

**FLUORIDATION OF PUBLIC WATER SUPPLIES
(AMENDMENT) BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Fluoridation of Public Water Supplies Act 1957 so as—

- (a) to enable the Secretary of the Department of Health to direct a water supply authority to add fluorine to a public water supply (but only if the authority has requested consideration of the matter and the Fluoridation of Public Water Supplies Advisory Committee has given its advice); and
- (b) to prevent a water supply authority from discontinuing fluoridation of a public water supply, without the Secretary's approval; and
- (c) to increase penalties for offences under the Act and the regulations; and
- (d) to carry out statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

SCHEDULE 1—AMENDMENTS

Directions to fluoridate

Schedule 1 (3) (a) inserts a provision that requires a water supply authority to add fluorine to a water supply under its control, if directed to do so by the Secretary of the Department of Health. **Schedule 1 (3) (b)** makes a consequential amendment.

Schedule 1 (4) inserts proposed section 6A, which provides the machinery for the Secretary, by notification published in the Gazette, to direct a water supply authority to add fluorine to a public water supply in accordance with certain terms, which are to include terms relating to the concentration and the form of fluorine to be used.

Fluoridation of Public Water Supplies (Amendment) 1989

Such a direction may be given only if—

- the water supply authority has referred the question of fluoridating the public water supply to the Secretary for consideration; and
- the Secretary has received advice from the Fluoridation of Public Water Supplies Advisory Committee.

Schedule 1 (2) inserts a provision that expressly confers on the Advisory Committee the function of considering and advising on that question.

Schedule 1 (5) enables certain certificates of the Secretary relating to directions to fluoridate given by the Secretary to water supply authorities to be evidence of the matters contained in them.

Schedule 1 (8) (b) contains a consequential amendment to the regulation-making power in the Principal Act.

Discontinuance of fluoridation

Schedule 1 (4) also inserts proposed section 6B, which prevents a water supply authority from discontinuing fluoridation of a public water supply, without the Secretary's approval.

Penalties

Schedule 1 (6) and (8) (c) and (d) increase penalties for offences against the Principal Act and regulations made under it, and omit a minimum penalty.

Statute law revision

Schedule 1 (1) replaces a reference to the British Medical Association, so that one of the members of the Advisory Committee is to be appointed from a panel of names submitted by the New South Wales Branch of the Australian Medical Association.

Schedule 1 (7) omits obsolete references to "stipendiary" magistrates and "petty sessions".

Schedule 1 (8) (a) brings up-to-date references to the Sydney and Hunter water boards.

FLUORIDATION OF PUBLIC WATER SUPPLIES (AMENDMENT) BILL 1989

NEW SOUTH WALES



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3. Amendment of Fluoridation of Public Water Supplies Act 1957 No. 58

SCHEDULE 1—AMENDMENTS

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FLUORIDATION OF PUBLIC WATER SUPPLIES (AMENDMENT) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Fluoridation of Public Water Supplies Act 1957 relating to the machinery of commencing or discontinuing fluoridation by a water supply authority; and for other purposes.

Fluoridation of Public Water Supplies (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fluoridation of Public Water Supplies (Amendment) Act 1989.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Fluoridation of Public Water Supplies Act 1957 No. 58

3. The Fluoridation of Public Water Supplies Act 1957 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (Fluoridation of Public Water Supplies Advisory Committee)—

15 Section 4 (2)—

Omit "the British Medical Association", insert instead "The New South Wales Branch of the Australian Medical Association".

(2) Section 5 (Functions of Committee)—

After section 5 (2) (c), insert:

20 (d) the question of fluoridating a public water supply, as referred to the Secretary for consideration under section 6A.

(3) Section 6 (Addition of fluorine to public water supplies)—

(a) Section 6 (1A)—

25 After section 6 (1), insert:

(1A) Notwithstanding anything contained in any other Act, a water supply authority shall, subject to this Act and the regulations, add fluorine to any public water supply under its control, if directed to do so by the Secretary.

30 (b) Section 6 (2)—

Omit the subsection, insert instead:

(2) A water supply authority shall not add fluorine to any public water supply except with the approval of or at the direction of the Secretary.

*Fluoridation of Public Water Supplies (Amendment) 1989*SCHEDULE 1—AMENDMENTS—*continued*

(4) Sections 6A and 6B—

After section 6, insert:

Directions

5 6A. (1) The Secretary may, by notification published in the Gazette, direct a water supply authority to add fluorine to a public water supply.

10 (2) A direction may be given only if the water supply authority has referred the question of fluoridating the public water supply to the Secretary for consideration and the Secretary has received the advice of the Committee as regards the question.

(3) A direction is subject to—

15 (a) a term requiring the water supply authority to maintain the content of fluorine in the public water supply at a concentration of not more than the maximum nor less than the minimum concentration (calculated as parts per million) specified in the direction;

(b) a term prohibiting the water supply authority from adding to the public water supply fluorine in a form other than that specified in the direction; and

20 (c) such other terms as may be determined by the Secretary and specified in the direction.

(4) The Secretary may at any time after giving a direction—

(a) revoke the direction;

25 (b) revoke any term attached to the direction, other than a term referred to in subsection (3) (a) or (b);

(c) vary any term attached to the direction; or

(d) attach new terms to the direction.

30 (5) Any water supply authority contravening a direction or any terms attached to the direction is guilty of an offence against this Act.

Discontinuance of fluoridation

35 6B. (1) A water supply authority to which an approval has been granted or a direction has been given shall not discontinue fluoridating the public water supply concerned, unless the approval or direction is revoked by the Secretary.

(2) A water supply authority contravening this section is guilty of an offence against this Act.

Fluoridation of Public Water Supplies (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(5) Section 7 (**Certificates to be evidence of certain matters**)—

At the end of the section, insert:

(2) A certificate purporting to be signed by the Secretary certifying that—

5 (a) any water supply authority has or has not been directed by the Secretary to add fluorine to a public water supply specified in the certificate;

(b) any such direction has or has not been revoked; or

10 (c) the terms attached to any such direction are the terms specified in the certificate,

is without proof of the signature or the official character of the person appearing to have signed the certificate prima facie evidence of the matters certified in and by the certificate.

(6) Section 9 (**Penalty**)—

15 (a) Omit “of not less than two hundred dollars nor more than one thousand dollars”, insert instead “not exceeding 50 penalty units”.

(b) Omit “forty dollars”, insert instead “5 penalty units”.

(7) Section 10 (**Proceedings for offences**)—

(a) Omit “stipendiary magistrate”, insert instead “Magistrate”.

20 (b) Omit “in petty sessions”.

(8) Section 11 (**Regulations**)—

(a) Section 11 (1) (b)—

25 Omit “Metropolitan Water Sewerage and Drainage Board or the Hunter District Water Board”, insert instead “Water Board or the Hunter Water Board”.

(b) Section 11 (1) (d), (f)—

After “granted” wherever occurring, insert “or direction given”.

(c) Section 11 (2)—

Omit “four hundred dollars”, insert instead “25 penalty units”.

30 (d) Section 11 (2)—

Omit “forty dollars”, insert instead “5 penalty units”.

**FLUORIDATION OF PUBLIC WATER SUPPLIES
(AMENDMENT) ACT 1989 No. 50**

NEW SOUTH WALES



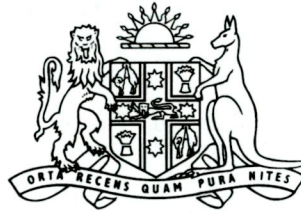
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**FLUORIDATION OF PUBLIC WATER SUPPLIES (AMENDMENT)
ACT 1989 No. 50**

NEW SOUTH WALES



Act No. 50, 1989

An Act to amend the Fluoridation of Public Water Supplies Act 1957 relating to the machinery of commencing or discontinuing fluoridation by a water supply authority; and for other purposes. [Assented to 19 May 1989]

Fluoridation of Public Water Supplies (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fluoridation of Public Water Supplies (Amendment) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Fluoridation of Public Water Supplies Act 1957 No. 58

3. The Fluoridation of Public Water Supplies Act 1957 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 4 (**Fluoridation of Public Water Supplies Advisory Committee**)—

Section 4 (2)—

Omit “the British Medical Association”, insert instead “The New South Wales Branch of the Australian Medical Association”.

(2) Section 5 (**Functions of Committee**)—

After section 5 (2) (c), insert:

(d) the question of fluoridating a public water supply, as referred to the Secretary for consideration under section 6A.

(3) Section 6 (**Addition of fluorine to public water supplies**)—

(a) Section 6 (1A)—

After section 6 (1), insert:

(1A) Notwithstanding anything contained in any other Act, a water supply authority shall, subject to this Act and the regulations, add fluorine to any public water supply under its control, if directed to do so by the Secretary.

(b) Section 6 (2)—

Omit the subsection, insert instead:

(2) A water supply authority shall not add fluorine to any public water supply except with the approval of or at the direction of the Secretary.

Fluoridation of Public Water Supplies (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(4) Sections 6A and 6B—

After section 6, insert:

Directions

6A. (1) The Secretary may, by notification published in the Gazette, direct a water supply authority to add fluorine to a public water supply.

(2) A direction may be given only if the water supply authority has referred the question of fluoridating the public water supply to the Secretary for consideration and the Secretary has received the advice of the Committee as regards the question.

(3) A direction is subject to—

- (a) a term requiring the water supply authority to maintain the content of fluorine in the public water supply at a concentration of not more than the maximum nor less than the minimum concentration (calculated as parts per million) specified in the direction;
- (b) a term prohibiting the water supply authority from adding to the public water supply fluorine in a form other than that specified in the direction; and
- (c) such other terms as may be determined by the Secretary and specified in the direction.

(4) The Secretary may at any time after giving a direction—

- (a) revoke the direction;
- (b) revoke any term attached to the direction, other than a term referred to in subsection (3) (a) or (b);
- (c) vary any term attached to the direction; or
- (d) attach new terms to the direction.

(5) Any water supply authority contravening a direction or any terms attached to the direction is guilty of an offence against this Act.

Discontinuance of fluoridation

6B. (1) A water supply authority to which an approval has been granted or a direction has been given shall not discontinue fluoridating the public water supply concerned, unless the approval or direction is revoked by the Secretary.

Fluoridation of Public Water Supplies (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(2) A water supply authority contravening this section is guilty of an offence against this Act.

(5) Section 7 (**Certificates to be evidence of certain matters**)—

At the end of the section, insert:

(2) A certificate purporting to be signed by the Secretary certifying that—

- (a) any water supply authority has or has not been directed by the Secretary to add fluorine to a public water supply specified in the certificate;
- (b) any such direction has or has not been revoked; or
- (c) the terms attached to any such direction are the terms specified in the certificate,

is without proof of the signature or the official character of the person appearing to have signed the certificate prima facie evidence of the matters certified in and by the certificate.

(6) Section 9 (**Penalty**)—

- (a) Omit “of not less than two hundred dollars nor more than one thousand dollars”, insert instead “not exceeding 50 penalty units”.
- (b) Omit “forty dollars”, insert instead “5 penalty units”.

(7) Section 10 (**Proceedings for offences**)—

- (a) Omit “stipendiary magistrate”, insert instead “Magistrate”.
- (b) Omit “in petty sessions”.

(8) Section 11 (**Regulations**)—

- (a) Section 11 (1) (b)—

Omit “Metropolitan Water Sewerage and Drainage Board or the Hunter District Water Board”, insert instead “Water Board or the Hunter Water Board”.

- (b) Section 11 (1) (d), (f)—

After “granted” wherever occurring, insert “or direction given”.

Fluoridation of Public Water Supplies (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 11 (2)—
Omit “four hundred dollars”, insert instead “25 penalty units”.
- (d) Section 11 (2)—
Omit “forty dollars”, insert instead “5 penalty units”.
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*[Minister's second reading speech made in—
Legislative Assembly on 19 April 1989
Legislative Council on 4 May 1989]*

