

as guides in the control of health hazards.

- Exposure standards should form part of the safe systems of work for the control of hazardous substances in the workplace.
- Some exposure standards offer relatively little protection to workers, and average exposure should be kept low enough to ensure that the time weighted average is not exceeded.
- Exposure standards should not be used as proof or disproof of an existing disease or physical condition.

In conclusion, there is a lack of scientific validity underpinning many exposure standards and the best practice is to maintain concentrations of all atmospheric contaminants in the workplace to levels as low as is reasonably practicable. ■

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Notes:

¹ NHMRC. *Threshold Limit Values: Approved Occupational Health Guide, 1983-84*. National Health and Medical

Research Council, Canberra, 1983.

² ACGIH. *Threshold Limit Values and Biological Exposure Indices 1996-7*. American Conference of Governmental Industrial Hygienists, Cincinnati, 1994.

³ WORKSAFE. *Exposure Standards for Atmospheric Contaminants in the Workplace Environment*. National Occupational Health and safety Commission/AGPS, Canberra, 1995.

⁴ DE SILVA, P. TLVs to protect nearly all workers. *Applied Industrial Hygiene* 1: 49-53, 1986.

⁵ CASTLEMAN B.I., ZEIM G.E. Corporate influences on Threshold Limit Values. *American Journal of Industrial Medicine* 13: 531-559, 1988.

Radiation in our back yard!

Judy Teizel, Brisbane

In 1960 the University of Queensland won a major coup in securing a contract to process 10 tonnes of uranium ore from Anderson's lode at Mary Kathleen. MIM Ltd would provide them with a grant for equipment and the University would build the buildings to house it at their experimental mine site at Indooroopilly, an inner city suburb in Brisbane. The newspapers of the day printed stories about this. It was news!

What they were unable to print at the time as it was unknown to the newspapers, were the consequences of these events.

The ore was duly processed and the University embarked on their new enterprise. As the processed ore lay on the grounds at the mine site emitting radioactivity, the workers passed over it during their working day. Children came home from school and in the relatively safe days of the 1960's were sent out to play. The children in this area loved to play in the tonnes of discarded waste from the mine site. They dug tunnels and made mud pies in the "dirt" and they came home

covered in it.

Apart from the radioactivity the material emitted radon gas. The combination of the two made their way into the homes of the residents. In the 1960's many women stayed at home and husbands came back to a safe haven at the end of their working day.

This lifestyle carried on for many decades, children grew up and married, moved away from home. During this time some people began to develop illnesses, many of which were some form of cancer including thyroid cancer, leukaemia, bone and lung cancer and other tumours.

Many of the residents by this time had dispersed so it was not always someone in the neighbourhood who was struck down. Indeed at least two workers from the mine site who did not live in the immediate area were struck by illness including one who died of bone cancer leaving a wife a four small children.

Our firm's initial involvement with this case was through a 70 year old lady with a history of thyroid cancer and lung

problems who approached us. This lady was a resident of one of the streets which ran directly behind the mine. She had lived in the street behind as a child and then when she married she and her husband bought a house at the rear of her mother's home. From the time she was thirty years of age she began having difficulties coping with her family and especially her two last born children. Later she was diagnosed with thyroid cancer and had it removed in the 1970s following which she had the usual treatment.

As plaintiff lawyers would know, any claim of such a nature and in isolation is not a case. It was then necessary to look for some evidence. Everyone knows what they are looking for in radiation claims don't they?

The one thing she could tell us was that in approximately 1984 the area where the children played was fenced off and in 1985/86 there was a lot of material removed from the site. This was also reported in the news at the time.

The first point of call was to look at ►



Judy Teizel

the site on the referdex. The woman did live very close to the mine site. Their house virtually backed onto it.

Applications for documentation under freedom of information were made to the University of Queensland, the Department of Health and the Department of Environment.

It took some time but one Friday a pile of documentation about 2cm thick arrived in our office. Reading through the documentation it became clear that there was something worth looking at here. Notes had been extracted from the meetings of the University Senate which showed that higher than usual levels of radiation had been found on the site. The health department was called in to investigate. This was the same time as the area was fenced off. There is a note that this information shouldn't be released to the public as it "could cause anxiety".

The Department of Health then compiled a report which was given to the University. This was the beginning of the clean up. The report says in part:-

"The area close to the road is contaminated and cars are parked over the contaminated edges of the road. The spread of contaminated soil from this area is easily envisaged as it will be picked up on the soles of shoes as people step into and out of cars. This is an immediate problem and needs to be addressed."

Little wonder it was felt there may be some anxiety - remember the children playing in the area.

We now felt it was time to engage a physicist, as the report in parts didn't mean a lot to a solicitor. Amazingly, the physicist we tracked down was one of those who had assisted on the report and the clean up. It was pretty clear that the University had not wanted too many people to know about what was going on at the mine site and was definitely not looking at the health problems residents or past residents may have been suffering.

Our expert told us to look for people with bone cancer, lung cancer or leukaemia.

We arranged to door knock the area. As the problem appeared to be confined to the local area we decided to look for people within a half kilometre radius of the mine site. We placed an advertisement in the metropolitan newspaper. Then the



media started calling on Saturday (the day the ad went into the paper). What better way to get to the people especially if they may have moved away from the area!

With the help of print and electronic media we began to receive calls from people connected with the mine site. Those people were suffering from cancer, leukaemia, tumours, rashes and tragically many could tell of a number of family members who had passed away from lung

cancer, bone cancer and leukaemia.

It seems the work has just begun as we now have enough people involved to make it more than a mere coincidence that so many residents who had come into contact with radiation at the mine site could have suffered so many radiation related illnesses. ■

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Code of ethics to keep judges accountable

A code of ethics for Australia's judges is being drafted to set standards for their conduct inside and outside court.

The code is expected to cover the personal and official conduct of judges, including categories on sexual conduct, friends and associates, gifts and favours, the use of judicial office for private advantage and the proper conduct of court proceedings.

A judge's financial affairs, including family investments and whether they should take up paid work after retiring on a pension, are also expected to be covered.

The Council of Chief Justices asked for the landmark code to be established. Its unprecedented move has been prompted by growing concern within the legal profession about the accountability of judges and the absence of written guidelines on accepted standards of behaviour.

Two retired judges, Justice John Clarke of the NSW Court of Appeal and Justice Sam Jacobs of the South Australian Supreme Court, have been asked to draw up the code for the council and a supervisory committee of its training organisation, the Australian Institute of Judicial Administration.

A committee member, Justice Trevor Olssen of South Australia's Supreme Court, said judges recognised the time had come for the profession to turn unwritten conventions on acceptable behaviour into a set of guidelines.

He said the judiciary also recognised that the public expected them to be more accountable.

"Nothing exists at the moment other than received wisdom on subjects which vary from State to State; there's no clearly spelt out document which purports to settle a code of conduct," he said.

"The judges thought the time had arrived when - like any other group of professional people - they ought to carefully consider ethical concerns so there was no doubt in anyone's minds as to the way to go."

Justice Olssen said the most controversial ethical issue likely to be dealt with in the code was whether it was proper for retired judges to embark on a second career with a law firm or as a consultant, while receiving a full publicly funded retirement pension.

Some judges in NSW and Victoria have taken on jobs after retirement.

"If a judge is seriously thinking about commencing a further career, there might be a public perception, even though it might be quite ill-founded, that while on the Bench the person might seek to curry favour with potential employers," Justice Olssen said.

The retired judges drawing up the code are interviewing members of the judiciary in each State and Territory to gather opinions about what should be included.

A final draft of the code will be presented to the Council of Chief Justices for approval next year.

A member of the council, the Chief Justice of South Australia, Justice John Doyle, said the document would enhance public confidence in the judiciary and help judges themselves by providing a uniform set of guidelines for all courts.

He said the guidelines would not be backed by new disciplinary or enforcement powers.

Disciplinary action against judges would continue to be handled in each State and Territory by the head of each jurisdiction under a range of informal and formal sanctions, including the most severe, removal by Parliament.

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