

Appendix 3: Statistics for the year ending 30 June 2005

This appendix contains statistical information on different aspects of the Tribunal's workload during 2004–05. 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.

Table or chart reference	Overview of information contained in table or chart
3.1	Lodgements and finalisations for all jurisdictions
3.2	Lodgements in each registry
3.3	Finalisations in each registry
3.4	Finalisations without a hearing
3.5	Outcomes of matters finalised
3.6	Status of current applications
3.7	Current applications in each registry
3.8	Constitution of tribunals for hearings
3.9	Conferences, mediations, hearings and interlocutory hearings
3.10, 3.11 and 3.12	Appeals to the Federal Court and Federal Magistrates Court from decisions of the Tribunal (lodgements, appeals determined and outcomes of appeals)

Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Bankruptcy	28	<1	33	<1
Compensation				
Australian Postal Corporation	409		437	
Comcare	590		772	
Defence Compensation	357		460	
Telstra	308		356	
Seafarers' compensation	62		70	
Other compensation decision makers	21		30	
<i>Subtotal</i>	1747	23	2125	28
Corporations	38	<1	30	<1
Customs and Excise				
<i>Commerce (Trade Descriptions) Act 1905</i>	1		1	
Customs Duty	6		21	
Customs Tariff matters	19		14	
Diesel Fuel Rebate	4		20	
Excise	2		2	
Export Entry	0		1	

Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05 *continued*

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Import and Export of Censored Goods	1		1	
<i>Subtotal</i>	33	<1	60	<1
Environment				
Environment Protection and Biodiversity	1		5	
Great Barrier Reef Marine Park Authority	1		0	
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	1		1	
<i>Subtotal</i>	3	<1	6	<1
Family Assistance, Social Security and related decisions				
Age Pension	98		99	
Assurance of Support	1		1	
Austudy Payment	14		9	
Bereavement Payments	2		3	
Carer Payments	74		76	
Child Care Benefit	3		1	
Child Disability Allowance	2		2	
Compensation Preclusion Period	48		50	
Crisis Payment	0		3	
Disability Support Pension	332		356	
Double Orphan Pension	1		0	
Family Tax Benefit	65		58	
Farm Household Support	2		0	
Maternity Allowance	6		9	
Mature Age Allowance	2		4	
Mobility Allowance	11		10	
Newstart Allowance	88		84	
One-off Bonus Payment to Families and Carers	4		3	
Overpayment and Debt Recovery	581		672	
Parenting Payment	53		50	
Partner Allowance	8		7	
Pension Bonus Scheme	22		18	
Pensioner Education Supplement	3		2	
Rent Assistance	11		9	
Sickness Allowance	3		4	

■ **Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05** *continued*

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Special Benefit	11		12	
Special Category Visa Holder Determination	9		10	
Widow Allowance/Pension	2		2	
Wife Pension	1		3	
Youth Allowance	37		39	
<i>Subtotal</i>	1494	19	1596	21
Health and Aged Care				
Aged Care Providers	5		10	
Aged Care Recipients	2		3	
<i>Health Insurance Act 1973</i>	7		6	
<i>Hearing Services Administration Act 1997</i>	0		1	
Medical and Hospital Benefit Funds	1		2	
Pharmacists	6		9	
Therapeutic Goods Administration	0		3	
<i>Subtotal</i>	21	<1	34	<1
Immigration, Citizenship and Passports				
Australian Citizenship	123		114	
Business Visa Cancellation	164		119	
Criminal Deportation	0		2	
Expedited Review of Visa Cancellation/Refusal under s. 501 of the <i>Migration Act 1958</i>	98		87	
Immigration—Guardianship of Children	1		0	
Passports	12		4	
Protection Visa Cancellation/Refusal	5		7	
Visa Cancellation/Refusal under s. 501 of the <i>Migration Act 1958</i>	70		99	
<i>Subtotal</i>	473	6	432	6
Industry				
Automotive Competitiveness and Investment Scheme	1		0	
Export Market Development Grants	6		8	
Industry Research and Development	2		2	
Patents, Designs and Trade Marks	6		4	
Textile Clothing and Footwear	3		3	
<i>Subtotal</i>	18	<1	17	<1

Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05 *continued*

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Information				
<i>Freedom of Information Act 1982</i>	142		130	
<i>Subtotal</i>	142	2	130	2
Primary Industries				
Agricultural and Veterinary Chemicals	2		5	
Australian Fisheries Management Authority	19		20	
Australian Wine and Brandy Corporation	3		1	
<i>Dairy Produce Act 1986</i>	1		13	
<i>Subtotal</i>	25	<1	39	<1
Professional Qualifications				
Customs Agents	0		1	
Marriage Celebrants	6		11	
Migration Agents	40		44	
Mutual Recognition of Occupations in Australia	5		4	
Patent and Trade Marks Attorneys	0		1	
Tax Agents	29		21	
<i>Subtotal</i>	80	1	82	1
Security Appeals				
ASIO Assessments	7		1	
<i>Subtotal</i>	7	<1	1	<1
Small Taxation Claims Tribunal				
Extension of Time Refusals	15		16	
Income Tax (other than taxation scheme applications)	112		104	
Superannuation Contributions Tax	9		10	
Taxation Release	41		31	
Taxation Schemes	3		5	
Other matters	33		59	
<i>Subtotal</i>	213	3	225	3
Taxation (excluding Small Taxation Claims Tribunal applications)^a				
Australian Business Number	4		4	
Fringe Benefits Tax	71		19	
Goods and Services Tax	145		91	
Income Tax (other than taxation scheme applications)	697		645	

Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05 *continued*

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Luxury Car Tax	0		2	
Payroll Tax	0		2	
Sales Tax	0		1	
<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i>	4		2	
Superannuation Guarantee Charge	14		19	
Taxation Administration	45		29	
Taxation Schemes	1160		662	
Wine Equalisation Tax	0		1	
<i>Subtotal</i>	2140	28	1477	20
Transport				
Air Navigation	3		2	
Airports Act and Regulations	5		3	
Aviation Transport Security Act and Regulations	1		1	
Civil Aviation Safety Authority	28		23	
Motor Vehicle Standards	15		14	
<i>Subtotal</i>	52	<1	43	<1
Veterans' Affairs				
Attendant Allowance	1		2	
Defence Service Homes	1		1	
Disability Pension—Assessment	312		301	
Disability Pension—Entitlement	428		493	
Gold Card	2		7	
Income Support Supplement	2		2	
Pension Bonus Scheme	0		2	
Repatriation Pharmaceutical Benefit	1		1	
Service Pension	65		56	
Veterans' Allowances	10		7	
VRB—Procedural Decisions	6		1	
Widows' Pension	157		153	
Widows' Pension Reinstatement	1		1	
<i>Subtotal</i>	986	13	1027	14

Table 3.1 Applications lodged and finalised for all jurisdictions, 2004–05 *continued*

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Other				
<i>Aboriginal Corporations and Associations Act 1976</i>	1		0	
Australian Broadcasting Authority	3		1	
Australian Communications Authority	2		1	
Australian Sports Drug Agency	2		2	
Child Support	31		28	
Commonwealth Electoral Act	0		1	
Defence Enactments	2		2	
Defence Force Retirement Death Benefits	19		26	
Financial Sector Regulation	26		15	
Higher Education Funding	17		20	
Land Acquisition	1		0	
<i>Privacy Act 1988</i>	0		1	
<i>Protection of Moveable Cultural Heritage Act 1986</i>	1		0	
Review of Costs	1		0	
Waiver of Fees in Courts and Tribunals	4		1	
<i>Subtotal</i>	110	1	98	1
Case Management				
No Jurisdiction/Uncertain Jurisdiction	68		71	
Miscellaneous	1		0	
<i>Subtotal</i>	69	<1	71	<1
Total for all jurisdictions^b	7679	100	7526	100

^a These figures do not include all matters that are dealt with in the Taxation Appeals Division.

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

Chart 3.2 Applications lodged in each registry

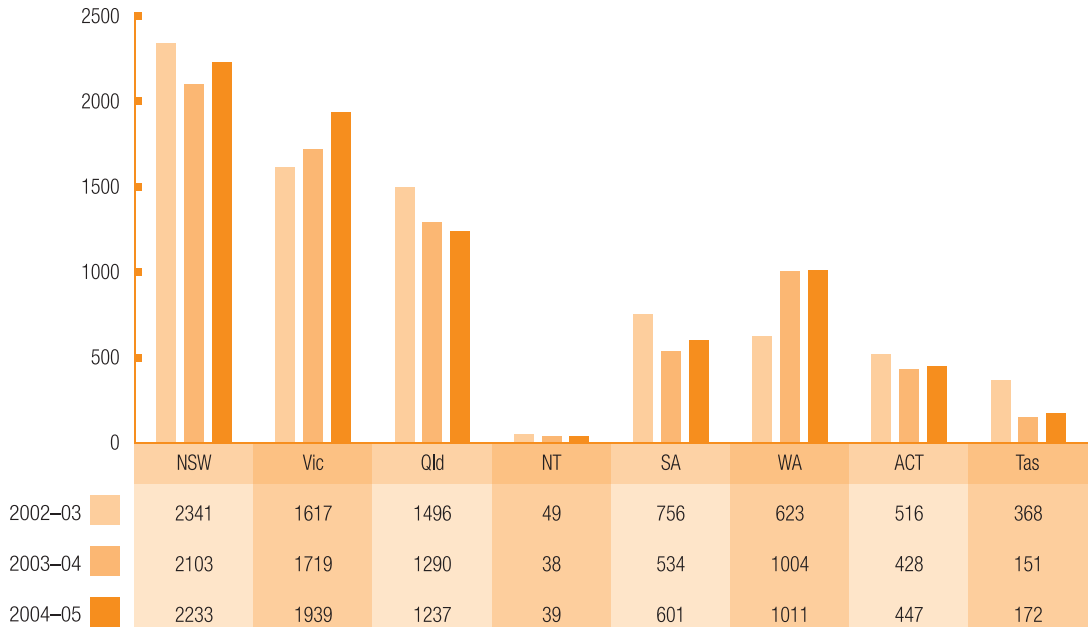


Chart 3.3 Applications finalised in each registry

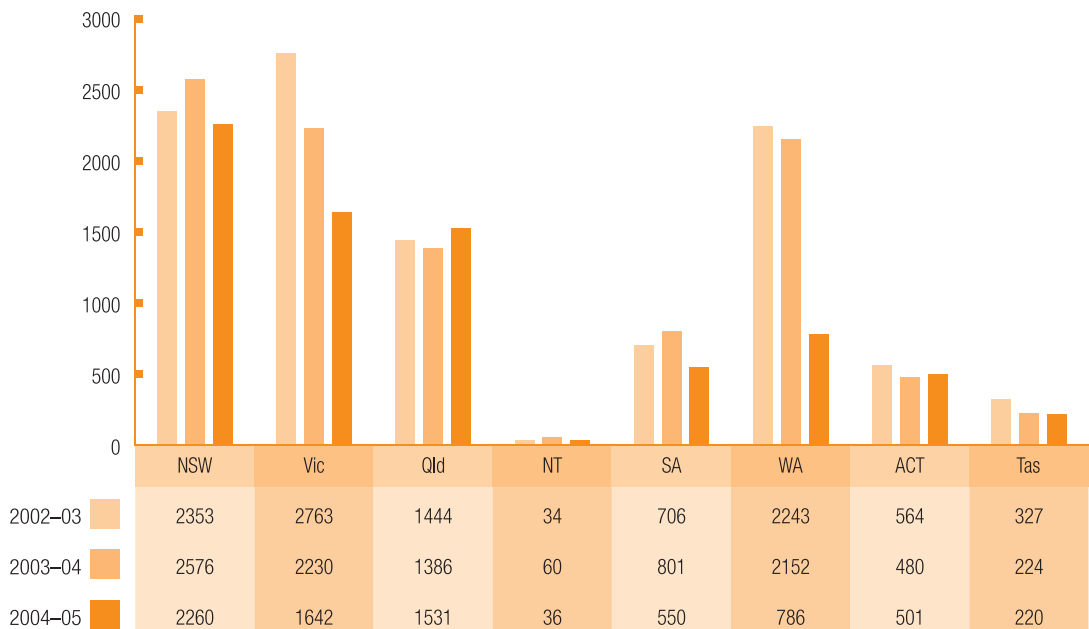


Table 3.4 Percentage of applications finalised without a hearing

Jurisdiction	2002–03 %	2003–04 %	2004–05 %
All applications	74 ^a	81	78
Compensation	89	86	87
Social Security	67	69	73
Veterans' Affairs	72	71	71
Taxation Division	96	97	83
Small Taxation Claims Tribunal	73	85	75

a In previous reports, this figure was provided in relation to the proportion of applications finalised without a hearing in the General Administrative and Veterans' Appeals Divisions rather than in relation to all applications. This figure relates only to the General Administrative and Veterans' Appeals Divisions.

Note: Applications finalised without a hearing include all applications that were finalised otherwise than by a Tribunal decision following a hearing on the merits. For example, applications finalised by consent pursuant to sections 34D or 42C of the AAT Act or withdrawn by the applicant under section 42A(1A) of the AAT Act are included in this category.

Table 3.5 Applications finalised in 2004–05, by outcome

Outcome	All applications		Compensation		Social Security		Veterans' Affairs		Taxation Division		Small Taxation Claims Tribunal	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<i>By consent</i>												
Affirmed	518	7	360	17	5	<1	5	<1	144	10	4	2
Set aside	1836	24	785	37	214	13	264	26	385	25	47	21
Varied	714	9	184	9	33	2	112	11	354	23	21	9
Remitted	31	<1	5	<1	0	0	4	<1	0	0	1	<1
Dismissed/Withdrawn ^a	2220	29	477	22	804	50	321	31	246	16	69	31
<i>By decision</i>												
Affirmed	1069	14	169	8	314	20	163	16	144	10	50	22
Set aside	463	6	72	3	96	6	102	10	79	5	1	<1
Varied	115	2	23	1	17	1	28	3	28	2	6	3
Remitted	38	<1	5	<1	9	<1	7	<1	4	<1	0	0
No jurisdiction	56	<1	1	<1	4	<1	2	<1	10	<1	2	<1
Dismissed ^b	286	4	38	2	59	4	14	1	66	4	19	8
Extension of time refused	59	<1	4	<1	38	2	5	<1	5	<1	0	0
<i>Other</i>												
No fee paid	73	1	0	0	0	0	0	0	18	1	2	<1
Other	48	<1	2	<1	3	<1	0	0	29	2	3	1
Total^c	7526	100	2125	100	1596	100	1027	100	1512	100	225	100

a Includes matters dismissed under subsections 42A(1) and (1B) and otherwise by operation of law.

b Includes matters dismissed under subsections 42A(2) (non-appearance), 42A(4) (failure to show reviewable decision), 42A(5) (failure to comply with a direction of the Tribunal) and 42B(1) (frivolous or vexatious) of the AAT Act.

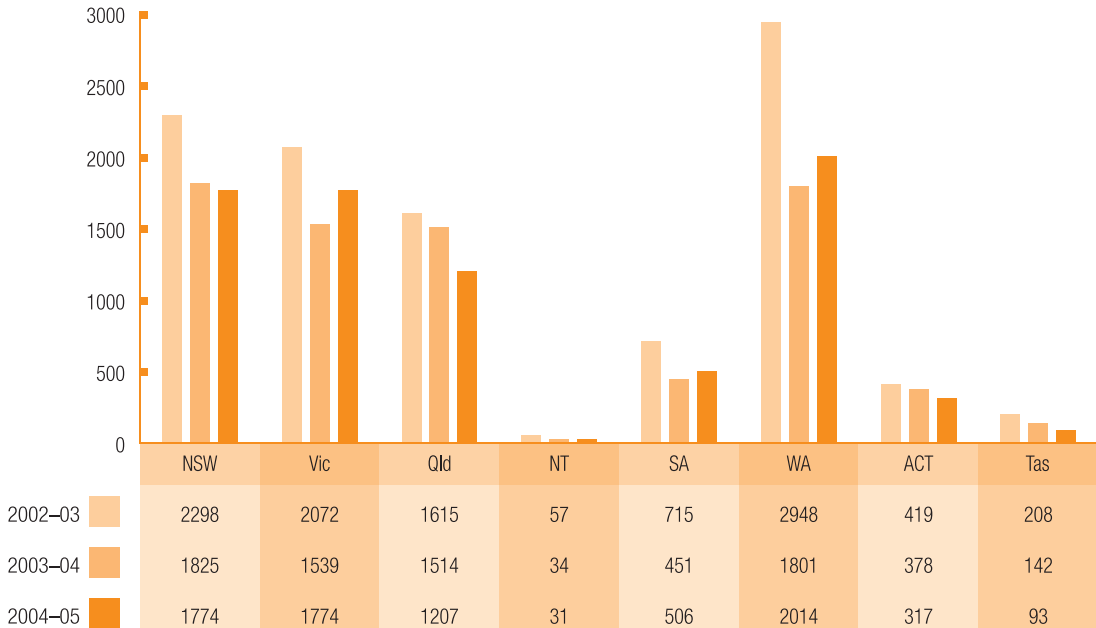
c Percentages do not total 100% due to rounding.

Table 3.6 Status of applications current as at 30 June 2004

Jurisdiction	No.	%
<i>Compensation</i>		
In preparation (mainly awaiting section 37 documents)	201	14
Set down for hearing, conference or mediation	1172	81
Part heard	59	4
Heard and awaiting decision	23	2
<i>Total</i>	1455	100
<i>Social Security</i>		
In preparation (mainly awaiting section 37 documents)	181	26
Set down for hearing, conference or mediation	479	69
Part heard	13	2
Heard and awaiting decision	21	3
<i>Total</i>	694	100
<i>Veterans' Affairs</i>		
In preparation (mainly awaiting section 37 documents)	112	13
Set down for hearing, conference or mediation	692	78
Part heard	32	4
Heard and awaiting decision	51	6
<i>Total</i>	887	100
<i>Taxation Division</i>		
In preparation (mainly awaiting section 37 documents)	2543	66
Set down for hearing, conference or mediation	1262	33
Part heard	10	<1
Heard and awaiting decision	36	1
<i>Total</i>	3851	100
<i>Small Taxation Claims Tribunal</i>	108	100
<i>Other matters</i>	721	100
Total^a	7716	100

a Percentages do not total 100% due to rounding.

■ Chart 3.7 Applications current in each registry



■ Table 3.8 Constitution of tribunals for hearings

Tribunal	2002-03		2003-04		2004-05	
	No.	%	No.	%	No.	%
Judge alone	1	<1	10	<1	10	<1
Judge plus 1	3	<1	3	<1	4	<1
Judge plus 2	138	7	3	<1	2	<1
Deputy President alone	282	15	300	16	249	15
Deputy President plus 1	22	1	37	2	36	2
Deputy President plus 2	14	<1	22	1	4	<1
Senior Member alone	398	21	382	21	505	30
Senior Member plus 1	183	9	172	9	166	10
Senior Member plus 2	58	3	27	1	11	<1
Member alone	828	43	882	48	696	41
Two Members ^b	–	–	–	–	5	<1
Total^a	1927	100	1838	100	1688	100
Total multiple member tribunals	418	22	264	14	228	14

a Percentages do not total 100% due to rounding.

b During the reporting period the restriction on more than one Member constituting the Tribunal for a hearing was removed by the *Administrative Appeals Tribunal Amendment Act 2005*.

Note: This table does not include hearings on the papers.

Table 3.9 Number of conferences, mediations, hearings and interlocutory hearings

Type	2002–03	2003–04	2004–05
Conferences	10450	9422	8942
Conciliation conferences (compensation matters)	1044	779	771
Mediations	53	84	50
Hearings (including hearings on the papers)	2007	1961	1711
Interlocutory hearings ^a	409	444	396

a Includes jurisdiction hearings and hearings on applications for section 35 confidentiality orders, stay orders, joinder orders, extensions of time, dismissal orders and reinstatement.

Table 3.10 shows the total number of appeals from decisions of the Tribunal lodged in the reporting year. The number of appeals under the *Administrative Decisions (Judicial Review) Act 1977* (the ADJR Act) or the *Judiciary Act 1903* (the Judiciary Act) are indicated in parentheses. The remainder are appeals lodged in the Federal Court under section 44 of the AAT Act.

Table 3.10 Appeals from decisions of the Tribunal by jurisdiction

Division/jurisdiction	2002–03	2003–04	2004–05
Compensation	22	33 (1)	28 (3)
Social Security	27	32	11
Veterans' Affairs	50	49 (1)	21
Taxation	10	10 (1)	21
Small Taxation Claims Tribunal	3	1	2
Other	44	44 (11)	55 (8)
Total appeals lodged	167 (11 ^a)	169 (14)	138 (11)

a For the 2002–03 financial year the appeals lodged under the ADJR Act or the Judiciary Act are included as totals only. The appeals have not been divided by individual jurisdiction in previous years.

The total number of appeals from Tribunal decisions determined in 2004–05 and in the two previous years are shown in Table 3.11. The numbers of appeals under the ADJR Act or the Judiciary Act that were finalised is indicated in parentheses.

Table 3.11 Appeals from decisions of the Tribunal—appeals determined

	2002–03	2003–04	2004–05
Total appeals determined	152 (14)	186 (12)	161 (9)

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.

Table 3.12 Appeals from decisions of the Tribunal—outcomes of appeals determined in 2004–05

Outcome	2004–05
<i>Compensation</i>	
Allowed/Remitted	13
Dismissed	8 (1)
Discontinued	4
Other	–
<i>Subtotal</i>	25 (1)
<i>Social Security</i>	
Allowed/Remitted	2
Dismissed	16
Discontinued	5
Other	–
<i>Subtotal</i>	23
<i>Veterans' Affairs</i>	
Allowed/Remitted	19
Dismissed	17
Discontinued	3
Other	1
<i>Subtotal</i>	40
<i>Taxation</i>	
Allowed/Remitted	3
Dismissed	9
Discontinued	1
Other	–
<i>Subtotal</i>	13
<i>Small Taxation Claims Tribunal</i>	
Allowed/Remitted	–
Dismissed	–
Discontinued	1
Other	–
<i>Subtotal</i>	1
<i>Other</i>	
Allowed/Remitted	15 (1)
Dismissed	35 (4)
Discontinued	9 (3)
Other	–
<i>Subtotal</i>	59 (8)
Total appeals finalised	161 (9)

Table 3.12 shows the outcomes of appeals from decisions of the Tribunal that were determined in 2004–05. The numbers of appeals under the ADJR Act or the Judiciary Act are indicated in parentheses. The remainder are appeals determined under section 44 of the AAT Act in the reporting year.

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.

Note: Where a single appeal to the Federal Court or Federal Magistrates Court has been treated as both an appeal under section 44 of the AAT Act and an appeal under the Judiciary Act the appeal has been counted once and recorded as an appeal under section 44 of the AAT Act.

Thirteen appeals under section 44 of the AAT Act were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the AAT Act.