised, including the cost per finalised application.

The number of applications finalised by the Tribunal during the year without a hearing was above the budget projections for 2006–07. As a result, the price per completed application was less than anticipated. Further information relating to the percentage of applications finalised without a hearing in the major jurisdictions is set out in Table A3.4 in Appendix 3.

As a means of monitoring its performance, the Tribunal has set time standards in relation to particular steps in the review process and for the finalisation of applications generally. Commentary relating to the Tribunal's performance against the measures set out in Tables 3.6 and 3.7 and the Tribunal's own targets is set out below.

### Intermediate time standards

The Tribunal has set time standards for the following steps in the review process:

- the receipt of the documents required to be lodged under section 37 of the *Administrative Appeals Tribunal Act 1975* (Section 37 Documents) following despatch to the decision-maker of a notice that an application has been received;
- the holding of a first conference;
- the holding of a hearing; and
- 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 first of the steps is within the control of decision-makers. Responsibility for the timeliness of the second and third steps is shared between the Tribunal and the parties. The fourth step is within the control of the Tribunal.

Table 3.8 sets out figures on the extent to which these intermediate time standards were met in 2006–07 and in the two previous reporting periods.

There was a marginal decline in the proportion of Section 37 Documents lodged with the Tribunal within the time standard in 2006–07. Small decreases were recorded across all of the major jurisdictions.

The Tribunal notes that the result for this time standard was affected to a degree by the way in which the large number of applications relating to taxation schemes have been managed in the Tribunal. In relation to many schemes, orders have been made deferring the time for lodging the full set of Section 37 Documents in individual applications until a particular application was ready to be progressed further. In many applications, the Section 37 Documents have been lodged some considerable time

**Table 3.7 Performance results 2006–07**

Output group 1.1 — Completed reviews of decisions	
Output description	Performance result
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	Price: \$2,433 per completed application
	Quality: 81% of matters had first conference within 13 weeks
	Quantity: 5,922 finalisations
Output 1.1.2 — Applications finalised with a hearing	Price: \$12,996 per completed application
	Quality: 50% of matters to hearing within 40 weeks
	Quantity: 1,375 finalisations

**Table 3.8 Performance in relation to intermediate time standards<sup>a</sup>**

Step	Time standard (days)	2004–05 %	2005–06 %	2006–07 %
Receipt of Section 37 Documents after notifying decision-maker of application	35	77	83	80
Receipt of application to first conference	91	86	86	81
Receipt of application to first day of hearing	280	48	50	50
Last day of hearing or date of receipt of further material to delivery of decision	60	62	67	73

a The figures for 2004–05 and 2005–06 relate to all applications other than applications dealt with in the Small Taxation Claims Tribunal.

after the Commissioner of Taxation was notified of the application. When Section 37 Documents lodged in taxation scheme applications are excluded, 82 per cent of Section 37 Documents were lodged within the time standard.

In relation to the timeliness of first conferences, the Tribunal fell four per cent short of meeting the performance standard set out in the Portfolio Budget Statements that 85 per cent of applications will have a first conference within 13 weeks of lodgement. The Tribunal notes that this result was also affected by the way in which applications relating to taxation schemes have been dealt with.

The Tribunal generally manages applications relating to a particular scheme as a class. Conferences have not been listed as a matter of course in relation to most scheme applications. The Managing Member for the scheme determines how applications should be progressed. A first conference may therefore be held some time after an application relating to a scheme has been lodged, particularly if the Tribunal has been awaiting the outcome of one or more test cases. When conferences held in taxation scheme applications are disregarded, the proportion of applications in which a first conference was held within 13 weeks of lodgement was 85 per cent.

The figure for the proportion of applications in which a hearing was held within 40 weeks of lodgement in 2006–07 was consistent

with the result for 2005–06 but continued to be below the standard of 85 per cent set out in the Portfolio Budget Statements. Small improvements were recorded in 2006–07 for hearings held in the social security, veterans' affairs and workers' compensation jurisdictions. The overall result was affected to a small degree by hearings held in longstanding applications relating to taxation schemes. When hearings held in taxation scheme applications are excluded, the result is 52 per cent.

As the figures in Table 3.7 make clear, most applications lodged with the Tribunal are finalised other than by way of a decision of the Tribunal following a hearing. The Tribunal's case management process pursues the dual goals of attempting to resolve matters by agreement between the parties where possible, while ensuring that appropriate steps are taken to prepare for hearing those matters that do not settle.

During the pre-hearing process, the Tribunal works with the parties to:

- discuss and define the issues in dispute;
- identify any further supporting material that parties may wish to obtain; and
- explore whether the matter can be settled.

Where an application cannot be resolved during the pre-hearing process, it is referred for hearing.



There is a range of reasons why a hearing may not be held within 40 weeks of an application being lodged. In general, it is because the parties require additional time rather than the Tribunal being unable to list hearings in a timely manner. The pace at which applications progress at the pre-hearing stage is heavily influenced by the time needed by the parties to obtain any expert medical evidence or to undertake other investigations and gather relevant material. Some applications are delayed pending a further decision by a department or agency on a related matter or the decision of a court in a test case. Delays also occur where parties are not in a position to 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.

In relation to the Tribunal's time standard for delivering decisions, the Tribunal recorded a further six per cent improvement in the proportion of decisions delivered within 60 days of the last day of hearing or the receipt of further submissions or other material.

**Time standards for finalising applications**

The Tribunal aims to finalise the majority of applications within 12 months of lodgement. It has set percentage targets for the finalisation of applications within this timeframe for the major jurisdictions. Information on compliance with these targets in 2006–07 and in the previous two years is set out in Table 3.9.

Overall, 67 per cent of applications finalised during the reporting period were completed within 12 months of lodgement. This result and the result for the Taxation Appeals Division continue to be affected by the finalisation of a number of longstanding applications relating to taxation schemes. Approximately eight per cent of the total number of applications finalised in 2006–07 were applications of this kind lodged prior to 1 July 2005.

When applications relating to taxation schemes are excluded from the overall figures, 74 per cent of applications were finalised within 12 months of lodgement during 2006–07. Approximately 89 per cent of applications were finalised within 18 months. When applications relating to taxation schemes are excluded from the figures for the Taxation Appeals Division, 62 per cent of applications were finalised within 12 months of lodgement and 79 per cent within 18 months.

In relation to the Tribunal's other major jurisdictions, the results for 2006–07 were consistent with the figures for 2005–06. The Tribunal exceeded the target in the social security jurisdiction but fell short of the targets in the veterans' affairs and workers' compensation jurisdictions by 13 per cent. Approximately 85 per cent of applications in the veterans' affairs and workers' compensation jurisdictions were finalised within 18 months of lodgement.

**Table 3.9 Percentage of applications finalised within 12 months**

Jurisdiction	Target %	2004–05 %	2005–06 %	2006–07 %
All applications <sup>a</sup>	—	66	65	67
Compensation	75	64	62	62
Social security	90	91	91	91
Veterans' affairs	80	59	66	67
Taxation Appeals Division	75	35	49	42

<sup>a</sup> The figures for 2004–05 and 2005–06 relate to all applications other than applications dealt with in the Small Taxation Claims Tribunal.

The Tribunal notes that the reasons identified in the previous section as to why the Tribunal may not hold a hearing within 40 weeks of an application being lodged are also relevant in explaining why the Tribunal may not finalise an application within 12 months of lodgement. Delays in the delivery of decisions following a hearing also contribute to delays in finalising applications.

When the Small Taxation Claims Tribunal was established, the Tribunal indicated that it would aim to finalise applications of this type within 12 weeks of lodgement. Table 3.10 shows that the proportion of applications finalised within this timeframe declined further in 2006–07. The Small Taxation Claims Tribunal was created to provide a cheaper and more informal means for taxpayers to obtain review of decisions where the amount of taxation in dispute is less than \$5,000. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal are not necessarily less complex than applications for review of other types of taxation decisions. While 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.

The Tribunal has implemented a number of initiatives in recent years aimed at improving the timeliness of the review process. These include:

- a national system of monitoring and addressing non-compliance by parties with legislative requirements and Tribunal directions;
- regular review of matters outstanding for longer than two years; and
- project management of taxation scheme matters on a national level.

These initiatives continued during the reporting year.

The Tribunal will pursue a range of other matters relating to the timeliness of the review process in 2007–08. The Tribunal will commence a review of the time standards and targets which have been in place for over 10 years. The Tribunal will also be exploring with members and staff how applications are managed in the Tribunal. This will involve considering whether applications are progressing towards finalisation in the shortest possible time in a manner that is also consistent with a review process that is fair, just, economical and informal. The Tribunal will also explore ways in which the new electronic case management system may be used to assist in managing applications for review in a timely manner as well as in improving reporting on timeliness.

### External scrutiny

Tribunal decisions are subject to external scrutiny by way of an appeal on a question of law and judicial review. The Tribunal's operations are also subject to external scrutiny by way of complaints to the Commonwealth Ombudsman, requests under the *Freedom of Information Act 1982*, inquiries undertaken by Parliamentary Committees and audits undertaken by the Australian National Audit Office. This section provides a summary of activity in relation to these forms of scrutiny during the reporting period.

### Appeals from Tribunal decisions

A party may appeal to the Federal Court, on a question of law, from any final decision of the Tribunal pursuant to section 44 of the *Administrative Appeals Tribunal Act 1975*. The Federal Court may transfer the appeal to the Federal Magistrates Court unless the Tribunal was constituted by, or included, a presidential member.

A party may seek judicial review of decisions made in the course of the review process and certain final decisions under the *Administrative*

**Table 3.10 Percentage of Small Taxation Claims Tribunal applications finalised within 84 days**

	2004–05 %	2005–06 %	2006–07 %
Small Taxation Claims Tribunal	37	36	22

*Decisions (Judicial Review) Act 1977*, section 39B of the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958*, or section 75 of the Constitution. Applications may be made to the Federal Court, the Federal Magistrates Court or the High Court.

In 2006–07, 127 appeals made pursuant to section 44 of the *Administrative Appeals Tribunal Act 1975* were lodged with the Federal Court.<sup>1</sup> There were seven applications for judicial review made under other enactments. Table A3.7 in Appendix 3 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 137 appeals lodged under section 44 of the *Administrative Appeals Tribunal Act 1975* and 11 applications for judicial review under other enactments were finally determined. The Tribunal's decision was set aside in 55 cases. This constitutes 37 per cent of the total number of appeals determined during the reporting period and less than one per cent of all applications finalised by the Tribunal during the reporting year.

Tables A3.8 and A3.9 in Appendix 3 provide further information in relation to appeals finally determined during the reporting year and the outcomes of those appeals.

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

### Freedom of information

The Tribunal received one request for access to documents under the *Freedom of Information Act 1982* in 2006–07. The Tribunal notified the applicant of the estimated charge for providing the documents and requested payment of a deposit. No response was received and the application was taken to have been withdrawn.

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<sup>1</sup> 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.

The Tribunal did not receive any requests to amend or annotate records and no requests were carried over from previous years.

The statement required to be published in this Annual Report under section 8 of the *Freedom of Information Act 1982* appears at Appendix 7.

### Ombudsman

During the 2006–07 year, the Commonwealth Ombudsman received a total of 41 approaches concerning the Tribunal, representing a 28.1 per cent increase over the previous year. Of these approaches, 23 were by telephone, eight in writing, four in person, three via email, one by fax and two via the internet.

The Commonwealth Ombudsman closed 41 cases covering 42 issues during the same period. Of the cases closed, two cases dealing with two issues were investigated. The Ombudsman did not record any findings of administrative deficiency.

### Complaints to other bodies

Two complaints were made to the Human Rights and Equal Opportunity Commission during 2006–07. These were ultimately dismissed by the Commission with no finding made against the Tribunal.

### 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.

### Tribunal Service Charter

The Tribunal's Service Charter sets out the Tribunal's service standards and information relating to making complaints about the Tribunal. This section provides information on the extent of the Tribunal's compliance with the service standards, where this information is available, as well as information on the number and nature of complaints made to the Tribunal.

## Service standards

### Accessibility

The Tribunal's national telephone number, which enables people in any part of Australia to call the Tribunal for the cost of a local call, was available throughout 2006–07. The Tribunal's telephone typewriter service number was also available throughout the reporting year. Induction loops are available at the counter and in conference rooms and hearing rooms at each of the Tribunal's registries. All Tribunal premises are wheelchair-accessible.

The Tribunal conducted hearings and some alternative dispute resolution processes in non-metropolitan centres during 2006–07. Alternative dispute resolution processes and hearings were held by telephone where this was appropriate.

During the reporting year, there was only one instance where the Tribunal was unable to arrange for an interpreter to participate in an alternative dispute resolution process or hearing where needed. The Tribunal maintained its Outreach Program during the reporting year, contacting self-represented parties by telephone to explain the Tribunal's processes and provide other information and assistance.

### Fairness

The Service Charter states that a conference will usually be held within 6–10 weeks after receipt of an application. During 2006–07, 62 per cent of applications had a first conference within ten weeks of lodgement. As noted above in the section relating to intermediate time standards, this result was affected to a limited degree by the Tribunal's case management strategy for dealing with applications relating to taxation schemes. When conferences held in taxation scheme applications are excluded, the result is 64 per cent.

Information on the percentage of Tribunal decisions delivered within 60 days after the hearing or the date on which any further submissions or material were received is set out in Table 3.8. Information relating to the sum of application fees refunded in 2006–07 is set out in Appendix 4.

## Complaints to the Tribunal

The Tribunal's Service Charter sets out how a person may make a complaint to the Tribunal about its service. It also sets out the standards for responding to complaints. Complaints may be made verbally or in writing.

Where a complaint is made in person or by telephone, the Tribunal will attempt to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days. The Tribunal aims to respond to complaints submitted in a language other than English within 30 working days. If additional time is required because of the complexity of the complaint or the need to consult with other persons before providing a response, the Tribunal will advise the complainant of progress in handling the complaint. Responses to complaints must address the issues that led to the complaint being made. Where appropriate, a complaint will result in an apology or a change to practice and procedure.

During 2006–07, the Tribunal received written and verbal complaints from 36 individuals. One complainant raised two issues in the complaint. The issues raised in the complaints related to:

Complaints about Tribunal decisions	13
General procedural issues	11
Conduct of members of the Tribunal	6
Conduct of conferences	4
Complaints about Tribunal decisions available on the internet	2
Complaints about timeliness of Tribunal decisions	1

In all but five cases, the Tribunal provided an initial response within the 20-day period. The average number of days from complaint to final response was approximately eight working days. The longest period of time taken to investigate and respond to a complaint was 34 days.

The Tribunal does not measure whether a complainant believes their complaint was resolved. However, 22 per cent of complainants wrote again to the Tribunal after

receiving an initial response to their complaint. In most instances, these complainants were provided with further information to address any outstanding concerns.

### Additional functions conferred on Tribunal members

#### Warrants, controlled operations and other functions

As noted in Chapter 2, in addition to performing their role under the *Administrative Appeals Tribunal Act 1975*, Tribunal members may exercise powers under a range of other Acts, including the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*.

Table 3.11 sets out the number of occasions on which Tribunal members considered applications under any of those Acts in the three most recent reporting years.

There was a 10 per cent increase in 2006–07.

The Tribunal is flexible in relation to the performance of these functions and members are available outside standard business hours. In the reporting period, out-of-hours appointments were arranged on 63 occasions. 'Out-of-hours' means before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday.

#### Proceeds of crime examinations

Table 3.12 sets out the number of examination sessions conducted by Tribunal members under the *Proceeds of Crime Act 2002* during the three most recent reporting years. The number of examinations held in 2006–07 was 45 per cent lower than the number of examinations conducted in 2005–06.

**Table 3.11 Applications relating to warrants, controlled operations and other functions considered by Tribunal members**

	2004–05	2005–06	2006–07
Number of occasions on which applications considered	1,628	1,702	1,864

**Table 3.12 Examinations held under the *Proceeds of Crime Act 2002***

	2004–05	2005–06	2006–07
Number of examination sessions held	133	62	34

