

## APPENDIX 3: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

Table or chart	Title
A3.1	Applications lodged and applications finalised in 2008–09
A3.2	Applications lodged in each registry
A3.3	Applications finalised in each registry
A3.4	Percentage of applications finalised without a hearing
A3.5	Outcomes of applications for review of a decision finalised in 2008–09
A3.6	Applications current in each registry at 30 June
A3.7	Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal
A3.8	Constitution of tribunals for hearings
A3.9	Appeals against decisions of the Tribunal by jurisdiction
A3.10	Appeals against decisions of the Tribunal — outcomes of appeals determined
A3.11	Appeals against decisions of the Tribunal — outcomes of appeals determined by jurisdiction

This statistical information on different aspects of the Tribunal's workload for 2008–09 includes some data for earlier years for comparative purposes.

Table A3.1 provides detailed information on the types of applications lodged with, and applications finalised by, the Tribunal in 2008-09. Information for the Tribunal's major jurisdictions is set out first, followed by information on other applications grouped by Australian Government portfolio.

**Table A3.1** Applications lodged and applications finalised in 2008-09

	Applications lodged		Applications finalised	
	No	%	No	%
<b>APPLICATIONS FOR REVIEW OF A DECISION – MAJOR JURISDICTIONS</b>				
<b>Social security</b>				
Age pension/Pension bonus scheme	179		177	
Austudy payment	14		12	
Baby bonus	27		28	
Carer allowance and carer payment	79		71	
Compensation preclusion period	64		70	
Disability support pension	542		535	
Disaster recovery payment	3		12	
Economic security strategy payment	43		3	
Family tax benefit	73		70	
Farm household support	10		10	
Newstart allowance	433		353	
Overpayments and debt recovery	552		598	
Parenting payment	68		51	
Pensioner education supplement	11		9	
Rent assistance	17		12	
Special benefit	10		13	
Youth allowance	43		45	
Other	66		59	
<b>Subtotal</b>	<b>2,234</b>	<b>36</b>	<b>2,128</b>	<b>29</b>
<b>Veterans' affairs</b>				
<i>Military Rehabilitation and Compensation Act 2004</i>	27		17	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	414		487	
Service pension/Income support supplement/ Pension bonus	40		31	
War widows pension	118		125	
Other	17		28	
<b>Subtotal</b>	<b>616</b>	<b>10</b>	<b>688</b>	<b>10</b>
<b>Workers' compensation</b>				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Australian Postal Corporation	214		344	
Comcare	526		677	
Linfox Armaguard Pty Limited/ Linfox Australia Pty Limited	54		10	

	Applications lodged		Applications finalised	
	No	%	No	%
Military Rehabilitation and Compensation Commission	207		237	
National Australia Bank Limited	18		9	
Optus Administration Pty Limited	25		17	
Telstra Corporation Limited	129		186	
Other decision-makers	45		28	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	32		32	
<b>Subtotal</b>	<b>1,250</b>	<b>20</b>	<b>1,540</b>	<b>21</b>
<b>Taxation</b>				
<b>Taxation Appeals Division</b>				
Australian Business Number	10		11	
Fringe benefits tax	6		5	
Goods and services tax	98		256	
Income tax (other than tax schemes)	817		823	
Income tax (tax schemes)	69		547	
Self-managed superannuation fund regulation	15		20	
Superannuation guarantee charge	34		53	
Taxation administration	22		23	
Other	39		63	
<b>Subtotal</b>	<b>1,110</b>	<b>18</b>	<b>1,801</b>	<b>25</b>
<b>Small Taxation Claims Tribunal</b>				
Fringe benefits tax	1		2	
Goods and services tax	4		6	
Income tax (other than tax schemes)	35		44	
Income tax (tax schemes)	3		0	
Refusal of extension of time to lodge objection	6		5	
Release from taxation liabilities	40		15	
Superannuation guarantee charge	6		8	
Other	2		3	
<b>Subtotal</b>	<b>97</b>	<b>2</b>	<b>83</b>	<b>1</b>
<b>Subtotal</b>	<b>1,207</b>	<b>19</b>	<b>1,884</b>	<b>26</b>
<b>SUBTOTAL for major jurisdictions</b>	<b>5,307</b>	<b>85</b>	<b>6,240</b>	<b>86</b>

#### APPLICATIONS FOR REVIEW OF A DECISION – BY PORTFOLIO

<b>Agriculture, Fisheries and Forestry</b>				
Agricultural and veterinary chemicals	0		2	
Fisheries	0		1	
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>&lt;1</b>
<b>Attorney-General's</b>				
Background checking	8		12	
Bankruptcy	24		23	
Customs	26		20	

	Applications lodged		Applications finalised	
	No	%	No	%
Leases on national land	1		1	
Marriage celebrants	0		1	
Waiver of fees in courts	1		3	
<b>Subtotal</b>	<b>60</b>	<b>&lt;1</b>	<b>60</b>	<b>&lt;1</b>
<b>Broadband, Communications and the Digital Economy</b>				
Communications and media	2		1	
<b>Subtotal</b>	<b>2</b>	<b>&lt;1</b>	<b>1</b>	<b>&lt;1</b>
<b>Defence</b>				
Defence Force retirement and death benefits	12		9	
Employer support payments	5		2	
Other	1		1	
<b>Subtotal</b>	<b>18</b>	<b>&lt;1</b>	<b>12</b>	<b>&lt;1</b>
<b>Education, Employment and Workplace Relations</b>				
Disability services	2		2	
Education services for overseas students	0		1	
Higher education funding	13		12	
Mutual recognition of occupations	4		2	
<b>Subtotal</b>	<b>19</b>	<b>&lt;1</b>	<b>17</b>	<b>&lt;1</b>
<b>Environment, Water, Heritage and the Arts</b>				
Environment protection and biodiversity	0		4	
Protection of movable cultural heritage	1		0	
<b>Subtotal</b>	<b>1</b>	<b>&lt;1</b>	<b>4</b>	<b>1</b>
<b>Families, Housing, Community Services and Indigenous Affairs</b>				
Aboriginal corporations	2		0	
<b>Subtotal</b>	<b>2</b>	<b>&lt;1</b>	<b>0</b>	<b>&lt;1</b>
<b>Finance and Deregulation</b>				
Electoral matters	0		2	
Superannuation Acts	2		3	
<b>Subtotal</b>	<b>2</b>	<b>&lt;1</b>	<b>5</b>	<b>&lt;1</b>
<b>Foreign Affairs and Trade</b>				
Export market development grants	10		4	
Passports	7		7	
<b>Subtotal</b>	<b>17</b>	<b>&lt;1</b>	<b>11</b>	<b>&lt;1</b>
<b>Health and Ageing</b>				
Aged care	15		11	
Medicare and other health decisions	9		5	
Pharmacists	21		21	
Therapeutic goods	7		3	
<b>Subtotal</b>	<b>52</b>	<b>&lt;1</b>	<b>40</b>	<b>&lt;1</b>

	Applications lodged		Applications finalised	
	No	%	No	%
<b>Human Services</b>				
Child support	32		30	
<b>Subtotal</b>	<b>32</b>	<b>&lt;1</b>	<b>30</b>	<b>&lt;1</b>
<b>Immigration and Citizenship</b>				
Business visa cancellation	13		71	
Citizenship	141		149	
Migration agent registration	6		12	
Protection visa cancellation or refusal	5		1	
Visa cancellation or refusal on character grounds	50		51	
<b>Subtotal</b>	<b>215</b>	<b>3</b>	<b>284</b>	<b>4</b>
<b>Infrastructure, Transport, Regional Development and Local Government</b>				
Airports	3		1	
Aviation and maritime transport security	5		3	
Civil aviation	17		23	
Motor vehicle standards	23		20	
<b>Subtotal</b>	<b>48</b>	<b>&lt;1</b>	<b>47</b>	<b>1</b>
<b>Innovation, Industry, Science and Research</b>				
Automotive industry	1		0	
Industry research and development	10		6	
Patents, designs and trademarks	1		2	
Textiles, clothing and footwear	2		1	
<b>Subtotal</b>	<b>14</b>	<b>&lt;1</b>	<b>9</b>	<b>&lt;1</b>
<b>Treasury</b>				
Auditors and liquidators registration	3		2	
Corporations and financial services regulation	36		47	
Insurance and superannuation regulation	0		13	
Tax agent registration	18		18	
<b>Subtotal</b>	<b>57</b>	<b>&lt;1</b>	<b>80</b>	<b>1</b>
<b>SUBTOTAL for portfolios</b>	<b>539</b>	<b>9</b>	<b>603</b>	<b>8</b>

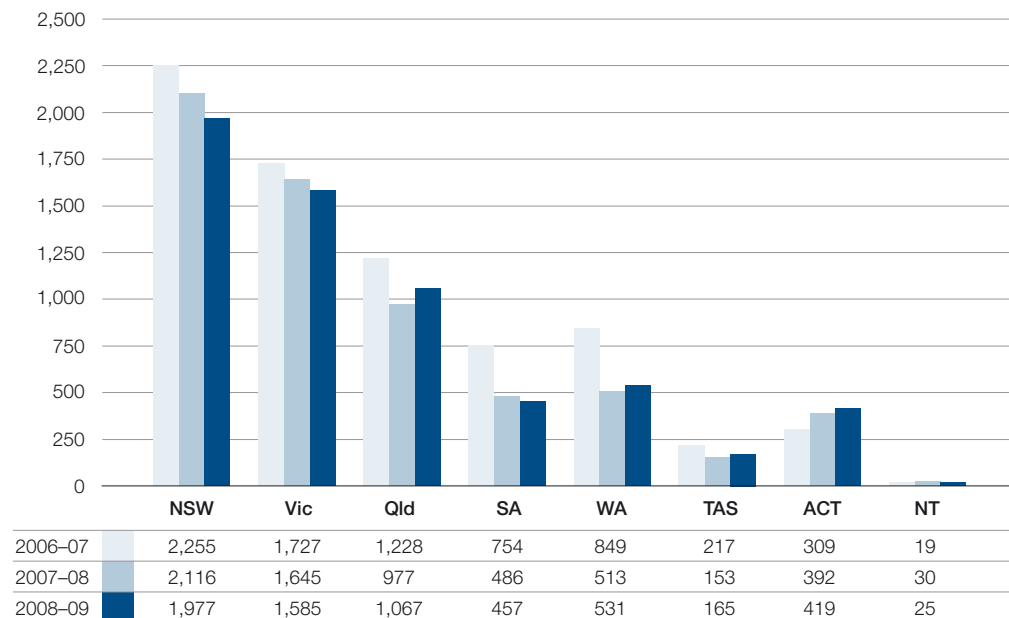
## APPLICATIONS FOR REVIEW OF A DECISION – OTHER

<b>Security appeals</b>				
ASIO assessments	0		1	
Decisions of National Archives of Australia relating to ASIO records	5		2	
<b>Subtotal</b>	<b>5</b>	<b>&lt;1</b>	<b>3</b>	<b>&lt;1</b>
<b>Whole of government</b>				
Archives Act 1983	4		5	
Freedom of Information Act 1982	139		144	
<b>Subtotal</b>	<b>143</b>	<b>2</b>	<b>149</b>	<b>2</b>

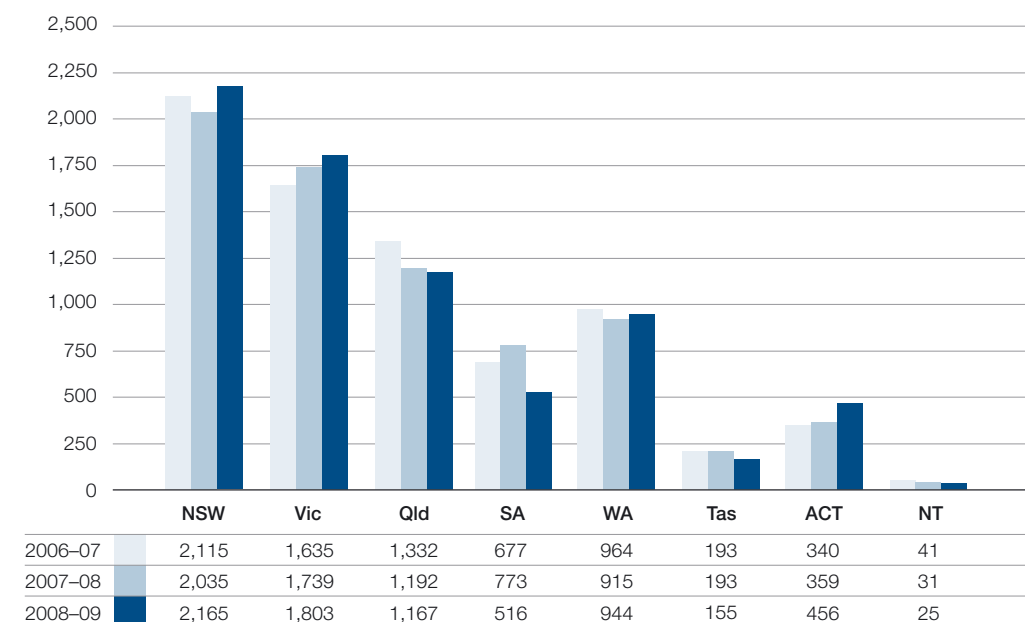
	Applications lodged		Applications finalised	
	No	%	No	%
<b>Case management and Tribunal decisions</b>				
No jurisdiction/Uncertain jurisdiction	180		185	
Review of decision relating to Tribunal fees	1		1	
<b>Subtotal</b>	<b>181</b>	<b>3</b>	<b>186</b>	<b>3</b>
<b>SUBTOTAL for other</b>	<b>329</b>	<b>5</b>	<b>338</b>	<b>5</b>
<b>OTHER APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975</b>				
Application for extension of time to lodge an application for review of a decision	49		48	
Other	2		2	
<b>Subtotal for other applications</b>	<b>51</b>	<b>&lt;1</b>	<b>50</b>	<b>&lt;1</b>
<b>TOTAL<sup>a</sup></b>	<b>6,226</b>	<b>100</b>	<b>7,231</b>	<b>100</b>

a Percentages do not total 100% due to rounding.

**Chart A3.2** Applications lodged in each registry



**Chart A3.3** Applications finalised in each registry



**Table A3.4** Percentage of applications finalised without a hearing<sup>a</sup>

Jurisdiction	2006-07 %	2007-08 %	2008-09 %
All applications	81	79	81
Social security	72	70	76
Veterans' affairs	78	75	74
Workers' compensation	85	85	85
Taxation			
Taxation Appeals Division	92	91	89
Small Taxation Claims Tribunal	77	72	84

a Applications finalised without a hearing refers to applications that were finalised by the Tribunal without it completing the review and giving a decision on the merits under section 43 of the Administrative Appeals Tribunal Act. This includes applications finalised in accordance with terms of agreement lodged by the parties (sections 34D and 42C), applications withdrawn by the applicant (subsection 42A(1A)) and applications dismissed by the Tribunal (sections 42A and 42B).

Table A3.5 Outcomes of applications for review of a decision finalised in 2008–09

	All applications			Social security			Veterans' affairs			Workers' Compensation			Taxation		
	No	%	No	%	No	%	No	%	No	%	Taxation Appeals Division		Small Taxation Claims Tribunal		
											No	%	No	%	
<b>By consent or withdrawn</b>															
Decision affirmed <sup>a</sup>	352	5	16	<1	9	1	302	20	20	1	20	1	2	2	2
Decision varied <sup>a</sup>	787	11	39	2	70	10	54	4	597	33	54	33	24	29	29
Decision set aside <sup>a</sup>	1,520	21	392	18	173	25	521	34	298	17	298	17	18	22	22
Dismissed by consent <sup>b</sup>	98	1	17	<1	2	<1	14	<1	52	3	14	3	1	1	1
Dismissed by operation of law <sup>c</sup>	368	5	368	17	N/A	–	N/A	–	N/A	–	N/A	–	N/A	–	–
Withdrawn by applicant	1,960	27	555	26	249	36	401	26	453	25	401	25	23	28	28
<b>Subtotal</b>	<b>5,085</b>	<b>71</b>	<b>1,387</b>	<b>65</b>	<b>503</b>	<b>73</b>	<b>1,292</b>	<b>84</b>	<b>1,420</b>	<b>79</b>	<b>1,420</b>	<b>79</b>	<b>68</b>	<b>82</b>	<b>82</b>
<b>By decision</b>															
Decision affirmed <sup>d</sup>	907	13	363	17	115	17	150	10	104	6	150	10	11	13	13
Decision varied <sup>d</sup>	96	1	19	<1	6	<1	12	<1	44	2	12	<1	1	1	1
Decision set aside <sup>d</sup>	390	5	136	6	58	8	69	4	42	2	69	4	1	1	1
<b>Subtotal</b>	<b>1,393</b>	<b>19</b>	<b>518</b>	<b>24</b>	<b>179</b>	<b>26</b>	<b>231</b>	<b>15</b>	<b>190</b>	<b>11</b>	<b>231</b>	<b>15</b>	<b>13</b>	<b>16</b>	<b>16</b>
<b>Other</b>															
Dismissed by Tribunal <sup>e</sup>	335	5	148	7	3	<1	10	<1	141	8	10	<1	2	2	2
No jurisdiction <sup>f</sup>	185	3	10	<1	0	–	0	–	26	1	0	–	0	–	–
Extension of time refused	66	<1	46	2	2	<1	1	<1	1	<1	1	<1	0	–	–
No application fee paid	67	<1	0	–	0	–	0	–	19	1	0	–	0	–	–
Other <sup>d</sup>	50	<1	19	<1	1	<1	6	<1	4	<1	6	<1	0	–	–
<b>Subtotal</b>	<b>703</b>	<b>10</b>	<b>223</b>	<b>10</b>	<b>6</b>	<b>&lt;1</b>	<b>17</b>	<b>1</b>	<b>191</b>	<b>11</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>TOTAL<sup>h</sup></b>	<b>7,181</b>	<b>100</b>	<b>2,128</b>	<b>100</b>	<b>688</b>	<b>100</b>	<b>1,540</b>	<b>100</b>	<b>1,801</b>	<b>100</b>	<b>1,801</b>	<b>100</b>	<b>83</b>	<b>100</b>	<b>100</b>

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 Administrative Appeals Tribunal Act) or at any other stage of review proceedings (section 42C).

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

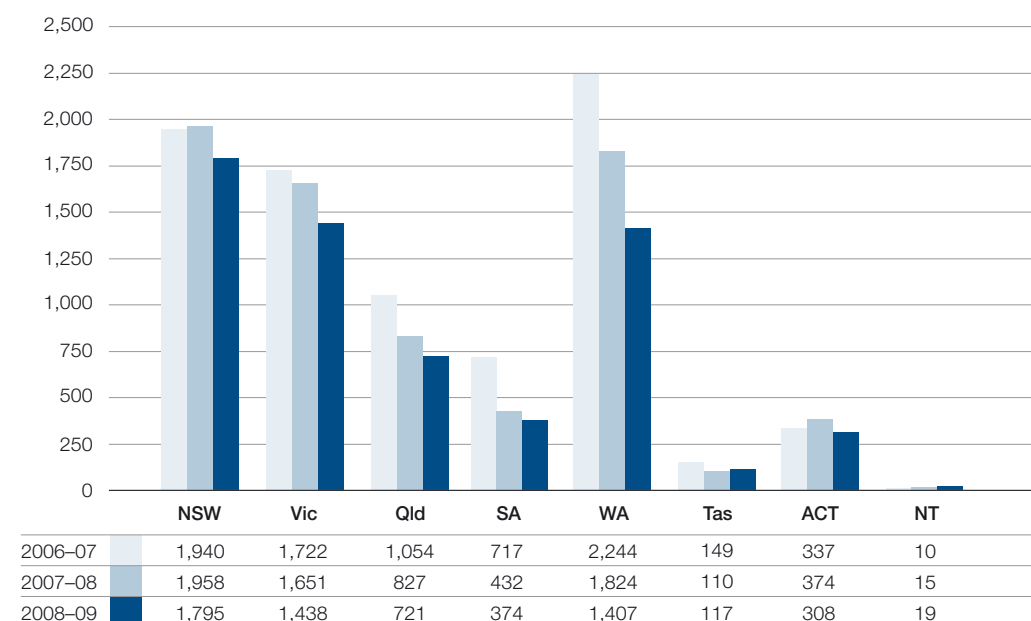
d Applications finalised by a decision of the Tribunal under section 43 of the Administrative Appeals Tribunal Act.

e Applications dismissed under subsection 42A(2) of the Administrative Appeals Tribunal Act (non-appearance at a case event), subsection 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subsection 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 subsection 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 in each registry, 30 June**Table A3.7** Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2007-08	2008-09
Conferences	9,668	8,886
Case appraisals	10	8
Conciliations	504	529
Mediations	56	55
Neutral evaluations	24	49
Interlocutory hearings <sup>a</sup>	470	613
Hearings	1,413	1,300

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	2007-08		2008-09	
	No.	%	No.	%
Judge alone	7	<1	1	<1
Judge with 1 other member	7	<1	10	<1
Judge with 2 other members	3	<1	2	<1
Deputy President alone	158	11	186	14
Deputy President with 1 other member	53	4	51	4
Deputy President with 2 other members	5	<1	3	<1
Senior Member alone	651	46	578	44
Senior Member with 1 other member	131	9	145	11
Senior Member with 2 other members	6	<1	2	<1
Member alone	358	25	290	22
Two Members	33	2	32	2
Three Members	1	<1	0	-
<b>TOTAL<sup>a</sup></b>	<b>1,413</b>	<b>100</b>	<b>1,300</b>	<b>100</b>
Total multi-member tribunals	239	17	245	19

a Percentages do not total 100% due to rounding.

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

Jurisdiction	2006-07		2007-08		2008-09	
	Section 44 <sup>a</sup>	Other <sup>b</sup>	Section 44 <sup>a</sup>	Other <sup>b</sup>	Section 44 <sup>a</sup>	Other <sup>b</sup>
Social security	39	0	25	0	20	1
Veterans' affairs	24	0	24	2	16	1
Workers' compensation	21	1	15	0	16	1
Taxation						
Taxation Appeals Division	18	0	25	2	13	1
Small Taxation Claims Tribunal	0	0	0	0	2	0
Other	25	6	32	17	28	11
<b>TOTAL</b>	<b>127</b>	<b>7</b>	<b>121</b>	<b>21</b>	<b>95</b>	<b>15</b>

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 the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* or section 75(v) of the Constitution.

**Table A3.10** Appeals against decisions of the Tribunal — outcomes of appeals determined<sup>a</sup>

Outcome	2006-07		2007-08 <sup>b</sup>		2008-09	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	52	3	50	4	32	4
Dismissed	59	7	67	11	55	12
Discontinued	26	1	25	2	19	–
<b>TOTAL</b>	<b>137</b>	<b>11</b>	<b>142</b>	<b>17</b>	<b>106</b>	<b>16</b>

a Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court in relation to an appeal has been appealed further, only the ultimate result is counted for the purpose of these statistics.

b Please note that the figures for 2007-08 differ from those given in the 2007-08 Annual Report. An audit revealed that a number of records had not been included or had been incorrectly classified in the figures for that reporting year.

During the reporting year, nine appeals (compared with eight in 2007-08) under section 44 of the Administrative Appeals Tribunal Act were finally determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the Administrative Appeals Tribunal Act.

**Table A3.11** Appeals against decisions of the Tribunal — outcomes of appeals determined, by jurisdiction

Outcome	2006-07		2007-08 <sup>a</sup>		2008-09	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>Social security</b>						
Allowed/Remitted	7	0	6	0	6	0
Dismissed	14	0	19	0	14	0
Discontinued	10	0	5	0	4	0
<b>Subtotal</b>	<b>31</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>24</b>	<b>0</b>
<b>Veterans' affairs</b>						
Allowed/Remitted	14	0	13	0	8	0
Dismissed	9	0	9	1	14	0
Discontinued	3	0	2	0	1	0
<b>Subtotal</b>	<b>26</b>	<b>0</b>	<b>24</b>	<b>1</b>	<b>23</b>	<b>0</b>
<b>Workers' compensation</b>						
Allowed/Remitted	10	1	11	0	8	0
Dismissed	10	1	10	2	2	1
Discontinued	2	0	4	0	6	0
<b>Subtotal</b>	<b>22</b>	<b>2</b>	<b>25</b>	<b>2</b>	<b>16</b>	<b>1</b>

Outcome	2006-07		2007-08 <sup>a</sup>		2008-09	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>Taxation</b>						
<b>Taxation Appeals Division</b>						
Allowed/Remitted	9	0	11	0	2	0
Dismissed	6	0	12	0	7	1
Discontinued	5	0	6	1	2	0
<b>Subtotal</b>	<b>20</b>	<b>0</b>	<b>29</b>	<b>1</b>	<b>11</b>	<b>1</b>
<b>Small Taxation Claims Tribunal</b>						
Allowed/Remitted	0	0	0	0	0	0
Dismissed	3	0	0	0	1	0
Discontinued	0	0	0	0	0	0
<b>Subtotal</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Subtotal</b>	<b>23</b>	<b>0</b>	<b>29</b>	<b>1</b>	<b>12</b>	<b>1</b>
<b>Other</b>						
Allowed/Remitted	12	2	9	4	8	4
Dismissed	17	6	17	8	17	10
Discontinued	6	1	8	1	6	0
<b>Subtotal</b>	<b>35</b>	<b>9</b>	<b>34</b>	<b>13</b>	<b>31</b>	<b>14</b>
<b>TOTAL</b>	<b>137</b>	<b>11</b>	<b>142</b>	<b>17</b>	<b>106</b>	<b>16</b>

a Please note that the figures for 2007-08 differ from those given in the 2007-08 Annual Report. An audit revealed that a number of records had not been included or had been incorrectly classified in the figures for that reporting year.