



Speech by

Stirling Hinchliffe

MEMBER FOR STAFFORD

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HEALTH LEGISLATION AMENDMENT BILL

Mr HINCHLIFFE (Stafford—ALP) (9.37 pm): I acknowledge the importance of the Health Legislation Amendment Bill. I also acknowledge the minister's and the government's efforts in addressing the needs of our quite excellent state health system, especially in terms of recruitment and health professionals, across the whole of our health profession and health system in Queensland. I am particularly proud to have within my electorate the Prince Charles Hospital, which is currently one of Australia's leading cardiothoracic hospitals and will, in 2007, provide the full range of general hospital services to northsiders. Even with the tremendous support of the Beattie government for this valuable initiative, the greatest challenge faced by Prince Charles is recruitment. I commend the amendments contained within this omnibus bill, as the honourable member for Lockyer referred to it, that seek to address these challenges within our health system.

Further, I note the amendments to the Transplantation and Anatomy Act. I take this opportunity to thank the minister for his support of the recent 10th anniversary celebrations of lung transplants at the Prince Charles Hospital. What an inspiring team of health professionals and cohort of patients we saw there on that day. The minister's presence was very much appreciated.

However, tonight I draw honourable members' attention specifically to part 17 of the bill, which amends the Radiation Safety Act to ensure consistency with the national directory for radiation protection amongst the 19 Health portfolio acts amended by the bill. It is envisaged that once implemented the amendments to the Radiation Safety Act will remove any doubt that the primary objective of Queensland's radiation safety legislation is to protect the health and safety of individuals as well as the environment and demonstrate Queensland's commitment to initiatives endorsed by the Australian Health Ministers Conference.

In July 1998 the health ministers endorsed the McNulty report, which provided broad recommendations about a new regulatory model for radiation protection in Australia. Following cooperative work amongst the states, territories and the Commonwealth, the Commonwealth enacted the Australian Radiation Protection and Nuclear Safety Act 1998, which provided for the establishment of the Australian Radiation Protection and Nuclear Safety Agency. One of the key statutory functions of the agency is to promote uniformity of radiation protection and nuclear safety policy and practices across jurisdictions of the Commonwealth, states and territories. Consequently, responsibility for the development of the NDRP—the National Directory for Radiation Protection—was transferred to that new agency.

The first edition of the national directory comprised three parts: part A, which sets out the agreed general principles and overall framework for radiation protection; part B, which sets out the uniform regulatory requirements which are adopted by each jurisdiction within its particular regulatory framework; and part C, which sets out guidance material to assist regulators to consistently adopt best practice approaches to radiation protection and safety.

After extensive consultation over a period of five years the health ministers have endorsed this first edition of the national directory in 2004 and subsequently confirmed that each jurisdiction should proceed with implementing it.

In response to the minister's determination along these lines, Queensland Health undertook a review of the Radiation Safety Act 1999 as well as the Radiation Safety Regulation 1999 to ensure that Queensland's legislation met the agreed principles and overall framework for radiation protection as outlined in that new national directory.

In order to achieve consistency with the national directory, the Radiation Safety Act is to be amended to expressly provide as one of its objectives the protection of the environment. Currently the object clause of the Radiation Safety Act does not expressly provide for the protection of the environment. Consequently, the bill before the House amends section 4 to specify that the main object of this act is to protect persons and the environment from the harmful effects of particular sources of ionising radiation and harmful non-ionising radiation.

The radiation safety and protection measures provided under the Radiation Safety Act were developed in accordance with the internationally accepted principle of the time—that is, if human beings are adequately protected other species will also be protected. For example, under Queensland's radiation safety legislation, environmental radiation protection is achieved through restrictions on the discharge of radioactive materials into the environment.

Consequently, only limited amendments were needed to be made to other sections of the act to clarify the various regulatory mechanisms under the act and how they apply also to the protection of our environment. For instance, I welcome an amendment to section 140 to specify that an inspector may issue a prohibition notice if an inspector reasonably believes that there are circumstances causing or likely to cause immediate health risks to any person or immediate risk to the environment or such risks are likely to arise in relation to the carrying out of a radiation practice.

Further, section 210 is to be amended to specify that a regulation may be made to exempt a radiation source from the act or a provision of the act if the exemption poses negligible health risks to any person or adverse effects on the environment.

Do not think that this is a case of totally handing over our regulatory responsibilities to a national regime. Importantly, our own Queensland Radiation Advisory Council was consulted about the proposed amendments. The advisory council is established under the Radiation Safety Act to advise the health minister about radiation safety and protection matters including proposed amendments to the act and the application of radiation safety standards in Queensland.

At both a national and state level it is recognised that a variety of agencies such as mines, environment, emergency services, occupational health and safety and transport agencies have legislated responsibility for aspects of radiation safety. So, while the Radiation Safety Act is the principal piece of legislation in Queensland dealing with the possession, use, disposal and transportation of radiation sources, the legislative framework for radiation protection extends beyond the Health portfolio. To this end, I congratulate the Minister for Health and his department, Queensland Health, for consulting with the range of agencies on that next phase of improvements in radiation protection—agencies including the Department of Industrial Relations, the Environmental Protection Agency, the Department of Natural Resources and Water, the Department of Mines and Energy, the Department of Emergency Services, Queensland Rail, Queensland Transport and the Department of State Development.

Radiation protection is obviously an area of public policy with manifold challenges, and I commend the government on its continuing cooperative work with the Commonwealth and other states and territories. There is work already to develop the second edition of the National Directory for Radiation Protection, and it has already commenced nationally building upon the regulatory framework established by that first edition.

The issues to be dealt with in this next iteration include the disposal and management of radioactive waste, security requirements to be implemented by persons dealing with or using radioactive sources to decrease the likelihood that these sources could be used for malicious purposes, radioactive substances inventory control, regulation of intense pulse light sources used in the cosmetic industry, extremely low frequency electric fields, codes of practice for radiation safety in medical applications, veterinary science and industrial gauging. It is intended that these issues be addressed by the National Directory for Radiation Protection to further the goal of national uniformity of radiation protection. The amendments to Queensland's radiation protection legislation contained within the Health Legislation Amendment Bill will build the platform for this work. I commend the bill to the House.