The image features a complex geometric layout. A vertical column of diagonal hatching runs down the center. A horizontal bar of dark blue crosses this column. The text 'CHAPTER 3' is centered in white on the dark blue bar. Below the bar, the text 'OUR PERFORMANCE' is centered in white on a light blue background. A small dark blue square is positioned to the left of the hatching column.

CHAPTER 3

OUR PERFORMANCE

The following data illustrates the workload of the Tribunal, variations between jurisdictions in recent years, and a measure of the Tribunal's performance in meeting its outcome and outputs.

WORKLOAD OVERVIEW

The Tribunal received 6,226 applications and finalised 7,231 applications in 2008–09. There were 6,179 applications current at 30 June 2009, 14 per cent fewer than were on hand at the end of 2007–08.

Overall, the volume of applications lodged and finalised during the reporting year was similar to 2007–08. Variations occurred, however, in particular areas of the Tribunal's work. These changes are discussed in more detail below.

Chart 3.1 shows the numbers of applications lodged and finalised in the three most recent reporting years, as well as the number of applications current at 30 June in each of those years.

Workload by jurisdiction

Chart 3.2 shows the number of lodgements and finalisations in 2008–09, and the number of current matters at 30 June 2009, for each of the Tribunal's major jurisdictions.

Applications for review of family assistance and social security decisions were the most common type of application lodged with the Tribunal, constituting 36 per cent of all lodgements. Applications in relation to workers' compensation and taxation were the next most common types, comprising 20 per cent and 19 per cent of total lodgements respectively.

The Tribunal finalised more applications than were lodged in 2008–09 in most jurisdictions, which has led to the overall reduction in matters on hand at year-end. The taxation jurisdiction has the greatest number of current matters, a legacy of the large volume of applications lodged in earlier years and, in particular, applications relating to tax schemes.

See Appendix 3 for more detailed information on the types of applications lodged and finalised, and the outcomes of matters finalised during the reporting year.

The following section examines trends in lodgements, finalisations and current matters in each of the Tribunal's major jurisdictions.

Social security

The number of applications lodged, finalised and current at 30 June in the Tribunal's social security jurisdiction in the three most recent reporting years is shown in Chart 3.3.

The number of applications lodged in this jurisdiction increased by 24 per cent in 2008–09. This related primarily to a rise in the number of applications from recipients of newstart allowance about participation failures and some increase in applications from individuals concerning overpayments and debt recovery. The number of applications lodged in 2008–09 by the departments responsible for administering family assistance and social

security entitlements decreased. The Tribunal recorded 105 departmental applications, 55 per cent fewer than were lodged in 2007–08.

The number of applications finalised in the social security jurisdiction in 2008–09 was 16 per cent higher than in 2007–08, and the number of applications on hand at 30 June 2009 was eight per cent higher. These trends are consistent with the increase in the number of applications lodged in the reporting year.

Chart 3.2 Applications lodged, finalised and current in 2008–09 — by jurisdiction

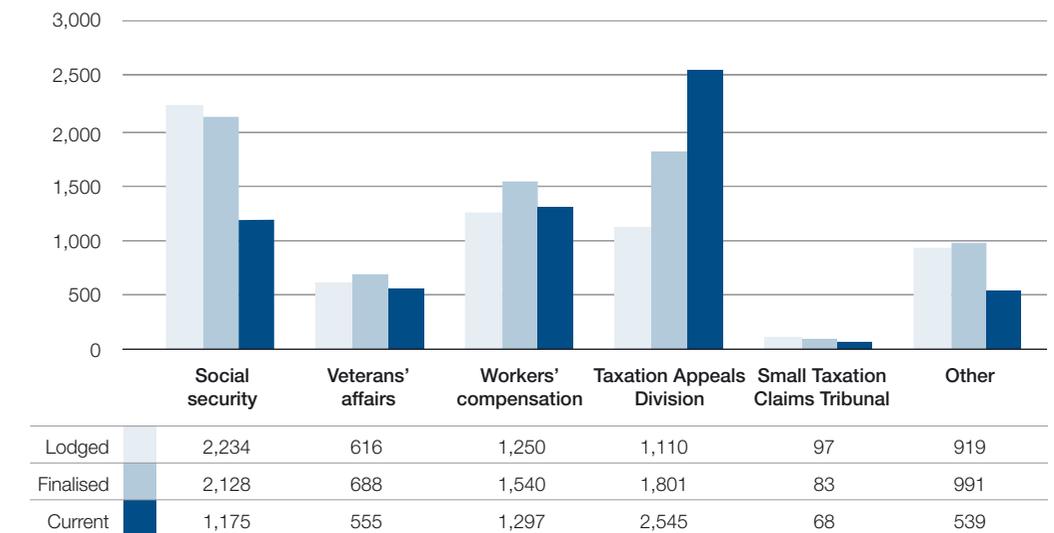


Chart 3.1 Applications lodged, finalised and current

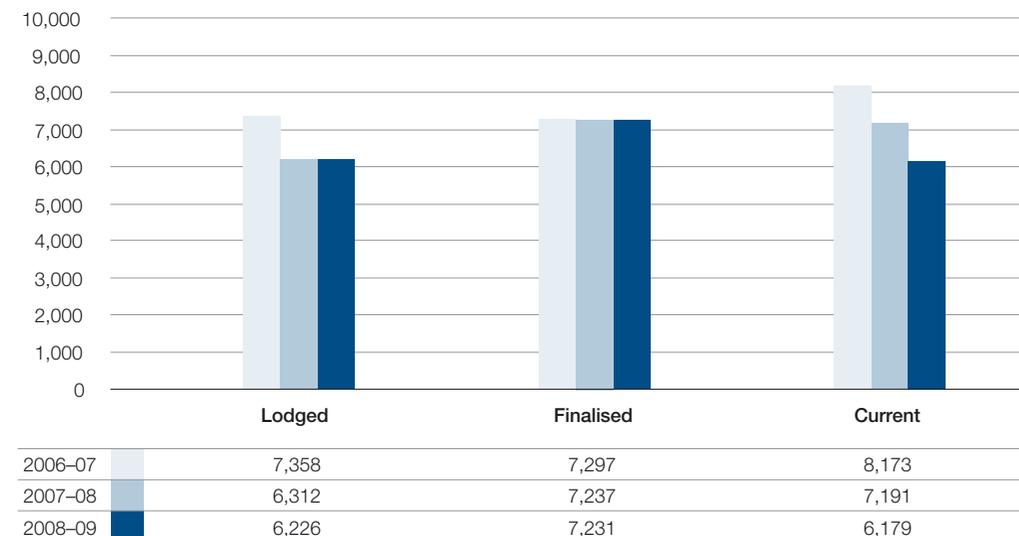
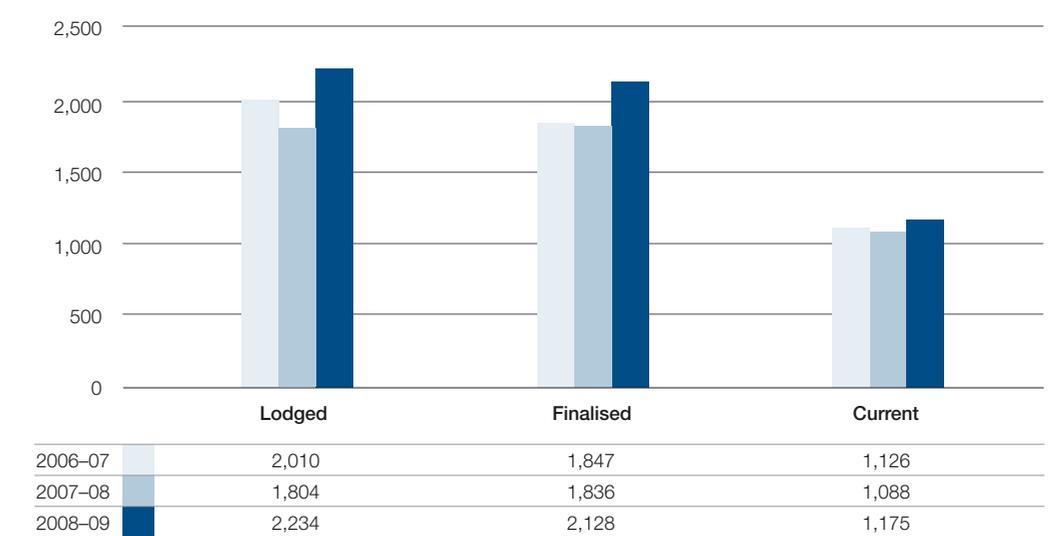


Chart 3.3 Applications lodged, finalised and current — social security



Veterans' affairs

The number of applications lodged, finalised and current at 30 June in the Tribunal's veterans' affairs jurisdiction in the three most recent reporting years is shown in Chart 3.4.

Applications lodged in the veterans' affairs jurisdiction decreased in 2008–09 by nine per cent. The number of applications under the *Veterans' Entitlements Act 1986* continues to decline over time.

There was a 15 per cent decrease in the number of applications finalised in the veterans' affairs jurisdiction in 2008–09 and a 13 per cent decrease in the number of applications on hand at 30 June 2009. This corresponds with the lower number of applications lodged in this jurisdiction in 2008–09.

Workers' compensation

The number of applications lodged, finalised and current at 30 June in the Tribunal's workers' compensation jurisdiction in the three most recent reporting years is shown in Chart 3.5.

Lodgements in the workers' compensation jurisdiction decreased by 14 per cent in 2008–09, reflecting a decline in applications for review of decisions made by Australia Post, Comcare and Telstra. Small increases were noted in the number of applications involving

corporations granted self-insurance licences more recently under the *Safety, Rehabilitation and Compensation Act 1988*. During the reporting year, the Tribunal received its first applications relating to employees of the Commonwealth Bank of Australia, TNT Australia Pty Ltd and Transpacific Industries Pty Ltd.

The number of applications finalised in the workers' compensation jurisdiction increased in 2008–09 by 21 per cent. It was noted in last year's annual report that there had been an increase in the number of older applications that remained outstanding at the end of 2007–08. These applications were subsequently finalised in 2008–09.

The 18 per cent decrease in current compensation applications is consistent with the lower number of applications lodged in this jurisdiction in 2008–09.

Taxation

The number of applications lodged, finalised and current at 30 June in the Taxation Appeals Division and the Small Taxation Claims Tribunal in the three most recent reporting years is shown in Chart 3.6.

There was a 13 per cent decrease in the number of applications lodged in the Taxation Appeals Division in 2008–09.

Fewer applications were received in relation to most types of tax decisions, including applications relating to tax schemes. The number of applications lodged in the Small Taxation Claims Tribunal was similar to that in 2007–08.

The Tribunal continued to finalise a significant number of applications in the Taxation Appeals Division in 2008–09, although 17 per cent fewer than in 2007–08. There was also

a 28 per cent decrease in the number of applications finalised in the Small Taxation Claims Tribunal. These trends are consistent with the lower number of lodgements relating to taxation decisions in recent years.

The number of applications on hand in the Taxation Appeals Division at 30 June 2009 was 21 per cent lower than at the end of the previous reporting period. Fifty per cent of these are applications relating to tax schemes,

Chart 3.4 Applications lodged, finalised and current — veterans' affairs

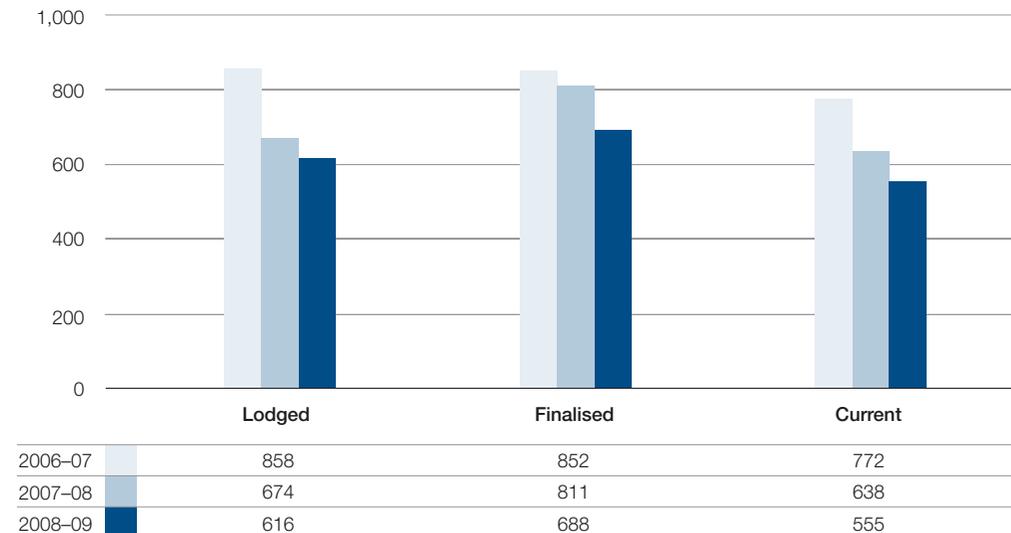


Chart 3.5 Applications lodged, finalised and current — workers' compensation

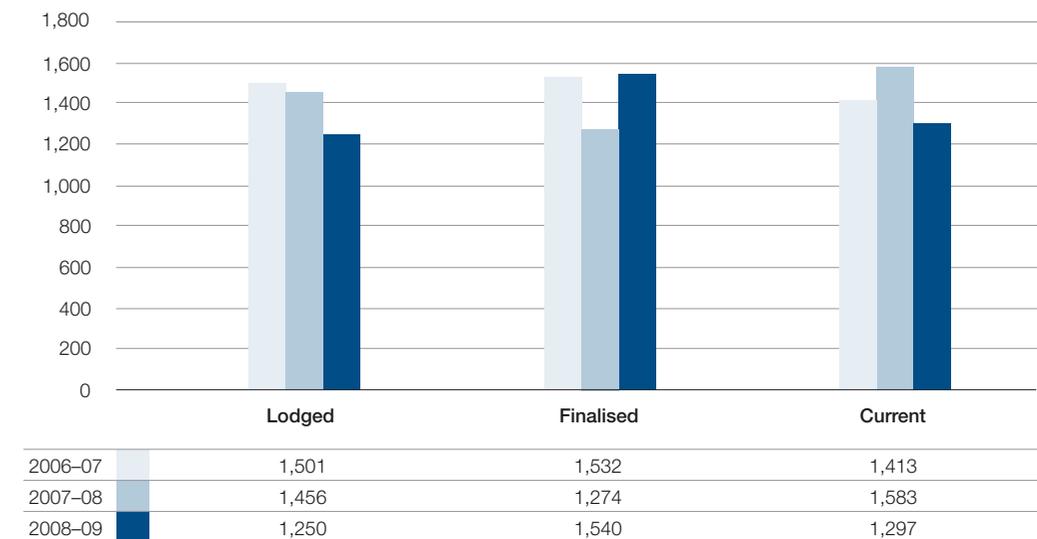
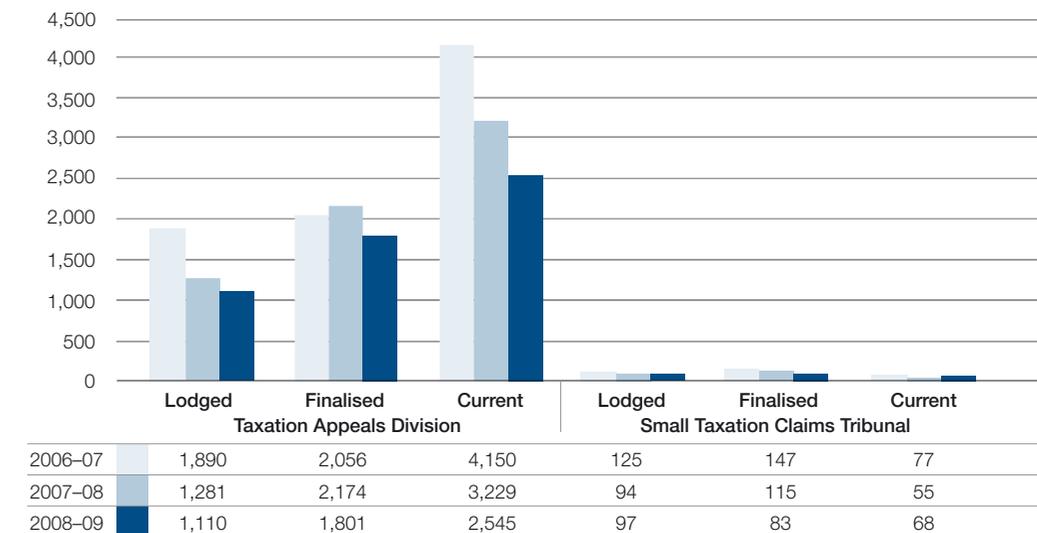


Chart 3.6 Applications lodged, finalised and current — taxation



a further 79 per cent of which relate to two particular schemes. The Tribunal has a case management strategy in place for dealing with these applications and anticipates that the majority will be finalised in 2009–10.

There was a small increase in the number of applications on hand in the Small Taxation Claims Tribunal.

PERFORMANCE

Outcome and outputs structure

The Tribunal has one outcome specified in the 2008–09 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 — Completed review of decisions

Output 1.1.1 — Applications finalised without a hearing

Output 1.1.2 — Applications finalised with a hearing

See Appendix 4 for the summary table showing total resources for the Tribunal compared with the total payments made during 2008–09. The appendix also includes a summary table showing the total resources for the Tribunal's outcome.

Performance measures and results

Table 3.7 sets out the performance measures for the Tribunal's outcome, and Table 3.8 shows the actual performance

Table 3.7 Performance standards 2008–09

Output description	Performance measure	
Output Group 1 — Completed reviews of decisions		
Output 1.1.1 — Applications finalised without a hearing	<i>Quality:</i>	85% of matters have first conference within 13 weeks
	<i>Quantity:</i>	5,218 finalisations ^a
	<i>Price:</i>	\$2,819 per completed application ^a
Output 1.1.2 — Applications finalised with a hearing	<i>Quality:</i>	85% of matters to hearing within 40 weeks
	<i>Quantity:</i>	1,476 finalisations ^a
	<i>Price:</i>	\$13,281 per completed application ^a

a Projection for 2008–09; see Table 3.8 for actual figures.

Table 3.8 Performance results 2008–09

Output description	Performance result	
Output Group 1 — Completed reviews of decisions		
Output 1.1.1 — Applications finalised without a hearing	<i>Quality:</i>	88% of matters had first conference within 13 weeks
	<i>Quantity:</i>	5,838 finalisations
	<i>Price:</i>	\$2,533 per completed application
Output 1.1.2 — Applications finalised with a hearing	<i>Quality:</i>	46% of matters to hearing within 40 weeks
	<i>Quantity:</i>	1,393 finalisations
	<i>Price:</i>	\$13,291 per completed application

against the performance measures for applications finalised, including the cost per finalised application.

The number of applications finalised by the Tribunal without a hearing was above the budget projections for 2008–09. 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 in Table 3.7 and the Tribunal's own targets follows.

Intermediate time standards

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

- time taken by the decision-maker to lodge the documents required under section 37 of the Administrative Appeals Tribunal Act (Section 37 Documents)
- time taken to hold a first conference
- time taken to hold a hearing, and
- time taken to deliver a decision following the last day of hearing or the date of receipt of further material after a hearing.

The first step 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 3.9 shows the extent to which these intermediate time standards were met in 2008–09 and the two previous reporting periods.

The proportion of Section 37 Documents lodged within the Tribunal's time standard improved marginally in 2008–09. Particular improvements were noted in relation to general taxation applications and in the veterans' affairs jurisdiction.

Eighty-eight per cent of first conferences were held within 13 weeks of lodgement, the same as in 2007–08. The Tribunal exceeded the performance standard in the Portfolio Budget Statements by three per cent. The standard was met in all of the Tribunal's major jurisdictions.

The proportion of applications in which a hearing was held within 40 weeks of lodgement was three per cent lower in 2008–09 than in 2007–08. The result was affected by the large number of hearings in older taxation applications. When these applications in the Taxation Appeals Division are excluded, 53 per cent of hearings were held within 40 weeks of lodgement. Timeliness of hearings improved in the social security and veterans' affairs jurisdictions, but the overall result remains lower than the standard of 85 per cent in the Portfolio Budget Statements.

Table 3.9 Performance against intermediate time standards

Step	Time standard (days)	2006–07 %	2007–08 %	2008–09 %
Receipt of Section 37 Documents after notifying decision-maker of application	35	80	82	85 ^a
Receipt of application to first conference	91	81	88	88
Receipt of application to first day of hearing	280	50	49	46
Last day of hearing or date of receipt of further material to delivery of decision	60	73	70	73

a This figure excludes applications relating to tax schemes. For many applications relating to tax schemes, the Tribunal agreed to extend the time for lodging the Section 37 Documents until they were ready to proceed.

As Table 3.8 makes 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.



A hearing offers the parties to a review an opportunity to present their case to the Tribunal.

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 or 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, the decision of a court in a test case, or in criminal proceedings. 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 three per cent improvement in the proportion of decisions delivered within 60 days of the last day of hearing or the receipt of further submissions or other material.

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 2008–09 and in the previous two years is set out in Table 3.10.

Overall, the Tribunal's timeliness improved slightly from 2007–08, with 62 per cent of all applications finalised during the reporting period within 12 months of lodgement. As noted below, this overall result is affected by the finalisation of a large number of older taxation applications. When applications

Table 3.10 Percentage of applications finalised within 12 months

Jurisdiction	Target %	2006–07 %	2007–08 %	2008–09 %
All applications	—	67	61	62
Social security	90	91	84	88
Veterans' affairs	80	67	62	65
Workers' compensation	75	62	60	53
Taxation Appeals Division	75	42	31	29

dealt with in the Taxation Appeals Division are excluded from the overall figures, 73 per cent of applications were finalised within 12 months and 88 per cent within 18 months of lodgement during 2008–09.

The proportion of applications finalised within 12 months improved in two of the Tribunal's major jurisdictions in 2008–09. In the social security jurisdiction, the Tribunal was within two per cent of the 90 per cent target. Sixty-one per cent of all applications were finalised within six months of lodgement and 96 per cent were finalised within 18 months.

Timeliness also improved marginally in the veterans' affairs jurisdiction. The proportion of matters finalised within 12 months was three per cent higher than in 2007–08.

The proportion of applications finalised within 18 months of lodgement was 82 per cent.

The proportion of applications finalised within 12 months of lodgement has decreased in the Tribunal's other major jurisdictions. In the workers' compensation area, the result for 2008–09 was seven per cent lower than for 2007–08. Seventy-seven per cent of applications were finalised within 18 months of lodgement.

In relation to the Taxation Appeals Division, a substantial proportion of the applications finalised in 2008–09 were lodged before 1 July 2007. The number of lodgements in the Taxation Appeals Division in 2004–05, 2005–06 and 2006–07 was significantly higher than in earlier years and included a large number of applications relating to tax schemes. There was a small decrease in the proportion of applications finalised within 12 months of lodgement.

The Tribunal notes that, as discussed earlier, the reasons why it may not hold a hearing within 40 weeks of an application being lodged

are also relevant when explaining why it may not finalise an 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 3.11 shows that the proportion of applications finalised within this timeframe increased slightly in 2008–09.

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.

The Tribunal has in place a number of initiatives aimed generally 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 tax scheme matters on a national level.

The Tribunal will 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. The focus in 2009–10 will be on improving the timeliness of the review process in the workers' compensation jurisdiction.

Table 3.11 Percentage of Small Taxation Claims Tribunal applications finalised within 84 days

	2006–07 %	2007–08 %	2008–09 %
Small Taxation Claims Tribunal	22	17	18

EXTERNAL SCRUTINY

Tribunal decisions may be appealed to the courts. 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 most final decisions of the Tribunal pursuant to section 44 of the Administrative Appeals Tribunal Act. 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 also 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 2008–09, 95 appeals made pursuant to section 44 of the Administrative Appeals Tribunal Act were lodged with the Federal Court.¹ There were 15 applications for judicial review made under other enactments, 10 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, 106 appeals lodged under section 44 of the Administrative Appeals Tribunal Act and 16 applications for judicial review under other enactments were finally determined. The Tribunal's decision was set

¹ 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.

aside in 36 cases. This constitutes 30 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 offer more information on appeals determined during the reporting year and their outcomes.

During the reporting year, there were no judicial decisions or decisions of other tribunals that had, or may have had, a significant impact on the operations of the Tribunal.

Freedom of information

The Tribunal received five requests for access to documents under the Freedom of Information Act in 2008–09. In relation to two of the requests, the Tribunal determined that the documents requested did not exist. One request was granted in full and another request was granted in part. In relation to the final request the Tribunal determined that a charge was associated with the granting of the request and notified the applicant of the preliminary assessment of the charge. That request remained outstanding at the end of the reporting period.

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 is at Appendix 8.

Ombudsman

During 2008–09, the Commonwealth Ombudsman received 26 approaches concerning the Tribunal. This was six fewer than in the previous reporting year, a 19 per cent decrease.

The Commonwealth Ombudsman closed 26 approaches, covering 26 issues, relating to the Tribunal. Of these, five (19 per cent) covering five issues were investigated. The Ombudsman made one finding of administrative deficiency in relation to one investigation.

Complaints to other bodies

One complaint was made to the Privacy Commission during 2008–09. The Privacy Commission decided that the complainant's privacy had not been interfered with and the Tribunal took steps to resolve the complaint directly with the complainant.

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. Information on the extent of the Tribunal's compliance with the service standards (where information is available) is in Table 3.12. Information on the number and nature of complaints made to the Tribunal follows.

Complaints to the Tribunal

The Tribunal's Service Charter sets out how a person may make a complaint to the Tribunal about its service, and the standards for responding to complaints. Complaints may be made verbally or in writing.

When 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, and to complaints submitted in a language other than English within 30 working days. If more 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. When appropriate, a complaint will result in an apology or a change to practice and procedure.

During 2008–09, the Tribunal received written complaints from 23 individuals. The

total number of complaints was 24, as one complainant made two separate complaints. One complaint remained outstanding at the end of the reporting period. The issues raised in the complaints related to:

• conduct of members of the Tribunal	7
• general procedural issues	5
• complaints about Tribunal decisions	4
• conduct of conferences	4
• complaints about other parties to Tribunal proceedings, and	3
• complaints about the timeliness of the progress of an application	1

There were no complaints about the timeliness of the making of Tribunal decisions after a hearing.

In all but four of the 23 complaints finalised in 2008–09, the Tribunal provided an initial response within the 20-day period. The average number of days from complaint to final response was approximately 14 working days. The longest period of time taken to investigate and respond to a complaint was 60 days.

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



Table 3.12 Service standards

Commitment	Result for 2008-09
We will treat you with respect and courtesy	
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal users rated the following service attributes positively in the satisfaction survey conducted in 2008: <ul style="list-style-type: none"> – courtesy of staff – staff explained things clearly, and – Conference Registrars and members clearly explained what would happen at conferences and hearings.
We will make ourselves accessible	
Country residents can contact us on our national telephone number for the cost of a local call.	The Tribunal's national toll-free telephone number was available throughout the year.
People who are deaf or have a hearing or speech impairment can contact the Tribunal.	The Tribunal enhanced its capacity to communicate with users who have a hearing or speech impairment. The Tribunal engaged the National Relay Service to provide a range of call options, including a TTY service.
Wheelchair access and hearing induction loops will be available at each office.	All Tribunal premises are wheelchair-accessible. Induction loops are available at each of the Tribunal's registries.
Hearings will be held in capital cities and in country centres.	The Tribunal conducted 145 hearings, 39 conferences and eight conciliations in locations outside capital cities.
Where appropriate you may participate in a hearing by telephone or video-link.	The Tribunal conducted the following number of listings by telephone: <ul style="list-style-type: none"> • conferences — 7,124 • other ADR processes — 4 • directions hearings — 1,549 • interlocutory hearings — 261 • hearings — 45
If you need an interpreter, we will provide one free of charge.	There were no instances when the Tribunal was unable to arrange for an interpreter to participate in an alternative dispute resolution process or hearing where needed.
If you are self-represented we will help you understand AAT procedures through our Outreach program. Outreach officers will contact self-represented parties by telephone within 4-6 weeks of an application being lodged.	Data relating to the conduct of Outreach with some 1,000 parties shows that the average time from lodgement of an application to Outreach was 27 days.
We will deal with you fairly	
Applicants, respondents and/or their representatives will have a reasonable opportunity to present their cases.	In the satisfaction survey conducted in 2008, Tribunal users rated positively the opportunity they or their representatives were given to present their case.
A private conference will usually be held within 6-10 weeks after receipt of an application.	72 per cent of applications had a first conference within 10 weeks of lodgement, two per cent higher than in 2007-08.
We will operate in an efficient manner	
If a decision was not given orally at a hearing, written decisions will usually be provided within two months.	As noted in Table 3.9, 73 per cent of decisions were delivered within 60 days of the last day of hearing or the receipt of further submissions or other material.

ADDITIONAL FUNCTIONS CONFERRED ON TRIBUNAL MEMBERS

As well as performing their role under the Administrative Appeals Tribunal Act, Tribunal members may exercise powers under a range of other Acts.

Warrants, controlled operations and other functions

All Deputy Presidents and full-time Senior Members, and any part-time Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be nominated to:

- issue telecommunications interception warrants and stored communications warrants under the *Telecommunications (Interception and Access) Act 1979*
- issue warrants and exercise related powers under the *Surveillance Devices Act 2004*, and
- review certificates that authorise controlled operations under the *Crimes Act 1914*.

The President and all Deputy Presidents, and any Senior Member who has been enrolled as a legal practitioner for at least five years, may be nominated to make orders allowing information given to the Inspector of Transport Security to be disclosed to another government agency under the *Inspector of Transport Security Act 2006*.

The President and all Deputy Presidents are eligible to be appointed as issuing authorities for making continued preventative detention orders under the Criminal Code.

All members of the Tribunal are authorised to exercise a range of powers monitoring overseas students' compliance with visa conditions under the *Education Services for Overseas Students Act 2000* and the *Migration Act 1958*.

Table 3.13 sets out the number of occasions on which Tribunal members considered applications under any of these Acts in the three most recent reporting years.

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, out-of-hours appointments were arranged on 55 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

All presidential members of the Tribunal, and any Senior Member or Member who has been enrolled as a legal practitioner for at least five years, may be appointed as an approved examiner under the *Proceeds of Crime Act 2002*. Approved examiners are authorised to issue examination notices at the request of the Commonwealth Director of Public Prosecutions and oversee compulsory examinations in connection with confiscation proceedings. See Table 3.14 for the number of examination sessions conducted by Tribunal members in the past three reporting years.

Table 3.13 Applications relating to warrants, controlled operations and other functions considered by Tribunal members

	2006-07	2007-08	2008-09
Number of occasions on which applications considered	1,864	1,946	1,877

Table 3.14 Examinations held under the *Proceeds of Crime Act 2002*

	2006-07	2007-08	2008-09
Number of examination sessions held	34	26	24

