

Appendix 4: Additional caseload statistics

This appendix contains the following tables providing additional information about the AAT's activities:

- A4.1 Applications lodged and applications finalised, 2015–16
- A4.2 Outcomes of reviews by division and major areas of work within divisions, 2015–16
- A4.3 Number of alternative dispute resolution processes, directions hearings and hearings, 2013–14 to 2015–16
- A4.4 Court appeals lodged and finalised, 2015–16 – By division and major areas of work within divisions

Table A4.1 Applications lodged and applications finalised, 2015–16

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
APPLICATIONS FOR REVIEW OF DECISIONS UNDER COMMONWEALTH LAWS – BY AUSTRALIAN GOVERNMENT PORTFOLIO				
AGRICULTURE AND WATER RESOURCES				
Agricultural and veterinary chemicals	4		0	
Australian grape and wine regulation	2		2	
Export and import control	2		2	
Fisheries	0		1	
Research participation certificates for Conservation Tillage Refundable Tax Offset	0		2	
Subtotal	8	<1%	7	<1%
ATTORNEY-GENERAL'S				
Archives (other than decisions relating to ASIO records)	1		9	
Archives decisions relating to ASIO records	1		1	
ASIO security assessments	15		13	
Background checking	4		4	
Bankruptcy	14		19	
Freedom of information	35		46	
Human rights	2		1	
Marriage celebrants	7		9	
Personal property securities	6		10	
Privacy	1		2	
Waiver of fees in courts	4		4	
Subtotal	90	<1%	118	<1%

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
COMMUNICATIONS AND THE ARTS				
Communications and media	1		1	
Tax offset for films	3		1	
Subtotal	4	<1%	2	<1%
DEFENCE (including VETERANS' AFFAIRS)				
Defence Force retirement and death benefits	6		2	
<i>Military Rehabilitation and Compensation Act 2004</i>	104		84	
Veterans' entitlements	236		279	
Other	5		9	
Subtotal	351	<1%	374	<1%
EDUCATION AND TRAINING				
Child care services/registered carers	3		5	
Education services for overseas students	17		16	
Higher Education Loan Program	70		56	
Mutual recognition of occupations	96		49	
National vocational education and training regulation	61		54	
Tertiary education quality and standards	2		4	
Trade support loans	1		0	
Subtotal	250	1%	184	<1%
EMPLOYMENT				
Fair entitlements guarantee	58		34	
<i>Safety, Rehabilitation and Compensation Act 1988</i>	1,736		1,308	
Seafarers rehabilitation and compensation	61		65	
Subtotal	1,855	4%	1,407	4%
ENVIRONMENT AND ENERGY				
Clean energy regulation	1		0	
Environment protection and biodiversity	2		2	
Great Barrier Reef Marine Park	1		2	
Hazardous waste	1		2	
Subtotal	5	<1%	6	<1%
FINANCE				
Electoral matters	2		2	
Subtotal	2	<1%	2	<1%

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
FOREIGN AFFAIRS AND TRADE				
Export market development grants	2		2	
Passports	21		16	
Subtotal	23	<1%	18	<1%
HEALTH AND AGED CARE				
Aged care	19		10	
Medicare	1		1	
Pharmacists	15		13	
Sports anti-doping	1		0	
Therapeutic goods	9		4	
Subtotal	45	<1%	28	<1%
IMMIGRATION AND BORDER PROTECTION				
Citizenship	275		292	
Customs	29		44	
Migration agent registration	8		12	
Visa-related decisions (other than relating to character)	18,929		16,111	
Visa-related decisions relating to character	77		28	
Subtotal	19,318	47%	16,487	43%
INDUSTRY, INNOVATION AND SCIENCE				
Industry research and development	11		7	
Patents, designs and trade marks	7		2	
Subtotal	18	<1%	9	<1%
INFRASTRUCTURE AND REGIONAL DEVELOPMENT				
Airports	1		1	
Aviation and maritime transport security	1		2	
Civil aviation	30		27	
Maritime safety	3		1	
Motor vehicle standards	6		8	
Subtotal	41	<1%	39	<1%
PRIME MINISTER AND CABINET				
Aboriginal corporations, councils and associations	1		0	
Subtotal	1	<1%	0	0%

	APPLICATIONS LODGED		APPLICATIONS FINALISED	
	No	% of total	No	% of total
SOCIAL SERVICES				
Aged care	4		14	
Centrelink (first review and second review)	15,664		15,529	
Child support (first review and second review)	2,228		2,183	
National Disability Insurance Scheme	48		33	
National Rental Affordability Scheme	1		0	
Paid parental leave (first review and second review)	223		241	
Subtotal	18,168	44%	18,000	47%
TREASURY				
Auditors and liquidators registration	1		1	
Business names registrations	11		17	
Charities and not-for-profit entities	1		0	
Consumer credit	6		3	
Corporations and financial services	33		20	
Insurance and superannuation	1		1	
Tax agents	28		24	
Taxation	921		1,136	
Subtotal	1,002	2%	1,202	3%
SUBTOTAL for PORTFOLIOS	41,181	99%	37,883	99%
APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT – OTHER				
Other applications	250		263	
Subtotal	250	<1%	263	<1%
APPLICATIONS UNDER NORFOLK ISLAND LAWS				
Planning	1		0	
Subtotal	1	<1%	0	0%
TOTAL^a	41,432	100%	38,146	100%

^a Percentages may not total 100% due to rounding.

Table A4.2 Outcomes of reviews by division and major areas of work within divisions, 2015–16

Subtable A4.2.1 General Division

	CENTRELINK (2ND REVIEW)		WORKERS' COMPENSATION ^a		OTHER		TOTAL	
	No	% of total	No	% of total	No	% of total	No	% of total
By decision^b								
Decision affirmed	509	22%	115	8%	152	14%	776	16%
Decision varied or set aside	128	6%	48	4%	51	5%	227	5%
Subtotal	637	28%	163	12%	203	19%	1,003	21%
By consent								
Decision affirmed ^c	6	<1%	421	31%	3	<1%	430	9%
Decision varied or set aside ^c	334	14%	406	30%	148	14%	888	19%
Dismissed by consent ^d	22	<1%	3	<1%	10	<1%	35	<1%
Dismissed by operation of law ^e	294	13%	0	0%	0	0%	294	6%
Subtotal	656	29%	830	60%	161	42%	1,647	35%
Other								
Withdrawn by applicant	681	29%	327	24%	294	27%	1,302	27%
Dismissed by Tribunal ^f	148	6%	38	3%	251	23%	437	9%
No jurisdiction	4	<1%	4	<1%	21	2%	29	<1%
Extension of time refused	150	6%	7	<1%	22	2%	179	4%
Other	38	2%	4	<1%	125	12%	167	3%
Subtotal	1,021	44%	380	28%	713	66%	2,114	44%
TOTAL^g	2,314	100%	1,373	100%	1,077	100%	4,764	100%

^a These figures include applications for the review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988* which are formally allocated to the Veterans' Appeals Division.

^b Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^c Applications finalised by the AAT in accordance with terms of agreement reached by the parties either in the course of an alternative dispute resolution process (section 34D) or at any stage of review proceedings (section 42C).

^d Applications dismissed by consent under section 42A(1).

^e If an application for a review of a Centrelink decision 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.

^f Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^g Percentages may not total 100% due to rounding.

Subtable A4.2.2 Freedom of Information, National Disability Insurance Scheme, Security and Veterans' Appeals Divisions^a

	FREEDOM OF INFORMATION		NATIONAL DISABILITY INSURANCE SCHEME		SECURITY		VETERANS' APPEALS	
	No	% of total	No	% of total	No	% of total	No	% of total
By decision								
Decision affirmed	8	14%	2	6%	1	7%	63	17%
Decision varied or set aside	11	19%	2	6%	0	0%	37	10%
Subtotal	19	33%	4	12%	1	7%	100	27%
By consent								
Decision affirmed	0	0%	0	0%	0	0%	3	<1%
Decision varied or set aside	11	19%	12	36%	1	7%	142	39%
Dismissed by consent	1	2%	3	9%	0	0%	2	<1%
Dismissed by operation of law	0	0%	0	0%	0	0%	0	0%
Subtotal	12	21%	15	45%	1	7%	147	41%
Other								
Withdrawn by applicant	21	37%	10	30%	8	57%	103	28%
Dismissed by Tribunal	4	7%	1	3%	2	14%	13	4%
No jurisdiction	0	0%	1	3%	0	0%	1	<1%
Extension of time refused	1	2%	2	6%	0	0%	1	<1%
Other	0	0%	0	0%	2	14%	0	0%
Subtotal	26	46%	14	42%	12	86%	118	32%
TOTAL^b	57	100%	33	100%	14	100%	365	100%

^a See the notes to Subtable A4.2.1 for information about the outcome types.

^b Percentages may not total 100% due to rounding.

Subtable A4.2.3 Migration and Refugee Division

	MIGRATION		REFUGEE		TOTAL	
	No	% of total	No	% of total	No	% of total
By decision^a						
Decision affirmed ^b	5,194	42%	2,528	70%	7,722	48%
Decision varied, remitted or set aside	4,613	37%	587	16%	5,200	32%
Subtotal	9,807	78%	3,115	87%	12,922	80%
Other						
Withdrawn by applicant	1,447	12%	205	6%	1,652	10%
Dismissed by Tribunal ^b	325	3%	54	2%	379	2%
No jurisdiction	932	7%	226	6%	1,158	7%
Subtotal	2,704	22%	485	14%	3,189	20%
TOTAL^c	12,511	100%	3,600	100%	16,111	100%

^a Applications finalised by a decision of the AAT under section 349 or 415 of the Migration Act.

^b The Tribunal may dismiss an application if an applicant does not appear before the Tribunal at a hearing under section 362B(1A) or 426A(1A) of the Migration Act. The decision to dismiss the application may be confirmed under section 362B(1C)(b), 362B(1E), 426A(1C)(b) or 426A(1E). Under sections 362B(1F) and 426A(1F), a dismissal decision confirmed by the Tribunal is taken to be a decision to affirm the decision under review. Therefore, the total number of migration decisions affirmed is 5,519 or 44% of all migration decisions (comprised of 5,194 decisions affirmed and 325 applications dismissed by the Tribunal). The total number of refugee decisions affirmed is 2,582 or 72% of all refugee decisions (comprised of 2,528 decisions affirmed and 54 applications dismissed by the Tribunal).

^c Percentages may not total 100% due to rounding.

Subtable A4.2.4 Social Services and Child Support Division^a

	CENTRELINK (1ST REVIEW)		CHILD SUPPORT		PAID PARENTAL LEAVE		TOTAL	
	No	% of total	No	% of total	No	% of total	No	% of total
By decision^b								
Decision affirmed	7,921	55%	590	31%	168	73%	8,679	53%
Decision varied or set aside	3,125	22%	792	41%	14	6%	3,931	24%
Subtotal	11,046	77%	1,382	72%	182	79%	12,610	76%
By consent								
Decision affirmed ^c	N/A	N/A	0	0%	N/A	N/A	0	0%
Decision varied or set aside ^c	N/A	N/A	4	<1%	N/A	N/A	4	<1%
Dismissed by consent ^d	7	<1%	39	2%	0	0%	46	<1%
Dismissed by operation of law ^e	0	0%	N/A	N/A	0	0%	0	0%
Subtotal	7	<1%	43	2%	0	0%	50	<1%
Other								
Withdrawn by applicant	804	6%	243	13%	15	7%	1,062	6%
Dismissed by Tribunal ^f	328	2%	53	3%	1	<1%	382	2%
No jurisdiction	2,180	15%	153	8%	32	14%	2,365	14%
Other	0	0%	52	3%	0	0%	52	<1%
Subtotal	3,312	23%	501	26%	48	21%	3,861	23%
Total^g	14,365	100%	1,926	100%	230	100%	16,521	100%

^a A single application may relate to more than one reviewable decision. These figures include outcomes for all decisions that have been reviewed.

^b Applications finalised by a decision of the AAT under section 43 of the Administrative Appeals Tribunal Act.

^c Applications finalised by the AAT in accordance with terms of agreement reached by the parties under section 42C.

^d Applications dismissed by consent under section 42A(1).

^e If an application for a review of a Centrelink decision 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.

^f Applications dismissed under section 42A(2) (non-appearance at a case event), section 42A(5) (failure to proceed with an application or to comply with a direction of the AAT) and section 42B(1) (application is frivolous, vexatious, misconceived, lacking in substance, has no reasonable prospect of success or is an abuse of the process of the AAT).

^g Percentages may not total 100% due to rounding.

Subtable A4.2.5 Taxation and Commercial Division^a

	TAXATION		OTHER ^b		TOTAL	
	No	% of total	No	% of total	No	% of total
By decision						
Decision affirmed	85	8%	15	11%	100	8%
Decision varied, remitted or set aside	37	3%	7	5%	44	4%
Subtotal	122	11%	22	17%	144	11%
By consent						
Decision affirmed	9	1%	2	2%	11	1%
Decision varied, remitted or set aside	514	46%	6	5%	520	41%
Dismissed by consent	13	1%	0	0%	13	1%
Dismissed by operation of law	1	<1%	0	0%	1	<1%
Subtotal	537	48%	8	7%	545	43%
Other						
Withdrawn by applicant	360	31%	50	38%	410	32%
Dismissed by Tribunal	103	9%	26	20%	129	10%
No jurisdiction	3	0%	12	9%	15	1%
Extension of time refused	8	1%	2	2%	10	1%
Other	3	0%	12	9%	15	1%
Subtotal	477	41%	102	77%	579	45%
TOTAL^c	1,136	100%	132	100%	1,268	100%

^a See the notes to Subtable A4.2.1 for information about the outcome types.

^b These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.

^c Percentages may not total 100% due to rounding

Table A4.3 Number of alternative dispute resolution processes, directions hearings and hearings, 2013–14 to 2015–16

EVENT TYPE	2013–14	2014–15	2015–16
Conferences ^a	7,636	7,775	8,082
Conciliations ^a	555	523	529
Other ADR processes (case appraisals, mediations and neutral evaluations) ^a	64	23	25
Directions hearings ^b	1,945	1,721	2,788
Interlocutory hearings ^c	524	625	741
Hearings	1,083	1,183	24,856

^a The AAT holds alternative dispute resolution processes in all divisions other than the Migration and Refugee Division, Security Division and Social Services and Child Support Division.

^b The AAT holds directions hearings in all divisions other than the Migration and Refugee Division.

^c Interlocutory hearings are hearings listed in divisions other than the Migration and Refugee Division and the Social Services and Child Support Division in relation to the AAT's jurisdiction and 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 or to reinstate an application.

Table A4.4 Court appeals lodged and finalised, 2015–16 - By division and major areas of work within divisions^a

DIVISION/AREA OF WORK	COURT APPEALS LODGED		COURT APPEALS FINALISED ^c			
	Lodged	Proportion of total AAT decisions ^b	Allowed	Dismissed or Discontinued	Total appeals finalised	Proportion allowed against total appeals finalised
	No	%	No	No	No	%
Freedom of Information	5	23%	0	4	4	0%
General	47	3%	17	42	59	29%
<i>Centrelink (2nd review)</i>	17	2%	4	18	22	18%
<i>Workers' compensation^d</i>	15	7%	8	15	23	35%
<i>Other</i>	15	3%	5	9	14	36%
Migration and Refugee	3,269	23%	723	2,235	2,958	24%
<i>Migration</i>	1,640	15%	492	1,171	1,663	30%
<i>Refugee</i>	1,629	48%	231	1,064	1,295	18%
National Disability Insurance Scheme	0	0%	0	0	0	0%
Security	0	0%	0	0	0	0%
Social Services and Child Support^e	33	2%	3	30	33	9%
Taxation and Commercial	20	8%	6	16	22	27%
<i>Taxation</i>	18	9%	5	16	21	24%
<i>Other^f</i>	2	3%	1	0	1	100%
Veterans' Appeals	7	6%	5	6	11	45%
TOTAL	3,381	19%	754	2,333	3,087	24%

^a These figures include appeals lodged or finalised in the reporting year that relate to decisions made by the AAT, MRT, RRT or SSAT prior to 1 July 2015 as well as decisions made by the AAT from 1 July 2015.

^b This figure represents the number of appeals lodged in 2015–16 as a proportion of all AAT decisions that could have been appealed to the courts in 2015–16.

^c Where a decision of a judge of the Federal Circuit Court, 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.

^d These figures include applications for the review of decisions about defence-related claims under the *Safety, Rehabilitation and Compensation Act 1988* which are formally allocated to the Veterans' Appeals Division.

^e Only child support decisions and employer-related paid parental leave decisions may be appealed to the courts under section 44 or 44AAA of the Administrative Appeals Tribunal Act. Other decisions are subject to second review in the AAT.

^f These figures include all non-taxation applications managed within the Taxation and Commercial Division whether or not formally allocated to that division: see the Review of Taxation and Commercial Decisions Practice Direction.