

APPENDIX 6: APPLICATION FEES

APPLICATION FEES AND REFUNDS

The rules relating to fees that are payable to lodge applications with the Tribunal are in the Administrative Appeals Tribunal Act and the Administrative Appeals Tribunal Regulations. The primary rules for the payment and refund of fees are in regulations 19 and 19AA of the Administrative Appeals Tribunal Regulations. Subject to the exceptions described below, an application fee is payable for lodging an application:

- for review of a decision
- for a decision on whether a person was entitled to be given a statement of reasons for a decision
- for a declaration, under the Freedom of Information Act, that a statement of reasons for a decision is not adequate.

Prior to 11 June 2013, an application to the Tribunal was not taken to be made unless the prescribed fee was paid: section 29A of the Administrative Appeals Tribunal Act. That section was repealed by the *Access to Justice (Federal Jurisdiction) Amendment Act 2012*.

From 11 June 2013, if an application is not accompanied by an applicable fee, the Tribunal is not required to deal with the application unless, and until, the fee is paid. If the fee is not paid within six weeks after an application is lodged, the Tribunal may dismiss the application under section 69C of the Administrative Appeals Tribunal Act.

APPLICATION FEE AMOUNTS

The standard application fee in 2012–13 was \$816, and the fee to lodge an application in the Small Taxation Claims Tribunal was \$81.

APPLICATION FEE NOT PAYABLE

Applications for review of the following types of decisions do not attract a fee:

- any decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations
- any decision under the Freedom of Information Act made in relation to a document that relates to a decision specified in Schedule 3 to the Administrative Appeals Tribunal Regulations.

Schedule 3 decisions include those in the areas of family assistance and social security, veterans' affairs and workers' compensation.

REDUCED APPLICATION FEE PAYABLE

A reduced application fee of \$100 is payable instead of the standard application fee if the person liable to pay the fee is:

- granted legal aid for the matter to which the application relates
- the holder of a health care card, a health benefit card, a pensioner concession card, a Commonwealth seniors health card or any other card that certifies entitlement to Commonwealth health concessions
- an inmate of a prison, in immigration detention or otherwise lawfully detained in a public institution
- a child under 18 years
- in receipt of youth allowance, Austudy payment or benefits under the ABSTUDY Scheme.

The Tribunal can order that a \$100 fee is payable rather than the standard application fee if it considers that payment of the full fee would cause financial hardship to the person.

The fee payable to lodge an application in the Small Taxation Claims Tribunal must be paid in all circumstances.

ONE FEE PAYABLE

If two or more applications relate to the same applicant and may be conveniently heard before the Tribunal at the same time, the Tribunal may order that only one fee is payable for those applications.

REFUNDS

A person is entitled to a:

- full refund if they have paid an application fee that was not payable
- partial refund if they paid the standard application fee but were entitled to pay the \$100 fee.

A person is also entitled to a partial refund if the person paid the standard application fee or the equivalent of a standard application fee and the Tribunal certifies that the proceedings terminated in a manner favourable to the applicant. The refund amount is the difference between the application fee paid and \$100. There is no refund if the person paid the reduced application fee or if their application was dealt with in the Small Taxation Claims Tribunal.

APPLICATION FEES IN 2012–13

In 2012–13, the Tribunal received \$771,228 and refunded \$279,300 in application fees.

Total revenue forgone on the basis that a person was eligible to pay a reduced fee or only one fee was payable for multiple applications lodged by the same person was \$718,434 (see Tables A6.1, 6.2 and 6.3).

The Tribunal refused eight applications to reduce the application fee on financial hardship grounds. There were three applications for review of decisions of this kind. In all three cases the decision was affirmed (unchanged).

Table A6.1 Fee revenue summary: total, refunded and forgone

Total fee revenue	\$771,228
Total refunded	\$279,300
Total revenue forgone	\$718,434
Applications: fees reduced	287
Applications: fees not paid for additional applications lodged by the same applicant	665

Table A6.2 Reduced fees paid

Reason	Number of applications affected
Applicant eligible to pay reduced fee	203
Fee reduced by Tribunal on financial hardship grounds	84
Total	287

Table A6.3 Applications where no fee payable for additional applications lodged by the same applicant

Category	Number of additional applications for which fee was not collected
Standard application fee	624
Reduced fee	23
STCT fee	18
Total	665