

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ADMINISTRATIVE APPEALS TRIBUNAL

Question No. 60

Senator Bartlett asked the following question at the hearing on 14 February 2006:

Appendix 3 of the AAT Annual Report (Table 3.12 – Appeals from decisions of the Tribunal – outcomes of appeals determined in 2004-2005).

How do these figures compare to those of previous years?

The answer to the honourable senator's question is as follows:

The following table provides summary information on the outcomes of appeals against decisions of the Tribunal that were determined in 2002-03, 2003-04 and 2004-05. Please note that the figures include:

- appeals against interlocutory decisions made by the Tribunal as well as final decisions made under section 43 of the *Administrative Appeals Tribunal Act 1975*; and
- appeals lodged under section 44 of the *Administrative Appeals Tribunal Act 1975* as well as applications lodged under the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903* and under section 75(v) of the Constitution.

Outcome	2002-03		2003-04		2004-05	
	No.	%	No.	%	No.	%
Allowed/Remitted	41	30	43	23	52	32
Dismissed	59	43	107	58	85	53
Discontinued	32	23	32	17	23	14
Other	6	4	4	2	1	< 1
Total	138	100	186	100	161	100

The table demonstrates that there is some variation from year to year in relation to the proportion of appeals that are allowed. However, the variation does not appear to be significant.

The following table sets out more detailed comparative information in relation to appeals against Tribunal decisions that were determined in 2002-03, 2003-04 and 2004-05. Please note that information relating to appeals was collated differently for the 2002-03 reporting year. Information was collated in relation to:

- the General Administrative Division and the Veterans' Appeals Division;
- the Taxation Appeals Division; and
- the Small Taxation Claims Tribunal.

A separate entry has been included in the table for the figures relating to the General Administrative Division and the Veterans' Appeals Division for 2002-03 with comparative figures provided for 2003-04 and 2004-05.

For the years 2003-04 and 2004-05, the figures in parentheses identify the number of appeals that were applications lodged under the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903* and/or under section 75(v) of the Constitution rather than appeals under section 44 of the *Administrative Appeals Tribunal Act 1975*.

Outcome	2002-03	2003-04	2004-05
<i>General Administrative Division and Veterans' Appeals Division</i>			
Allowed/ Remitted	41	38 (2)	49 (1)
Dismissed	53	101 (5)	76 (5)
Discontinued	30	28 (5)	21 (3)
Other	6	4	1
<i>Compensation</i>			
Allowed/ Remitted		6	13
Dismissed		22 (2)	8 (1)
Discontinued		11 (3)	4
Other		4	-
<i>Social Security</i>			
Allowed/ Remitted		6	2
Dismissed		24 (1)	16
Discontinued		6 (1)	5
Other		-	-
<i>Veterans' Affairs</i>			
Allowed/ Remitted		15	19
Dismissed		28	17
Discontinued		5	3
Other		-	1
<i>Other Jurisdictions</i>			
Allowed/ Remitted		11 (2)	15 (1)
Dismissed		27 (2)	35 (4)
Discontinued		6 (1)	9 (3)
Other		-	-
<i>Taxation</i>			
Allowed/ Remitted	-	4	3
Dismissed	5	4	9
Discontinued	1	4	1
Other	-	-	-
<i>Small Taxation Claims Tribunal</i>			
Allowed/ Remitted	-	1	-
Dismissed	1	2	-
Discontinued	1	-	1
Other	-	-	-
Total Appeals Determined	138	186 (12)	161 (9)