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EX 322

CYRIL CHARLES JULIUS MINTY of 17 Central Park Road, East Malvern, legally qualified medical practitioner.

1. Medical education

Dr Minty attended the University of Queensland Medical School between 1939 and 1945, graduating MBBS.

The course included a subject entitled 'Social and Tropical Medicine'.

That course included reference to industrial dust diseases.

In fifth and sixth years this topic was covered more fully.

Dr Minty's recollection is that the course referred to silicosis, bagassosis and asbestosis and other dust diseases.

Because sugar mills were sited in Queensland a good deal of attention was paid to bagassosis.

So far as asbestosis is concerned it was described as a different disease to silicosis - as to the nature of damage of the lungs, and as to the possible speed of its progression.

Dr Minty recalls that, there having been gold mining in Queensland over a long period, silicosis was spoken of more than was asbestosis.

Because the medical profession was concerned with disease prevention, dust reduction or elimination was taught as being desirable.

Students were taught that the greater the exposure to harmful industrial dusts, the greater the risk of disease.

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2. Post graduate education

Dr Minty commenced to specialize in oncology in 1948.

He attended the Queensland Radium Institute between 1948/54.

Over the period of years he read widely in journals and reference books.

He carried out some clinical research.

He spent a period of 6 months in Melbourne as a Fellow attending the Peter MacCallum Clinic (then attached to the Royal Melbourne Hospital), and the Austin Hospital.

At the end of his period in Melbourne Dr Minty sat and passed the first part of the examination for the Diploma of Therapeutic Radiology at the University of Melbourne.

In 1952 he sat and passed the second part of the examination.

He continued to study and work as a radiation oncologist and obtained the Fellowship of the Faculty of Radiologists (UK) in 1963.

In the period at the Radium Institute prior to his attending the Peter MacCallum Clinic in 1951 Dr Minty recalls having access to a copy of Hueper 'Occupational Tumours and Allied Diseases' published in the USA in 1942.

Occupational tumours were a topic of particular interest to oncologists.

It was part of his study to understand what were the causes of disease.

Lung cancer was not an uncommon disease; in the context of looking at its causes Dr Minty read what Hueper had to say about serious consideration being given to an association between asbestosis and lung cancer.

Dr Minty cannot now recall where he obtained access to Hueper when working at the Radium Institute.

It may have been from a colleague of his father (who was himself a doctor); or it may have been from the Institute or some other medical library.

Dr Minty notes that Hueper identified a number of sources for his information.

He regards Hueper as having been one starting point in that era for research into asbestos health hazards.

Another starting point, he says, would have been accessing journal references and moving from one to the other.

3. Periodical literature

Dr Minty recalls that in the 1940s periodical literature commonly available was the BMJ, the Lancet, the MJA, JAMA, the British Journal of Radiology, the American Journal of Roentgenology, the Journal of the American Cancer Society.

There were quite a large number of periodicals, in the period when his interest in oncology commenced, which dealt with the treatment of cancer.

Such periodicals made frequent references to the causes of tumours.

4. The lung cancer risk

Dr Minty says that, within a short time of commencing work and study at the Radium Institute, he would (if asked) have identified lung cancer as a risk associated with asbestosis.

This would have been based upon Hueper and the references there contained, with Merewether's work reported in JAMA 1949 giving additional confirmation.

5. Dr Minty's professional experience

From late 1947 Dr Minty's work has involved therapeutic radiotherapy.

There was no real sub-specialization at that early time.

In late 1954 Dr Minty moved to Melbourne; he commenced full-time work at the Peter MacCallum Cancer Clinic in January 1955.

He still continues there.

His work at the outset in Melbourne also involved sessions at two public hospitals.

In 1958 he undertook sessional work at two different hospitals.

At Peter MacCallum, over the years, he was in charge of various units, involved in skin cancer, children's cancer and lung cancer.

6. Lung cancer and mesothelioma

In the years since 1955, both in public clinics and in his private practice, Dr Minty has treated many patients suffering from lung cancer.

Lung cancer sufferers with a history of asbestos exposure have been included in this group.

Over the past 10 years, approximately, Dr Minty has examined a number of patients suffering from malignant pleural mesothelioma.

Some patients have been referred for treatment of mesothelioma.

Others have been referred for examination and report.

The second class has been the largest.

Dr Minty has had an opportunity in these circumstances of observing the reaction of patients suffering from both lung cancer and mesothelioma to various forms of treatment and to the course such diseases follow.

Where asbestos is implicated, the natural histories of lung cancer and of mesothelioma have many similarities.

They are both dependent on inhalation of asbestos dust.

They both have a dose/time relationship.

The point of lodging of the asbestos is the site of the tumour.

Each is a malignancy a definition of which is - "an uncontrolled growth of tissue in response to a carcinogenic stimulus, which continues after the stimulus has been withdrawn".

Each metastasises.

Each is fatal, and in most cases responds poorly to any form of treatment.

However, the growth rate of the tumour is modified by the growth rate of the tissue involved.

Lung cancers develop, generally, over a shorter period than do

mesotheliomas; and characteristically run a shorter fatal course.

Within the lung cancer group, insofar as treatment avails at all, its effects vary according to cell type.

Dr Minty's experience is, with mesothelioma, that radiotherapy can offer some symptomatic relief, but that it is seldom sufficient to justify extensive courses.

7. The development of mesothelioma

Dr Minty is not a pathologist but he has had the opportunity of reviewing the natural history of mesothelioma by reference to patients whom he has treated or examined.

Characteristically the history is of development of significant symptoms shortly before presentation and diagnosis.

Some patients recall vague preceding symptoms, but in those cases also dramatic worsening is noted by the patients shortly before presentation.

Dr Minty believes that the growth of the tumour to the point where it is clearly recognizable occurs over a short period of time and is mirrored by the dramatic onset of symptoms.

No pre-malignant phase has been identified, as can be seen with some skin cancers, with cancer of the cervix, or with lung cancer.

It should also be said that pre-malignant phases may never transform into malignancy in fact.

8. Dr Minty's examination and report concerning Mr Barrow

Dr Minty examined Mr Barrow on 6.7.87.

He prepared a report, dated 22.7.87.

In preparing the report he observed various x-rays insofar as they related to the diagnosis of malignant mesothelioma.

Dr Minty has read copies of Dr Musk's reports concerning Mr Barrow dated 13.11.87 and 19.1.88.

The chronology is more detailed and extends over a somewhat longer period than was conveyed by the patient in consultation.

On the basis of the history recorded at the hospital, and the biopsy findings in 1982 and early 1986, the changes in the x-rays noted between 9/84 and 1/86, and the patient's complaint to the hospital in early 1986 of much increased symptoms, Dr Minty believes that the mesothelioma developed within the period 9/84-1/86.

9. Dr Minty's examination and report concerning Mr Heys

Dr Minty examined Mr Heys on 6.7.87.

He prepared a report dated 22.7.87.

Dr Minty has not examined Mr Heys in the period referable to his decline in health as recounted by Dr Musk.

He is not surprised by such a rapid decline in the patient's health.

The diagnosis of mesothelioma was made within a few months of the onset of Mr Heys' serious symptoms.

Dr Minty believes that the sudden change in apparent health

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mirrored the development of the tumour.

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