



Dust Diseases Tribunal of New South Wales

Annual Report to the President: 2022

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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, Judicial staff and the Registrar 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. The project aims to implement these initiatives by June 2023.

Courtroom 11B AVL upgrade

The upgrade to the AVL system in Courtroom 11B was completed on 14 June 2022.

The upgrade includes:

- AV Trolley system – A mobile AV solution that allows the remote participant(s) to comfortably and easily view the prosecution/defence at a front on view.
- AV System Upgrade Features:
 - Increased speaker audio coverage for the entire courtroom

- Increased microphone coverage for the entire courtroom for all participants (witnesses, Judge, defendants and plaintiffs) via the use of high quality and strategically placed microphones
- Virtual Court Room – This allows remote participants, such as a remote witness, media, etc to virtually attend a court session remotely via Video and Audio (Video Conference) or Audio alone (mobile or land line)
- Improved camera system – High resolution PTZ cameras have been placed throughout the courtroom, giving court staff the ability to provide remote participants multiple viewing options of the court proceedings
- Access to DCJ remote support and services:
 - RSB – Reporting Services Branch
 - EPIQ – Integrated recording services
 - DRTVM – Digital Records, Transcripts and Video Monitoring
 - Multimedia Support – Real time remote Support and monitoring

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:

- 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.
- The President issued a COVID-19 update on 12 January 2022, which temporarily suspended Practice Note DDT No 1 of 2021. The update prohibited in person appearances and all matters were to be heard via the use of the virtual courtroom.
- The President issued a COVID-19 update on 24 February 2022 (effective from 28 February 2022), which suspended Practice Note DDT No 1 of 2021. The update includes the following:
 - Directions and return of subpoena list are to continue to be conducted remotely until further notice. Judicial discretion may be exercised for court participants to appear in person.

- In person appearances at bedside hearings will be permitted in some circumstances.
- In person appearances are permitted in hearings and issues and listings conferences.
- 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 (no longer mandatory as at 6 October 2022).
- Rapid Antigen Testing (RAT)

Statistics 2022 Calendar Year

Summary

Lodged and Finalised:

- 403 Statements of Claim were lodged and comprised 66% of total claims lodged
- 208 Cross Claims were lodged and comprised 34% of total claims lodged
- 14 of the 403 Statements of Claim were for a Part 4, Division 6 Claim for contribution
- A total of 222 'Contributions claims' were filed, being 36% of all claims lodged
- Of the 383 'disease-related' claims (not a claim for contribution):
 - 248 claims were for Mesothelioma forming 65% of 'disease-related' claims lodged
 - 61 claims were for Asbestosis
 - 34 claims were for ARPD
 - 12 claims were for Carcinoma
 - 28 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

- 12.3% increase in number of claims filed from 544 (2021) to 611 claims (2022)
 - 8.3% increase in number of Statements of Claim filed
 - 20.9% increase in number of Cross Claims filed
- 10.3% increase in the overall number of claims finalised from 575 (2021) to 634 (2022)
 - 2.3% increase in the number of Statements of Claim finalised
 - 27.5% increase in the number of Cross Claims finalised
- 89 claims had Provisional damages awarded in 2022

Pending:

- As at 31 December 2022, 'pending caseload' was 441 claims, being:
 - 326 Statements of Claim
 - 115 Cross Claims
- As at 31 December 2022, the status of the pending 326 Statements of Claim was:
 - 144 in a "Filed" status
 - 58 in a "Case Management" status
 - 108 in a "CRP Active" status
 - 3 in a "CRP Suspended" status
 - 13 in a "Hearing" status
- As at 31 December 2022, the status of the pending 115 Cross Claims was:
 - 5 in a "Filed" status
 - 53 in a "Case Management" status
 - 45 in a "CRP Active" status
 - 3 in a "CRP suspended" status
 - 9 in a "Hearing" status

Annual President's Report (DDT Statistics 2022 Calendar Year)

Counts and percentages

| PROCEEDING_TYPE | 2021 | | 2022 | |
|--------------------|------------|----------------|------------|----------------|
| | COUNT | % of Total | COUNT | % of Total |
| DDT Claim | 372 | 68.38% | 403 | 65.96% |
| DDT Cross Claim | 172 | 31.62% | 208 | 34.04% |
| Grand Total | 544 | 100.00% | 611 | 100.00% |

Counts and percentages by Disease Type

| Disease Type | 2021 | | | | 2022 | | | |
|--------------------|------------|----------------|-----------------|----------------|------------|----------------|-----------------|----------------|
| | DDT Claim | | DDT Cross Claim | | DDT Claim | | DDT Cross Claim | |
| | COUNT | % of Total | COUNT | % of Total | COUNT | % of Total | COUNT | % of Total |
| Mesothelioma | 217 | 58.33% | | | 248 | 61.54% | | |
| Carcinoma | 22 | 5.91% | | | 12 | 2.98% | | |
| Asbestosis | 34 | 9.14% | | | 61 | 15.14% | | |
| ARPD | 61 | 16.40% | | | 34 | 8.44% | | |
| Other Claims | 23 | 6.18% | | | 28 | 6.95% | | |
| Contribution Claim | | | 172 | 100.00% | | | 208 | 100.00% |
| Div 6 Claim | 8 | 2.15% | | | 14 | 3.47% | | |
| Summons | 7 | 1.88% | | | 6 | 1.49% | | |
| Grand Total | 372 | 100.00% | 172 | 100.00% | 403 | 100.00% | 208 | 100.00% |

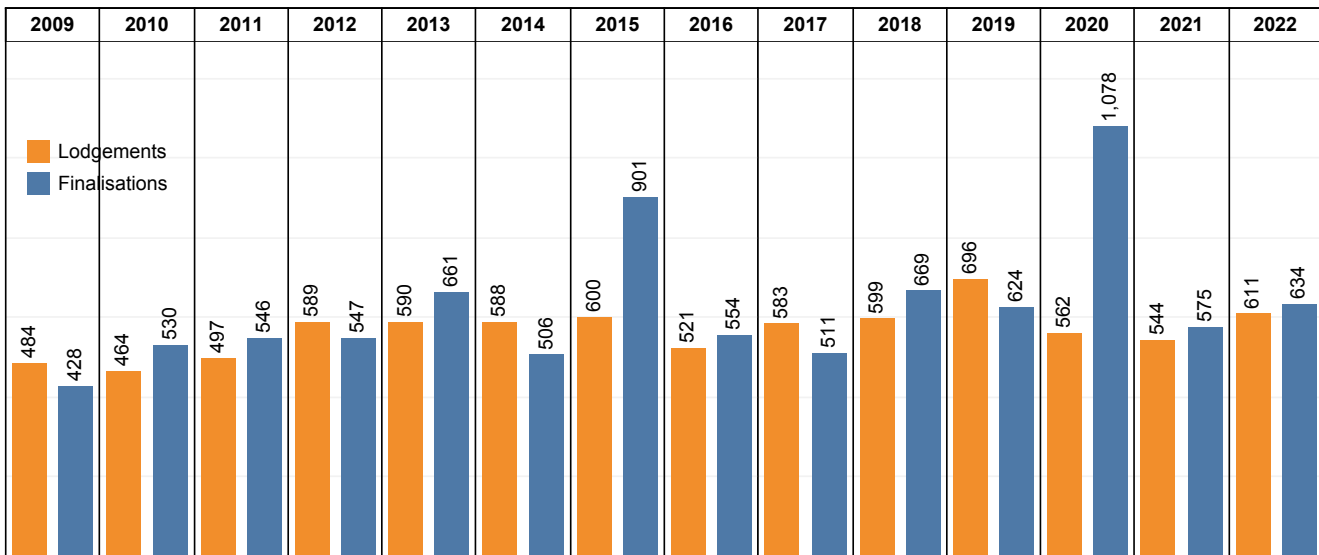
Pending

| Proceeding Type | Disease | Status | | | | | Grand Total |
|--------------------|--------------------|------------|-----------------|------------|---------------|-----------|-------------|
| | | Filed | Case Management | CRP Active | CRP Suspended | Hearing | |
| DDT Claim | Mesothelioma | 84 | 15 | 59 | 3 | 8 | 169 |
| | Carcinoma | 7 | 1 | 2 | | | 10 |
| | Asbestosis | 31 | 6 | 26 | | | 63 |
| | ARPD | 12 | 2 | 16 | | | 30 |
| | Other Claims | 4 | 31 | | | 5 | 40 |
| | Contribution Claim | 6 | 3 | 5 | | | 14 |
| | Total | 144 | 58 | 108 | 3 | 13 | 326 |
| DDT Cross Claim | Other Claims | 5 | 53 | 45 | 3 | 9 | 115 |
| | Total | 5 | 53 | 45 | 3 | 9 | 115 |
| Grand Total | | 149 | 111 | 153 | 6 | 22 | 441 |

Jan - December 2022 (Jan - December 2021)

| Type | Lodgements | | Finalisations | |
|--------------------|------------|------------|---------------|------------|
| | 2021 | 2022 | 2021 | 2022 |
| DDT Claim | 372 | 403 | 393 | 402 |
| DDT Cross Claim | 172 | 208 | 182 | 232 |
| Grand Total | 544 | 611 | 575 | 634 |

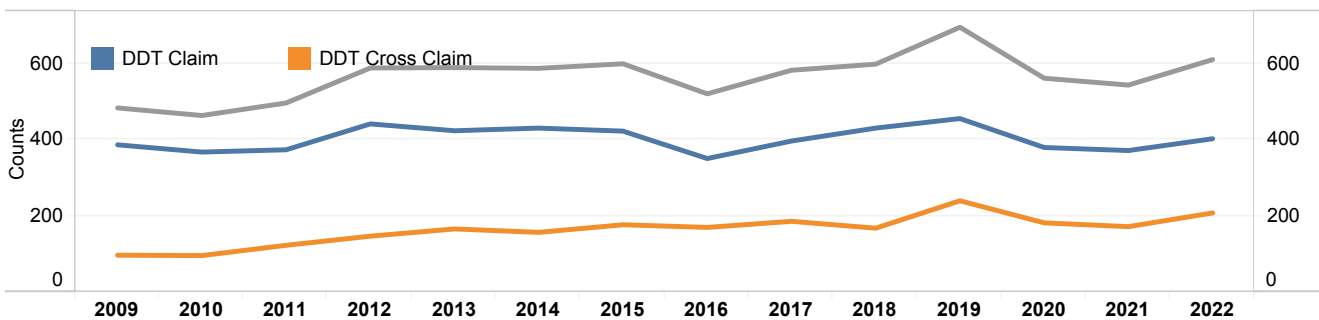
Claims Filed & Claims Finalised



Lodgements by Calendar year

| Type | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| DDT Claim | 387 | 368 | 374 | 442 | 424 | 431 | 423 | 351 | 397 | 431 | 456 | 378 | 372 | 403 |
| DDT Cross Claim | 97 | 96 | 123 | 147 | 166 | 157 | 177 | 170 | 186 | 168 | 240 | 181 | 172 | 208 |
| Grand Total | 484 | 464 | 497 | 589 | 590 | 588 | 600 | 521 | 583 | 599 | 696 | 559 | 544 | 611 |

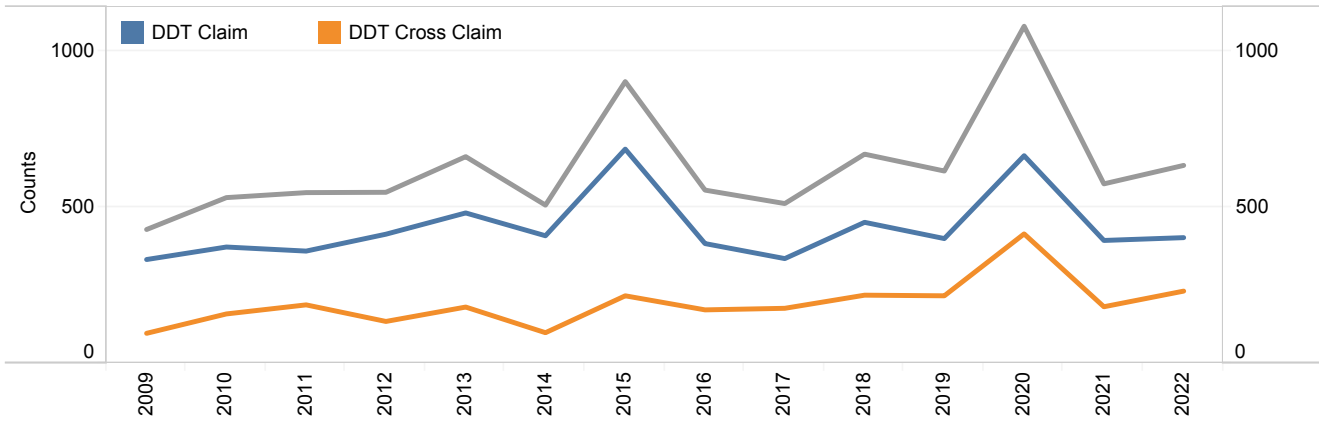
Lodgements Trend



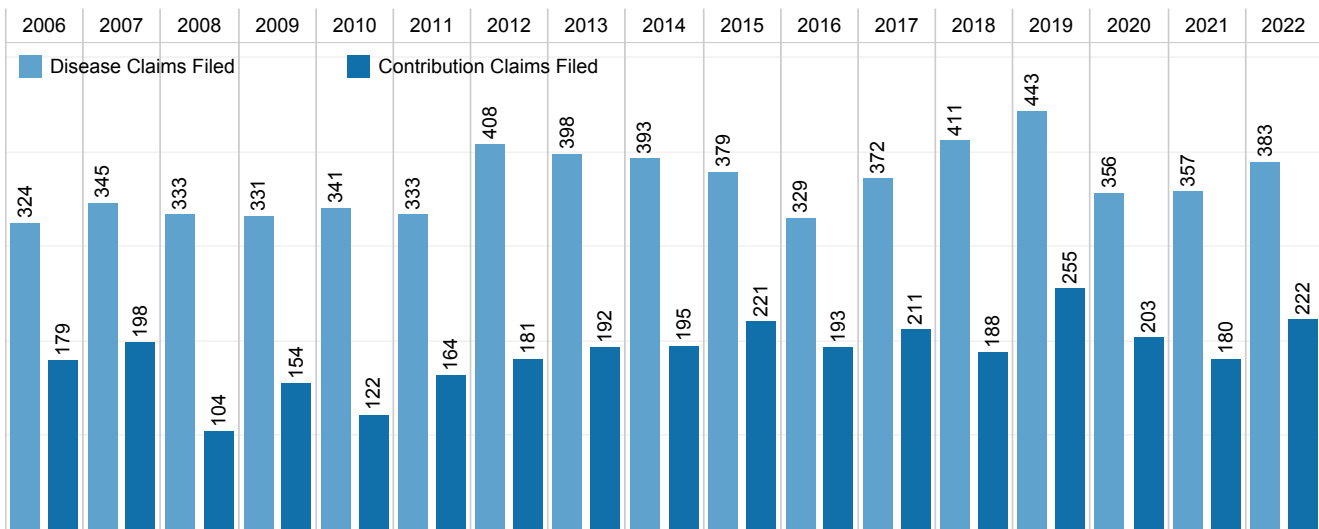
Finalisations by Calendar year

| Type | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|------------|------------|
| DDT Claim | 332 | 372 | 359 | 413 | 481 | 408 | 685 | 383 | 335 | 451 | 401 | 671 | 393 | 402 |
| DDT Cross Claim | 96 | 158 | 187 | 134 | 180 | 98 | 216 | 171 | 176 | 218 | 223 | 418 | 182 | 232 |
| Grand Total | 428 | 530 | 546 | 547 | 661 | 506 | 901 | 554 | 511 | 669 | 624 | 1,089 | 575 | 634 |

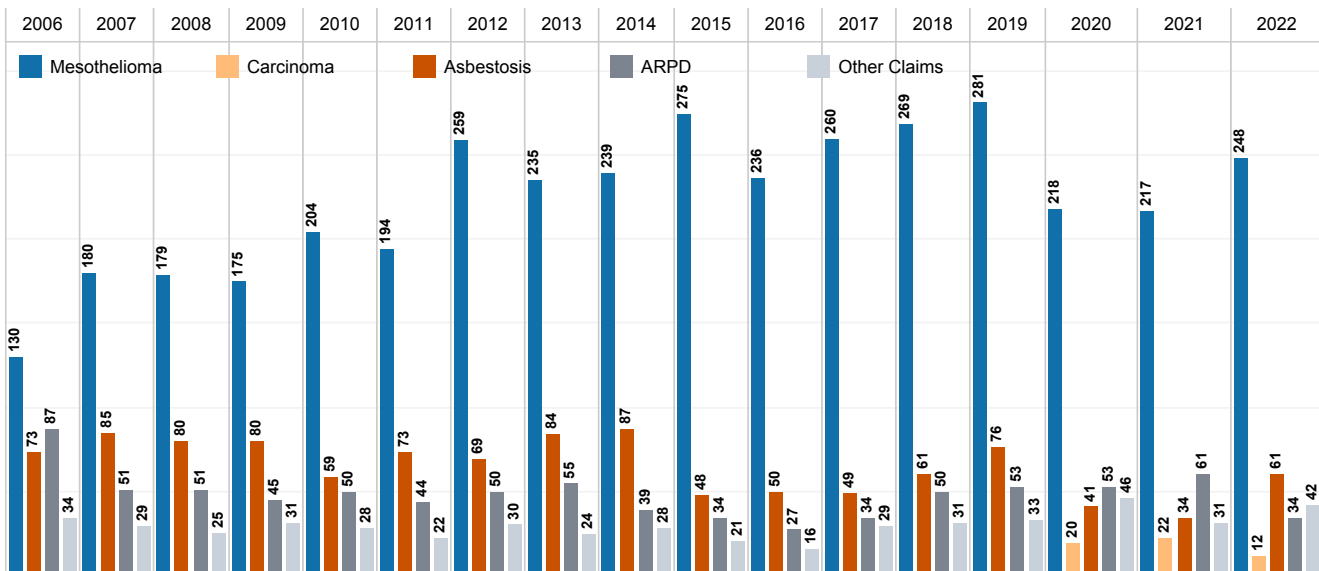
Finalisation Trends



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 2022

As at 31 December 2022

| Status | DDT Claim | | DDT Cross Claim | |
|--------------------|------------|------------|-----------------|------------|
| | 2021 | 2022 | 2021 | 2022 |
| Filed | 145 | 144 | 12 | 5 |
| CRP Active | 99 | 108 | 42 | 45 |
| CRP Suspended | 8 | 3 | 9 | 3 |
| Case Management | 42 | 58 | 51 | 53 |
| Hearing | 7 | 13 | 3 | 9 |
| Grand Total | 301 | 326 | 117 | 115 |

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 2022

| Status | 2021 | | 2022 | |
|----------------------|-----------|-----------------|-----------|-----------------|
| | 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 2021

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

As at 31 December 2022

| Status | DDT Claim | DDT Cross Claim | Grand Total |
|---------------------|-----------|-----------------|-------------|
| Provisional Damages | 475 | 86 | 561 |

Bedside Hearings (Offsite Hearings) 2022

| Month | Sydney | Regional | Interstate | Overseas | AVL | Grand Total |
|--------------------|----------|----------|------------|----------|-----------|-------------|
| January | 1 | 0 | 0 | 0 | 1 | 1 |
| February | 0 | 0 | 0 | 0 | 0 | 0 |
| March | 1 | 1 | 0 | 0 | 2 | 2 |
| April | 0 | 0 | 1 | 0 | 1 | 1 |
| May | 0 | 0 | 0 | 0 | 0 | 0 |
| June | 0 | 0 | 0 | 0 | 0 | 0 |
| July | 0 | 0 | 0 | 0 | 0 | 0 |
| August | 0 | 2 | 0 | 0 | 2 | 2 |
| September | 1 | 0 | 0 | 0 | 1 | 1 |
| October | 0 | 1 | 1 | 0 | 2 | 2 |
| November | 0 | 0 | 2 | 0 | 2 | 2 |
| December | 1 | 0 | 0 | 0 | 1 | 1 |
| Grand Total | 4 | 4 | 4 | 0 | 12 | 12 |

Bedside (Offsite) Hearings by Year

| Month | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| January | 1 | 2 | 2 | 2 | 1 | 1 |
| February | 4 | 0 | 4 | 2 | 2 | 0 |
| March | 6 | 5 | 1 | 6 | 3 | 2 |
| April | 1 | 5 | 2 | 5 | 2 | 1 |
| May | 2 | 3 | 3 | 2 | 1 | 0 |
| June | 6 | 1 | 1 | 1 | 2 | 0 |
| July | 2 | 0 | 1 | 0 | 3 | 0 |
| August | 2 | 0 | 1 | 0 | 2 | 2 |
| September | 0 | 3 | 0 | 0 | 3 | 1 |
| October | 1 | 3 | 3 | 0 | 3 | 2 |
| November | 4 | 2 | 3 | 0 | 1 | 2 |
| December | 1 | 1 | 2 | 0 | 1 | 1 |
| Grand Total | 30 | 25 | 23 | 18 | 24 | 12 |

Issues and Listings Conference (Registrar) January - December 2022

| Month | 2019 | 2020 | 2021 | 2022 |
|--------------------|----------|-----------|-----------|-----------|
| January | 0 | 0 | 0 | 0 |
| February | 2 | 4 | 9 | 2 |
| March | 0 | 1 | 1 | 3 |
| April | 2 | 2 | 0 | 0 |
| May | 0 | 2 | 4 | 1 |
| June | 0 | 0 | 2 | 0 |
| July | 0 | 2 | 1 | 0 |
| August | 1 | 2 | 8 | 1 |
| September | 0 | 2 | 4 | 0 |
| October | 0 | 2 | 3 | 3 |
| November | 3 | 2 | 7 | 3 |
| December | 1 | 2 | 1 | 1 |
| Grand Total | 9 | 21 | 40 | 14 |