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LawTalk Blog



Compensation for asbestos related diseases

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In Australia, Asbestos was commonly used in selling spaces, sheds, fences throughout the 1950s to 1980s. Asbestos material was used because it is a strong, resilient and heat resistant material. Because of these properties, asbestos was used in many Australian homes and public buildings including hospitals, schools, offices and factories.

Exposure to asbestos has been shown to be responsible for a number of diseases and deaths of many Australians each year.

In general, people most at risk of asbestosis exposure include those who have worked in mining and manufacturing of asbestos and those involved in the construction of buildings, in ship building, in power industries and in other work environments in which asbestos products have been used.

Exposure to asbestos fibres, even for a short duration, has the potential to cause a number of potentially terminal diseases.

Which diseases can be caused by asbestos:

- Mesothelioma – a terminal cancer caused by past asbestos exposure (affecting the lining of the chest and/or stomach)
- Lung cancer – smokers who have been exposed to asbestos increase their risk of containing lung cancer by 50 times as compared to non smokers. Noting that smoking does not preclude a claim for asbestos compensation.

- Asbestosis – this is a scarring of the lungs which causes progressive breathlessness.
- Pleural plaques – this is being a marking on the lining of the lungs which acts as indicators of past asbestos exposure.
- Gastrointestinal cancer – usually in association with cases of heavy asbestos exposure.

Following a diagnosis with asbestos related disease, medical advice and treatment needs to be followed. After which time a sufferer of asbestos related diseases may wish to consider compensation to which he or she may be entitled.

How do I claim compensation for an asbestos related disease?

Asbestos compensation claims are usually based in negligence, in that most cases the basis of a claim is that an employer, occupier of premises or a manufacturer of asbestos products fail to warn or take precautionary steps to protect against the known risk of asbestos related diseases.

Specialist legal advice should be sought by sufferers of asbestos related diseases with a view to assist in optimising any potential award of compensation. A claim against a negligent party may be made by the family of the asbestos disease sufferer if it can be shown that the family is financially dependent on the sufferer. Claims for damages for the asbestos disease sufferer may include personal pain and suffering, medical expenses and past and future loss of earnings (if applicable).

Management of an asbestos disease claim should be handled by legal specialists with knowledge of both legal and medical issues.

What should I do if I find asbestos in my home?

If asbestos is found in your home then Andersons Solicitors recommend adding your name to its Asbestos Register which can be done free of charge and will result in an annual prompting of the necessity for a health check and providing for storage of valuable information in relation to exposure to any asbestos product. These will also facilitate any potential future claim for compensation should a dust disease eventuate.

If you are suffering from an asbestos related disease, [contact Medelaina Mestroni](#) from Andersons Solicitors to discuss your legal options.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal and South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.