



Dust Diseases Tribunal of New South Wales

Annual Report to the President: 2020

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JusticeLink Court Case Management System

On 23 May 2020 the Department of Communities & Justice introduced a new court case management system for the Dust Diseases Tribunal called JusticeLink. The Dust Diseases Tribunal registry fully commenced using JusticeLink for all processes from 15 June 2020.

The benefits of the new system include:

- A case management system in line with other jurisdictions
- Improved business processes including reporting and statistical data collection
- Improved user experience for clients of the Tribunal.

The new system has made the services provided by the Dust Diseases Tribunal registry faster, simpler and easier to use.

Website Upgrade

The new DDT website was successfully released on 4 August 2020:

<https://www.dustdiseasestribunal.nsw.gov.au/>

As part of the Digital Reform Program, NSW Courts and Tribunals upgraded their websites to make them simpler and easier to navigate. Changes included:

- A fresh, new, mobile-friendly design
- Improved information architecture
- Advanced Search Functionality

Super Call-Over 29 September 2020

The Super Call-Over was held on 29 September 2020 and was a huge success. These claims were listed pursuant to clause 20(1)(d) of the *Dust Diseases Tribunal Regulation 2019* (NSW).

The Super Call-Over was originally listed on 9 April 2020 but was postponed due to the COVID-19 Pandemic.

The Tribunal (in April 2020) identified 135 claims to be listed and notified Practitioners accordingly. By the time of the Super Call-Over on 29 September 2020, 49 claims had been finalised and 86 claims remained listed. All appearances were via the use of virtual courtroom videoconferencing facility (virtual courtroom) or other electronic means.

Of the 135 claims identified by the Tribunal, 130 have been finalised (96%) and only 5 remain outstanding (4%).

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 reduce the risk of spreading COVID-19 (Coronavirus). These changes included the following:

- conducting Bedside Hearings and the Weekly Directions List via the use of the virtual courtroom videoconferencing facility (virtual courtroom) or other electronic means
- limiting the number of personal appearances in courtrooms for Hearings
- allowing parties to file documents via electronic means.
- conducting Issues and Listing Conferences (ILC's) and the Return of Subpoena (ROS) List before the Registrar via the use of the virtual courtroom or other 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

Statistics 2020 Calendar Year

Summary

Lodged and Finalised:

- 378 Statement of Claims were lodged and comprised 68% of total claims lodged
- 181 Cross Claims were lodged and comprised 32% of total claims lodged
- 22 of the 378 Statements of Claim were for a Part 3, Division 6 Claim for contribution
- A total of 203 'Contributions claims' were filed, being 36% of all claims lodged
- Of the 356 'disease-related' claims (not a claim for contribution):

- 218 claims were for Mesothelioma forming 58% of 'disease-related' claims lodged
- 42 claims were for Asbestosis
- 53 claims were for ARPD
- 19 claims were for Carcinoma
- 24 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
- 19.6% decrease in number of claims filed from 697 (2019) to 559 claims (2020)
 - 17.1% decrease in number of Statements of Claims filed
 - 24.6% decrease in number of Cross Claims filed
- 42.1% increase in the overall number of claims finalised in 2020
 - 39.6% increase in the number of Statements of Claim finalised
 - 46.11% increase in the number of Cross Claims finalised
- 57 claims had Provisional damages awarded in 2020

Pending:

- As at 31 December 2020, 'pending caseload' was 436 claims, being:
 - 314 Statements of Claim
 - 122 Cross Claims
- As at 31 December 2020, the status of the pending 314 Statements of Claims was:
 - 160 in a "Filed" status
 - 41 in a "Case Management" status
 - 102 in a "CRP Active" status
 - 3 in a "CRP Suspended" status
 - 8 in a "Hearing" status
- As at 31 December 2020, the status of the pending 122 Cross Claims was:
 - 16 in a "Filed" status
 - 59 in a "Case Management" status
 - 35 in a "CRP Active" status
 - 1 in a "CRP suspended" status
 - 11 in a "Hearing" status

Annual President's Report (DDT Statistics 2020 Calendar Year)

Counts and percentages

PROCEEDING_TYPE	2019		2020	
	COUNT	% of Total	COUNT	% of Total
DDT Claim	457	65.57%	378	67.62%
DDT Cross Claim	240	34.43%	181	32.38%
Grand Total	697	100.00%	559	100.00%

Counts and percentages by Disease Type

Disease Type	2019				2020			
	DDT Claim		DDT Cross Claim		DDT Claim		DDT Cross Claim	
	COUNT	% of Total	COUNT	% of Total	COUNT	% of Total	COUNT	% of Total
Mesothelioma	281	61.49%			218	57.67%		
Carcinoma	14	3.06%			19	5.03%		
Asbestosis	76	16.63%			42	11.11%		
ARPD	53	11.60%			53	14.02%		
Other Claims	18	3.94%			24	6.35%		
Contribution Claim			240	100.00%			181	100.00%
Div 6 Claim	15	3.28%			22	5.82%		
Grand Total	457	100.00%	240	100.00%	378	100.00%	181	100.00%

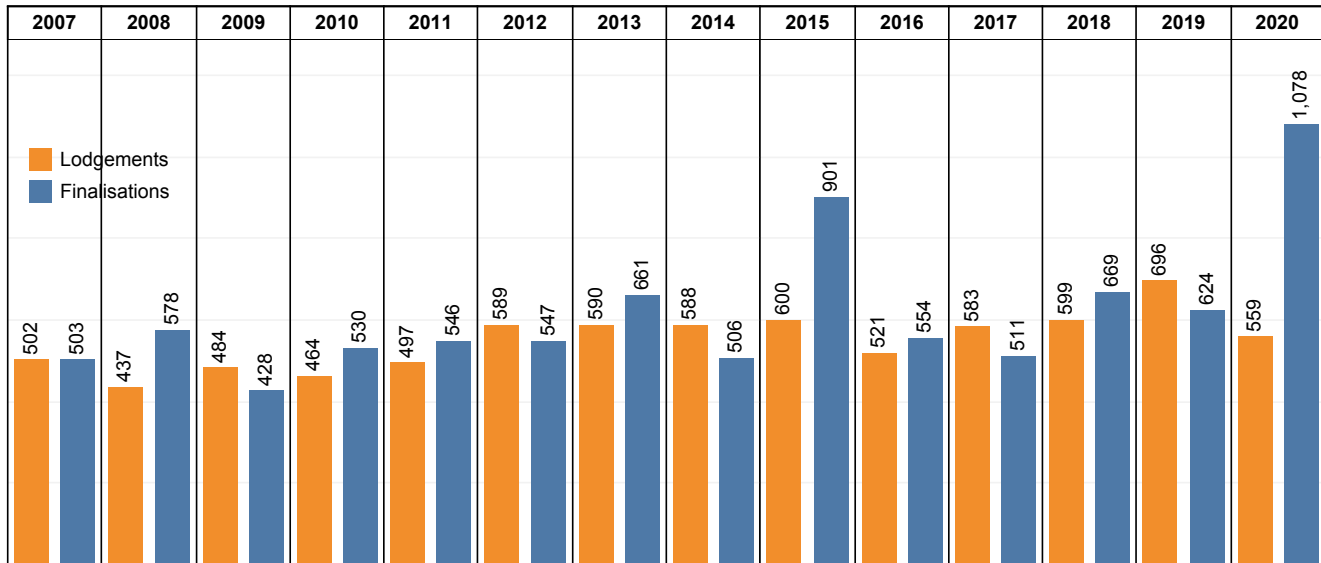
Pending

Proceeding Type	Disease	Status					Grand Total
		Filed	Case Management	CRP Active	CRP Suspended	Hearing	
DDT Claim	Mesothelioma	82	8	55	3	5	153
	Carcinoma	7		1		1	9
	Asbestosis	22	4	13			39
	ARPD	36	1	25			62
	Other Claims	2	23	3			28
	Contribution Claim	11	5	5		2	23
	Total	160	41	102	3	8	314
DDT Cross Claim	Asbestosis		1				1
	Other Claims	16	58	35	1	11	121
	Total	16	59	35	1	11	122
Grand Total		176	100	137	4	19	436

Jan - December 2020 (Jan - December 2019)

Type	Lodgements		Finalisations	
	2019	2020	2019	2020
DDT Claim	456	378	401	664
DDT Cross Claim	240	181	223	414
Grand Total	696	559	624	1,078

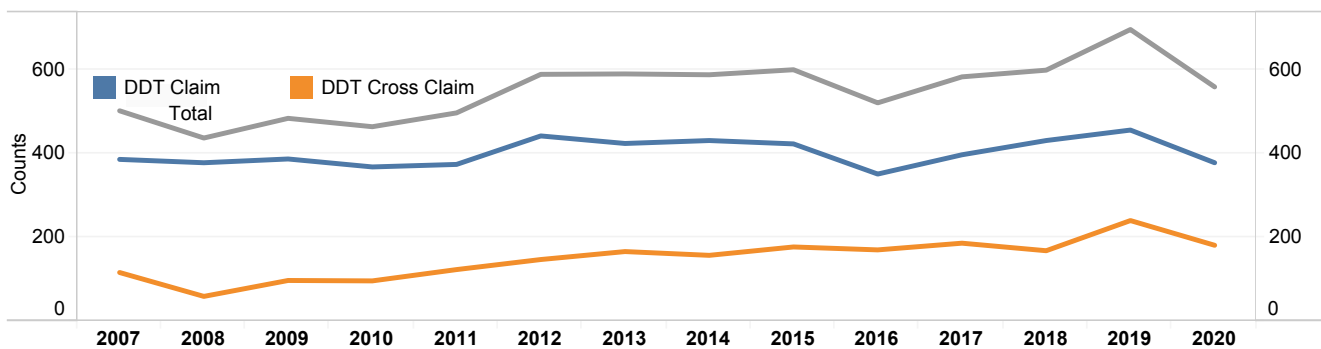
Claims Filed & Claims Finalised



Lodgements by Calendar year

Type	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
DDT Claim	386	378	387	368	374	442	424	431	423	351	397	431	456	378
DDT Cross Claim	116	59	97	96	123	147	166	157	177	170	186	168	240	181
Grand Total	502	437	484	464	497	589	590	588	600	521	583	599	696	559

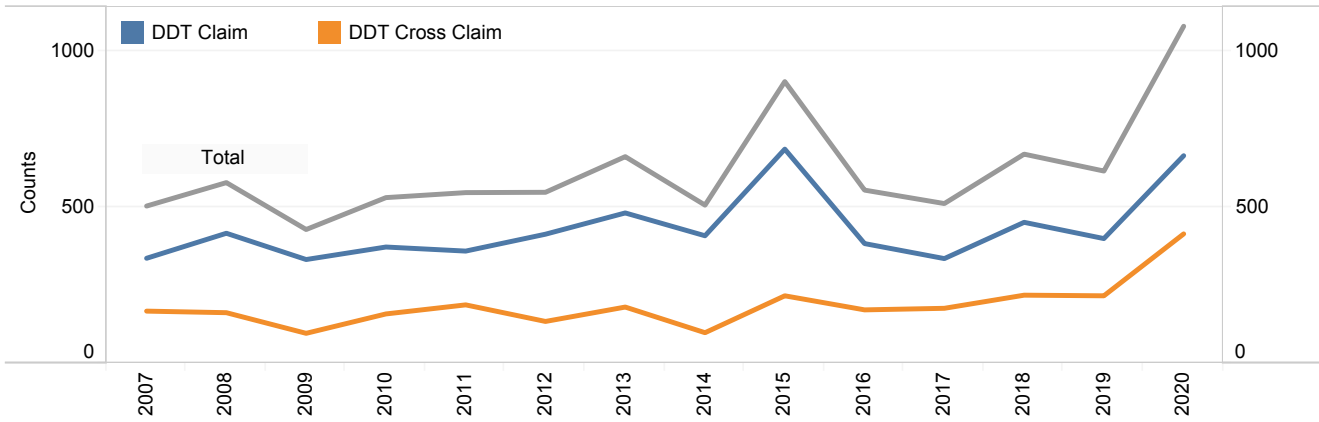
Lodgements Trend



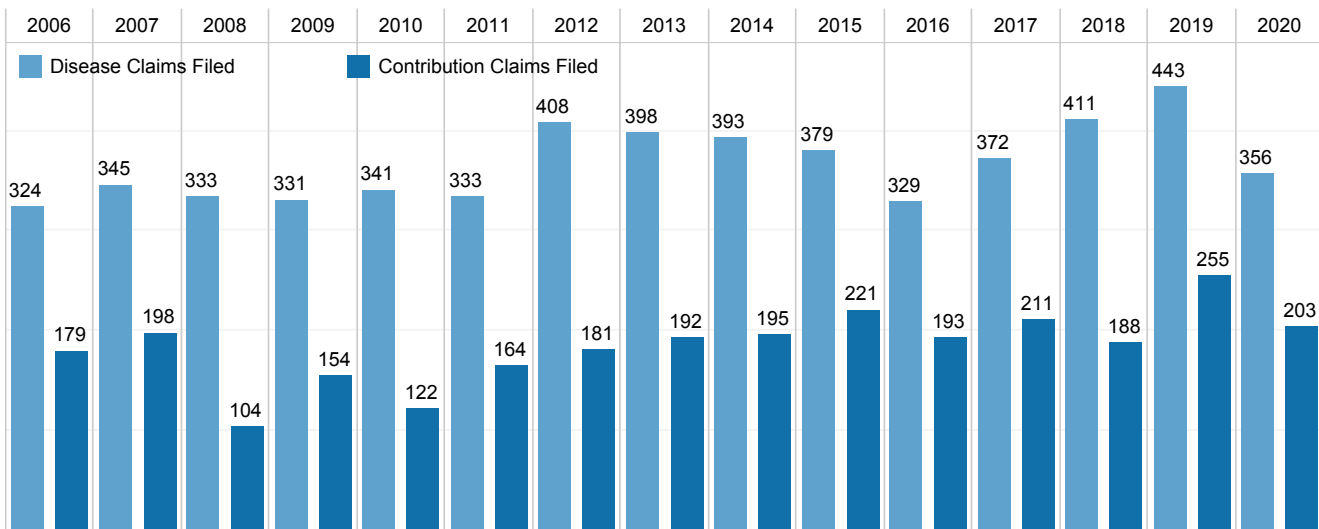
Finalisations by Calendar year

Type	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
DDT Claim	336	416	332	372	359	413	481	408	685	383	335	451	401	664
DDT Cross Claim	167	162	96	158	187	134	180	98	216	171	176	218	223	414
Grand Total	503	578	428	530	546	547	661	506	901	554	511	669	624	1,078

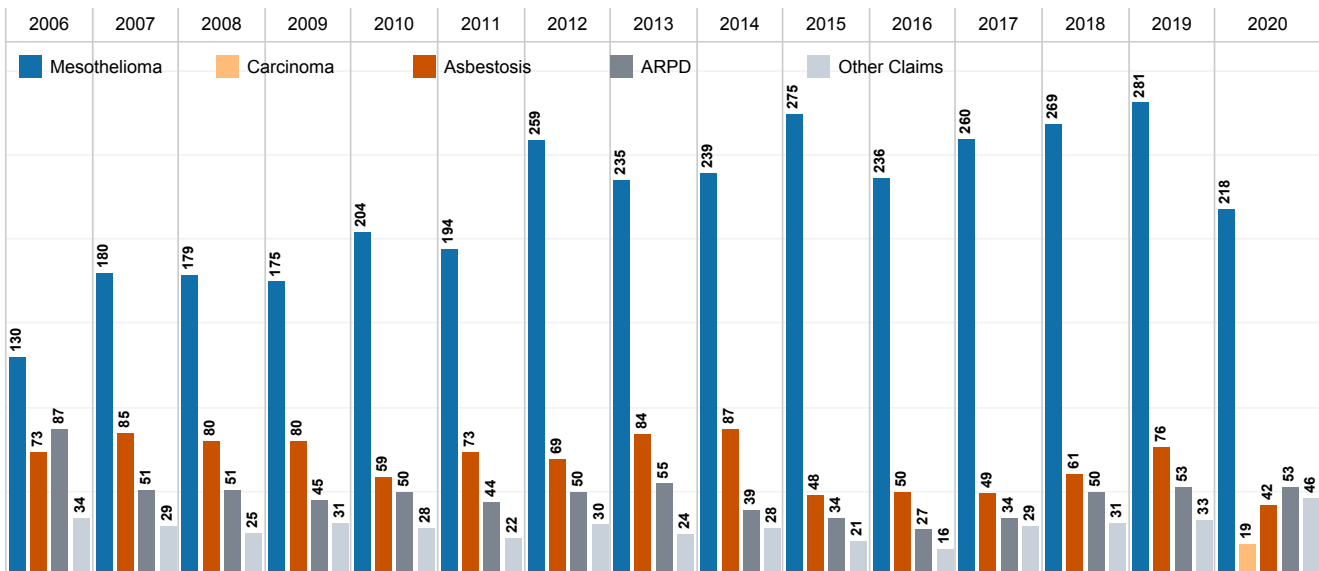
Finalisation Trends



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 2020

As at 31 December 2020

Status	DDT Claim		DDT Cross Claim	
	2019	2020	2019	2020
Filed	240	160	142	16
CRP Active	137	102	21	35
CRP Suspended	10	3	10	1
Case Management	28	41	10	59
Hearing	15	8	16	11
Grand Total	430	314	199	122

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 2020

Status	2020	
	DDT Claim	DDT Cross Claim
Inactive > 12 Months	2	0
Grand Total	2	0

Provisional Damages Awarded

As at 31 December 2019

Status	DDT Claim	DDT Cross Claim	Grand Total
Provisional Damages	328	22	350

As at 31 December 2020

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

Bedside Hearings (Offsite Hearings) 2020

Month	Sydney	Regional	Interstate	Overseas	AVL	Grand Total
January	0	1	1	0	0	2
February	1	1	0	0	0	2
March	0	2	1	0	3	6
April	0	0	0	0	5	5
May	0	0	0	0	2	2
June	0	0	0	0	1	1
July	0	0	0	0	0	0
August	0	0	0	0	2	2
September	0	0	0	0	0	0
October	0	0	0	0	0	0
November	0	0	0	0	1	1
December	0	0	0	0	2	2
Grand Total	1	4	2	0	16	23

Bedside (Offsite) Hearings by Year

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

Issues and Listings Conference (Registrar) January - December 2020

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

