



Dust Diseases Tribunal of New South Wales

Annual Report to the President: 2021

Prepared by:

Daniel Watson
Registrar, Dust Diseases Tribunal of New South Wales

Contents

Digital Expansion Project.....	3
COVID-19.....	3
Statistics	4

Digital Expansion Project

The Digital Expansion Project commenced in July 2021. The project aims to deliver three key initiatives:

- Online Filing – provides a secure service allowing legal representatives to file documents and manage their clients' cases. Legal representatives can also access court sealed documents within minutes, view court orders in real-time and all case information from their home or office.
- eSubpoena – legal representatives will be able to view and download subpoenaed items from any location at any time, delivering cost and time benefits. Producers of the subpoenaed items will also benefit by being able to submit subpoenaed items online.
- Digital Case File – Judiciary, registry staff, contribution assessors and mediators will be able to access case files online at any time and from anywhere, providing convenience for any offsite/bedside hearings.

Enabling digital capabilities will allow our clients to file and subsequently access their documents online anytime and from anywhere. There will be significant cost savings for the citizen as well as productivity gains and cost savings for the Tribunal. This will also support business continuity and enable remote registry services. As time is a critical factor for resolution of matters, digital capability will expedite the end-to-end process.

COVID-19

The Tribunal's operations continued to operate during the COVID-19 Pandemic, however significant changes had to be made to the way the Tribunal operates to minimise the risk of transmission of COVID-19. These changes included the following:

- no personal appearances were permitted from 20 July 2021 to 25 October 2021. During this period, the Tribunal conducted all hearings and listings via the use of the virtual courtroom or other electronic means. To ensure business continuity during this period, registry staff were split into two teams. These teams worked alternate weeks in the office and from home.
- DDT Practice Note No.1 of 2021 was issued by the President on 14 October 2021 allowing applications to be made for leave to be granted for in person appearances in hearings, which include bedside hearings at private homes and Issues and Listings Conferences (ILC) before the Registrar. All other matters continued to be heard via the use of the virtual courtroom.
- allowing parties to file documents via electronic means.

- conducting screening checks on entry
- additional cleaning regimes, particularly in high traffic areas
- providing hand sanitiser in public areas and within courtrooms
- displaying physical distancing reminders, including floor markings and notices
- introduction of QR codes
- mandatory mask wearing
- Rapid Antigen Testing (RAT)

Statistics 2021 Calendar Year

Summary

Lodged and Finalised:

- 372 Statements of Claim were lodged and comprised 68% of total claims lodged
- 172 Cross Claims were lodged and comprised 32% of total claims lodged
- 9 of the 372 Statements of Claim were for a Part 4, Division 6 Claim for contribution
- A total of 181 'Contributions claims' were filed, being 33% of all claims lodged
- Of the 356 'disease-related' claims (not a claim for contribution):
 - 217 claims were for Mesothelioma forming 58% of 'disease-related' claims lodged
 - 34 claims were for Asbestosis
 - 60 claims were for ARPD
 - 22 claims were for Carcinoma
 - 23 claims are in the 'Other' category: -includes Compensation to relatives, Asthma, Chronic bronchitis, Bronchitis, Emphysema, Hard metal pneumoconiosis, Coal dust pneumoconiosis, Other pathological condition, Silicosis
- 2.7% decrease in number of claims filed from 559 (2020) to 544 claims (2021)
 - 1.6% decrease in number of Statements of Claim filed
 - 5% decrease in number of Cross Claims filed
- 46.7% decrease in the overall number of claims finalised in 2021 *
 - 40.8% decrease in the number of Statements of Claim finalised
 - 56% decrease in the number of Cross Claims finalised
- 65 claims had Provisional damages awarded in 2021

Pending:

- As at 31 December 2021, 'pending caseload' was 418 claims, being:
 - 301 Statements of Claim
 - 117 Cross Claims
- As at 31 December 2021, the status of the pending 301 Statements of Claim was:
 - 145 in a "Filed" status
 - 42 in a "Case Management" status
 - 99 in a "CRP Active" status
 - 8 in a "CRP Suspended" status
 - 7 in a "Hearing" status
- As at 31 December 2021, the status of the pending 117 Cross Claims was:
 - 12 in a "Filed" status
 - 51 in a "Case Management" status
 - 42 in a "CRP Active" status
 - 9 in a "CRP suspended" status
 - 3 in a "Hearing" status

*The significant decrease in claims finalised was due in part to a large number of inactive claims being finalised via the super call-over in 2020 and in chambers.

Annual President's Report (DDT Statistics 2021 Calendar Year)

Counts and percentages

PROCEEDING_TYPE	2020		2021	
	COUNT	% of Total	COUNT	% of Total
DDT Claim	378	67.62%	372	68.32%
DDT Cross Claim	181	32.38%	172	31.68%
Grand Total	559	100.00%	544	100.00%

Counts and percentages by Disease Type

Disease Type	2020				2021			
	DDT Claim		DDT Cross Claim		DDT Claim		DDT Cross Claim	
	COUNT	% of Total	COUNT	% of Total	COUNT	% of Total	COUNT	% of Total
Mesothelioma	218	57.67%			217	58.22%		
Carcinoma	20	5.29%			22	5.93%		
Asbestosis	41	10.85%			34	9.16%		
ARPD	53	14.02%			60	16.17%		
Other Claims	22	5.82%			23	6.20%		
Contribution Claim			181	100.00%			172	100.00%
Div 6 Claim	22	5.82%			9	2.43%		
Summons	2	0.53%			7	1.89%		
Grand Total	378	100.00%	181	100.00%	372	100.00%	172	100.00%

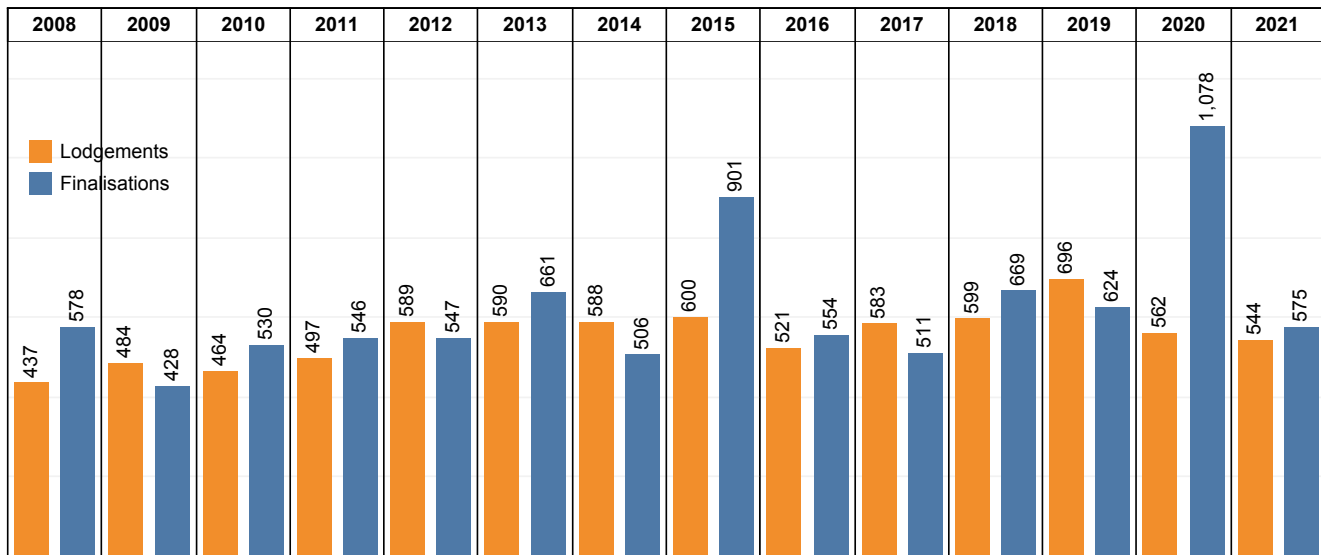
Pending

Proceeding Type	Disease	Status					Grand Total
		Filed	Case Management	CRP Active	CRP Suspended	Hearing	
DDT Claim	Mesothelioma	75	9	53	5	4	146
	Carcinoma	15	2	4			21
	Asbestosis	17	1	14	2		34
	ARPD	31	1	26	1	1	60
	Other Claims	2	27			2	31
	Contribution Claim	5	2	2			9
	Total	145	42	99	8	7	301
DDT Cross Claim	Other Claims	12	51	42	9	3	117
	Total	12	51	42	9	3	117
Grand Total		157	93	141	17	10	418

Jan - December 2021 (Jan - December 2020)

Type	Lodgements		Finalisations	
	2020	2021	2020	2021
DDT Claim	380	372	664	393
DDT Cross Claim	182	172	414	182
Grand Total	562	544	1,078	575

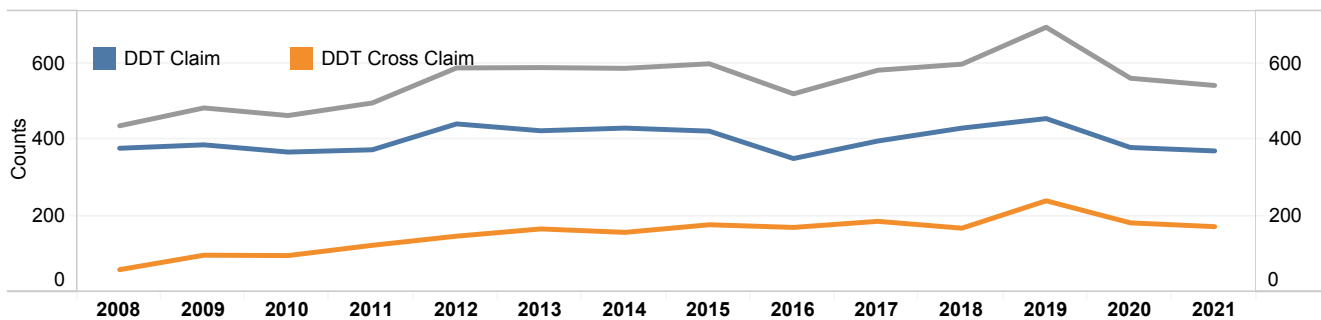
Claims Filed & Claims Finalised



Lodgements by Calendar year

Type	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
DDT Claim	378	387	368	374	442	424	431	423	351	397	431	456	378	372
DDT Cross Claim	59	97	96	123	147	166	157	177	170	186	168	240	181	172
Grand Total	437	484	464	497	589	590	588	600	521	583	599	696	559	544

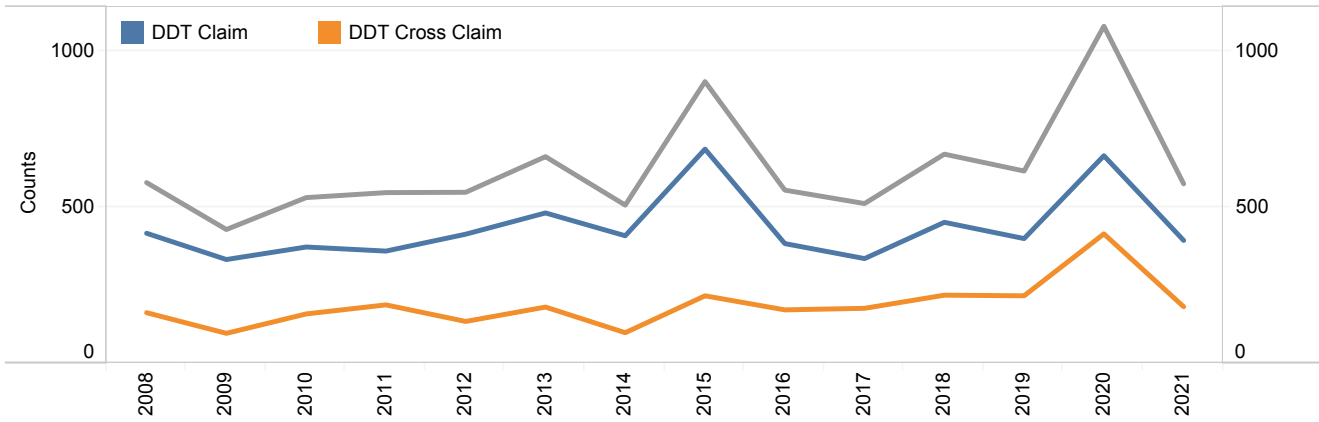
Lodgements Trend



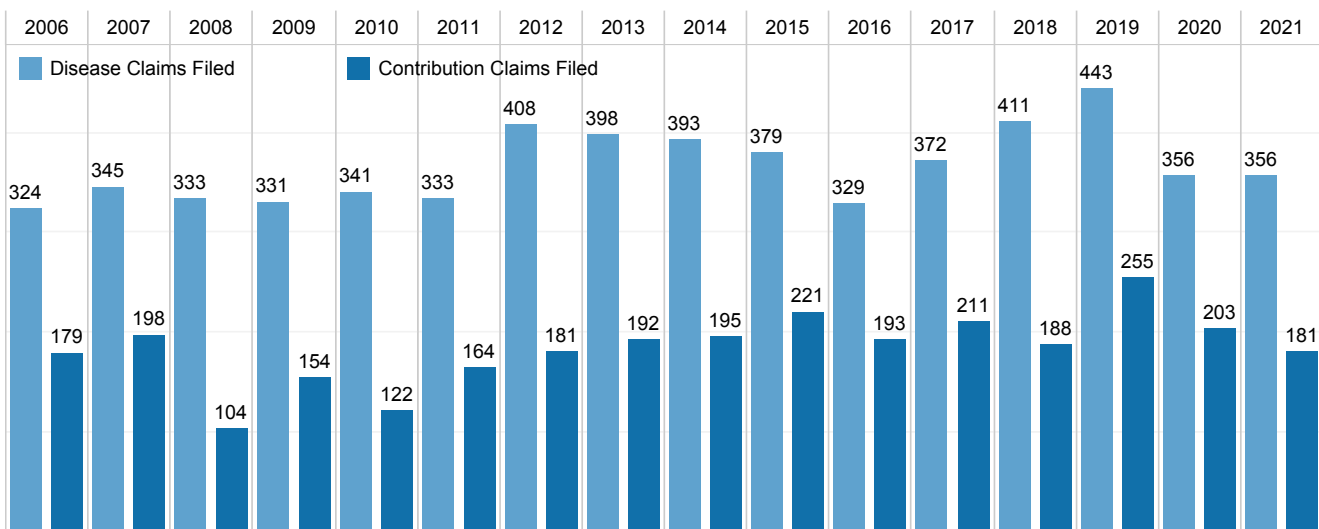
Finalisations by Calendar year

Type	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
DDT Claim	416	332	372	359	413	481	408	685	383	335	451	401	671	393
DDT Cross Claim	162	96	158	187	134	180	98	216	171	176	218	223	418	182
Grand Total	578	428	530	546	547	661	506	901	554	511	669	624	1,089	575

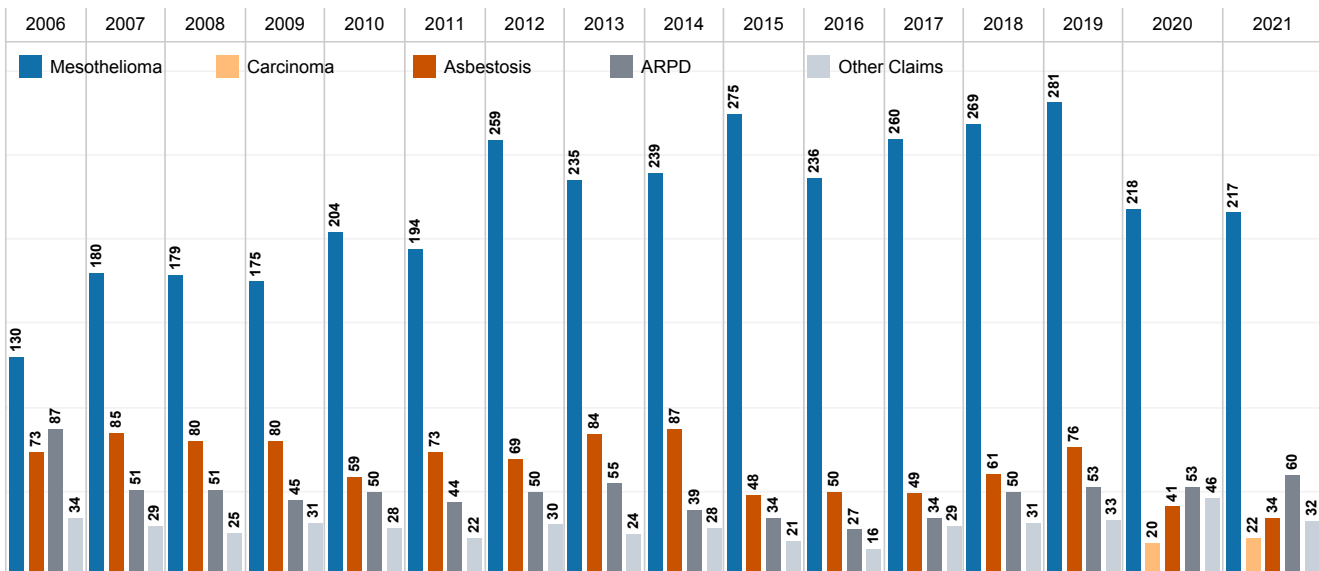
Finalisation Trends



Diseases & Contribution Claims



Diseases Claims by Disease Type



As of mid-June 2020, reporting has changed with the use of a new case management system. Carcinoma is now counted separately and no longer included in 'Other claims'. Other claims includes Statement of Claim (Division 6) with No injuries – Cross Claim, Compensation to Relatives, Emphysema, Silicosis, Coal dust pneumoconiosis, Hard metal pneumoconiosis, Chronic bronchitis, Bronchitis, Asthma, Other Pathological condition.

Active Caseload Comparison as at 31 December 2021

As at 31 December 2021

Status	DDT Claim		DDT Cross Claim	
	2020	2021	2020	2021
Filed	160	145	16	12
CRP Active	102	99	35	42
CRP Suspended	3	8	1	9
Case Management	41	42	59	51
Hearing	8	7	11	3
Grand Total	314	301	122	117

As of mid-June 2020, reporting has changed with the use of a new case management system. CRP Inactive is now counted in CRP Suspended status and Filed is now an active status.

Inactive Case Load as at 31 December 2021

Status	2020		2021	
	DDT Claim	DDT Cross Claim	DDT Claim	DDT Cross Claim
Inactive > 12 Months	0	0	0	0
Grand Total	0	0	0	0

Provisional Damages Awarded

As at 31 December 2020

Status	DDT Claim	DDT Cross Claim	Grand Total
Provisional Damages	369	38	407

As at 31 December 2021

Status	DDT Claim	DDT Cross Claim	Grand Total
Provisional Damages	418	54	472

Bedside Hearings (Offsite Hearings) 2021

Month	Sydney	Regional	Interstate	Overseas	AVL	Grand Total
January	0	1	0	0	1	1
February	0	1	1	0	2	2
March	1	2	0	0	3	3
April	0	1	1	0	2	2
May	1	0	0	0	1	1
June	0	2	0	0	2	2
July	0	2	1	0	3	3
August	0	2	0	0	2	2
September	1	1	1	0	3	3
October	3	0	0	0	3	3
November	0	1	0	0	1	1
December	1	0	0	0	1	1
Grand Total	7	13	4	0	24	24

Bedside (Offsite) Hearings by Year

Month	2017	2018	2019	2020	2021
January	1	2	2	2	1
February	4	0	4	2	2
March	6	5	1	6	3
April	1	5	2	5	2
May	2	3	3	2	1
June	6	1	1	1	2
July	2	0	1	0	3
August	2	0	1	0	2
September	0	3	0	0	3
October	1	3	3	0	3
November	4	2	3	0	1
December	1	1	2	0	1
Grand Total	30	25	23	18	24

Issues and Listings Conference (Registrar) January - December 2021

Month	2019	2020	2021
January	0	0	0
February	2	4	9
March	0	1	1
April	2	2	0
May	0	2	4
June	0	0	2
July	0	2	1
August	1	2	8
September	0	2	4
October	0	2	3
November	3	2	7
December	1	2	1
Grand Total	9	21	40