



# Dust Disease Claims

Work-related dust diseases are lung illnesses, typically affecting workers who have had exposure to mineral dust such as silica or asbestos.

A worker who has been diagnosed with a dust disease due to exposure to harmful dust at work may make a claim for compensation under the *Workers Compensation and Injury Management Act 2023* (the Act).

This fact sheet provides essential information to assist eligible workers to apply for a dust disease claim.

## Which dust diseases are covered?

The following four dust diseases with the relevant exposure to silica or asbestos are covered under the Act.

Disease	Exposure
Pneumoconiosis or silicosis	Exposure to mineral dust harmful to the lungs, including silica and asbestos
Mesothelioma	Exposure to asbestos
Lung cancer	Exposure to asbestos
Diffuse pleural fibrosis contracted on or after 19 September 2009	Exposure to asbestos

## Dust Disease Medical Panel

The Dust Disease Medical Panel (DDMP) is established under the Act and consists of at least one member who is a specialist in respiratory medicine, and at least one other member who is a specialist in either respiratory medicine or occupational medicine.

The DDMP operates independently, with WorkCover WA providing administrative support.

## Compensation for a dust disease

A worker is only entitled to compensation for a specified dust disease if the DDMP determines they suffer from one of the four dust diseases listed.

Compensation may include income compensation, medical and health expenses compensation and permanent impairment compensation.

A worker who does not have one of the four listed dust diseases may still be eligible to make a standard workers compensation claim.

## How to make a dust disease claim

A worker who has been diagnosed, or has a provisional diagnosis of one of the four specified dust diseases should follow these steps to make a workers compensation claim:

1. Obtain a First Certificate of Capacity from your treating medical practitioner with a diagnosis (or provisional diagnosis) of the specific dust disease.
2. Complete a Dust Disease Compensation Claim Form and Request for WPI Determination – Common Law.
3. Give the following documents to your employer:
  - First Certificate of Capacity
  - A completed Dust Disease Compensation Claim Form and Request for WPI Determination – Common Law.

The employer or the employer's insurer must forward the documents to WorkCover WA at [records@workcover.wa.gov.au](mailto:records@workcover.wa.gov.au) within seven days after a dust disease compensation claim is made on the employer.

## Required medical information, test and report results

For a DDMP to be listed, a worker or their representative will need to submit the following medical test and report results to assist the DDMP in making a determination.

### A respiratory specialist's report that includes:

Worker's presentation and current symptoms

History and context of exposure to asbestos, silica, or other mineral dust (work-related and non-work related)

Medical history, including current active medical problems, current medications and relevant medical investigations and reports

Full smoking history (in pack years); other inhalation exposure, including vaping

Diagnosis

The report can be from your treating respiratory specialist

### Scans, tests, and reports required:

#### 1. High resolution CT scan of the chest

(in supine and prone positions), performed in the last 12 months to confirm diagnosis. A copy of the radiologist's report and corresponding digital access to the radiological images and any relevant previous CT chest images.

**2. Pulmonary function test**, no more than 6 months old, including lung volumes, diffusion, oxygen saturation and flow volume curves.

Pulmonary function test report must include:

- Maximum flow-volume loops (spirometry), diffusing capacity, static lung volumes and arterial oxyhaemoglobin saturation. If airflow obstruction is present, spirometry must be repeated after administration of bronchodilator.
- Diffusing capacity should be corrected for haemoglobin (ideally measured on the same day, or at most within a week of diffusion measurement) AND include measured inspired VC, calculated effective alveolar volume and  $DL/V_a$  ( $K_{CO}$ ).
- The technician/scientist performing the test must comment on effort and state if the ATS/ERS criteria for acceptability and repeatability have been met. All reports must have referenced predicted values with the subject's anthropometric data measured on the day the tests are performed.

**3. Cytology/Histopathology report** with results confirming malignancy (only required for lung cancer and mesothelioma applications).

Cytology/Histopathology report for pneumoconiosis cases where a lung biopsy has been performed.

## Pre-dust disease medical panel considerations

As part of its administrative support role to the DDMP, WorkCover WA will assess if there is sufficient documentation to list a DDMP and may request additional medical tests, information or documents.

Once a date has been listed to determine the application, the worker may be required to attend WorkCover WA for an examination by the DDMP. If the worker is unable to attend, they may request to have a determination in their absence. This only applies in limited circumstances.

## What decisions does the panel make?

The DDMP reviews medical evidence and examines the worker claiming dust disease compensation. The DDMP makes a binding determination on the following questions:

- Is or was the worker suffering from diffuse pleural fibrosis, lung cancer, mesothelioma, pneumoconiosis or silicosis?
- Is or was the worker incapacitated for work because of the injury by dust disease and, if so, what is or was the extent of the worker's incapacity for work?
- What is assessed to be the degree of permanent whole of person impairment resulting from the injury by dust disease?

The DDMP may request additional medical tests, information or documents before it makes a determination.

A determination must be made by the DDMP within 28 days after it has obtained all the information and documents necessary to make that determination.

A copy of the determination must be given to the worker, the worker's employer and the employer's insurer (if any) within seven days of the determination being made.



## Need further assistance?



Call WorkCover WA's Advice and Assistance Service on **1300 794 744** (8:30am to 4:30pm, Monday to Friday)



Visit [workcover.wa.gov.au](http://workcover.wa.gov.au)

