



Dust Diseases Tribunal of New South Wales

Annual report to the President 2023

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Contents	Page number
Digital reform	3
2023 workload summary	7
Yearly comparison	9





Digital progress

The Digital Expansion Project commenced in July 2021 and was implemented on 15 May 2023. The project delivered 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 can view and download subpoenaed items from any location at any time, delivering cost and time benefits. Producers of the subpoenaed items also benefit by being able to submit subpoenaed items online.
- Digital Case File – Judiciary, Judicial staff and the Registrar can access case files online at any time and from anywhere, providing convenience for any offsite/bedside hearings.

Online Filing

Online filing commenced on **15 May 2023**.

The uptake of the online filing by legal practitioners has been a great success. Since commencement, 3,313 documents have been filed online, representing 76% of all documents filed.

15 May 2023 to 31 December 2023

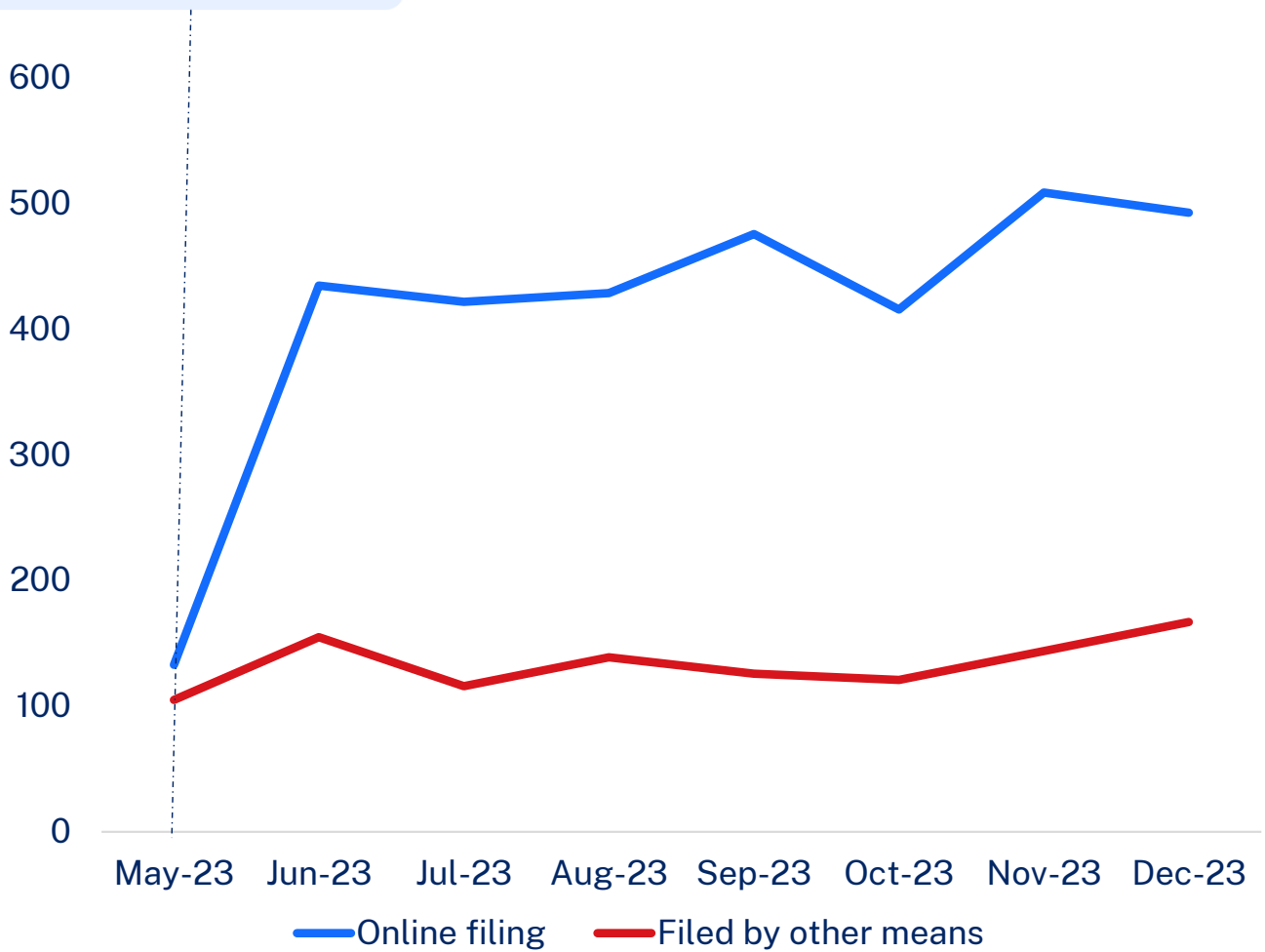
Month	Online Filings	% of all documents filed	Filed by other means	% of all documents filed
May 2023	133	56%	105	44%
June 2023	435	74%	155	26%
July 2023	422	78%	116	22%
August 2023	429	76%	139	24%
September 2023	476	79%	126	21%
October 2023	416	77%	121	23%
November 2023	509	78%	144	22%
December 2023	493	75%	167	25%
TOTAL	3,313	76%	1,073	24%

Note: Documents filed manually may be not recorded consistently in the source system and the numbers may not reflect all documents filed by other means. Comparison only of documents that are available to file online.



Online Filing

Online filings available from 15 May 2023





Digital progress continued

eSubpoena

eSubpoena commenced on **15 May 2023**.

Since commencement, we have seen a gradual decline in numbers of over the counter (OTC) subpoena submissions. The uptake of eSubpoena has steadily increased from May to October, reaching its highest number in October. From June to December 2023, 474 subpoena submissions were filed online, representing 67% of all subpoena submissions.

Month	No. of subpoenas filed online	No. of subpoenas filed OTC	Total subpoenas
January 2023	-	80	80
February 2023	-	113	113
March 2023	-	107	107
April 2023	-	93	93
May 2023	30	95	125
June 2023	43	24	67
July 2023	58	52	110
August 2023	72	31	103
September 2023	72	32	104
October 2023	90	32	122
November 2023	74	40	114
December 2023	65	23	88
TOTAL	504	722	1226



Workload summary 2023

New	Finalised	Pending*	Type
439 (66%)	427 (67%)	345 (70%)	Statements of claim
230 (34%)	206 (33%)	144 (30%)	Cross claims
669	633	489	TOTAL

* Pending as at 31 December 2023

Disease Claims by Disease type:

New	Pending	Disease Type
235 (53.53%)	151 (43.8%)	Mesothelioma
10 (2.28%)	9 (2.6%)	Carcinoma
84 (19.13%)	68 (19.7%)	Asbestosis
52 (11.85%)	49 (14.2%)	Asbestos related pleural disease (ARPD)
24 (5.47%)	32 (9.3%)	Silicosis
15 (3.42%)	20 (5.8%)	Other Claims*
2 (0.46%)	0	Summons
17 (3.87%)	16 (4.6%)	Part 4, Division 6 Claims for contribution
439	345	TOTAL

*Other claims include: compensation to relatives, asthma, chronic bronchitis, bronchitis, emphysema, hard metal pneumoconiosis, coal dust pneumoconiosis, other pathological condition.

Disease and Contribution Claims:

No. Filed	Type
247	Contribution Claims
422	Disease Claims



Status of pending workload as at 31 December 2023

Disease Type	Filed	Case management	CRP** active	CRP** suspended	Hearing	Pending
Mesothelioma	64	7	75	4	1	151
Carcinoma	5	1	3	0	0	9
Asbestosis	29	1	34	2	2	68
Asbestos related pleural disease (ARPD)	28	2	18	1	0	49
Silicosis	1	30	0	0	1	32
Other Claims*	1	15	1	0	3	20
Cross Claims	14	35	79	6	10	144
DDT Claims	134	60	137	7	7	345

*Other claims include: compensation to relatives, asthma, chronic bronchitis, bronchitis, emphysema, hard metal pneumoconiosis, coal dust pneumoconiosis, other pathological condition.

** CRP - 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

Insights

The total number of claims filed in 2023 (669 claims) was an increase of 9.5% from 2022 (611 claims).

The total number of claims finalised in 2023 (633 claims) remained steady from 2022 (634 claims).

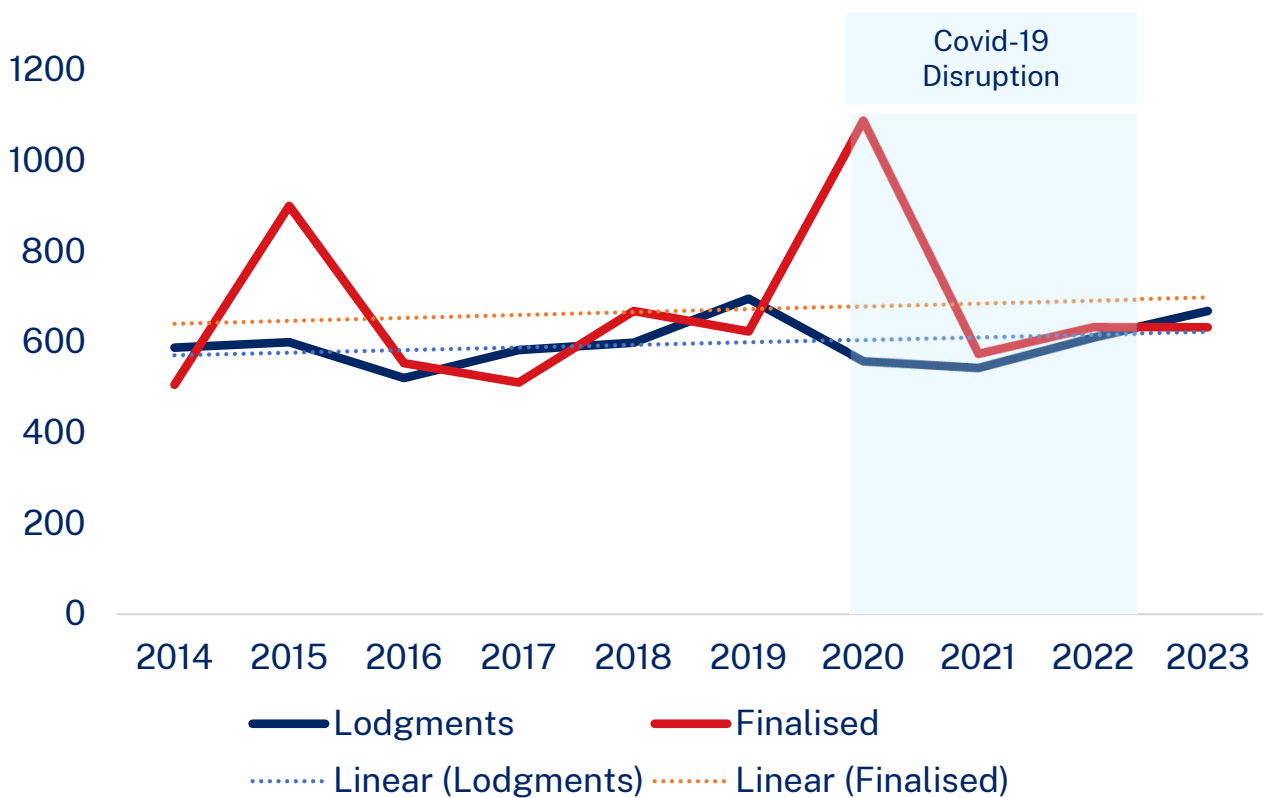
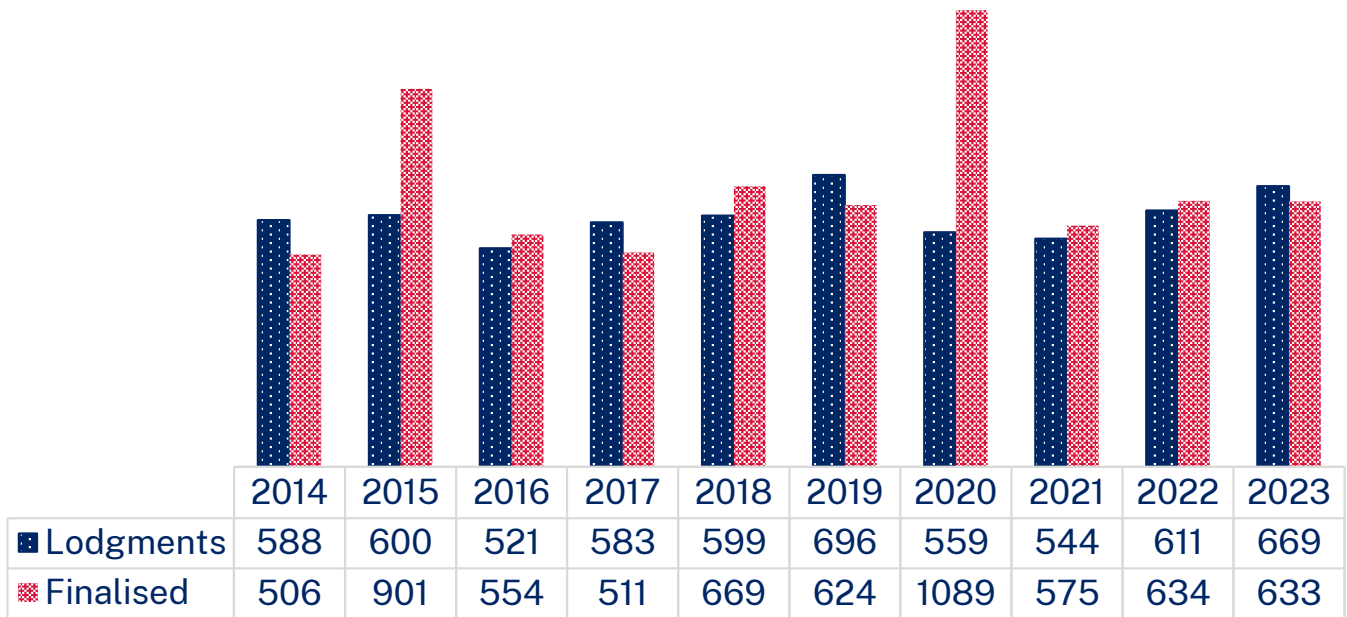
Provisional damages awarded

	2019	2020	2021	2022	2023
Claim	328	369	418	475	534
Cross Claim	22	38	54	86	111
Total	350	407	472	561	645

Data for provisional damages as at the 31 December each year.



Yearly comparison (10 year trend)

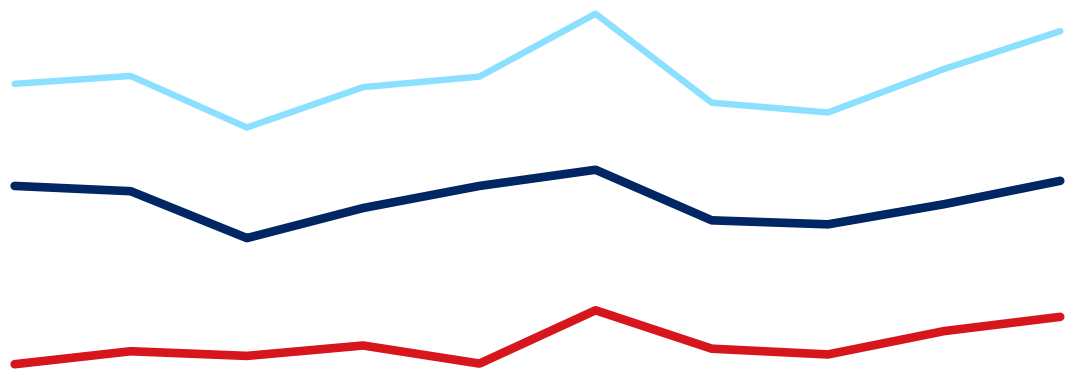


Data includes both Statements of Claim and Cross Claims.



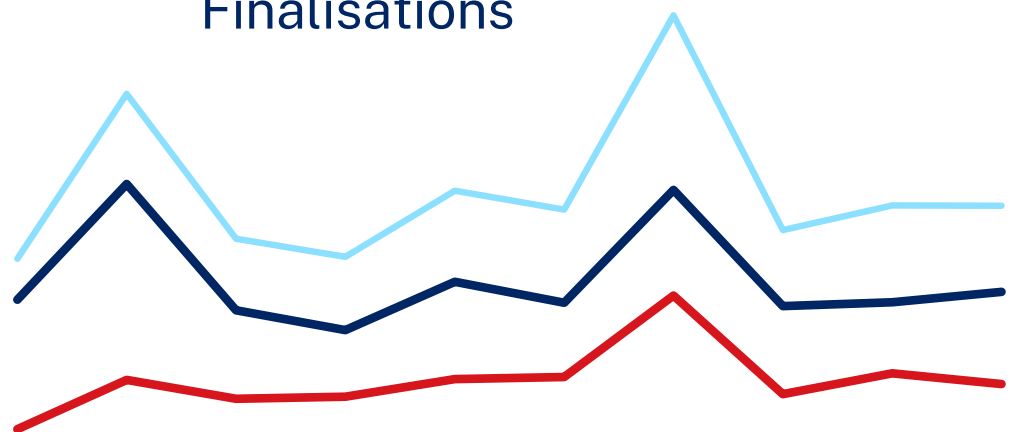
Yearly comparison (10 year trend) continued

Lodgments



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
— Claim	431	423	351	397	431	456	378	372	403	439
— Cross Claim	157	177	170	186	158	240	181	172	208	230
— Total	588	600	521	583	599	696	559	544	611	669

Finalisations

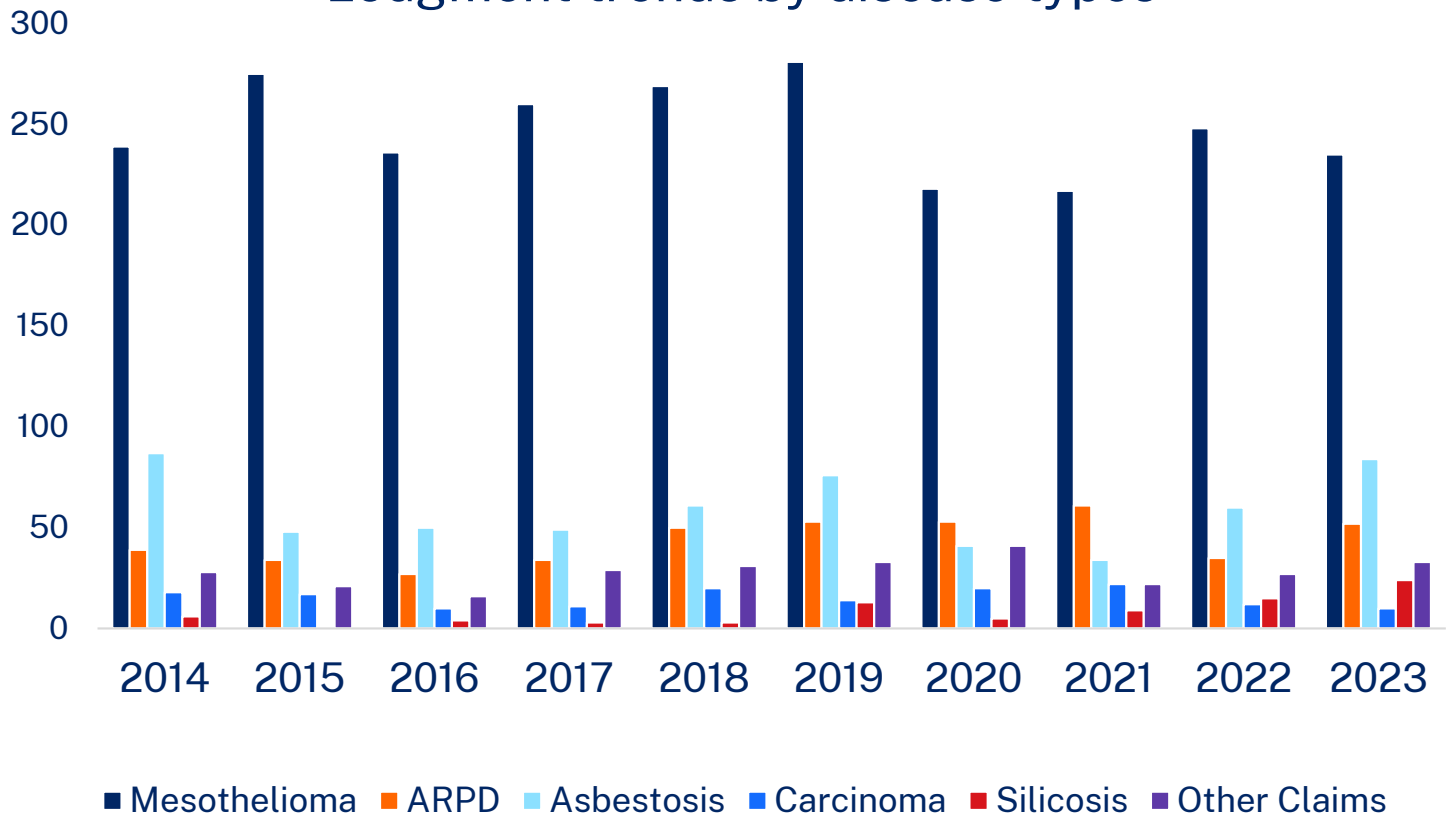


	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
— Claim	408	685	383	335	451	401	671	393	402	427
— Cross Claim	98	216	171	176	218	223	418	182	232	206
— Total	506	901	554	511	669	624	1,089	575	634	633



Yearly comparison (10 year trend) continued

Lodgment trends by disease types



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Mesothelioma	239	275	236	260	269	281	218	217	248	235
ARPD	39	34	27	34	50	53	53	61	35	52
Asbestosis	87	48	50	49	61	76	41	34	60	84
Carcinoma	18	17	10	11	20	14	20	22	12	10
Silicosis	6	0	4	3	3	13	5	9	15	24
Other Claims	28	21	16	29	31	33	41	22	27	33

In June 2020, a new case management system allowed for a change to reporting requirements. Carcinoma and Silicosis are 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, Coal dust pneumoconiosis, Hard metal pneumoconiosis, Chronic bronchitis, Bronchitis, Asthma, Other Pathological condition.



Bedside Sittings 2023

Month	Sydney	Regional	Interstate	Overseas	AVL	TOTAL
January	0	0	1	0	1	1
February	0	1	2	0	3	3
March	3	1	0	0	2	4
April	0	0	1	0	1	1
May	1	0	0	0	0	1
June	0	0	1	0	1	1
July	0	0	2	0	2	2
August	0	0	0	0	0	0
September	0	0	0	0	0	0
October	0	2	1	0	3	3
November	1	0	0	0	1	1
December	1	0	0	1	2	2
TOTAL	6	4	8	1	16	19

	2017	2018	2019	2020	2021	2022	2023
Bedside Sittings	30	25	23	18	24	12	19



Registrar's issues and listing conferences

Month	2019	2020	2021	2022	2023
January	0	0	0	0	0
February	2	4	9	2	3
March	0	1	1	3	0
April	2	2	0	0	2
May	0	2	4	1	0
June	0	0	2	0	8
July	0	2	1	0	1
August	1	2	8	1	4
September	0	2	4	0	4
October	0	2	3	3	1
November	3	2	7	3	7
December	1	2	1	1	3
TOTAL	9	21	40	14	33