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Easy and Transparent Trading Consultation
Paper Regulatory Policy
BRD Department of Finance, Services and Innovation
Level 5, McKell Building 2-24 Rawson Pl, Sydney NSW 2000

We are writing in regards to questions 11 and 12 on page 18 of the Easy and Transparent Trading - Empowering Consumers and Small Business Consultation Paper July 2018.

Aussie Painters Network and our NSW Members are against the removal of Painting Licencing in NSW. In fact we are of the belief that Painters Licencing regulations should actually be tightened up in all areas.

The Painting Industries major Stake holders are Master Painters Association, National Institute of Painting and Decorating and Aussie Painters Network. All three organisations represent all areas of the Painting and Decorating Industry.

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Below are a few of our concerns:-

- 1. The impact on hazardous exposure to home owners, general public, uneducated workers**
- 2. The impact of increasing the cash market and economy thus causing concern for all levels of government**
- 3. The impact on the environment**
- 4. Going against the Federal Governments concerns for a skills shortage**

1. The impact on hazardous exposure to home owners, general public, uneducated workers

We are aware as industry that there is a major concern when it comes to dealing asbestos and lead paint. One of the concerns from industry is that if uneducated home handy people are able to prepare surfaces that contain asbestos and lead paint the potential damage done to the environment, home owners, their families, workers and the general public. This will potentially contribute to increased exposure and potential poisoning of the previously mentioned people as well as impacting on the health system in the long term due to the exposure.

According to the NSW Department of Environment, there are approximately 3.7 million homes in Australia that contain lead paint with concentrations of lead that exceed 1%. We estimate that this means lead paint with high concentrations is found in approximately 25% of homes in New South Wales.

It is a requirement in NSW that painters who become licensed receive training in safe lead paint management. Under previous legislation, it was a requirement that only licensed painters can carry out painting on the interior of NSW homes, and this should be reintroduced to protect the health of the NSW home owners.

According to the Federal Government Department of Environment, "Paint containing lead was used in many Australian homes prior to 1970, but those built more recently may also present a risk to your health. Exposure to lead is a health hazard. Even small amounts of dust or chips of paint containing lead, generated during minor home repairs, can be a health risk. Ideally, *homes with paint containing lead should be assessed and remediated by trained professionals.*" (Italics ours)

According to the booklet "Lead Alert: The six step guide to painting your home", 5th Edition, Commonwealth of Australia 2014, which was published in consultation with State and Federal health and environment agencies, the National Health and Medical Research Council, Safe Work Australia, the National Painting and Decorating Institute, Aussie Painters Network, the Australian Paint Manufacturers' Federation, CSIRO, Master Painters Australia, the NSW Public Works Department, CTI Consultants Pty Ltd;

"Exposure to lead can affect the health of children, unborn babies and adults.. .Young children are at the greatest risk. They absorb the lead when they touch

contaminated dust or soil and then put their fingers or toys in their mouths. Children are still growing and they can absorb up to 60 per cent of the lead that they swallow. Adults absorb approximately one tenth. . . If it is necessary to disturb surfaces with paint containing lead, *it is recommended that a contractor with lead paint management training do the job.*" (Italics ours)

In addition, Safe Work Australia recently released research that shows that painters are the occupation with the second highest risk of exposure to lead, a carcinogenic substance. According to The Australian Work Exposures Study (AWES):Lead and Lead compounds, published by Safe Work Australia in November 2014, "Lead has been implicated as being a risk factor for lung, stomach, kidney and brain cancer in workers exposed to lead in a work-related context. . . The main lead exposure circumstances identified in the AWES project were soldering, painting (old houses in particular). . . There is an opportunity to prevent work-related exposures to lead, and reduce the potential for work-related cancer cases, through efforts to increase the number of workplaces that eliminate the use of lead where possible or consistently use high order controls and good work practices to eliminate or reduce exposures to lead when relatively common activities are carried out. This may simply require initiatives that raise awareness or educate PCBUs and workers about using lead-free alternatives or known controls to prevent exposures to lead."

The International Agency for Research on Cancer identified the main industries in which work-related exposure to lead occurs as "lead smelting and refining industries, battery manufacturing plants, steel welding or cutting operations, *construction, painting and printing industries*". (IARC Monograph 87, italics ours)

In addition, asbestos containing materials are found in many buildings built prior to 1989. These highly toxic materials must be identified and treated by trained and licensed trades people, including painters. Painting of home interiors containing lead paint or asbestos by untrained and unlicensed persons poses significant health risks to children, babies, and adults exposed to lead paint dust and asbestos fibres during preparation. The consumer is usually unaware of the potential danger, and it is therefore vital that the government act in the public interest and enforce regulation of the industry through a robust licensing scheme.

According to Environmental Health Standing Committee (enHealth), Asbestos: A guide for householders and the general public, Australian Health Protection Principal Committee, Canberra, 2013, published by the Department of Health, “ Inhaling asbestos fibres may cause asbestos-related disease and death. Houses built before 1990 are likely to contain asbestos cement products. . .Householders should *engage experienced and licensed professionals to undertake home renovations and asbestos removal.* . . frequent exposure to a larger number of asbestos fibres (e.g. builder or tradesperson using unsafe techniques) is much more likely to pose a risk to your health. . . Householders may be exposed to asbestos fibres during accidental damage to asbestos materials in the home, or as a result of unsafe handling of asbestos material by tradespeople or by the householders themselves.” (italics ours)

To become licensed in NSW, painters must receive training in Occupational Health and Safety, safe lead paint and asbestos work practices, working safely at heights, erection of scaffolding, and elevated work platforms. These are all classed as ‘high risk’ work under current legislation. Removing licensing requirements is an unacceptable risk to the public and to the industry.

Licensing protects the public from unqualified and untrained contractors, and protects the public from faulty workmanship that is often not apparent immediately on completion of the work.. It provides a level playing field for all painters, and leads to safer work sites, safer NSW homes, and a better industry.

Uneducated workers will be dealing with hazardous products without the knowledge of how to deal with such products.

2. The impact of increasing the cash market and economy thus causing concern for all levels of government

The cash economy is still active as we are all aware, however by deregulating painting and decorating licensing, the potential of the cash market and economy increasing will be enormous. By letting anyone (home handy persons) paint you are potentially causing a cash economy. The effect will roll down to the community and the Government at large. The potential lost revenue for the Government could be catastrophic. Having compulsory contracts for painting works ensure the safety for all parties, the tradesman will get paid for the work they do, the client will get the works done as per the

contract and the Government will receive the appropriate funds through the relevant taxes and the GST.

In 2017 the Qld State Government did a review of licensing and saw the need for Painting Licensing to stay. They kept all painting works to take place over \$3300 inc. GST had to be carried out by licenced tradespeople and had to have contracts in place prior to those works taking place.

3. The impact on the environment

The environment is in a fragile state, we as industry and you as government need to consider the impact that will be caused by uneducated people dealing with products that they don't understand. We can expect people to wash toxins into drains and thus into the water table and the water systems. This will have a massive impact on our environment and the costs of cleaning such will heavily impact on the Government.

We are already dealing with uneducated people polluting the environment through not understanding the dangers of lead paint, asbestos, washing paint in drains and down sinks. These clean-ups cost the Government in the millions of dollars every year. By deregulating the licensing all you are doing is making people unaccountable for their actions.

4. Going against the Federal Governments concerns for a skills shortage

The Federal Government have identified Painting and Decorating as struggling with a skills shortage. *Painting and Decorating is Category 1 on the Skills Shortage list.* By removing licensing and allowing anyone to start a painting business you are opening it people not getting qualifications to become Painters and in return potentially losing state revenue from such a move. The Federal Government have recognised the importance of training our trades and we believe that you as a State Government should do the same. By deregulating the Painting Industry what reason would there be for young worker to take on an apprenticeship? None.

All they would need to do is purchase a few tools to get started. The home handy people are currently doing that and causing problems within NSW due to the Governments regulatory changes a couple of years ago.

Conclusion

At the end of the day what you are proposing is that by deregulating the Painting Industry you are hoping to reduce red tape etc. What you are actually doing is causing your constituents to become unaware of the rights and letting anyone do what has for decades deemed as licensed work be now done by unskilled labour.

The potential issues that are being flaunted here are the lack of safety for every person living in NSW, including causing potential harm to the people in NSW, the potential impact on Government revenue, the impact on the environment as well as going against the Federal Government in regards to the education of the state's workers.

Aussie Painters Network seriously consider the proposal in this Consultation Paper a complete disregard for all people living in NSW and oppose all recommendations in it.

Aussie Painters Network would like to see the licencing regulations actually tightened back to what they were prior to the 2015 reforms that the Government imposed.

We call for the Government to reinstate licensing for all painting works interior and exterior to provide protection for all people living in NSW as well as the environment and the painting business owners.

We look forward to your response,

Yours faithfully,

Nigel Gorman
CEO
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