

# Fluoridation of Public Water Supplies Regulation 2012

As at 1 September 2012

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fluoridation of Public Water Supplies Act 1957*.

Minister for Health

## Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *Fluoridation of Public Water Supplies Regulation 2007*, which is to be repealed by section 10 (2) of the *Subordinate Legislation Act 1989* on 1 September 2012. This Regulation deals with a number of matters relating to the fluoridation of public water supplies and the regulation of certain activities with respect to water supply works.

This Regulation is made under the *Fluoridation of Public Water Supplies Act 1957*, including sections 6 and 11 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

## Part 1 – Preliminary

### 1 Name of Regulation

This Regulation is the *Fluoridation of Public Water Supplies Regulation 2012*.

### 2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

This Regulation replaces the *Fluoridation of Public Water Supplies Regulation 2007* which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation: "**Director-General**" means the Director-General of the Ministry of Health. "**fluoridating agent**" means a substance containing fluorine or a compound of fluorine. "**Fluoridation Code**" means the document entitled *New South Wales Code of Practice for Fluoridation of Public Water Supplies* as published by the Director-General from time to time in the Gazette. For the Fluoridation Code, see Gazettes No 135 of 30.8.2002, p 7776 and No 35 of 8.4.2011, p 2519. "**qualified operator**" means a person who holds the qualifications required by the Fluoridation Code to be a qualified fluoridation plant operator. "**the Act**" means the *Fluoridation of Public Water Supplies Act 1957*.

(2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 – Fluoridation of public water supplies

### 4 Applications to fluoridate a public water supply

An application by a water supply authority for approval to fluoridate a public water supply is to be in the form required by the Fluoridation Code and is to be accompanied by any documents that are required by the form.

Section 6 (4) of the Act enables the Director-General to require further information to be furnished in relation to an application.

## **5 Fluoridation equipment**

A water supply authority must not fluoridate a public water supply under its control unless it uses equipment that is designed, in accordance with the Fluoridation Code, to allow for accurate fluoride dosing.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

## **6 Alterations to water supply capacity, water supply works and fluoridating apparatus**

(1) A water supply authority that adds a fluoridating agent to any public water supply under its control:

- (a) must not increase the maximum capacity, or reduce the minimum capacity, of the water supply, and
- (b) must not make substantial alterations to the equipment or apparatus by which the agent is added to the water supply, and
- (c) must not make any substantial alterations to those parts of the water supply works that are in close proximity to the point at which the agent is added to the water supply,

except with the written approval of the Director-General. Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(2) This clause does not apply to alterations that are permitted by or under the Fluoridation Code.

## **7 Analyses of water samples**

(1) A water supply authority must collect from any public water supply fluoridated by it any samples of water that are required to be collected by the Fluoridation Code.

(2) The authority must analyse the samples for their fluoride content using the equipment and methods recognised by the Fluoridation Code.

(3) A water supply authority must forward:

- (a) the results of the analyses carried out by it under this clause during the previous month, and
- (b) a sample of the water from the authority's reticulation system,

to the persons or body, and at the times, required by the Fluoridation Code. Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(4) A water supply authority must also forward to the Director-General additional samples of water from the authority's reticulation system as the Director-General may from time to time require. Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

## **8 Fluoridation to be carried out by qualified operators**

A water supply authority must not, except as allowed by the Fluoridation Code, cause or permit a public water supply to be fluoridated by any person who is not a qualified operator.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

## **9 Security of plant rooms**

(1) A water supply authority must ensure that premises under the control of the authority that contain any fluoridating agent, or any fluoridation plant or equipment, are kept locked whenever a qualified operator is not in attendance at those premises. Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(2) A person who is not a qualified operator must not enter any premises under the control of a water supply authority that contain any fluoridating agent, or any fluoridation plant or equipment unless:

(a) in the company of a qualified operator, or

(b) with the approval of a qualified operator.

Maximum penalty: 10 penalty units.

## Part 3 – Miscellaneous

### 10 Records

(1) A water supply authority must keep records as required by the Fluoridation Code.

(2) A water supply authority must cause a copy of those records to be forwarded to the Director-General if the Director-General so requires.

### 11 Saving

Any act, matter or thing that, immediately before the repeal of the *Fluoridation of Public Water Supplies Regulation 2007*, had effect under that Regulation continues to have effect under this Regulation.

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Fluoridation of Public Water Supplies Regulation 2012 (400)*. LW 24.8.2012. Date of commencement, 1.9.2012, cl 2.