

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

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This statistical information on different aspects of the Tribunal's workload for 2010–11 includes some data for earlier years for comparative purposes.



**Table A3.1** Applications lodged and applications finalised, 2010–11

Applications lodged with, and applications finalised by, the Tribunal in 2010–11 are divided into four groups, and then into areas. The four groupings are: major Tribunal jurisdictions; Australian Government portfolio; other – Government areas; and other – Administrative Appeals Tribunal Act.

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
<b>APPLICATIONS – MAJOR JURISDICTIONS</b>				
<b>SOCIAL SECURITY</b>				
Age pension/Pension bonus scheme	176		183	
Austudy payment	19		15	
Baby bonus	20		18	
Carer allowance and carer payment	79		55	
Compensation preclusion period	61		74	
Disability support pension	530		577	
Disaster recovery payment	10		2	
Family tax benefit	54		63	
Newstart allowance	136		165	
Overpayments and debt recovery	387		484	
Parenting payment	46		57	
Pensioner education supplement	3		10	
Rent assistance	19		22	
Special benefit	10		9	
Youth allowance	40		37	
Other	59		63	
<b>Subtotal</b>	<b>1,649</b>	<b>30</b>	<b>1,834</b>	<b>30</b>
<b>VETERANS' AFFAIRS</b>				
<i>Military Rehabilitation and Compensation Act 2004</i>	41		28	
<i>Veterans' Entitlements Act 1986</i>				
Disability pension	304		361	
Service pension/Income support supplement/Pension bonus	34		39	
Widows pension	87		110	
Other	13		9	
<b>Subtotal</b>	<b>479</b>	<b>9</b>	<b>547</b>	<b>9</b>
<b>WORKERS' COMPENSATION</b>				
<i>Safety, Rehabilitation and Compensation Act 1988, by decision-maker</i>				
Asciano Services	10		3	

APPENDIX 3: APPLICATIONS, OUTCOMES, LISTINGS AND APPEALS STATISTICS

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
Australian Postal Corporation	183		198	
Chubb Security Services Limited	11		16	
Comcare	388		504	
Commonwealth Bank of Australia	25		22	
CSL Limited	8		12	
Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	54		55	
Military Rehabilitation and Compensation Commission	121		163	
National Australia Bank Limited	29		37	
Optus Administration Pty Limited	6		10	
Telstra Corporation Limited	175		176	
TNT Australia Pty Ltd	27		21	
Transpacific Industries Pty Ltd	15		24	
Other decision-makers	34		32	
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	72		47	
<b>Subtotal</b>	<b>1,158</b>	<b>21</b>	<b>1,320</b>	<b>21</b>
<b>TAXATION</b>				
<b>Taxation Appeals Division</b>				
Fringe benefits tax	18		10	
Goods and services tax	97		131	
Income tax (other than tax schemes)	820		786	
Income tax (tax schemes)	0		206	
Private rulings	13		3	
Self-managed superannuation fund regulation	11		19	
Superannuation guarantee charge	26		14	
Taxation administration	12		21	
Other	113		61	
<b>Subtotal</b>	<b>1,103</b>	<b>20</b>	<b>1,251</b>	<b>20</b>
<b>SMALL TAXATION CLAIMS TRIBUNAL</b>				
Goods and services tax	3		2	
Income tax (other than tax schemes)	30		25	
Income tax (tax schemes)	0		2	
Refusal of extension of time to lodge objection	18		7	
Release from taxation liabilities	7		10	
Superannuation guarantee charge	2		0	



Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
Other	13		11	
<b>Subtotal</b>	<b>73</b>	<b>1</b>	<b>57</b>	<b>&lt; 1</b>
<b>Subtotal</b>	<b>1,176</b>	<b>22</b>	<b>1,308</b>	<b>21</b>
<b>SUBTOTAL for major jurisdictions</b>	<b>4,462</b>	<b>82</b>	<b>5,009</b>	<b>81</b>

## APPLICATIONS – BY PORTFOLIO

## AGRICULTURE, FISHERIES AND FORESTRY

Export and import control	2		2	
Fisheries	2		1	
<b>Subtotal</b>	<b>4</b>	<b>&lt; 1</b>	<b>3</b>	<b>&lt; 1</b>

## ATTORNEY-GENERAL'S

Background checking	3		6	
Bankruptcy	18		20	
Customs	29		41	
Human rights	1		1	
Marriage celebrants	7		10	
Waiver of fees in courts	2		3	
<b>Subtotal</b>	<b>60</b>	<b>1</b>	<b>81</b>	<b>1</b>

## BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Communications and media	1		1	
<b>Subtotal</b>	<b>1</b>	<b>&lt; 1</b>	<b>1</b>	<b>&lt; 1</b>

## DEFENCE

Defence Force retirement and death benefits	12		10	
Employer support payments	2		4	
Other	6		6	
<b>Subtotal</b>	<b>20</b>	<b>&lt; 1</b>	<b>20</b>	<b>&lt; 1</b>

## EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Child care services	0		1	
Education services for overseas students	0		1	
Higher education funding	22		27	
Mutual recognition of occupations	27		28	
Occupational health and safety	0		1	
<b>Subtotal</b>	<b>49</b>	<b>&lt; 1</b>	<b>58</b>	<b>&lt; 1</b>

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
<b>FINANCE AND DEREGULATION</b>				
Electoral matters	1		2	
<b>Subtotal</b>	<b>1</b>	<b>&lt; 1</b>	<b>2</b>	<b>&lt; 1</b>
<b>FOREIGN AFFAIRS AND TRADE</b>				
Export market development grants	7		10	
Passports	7		18	
<b>Subtotal</b>	<b>14</b>	<b>&lt; 1</b>	<b>28</b>	<b>&lt; 1</b>
<b>HEALTH AND AGEING</b>				
Aged care	14		16	
Food standards	1		0	
Pharmacists	21		18	
Sports anti-doping	1		2	
Therapeutic goods	8		9	
Other	7		6	
<b>Subtotal</b>	<b>52</b>	<b>&lt; 1</b>	<b>51</b>	<b>&lt; 1</b>
<b>HUMAN SERVICES</b>				
Child support	51		60	
<b>Subtotal</b>	<b>51</b>	<b>&lt; 1</b>	<b>60</b>	<b>&lt; 1</b>
<b>IMMIGRATION AND CITIZENSHIP</b>				
Business visa cancellation	2		14	
Citizenship	217		271	
Migration agent registration	6		5	
Protection visa cancellation or refusal	3		3	
Visa cancellation or refusal on character grounds	69		76	
<b>Subtotal</b>	<b>297</b>	<b>5</b>	<b>369</b>	<b>6</b>
<b>INFRASTRUCTURE AND TRANSPORT</b>				
Air navigation	1		0	
Airports	2		3	
Aviation and maritime transport security	3		3	
Civil aviation	25		37	
Maritime safety	2		1	
Motor vehicle standards	28		34	
<b>Subtotal</b>	<b>61</b>	<b>1</b>	<b>78</b>	<b>1</b>

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
<b>INNOVATION, INDUSTRY, SCIENCE AND RESEARCH</b>				
Automotive industry	0		1	
Industry research and development	0		11	
Patents, designs and trademarks	7		5	
Pooled development funds/venture capital	1		2	
Textiles, clothing and footwear	0		1	
<b>Subtotal</b>	<b>8</b>	<b>&lt; 1</b>	<b>20</b>	<b>&lt; 1</b>
<b>PRIME MINISTER AND CABINET</b>				
Protection of movable cultural heritage	1		1	
Tax offsets for films	1		2	
<b>Subtotal</b>	<b>2</b>	<b>&lt; 1</b>	<b>3</b>	<b>&lt; 1</b>
<b>REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT</b>				
Leases on national land	1		0	
<b>Subtotal</b>	<b>1</b>	<b>&lt; 1</b>	<b>0</b>	<b>0</b>
<b>SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES</b>				
Environment protection and biodiversity	1		5	
Great Barrier Reef Marine Park	1		0	
<b>Subtotal</b>	<b>2</b>	<b>&lt; 1</b>	<b>5</b>	<b>&lt; 1</b>
<b>TREASURY</b>				
Auditors and liquidators registration	1		1	
Consumer credit regulation	3		2	
Corporations and financial services regulation	28		35	
Insurance and superannuation regulation	1		1	
Tax agent registration	16		13	
<b>Subtotal</b>	<b>49</b>	<b>&lt; 1</b>	<b>52</b>	<b>&lt; 1</b>
<b>SUBTOTAL for portfolios</b>	<b>672</b>	<b>12</b>	<b>831</b>	<b>13</b>

**APPLICATIONS – OTHER, GOVERNMENT****SECURITY APPEALS**

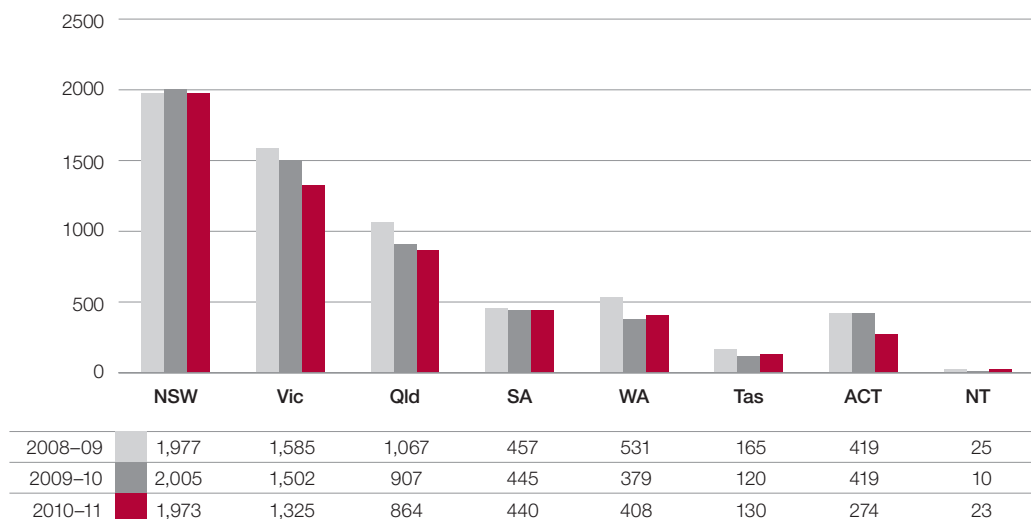
ASIO assessments	6		9	
Decisions of National Archives of Australia relating to ASIO records	0		1	
<b>Subtotal</b>	<b>6</b>	<b>&lt; 1</b>	<b>10</b>	<b>&lt; 1</b>

Group / jurisdiction–portfolio–other / area	Applications lodged		Applications finalised	
	No.	%	No.	%
<b>WHOLE OF GOVERNMENT</b>				
<i>Archives Act 1983</i>	1		1	
<i>Freedom of Information Act 1982</i>	83		109	
<b>Subtotal</b>	<b>84</b>	<b>2</b>	<b>110</b>	<b>2</b>
<b>CASE MANAGEMENT AND TRIBUNAL DECISIONS</b>				
No jurisdiction/Uncertain jurisdiction	131		140	
Review of decision relating to fees	4		3	
<b>Subtotal</b>	<b>135</b>	<b>2</b>	<b>143</b>	<b>2</b>
<b>SUBTOTAL for other</b>	<b>225</b>	<b>4</b>	<b>263</b>	<b>4</b>

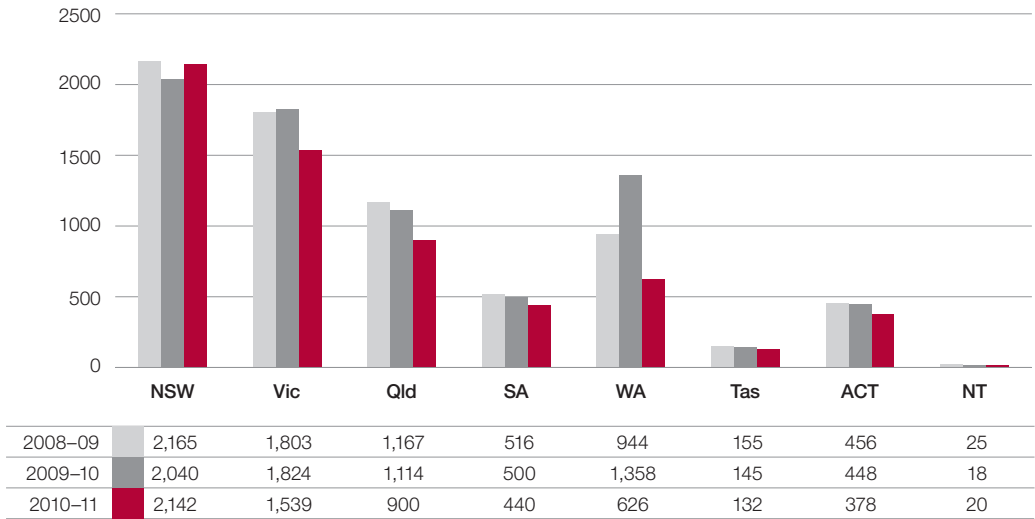
APPLICATIONS – OTHER, ADMINISTRATIVE APPEALS TRIBUNAL ACT				
Application for extension of time to lodge an application for review of a decision	78		74	
<b>Subtotal</b>	<b>78</b>	<b>1</b>	<b>74</b>	<b>1</b>
<b>TOTAL<sup>a</sup></b>	<b>5,437</b>	<b>100</b>	<b>6,177</b>	<b>100</b>

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<sup>a</sup>

Jurisdiction	2008-09 %	2009-10 %	2010-11 %
All	81	82	79
Social security	76	77	76
Veterans' affairs	74	75	73
Workers' compensation	85	85	87
Taxation			
Taxation Appeals Division	89	92	85
Small Taxation Claims Tribunal	84	95	82

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).

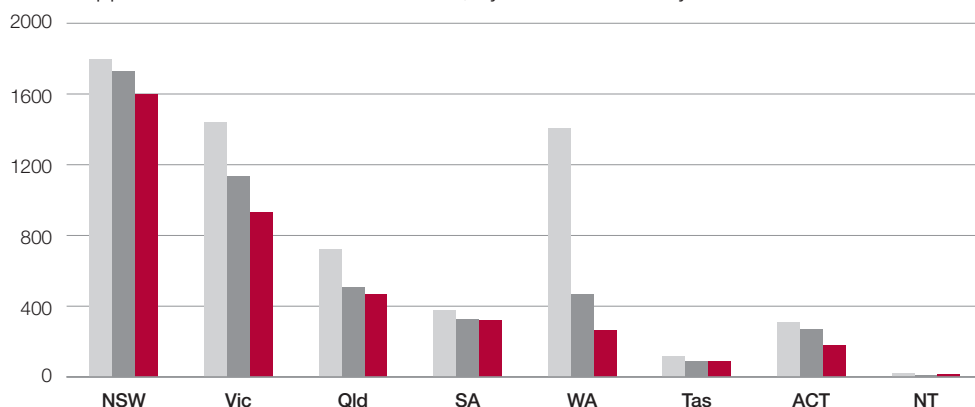


Table A3.5 Outcomes of applications for review of a decision finalised in 2010–11

	All applications		Veterans' affairs		Social security		Workers' compensation		Taxation		
	No	%	No	%	No	%	No	%	Taxation Appeals Division	Small Taxation Claims Tribunal	
By consent or withdrawn											
Decision affirmed <sup>a</sup>	371	6	5	<1	22	1	323	24	15	1	2
Decision varied <sup>a</sup>	580	10	35	6	22	1	63	5	446	36	14
Decision set aside <sup>a</sup>	1,360	22	165	30	368	20	442	33	232	19	19
Dismissed by consent <sup>b</sup>	64	1	3	<1	26	1	4	<1	16	1	0
Dismissed by operation of law <sup>c</sup>	332	5	0	–	332	18	0	–	0	–	–
Withdrawn by applicant	1,581	26	183	33	474	26	303	23	276	22	39
<b>Subtotal</b>	<b>4,288</b>	<b>70</b>	<b>391</b>	<b>71</b>	<b>1,244</b>	<b>68</b>	<b>1,135</b>	<b>86</b>	<b>985</b>	<b>79</b>	<b>42</b>
By decision											
Decision affirmed <sup>d</sup>	803	13	97	18	304	17	100	8	90	7	10
Decision varied <sup>d</sup>	72	1	5	<1	25	1	3	<1	32	3	0
Decision set aside <sup>d</sup>	400	7	43	8	115	6	64	5	68	5	0
<b>Subtotal</b>	<b>1,275</b>	<b>21</b>	<b>145</b>	<b>27</b>	<b>444</b>	<b>24</b>	<b>167</b>	<b>13</b>	<b>190</b>	<b>15</b>	<b>10</b>
Other											
Dismissed by Tribunal <sup>e</sup>	217	4	7	1	98	5	11	<1	62	5	2
No jurisdiction <sup>f</sup>	145	2	1	<1	2	<1	4	<1	1	<1	0
Extension of time refused	67	1	2	<1	34	2	2	<1	0	–	1
No application fee paid	91	1	0	–	0	–	0	–	10	<1	2
Other <sup>g</sup>	20	<1	1	<1	12	<1	1	<1	3	<1	0
<b>Subtotal</b>	<b>540</b>	<b>9</b>	<b>11</b>	<b>2</b>	<b>146</b>	<b>8</b>	<b>18</b>	<b>1</b>	<b>76</b>	<b>6</b>	<b>5</b>
<b>Total<sup>h</sup></b>	<b>6,103</b>	<b>100</b>	<b>547</b>	<b>100</b>	<b>1,834</b>	<b>100</b>	<b>1,320</b>	<b>100</b>	<b>1,251</b>	<b>100</b>	<b>57</b>
											<b>100</b>

- 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 subs 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: s 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999*, s 182 of the *Social Security (Administration) Act 1999*, and s 326A of the *Student Assistance Act 1973*.
- d Applications finalised by a decision of the Tribunal under s 43 of the Administrative Appeals Tribunal Act.
- e Applications dismissed under subs 42A(2) of the Administrative Appeals Tribunal Act (non-appearance at a case event), subs 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 subs 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 at 30 June 2011, by state and territory



	NSW	Vic	Qld	SA	WA	Tas	ACT	NT
2008-09	1,795	1,438	721	374	1,407	117	308	19
2009-10	1,730	1,136	504	324	468	89	271	10
2010-11	1,599	929	469	322	261	88	177	13

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

Event type	2008-09	2009-10	2010-11
Conferences	8,886	8,265	6,897
Case appraisals	8	8	4
Conciliations	529	507	527
Mediations	55	46	38
Neutral evaluations	49	49	57
Interlocutory hearings <sup>a</sup>	613	497	380
Hearings	1,300	1,277	1,166

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	2008-09		2009-10		2010-11	
	No.	%	No.	%	No.	%
Judge alone	1	<1	3	<1	2	<1
Judge with 1 other member	10	<1	4	<1	5	<1
Judge with 2 other members	2	<1	1	<1	2	<1
Deputy President alone	186	14	175	14	169	14
Deputy President with 1 other member	51	4	62	5	49	4
Deputy President with 2 other members	3	<1	9	<1	2	<1
Senior Member alone	578	44	649	51	602	52
Senior Member with 1 other member	145	11	167	13	121	10
Senior Member with 2 other members	2	<1	5	<1	4	<1
Member alone	290	22	178	14	189	16
Two Members	32	2	22	2	21	2
Three Members	0	–	2	<1	0	0
<b>TOTAL<sup>a</sup></b>	<b>1,300</b>	<b>100</b>	<b>1,277</b>	<b>100</b>	<b>1,166</b>	<b>100</b>
Total multi-member tribunals	245	19	272	21	204	17

a Percentages do not total 100% due to rounding.

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

Jurisdiction	2008-09		2009-10		2010-11	
	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	20	1	16	0	16	0
Veterans' affairs	16	1	11	1	14	1
Workers' compensation	16	1	18	1	18	0
Taxation						
Taxation Appeals Division	13	1	17	0	14	1
Small Taxation Claims Tribunal	2	0	1	0	0	0
Immigration and citizenship	14	10	4	13	11	21
Other	14	1	16	4	25	0
<b>Total</b>	<b>95</b>	<b>15</b>	<b>83</b>	<b>19</b>	<b>98</b>	<b>23</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 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** Outcomes of appeals from Tribunal decisions — by jurisdiction <sup>a</sup>

Outcome	2008–09		2009–10		2010–11	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>SOCIAL SECURITY</b>						
Allowed/Remitted	6	0	4	0	3	0
Dismissed	14	0	19	0	9	0
Discontinued	4	0	2	1	7	0
<b>Subtotal</b>	<b>24</b>	<b>0</b>	<b>25</b>	<b>1</b>	<b>19</b>	<b>0</b>
<b>VETERANS' AFFAIRS</b>						
Allowed/Remitted	8	0	7	1	5	0
Dismissed	14	0	7	0	4	0
Discontinued	1	0	1	0	3	1
<b>Subtotal</b>	<b>23</b>	<b>0</b>	<b>15</b>	<b>1</b>	<b>12</b>	<b>1</b>
<b>WORKERS' COMPENSATION</b>						
Allowed/Remitted	8	0	3	0	4	0
Dismissed	2	1	8	0	7	0
Discontinued	6	0	6	1	3	0
<b>Subtotal</b>	<b>16</b>	<b>1</b>	<b>17</b>	<b>1</b>	<b>14</b>	<b>0</b>
<b>TAXATION</b>						
<b>Taxation Appeals Division</b>						
Allowed/Remitted	2	0	7	0	3	0
Dismissed	7	1	9	0	9	1
Discontinued	2	0	4	0	1	1
<i>Subtotal</i>	<i>11</i>	<i>1</i>	<i>20</i>	<i>0</i>	<i>13</i>	<i>2</i>
<b>Small Taxation Claims Tribunal</b>						
Allowed/Remitted	0	0	0	0	1	0
Dismissed	1	0	0	0	0	0
Discontinued	0	0	1	0	0	0
<i>Subtotal</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>
<b>Subtotal</b>	<b>12</b>	<b>1</b>	<b>21</b>	<b>0</b>	<b>14</b>	<b>2</b>

Outcome	2008-09		2009-10		2010-11	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>IMMIGRATION AND CITIZENSHIP</b>						
Allowed/Remitted	2	3	3	3	2	1
Dismissed	4	8	5	8	6	15
Discontinued	2	0	2	0	1	1
<b>Subtotal</b>	<b>8</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>9</b>	<b>17</b>
<b>OTHER</b>						
Allowed/Remitted	6	1	6	1	11	0
Dismissed	13	2	11	1	11	1
Discontinued	4	0	2	2	3	0
<b>Subtotal</b>	<b>23</b>	<b>3</b>	<b>19</b>	<b>4</b>	<b>25</b>	<b>1</b>
<b>Total</b>	<b>106</b>	<b>16</b>	<b>107</b>	<b>18</b>	<b>93</b>	<b>21</b>

<b>ALL</b>						
Allowed/Remitted	32	4	30	5	29	1
Dismissed	55	12	59	9	46	17
Discontinued	19	–	18	4	18	3
<b>Total</b>	<b>106</b>	<b>16</b>	<b>107</b>	<b>18</b>	<b>93</b>	<b>21</b>

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.