

19TH JULY 2005.

Dear Sir or Madam.

I was first diagnosed as suffering from metal fume fever in April 1973, after years of working in the Whyalla shipyard where sandblasting took place on a regular basis. At the time I was 31 years old. After several years of illness, I was sacked by my employer in April 1975. The following year, 1976 I was put on an invalid pension.

The case was put in the hands of the metal workers union, who put it in the hands of their lawyers, Johnston and partners of Adelaide. After writing the initial report for the lawyer, the doctor refused to follow it up with another report. The union and their lawyers, only being interested in cases where the employer was paying compensation to the employee, refused to pursue the case. To this day I cannot get my hands on my medical records, as they belong to the doctor.



Yours E Nolan.

E. NOLAN.

JG:FS

16th July, 1973.

Mr. B.E. Withers,
Johnston & Partners,
Barristers & Solicitors,
345 Carrington Street,
ADELAIDE. 5000

Dear Sir,

re: Mr. Edward Neeson NOLAN and B.H.P. (Shipyard)

I enclose herewith a questionnaire forwarded to us by Mr. Nolan setting out the main facts, relating to a lung condition that he has developed over a period of months.

This condition appears to have arisen as a consequence of Mr. Nolan doing welding work with metal covered with paint, dimet, galvanising or tar. All of these coverings give off a fume when the heat is generated in the course of the welding work. ('dimet' is a type of galvanising).

He first began to feel unwell during February 1973. In late February or early March he went to see a local doctor and influenza was diagnosed. Later in March he went to the Ambulance Room at the Shipyard reporting that on the previous night he had suffered from what he terms "Zinc chills". He was given tablets called "Gastrogel" and advised to wear a filter mask. He explained that he was already wearing a filter mask and he was then advised to wear a charcoal respirator.

He was away from work through illness on Friday 13th April, Monday 16th April and Tuesday 17th April when he went to see Dr. Thomas. He told the doctor that he had been welding on paint and dimet and thought this was why he felt unwell and had pain in his chest. Dr. Thomas gave him a certificate stating he was suffering from influenza.

On 18th April he resumed work but felt quite ill. By 1.30p.m. he found he could not continue and went home.

He again tried to work on 19th April but by 2 p.m. he found it difficult to breath, he felt sick and had a pain in the chest.

STRIKE 2.....

16th July, 1973. 54C

He went to the Ambulance Room and obtained a pass-out to see Dr. John Mayne. Dr. Mayne examined him and wrote a letter for Mr. Nolan to take back to Dr. R.E. Burfoot the company Medical Officer and as he handed the letter to Mr. Nolan Dr. Mayne said "You probably have Metal Fumes Fever, I would like Dr. Burfoot to see you in this state." (my emphasis JG.)

He returned to the works and saw Dr. Burfoot at about 4.30 p.m. and the doctor after a thorough examination, including Xray, diagnosed that Mr. Nolan had Metal Fumes Fever and advised him to avoid welding work on dimet and paint.

Five of the next six days were the Easter and Anzac Day break. On 26th April in the morning he had another appointment with Dr. Burfoot who checked his blood pressure and gave him a blood test. In the afternoon he again went to see Dr. Mayne and explained to him that Dr. Burfoot had checked his heart and taken a blood test. Dr. Mayne did not feel that his heart was anything to worry about but he would like to see the outcome of the blood test by Dr. Burfoot. Dr. Mayne gave Mr. Nolan a certificate for Metal Fumes Fever for that day.

He again attempted to work on Friday 27th April but was too ill to work and went home at 8.30 a.m. He saw Dr. Burfoot at 1 p.m. on that day and the doctor told him that the blood test had shown no abnormality and that his illness was all in his mind. Mr. Nolan then went to see Mr. Mayne again who made an appointment for Mr. Nolan to see Dr. Crowe.

He saw Dr. Crowe on 1st May and on 10th May. Dr. Crowe expressed the opinion that he had been suffering from Metal Fumes Fever.

However in the period following Easter Mr. Nolan had been put on other work and his health had improved hence the opinion of Dr. Crowe that Mr. Nolan had been suffering from Metal Fumes Fever.

The narrative up to this point from the second paragraph of this letter is based on a number of facts supplied by Mr. Nolan himself and the enclosures may add some further points I have missed.

We also enclose a copy of the application made by the B.H.P. to the Industrial Court to have the provisions of Section (53 (1) set aside.

In this application it is shown that Mr. Nolan submitted to the B.H.P. a medical certificate from Dr. Mayne on 27th April.

54D.
16th July, 1973.

Owing to the complications and many detailed features of this case together with pressure of work, we were not able to get all the essential points into an orderly picture any earlier. No doubt the Court has heard the application and made an order in the B.H.P.'s favour.

The main point of interest in this case is the strange change of opinion on the part of Dr. Burfoot.

On 19th April Dr. Burfoot certifies that Mr. Nolan is suffering from Metal Fumes Fever.

On 26th April Dr. Mayne certifies that Mr. Nolan is suffering from Metal Fumes Fever.

On 10th May Dr. Crowe expressed the opinion that Mr. Nolan had been suffering from Metal Fumes Fever.

Already on 26th April the same day that Dr. Mayne had certified Mr. Nolan to be suffering from Metal Fumes Fever, Dr. Burfoot issued a certificate to the effect that Mr. Nolan was "Feeling Unwell".

It seems that someone must have had a good reason to change the direction of this illness suffered by Mr. Nolan - from "Metal Fumes Fever" to "Feeling Unwell".

Taking into account the growing number of cases we are hearing of welders who are suffering lung trouble and sickness, if it is possible to reverse the order of the Industrial Court and force the B.H.P. to accept liability it could be a very important victory. Perhaps that is why the B.H.P. has taken the matter to the Industrial Court.

We would be interested in your observations on Mr. Nolan's claim and would appreciate your assistance in getting the B.H.P. to accept liability if you feel there are reasonable prospects of success.

Yours faithfully,

J. GOSS,
COMPENSATION OFFICER

P.S. Included in the documents are copies of two certificates issued by Dr. Burfoot. These copies are very faint and we have therefore typed out the wording on another sheet. I think the transcript is pretty accurate.

90B

26th December, 1973.

Johnston & Partners,
Barristers & Solicitors,
345, Carrington St.,
ADFLAIDE. S.A. 5000.

Dear Sir,

I saw Mr. Edward Nolan first on 19th April, 1973, when he complained that he had been off work for three days (14th - 17th April) with tight chest and "shaking". He returned to work on 18th April, 1973, still not well.

He came to me on 19th April, 1973, with Bronchitis and minor Bronchial Spasm. He was shivering all over. His tongue was dirty and there was a tremor palpable all over him.

He had been working as a Welder on steel coated with Dimet and other paints.

This was a typical case of Metal Fume Fever, of which I have seen many in men who have been welding on Dimet coated steel.

Dimet is a special protective paint leaving a heavy deposit of Zinc on the steel.

Metal Fume Fever is common where Zinc or Brass is heated to melting point.

He was seen by Dr. G.R. Crowe, Consulting Physican, in Whyalla in May, 1973, and Dr. Crowe agreed with the diagnosis of Metal Fume Fever.

I remain,

Yours faithfully,

DR. J. MAYNE.

120 A

JOHNSTON & PARTNERS BARRISTERS & SOLICITORS

345 CARRINGTON STREET ADELAIDE S.A. 5000
TELEPHONE: 223 3477

ELLIOTT JOHNSTON, LL.B., Q.C.
JOHN WILLIAM LEWIS
ROBYN LAYTON, LL.B.
BRIAN WITHERS, LL.B.
ASSOCIATE PARTNER
PETER MCCUSKER, LL.B.

OUR REF.:
YOUR REF.:

BEW:BC

19th June, 1974.

Mr. E. Nolan,

Dear Sir,


Re: Accident

Thank you for your letter of the 5th June 1974.

We enclose herewith the accounts and letter from the Institute of Medical and Veterinary Science which we suggest you pay. Keep the receipted accounts as we shall seek repayment later when we are formulating your claim.

We have written to Dr. Mayne to get a report and as soon as this is to hand we shall get in touch with you.

Yours faithfully,
JOHNSTON & PARTNERS

Per: 
B.E. Withers

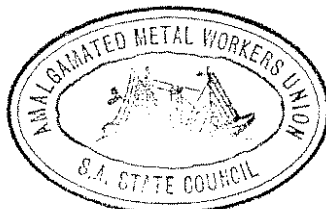
Encs.

AMALGAMATED METAL WORKERS' UNION

264 HALIFAX STREET, ADELAIDE, SOUTH AUSTRALIA

Telephone: 223 4633 (4 lines)

Postal Address: BOX 1051, G.P.O., ADELAIDE, S. AUST. 5001



JG:RJE

29th August, 1974

Mr. E. N. Nolan,

Dear Sir and Brother,

Thank you for your letter.

I am very sorry to learn of your financial difficulties.

If your doctor or doctors are pressing you for payment we would be only too happy to write to them to explain that you have a compensation claim in progress and request that they discontinue pressing you for payment for a while. This is often successful. Do you belong to a hospital and medical fund - such as the Mutual Hospital Association? In certain circumstances they will pay your medical bills on the undertaking that you will repay them when your claim is settled.

I have written to the solicitor Mr. Withers asking him how your claim is going and asking if it is possible to get it settled soon because this long wait must have caused you a lot of anxiety and if it can be won it will not only be a relief to you but it will be an important step in getting welders protected from poisonous fumes.

When I get the reply from Mr. Withers I will write to you again.

Best wishes,

Yours fraternally,

J. Goss,
COMPENSATION OFFICER.

1767
JOHNSTON, LAYTON, WITHERS & CO.

(Incorporating the practice of Johnston & Partners)

BARRISTERS & SOLICITORS

345 CARRINGTON STREET ADELAIDE S.A. 5000

TELEPHONE: 223 3477

OUR REF:

LP:CA/BEW

YOUR REF:

ELLIOTT JOHNSTON, LL.B., Q.C.
ROBYN LAYTON, LL.B.
BRIAN WITHERS, LL.B.
PETER McCUSKER, LL.B.
ASSOCIATE PARTNER
LINDY POWELL, LL.B.

19th March 1975.

Mr. E.N. Nolan,

Dear Sir,

re B.H.P.

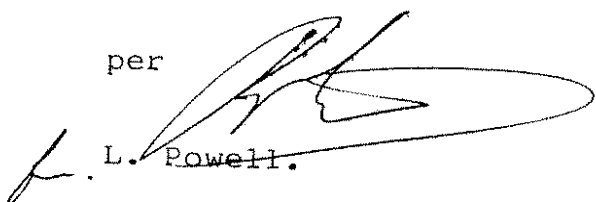
Thank you for your letter of the 11th March 1975.

We have since meeting you written to Dr. Mayne in an effort to get a report, but despite 2 letters, a report still has not been forthcoming.

Perhaps you would like to speak to him about the provision of a report as we obviously cannot take any steps or even give any proper advice in the matter until we have his report to hand.

Yours faithfully,
JOHNSTON LAYTON WITHERS & CO.,

per


L. Powell.