



Chapter 3:  
Workload and performance



## WORKLOAD

This section of the Annual Report provides statistical information on the overall number of applications lodged and finalised in 2007–08 and the number of applications that were on hand at the end of the reporting period. It also provides more detailed information relating to the Tribunal's major jurisdictions: workers' compensation, social security, veterans' affairs and taxation. 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 that were lodged and finalised in the three most recent reporting years. It also sets out the number of applications that were current as at 30 June in each of those three reporting years.

The number of applications lodged with the Tribunal in 2007–08 was 14 per cent lower than the number lodged in 2006–07. As Chart 3.2 demonstrates, there were decreases in the number of applications lodged in the Taxation Appeals Division as well as in the social security and veterans' affairs jurisdictions.

The Tribunal finalised 7,237 applications in 2007–08, 60 fewer than in 2006–07. Changes in the number of applications finalised in particular jurisdictions are discussed in more detail below.

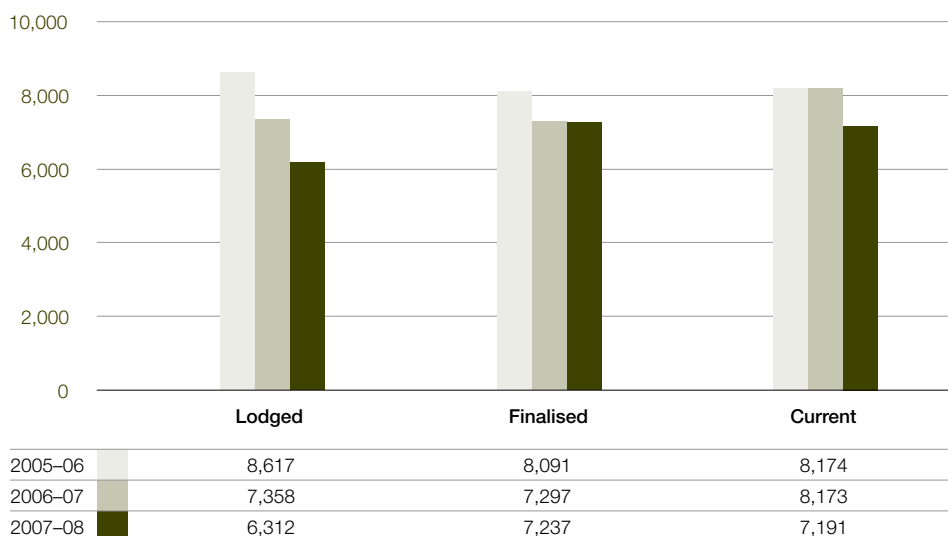
The number of applications that were on hand as at 30 June 2008 was 10 per cent lower than the number current at the end of the previous reporting period. As Chart 3.4 shows, this can be attributed primarily to a significant decrease in the number of applications on hand in the Taxation Appeals Division.

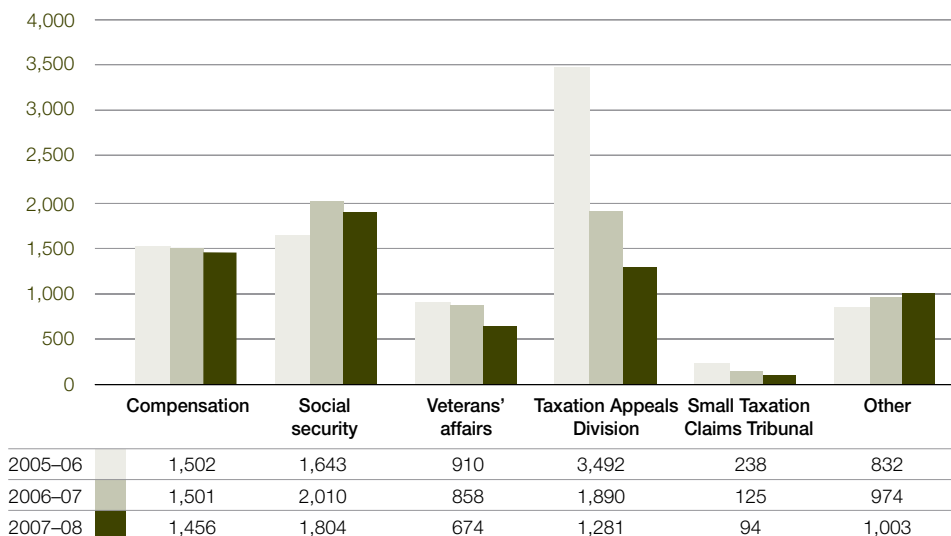
### Applications lodged

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 continued to be the most common type of application lodged with the Tribunal in 2007–08, constituting 29 per cent of all lodgements. Applications in the workers' compensation jurisdiction and the Taxation Appeals Division were the next most common types of applications comprising 23 per cent and 20 per cent of total lodgements respectively.

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



**Chart 3.2** Applications lodged in major jurisdictions

The overall number of applications lodged in the social security jurisdiction decreased by 10 per cent in 2007-08. This is attributable to a decrease in the number of applications lodged by the Departments responsible for the administration of family assistance and social security entitlements. The Tribunal recorded 235 departmental applications in 2007-08 compared with 441 in 2006-07. The Tribunal notes that there was also a decrease in the number of departmental applications lodged over the course of the reporting year. Sixty-six applications were lodged in the second half of 2007-08, 39 per cent fewer than the number lodged in the first six months of the reporting year.

The number of applications for review of social security decisions lodged by individuals in 2007-08 was consistent with the number lodged in the previous reporting period. The Tribunal notes, however, that there was an increase in the number of lodgements in the final quarter of 2007-08. The Tribunal understands that the Social Security Appeals Tribunal has experienced a significant increase in applications in 2007-08, which is likely to result in an increased workload for the Tribunal in the next reporting period.

The number of applications lodged in the workers' compensation jurisdiction in 2007-08 was marginally lower than the number lodged in 2006-07. The Tribunal notes that the number of corporations granted licences under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* increased further in 2007-08. This may well 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 Chubb Security Services Limited, the John Holland group of companies and the National Australia Bank.

There was a 32 per cent decrease in the number of applications lodged in the Taxation Appeals Division in 2007-08. This can be attributed primarily to a decrease in the number of applications relating to taxation schemes and applications relating to assessments of income tax generally. There was also a 25 per cent decline in the number of applications lodged in the Small Taxation Claims Tribunal.

The number of applications lodged in the veterans' affairs jurisdiction decreased in 2007-08 by 21 per cent. While there was a marginal 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 types of 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 2007–08, 6 per cent more than in 2006–07. This follows from the large number of taxation applications lodged over recent years. Approximately 34 per cent of finalisations in 2007–08 were applications relating to taxation schemes.

The number of applications finalised in the social security jurisdiction was marginally lower in 2007–08 than in the previous reporting period. This is consistent with the decrease in the number of applications lodged in this jurisdiction in the reporting year.

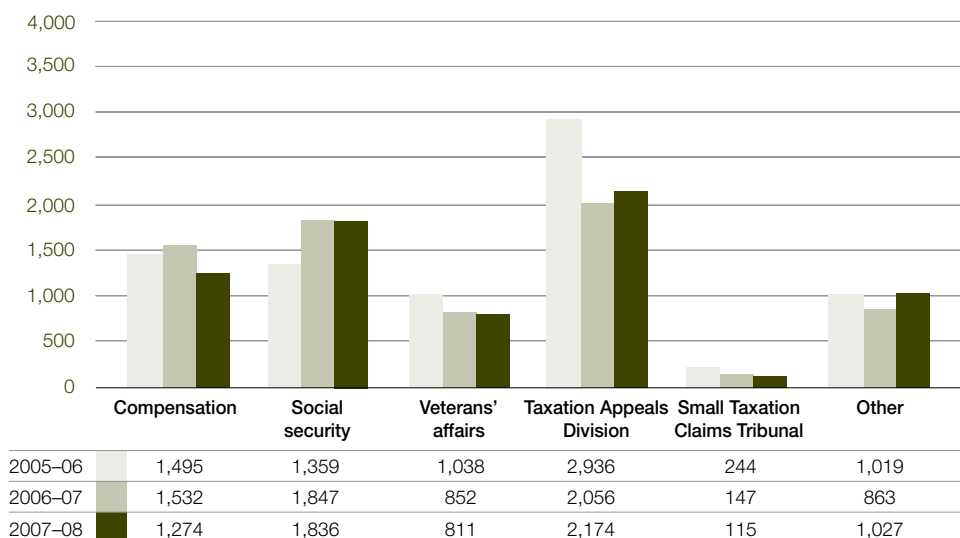
The number of applications finalised in the workers' compensation jurisdiction declined by 17 per cent in 2007–08. This relates in part to the slight decrease in the number of lodgements during the year. However, it also reflects an increase in the number of older applications that are yet to be finalised. The Tribunal is exploring the reasons for this.

There was a marginal decrease in the number of applications finalised in the veterans' affairs jurisdiction in 2007–08 and a 22 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 recent reporting periods.

The number of applications finalised in other jurisdictions increased by 19 per cent in 2007–08. This relates, in part, to an increase in the number of applications relating to citizenship and immigration decisions that were finalised during the year.

Table A3.1 in Appendix 3 provides more detail on the types of 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.

**Chart 3.3** Applications finalised in major jurisdictions



## 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.

The number of applications on hand in the workers' compensation jurisdiction at 30 June 2008 was 12 per cent higher than the number current at the end of the previous reporting period. As has been noted above, this reflects an increase in the number of older applications that are yet to be finalised in this jurisdiction.

In the Tribunal's other major jurisdictions, the number of applications on hand has fallen. The small reduction in the social security jurisdiction and the 17 per cent decrease in the veterans' affairs jurisdiction can be attributed to the lower number of applications lodged in these jurisdictions in 2007–08.

There was a 22 per cent decrease in the number of applications on hand at the end of the reporting period in the Taxation Appeals Division. Fifty-four per cent of these are applications relating to taxation schemes, a further 62 per cent of which relate to two particular schemes. While the Tribunal has a case management strategy in place for dealing with applications relating to taxation

schemes, it will take some time to finalise all of these applications.

The number of applications on hand in the Small Taxation Claims Tribunal decreased by 29 per cent which reflects the small number of lodgements in the reporting period.

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 2007–08 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.*

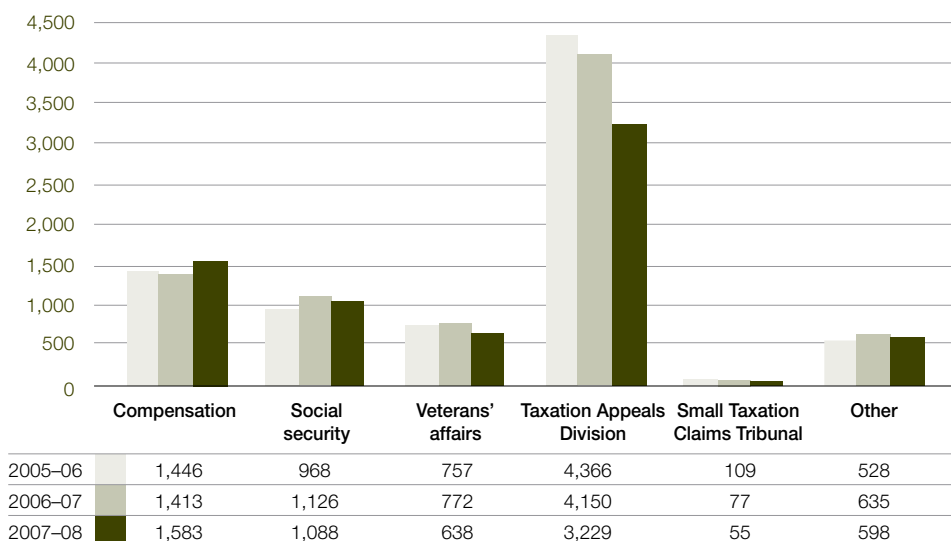
There is one output group relating to this outcome:

*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*

**Chart 3.4** Applications current in major jurisdictions



### Total resourcing for outcome

Table 3.5 shows how the 2007–08 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 2007–08	Actual expenses 2007–08	Variation	Budget 2008–09
<i>Departmental appropriations</i>				
Output group 1.1 — Completed reviews of decisions				
Output 1.1.1 — Applications finalised without a hearing	13,811	14,073	262	13,655
Output 1.1.2 — Applications finalised with a hearing	18,404	18,142	(262)	18,194
<i>Total revenue from government (appropriations) contributing to the price of departmental outputs</i>	32,215	32,215	–	31,849
<i>Revenue from other sources</i>				
Output 1.1.1 — Applications finalised without a hearing	535	634	99	620
Output 1.1.2 — Applications finalised with a hearing	714	817	103	827
<i>Total revenue from other sources</i>	1,249	1,451	202	1,447
<b>Total price of departmental outputs</b> (Total revenue from government and other sources)	33,464	33,666	202	33,296
<b>Total estimated resourcing for Outcome 1</b> (Total price of outputs and administered expenses)	33,464	33,468	4	33,896

**Table 3.6** Performance standards 2007–08

Performance information for departmental outputs	
<i>Output description</i>	<i>Performance measure</i>
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	<i>Price:</i> \$2,749 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> \$12,953 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 2007–08; 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 2007–08. 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 Table 3.6 and the Tribunal's own targets is set out below.

### Intermediate time standards

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

- the time taken by the decision-maker to lodge the documents required under section 37 of the *Administrative Appeals Tribunal Act 1975* (Section 37 Documents);

- the time taken to hold a first conference;
- the time taken to hold 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 2007–08 and in the two previous reporting periods.

The proportion of Section 37 Documents lodged within the time standard improved marginally in 2007–08. There was also a notable improvement in the proportion of first conferences held within 13 weeks of lodgement. The Tribunal exceeded the performance standard set out in the Portfolio Budget Statements by three per cent.

The result for the proportion of applications in which a hearing was held within 40 weeks of lodgement in 2007–08 was marginally lower than the result for 2006–07. It continues to be below the standard of 85 per cent set out in the Portfolio Budget Statements.

**Table 3.7** Performance results 2007–08

Performance information for departmental outputs	
Output description	Performance result
Output group 1.1 — Completed reviews of decisions	
Output 1.1.1 — Applications finalised without a hearing	<i>Price:</i> \$2,544 per completed application
	<i>Quality:</i> 88% of matters had first conference within 13 weeks
	<i>Quantity:</i> 5,748 finalisations
Output 1.1.2 — Applications finalised with a hearing	<i>Price:</i> \$12,657 per completed application
	<i>Quality:</i> 49% of matters to hearing within 40 weeks
	<i>Quantity:</i> 1,489 finalisations

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

Step	Time standard (days)	2005–06 %	2006–07 %	2007–08 %
Receipt of Section 37 Documents after notifying decision-maker of application	35	83	80	82
Receipt of application to first conference	91	86	81	88
Receipt of application to first day of hearing	280	50	50	49
Last day of hearing or date of receipt of further material to delivery of decision	60	67	73	70

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

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 conferences, alternative dispute resolution processes and 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, there was a slight decrease in the proportion of decisions delivered within 60 days of the last day of hearing or the receipt of further submissions or other material. However, the result for 2007–08 continues to be higher than results in the years before 2006–07.

#### ***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 2007–08 and in the previous two years is set out in Table 3.9.

Overall, 61 per cent of applications finalised during the reporting period were completed within 12 months of lodgement. As noted below, this result is affected by the finalisation of a large number of older applications relating to taxation decisions. When applications dealt with in the Taxation Appeals Division are excluded from the overall figures, 74 per cent of applications were finalised within 12 months of lodgement during 2007–08. Eighty-nine per cent of applications were finalised within 18 months.



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

Jurisdiction	Target %	2005–06 %	2006–07 %	2007–08 %
All applications <sup>a</sup>	—	65	67	61
Compensation	75	62	62	60
Social security	90	91	91	84
Veterans' affairs	80	66	67	62
Taxation Appeals Division	75	49	42	31

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

The proportion of applications finalised within 12 months declined in all of the Tribunal's major jurisdictions in 2007–08. Overall, the Tribunal fell six per cent short of meeting its target in the social security jurisdiction. The proportion of applications lodged by individuals that were finalised within 12 months of lodgement was marginally higher at 86 per cent. Ninety-six per cent of all applications in the social security jurisdiction were finalised within 18 months.

There was a small decrease in the proportion of applications finalised within 12 months of lodgement in the workers' compensation jurisdiction in 2007–08. The result for the veterans' affairs jurisdictions was five per cent lower than in the previous reporting period. The proportion of applications finalised within 18 months of lodgement in those jurisdictions was 81 per cent and 83 per cent respectively.

The number of applications lodged in the Taxation Appeals Division in 2004–05, 2005–06 and 2006–07 was significantly higher than in previous years. This included a large number of applications relating to taxation schemes. While the Tribunal has been moving these applications towards resolution as quickly as possible, this increased workload has contributed to the 11 per cent decrease in the proportion of

applications finalised in this jurisdiction within 12 months of lodgement.

More generally, 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 any application within 12 months of lodgement. Delays in the delivery of decisions following a hearing can 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 2007–08. 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.

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

	2005–06 %	2006–07 %	2007–08 %
Small Taxation Claims Tribunal	36	22	17

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 will continue in 2008–09. The Tribunal will also continue to seek to identify sources of delay in particular jurisdictions and work with members, staff and stakeholders to determine ways in which these delays may be addressed.

## 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 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 2007–08, 121 appeals made pursuant to section 44 of the *Administrative Appeals Tribunal Act 1975* were lodged with the Federal Court.<sup>1</sup> There were 21 applications for judicial review made under other enactments, 13 of which related to decisions concerning visas under the *Migration Act 1958*. Table A3.9 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, 127 appeals lodged under section 44 of the *Administrative Appeals Tribunal Act 1975* and 18 applications for judicial review under other enactments were finally determined. The Tribunal's decision was set aside in 48 cases. This constitutes 33 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 A3.10 and A3.11 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.

<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.

## Freedom of information

The Tribunal received two requests for access to documents under the *Freedom of Information Act 1982* in 2007–08. In relation to the first request, access to the requested documents was granted in full. In relation to the second request, the Tribunal determined that the document requested did not exist.

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 2007–08, the Commonwealth Ombudsman received a total of 32 approaches concerning the Tribunal. This was nine less than in the previous reporting period, a 22 per cent decrease. Of these approaches, 13 were by telephone, ten in writing, seven via email and two via the Ombudsman's online complaint form.

The Commonwealth Ombudsman closed 31 approaches relating to the Tribunal, covering 31 issues. Of the approaches closed, four (13 per cent) covering four issues were investigated. The Ombudsman did not record any findings of administrative deficiency.

## Complaints to other bodies

One complaint was made to the Human Rights and Equal Opportunity Commission during 2007–08. This was 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 2007–08. 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 travels regularly to locations outside major cities to ensure access to the review process. During the year, the Tribunal conducted 160 hearings, 17 conferences and six conciliations in locations outside capital cities.

The Tribunal also conducts alternative dispute resolution processes and hearings by telephone where appropriate. During 2007–08, the Tribunal conducted the following number of listings by telephone:

- Conferences — 7,847;
- Other ADR processes — 8;
- Directions hearings — 1,342;
- Interlocutory hearings — 175;
- Hearings — 31.

During the reporting year, there were no instances 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, contacting self-represented parties by telephone to explain the Tribunal's processes and provide other information and assistance. Data relating to the conduct of Outreach with some 800 parties indicates that the average time from lodgement of an application to Outreach was 27 days.

### **Fairness and efficiency**

The Service Charter states that a conference will usually be held within 6–10 weeks after receipt of an application. In some cases it may be delayed pending resolution of preliminary issues such as an application to extend the time for applying for review. During 2007–08, 70 per cent of applications had a first conference within ten weeks of lodgement. This is eight per cent higher than the result for 2006–07.

Information on the percentage of Tribunal decisions delivered within 60 days after the hearing or the date on which any further material was received is set out in Table 3.8. Information relating to the sum of application fees refunded in 2007–08 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 2007–08, the Tribunal received written and verbal complaints from 27 individuals. Four complaints raised two issues. The issues raised in the complaints related to:

General procedural issues	16
Complaints about Tribunal decisions	6
Conduct of members of the Tribunal	4
Conduct of conferences	2
Complaints about staff	2
Complaints about other parties to Tribunal proceedings	1

There were no complaints about the timeliness of Tribunal decisions.

Twenty-six complaints were finalised in 2007–08. In all but two cases, the Tribunal provided an initial response within the 20-day period. The average number of days from complaint to final response was approximately 11 working days. The longest period of time taken to investigate and respond to a complaint was 31 days.

The Tribunal does not measure whether a complainant believes his or her complaint was resolved. However, 14 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**

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 four per cent increase in 2007–08.

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 46 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 2007–08 was 24 per cent lower than the number of examinations conducted in 2006–07.

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

	2005–06	2006–07	2007–08
Number of occasions on which applications considered	1,702	1,864	1,946

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

	2005–06	2006–07	2007–08
Number of examination sessions held	62	34	26

