



Speech by

## Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

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Hansard 20 August 2002

### MEDICAL INDEMNITY INSURANCE

**Miss SIMPSON** (Maroochydore—NPA) (12.21 p.m.): I refer to the ongoing crisis in the Queensland health system, particularly with regard to the unresolved medical indemnity situation in the state's hospitals. I am getting calls from people whose surgery is continually being cancelled. Last night, I had a call from the family of a woman in her 80s who needs a colonoscopy. I have previously raised the issue of people who potentially have cancer having such an important diagnostic procedure denied to them for many months, or in fact enduring a round of cancellations, forcing them to seek treatment elsewhere. That is what the family of this elderly women will do, because her doctor believes that she may in fact have cancer.

After many months of denying that there was a problem with medical indemnity for doctors operating in the public hospital system, and after about 50 visiting medical officers withdrew their services from one regional hospital, Nambour, and many other hospitals throughout Queensland, it appears that finally the VMOs agreement will be renegotiated. A key sticking point was the lack of appropriate indemnity cover for doctors operating within the hospital system. I have a letter, which I will table, where the Health Minister says sorry—again—to another constituent for cancelled surgery, blames winter as a busy time but then states—

This year there is an additional impact of industrial action on service delivery. That action has led to the closure of beds for elective services as a result of the nurses' bans and limitations and the unavailability of a number of visiting medical officers for their elective surgery lists due to the medical indemnity issue.

On one hand the minister is acknowledging that there is a problem and on the other hand the minister came into this parliament only a few weeks ago and called doctors 'militant' when all along it was up to her to resolve this issue. We have a situation where Queensland Health, in the directive that it issued without negotiation with visiting medical officers as part of their agreement of service, said that doctors' indemnity would be subject to government policy as it changes from time to time. It is not good enough to expect a specialist or any health professional to operate in the public health system when there is a policy as vague as that and when doctors are not covered. Currently, that is not the terms of the agreement that doctors or other health professionals have. It is a vague notion called due diligence. In other words, 'If you do not act with due diligence we may not cover you,' whatever due diligence is. It is not the standard test, which should be of criminal negligence as proven in a court of law.

There are people who have been denied access to such indemnity cover. Some 47 per cent of rural doctors throughout Queensland have withdrawn from medical procedures as a result of this unresolved medical indemnity flaw. I urge the Health Minister, after being so stubborn, to acknowledge that this problem was in her court to be fixed. I urge the minister to listen to these valid concerns to ensure that there is proper indemnity cover for health professionals, doctors and specialists to again operate in the public health system on public patients. There must be a proper system.

**Mr Mickel** interjected.

**Miss SIMPSON:** She is covered. She has indemnity if she makes a mistake and is drawn before the court, unless she has committed a criminal offence. Should not the other health professionals and those working for the public have the same level of indemnity cover? We have a situation where 26 per cent of rural doctors who responded to Queensland Health's offer of indemnity said that they did not trust Queensland Health.

**Mr Mickel** interjected.

**Miss SIMPSON:** That is the whole problem. The government sees this as a doctor-bashing exercise. The member does not acknowledge that there is inadequate indemnity cover for health professionals. It should be clear that they are covered unless there is a proven case of criminal negligence. Meanwhile, patients in Queensland and health professionals who want to work in the health system are being denied access to service. People throughout Queensland are withdrawing from Queensland Health services. At this stage, some hospitals are doing only emergency and category 1 surgery. We know that has been the case at Nambour and increasingly is the case throughout Queensland. Why the stubbornness? It is obvious that the government has some problem accepting that the indemnity problem affects everyone in Queensland.

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