



Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

Hansard 27 April 1999

RADIATION SAFETY BILL

Miss SIMPSON (Maroochydore—NPA) (4.15 p.m.): The Opposition will be supporting in principle this piece of legislation, although there are several issues about which I will be seeking the Minister's clarification. The policy objective of the Radiation Safety Bill 1999 is to protect the people of Queensland from health risks associated with exposure to certain sources of ionising and harmful non-ionising radiation. And after 40 years, there is no doubt that the legislation was in need of updating. There has been a vast increase not only in the number of people using radioactive substances but also in the diversity of uses. Of paramount importance is the safety of people who work with radioactive substances, the safety of their patients or clients and the safety of the broader community.

The operative words of the Bill's objective are "to protect the people of Queensland from health risks". And does this Bill meet those objectives? The short answer is: no. Why cannot the people of Queensland be guaranteed full protection and feel safeguarded 100% by this new legislation? After all, the legislation replaces in its entirety the 40-year-old significantly outdated Radioactive Substances Act 1958. The Bill provides for a modern system of radiation safety and protection which has been developed in line with national and international guidelines.

Whilst the work of the Health Department's officers who form the Radiation Health Unit must be recognised and highly commended for their past efforts, grave concerns are held for that small unit to undertake the new enhanced role without an immediate injection of funds and additional resources. For the Radiation Health Unit to effectively manage the new procedures and protocols under this legislation, it is estimated that up to an additional 40 officers may need to be employed. In the Minister's second-reading speech, no mention was made of additional resources for the unit. The Explanatory Notes, under the heading "Estimated Cost for Government Implementation", state—

"As the Radiation Safety Bill will replace the existing Radioactive Substances Act 1958, the introduction of the Bill will not have any significant financial impact."

This admission of no additional funding is particularly concerning given the briefing that I received from the department on the legislation, which revealed that there are only eight or nine officers who are tasked with enforcing the standards under this legislation for the whole of the State. We have a modern piece of legislation with a massive increase in penalties, but apparently there is not a complement of staff to enforce it. What sort of message is that sending to industry and the broader community? "We will tax you and we will penalise you, but we will not give you surety or service."

As the Health Department's administrator, and the one thereby charged with the responsibility of ensuring that the Health Department is able to conduct its affairs to guarantee public safety at all costs, it is exasperating that this Health Minister has failed yet again to recognise this most urgent human resource need. The Minister's role does not end with the introduction and/or passage of a piece of legislation. Her role also includes the need to guarantee the full functionality of the legislation under her jurisdiction. Again, she has failed in her duties to be an effective Minister of the Crown. And again, she has failed the Queensland community.

Let us examine whether other checks and balances are in place to assist this Parliament in overlooking the issue of resources and funding. Perhaps the Parliament and, subsequently, the general public of Queensland will be able to rely on the investigative ability of a well-qualified independent monitor. Again, the answer is: no. And why is that so? Because last year, this Government—this so-called accountable Government—eagerly destroyed the independence of the Chief Health Officer by

the removal of the CHO's statutory powers. Those statutory powers were unceremoniously stripped from the Chief Health Officer and placed with the Chief Executive Officer of the Health Department.

I ask: who is the greatest user of radioactive substances? The State Department of Health, of course! Therefore, the person responsible for the greatest usage, responsible for the safe storage and responsible for the safe disposal of radioactive substances is the Chief Executive Officer of the State Department of Health. Yes, unfortunately, it is the very department that is charged with the licensing and policing of radioactive substances which happens to be the biggest user of those materials. And amazingly, the same person is charged with the statutory powers of investigation if, hypothetically speaking, something goes drastically wrong with the department's usage, storage or disposal. Can we, as a Parliament, have confidence in that system? It raises a major potential for a conflict of interest. In other words, the department which has financial control over public hospitals and has a duty to ensure that safety standards are strictly adhered to is also the "policeman".

Further, there are no mechanisms in this new legislation to effectively deal with those conflict of interest concerns. I hope and pray for the sake of the wellness of our constituency that nothing goes wrong, for I, along with many Queenslanders, have no faith whatsoever in a Caesar judging Caesar system.

As previously stated, the efforts conducted by the Radiation Health Unit must be commended and recognised. Whilst I trust those officers to conduct themselves with the utmost professionalism, my fears continue to magnify when a Government, through the incompetence of a Minister, provides a system whereby wrongdoing can be swept under the carpet by the Caesar judging Caesar syndrome.

Let us dwell for a moment on the issue of the storage of radioactive substances. A previous Labor administration constructed a radioactive waste facility out in the Esk Shire. Most people would believe that all radioactive waste is going to that facility to be stored in a safe and secure environment. Not so! I am reliably informed that canisters of radioactive waste are being stored—inappropriately—at public hospitals throughout the State. I have been informed that it is too costly and inefficient to transport the waste to the Esk facility, so in many instances the waste is stored at hospitals.

Royal Brisbane Hospital, for example—one of the State's major tertiary facilities and in the Brisbane Central electorate—is a very large user of radioactive substance and, consequently, has a significant waste disposal issue. I take this opportunity to ask the Health Minister to guarantee to this Parliament and the people of Brisbane that radioactive materials and waste materials are appropriately stored at the Herston complex, and that all Queensland health facilities come up to national and international standards with regard to the safe and appropriate storage and use of radioactive substances.

The Minister may also wish to provide a guarantee that no radioactive waste is being inappropriately stored on the Herston precinct. Further, the Minister may care to explain to the Parliament the procedure for Brisbane hospitals to dispose of their respective radioactive waste substances at the Esk facility.

It is interesting to note at this juncture that this issue of radioactive substance and radioactive waste arises from a Labor Government whose Labor colleagues over in City Hall boast about nuclear-free zones in Brisbane and Ipswich. Here we have another example of Labor facade.

I also raise the matter of appropriate training. I understand that there will be stricter controls upon the permissibility of personnel to utilise X-ray equipment. Training is of the utmost importance within the private and public sectors. However, in rural communities where clinical personnel are at a premium, the Minister needs to outline, and be continually aware of, the impact upon rural Queensland Health staff. The Minister has little regard for staff and the impact that the Labor Government has had on departmental staff, particularly on the way that departmental officers are able to carry out their duties professionally and impartially.

I had to wait some time in order to get a list of the people the department briefed in regard to the Bill. Contrary to what the member for Logan thought when he said in this place that "consultation is for losers", the consultation process is very important for the community's understanding and acceptance of what will be the law if it is passed through the Parliament. The Minister eventually provided the information, but I want it noted in Hansard that there was quite a delay in getting the information from the Minister's office.

In relation to the importance of updating the radioactive substances legislation in this State, I want it strongly recorded that it is unacceptable that this legislation provides no independent checks upon the largest user of radioactive substances. Queensland Health is by far the largest user of these substances. It is terribly worrying to see legislation being brought into this place without any commitment from the Government for an appropriate number of people to enforce the legislation and ensure that the necessary audits are undertaken throughout the State in a timely fashion. These checks must be undertaken by qualified people. There is a need for someone from outside the system who has no perceived conflict of interest to be able to overview this very important legislation.