# Appendix 3: Applications, outcomes, listings and appeals statistics

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| --- | --- |
| Table or chart  | Title  |
| A3.1 | Applications lodged and applications finalised in 2010–11 |
| A3.2 | Applications lodged, by state and territory |
| A3.3 | Applications finalised, by state and territory |
| A3.4 | Percentage of applications finalised without a hearing  |
| A3.5 | Outcomes of applications for review of a decision finalised in 2010–11 |
| A3.6 | Applications current at 30 June 2011, by state and territory  |
| A3.7 | Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal |
| A3.8 | Constitution of tribunals for hearings |
| A3.9 | Appeals from decisions of the Tribunal by jurisdiction |
| A3.10 | Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction, and total |

This statistical information on different aspects of the Tribunal’s workload for 2010–11 includes some data for earlier years for comparative purposes.

Table A3.1 applications lodged with, and applications finalised by, the Tribunal in 2010–11 are divided into four groups, and then into areas. The four groupings are: major Tribunal jurisdictions; Australian Government portfolio; other – Government areas; and other – Administrative Appeals Tribunal Act.

Table A3.1 Applications lodged and applications finalised, 2010–11

| **Group / jurisdiction–portfolio–other / area** | Applications lodged | Applications finalised |
| --- | --- | --- |
| No. | % | No. | % |
|  |
| APPLICATIONS — MAJOR JURISDICTIONS |
| SOCIAL SECURITY |
| Age pension/Pension bonus scheme | 176 |  | 183 |  |
| Austudy payment | 19 |  | 15 |  |
| Baby bonus | 20 |  | 18 |  |
| Carer allowance and carer payment | 79 |  | 55 |  |
| Compensation preclusion period | 61 |  | 74 |  |
| Disability support pension | 530 |  | 577 |  |
| Disaster recovery payment | 10 |  | 2 |  |
| Family tax benefit | 54 |  | 63 |  |
| Newstart allowance | 136 |  | 165 |  |
| Overpayments and debt recovery  | 387 |  | 484 |  |
| Parenting payment | 46 |  | 57 |  |
| Pensioner education supplement | 3 |  | 10 |  |
| Rent assistance | 19 |  | 22 |  |
| Special benefit | 10 |  | 9 |  |
| Youth allowance | 40 |  | 37 |  |
| Other | 59 |  | 63 |  |
| Subtotal | 1,649 | 30 | 1,834 | 30 |
| Veterans’ affairs |  |  |  |  |
| Military Rehabilitation and Compensation Act 2004 | 41 |  | 28 |  |
| Veterans’ Entitlements Act 1986  |  |  |  |  |
| Disability pension | 304 |  | 361 |  |
| Service pension/Income support supplement/Pension bonus | 34 |  | 39 |  |
| Widows pension | 87 |  | 110 |  |
| Other | 13 |  | 9 |  |
| Subtotal | 479 | 9 | 547 | 9 |
| Workers’ compensation |
| Safety, Rehabilitation and Compensation Act 1988, by decision-maker |  |
| Asciano Services | 10 |  | 3 |  |
| Australian Postal Corporation | 183 |  | 198 |  |
| Chubb Security Services Limited | 11 |  | 16 |  |
| Comcare | 388 |  | 504 |  |
| Commonwealth Bank of Australia | 25 |  | 22 |  |
| CSL Limited | 8 |  | 12 |  |
| Linfox Armaguard Pty Limited/Linfox Australia Pty Limited | 54 |  | 55 |  |
| Military Rehabilitation and Compensation Commission | 121 |  | 163 |  |
| National Australia Bank Limited | 29 |  | 37 |  |
| Optus Administration Pty Limited | 6 |  | 10 |  |
| Telstra Corporation Limited | 175 |  | 176 |  |
| TNT Australia Pty Ltd | 27 |  | 21 |  |
| Transpacific Industries Pty Ltd | 15 |  | 24 |  |
| Other decision-makers | 34 |  | 32 |  |
| *Seafarers Rehabilitation and Compensation Act 1992* | 72 |  | 47 |  |
| Subtotal | 1,158 | 21 | 1,320 | 21 |
| **TAXATION** |
| Taxation Appeals Division |
| Fringe benefits tax | 18 |  | 10 |  |
| Goods and services tax | 97 |  | 131 |  |
| Income tax (other than tax schemes) | 820 |  | 786 |  |
| Income tax (tax schemes) | 0 |  | 206 |  |
| Private rulings | 13 |  | 3 |  |
| Self-managed superannuation fund regulation | 11 |  | 19 |  |
| Superannuation guarantee charge | 26 |  | 14 |  |
| Taxation administration | 12 |  | 21 |  |
| Other | 113 |  | 61 |  |
| Subtotal | 1,103 | 20 | 1,251 | 20 |
| Small Taxation Claims Tribunal |  |  |  |  |
| Goods and services tax | 3 |  | 2 |  |
| Income tax (other than tax schemes) | 30 |  | 25 |  |
| Income tax (tax schemes) | 0 |  | 2 |  |
| Refusal of extension of time to lodge objection | 18 |  | 7 |  |
| Release from taxation liabilities | 7 |  | 10 |  |
| Superannuation guarantee charge | 2 |  | 0 |  |
| Other | 13 |  | 11 |  |
|  Subtotal | 73 | 1 | 57 | < 1 |
| ***Subtotal***  | 1,176 | 22 | 1,308 | 21 |
| SUBTOTAL for major jurisdictions | 4,462 | 82 | 5,009 | 81 |
|  |
| APPLICATIONS — BY PORTFOLIO |
| Agriculture, Fisheries and Forestry |  |  |  |
| Export and import control | 2 |  | 2 |  |
| Fisheries | 2 |  | 1 |  |
| Subtotal | 4 | < 1 | 3 | < 1 |
| Attorney-General’s |  |  |  |  |
| Background checking | 3 |  | 6 |  |
| Bankruptcy | 18 |  | 20 |  |
| Customs | 29 |  | 41 |  |
| Human rights | 1 |  | 1 |  |
| Marriage celebrants | 7 |  | 10 |  |
| Waiver of fees in courts | 2 |  | 3 |  |
| Subtotal | 60 | 1 | 81 | 1 |
| Broadband, communicationS and THE digital economy |
| Communications and media  | 1 |  | 1 |  |
| Subtotal | 1 | < 1 | 1 | < 1 |
| Defence |  |  |  |  |
| Defence Force retirement and death benefits | 12 |  | 10 |  |
| Employer support payments | 2 |  | 4 |  |
| Other | 6 |  | 6 |  |
| ***Subtotal*** | 20 | < 1 | ***20*** | ***< 1*** |
| Education, Employment and Workplace Relations  |
| Child care services | 0 |  | 1 |  |
| Education services for overseas students | 0 |  | 1 |  |
| Higher education funding | 22 |  | 27 |  |
| Mutual recognition of occupations | 27 |  | 28 |  |
| Occupational health and safety | 0 |  | 1 |  |
| ***Subtotal*** | 49 | < 1 | ***58*** | ***< 1*** |
| Finance and Deregulation  |
| Electoral matters | 1 |  | 2 |  |
| ***Subtotal*** | 1 | < 1 | ***2*** | ***< 1*** |
| Foreign Affairs and Trade  |
| Export market development grants | 7 |  | 10 |  |
| Passports | 7 |  | 18 |  |
| ***Subtotal*** | 14 | < 1 | ***28*** | ***< 1*** |
| Health and Ageing  |
| Aged care | 14 |  | 16 |  |
| Food standards | 1 |  | 0 |  |
| Pharmacists | 21 |  | 18 |  |
| Sports anti-doping | 1 |  | 2 |  |
| Therapeutic goods | 8 |  | 9 |  |
| Other | 7 |  | 6 |  |
| ***Subtotal*** | 52 | < 1 | ***51***  | ***< 1*** |
| Human Services  |
| Child support | 51 |  | 60 |  |
| ***Subtotal*** | 51 | < 1 | ***60*** | ***< 1*** |
| Immigration and Citizenship  |
| Business visa cancellation | 2 |  | 14 |  |
| Citizenship | 217 |  | 271 |  |
| Migration agent registration | 6 |  | 5 |  |
| Protection visa cancellation or refusal | 3 |  | 3 |  |
| Visa cancellation or refusal on character grounds  | 69 |  | 76 |  |
| ***Subtotal*** | 297 | 5 | ***369*** | ***6*** |
| Infrastructure and Transport |
| Air navigation | 1 |  | 0 |  |
| Airports  | 2 |  | 3 |  |
| Aviation and maritime transport security | 3 |  | 3 |  |
| Civil aviation  | 25 |  | 37 |  |
| Maritime safety | 2 |  | 1 |  |
| Motor vehicle standards | 28 |  | 34 |  |
| ***Subtotal*** | 61 | 1 | ***78*** | ***1*** |
| Innovation, Industry, Science and Research  |
| Automotive industry | 0 |  | 1 |  |
| Industry research and development | 0 |  | 11 |  |
| Patents, designs and trademarks | 7 |  | 5 |  |
| Pooled development funds/venture capital | 1 |  | 2 |  |
| Textiles, clothing and footwear | 0 |  | 1 |  |
| ***Subtotal*** | 8 | < 1 | ***20*** | ***< 1*** |
| prime minister and cabinet |
| Protection of movable cultural heritage | 1 |  | 1 |  |
| Tax offsets for films | 1 |  | 2 |  |
| ***Subtotal***  | ***2*** | ***< 1*** | ***3*** | ***< 1*** |
| REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT |
|  Leases on national land | 1 |  | 0 |  |
| ***Subtotal***  | ***1*** | ***< 1*** | ***0*** | ***0*** |
| Sustainability, environment, water, population AND communities |
| Environment protection and biodiversity | 1 |  | 5 |  |
| Great Barrier Reef Marine Park | 1 |  | 0 |  |
| ***Subtotal***  | ***2*** | ***< 1*** | ***5*** | ***< 1*** |
| treasury |
| Auditors and liquidators registration | 1 |  | 1 |  |
| Consumer credit regulation | 3 |  | 2 |  |
|  Corporations and financial services regulation | 28 |  | 35 |  |
| Insurance and superannuation regulation | 1 |  | 1 |  |
|  Tax agent registration | 16 |  | 13 |  |
| ***Subtotal***  | ***49*** | ***< 1*** | ***52***  | ***< 1*** |
| ***SUBTOTAL for portfolios*** | ***672***  | ***12*** | ***831*** | ***13*** |
|  |
| APPLICATIONS — OTHER, government  |
| Security appeals |  |  |  |  |
| ASIO assessments | 6 |  | 9 |  |
| Decisions of National Archives of Australia relating to ASIO records | 0 |  | 1 |  |
| ***Subtotal*** | 6 | < 1 | ***10*** | ***< 1*** |
| Whole of government |  |  |  |  |
| Archives Act 1983 | 1 |  | 1 |  |
| Freedom of Information Act 1982 | 83 |  | 109 |  |
| ***Subtotal*** | 84 | 2 | ***110*** | ***2*** |
| Case management and Tribunal decisions |
| No jurisdiction/Uncertain jurisdiction | 131 |  | 140 |  |
| Review of decision relating to fees | 4 |  | 3 |  |
| Subtotal | 135 | 2 | 143 | 2 |
| ***SUBTOTAL for other*** | 225 | 4 | 263 | 4 |
|  |
| **APPLICATIONS – other, ADM**INISTRATIVE APPEALS TRIBUNAL ACT |
| Application for extension of time to lodge an application for review of a decision | 78 |  | 74 |  |
| Subtotal | 78 | 1 | 74 | 1 |
|  |  |  |  |  |
|  |  |  |  |  |
| TOTAL a  | 5,437 | **100** | 6,177 | 100 |

a Percentages do not total 100% due to rounding.

Chart A3.2 Applications lodged, by state and territory

Chart A3.3 Applications finalised, by state and territory

Table A3.4 Percentage of applications finalised without a hearingª

|  |  |  |  |
| --- | --- | --- | --- |
| Jurisdiction | 2008–09% | 2009–10% | 2010–11% |
| All | 81 | 82 | 79 |
| Social security | 76 | 77 | 76 |
| Veterans’ affairs | 74 | 75 | 73 |
| Workers’ compensation  | 85 | 85 | 87 |
| Taxation  |  |  |  |
| Taxation Appeals Division | 89 | 92 | 85 |
| Small Taxation Claims Tribunal | 84 | 95 | 82 |

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

|  |
| --- |
| Table A3.5 Outcomes of applications for review of a decision finalised in 2010–11 |
|  | All applications | Veterans’ affairs | Social security | Workers’compensation | Taxation |
|  |  |  |  |  | Taxation Appeals Division | Small Taxation Claims Tribunal |
|  | No | % | No | % | No | % | No | % | No | % | No | % |
| By consent or withdrawn |  |  |  |  |  |  |  |  |  |  |  |  |
| Decision affirmeda  | 371 | 6 | 5 | <1 | 22 | 1 | 323 | 24 | 15 | 1 | 1 | 2 |
| Decision varieda  | 580 | 10 | 35 | 6 | 22 | 1 | 63 | 5 | 446 | 36 | 8 | 14 |
| Decision set asidea  | 1,360 | 22 | 165 | 30 | 368 | 20 | 442 | 33 | 232 | 19 | 11 | 19 |
| Dismissed by consentb | 64 | 1 | 3 | <1 | 26 | 1 | 4 | <1 | 16 | 1 | 0 | – |
| Dismissed by operation of lawc | 332 | 5 | 0 | – | 332 | 18 | 0 | – | 0 | – | 0 | – |
| Withdrawn by applicant | 1,581 | 26 | 183 | 33 | 474 | 26 | 303 | 23 | 276 | 22 | 22 | 39 |
| Subtotal | 4,288 | 70 | 391 | 71 | 1,244 | 68 | 1,135 | 86 | 985 | 79 | 42 | 74 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| By decision |  |  |  |  |  |  |  |  |  |  |  |  |
| Decision affirmedd  | 803 | *13* | 97 | *18* | 304 | *17* | 100 | *8* | 90 | *7* | 10 | *18* |
| Decision variedd | 72 | *1* | 5 | *<1* | 25 | *1* | 3 | *<1* | 32 | *3* | 0 | *–* |
| Decision set asided  | 400 | *7* | 43 | *8* | 115 | *6* | 64 | *5* | 68 | *5* | 0 | *–* |
| Subtotal | 1,275 | 21 | 145 | 27 | 444 | 24 | 167 | 13 | 190 | 15 | 10 | 18 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Other |  |  |  |  |  |  |  |  |  |  |  |  |
| Dismissed by Tribunale | 217 | 4 | 7 | 1 | 98 | 5 | 11 | *<1* | 62 | 5 | 2 | 4 |
| No jurisdictionf | 145 | 2 | 1 | <1 | 2 | <1 | 4 | *<1* | 1 | <1 | 0 | – |
| Extension of time refused  | 67 | 1 | 2 | <1 | 34 | 2 | 2 | *<1* | 0 | – | 1 | 2 |
| No application fee paid | 91 | 1 | 0 | – | 0 | – | 0 | *–* | 10 | <1 | 2 | 4 |
| Otherg | 20 | <1 | 1 | <1 | 12 | <1 | 1 | *<1* | 3 | <1 | 0 | – |
| Subtotal | 540 | 9 | 11 | 2 | 146 | 8 | 18 | 1 | 76 | 6 | 5 | 9 |
|  |   |   |   |  |   |  |   |  |   |  |   |  |
| Totalh | 6,103 | 100 | 547 | 100 | 1,834 | 100 | 1,320 | *100* | 1,251 | 100 | 57 | 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 (s 34D of the Administrative Appeals Tribunal Act) or at any stage of review proceedings (s 42C).

b Applications dismissed by consent under subs 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: s 146 of the A New Tax System (Family Assistance) (Administration) Act 1999, s 182 of the Social Security (Administration) Act 1999, and s 326A of the Student Assistance Act 1973.

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

e Applications dismissed under subs 42A(2) of the Administrative Appeals Tribunal Act (non-appearance at a case event), subs 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subs 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 subs 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 A3.6 Applications current at 30 June 2011, by state and territory

Table A3.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

|  |  |  |  |
| --- | --- | --- | --- |
| Event type |  2008–09 | 2009–10 | 2010–11 |
| Conferences | 8,886 | 8,265 | 6,897 |
| Case appraisals | 8 | 8 | 4 |
| Conciliations | 529 | 507 | 527 |
| Mediations | 55 | 46 | 38 |
| Neutral evaluations | 49 | 49 | 57 |
| Interlocutory hearingsa | 613 | 497 | 380 |
| Hearings | 1,300 | 1,277 | 1,166 |

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 A3.8 Constitution of tribunals for hearings

|  |  |  |  |
| --- | --- | --- | --- |
| Tribunal type  | 2008–09 | 2009–10 | 2010–11 |
| No. | % | No. | % | No. | % |
| Judge alone | 1 | <1 | 3 | <1 | 2 | < 1 |
| Judge with 1 other member  | 10 | <1 | 4 | <1 | 5 | < 1 |
| Judge with 2 other members | 2 | <1 | 1 | <1 | 2 | < 1 |
| Deputy President alone | 186 | 14 | 175 | 14 | 169 | 14 |
| Deputy President with 1 other member  | 51 | 4 | 62 | 5 | 49 | 4 |
| Deputy President with 2 other members | 3 | <1 | 9 | <1 | 2 | < 1 |
| Senior Member alone | 578 | 44 | 649 | 51 | 602 | 52 |
| Senior Member with 1 other member | 145 | 11 | 167 | 13 | 121 | 10 |
| Senior Member with 2 other members | 2 | <1 | 5 | <1 | 4 | < 1 |
| Member alone | 290 | 22 | 178 | 14 | 189 | 16 |
| Two Members | 32 | 2 | 22 | 2 | 21 | 2 |
| Three Members | 0 | – | 2 | <1 | 0 | 0 |
| Totala | 1,300 | 100 | 1,277 | 100 | 1,166 | 100 |
| Total multi-member tribunals | 245 | 19 | 272 | 21 | 204 | 17 |

a Percentages do not total 100% due to rounding.

Table A3.9 Appeals against decisions of the Tribunal, by jurisdiction

|  |  |  |  |
| --- | --- | --- | --- |
| Jurisdiction | 2008–09 | 2009–10 | 2010–11 |
|  | Section 44a | Otherb | Section 44 a | Otherb  | Section 44 a | Otherb |
| Social security | 20 | 1 | 16 | 0 | 16 | 0 |
| Veterans’ affairs | 16 | 1 | 11 | 1 | 14 | 1 |
| Workers’ compensation | 16 | 1 | 18 | 1 | 18 | 0 |
| Taxation |  |  |  |  |  |  |
| Taxation Appeals Division | 13 | 1 | 17 | 0 | 14 | 1 |
| Small Taxation Claims Tribunal | 2 | 0 | 1 | 0 | 0 | 0 |
| Immigration and citizenship | 14 | 10 | 4 | 13 | 11 | 21 |
| Other | 14 | 1 | 16 | 4 | 25 | 0 |
| Total  | 95 | 15 | 83 | 19 | 98 | 23 |

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 A3.10 Outcomes of appeals from Tribunal decisions — by jurisdiction a

|  |  |  |  |
| --- | --- | --- | --- |
| Outcome | 2008–09 | 2009–10 | 2010–11 |
|  | Section 44 | Other | Section 44 | Other | Section 44 | Other |
| Social security |  |  |  |  |  |  |
| Allowed/Remitted | 6 | 0 | 4 | 0 | 3 | 0 |
| Dismissed | 14 | 0 | 19 | 0 | 9 | 0 |
| Discontinued | 4 | 0 | 2 | 1 | 7 | 0 |
| Subtotal | 24 | 0 | 25 | 1 | 19 | 0 |
| Veterans’ affairs |  |  |  |  |  |  |
| Allowed/Remitted | 8 | 0 | 7 | 1 | 5 | 0 |
| Dismissed | 14 | 0 | 7 | 0 | 4 | 0 |
| Discontinued | 1 | 0 | 1 | 0 | 3 | 1 |
| Subtotal | 23 | 0 | 15 | 1 | 12 | 1 |
| Workers’ compensation |  |  |  |  |
| Allowed/Remitted | 8 | 0 | 3 | 0 | 4 | 0 |
| Dismissed | 2 | 1 | 8 | 0 | 7 | 0 |
| Discontinued | 6 | 0 | 6 | 1 | 3 | 0 |
| Subtotal | 16 | 1 | 17 | 1 | 14 | 0 |
| Taxation |  |  |  |  |  |
| Taxation Appeals Division |  |  |  |  |  |
| Allowed/Remitted | 2 | 0 | 7 | 0 | 3 | 0 |
| Dismissed | 7 | 1 | 9 | 0 | 9 | 1 |
| Discontinued | 2 | 0 | 4 | 0 | 1 | 1 |
| Subtotal | 11 | 1 | 20 | 0 | 13 | 2 |
| Small Taxation Claims Tribunal |
| Allowed/Remitted | 0 | 0 | 0 | 0 | 1 | 0 |
| Dismissed | 1 | 0 | 0 | 0 | 0 | 0 |
| Discontinued | 0 | 0 | 1 | 0 | 0 | 0 |
| Subtotal | 1 | 0 | 1 | 0 | 1 | 0 |
| Subtotal | 12 | 1 | 21 | 0 | 14 | 2 |
| immigration and citizenship |  |  |  |  |  |  |
| Allowed/Remitted | 2 | 3 | 3 | 3 | 2 | 1 |
| Dismissed | 4 | 8 | 5 | 8 | 6 | 15 |
| Discontinued | 2 | 0 | 2 | 0 | 1 | 1 |
| Subtotal | 8 | 11 | 10 | 11 | 9 | 17 |
| Other |  |  |  |  |  |  |
| Allowed/Remitted | 6 | 1 | 6 | 1 | 11 | 0 |
| Dismissed  | 13 | 2 | 11 | 1 | 11 | 1 |
| Discontinued | 4 | 0 | 2 | 2 | 3 | 0 |
| Subtotal | 23 | 3 | 19 | 4 | 25 | 1 |
| Total | 106 | 16 | 107 | 18 | 93 | 21 |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ALL |  |  |  |  |  |  |
| Allowed/Remitted | 32 | 4 | 30 | 5 | 29 | 1 |
| Dismissed | 55 | 12 | 59 | 9 | 46 | 17 |
| Discontinued | 19 | – | 18 | 4 | 18 | 3 |
| Total | 106 | 16 | 107 | 18 | 93 | 21 |

a 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.