

APPENDIX 4: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

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Table A4.1 Applications lodged and applications finalised, 2013–14

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF DECISIONS – MAJOR JURISDICTIONS				
NATIONAL DISABILITY INSURANCE SCHEME				
Eligibility to access scheme	10		5	
Review of supports in participant plan	9		3	
Subtotal	19	< 1	8	< 1
SOCIAL SECURITY				
Age pension/Pension bonus scheme	114		125	
Austudy payment	13		9	
Baby bonus	18		26	
Carer allowance and carer payment	54		51	
Compensation preclusion period	69		63	
Disability support pension	1,026		1,033	
Disaster recovery payment	5		12	
Family tax benefit	73		61	
Mobility allowance	11		9	
Newstart allowance	81		91	
Overpayments and debt recovery	387		355	
Parenting payment	29		20	
Participation failure	28		30	
Rent assistance	17		14	
Special benefit	15		20	
Youth allowance	25		18	
Other	39		29	
Subtotal	2,004	28	1,966	29
VETERANS' AFFAIRS				
<i>Military Rehabilitation and Compensation Act 2004</i>	77		61	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	204		217	
Service pension/Income support supplement/Pension bonus	29		28	
Widows pension	61		58	
Other	3		6	
Subtotal	374	5	370	5

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
WORKERS' COMPENSATION				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	12		13	
Australian air Express Pty Limited	15		16	
Australian Postal Corporation	299		280	
BIS Industries Limited	13		14	
Comcare	511		429	
Commonwealth Bank of Australia and related companies	35		39	
John Holland Group Pty Limited and related companies	18		18	
K & S Freighters Pty Limited	31		24	
Linfox Armaguard Pty Limited/ Linfox Australia Pty Limited	136		106	
Military Rehabilitation and Compensation Commission	139		157	
National Australia Bank Limited/National Wealth Management Services Limited	29		36	
Optus Administration Pty Limited	10		7	
Prosegur Australia Pty Limited	3		13	
Telstra Corporation Limited	92		77	
TNT Australia Pty Limited	28		25	
Transpacific Industries Pty Limited	31		34	
Other decision-makers	20		15	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	85		50	
Subtotal	1,507	21	1,353	20
TAXATION				
Taxation Appeals Division				
Australian Business Number	3		2	
Excess contributions tax	9		16	
Fringe benefits tax	46		41	
Goods and services tax	103		169	
Income tax (other than tax schemes)	1,503		1,210	
Income tax (tax schemes)	1		1	
Private rulings	24		43	
Self-managed superannuation fund regulation	4		10	

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
Superannuation contributions surcharge	1		2	
Superannuation guarantee charge	59		68	
Taxation administration	14		12	
Other	31		17	
<i>Subtotal</i>	1,798	25	1,591	24
Small Taxation Claims Tribunal				
Goods and services tax	3		2	
Income tax	120		125	
Refusal of extension of time to lodge objection	19		24	
Release from taxation liabilities	72		89	
Superannuation guarantee charge	3		2	
Other	2		0	
<i>Subtotal</i>	219	3	242	4
<i>Subtotal</i>	2,017	28	1,833	27
<i>SUBTOTAL FOR MAJOR JURISDICTIONS</i>	5,921	82	5,530	82

APPLICATIONS FOR REVIEW OF DECISIONS – BY PORTFOLIO
AGRICULTURE, FISHERIES AND FORESTRY

Agricultural and veterinary chemicals	6		1	
Fisheries	0		1	
Meat and livestock	1		1	
Research participation certificates for Conservation Tillage Refundable Tax Offset	2		0	
<i>Subtotal</i>	9	< 1	3	< 1

ATTORNEY-GENERAL'S

Access to National Library of Australia and its collection	1		1	
Background checking	9		9	
Bankruptcy	23		20	
Human rights	1		0	
Marriage celebrants	4		3	
Personal property securities	2		2	
Protection of movable cultural heritage	0		1	
Waiver of fees in courts	4		3	
<i>Subtotal</i>	44	< 1	39	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
DEFENCE				
Defence Force retirement and death benefits	4		4	
Other	8		5	
Subtotal	12	< 1	9	< 1
EDUCATION				
Child care services	3		3	
Education services for overseas students	17		18	
Higher education loan program	46		37	
Tertiary education quality and standards	4		1	
Subtotal	70	< 1	59	< 1
EMPLOYMENT				
Fair entitlements guarantee	9		6	
Subtotal	9	< 1	6	< 1
ENVIRONMENT				
Carbon farming initiative	3		1	
Environment protection and biodiversity	1		1	
Great Barrier Reef Marine Park	2		0	
Hazardous waste	1		1	
Subtotal	7	< 1	3	< 1
FINANCE				
Electoral matters	4		1	
Lands acquisition	1		1	
Superannuation Acts	1		1	
Subtotal	6	< 1	3	< 1
FOREIGN AFFAIRS AND TRADE				
Export market development grants	8		8	
Passports	8		10	
Subtotal	16	< 1	18	< 1
HEALTH				
Industrial chemicals	0		1	
Medicare	4		3	
Pharmacists	7		9	
Sports anti-doping	3		0	

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
Therapeutic goods	8		8	
Subtotal	22	< 1	21	< 1
HUMAN SERVICES				
Child support – percentage of care review	34		31	
Child support – review of SSAT refusal to extend time	8		5	
Child support – other	19		19	
Subtotal	61	< 1	55	< 1
IMMIGRATION AND BORDER PROTECTION				
Business visa cancellation	1		0	
Citizenship	263		203	
Customs	47		25	
Migration agent registration	5		10	
Prohibited imports and exports	0		1	
Protection visa cancellation or refusal	5		0	
Visa cancellation or refusal on character grounds	33		45	
Subtotal	354	5	284	4
INDUSTRY				
Automotive industry	1		0	
Industry research and development	2		2	
Mutual recognition of occupations	3		5	
National measurement system	0		1	
National vocational education and training	34		58	
Patents, designs and trade marks	1		4	
Trans-Tasman mutual recognition	0		1	
Subtotal	41	< 1	71	1
INFRASTRUCTURE AND REGIONAL DEVELOPMENT				
Airports regulation	1		1	
Aviation and maritime transport security	3		4	
Civil aviation	58		50	
Coastal trading regulation	2		1	
Maritime safety	1		1	
Motor vehicle standards	11		10	
National land decisions	1		0	
Subtotal	77	1	67	< 1

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
PRIME MINISTER AND CABINET				
Aboriginal corporations, councils and associations	0		1	
Subtotal	0	0	1	< 1
SOCIAL SERVICES				
Aged care	30		10	
Disability services	2		1	
National rental affordability scheme	1		1	
Paid parental leave	15		18	
Subtotal	48	< 1	30	< 1
TREASURY				
Auditors and liquidators registration	3		3	
Business names registration	14		11	
Consumer credit regulation	8		9	
Corporations and financial services regulation	18		24	
Insurance and superannuation regulation	4		2	
Tax agent registration	28		25	
Subtotal	75	1	74	1
SUBTOTAL FOR PORTFOLIOS	851	12	743	11
APPLICATIONS FOR REVIEW OF DECISIONS – OTHER				
SECURITY APPEALS				
ASIO security assessments	6		8	
Decisions of National Archives of Australia relating to ASIO records	4		3	
Subtotal	10	< 1	11	< 1
WHOLE OF GOVERNMENT				
<i>Archives Act 1983</i>	26		8	
<i>Freedom of Information Act 1982</i>	35		35	
Subtotal	61	< 1	43	< 1
JURISDICTION AND TRIBUNAL DECISIONS				
Decisions not subject to review by the Tribunal	189		195	
Review of decisions relating to fees	8		8	
Review of decisions relating to taxation of costs	0		1	
Subtotal	197	3	204	3
SUBTOTAL FOR OTHER	268	4	258	4

Table A4.1 continued

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS – OTHER, ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Applications for extension of time to lodge an application for review of a decision	222		216	
Applications under the AAT Act relating to a finalised case	1		1	
Subtotal	223	3	217	3
APPLICATIONS – NORFOLK ISLAND				
	0		0	
Subtotal	0	0	0	0
TOTAL^a	7,263	100	6,748	100

a Percentages do not total 100% due to rounding.

Chart A4.2 Applications lodged – By state and territory

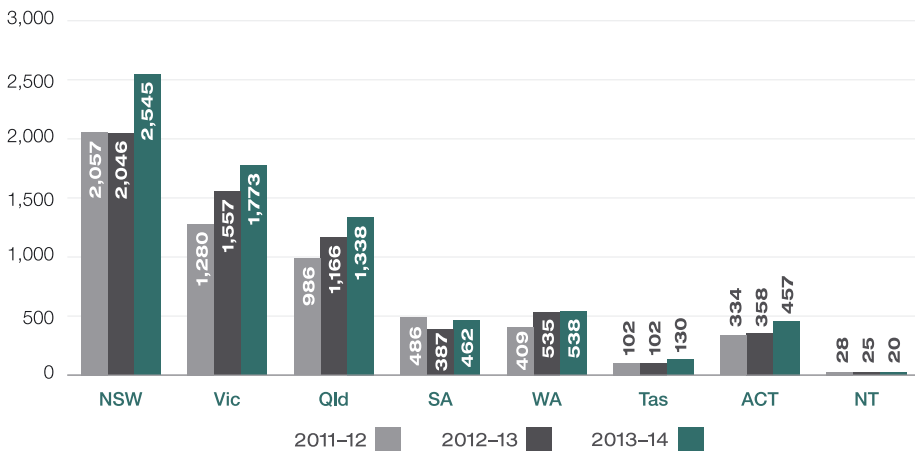


Chart A4.3 Applications finalised – By state and territory

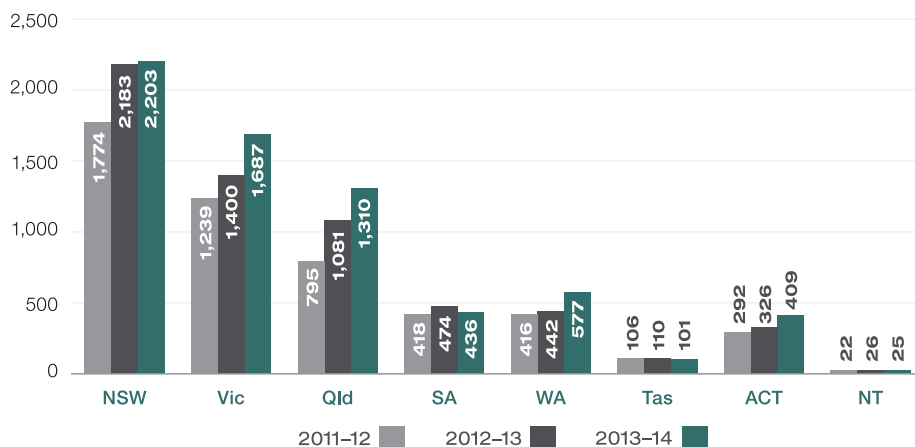


Table A4.4 Percentage of applications finalised without a hearing^a

Jurisdiction	2011-12 %	2012-13 %	2013-14 %
All	79	79	82
Social security	77	76	77
Veterans' affairs	73	71	72
Workers' compensation	87	87	86
Taxation			
Taxation Appeals Division	79	85	87
Small Taxation Claims Tribunal	90	73	86

^a Applications finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the AAT 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 in 2013–14

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
BY CONSENT OR WITHDRAWN												
Decision affirmed ^a	435	7	8	<1	4	1	406	30	10	<1	7	3
Decision varied ^a	632	10	25	1	21	6	60	4	465	29	51	21
Decision set aside ^a	1,294	20	313	16	94	25	314	23	379	24	80	33
Dismissed by consent ^b	91	1	26	1	2	<1	14	1	28	2	0	0
Dismissed by operation of law ^c	228	3	228	12	0	0	0	0	0	0	0	0
Withdrawn by applicant	1,944	30	700	36	132	36	318	24	423	27	64	26
Subtotal	4,624	71	1,300	66	253	68	1,112	82	1,305	82	202	83
BY DECISION												
Decision affirmed ^d	864	13	357	18	76	20	133	10	129	8	30	12
Decision varied ^d	71	1	19	<1	2	<1	6	<1	33	2	1	<1
Decision set aside ^d	272	4	73	4	25	7	56	4	45	3	3	1
Subtotal	1,207	18	449	23	103	28	195	14	207	13	34	14
OTHER												
Dismissed by Tribunal ^e	208	3	100	5	8	2	13	<1	45	3	1	<1
No jurisdiction ^f	278	4	32	2	4	1	24	2	13	<1	3	1
Extension of time refused	104	2	76	4	1	<1	5	<1	2	<1	0	0

Table A4.5 continued

	All applications		Social security		Veterans' affairs		Workers' compensation		Taxation Appeals Division		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
No application fee paid	89	1	0	<1	1	<1	0	0	16	1	1	<1
Other ^g	21	<1	9	<1	0	0	4	<1	10	<1	1	<1
Subtotal	700	11	217	11	14	4	46	3	79	5	6	2
TOTAL^h	6,531	100	1,966	100	370	100	1,353	100	1,591	100	242	100

- a Applications finalised by the Tribunal in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D of the AAT Act) or at any stage of review proceedings (section 42C).
- b Applications dismissed by consent under section 42A(1) of the AAT 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 AAT Act.
- e Applications dismissed under section 42A(2) of the AAT 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 AAT 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 2014 – By state and territory

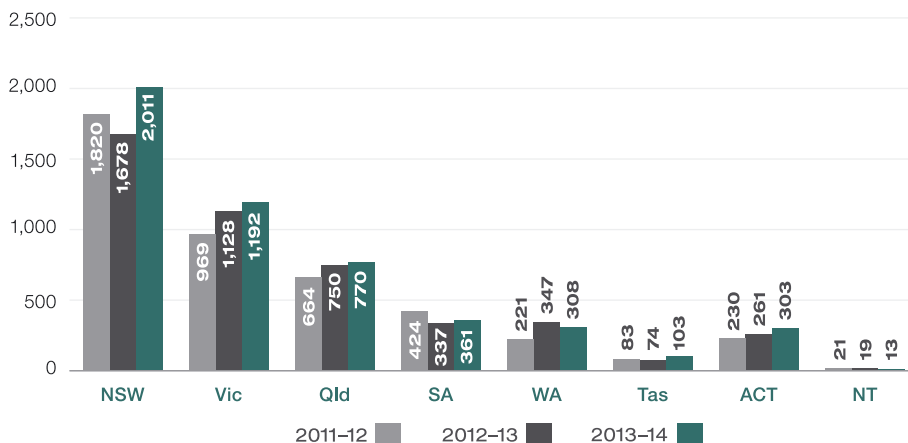


Table A4.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2011-12	2012-13	2013-14
Conferences	6,761	7,606	7,636
Case appraisals	4	3	3
Conciliations	469	485	555
Mediations	49	42	39
Neutral evaluations	39	32	22
Interlocutory hearings ^a	373	437	524
Hearings	993 ^b	1,063 ^b	1,083

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 AAT Act
- to stay the operation or implementation of a reviewable decision
- to dismiss an application
- to reinstate an application.

b The figures for the number of hearings conducted by the Tribunal in 2011-12 and 2012-13 differ from those that appeared in the annual reports for those years. A technical issue led to some hearings not being counted in the reports for those years.

Table A4.8 Constitution of tribunals for hearings

Tribunal type	2011–12 ^a		2012–13 ^a		2013–14	
	No	%	No	%	No	%
Judge alone	3	< 1	0	0	3	< 1
Judge with 1 other member	7	< 1	8	< 1	4	< 1
Judge with 2 other members	2	< 1	1	< 1	3	< 1
Deputy President alone	144	15	187	18	242	22
Deputy President with 1 other member	51	5	51	< 1	29	3
Deputy President with 2 other members	4	< 1	2	< 1	0	0
Senior Member alone	488	49	469	44	491	45
Senior Member with 1 other member	95	10	93	9	56	5
Senior Member with 2 other members	0	0	2	< 1	1	< 1
Member alone	187	19	239	22	243	22
Two Members	12	1	11	1	11	1
Three Members	0	0	0	0	0	0
Total^b	993	100	1,063	100	1,083	100
Total multi-member tribunals	171	17	168	16	104	10

a The figures for the number of hearings conducted by the Tribunal in 2011–12 and 2012–13 differ from those that appeared in the annual reports for those years. A technical issue led to some hearings not being counted in the reports for those years.

b Percentages do not total 100% due to rounding.

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

Jurisdiction	2011–12		2012–13		2013–14	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	11	1	8	0	19	1
Veterans' affairs	10	0	8	1	11	0
Workers' compensation	18	1	17	2	24	2
Taxation						
Taxation Appeals Division	17	1	22	4	18	0
Small Taxation Claims Tribunal	0	0	0	0	0	0
Immigration and citizenship	7	14	4	21	6	7
Other	12	2	13	2	18	1
Total	75	19	72	30	96	11

a Appeals lodged in the Federal Court under section 44 of the AAT Act. In some circumstances, a party may lodge an application seeking relief under section 44 of the AAT 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 against Tribunal decisions – By jurisdiction

Outcome	2011–12		2012–13		2013–14	
	Section 44	Other	Section 44	Other	Section 44	Other
SOCIAL SECURITY						
Allowed/Remitted	1	0	4	0	4	0
Dismissed	10	2	6	0	13	0
Discontinued	2	0	1	0	1	0
Subtotal	13	2	11	0	18	0
VETERANS' AFFAIRS						
Allowed/Remitted	6	0	5	0	5	0
Dismissed	9	1	3	1	6	0
Discontinued	0	0	0	0	0	0
Subtotal	15	1	8	1	11	0
WORKERS' COMPENSATION						
Allowed/Remitted	6	0	9	0	10	1
Dismissed	16	0	9	1	14	1
Discontinued	4	0	1	0	3	0
Subtotal	26	0	19	1	27	2
TAXATION						
Taxation Appeals Division						
Allowed/Remitted	7	1	7	1	6	1
Dismissed	5	1	11	1	11	0
Discontinued	5	0	3	0	1	0
Subtotal	17	2	21	2	18	1
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0
Discontinued	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0
Subtotal	17	2	21	2	18	1

Table A4.10 continued

Outcome	2011-12		2012-13		2013-14	
	Section 44	Other	Section 44	Other	Section 44	Other
IMMIGRATION AND CITIZENSHIP						
Allowed/Remitted	1	3	1	9	0	3
Dismissed	6	9	2	12	3	11
Discontinued	1	2	2	1	1	1
Subtotal	8	14	5	22	4	15
OTHER						
Allowed/Remitted	4	0	2	0	3	1
Dismissed	8	3	7	2	14	1
Discontinued	4	0	0	0	2	0
Subtotal	16	3	9	2	19	2
TOTAL	95	22	73	28	97	20
ALL						
Allowed/Remitted	25	4	28	10	28	6
Dismissed	54	16	38	17	61	13
Discontinued	16	2	7	1	8	1
TOTAL	95	22	73	28	97	20

- 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.