

Appendix 3: Statistics for the year ending 30 June 2004

This appendix contains statistical information on different aspects of the Tribunal's workload during 2003–04. In some areas, information relating to previous years has been provided for the purposes of comparison.

The information contained in this appendix is summarised below.

Annual Report 2003–04	124	Administrative Appeals Tribunal	<table border="0"> <thead> <tr> <th style="text-align: left;">Table or chart reference</th> <th style="text-align: left;">Overview of information contained in table or chart</th> </tr> </thead> <tbody> <tr> <td>3.1</td> <td>Lodgements and finalisations for all jurisdictions</td> </tr> <tr> <td>3.2</td> <td>Lodgements in each registry</td> </tr> <tr> <td>3.3</td> <td>Finalisations in each registry</td> </tr> <tr> <td>3.4</td> <td>Finalisations without a hearing</td> </tr> <tr> <td>3.5</td> <td>Outcomes of matters finalised</td> </tr> <tr> <td>3.6</td> <td>Status of current applications</td> </tr> <tr> <td>3.7</td> <td>Current applications in each registry</td> </tr> <tr> <td>3.8</td> <td>Constitution of tribunals for hearings</td> </tr> <tr> <td>3.9</td> <td>Conferences, mediations, hearings and interlocutory applications</td> </tr> <tr> <td>3.10, 3.11 and 3.12</td> <td>Appeals to the Federal Court and Federal Magistrates Court from decisions of the Tribunal (lodgements, appeals determined and outcomes of appeals)</td> </tr> </tbody> </table>	Table or chart reference	Overview of information contained in table or chart	3.1	Lodgements and finalisations for all jurisdictions	3.2	Lodgements in each registry	3.3	Finalisations in each registry	3.4	Finalisations without a hearing	3.5	Outcomes of matters finalised	3.6	Status of current applications	3.7	Current applications in each registry	3.8	Constitution of tribunals for hearings	3.9	Conferences, mediations, hearings and interlocutory applications	3.10, 3.11 and 3.12	Appeals to the Federal Court and Federal Magistrates Court from decisions of the Tribunal (lodgements, appeals determined and outcomes of appeals)
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Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Bankruptcy	41	<1	31	<1
Compensation				
Australian Postal Corporation	418		540	
Comcare	705		768	
Defence Compensation	405		394	
Telstra	334		434	
Seafarers' compensation	66		52	
Other compensation decision makers	32		35	
<i>Subtotal</i>	1,960	27	2,223	22
Corporations	28	<1	14	<1
Customs and Excise				
Commerce (Trade Descriptions) Act	1		1	
Customs Duty	103		51	
Customs Tariff matters	39		51	
Diesel Fuel Rebate	9		23	
Excise	3		1	
Import and Export of Censored Goods	1		3	
<i>Subtotal</i>	156	2	130	1
Environment				
Environment Protection and Biodiversity	2		0	
Great Barrier Reef Marine Park Authority	0		5	
Hazardous Waste (Regulation of Exports and Imports) Act	2		3	
Renewable Energy (Electricity) Act	1		0	
<i>Subtotal</i>	5	<1	8	<1
Family Assistance, Social Security and related decisions				
Age Pension	112		147	
Austudy Payment	7		16	
Bereavement Payments	3		3	
Carer Payments	69		61	
Child Care Benefit	2		3	
Compensation Preclusion Period	67		79	
Crisis Payment	3		0	
Disability Support Pension	393		424	
Family Tax Benefit	91		103	
Farm Household Support	1		5	
Health Care Cards	2		4	
Maternity Allowance	10		6	
Mature Age Allowance	10		9	
Mobility Allowance	9		6	
Newstart Allowance	68		86	

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Overpayment and Debt Recovery	711		780	
Parenting Payment	48		49	
Partner Allowance	11		10	
Pension Bonus Scheme	12		15	
Pensioner Education Supplement	4		6	
Rent Assistance	12		13	
Senior Health Card	1		1	
Sickness Allowance	3		3	
Sole Parent Pension	0		0	
Special Benefit	9		16	
Special Category Visa Holder Determination	5		3	
Widow Allowance/Pension	2		1	
Wife Pension	8		13	
Youth Allowance	38		52	
<i>Subtotal</i>	1,711	24	1,914	19
Health and Aged Care				
Aged Care Providers	9		7	
Aged Care Recipients	3		3	
Health – General	16		18	
Medicare Participation Review Committee	0		2	
Pharmacists	10		9	
Therapeutic Goods Administration	3		3	
<i>Subtotal</i>	41	<1	42	<1
Immigration, Citizenship and Passports				
Australian Citizenship	101		102	
Business Visa Cancellation	129		280	
Criminal Deportation	1		4	
Expedited Review of Visa Cancellation/Refusal under s. 501 of the Migration Act	32		24	
Passports	3		2	
Protection Visa Cancellation/Refusal	15		12	
Visa Cancellation/Refusal under s. 501 of the Migration Act	104		133	
<i>Subtotal</i>	385	5	557	6
Industry				
Automotive Competitiveness and Investment Scheme	1		1	
Export Market Development Grants	5		6	
Industry Research and Development	3		5	
Patents, Designs and Trade Marks	4		4	
Textile Clothing and Footwear	7		8	
<i>Subtotal</i>	20	<1	24	<1

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Information				
Archives Act	0		2	
Freedom of Information Act	157		134	
<i>Subtotal</i>	157	2	136	1
Primary Industries				
Agricultural and Veterinary Chemicals	7		3	
Australian Fisheries Management Authority	3		18	
<i>Dairy Produce Act 1986</i>	3		174	
Export Control Orders	1		2	
Imported Food Control	0		1	
Levies and Charges Collection	1		1	
<i>Subtotal</i>	15	<1	199	2
Professional Qualifications				
Customs Agents	0		1	
Marriage Celebrants	9		4	
Migration Agents	43		25	
Mutual Recognition of Occupations in Australia	2		1	
Patent and Trade Marks Attorneys	4		3	
Tax Agents	25		20	
Trans-Tasman Mutual Recognition of Occupations	1		0	
<i>Subtotal</i>	84	1	54	<1
Security Appeals				
Archives	0		1	
ASIO Assessments	3		6	
<i>Subtotal</i>	3	<1	7	<1
Small Taxation Claims Tribunal				
Extension of Time Refusals	17		19	
Income Tax (other than taxation scheme applications)	81		93	
Sales Tax	0		0	
Superannuation Contributions Tax	5		1	
Taxation Release	26		3	
Taxation Schemes	3		14	
Other matters	55		33	
<i>Subtotal</i>	187	3	163	2

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Taxation (excluding Small Taxation Claims Tribunal applications)^a				
Australian Business Number	7		6	
Fringe Benefits Tax	8		30	
Goods and Services Tax	103		41	
Income Tax (other than taxation scheme applications)	558		417	
Luxury Car Tax	2		0	
Sales Tax	5		27	
Superannuation Guarantee Charge	30		21	
Taxation Administration	14		22	
Taxation File Number	1		1	
Taxation Schemes	625		2,415	
Wine Equalisation Tax	1		0	
<i>Subtotal</i>	1,354	19	2,980	30
Transport				
Air Navigation	1		4	
Airports Act and Regulations	0		1	
Australian Maritime Safety Authority	0		2	
Civil Aviation Safety Authority	20		19	
Motor Vehicle Standards	19		16	
<i>Subtotal</i>	40	<1	42	<1
Veterans' Affairs				
Attendant Allowance	2		1	
Disability Pension – Assessment	262		348	
Disability Pension – Entitlement	436		551	
Gold Card	6		14	
Income Support Supplement	1		1	
Japanese Internment Compensation	0		1	
Pension Bonus Scheme	1		3	
Repatriation Pharmaceutical Benefit	1		3	
Service Pension	49		61	
Veterans' Allowances	6		8	
VRB – Procedural Decisions	5		8	
Widows' Pension	143		202	
Widows' Pension Reinstatement	1		2	
<i>Subtotal</i>	913	13	1,203	12

Table 3.1 Applications lodged and finalised for all jurisdictions, 2003–04 (continued)

Jurisdiction	Applications lodged		Applications finalised	
	No.	%	No.	%
Other				
Anti-Discrimination Legislation	1		2	
Australian Broadcasting Authority	1		2	
Australian Communications Authority	2		0	
Child Support	35		37	
Commonwealth Electoral Act	2		1	
Defence Enactments	2		1	
Defence Force Retirement Death Benefits	26		34	
Disability Services Act	1		1	
Financial Sector Regulation	4		10	
Education for Overseas Students	2		2	
Higher Education Funding	10		11	
Privacy Act	1		1	
Superannuation Benefit Acts	0		2	
Waiver of Fees in Courts and Tribunals	1		1	
<i>Subtotal</i>	88	1	105	1
Case Management				
No Jurisdiction/Pending Jurisdiction	70		69	
Miscellaneous	9		8	
<i>Subtotal</i>	79	1	77	<1
Total for all jurisdictions^b	7,267	100	9,909	100

a These figures do not include all matters that are dealt with in the Taxation Appeals Division.

b Percentages do not total 100% due to rounding.

Chart 3.2 Applications lodged in each registry

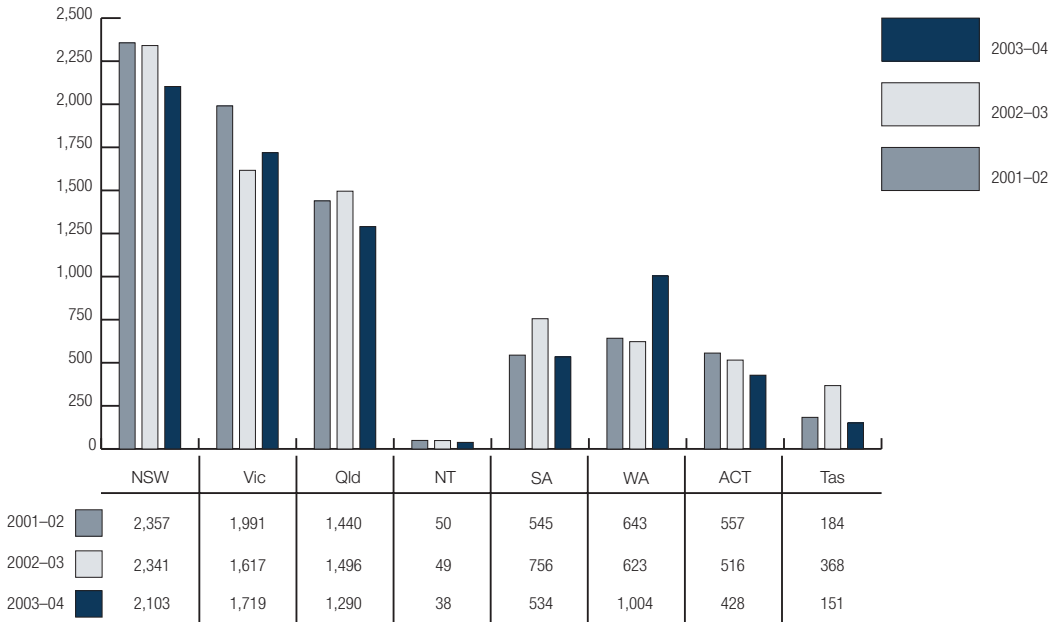


Chart 3.3 Applications finalised in each registry

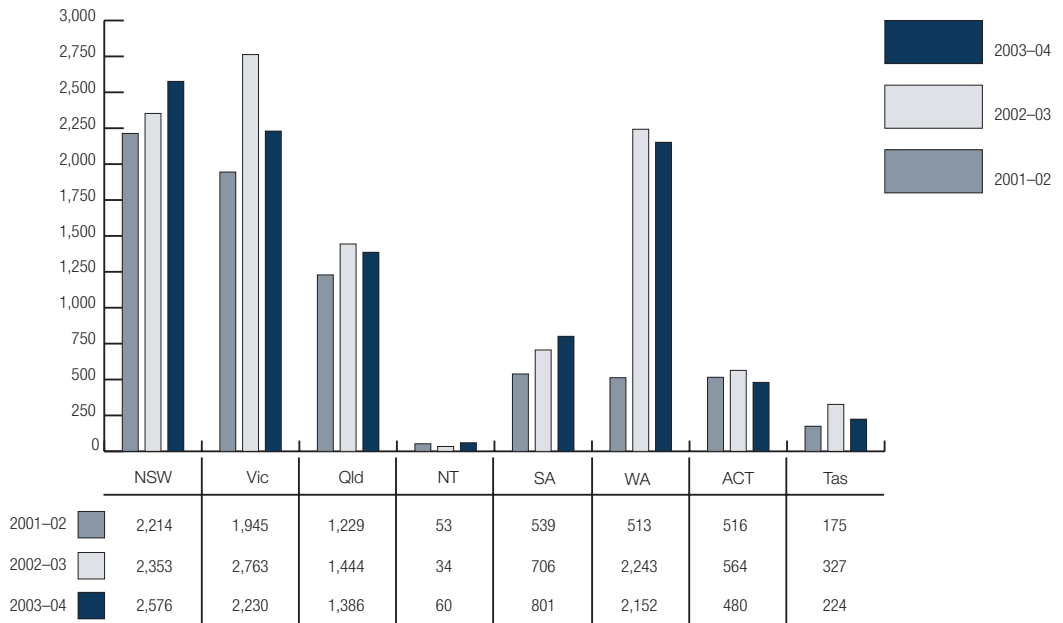


Table 3.4 Percentage of applications finalised without a hearing

Jurisdiction	2001–02 %	2002–03 %	2003–04 %
All applications	74 ^a	74 ^a	81
Compensation	89	89	86
Social Security	63	67	69
Veterans' Affairs	76	72	71
Taxation Division	81	96	97
Small Taxation Claims Tribunal	78	73	85

a In previous reports, figures were provided in relation to the proportion of applications finalised without a hearing in the General Administrative and Veterans' Appeals Divisions rather than in relation to all applications. These figures relate only to the General Administrative and Veterans' Appeals Divisions.

Note: Applications finalised without a hearing include all applications that were finalised otherwise than by a Tribunal decision following a hearing on the merits. For example, applications finalised by consent pursuant to section 42C of the AAT Act or withdrawn by the applicant under section 42A(1A) of the AAT Act are included in this category.

Table 3.5 Applications finalised in 2003–04, by outcome

Outcome	All applications		Compensation		Social Security		Veterans' Affairs		Taxation Division		Small Taxation Claims Tribunal	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
By consent												
Affirmed	476	5	416	19	6	<1	7	<1	37	1	0	0
Set aside	3,288	33	819	37	261	14	316	26	1,705	57	43	26
Varied	1,225	12	172	8	16	<1	143	12	848	28	32	20
Remitted	17	<1	1	<1	1	<1	4	<1	0	0	1	<1
Dismissed / Withdrawn ^a	2,398	24	440	20	946	49	365	30	197	7	56	34
By decision												
Affirmed	1,175	12	184	8	454	24	216	18	40	1	23	14
Set aside	582	6	113	5	116	6	123	10	25	<1	0	<1
Varied	81	<1	16	<1	20	1	10	<1	10	<1	1	<1
Remitted	23	<1	4	<1	2	<1	5	<1	0	0	1	<1
No jurisdiction	79	<1	3	<1	4	<1	2	<1	34	1	3	<1
Dismissed ^b	222	2	34	2	52	3	10	<1	62	2	2	<1
Extension of time refused	45	<1	9	<1	28	1	0	<1	0	<1	0	<1
Other												
No fee paid	81	<1	0	<1	0	<1	0	<1	19	<1	1	<1
Other ^c	217	2	12	<1	8	<1	2	<1	21	<1	0	<1
Total^d	9,909	100	2,223	100	1,914	100	1,203	100	2,998	100	163	100

a Includes matters dismissed under subsections 42A(1) and (1B) and otherwise by operation of law.

b Includes matters dismissed under subsections 42A(2) (non-appearance), 42A(4) (failure to show reviewable decision), 42A(5) (failure to comply with a direction of the Tribunal) and 42B(1) (frivolous or vexatious) of the AAT Act.

c Includes matters remitted to decision maker under section 42D of the AAT Act.

d Percentages do not total 100% due to rounding.

Table 3.6 Status of applications current as at 30 June 2004

Jurisdiction	No.	%
Compensation		
In preparation (mainly awaiting section 37 documents)	269	15
Set down for hearing, conference or mediation	1,459	79
Part heard	82	4
Heard and awaiting decision	32	2
<i>Total</i>	1,842	100
Social Security		
In preparation (mainly awaiting section 37 documents)	241	30
Set down for hearing, conference or mediation	517	65
Part heard	24	3
Heard and awaiting decision	18	2
<i>Total</i>	800	100
Veterans' Affairs		
In preparation (mainly awaiting section 37 documents)	90	10
Set down for hearing, conference or mediation	765	82
Part heard	35	4
Heard and awaiting decision	39	4
<i>Total</i>	929	100
Taxation Division		
In preparation (mainly awaiting section 37 documents)	2,028	63
Set down for hearing, conference or mediation	1,120	35
Part heard	19	<1
Heard and awaiting decision	60	2
<i>Total</i>	3,227	100
Small Taxation Claims Tribunal	122	100
Other matters	764	100
Total^a	7,684	100

a Percentages do not total 100% due to rounding.

Chart 3.7 Applications current in each registry

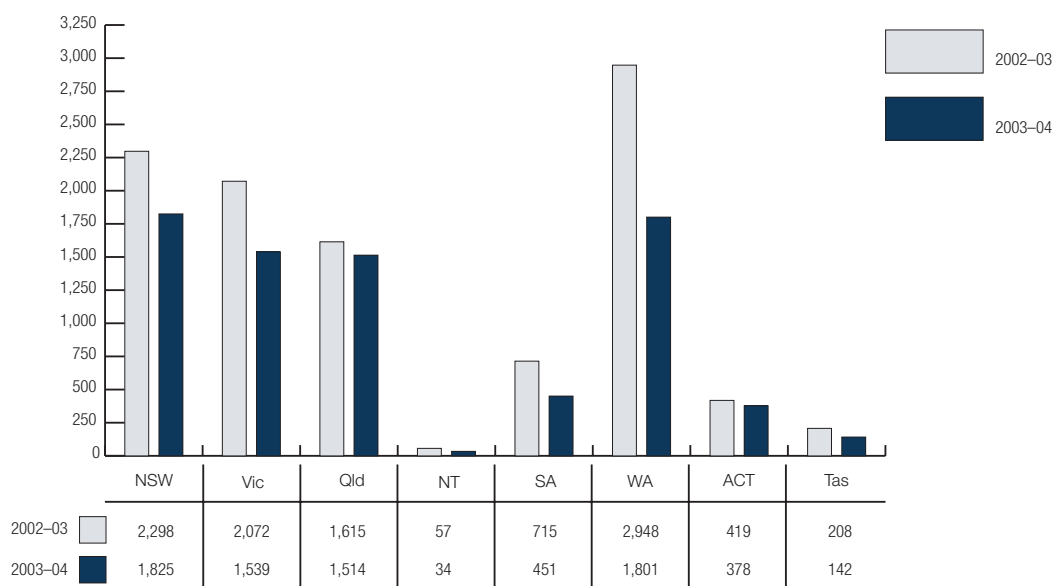


Table 3.8 Constitution of tribunals for hearings

Jurisdiction	2001-02		2002-03		2003-04	
	No.	%	No.	%	No.	%
All matters						
Judge alone	4	<1	1	<1	10	<1
Judge plus 1	2	<1	3	<1	3	<1
Judge plus 2	2	<1	138	7	3	<1
Deputy President alone	245	15	282	15	300	16
Deputy President plus 1	14	<1	22	1	37	2
Deputy President plus 2	13	<1	14	<1	22	1
Senior Member alone	509	31	398	21	382	21
Senior Member plus 1	238	14	183	9	172	9
Senior Member plus 2	83	5	58	3	27	1
Member alone	554	33	828	43	882	48
Total^a	1,664	100	1,927	100	1,838	100
Total multiple member tribunals	356	21	418	22	264	14

a Percentages do not total 100% due to rounding.

Note: This table does not include hearings on the papers.

Table 3.9 Number of conferences, mediations, hearings and interlocutory hearings

Type	2001–02	2002–03	2003–04
Conferences	10,842	10,450	9,422
Conciliation conferences (compensation matters)	865	1,044	779
Mediations	86	53	84
Hearings (including hearings on the papers)	1,742	2,007	1,961
Interlocutory hearings ^a	412	409	444

a Includes jurisdiction hearings and hearings on applications for section 35 confidentiality orders, stay orders, joinder orders, extensions of time, dismissal orders and reinstatement.

Table 3.10 shows the total number of appeals from decisions of the Tribunal lodged in the reporting year. The number of appeals under the *Administrative Decisions (Judicial Review) Act 1977* (the ADJR Act) or the *Judiciary Act 1903* (the Judiciary Act) are indicated in parentheses. The remainder are appeals lodged in the Federal Court under section 44 of the AAT Act.

The total number of appeals from Tribunal decisions determined in 2003–04 and in the two previous years are shown in Table 3.11. The numbers of appeals under the ADJR Act or the Judiciary Act that were finalised is indicated in parentheses.

Table 3.12 shows the outcomes of appeals from decisions of the Tribunal that were determined in 2003–04. The numbers of appeals under the ADJR Act or the Judiciary Act are indicated in parentheses. The remainder are appeals determined under section 44 of the AAT Act in the reporting year.

Thirteen appeals under section 44 of the AAT Act were determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the AAT Act.

Table 3.10 Appeals from decisions of the Tribunal, by jurisdiction

Division/jurisdiction	2001–02	2002–03	2003–04
Compensation	18	22	33 (1)
Social Security	32	27	32
Veterans' Affairs	42	50	49 (1)
Taxation	11	10	10 (1)
Small Taxation Claims Tribunal	1	3	1
Other	53	44	44 (11)
Total appeals lodged	171 (14 ^a)	167 (11 ^a)	169 (14)

a For the 2001–02 and 2002–03 financial years, the appeals lodged under the ADJR Act or the Judiciary Act are included as totals only. The appeals have not been divided by individual jurisdiction in previous years.

Table 3.11 Appeals from decisions of the Tribunal - appeals determined

	2001–02	2002–03	2003–04
Total appeals determined	230 (6)	152 (14)	186 (12)

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.

Table 3.12 Appeals from decisions of the Tribunal – outcomes of appeals determined in 2003–04

Outcome	2003–04
Compensation	
Allowed/Remitted	6
Dismissed	22 (2)
Discontinued	11 (3)
Other	4
<i>Subtotal</i>	43 (5)
Social Security	
Allowed/Remitted	6
Dismissed	24 (1)
Discontinued	6 (1)
Other	–
<i>Subtotal</i>	36 (2)
Veterans' Affairs	
Allowed/Remitted	15
Dismissed	28
Discontinued	5
Other	–
<i>Subtotal</i>	48
Taxation	
Allowed/Remitted	4
Dismissed	4
Discontinued	4
Other	–
<i>Subtotal</i>	12
Small Taxation Claims Tribunal	
Allowed/Remitted	1
Dismissed	2
Discontinued	–
Other	–
<i>Subtotal</i>	3
Other	
Allowed/Remitted	11 (2)
Dismissed	27 (2)
Discontinued	6 (1)
Other	–
<i>Subtotal</i>	44 (5)
Total appeals finalised	186 (12)

Note: Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court is appealed and the appeal is determined in the same reporting year, only the ultimate result is counted for the purpose of these statistics.