



Dust Diseases Tribunal of New South Wales Call for Expression of Interest Contributions Assessors Panel

The Dust Diseases Tribunal of New South Wales invites expressions of interest from suitably qualified legal practitioners who are prepared to provide Contributions Assessment Determination services.

Term of Appointment

The Secretary of the New South Wales Department of Justice may appoint successful legal practitioners to the panel of Contributions Assessors for a period of up to three years.

Jurisdiction

The Dust Diseases Tribunal is a court of record established by the *Dust Diseases Tribunal Act 1989 (NSW)* ('the Act'). Section 10 of the Act provides the Tribunal with exclusive jurisdiction to hear and determine proceedings for damages in respect of dust-related conditions including those linked to asbestos exposure for example, Mesothelioma and Asbestosis.

Asbestos – Related claims are subject to a 'Claims Resolution Process' once the claim is filed. The objectives of the 'Claims Resolution Process' include fostering early information exchange through the use of prescribed Particular and Reply forms, to encourage early settlement and reduce costs.

Role

Contributions Assessment determination is used in relation to Asbestos - Related claims.

Where Defendants have failed to agree on liability apportionment within a prescribed timeframe, the Registrar must refer the file to a Contributions Assessor for determination.

The role of the Contributions Assessor is to determine the contribution that each defendant is liable to make towards any damages recovered by the plaintiff. Contributions are determined:

- with the assumption that defendants are liable,
- in accordance with Part 4, Division 5 and Division 6 of the *Dust Diseases Tribunal Regulation 2013 (NSW)* ('the Regulation'),
- in accordance with the standard presumptions set out in the *Dust Diseases Tribunal (Standard Presumptions – Apportionment) Order 2007 (NSW)*, and
- on the basis of specific documents filed by the parties in the proceedings.

Applicants are encouraged to refer to Part 4 of the Regulation for more detailed information.

A determination of a Contributions Assessor cannot be challenged, reviewed, quashed or called into question before any court of law or administrative review body in any proceedings: cl 53(9) of the Regulation.

Contributions Assessors are to ensure their own premises are a safe working environment and are to undertake their own typing requirements. Determinations are to be preferably submitted in electronic format.

Remuneration

The Secretary of the Department of Justice determines remuneration in connection with functions as a Contributions Assessor, from time to time: cl 54 of the Regulation.

Fees are paid by the Defendants directly to the Contributions Assessor.

The current fee scale and further information about the Tribunal can be located on the Tribunal's website at <http://www.dustdiseasestribunal.justice.nsw.gov.au>

Selection Criteria

Current Assessors are not required to re-apply.

Legal Practitioner new Applicants are required to submit with their confidential Expression of Interest :

- an updated Curriculum Vitae including telephone and email contact details, qualifications and legal practitioner experience
- names and details of two referees who can be contacted during the evaluation process if so required.

It is not an essential requirement that Legal Practitioners have **recent** experience in the Tribunal's jurisdiction however legal practitioners should have a minimum of at least **5 years post-admission experience in litigation**.

Practitioners with a DX address will be viewed more favourably.

Persons appointed as a Contributions Assessor will have their name and phone number included on the Panel list maintained by the Tribunal and published on its website.

All new appointees will be required to attend an induction.

Further Information

Applicants are encouraged to refer to Part 4 of the Regulation with particular attention to Divisions 5 and 6 of that part.

The Tribunal's website provides further information:
<http://www.dustdiseasestribunal@justice.nsw.gov.au>

Written requests for further information about the role can be addressed via email to 'The Registrar' at: dust.diseases.tribunal@justice.nsw.gov.au

Submission and Closing Date

Applications are to be addressed to 'The Registrar' and sent to: DX 11567 SYDNEY DOWNTOWN

Or alternatively via email to: Dust.Diseases.Tribunal@justice.nsw.gov.au

Please consider sending your Expression of Interest, at your earliest convenience but no later than 17 September 2018.