

APPENDIX 3: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

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This statistical information on different aspects of the Tribunal's workload for 2009–10 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 2009–10. Information for the Tribunal's major jurisdictions is followed by information on other applications grouped by Australian Government portfolio.

Table A3.1 Applications lodged and applications finalised in 2009–10

	Applications lodged		Applications finalised	
	No	%	No	%
APPLICATIONS FOR REVIEW OF A DECISION – MAJOR JURISDICTIONS				
Social security				
Age pension/Pension bonus scheme	205		207	
Austudy payment	19		19	
Baby bonus	24		24	
Carer allowance and carer payment	62		79	
Compensation preclusion period	74		67	
Disability support pension	567		580	
Disaster recovery payment	5		6	
Economic security strategy payment	38		76	
Family tax benefit	110		96	
Farm household support	3		10	
Newstart Allowance	262		384	
Overpayments and debt recovery	506		568	
Parenting payment	63		66	
Pensioner education supplement	11		9	
Rent assistance	22		20	
Special benefit	5		8	
Youth allowance	40		39	
Other	61		64	
Subtotal	2,077	36	2,322	31
Veterans' affairs				
<i>Military Rehabilitation and Compensation Act 2004</i>	23		32	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	285		391	
Service pension/Income support supplement/ Pension bonus	83		53	
Widows pension	91		132	
Other	9		12	
Subtotal	491	8	620	8

	Applications lodged		Applications finalised	
	No	%	No	%
Workers' compensation				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Australian Postal Corporation	179		269	
Comcare	511		634	
Commonwealth Bank of Australia	21		10	
Linfox Armaguard Pty Limited/ Linfox Australia Pty Limited	50		57	
Military Rehabilitation and Compensation Commission	135		191	
National Australia Bank Limited	34		26	
Optus Administration Pty Limited	12		25	
Telstra Corporation Limited	144		143	
Other decision-makers	92		38	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>				
	48		51	
Subtotal	1,226	21	1,444	19
TAXATION				
Taxation Appeals Division				
Australian Business Number	1		2	
Fringe benefits tax	19		19	
Goods and services tax	99		109	
Income tax (other than tax schemes)	712		644	
Income tax (tax schemes)	34		1,109	
Self-managed superannuation fund regulation	16		0	
Superannuation guarantee charge	16		28	
Taxation administration	13		9	
Other	84		88	
Subtotal	994	17	2,008	27
Small Taxation Claims Tribunal				
Fringe benefits tax	0		0	
Goods and services tax	2		2	
Income tax (other than tax schemes)	27		34	
Income tax (tax schemes)	0		1	
Refusal of extension of time to lodge objection	14		20	
Release from taxation liabilities	9		34	

	Applications lodged		Applications finalised	
	No	%	No	%
Superannuation guarantee charge	4		7	
Other	3		0	
Subtotal	59	1	98	1
Subtotal	1,053	18	2,106	28
SUBTOTAL for major jurisdictions	4,847	84	6,492	87

APPLICATIONS FOR REVIEW OF A DECISION – BY PORTFOLIO

Agriculture, Fisheries and Forestry

Agricultural and veterinary chemicals	1		1	
Subtotal	1	<1	1	<1

Attorney-General's

Background checking	7		6	
Bankruptcy	26		22	
Customs	32		45	
Human rights	1		0	
Marriage celebrants	5		1	
Waiver of fees in courts	2		1	
Subtotal	73	1	75	1

Broadband, Communications and the Digital Economy

Communications and media	1		4	
Subtotal	1	<1	4	<1

Climate Change and Energy Efficiency

Renewable energy	2		1	
Subtotal	2	<1	1	<1

Defence

Defence Force retirement and death benefits	4		12	
Employer support payments	2		1	
Other	8		4	
Subtotal	14	<1	17	<1

Education, Employment and Workplace Relations

Child care services	2		1	
Disability services	2		2	
Education services for overseas students	1		0	

	Applications lodged		Applications finalised	
	No	%	No	%
Higher education funding	37		33	
Mutual recognition of occupations	6		7	
Occupational health and safety	1		0	
Subtotal	49	<1	43	<1
Environment, Water, Heritage and the Arts				
Environment protection and biodiversity	7		3	
Great barrier reef marine park	1		1	
Protection of movable cultural heritage	1		1	
Tax offsets for films	3		1	
Subtotal	12	<1	6	<1
Families, Housing, Community Services and Indigenous Affairs				
Aboriginal corporations	1		3	
Subtotal	1	<1	3	<1
Finance and Deregulation				
Electoral matters	3		0	
Subtotal	3	<1	0	0
Foreign Affairs and Trade				
Export market development grants	8		9	
Passports	11		8	
Subtotal	19	<1	17	<1
Health and Ageing				
Aged care	15		16	
Medicare and other health decisions	4		9	
Pharmacists	13		15	
Sports anti-doping	1		0	
Therapeutic goods	6		9	
Subtotal	39	<1	49	<1
Human Services				
Child support	70		57	
Subtotal	70	1	57	<1
Immigration and Citizenship				
Business visa cancellation	16		22	

	Applications lodged		Applications finalised	
	No	%	No	%
Citizenship	236		201	
Migration agent registration	3		3	
Protection visa cancellation or refusal	1		4	
Visa cancellation or refusal on character grounds	49		57	
Subtotal	305	5	287	4
Infrastructure, Transport, Regional Development and Local Government				
Airports	1		0	
Aviation and maritime transport security	1		4	
Civil aviation	27		14	
Maritime safety	0		1	
Motor vehicle standards	24		17	
Subtotal	53	<1	36	<1
Innovation, Industry, Science and Research				
Automotive industry	0		1	
Industry research and development	17		8	
Patents, designs and trademarks	5		3	
Textiles, clothing and footwear	0		2	
Venture capital	1		0	
Subtotal	23	<1	14	<1
Treasury				
Auditors and liquidators registration	0		3	
Corporations and financial services regulation	25		34	
Insurance and superannuation regulation	0		6	
Tax agent registration	12		16	
Subtotal	37	<1	59	<1
SUBTOTAL for portfolios	702	12	669	9

APPLICATIONS FOR REVIEW OF A DECISION – OTHER**Security Appeals**

ASIO assessments	6		0	
Decisions of National Archives of Australia relating to ASIO records	0		6	
Subtotal	6	<1	6	<1

	Applications lodged		Applications finalised	
	No	%	No	%
Whole of Government				
<i>Archives Act 1983</i>	1		1	
<i>Freedom of Information Act 1982</i>	110		139	
Subtotal	111	2	140	2
Case Management and Tribunal Decisions				
No jurisdiction/Uncertain jurisdiction	60		79	
Review of decision relating to fees	5		5	
Subtotal	65	1	84	1
SUBTOTAL for other	182	3	230	3

OTHER APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975

Application for extension of time to lodge an application for review of a decision	55		56	
Other	1		0	
Subtotal	56	<1	56	<1
TOTAL^a	5,787	100	7,447	100

a Percentages do not total 100% due to rounding.

Chart A3.2 Applications lodged, by state and territory

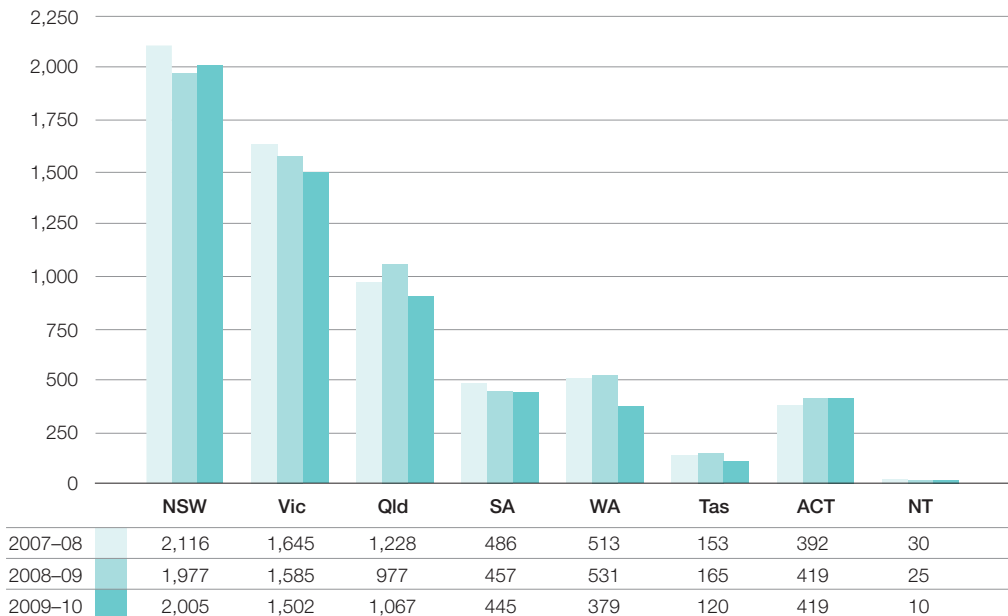
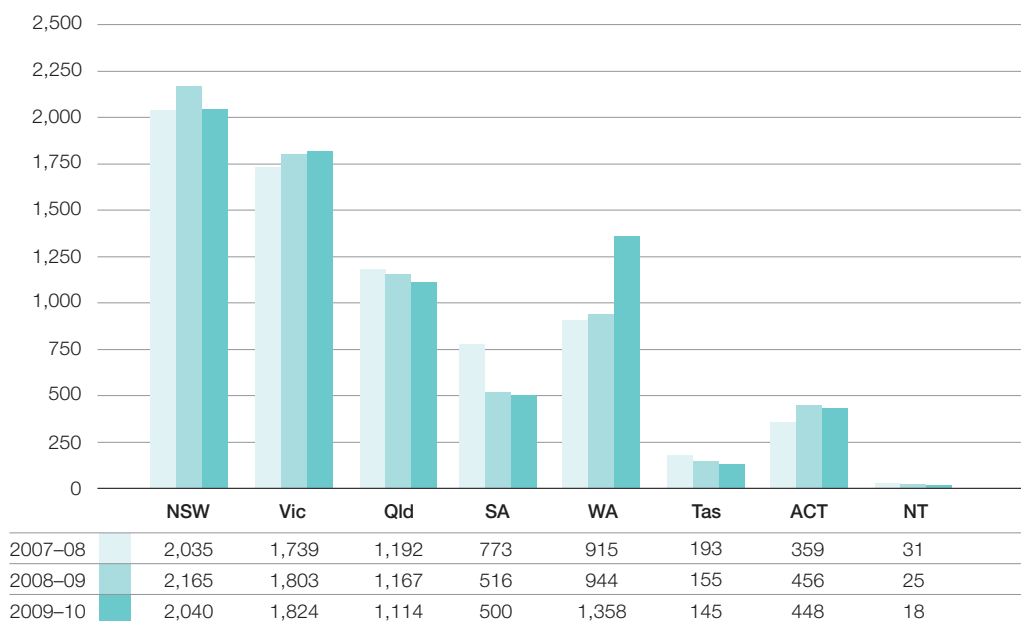


Chart A3.3 Applications finalised, by state and territory**Table A3.4** Percentage of applications finalised without a hearing^a

Jurisdiction	2007-08 %	2008-09 %	2009-10 %
All	79	81	82
Social security	70	76	77
Veterans' affairs	75	74	75
Workers' compensation	85	85	85
Taxation			
Taxation Appeals Division	91	89	92
Small Taxation Claims Tribunal	72	84	95

a Applications 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. Includes applications finalised in accordance with terms of agreement lodged by the parties (ss 34D and 42C), applications withdrawn by the applicant (subs 42A(1A)) and applications dismissed by the Tribunal (ss 42A and 42B).

Table A3.5 Outcomes of applications for review of a decision finalised in 2009-10

	All applications			Veterans' affairs			Social security			Workers' compensation			Taxation		
	No	%	No	%	No	%	No	%	No	%	Taxation Appeals Division		Small Taxation Claims Tribunal		
											No	%	No	%	
By consent or withdrawn															
Decision affirmed ^a	343	5	12	2	21	<1	288	20	11	<1	1	1	1		
Decision varied ^a	1,332	18	43	7	27	1	63	4	1,178	59	12	12			
Decision set aside ^a	1,477	20	158	25	455	20	487	34	208	10	31	32			
Dismissed by consent ^b	57	<1	3	<1	27	1	9	<1	5	<1	1	1			
Dismissed by operation of law ^c	397	5	0	-	393	17	2	<1	1	<1	0	-			
Withdrawn by applicant	1,809	24	236	38	608	26	344	24	345	17	43	44			
Subtotal	5,415	73	452	73	1,531	66	1,193	83	1,748	87	88	90			
By decision															
Decision affirmed ^d	857	12	109	18	393	17	146	10	85	4	1	1			
Decision varied ^d	106	1	4	<1	33	1	5	<1	32	2	0	-			
Decision set aside ^d	355	5	41	7	113	5	62	4	36	2	4	4			
Subtotal	1,318	18	154	25	539	23	213	15	153	8	5	5			
Other															
Dismissed by Tribunal ^e	318	4	7	1	179	8	13	<1	68	3	4	4			
No jurisdiction ^f	161	2	5	<1	22	<1	15	1	17	<1	1	1			
Extension of time refused	62	<1	1	<1	37	2	4	<1	0	-	0	-			
No application fee paid	84	1	0	-	0	-	0	-	22	1	0	-			
Other ^g	33	<1	1	<1	14	<1	6	<1	0	-	0	-			
Subtotal	658	9	14	2	252	11	38	3	107	5	5	5			
Total^h	7,391	100	620	100	2,322	100	1,444	100	2,008	100	98	100	100		

- a Applications finalised by the Tribunal in accordance with the terms of agreement reached by the parties either in the course of an alternative dispute resolution process (s 34D of the Administrative Appeals Tribunal Act) or at any stage of review proceedings (s 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 subs 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, by state and territory at 30 June

Table A3.7 Alternative dispute resolution processes, interlocutory hearings and hearings conducted by the Tribunal

Event type	2007-08	2008-09	2009-10
Conferences	9,668	8,886	8,265
Case appraisals	10	8	8
Conciliations	504	529	507
Mediations	56	55	46
Neutral evaluations	24	49	49
Interlocutory hearings ^a	470	613	497
Hearings	1,413	1,300	1,277

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		2009–10	
	No.	%	No.	%	No.	%
Judge alone	7	<1	1	<1	3	<1
Judge with 1 other member	7	<1	10	<1	4	<1
Judge with 2 other members	3	<1	2	<1	1	<1
Deputy President alone	158	11	186	14	175	14
Deputy President with 1 other member	53	4	51	4	62	5
Deputy President with 2 other members	5	<1	3	<1	9	<1
Senior Member alone	651	46	578	44	649	51
Senior Member with 1 other member	131	9	145	11	167	13
Senior Member with 2 other members	6	<1	2	<1	5	<1
Member alone	358	25	290	22	178	14
Two Members	33	2	32	2	22	2
Three Members	1	<1	0	–	2	<1
Total^a	1,413	100	1,300	100	1,277	100
Total multi-member tribunals	239	17	245	19	272	21

a Percentages do not total 100% due to rounding.

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

Jurisdiction	2007–08		2008–09		2009–10	
	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b	Section 44 ^a	Other ^b
Social security	25	0	20	1	16	0
Veterans' affairs	24	2	16	1	11	1
Workers' compensation	15	0	16	1	18	1
Taxation						
Taxation Appeals Division	25	2	13	1	17	0
Small Taxation Claims Tribunal	0	0	2	0	1	0
Other	32	17	28	11	20	17
Total	121	21	95	15	83	19

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 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 A3.10 Appeals against decisions of the Tribunal — outcomes of appeals determined^a

Outcome	2007-08 ^b		2008-09		2009-10	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	50	4	32	4	30	5
Dismissed	67	11	55	12	59	9
Discontinued	25	2	19	–	18	4
Total	142	17	106	16	107	18

a 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.

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

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

Outcome	2007-08 ^a		2008-09		2009-10	
	Section 44	Other	Section 44	Other	Section 44	Other
Social security						
Allowed/Remitted	6	0	6	0	4	0
Dismissed	19	0	14	0	19	0
Discontinued	5	0	4	0	2	1
Subtotal	30	0	24	0	25	1
Veterans' affairs						
Allowed/Remitted	13	0	8	0	7	1
Dismissed	9	1	14	0	7	0
Discontinued	2	0	1	0	1	0
Subtotal	24	1	23	0	15	1
Workers' compensation						
Allowed/Remitted	11	0	8	0	3	0
Dismissed	10	2	2	1	8	0
Discontinued	4	0	6	0	6	1
Subtotal	25	2	16	1	17	1

Outcome	2007–08 ^a		2008–09		2009–10	
	Section 44	Other	Section 44	Other	Section 44	Other
Taxation						
Taxation Appeals Division						
Allowed/Remitted	11	0	2	0	7	0
Dismissed	12	0	7	1	9	0
Discontinued	6	1	2	0	4	0
<i>Subtotal</i>	<i>29</i>	<i>1</i>	<i>11</i>	<i>1</i>	<i>20</i>	<i>0</i>
Small Taxation Claims Tribunal						
Allowed/Remitted	0	0	0	0	0	0
Dismissed	0	0	1	0	0	0
Discontinued	0	0	0	0	1	0
<i>Subtotal</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>
Subtotal	29	1	12	1	21	0
Other						
Allowed/Remitted	9	4	8	4	9	4
Dismissed	17	8	17	10	16	9
Discontinued	8	1	6	0	4	2
Subtotal	34	13	31	14	29	15
Total	142	17	106	16	107	18

a Figures for 2007–08 differ from those given in the *Administrative Appeals Tribunal Annual Report 2007–08*. An audit revealed that a number of records had not been included or had been incorrectly classified in the figures for that reporting year.