

# CHAPTER

## 03

OUR PERFORMANCE

The Tribunal manages its workload by responding to, and anticipating where possible, changes in the number and nature of applications. Performance targets define standards for dealing with applications, and assist the Tribunal to meet the outcome and program requirements defined in the Portfolio Budget Statements.

## WORKLOAD OVERVIEW

The Tribunal received 5,682 applications and finalised 5,062 applications in 2011–12. There were 4,432 applications current at 30 June 2012.

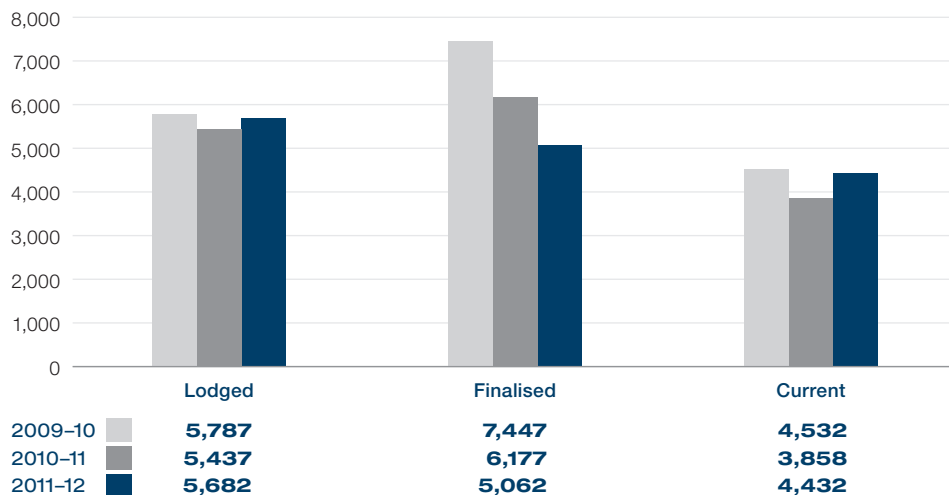
The number of applications lodged during the reporting year was five per cent higher than the number lodged in 2010–11. This was mainly due to an increase in the number of applications for review of tax decisions in the reporting year.

The number of applications finalised decreased by 18 per cent in 2011–12. In part, this can be attributed to the lower number of lodgements in some of the Tribunal’s major jurisdictions in recent years, particularly social security. It also results from the finalisation of a particular set of applications in the taxation jurisdiction in 2010–11 as discussed further below.

The number of applications on hand at 30 June 2012 was 15 per cent higher than a year earlier. The increase relates primarily to the additional tax applications received in the reporting year. The majority of outstanding applications are less than 12 months old and the proportion of cases older than 12 months has not increased in 2011–12.

Chart 3.1 shows applications lodged and finalised in the three most recent reporting years, and applications current at 30 June in each year.

**CHART 3.1 APPLICATIONS LODGED, FINALISED AND CURRENT**



## WORKLOAD BY JURISDICTION

Applications for review of tax decisions became the most common type of applications lodged with the Tribunal in 2011–12, constituting 30 per cent of all lodgements. Applications in the social security and workers’ compensation jurisdictions comprised 25 per cent and

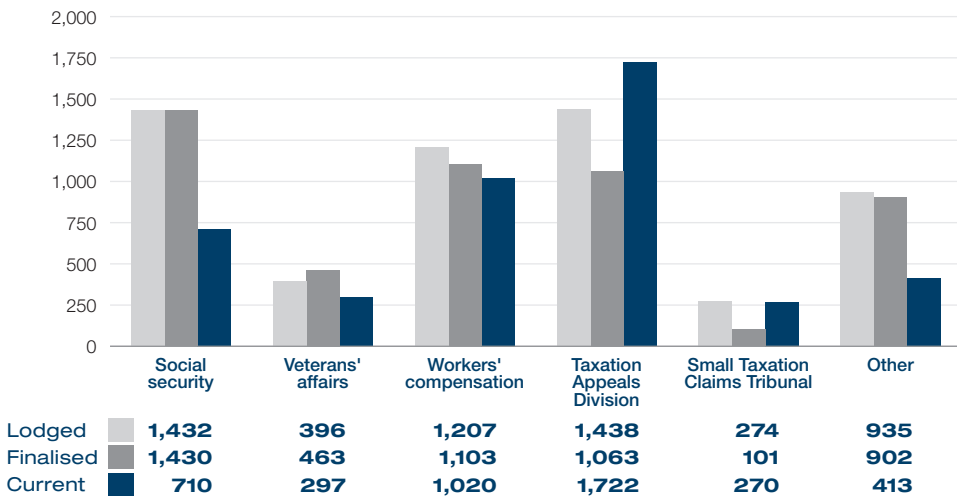
21 per cent of all lodgements respectively, while applications for review of decisions relating to veterans' entitlements constituted seven per cent of total lodgements.

Clearance rates varied between jurisdictions with lodgements exceeding finalisations in both the taxation and workers' compensation jurisdictions. Similar numbers of applications were lodged and finalised in the social security area. Only in the veterans' affairs jurisdiction did the Tribunal finalise a greater number of applications than were lodged.

The number of applications lodged and finalised in each of the Tribunal's major jurisdictions in 2011–12 and the number of applications on hand at 30 June 2012 is shown in Chart 3.2.

More detailed information on the types of applications lodged and finalised, and the outcomes of matters finalised during the reporting year, is in Appendix 4.

**CHART 3.2 APPLICATIONS LODGED, FINALISED AND CURRENT IN 2011–12 – BY JURISDICTION**



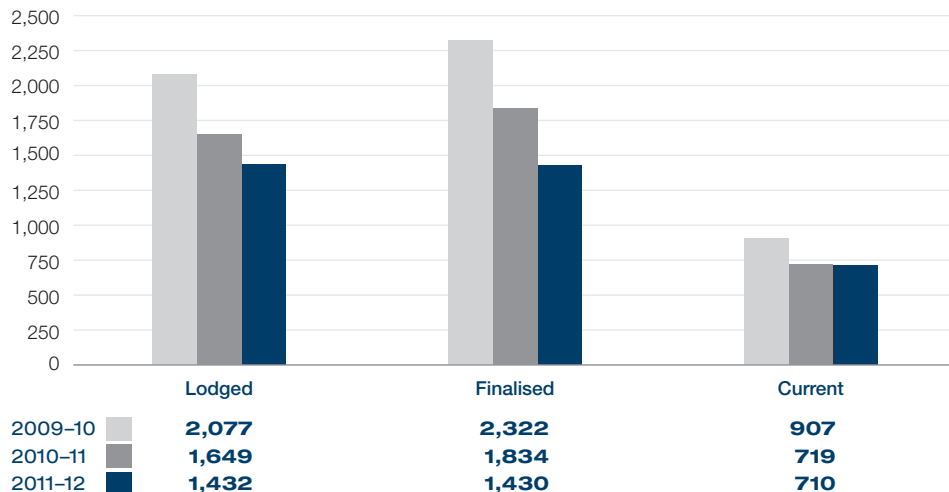
### SOCIAL SECURITY

The number of applications made to the Tribunal for review of family assistance and social security decisions in 2011–12 was 13 per cent lower than in 2010–11. This continues the downward trend in recent years, as shown in Chart 3.3. While applications about disability support pension increased, there were fewer applications for review of most types of decisions and, in particular, those relating to overpayments and debt recovery and the age pension.

Applications lodged by the departments that administer family assistance and social security entitlements increased to 38 in 2011–12, up from 31 in the previous year.

The number of applications finalised in 2011–12 was 22 per cent lower than in 2010–11, reflecting the decrease in the number of applications lodged. The number of applications on hand at 30 June 2011 was marginally lower than a year earlier.

**CHART 3.3 APPLICATIONS LODGED, FINALISED AND CURRENT – SOCIAL SECURITY**

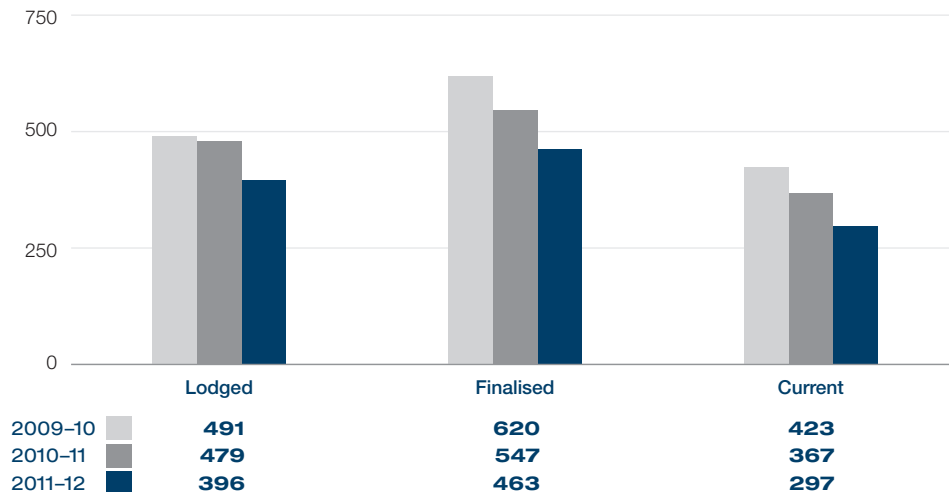


**VETERANS' AFFAIRS**

The number of applications lodged in the veterans' affairs jurisdiction fell by 17 per cent in 2011-12. Applications for review of decisions under the *Veterans' Entitlements Act 1986* relating to disability pension and war widows' pension declined by 21 per cent. There was also a small decrease in the number of applications under the *Military Rehabilitation and Compensation Act 2004*. They continue to be a relatively small proportion of total lodgements in this jurisdiction.

The number of applications finalised in the veterans' affairs jurisdiction in 2011-12 decreased by 15 per cent, and the number of applications current at 30 June 2011 fell by 19 per cent. These changes reflect the continuing decline in lodgements in this jurisdiction, as shown in Chart 3.4.

**CHART 3.4 APPLICATIONS LODGED, FINALISED AND CURRENT – VETERANS' AFFAIRS**

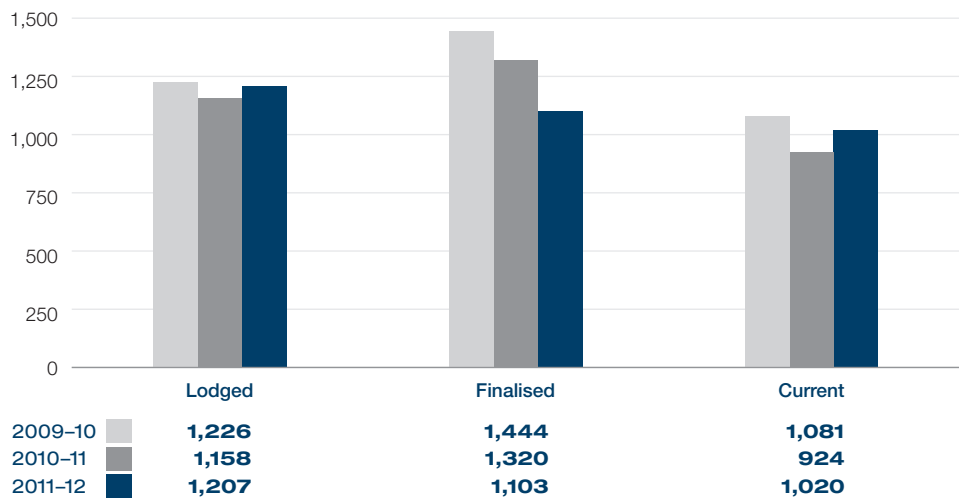


## WORKERS' COMPENSATION

Lodgements in the workers' compensation jurisdiction increased by four per cent in 2011–12. The Tribunal received a greater number of applications for review of decisions made by Comcare, the Military Rehabilitation and Compensation Commission and a number of the private sector corporations that hold licences under the *Safety, Rehabilitation and Compensation Act 1988*. There was a small decrease in the number of applications for review under the seafarers' compensation scheme.

The number of compensation applications finalised in 2011–12 decreased by 16 per cent, reflecting the lower number of lodgements in previous reporting years. The increase in lodgements in the most recent reporting year has contributed, in part, to a ten per cent increase in the number of compensation applications on hand at 30 June 2012 shown in Chart 3.5.

**CHART 3.5 APPLICATIONS LODGED, FINALISED AND CURRENT – WORKERS' COMPENSATION**



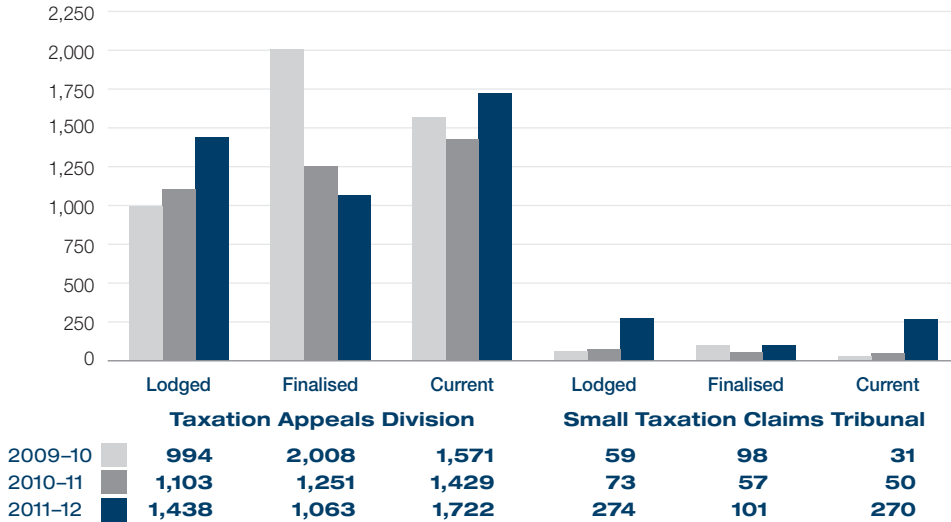
## TAXATION

The number of applications lodged in the taxation jurisdiction rose by 46 per cent in 2011–12, as shown in Chart 3.6. There was a 30 per cent increase in lodgements in the Taxation Appeals Division and, in particular, a greater number of applications for review of decisions about income tax and goods and services tax. The increase in lodgements in the Small Taxation Claims Tribunal relates to increases in the number of applications for review of refusals to extend the time for lodging taxation objections as well as decisions about income tax and release from tax liabilities.

There was an 11 per cent decrease in the number of applications finalised in 2011–12. In part, this reflects the lower number of taxation lodgements in previous reporting years. However, it also reflects the fact that in 2010–11 the Tribunal finalised the bulk of the remaining longstanding applications relating to mass marketed tax schemes and employee benefit arrangements. Only a very small number of these applications remain to be completed.

The significant increase in lodgements in 2011–12 has contributed to a 35 per cent increase in the number of taxation applications on hand at 30 June 2012.

CHART 3.6 APPLICATIONS LODGED, FINALISED AND CURRENT – TAXATION



## PERFORMANCE

### OUTCOME AND PROGRAM STRUCTURE

The Tribunal has one outcome specified in the 2011–12 Portfolio Budget Statements:

*Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.*

The Tribunal is a single program agency. The primary deliverable is completed reviews of decisions, and there are two paths to achieving it:

- applications finalised without a hearing, and
- applications finalised with a hearing.

See Appendix 5 for the summary table showing total resources for the Tribunal compared with the total payments made during 2011–12. The appendix also includes a summary table showing the total resources for the Tribunal's outcome.

### PERFORMANCE MEASURES AND RESULTS

The performance measures and actual performance for the Tribunal's outcome are shown in Table 3.7.

The Tribunal aims to resolve applications by agreement in the first instance using alternative dispute resolution. The Tribunal works with the parties in conferences to discuss and define the issues in dispute, identify any further supporting material they may wish to obtain and explore whether the matter can be settled. The Tribunal may use other forms of ADR to attempt to reach agreement. If an application cannot be resolved, the Tribunal conducts a hearing and makes a decision. As Table 3.7 shows, most applications lodged with the Tribunal are finalised other than by way of a decision following a hearing.

TABLE 3.7 PERFORMANCE STANDARDS AND RESULTS, 2011–12

PROGRAM DESCRIPTION		PERFORMANCE	
		STANDARD <sup>a</sup>	RESULT
<b>Program 1.1 – Completed reviews of decisions</b>			
Program 1.1.1 – Applications finalised without a hearing	<i>Quality:</i> matters have first conference within 13 weeks	85%	91%
	<i>Quantity:</i> finalisations	5,218	4,011
	<i>Price:</i> per completed application	\$3,190	\$4,190
Program 1.1.2 – Applications finalised with a hearing	<i>Quality:</i> matters to hearing within 40 weeks	60%	61%
	<i>Quantity:</i> finalisations	1,476	1,051
	<i>Price:</i> per completed application	\$14,810	\$19,111

<sup>a</sup> Projection for 2011–12

91 per cent of first conferences in 2011–12 were held within 13 weeks of lodgement, equalling the result for 2010–11. The Tribunal exceeded the performance standard in the Portfolio Budget Statements by six percentage points, as shown in Tables 3.7 and 3.8.

The proportion of hearings that were held within 40 weeks of an application being lodged was 61 per cent, two percentage points higher than in 2010–11 and exceeding the standard in the Portfolio Budget Statements by one percentage point.

The number of applications finalised by the Tribunal with and without a hearing was lower than the budget projections for 2011–12, leading to a higher than expected price per completed application. For more information on the percentage of applications finalised without a hearing in the major jurisdictions, see Table A4.4 in Appendix 4.

## TIME STANDARDS

The Tribunal monitors its performance against time standards for steps in the review process and for the finalisation of applications generally.

### TIME STANDARDS FOR STEPS IN THE REVIEW PROCESS

The Tribunal reports on the timeliness of completing four steps in the review process. Two of the steps are the Tribunal's performance standards in the Portfolio Budget Statements set out above. The four steps are:

- the time taken by the decision maker to lodge the documents relating to the decision under review that are required under section 37 of the Administrative Appeals Tribunal Act after receiving notice of an application,

- the time between lodging an application and holding the first conference,
- the time between lodging an application and holding 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 decision maker controls step one, the Tribunal and the parties share the responsibility for the timeliness of steps two and three, and the Tribunal controls the timeliness of step four.

Timeliness results for 2011–12 and the past two reporting periods are shown in Table 3.8.

**TABLE 3.8 PERFORMANCE AGAINST TIME STANDARDS**

STEP		TIME STANDARD (WEEKS)	2009–10 %	2010–11 %	2011–12 %
1	Receipt of Section 37 Documents after notifying decision maker of application	5	87 <sup>a</sup>	85	86
2	Receipt of application to first conference	13	87	91	91
3	Receipt of application to first day of hearing	40	52	59	61
4	Last day of hearing or date of receipt of further material to delivery of decision	8.4 <sup>b</sup>	82	83	80

<sup>a</sup> 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.

<sup>b</sup> This figure equates to 60 days.

The proportion of applications in which the Section 37 Documents were lodged within five weeks was marginally higher in 2011–12 than in the previous year. The result for timeliness in delivering decisions following a hearing was slightly lower in 2011–12 but continues to be significantly higher than the results achieved in the years prior to 2009–10.

#### *TIME STANDARDS FOR FINALISING APPLICATIONS*

The Tribunal aims to complete the review process within 12 months of lodgement in the majority of applications. Targets have been set for each of the major jurisdictions. The Tribunal's performance for 2011–12 and the two previous reporting years is in Table 3.9.

**TABLE 3.9 PERCENTAGE OF APPLICATIONS FINALISED WITHIN 12 MONTHS**

JURISDICTION	TARGET %	2009–10 %	2010–11 %	2011–12 %
All	—	63	72	78
Social security	90	90	91	93
Veterans' affairs	80	63	66	66
Workers' compensation	75	57	68	70
Taxation Appeals Division	75	26	36	59



The Tribunal significantly improved its timeliness in 2011–12, finalising 78 per cent of all applications within 12 months of lodgement and 91 per cent within 18 months. There were improvements in three of the Tribunal's major jurisdictions.

The proportion of applications finalised within 12 months in the social security jurisdiction exceeded the 90 per cent target by three percentage points, a slight improvement over the previous year. Sixty-eight per cent of all social security applications were finalised within six months of lodgement, and 97 per cent within 18 months.

The Tribunal's continued focus on improving case management in the workers' compensation jurisdiction led to a two percentage point improvement in the proportion of matters finalised within 12 months in 2011–12. Ninety per cent of applications were finalised within 18 months, a four percentage point improvement over 2010–11.

The proportion of applications finalised in the veterans' affairs jurisdiction within 12 months in 2011–12 was the same as the previous year. Particular challenges can arise in this jurisdiction in obtaining historical material relevant to the review. Ninety per cent of applications were finalised within 18 months, an improvement of five percentage points from 2010–11.

There was a 23 percentage point improvement in the proportion of applications finalised within 12 months in the Taxation Appeals Division in 2011–12. Seventy-nine per cent of applications were finalised within 18 months. The Tribunal will continue to focus on improving the management and timeliness of tax matters in 2012–13.

While there were improvements in timeliness in most major areas of jurisdiction, the Tribunal only met its target for completing applications within 12 months in relation to social security cases. There are a number of reasons why an application may not be finalised within 12 months of lodgement. The pace that applications progress through the pre-hearing stage is heavily influenced by the time the parties need to obtain expert evidence, undertake other investigations and gather relevant material. Some applications are delayed pending a decision by a department or agency on a related matter, the decision of a court in a test case, or by criminal proceedings. There are matters where additional time is required to allow the parties further opportunities to resolve the dispute without a hearing. Delays also occur when parties cannot 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. Delays in the delivery of decisions following a hearing can also contribute to delays in finalising applications.

The Small Taxation Claims Tribunal aims to finalise applications within 12 weeks of lodgement. In the reporting year, the proportion of applications meeting this standard improved by three percentage points, as shown in Table 3.10. The Tribunal's experience is that applications dealt with in the Small Taxation Claims Tribunal cannot necessarily be completed faster than other types of tax reviews. Although 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 TIME STANDARD FOR SMALL TAXATION CLAIMS TRIBUNAL

	TARGET	2009–10 %	2010–11 %	2011–12 %
Percentage of applications finalised within 12 weeks	12 weeks	22	34	37

The Tribunal continued to monitor the time that applications spend in each of the major stages of a review in 2011–12 and registries conducted regular file audits on older cases. The Tribunal will continue to seek to identify sources of avoidable delay, and work with stakeholders on minimising such delays.

## 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 by Parliamentary Committees and audits by the Australian National Audit Office.

## 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(v) of the Constitution. Applications may be made to the Federal Court, the Federal Magistrates Court or the High Court.

In 2011–12, 75 appeals made pursuant to section 44 of the Administrative Appeals Tribunal Act were lodged with the Federal Court. There were 19 applications for judicial review made under other enactments, 14 relating to decisions concerning visas under the Migration Act. Table A4.9 in Appendix 4 provides information on the number of appeals lodged against decisions in each of the Tribunal's major jurisdictions.

During the reporting year, 95 appeals lodged under section 44 of the Administrative Appeals Tribunal Act and 22 applications for judicial review under other enactments were finally determined in the courts. The Tribunal's decision was set aside in 29 cases, 25 per cent of all appeals determined and less than one per cent of all applications that the Tribunal finalised in the reporting year. The proportion of Tribunal decisions set aside on appeal in 2011–12 was one percentage point lower than in 2010–11.

Table A4.10 in Appendix 4 offers 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 2011–12. Table 3.11 shows the number of requests made over the last three years.

**TABLE 3.11 FREEDOM OF INFORMATION REQUESTS**

	2009–10	2010–11	2011–12
Number of requests made	4	2 <sup>a</sup>	5

<sup>a</sup> This figure differs from the figure given in the 2010–11 Annual Report. An audit revealed that there had been one additional request in that year.

All but one of the requests made to the Tribunal in 2011–12 were finalised in the reporting period. One request remained outstanding at 30 June 2012.

Of the requests that were finalised, one request was granted in full and three requests were refused, two on the basis that the Tribunal held no documents falling within the scope of the request.

The Tribunal did not receive any requests to amend or annotate records.

## INFORMATION PUBLICATION SCHEME

Agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

## OMBUDSMAN

During 2011–12, the Commonwealth Ombudsman received 34 approaches concerning the Tribunal, 16 more than in the previous reporting year.

The Ombudsman investigated three approaches, making no findings of administrative deficiency.

## COMPLAINTS TO OTHER BODIES

There were no complaints to other complaint-handling organisations such as the Australian Human Rights Commission or the Office of the Australian Information Commissioner during the reporting period.

## 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, including the standards for responding to complaints. Information on the extent of the Tribunal's compliance with the service standards (where information is available) is in Table 3.14.

### COMPLAINTS TO THE TRIBUNAL

Complaints may be made orally or in writing. Complaints relating to Tribunal members are handled by the President personally. Complaints about staff members or other matters are dealt with by the Registrar, the Executive Director, Operations or a District Registrar.

When a complaint is made in person or by telephone, the Tribunal attempts to resolve it immediately. The Tribunal aims to respond to written complaints within 20 working days, or 30 working days if the complaint is submitted in a language other than English. The length of time before a final response is provided depends on the extent of investigation which is necessary. 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.

If a complaint is upheld, possible responses include an apology, a change to practice and procedure or consideration of additional training and development for Tribunal personnel.

During 2011–12, the Tribunal received complaints from 40 individuals: 36 were written, four were oral and one complaint was both oral and in writing. Table 3.12 shows the number of complaints made over the three most recent reporting years.

**TABLE 3.12 COMPLAINTS TO THE TRIBUNAL**

	2009–10	2010–11	2011–12
Number of complaints made	32	27	41

The 41 complaints made in 2011–12 were about the issues shown in Table 3.13. A number of complaints raised multiple issues.

**TABLE 3.13 ISSUES RAISED IN COMPLAINTS TO THE TRIBUNAL**

ISSUE	NUMBER OF COMPLAINTS*
Tribunal decisions	13
Conduct of Tribunal members	11
General procedural issues	11
Conduct of conferences	4
Conduct of other parties to Tribunal proceedings	4
Publication of decisions on the internet	3
Conduct of other ADR processes	1
Conduct of Tribunal staff	1
<b>Total</b>	<b>48</b>

\* A single complaint may raise multiple issues

The Tribunal provided a substantive response to 38 complaints in 2011–12, responding within 20 working days to all but six of the complaints (84 per cent). The average number of days from complaint to final response was 15 working days.

The Tribunal found that it could have handled matters more appropriately in relation to three complaints which raised issues concerning the conduct of conferences. The Tribunal offered an apology in each case and raised the matters with the relevant staff members.

The Tribunal does not measure whether a complainant believes his or her complaint was resolved. Eight complainants wrote again to the Tribunal after receiving an initial response to their complaint. They were given further information to address any outstanding concerns.

**TABLE 3.14 SERVICE STANDARDS**

COMMITMENT	RESULT FOR 2011–12
<b>We will treat you with respect and courtesy</b>	
We will be polite, respectful and courteous and use language that is clear and understandable.	Tribunal members and staff strive to be polite, respectful and courteous and use language that is clear and understandable so that Tribunal users can understand the processes. No complaints were upheld in relation to issues of this kind.
<b>We will make ourselves accessible</b>	
Country residents can contact us on our national telephone number for the cost of a local call.	The Tribunal's national telephone number was available throughout the year.
People who are deaf or have a hearing or speech impairment can contact the Tribunal.	The Tribunal uses the National Relay Service to provide users with 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 112 hearings, two conciliations and two mediations in locations outside capital cities.
Where appropriate you may participate in a hearing by telephone or video-link.	The Tribunal conducted the following listings by telephone: conferences — 5,365 other ADR processes — 3 directions hearings — 1,334 interlocutory hearings — 139 hearings — 32
If you need an interpreter, we will provide one free of charge.	The Tribunal arranges for an interpreter to participate in an alternative dispute resolution process or hearing where needed. Interpreters are provided free of charge.

COMMITMENT	RESULT FOR 2011-12
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 6 weeks of an application being lodged.	Data collated for Outreach, for 855 parties, shows the average time from lodgement of an application to Outreach was 32 days, approximately four and a half weeks.
<b>We will deal with you fairly</b>	
A private conference will usually be held within 10 weeks of an application being lodged.	80 per cent of applications had a first conference within 10 weeks of lodgement, up from 78 per cent in 2010-11.
<b>We will operate in an efficient manner</b>	
If a decision was not given orally at a hearing, written decisions will usually be provided within two months.	80 per cent of decisions were delivered within 60 days of the last day of hearing or the receipt of further submissions or other material, down from 83 per cent in 2010-11 (see Table 3.8).

## 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 in their personal capacity.

### 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
- vary controlled operations authorities under the *Crimes Act 1914*.

The President, 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 Act 1995*.

All presidential members of the Tribunal may be nominated to issue examination notices under the *Fair Work (Building Industry) Act 2012*.

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

Table 3.15 shows the number of occasions on which Tribunal members considered applications under any of these Acts over the past three years. There was a further 16 per cent increase in the number of appointments held in 2011–12.

The Tribunal is flexible in performing these functions and members are available outside standard business hours. In the reporting period, there were 199 out-of-hours appointments (before 9 am or after 5 pm on weekdays or at any time on the weekend or on a public holiday).

**TABLE 3.15 APPLICATIONS RELATING TO WARRANTS, CONTROLLED OPERATIONS AND OTHER FUNCTIONS CONSIDERED BY TRIBUNAL MEMBERS**

	2009–10	2010–11	2011–12
Number of occasions on which applications considered	1,924	2,160	2,496

### 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* or the *Proceeds of Crime Regulations 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.

Table 3.16 shows the number of examination sessions conducted by Tribunal members in the last three years. Only a small number of examinations were held in 2011–12.

**TABLE 3.16 EXAMINATIONS HELD UNDER THE *PROCEEDS OF CRIME ACT 2002***

	2009–10	2010–11	2011–12
Number of examination sessions held	18	12	2

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