

Appendix 3: Statistics for the year ended 30 June 2006

This appendix contains statistical information on different aspects of the Tribunal's workload during 2005–06. 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	Case events, including conferences and other alternative dispute resolution processes, interlocutory hearings and hearings
3.10	Appeals lodged from decisions of the Tribunal by jurisdiction
3.11	Outcomes of appeals from decisions of the Tribunal
3.12	Outcomes of appeals from decisions of the Tribunal by jurisdiction

Table 3.1 provides more detailed information on the subject matter of applications lodged with the Tribunal and finalised by the Tribunal in 2005-06. 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 3.1 APPLICATIONS LODGED AND FINALISED IN 2005-06

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Compensation				
Australian Postal Corporation	360		343	
Comcare	517		472	
Military compensation: <i>Safety, Rehabilitation and Compensation Act 1988</i>	346		361	
Optus Administration Pty Ltd	3		–	
Other compensation decision-makers	22		18	
Telstra Corporation	201		250	
Seafarers' compensation	53		51	
<i>Subtotal</i>	<i>1502</i>	<i>17</i>	<i>1495</i>	<i>18</i>
Social security				
Age pension	107		98	
Assurance of support decisions	4		1	
Austudy payment	8		14	
Bereavement allowance	1		1	
Carer payment/allowance	60		56	
Child care benefit	–		2	
Compensation preclusion period	68		53	
Disability support pension	543		376	
Double orphan pension	1		1	
Family tax benefit	61		63	
Farm household support	1		1	
Health care cards	2		2	
Maternity allowance	21		13	
Mature age allowance	2		3	
Mobility allowance	3		6	
Newstart allowance	98		79	
One-off payments	1		2	
Overpayment and debt recovery	481		434	
Parenting payment	68		47	
Partner allowance	9		9	
Pension bonus scheme	25		27	

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Pensioner education supplement	4		4	
Rent assistance	18		20	
Sickness allowance	3		2	
Special benefit	10		9	
Special category visa holder determination	–		2	
Widow allowance/pension	9		6	
Wife pension	2		–	
Youth allowance	33		28	
<i>Subtotal</i>	<i>1643</i>	<i>19</i>	<i>1359</i>	<i>17</i>
Veterans' affairs				
Allowances and benefits	10		16	
Disability pension	661		750	
Gold Card	3		3	
Military compensation: <i>Military Rehabilitation and Compensation Act 2004</i>	1		–	
Service pension	52		75	
Veterans' Review Board: Procedural decisions	2		6	
Widows' pension	181		188	
<i>Subtotal</i>	<i>910</i>	<i>11</i>	<i>1038</i>	<i>13</i>
Taxation (other than STCT applications) ^a				
Australian Business Number	4		3	
Excise	–		1	
Fringe benefits tax	24		16	
Goods and services tax	240		128	
Income tax (other than taxation schemes)	746		696	
Luxury car tax	1		1	
Payroll tax	–		17	
Product grants and benefits	3		–	
Sales tax	–		8	
Superannuation contributions tax	3		4	
Superannuation guarantee charge	64		20	
Taxation administration	41		33	
Taxation schemes	2354		2000	
Wine equalisation tax	1		–	
<i>Subtotal</i>	<i>3481</i>	<i>40</i>	<i>2927</i>	<i>36</i>

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Small Taxation Claims Tribunal ^a				
Goods and services tax	3		4	
Income tax (other than taxation schemes)	85		108	
Other matters	52		27	
Refusal of extension of time to lodge objection	24		22	
Release from taxation liabilities	60		63	
Sales tax	3		1	
Superannuation contributions tax	5		8	
Taxation schemes	–		5	
<i>Subtotal</i>	232	3	238	3
Agriculture, Fisheries and Forestry Portfolio				
Agricultural and veterinary chemicals	2		1	
Dairy produce	–		1	
Fisheries	2		7	
Wine and brandy	1		1	
<i>Subtotal</i>	5	<1	10	<1
Attorney-General's Portfolio				
Bankruptcy	30		32	
Customs	12		45	
Import and export of censored goods	1		1	
Marriage celebrants	2		2	
Privacy	1		1	
Waiver of fees in courts and tribunals	2		5	
<i>Subtotal</i>	48	<1	86	1
Communications, Information Technology and the Arts Portfolio				
Communications and media	1		4	
<i>Subtotal</i>	1	<1	4	<1
Defence Portfolio				
Defence Force retirement and death benefits	9		11	
Employer support payments	1		1	
Other	1		1	
<i>Subtotal</i>	11	<1	13	<1
Education, Science and Training Portfolio				
Higher education funding	21		19	
Mutual recognition of occupations	–		3	
<i>Subtotal</i>	21	<1	22	<1

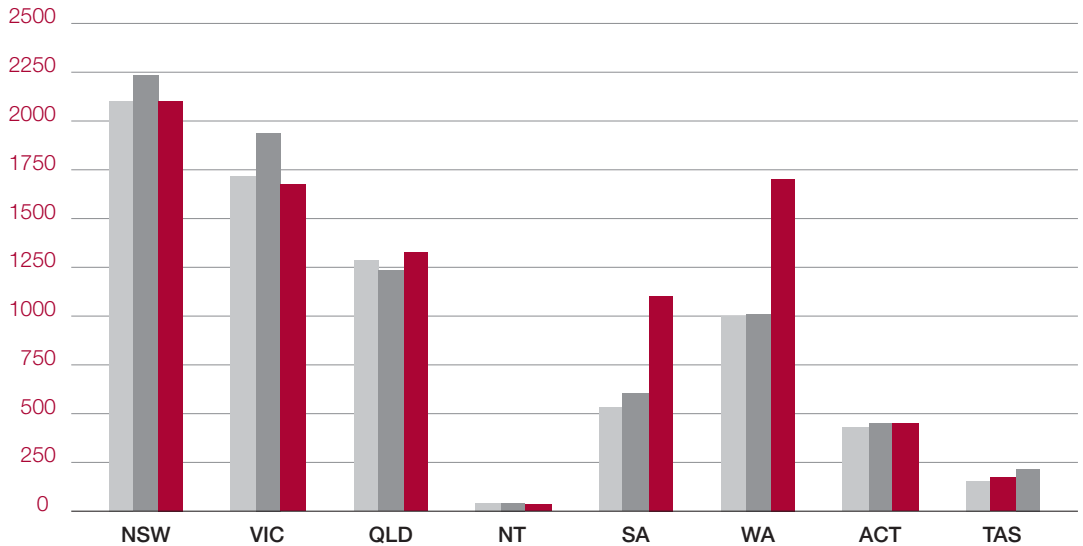
Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Employment and Workplace Relations Portfolio				
Disability services	1	–		
<i>Subtotal</i>	1	<1	–	<1
Environment and Heritage Portfolio				
Environment protection and biodiversity	2		2	
Great Barrier Reef Marine Park	–		1	
Protection of moveable cultural heritage	–		1	
Renewable Energy	1		1	
<i>Subtotal</i>	3	<1	5	<1
Families, Community Services and Indigenous Affairs Portfolio				
Aboriginal councils and associations	–		1	
<i>Subtotal</i>	–	<1	1	<1
Finance and Administration Portfolio				
Child support	32		32	
Lands acquisition	–		1	
Superannuation Acts	1		–	
<i>Subtotal</i>	33	<1	33	<1
Foreign Affairs and Trade Portfolio				
Export market development grants	6		6	
Passports	21		10	
<i>Subtotal</i>	27	<1	16	<1
Health and Ageing Portfolio				
Aged care	10		6	
Medicare Australia decisions	13		9	
Pharmacists	11		8	
Therapeutic goods	10		8	
<i>Subtotal</i>	44	<1	31	<1
Immigration and Multicultural Affairs Portfolio				
Business visa cancellation	119		169	
Citizenship	69		97	
Criminal deportation	–		2	
Guardianship of children	–		1	
Migration agent registration	13		31	
Protection visa cancellation or refusal	1		6	
Visa refusal on character grounds: Visa applicant outside Australia	19		52	

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Visa cancellation or refusal on character grounds: Visa applicant or holder in Australia	47		60	
<i>Subtotal</i>	268	3	418	5
Industry, Tourism and Resources Portfolio				
Automotive industry	7		3	
Industrial chemicals	3		–	
Industry research and development	5		6	
Patents, designs and trademarks	–		2	
Textile, clothing and footwear	3		3	
<i>Subtotal</i>	18	<1	14	<1
Transport and Regional Services Portfolio				
Air navigation	–		1	
Airports	–		3	
Aviation and maritime security	9		5	
Civil aviation	21		31	
Maritime safety	4		1	
Motor vehicle standards	19		20	
<i>Subtotal</i>	53	<1	61	<1
Treasury Portfolio				
Auditors and liquidators registration	2		–	
Corporations	20		35	
Insurance and superannuation regulation	31		23	
Tax agent registration	21		25	
<i>Subtotal</i>	74	<1	83	1
Security Appeals				
ASIO assessments	9		3	
<i>Subtotal</i>	9	<1	3	<1
Whole of Government				
<i>Freedom of Information Act 1982</i>	141		146	
<i>Subtotal</i>	141	2	146	2
Case Management and Tribunal Decisions				
No jurisdiction/Uncertain jurisdiction	92	–	87	
Review of taxation of costs	–		1	
<i>Subtotal</i>	92	1	88	1
Total for all jurisdictions^b	8617	100	8091	100

a These figures do not include all applications that are dealt with in the Small Taxation Claims Tribunal or the Taxation Appeals Division. For example, applications in relation to which jurisdictional issues arise are not included in these figures.

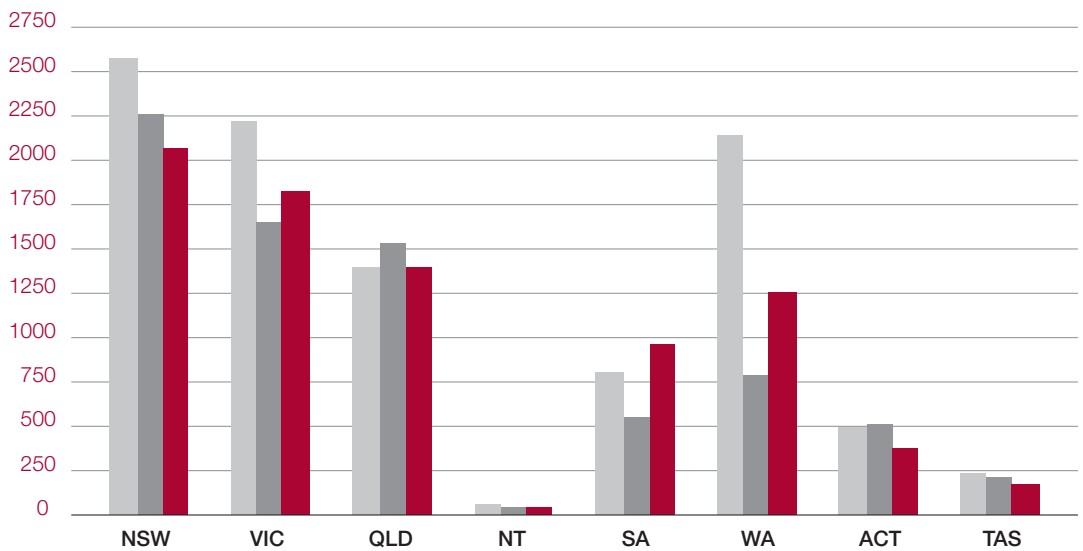
b Percentages do not total 100% due to rounding.

CHART 3.2 APPLICATIONS LODGED IN EACH REGISTRY



2003-04	2103	1719	1290	38	534	1004	428	151
2004-05	2233	1939	1237	39	601	1011	447	172
2005-06	2100	1677	1326	34	1106	1706	452	216

CHART 3.3 APPLICATIONS FINALISED IN EACH REGISTRY



2003-04	2576	2230	1386	60	801	2152	480	224
2004-05	2260	1642	1531	36	550	786	501	220
2005-06	2063	1820	1396	36	963	1269	362	182

TABLE 3.4 PERCENTAGE OF APPLICATIONS FINALISED WITHOUT A HEARING

Jurisdiction	2003–04 %	2004–05 %	2005–06 %
All applications	81	78	81
Compensation	86	87	85
Social security	69	73	68
Veterans' affairs	71	71	72
Taxation Division	97	83	94
Small Taxation Claims Tribunal	85	75	78

Note: Applications finalised without a hearing include all applications that were finalised otherwise than by a Tribunal decision following a hearing on the merits. This includes, for example, 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 3-5 APPLICATIONS FINALISED IN 2005-06, BY OUTCOME

Outcome	All applications		Compensation		Social security		Veterans' affairs		Taxation Division		Small Taxation Claims Tribunal	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
By consent												
Affirmed	321	4	284	19	2	<1	7	<1	20	<1	2	1
Varied	1207	15	115	8	18	1	104	10	917	31	41	17
Set aside	2009	25	493	33	159	12	281	27	876	30	30	12
Dismissed/ Withdrawn ^a	2089	26	337	23	666	49	343	33	376	13	94	39
By decision												
Affirmed	961	12	141	9	296	22	178	17	85	3	42	17
Varied	93	1	13	<1	19	1	14	1	21	<1	2	1
Set aside	467	6	69	5	119	9	98	9	65	2	10	4
No jurisdiction	87	1	6	<1	1	<1	2	<1	22	<1	2	1
Dismissed ^b	282	3	28	2	43	3	11	1	100	3	17	7
Extension of time refused	59	<1	6	<1	34	3	0	0	1	<1	1	<1
Other												
No fee paid	64	<1	N/A	-	N/A	-	N/A	-	20	<1	3	1
Other ^c	452	6	3	<1	2	<1	0	0	433	15	0	0
Total^d	8091		1495		1359		1038		2936		244	

a Includes applications dismissed under subsections 42A(1) and (1B) of the AAT Act and otherwise by operation of law.

b Includes applications dismissed under subsections 42A(2) of the AAT Act (non-appearance at case event); 42A(4) (failure to show reviewable decision); 42A(5) (failure to proceed with application or to comply with a direction of the Tribunal); and 42B(1) (applications is frivolous or vexatious).

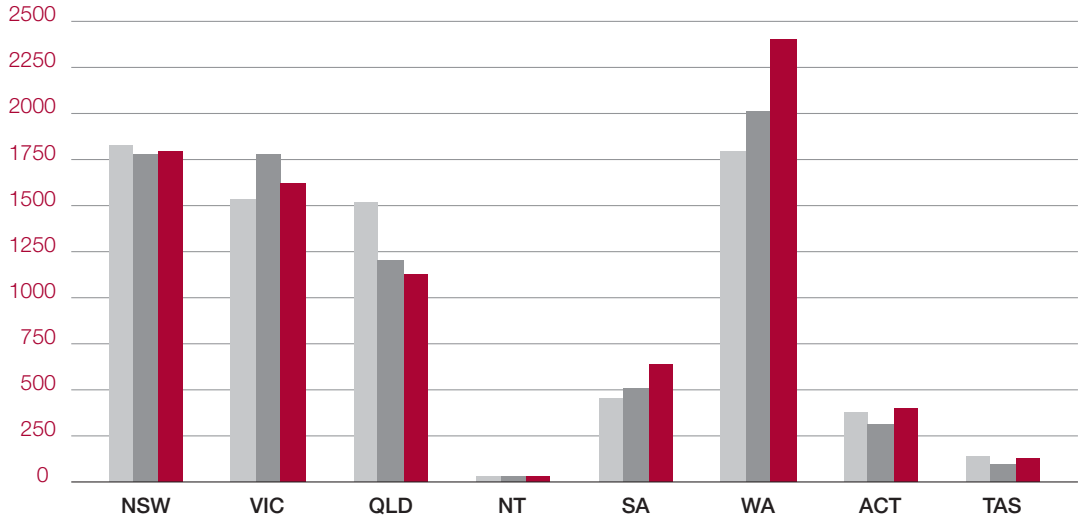
c Includes applications for review of a decision which have been lodged out of time and in relation to which no extension of time application is subsequently received as well as applications for an extension of time to lodge an application for review which have been granted and in relation to which no application for review of a decision is subsequently received. The SA Registry received 414 applications for an extension of time to lodge applications for review of decisions relating to three taxation schemes which were granted and in relation to which no applications for review were subsequently received.

d Percentages do not total 100% due to rounding.

TABLE 3.6 STATUS OF APPLICATIONS CURRENT AS AT 30 JUNE 2006

Jurisdiction	No.	%
Compensation		
In pre-hearing process	1378	
Part heard	53	
Awaiting decision	15	
<i>Subtotal</i>	1446	18
Social security		
In pre-hearing process	932	
Part heard	24	
Awaiting decision	12	
<i>Subtotal</i>	968	12
Veterans' affairs		
In pre-hearing process	719	
Part heard	23	
Awaiting decision	15	
<i>Subtotal</i>	757	9
Taxation Division		
In pre-hearing process	4344	
Part heard	11	
Awaiting decision	11	
<i>Subtotal</i>	4366	53
Small Taxation Claims Tribunal		
In pre-hearing process	109	
Part heard	0	
Awaiting decision	0	
<i>Subtotal</i>	109	1
Other matters		
In pre-hearing process	477	
Part heard	30	
Awaiting decision	21	
<i>Subtotal</i>	528	6
Total^a	8174	100

a Percentages do not total 100% due to rounding.

CHART 3.7 APPLICATIONS CURRENT IN EACH REGISTRY

	2003-04	2004-05	2005-06
NSW	1825	1774	1801
VIC	1539	1774	1627
QLD	1514	1207	1131
NT	34	31	31
SA	451	506	644
WA	1801	2014	2408
ACT	378	317	404
TAS	142	93	128

TABLE 3.8 CONSTITUTION OF TRIBUNALS FOR HEARINGS

Tribunal	2003-04		2004-05		2005-06	
	No.	%	No.	%	No.	%
Judge alone	10	<1	10	<1	8	<1
Judge with 1 other member	3	<1	4	<1	0	0
Judge with 2 other members	3	<1	2	<1	4	<1
Deputy President alone	300	16	249	15	204	14
Deputy President with 1 other member	37	2	36	2	37	2
Deputy President with 2 other members	22	1	4	<1	11	<1
Senior Member alone	382	21	505	30	487	33
Senior Member with 1 other member	172	9	166	10	168	11
Senior Member with 2 other members	27	1	11	<1	2	<1
Member alone	882	48	696	41	518	35
Two Members ^a	N/A	–	5	<1	48	3
Three Members	N/A	–	0	0	2	<1
Total^b	1,838	100	1,688	100	1,489	100
Total multi-member tribunals	264	14	227	14	272	18

a From 16 May 2005, the Tribunal could be constituted by two or three Members.

b Percentages do not total 100% due to rounding.

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

TABLE 3.9 NUMBER OF ALTERNATIVE DISPUTE RESOLUTION PROCESSES, INTERLOCUTORY HEARINGS AND HEARINGS

Type	2003–04	2004–05	2005–06
Conference	9,422	8,942	8,450
Case appraisal ^a	N/A	0	0
Conciliation	779	771	582
Mediation	84	50	26
Neutral evaluation ^a	N/A	0	2
Interlocutory hearings ^b	444	396	488
Hearings (including hearings on the papers)	1,961	1,711	1,527

a The *Administrative Appeals Tribunal Amendment Act 2005* amended the provisions of the AAT Act relating to ADR processes. An application may be referred to any of the following ADR processes: conferencing, case appraisal, conciliation, mediation and neutral evaluation.

b Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- an extension of time to lodge an application for review;
- to be joined as a party to a proceeding;
- a confidentiality order under section 35 of the AAT Act;
- an order staying the operation or implementation of a reviewable decision;
- to dismiss an application; or
- to reinstate an application.

Table 3.10 provides information in relation to appeals from decisions of the Tribunal that have been lodged in 2005-06 and the two previous years. The table distinguishes between appeals lodged in the Federal Court under section 44 of the AAT Act 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 3.10 APPEALS FROM DECISIONS OF THE TRIBUNAL BY JURISDICTION

Jurisdiction	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation	32	1	25	3	22	4
Social security	32	0	11	0	29	4
Veterans' affairs	48	1	21	0	27	0
Taxation Division	9	1	21	0	19	0
Small Taxation Claims Tribunal	1	0	2	0	3	0
Other	33	11	47	8	42	15
Total	155	14	127	11	142	23

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

Tables 3.11 and 3.12 provide information on the outcomes of appeals from decisions of the Tribunal that were determined in 2005–06 and in the two previous years.

TABLE 3.11 APPEALS FROM DECISIONS OF THE TRIBUNAL – OUTCOMES OF APPEALS DETERMINED

Outcome	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	41	2	51	1	32	6
Dismissed	102	5	80	5	67	11
Discontinued	27	5	20	3	21	9
Other	4	0	1	0	0	0
Total	174	12	152	9	120	26

Notes: 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, 14 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.

TABLE 3.12 APPEALS FROM DECISIONS OF THE TRIBUNAL – OUTCOMES OF APPEALS DETERMINED BY JURISDICTION

Outcome	2003–04		2004–05		2005–06	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation						
Allowed/Remitted	6	0	13	0	5	2
Dismissed	20	2	7	1	16	0
Discontinued	8	3	4	0	4	0
Other	4	0	0	0	0	0
<i>Subtotal</i>	38	5	24	1	25	2
Social security						
Allowed/Remitted	6	0	2	0	4	0
Dismissed	23	1	16	0	9	1
Discontinued	5	1	5	0	8	3
Other	0	0	0	0	0	0
<i>Subtotal</i>	34	2	23	0	21	4
Veterans' affairs						
Allowed/Remitted	15	0	19	0	9	0
Dismissed	28	0	17	0	12	0
Discontinued	5	0	3	0	1	0
Other	0	0	1	0	0	0
<i>Subtotal</i>	48	0	40	0	22	0
Taxation Division						
Allowed/Remitted	4	0	3	0	4	0
Dismissed	4	0	9	0	11	1
Discontinued	4	0	1	0	5	0
Other	0	0	0	0	0	0
<i>Subtotal</i>	12	0	13	0	20	1
Small Taxation Claims Tribunal						
Allowed/Remitted	1	0	0	0	1	0
Dismissed	2	0	0	0	0	0
Discontinued	0	0	1	0	0	0
Other	0	0	0	0	0	0
<i>Subtotal</i>	3	0	1	0	1	0
Other						
Allowed/Remitted	9	2	14	1	9	4
Dismissed	25	2	31	4	19	9
Discontinued	5	1	6	3	3	6
Other	0	0	0	0	0	0
<i>Subtotal</i>	39	5	51	8	31	19
Total	174	12	152	9	120	26