

## Additional information

Following stakeholder queries, the Current Review considers that it might assist stakeholders to provide some additional comment and tables in relation to some of the data in Chapter 2 of the Issues Paper.

### Non-malignant claims

The tables in Chapter 2 report data by disease type. Different tables report data drawn from different data sources. The tables accurately record the data from those data sources (except that the total for asbestos-related pleural disease in table 2.5 should be 12 not 10).

There is, however, an apparent inconsistency between the different data sources with regard to the classification of asbestosis claims and asbestos-related pleural disease claims. A review of the relevant statements of claim indicates that some claims have been classified as asbestosis in one data source and as asbestos-related pleural disease in another data source. In these cases, the claims were in respect of both diseases.

In order to ensure that stakeholders may, if they wish, compare more directly the data drawn from the different data sources, a number of the tables in Chapter 2 have been revised to combine claims otherwise classified as asbestosis or asbestos-related pleural disease into one category of “non-malignant claims.” These tables are attached (tables 2.1A, 2.2A, 2.4A, 2.5A, 2.6A and 2.10A).

### Disease types taken from Form 3 Returns

A number of the tables in Chapter 2 report data taken from Form 3 Returns. Where practitioners reported more than one disease type on the relevant Form 3 Return, the claim was allocated according to the most serious disease shown on the Form 3 Return, taking mesothelioma as the most serious disease, followed by carcinoma, then asbestosis and finally asbestos-related pleural disease.

### Minor inconsistencies

Following stakeholder queries, the Current Review notes that the data in tables 2.2 and 2.3 is not entirely consistent. This appears to arise from issues relating to the original data sources. That is, table 2.2 records data from the Tribunal Claims Database while table 2.3 records data from Form 3 Returns. In one case, for example, a Form 3 Return has been filed in relation to a discontinued claim.

As was noted on page 5 of the Issues Paper, there are some limitations with the various data sources. The information in the tables, however, accurately records the information from the relevant data source.

## TABLES

Table 2.1A Claims commenced between 1 July 2005 and 30 June 2006 by month

	Total Number <sup>1</sup>	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
July <sup>2</sup>	14	5	0	9
August	21	8	1	12
September	33	13	1	19
October	24	7	1	16
November	17	3	2	12
December	27	10	1	16
January	19	10	2	7
February	23	12	0	11
March	37	20	2	15
April	20	13	0	7
May	20	10	0	10
June	35	20	3	12
<b>Total claims commenced between 1 July 2005 and 30 June 2006</b>	<b>290</b>	<b>131</b>	<b>13</b>	<b>146</b>

Source: *Tribunal Claims Database*

**Note 1:** There were also eight *Compensation to Relatives Act* claims during this period, and although it is likely that these are asbestos-related, this is not separately identified by the Tribunal Claims Database. There were also a number of claims for asthma, emphysema, bronchitis and other conditions and, although these may be asbestos-related, these are not separately identified by the Tribunal Claims Database and so these claims have not been included.

**Note 2** The month is the month in which the Statement of Claim was filed with the Tribunal.

**Table 2.2A Outcome of claims commenced between 1 July 2005 and 30 June 2006**

	Total Number <sup>1</sup>	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
Claims finalised <sup>2</sup> – commenced between 1 July 2005 and 30 June 2006	66	12	2	52
Claims discontinued <sup>3</sup> – commenced between 1 July 2005 and 30 June 2006	4	0	1	3
Claims pending – commenced between 1 July 2005 and 30 June 2006	220	119	10	91
<b>Total</b>	<b>290</b>	<b>131</b>	<b>13</b>	<b>146</b>

Source: *Tribunal Claims Database*

**Note 1** See note 1 for Table 2.1.

**Note 2** This includes claims which are settled by way of judgment and those which are finalised by way of settlement.

**Note 3** This includes claims which are discontinued, struck out or transferred to another jurisdiction.

**Table 2.4A** Claims commenced between 1 July 2005 and 30 June 2006 which were pending at 1 July 2006 according to whether a Statement of Particulars has been served

	Total Number	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
Claims pending at 30 June 2006 where the Statement of Claim and Statement of Particulars have been served	59	36	2	21
Claims where Statement of Claim has been filed, but has not been served with the Statement of Particulars	145	83	6	56
<b>Total claims pending</b>	<b>204<sup>1 2</sup></b>	<b>119</b>	<b>8</b>	<b>77</b>

Source: *Tribunal Registry*

**Note 1** There were also eight *Compensation to Relatives Act* claims during this period which are not included in the total.

**Note 2** The total of claims filed between 1 July 2005 and 30 June 2006 recorded as outstanding is different from that recorded in the Tribunal Claims Database because the numbers included in this Table do not include those matters which remained outstanding as to 1 July 2006 which had been removed from the CRP and had returned to the Tribunal either on the grounds of urgency or by consent, or where otherwise discontinued.

**Table 2.5A** Month in respect of which the CRP timetable has been commenced by service of the Statement of Particulars for claims commenced between 1 July 2005 and 30 June 2006

	Total Number	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
July	0	0	0	0
August	2	0	0	2
September	3	0	0	3
October	4	1	0	3
November	4	1	0	3
December	9	2	0	7
January	9	6	0	3
February	12	5	1	6
March	9	6	0	3
April	5	3	0	2
May	12	5	1	6
June	13	11	0	2
<b>Total Statement of Particulars served</b>	<b>82</b>	<b>40</b>	<b>2</b>	<b>40</b>

Source: Tribunal Registry

**Table 2.6A Status as at 1 July 2006 of claims commenced between 1 July 2005 to 30 June 2006 inclusive**

	Total Number	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
Claims reported as settled while the claim is subject to the CRP	53	8	3	42
Claims discontinued	4	0	1	3
Claims removed for urgency	15 <sup>1</sup>	1	1	13
Claims removed by agreement after information exchange	2	0	0	2
Claims removed for failure to comply with the CRP	1	0	0	1
Claims returned to Tribunal as mediation was unsuccessful	2	0	0	2
Claims outstanding on 30 June 2006 which remain subject to the CRP	205 <sup>2</sup>	119	8	78
<b>Total</b>	<b>282<sup>3</sup></b>	<b>128</b>	<b>13</b>	<b>141</b>

Source: *Tribunal Registry*

**Note 1** It is likely that other transitional claims returned to the Tribunal by way of a notice of motion on the basis of urgency; however these are not recorded in this data source. A further four urgent claims have been removed after 30 June 2006.

**Note 2** Of the outstanding claims, the Statement of Particulars has been served in 59 claims (and as such the claims are active as part of the CRP). As at 1 July 2006 the Statement of Claim and the Statement of Particulars have not been served in 145 claims. This is set out in Table 2.4.

**Note 3** The total number of claims is lower than that reported in Table 2.1 because there are a number of claims where the outcome is not clear from the Tribunal Registry data.

Table 2.10A Outcome of pre 1 July 2005 claims

	Total Number <sup>1</sup>	By Disease Type		
		Non-malignant	Carcinoma	Mesothelioma
Claims on hand at 1 July 2005	524	401	33	90
Claims finalised <sup>2</sup> – commenced pre 1 July 2005	272	194	11	67
Claims discontinued <sup>3</sup> – commenced pre 1 July 2005	18	13	1	4
Claims pending as at 30 June 2006 – commenced pre 1 July 2005	234	194	21	19

Source: *Tribunal Claims Database*

**Note 1** See note 1 for Table 2.1.

**Note 2** These include claims which are settled by way of judgment and those which are finalised by way of settlement.

**Note 3** These include claims which are discontinued, struck out or transferred to another jurisdiction.