



Check out the requirements re: Lead, in the Queensland Public Health Act 2005

By Elizabeth O'Brien, Lead Advisor, The LEAD Group Inc, Australia



2012 Volcano Art Prize Entry.
Title: Children free to play safe.
Lead-Safety Message: Ask your Council whether the playground equipment is lead-safe. Wash children's hands after play and before eating. Artist: Janet Richardson.

<http://volcanoartprize.com/portfolio-item/children-free-to-play-safe/>

Is lead permitted in paint on playground equipment in Australia?

I contacted Queensland Health in December 2018 because I'd received an inquiry re: possible lead in playground equipment in a park in Brisbane City Council area. I asked if Queensland Health could confirm or correct my interpretation of the (national Australian) Poisons Standard which is: the Poisons Standard lead paint 0.1% limit did not apply to paint on playground equipment until 2008, when it applied to all paint, because playground equipment was not specifically mentioned up to the 2007 Poisons Standard (unlike paints for houses, fences, posts, roofs for potable water collection, etc which were all specifically mentioned as needing to comply with the 0.1% lead paint limit. And further, I asked for confirmation that the Poisons Standard lead limit only relates to paint used in Australia and therefore does not apply to playground equipment that was painted overseas & then imported.

The lady from Queensland Health's Metro North Public Health Area suggested I look at Section 60 of the Queensland Public Health Act 2005 (see below) which brings the Poisons Standard into play. And Section 58 which says that lead must not remain in or on a building or part of a building if it is or may be easily accessible to children. So playground equipment is not covered by the Public Health Act either. Of interest though (also unrelated to playground equipment) is Section 59 which says lead must not remain in or on a roof, gutter or anything used to convey potable water.



This conversation led me to wonder if the lead content of paint on playground equipment is covered in any State or Territory legislation in Australia, or any jurisdiction in the world, and whether any other jurisdiction requires that lead must not remain on a residential, childcare, public library etc building if it is accessible to children. And further, I wonder whether that applies to leadlighting, lead flashing under windows etc, lead lining of shower and bath recesses, lead radiation shielding which is sometimes installed in homes where electro-magnetic radiation is determined to be a health problem, interior leaded dust from roads, or demolition or mining or smelting or industrial emissions, etc.

I also wonder whether anyone has experience in having this Section 58 requirement enforced, eg in a rental home.

And does it apply to lead paint?

And if it does apply to lead paint, at what lead level does it apply? In 2005 when the Act was first passed, the definition of lead paint in 1997 Australian Residential Paint Management Standard (AS/NZS 4361.2) was paint containing 1% or more of lead, but when the Standard was revised in 2017, the definition of lead paint was changed to paint containing 0.1% or more of lead.

Would a rigorous application of Section 58 of the Queensland Public Health Act require that paint containing more than 1% lead, or more than 0.1% lead, be removed if it was accessible to children?



2012 Volcano Art Prize Winner of a month's illustration in the 2013 Lead Safe World Calendar. Title & **Lead-Safety Message:** Think before you strip lead white. Artist: Janet Richardson.

<http://volcanoartprize.com/portfolio-item/think-before-you-strip-lead-white/>

There follows a Reprint current from 1 December 2018 to date (accessed 17 December 2018 at 15:20)

Queensland Public Health Act 2005

An Act to protect and promote the health of the Queensland public, and for other purposes



[<https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2005-048> ; accessible via <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2005-048>]

Minister: Minister for Health and Minister for Ambulance Services
Agency: Queensland Health

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Part 6 **Lead**

58 Lead in buildings must not be accessible to children

- (1) A person must not use or permit the use of lead in, or for the purposes of, constructing, erecting, altering, extending, improving, renovating or repairing a building or part of a building if the lead is, or may be, easily accessible to children.

Maximum penalty—100 penalty units.

- (2) The owner of a building, or part of a building, must not knowingly allow lead to remain in or on the building or part of the building if the lead is, or may be, easily accessible to children.

Maximum penalty—100 penalty units.

59 Lead must not be used in water collection

- (1) A person must not use, or permit the use of, in a building any of the following things if the thing has in or on it a substance that contains lead—
 - (a) a roof, guttering, downpipe or other thing for carrying water to a tank or other receptacle for potable water;
 - (b) a tank or other receptacle for potable water.

Maximum penalty—100 penalty units.

- (2) The owner of a building must not knowingly allow any of the following to remain in the building if they have in or on them a substance that contains lead—
 - (a) a roof, guttering, downpipe or other thing for carrying water to a tank or other receptacle for potable water;
 - (b) a tank or other receptacle for potable water.

Maximum penalty—100 penalty units.

- (3) In this section—



potable water means water that is intended to be, or is likely to be, used for human consumption.

Part 7 **Paint**

60 Person must comply with standard

- (1) A person manufacturing, selling, supplying or using paint must comply with the standard.

Maximum penalty—100 penalty units.

- (2) In this section—

prescribed means prescribed under a regulation.

standard means the prescribed part of the Standard for the Uniform Scheduling of Drugs and Poisons dealing with paint, compiled by the Australian Health Ministers' Advisory Council and published by the Commonwealth.

[*Editor's note:* the "Standard for the Uniform Scheduling of Drugs and Poisons" is now called the "Poisons Standard". The *Poisons Standard 2019*, which consists of the *Standard for the Uniform Scheduling of Medicines and Poisons No 23* (the SUSMP 23) - commences on 1 February 2019 and contains:

SECTION SEVEN/Appendix I PAINT OR TINTERS

General Requirements

- (1) ...
 - (2) A person must not manufacture, sell, supply or use a paint or tinter containing more than 0.1% Lead (the proportion of Lead for the purposes of this section is calculated as a percentage of the element present in the non-volatile content of the paint).
 - (3) A person must not manufacture, sell, supply or use a paint for application to toys unless the paint complies with the specification for coating materials contained in Australian/New Zealand Standard AS/NZS ISO 8124.3:2012 entitled *Safety of toys Part 3: Migration of certain elements* (ISO 8124-03:2010, MOD).]
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