

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADMINISTRATIVE APPEALS TRIBUNAL

Question No. 57

Senator Ludwig asked the following question at the hearing on 24 May 2007:

Please provide an update (to 27 May 2007 if practicable) of the annual report showing:

- a) the numbers of decisions made, the timeliness of those decisions, the number of cases on hand and their elapsed time
- b) the cost of those matters that do and do not proceed to hearing.

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

The Tribunal has been implementing a new case management system, TRaCS, during the course of 2006-07. The Tribunal's NSW registry commenced using TRaCS on 11 December 2006. Other registries commenced using TRaCS over the first three months of 2007. The Tribunal is currently working with Strategic Business Consulting on the system's reporting functions. The reports required to provide the requested figures are currently in the development and testing phases. The Tribunal is unable to provide figures as at 27 May 2007 at this stage.

The Tribunal is able to provide figures in relation to the period 1 July to 31 December 2006. These figures have been derived from reports generated by the Tribunal's previous case management system, AATCAMS. The figures relate to all applications finalised in the Tribunal during that 6-month period other than applications finalised in the NSW registry that had not been recorded in AATCAMS prior to 11 December 2006. The figures for current applications as at 31 December 2006 include, for the NSW registry, the number of applications that were recorded in AATCAMS as being current at 8 December 2006.

a) *Applications finalised*

The Tribunal finalised 3,502 applications in the period 1 July to 31 December 2006, 678 of which were finalised by way of a Tribunal decision under s 43 of the *Administrative Appeals Tribunal Act 1975*. The following table sets out the number of applications finalised by jurisdiction in 2004-05, 2005-06 and the first 6 months of 2006-07 with a projection for 2006-07:

Jurisdiction	2004-05	2005-06	6 months to 31/12/06	Projected 2006-07	% Change from 2005-06 (No.)
Compensation	2,125	1,495	786	1,572	+ 5% (+77)
Social security	1,596	1,359	826	1,652	+ 22% (+293)
Veterans' affairs	1,027	1,038	425	850	- 18% (-188)
Taxation Division	1,512	2,936	960	1,920	- 35% (-1,016)
Small Taxation Claims Tribunal	225	244	79	158	- 35% (-86)
Other	1,041	1,019	426	852	-16% (-167)
Total	7,526	8,091	3,502	7,004	- 13% (- 1,087)

The projected decrease in the number of applications finalised reflects fluctuations which occur from year to year in different jurisdictions. The projected number of finalisations relating to taxation schemes in 2006-07 is significantly lower than the number of applications finalised in 2005-06. The Tribunal is also projected to finalise a smaller number of applications in the veterans' affairs jurisdiction which is consistent with the lower number of applications lodged in this jurisdiction over recent years.

The following table sets out the percentage of applications in the Tribunal's four major jurisdictions that were finalised within 12 months of lodgement in 2004-05, 2005-06 and the first 6 months of 2006-07:

Jurisdiction (Target % rate for finalisation within 365 days)	2004-05	2005-06	6 months to 31/12/06	% Change from 2005-06
Compensation (75% target)	64%	62%	63%	+ 1%
Social security (90% target)	91%	91%	91%	-
Veterans' affairs (80% target)	59%	66%	67%	+ 1%
Taxation Division (excluding STCT) (75% target)	35%	49%	42%	- 7%

The Tribunal notes that approximately 18% of applications finalised in the Taxation Division in the 6-month period ending 31 December 2006 were applications relating to taxation scheme matters lodged prior to 1 July 2003. A further 22% were applications relating to taxation scheme matters lodged between 1 July 2003 and 1 July 2005. The Tribunal has been working to finalise the longstanding applications relating to taxation schemes.

The following table sets out the percentage of applications in the Small Taxation Claims Tribunal that were finalised within 84 days of lodgement in 2004-05, 2005-06 and the first 6 months of 2006-07:

	2004-05	2005-06	6 months ending 31/12/06	% Change from 2005-06
Small Taxation Claims Tribunal	37%	36%	27%	- 9%

Current applications

The following table sets out the number of current applications by jurisdiction as at the end of 2004-05, 2005-06 and 31 December 2006:

Jurisdiction	2004-05	2005-06	6 months to 31/12/06	% Change from 2005-06 (No.)
Compensation	1,455	1,446	1,448	- (+2)
Social security	694	968	1,186	+ 23% (+218)
Veterans' affairs	887	757	775	+ 2% (+18)
Taxation Division	3,851	4,366	4,567	+ 5% (+201)
Small Taxation Claims Tribunal	108	109	108	- 1% (-1)
Other	721	528	594	+ 13% (+66)
Total	7,716	8,174	8,678	+ 6% (+504)

b) *Cost per application*

The Portfolio Budget Statements 2006-07 set out a price for completed applications finalised without a hearing and for completed applications finalised with a hearing. The following table sets out the price per application set out in the Portfolio Budget Statements and the actual price per application for the applications finalised in the period 1 July to 31 December 2006:

Nature of finalisation	Projected	Actual
Applications finalised without a hearing	\$2,630	\$2,530
Applications finalised with a hearing	\$12,388	\$13,217

The Tribunal notes that not all Tribunal expenses accrue evenly over the year. It is possible that the costs in the second half of the financial year will be different from the first half resulting in a variance in the end of year costs for finalised applications. The result will also be affected by the number of matters finalised in the second half of the financial year.