

# Fluoridation of Public Water Supplies Regulation 2022

[2022-466]



New South Wales

## Status information

### Currency of version

Current version for 19 August 2022 to date (accessed 30 May 2023 at 23:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

### Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2027

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 19 August 2022.

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# Fluoridation of Public Water Supplies Regulation 2022



New South Wales

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## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Fluoridation of Public Water Supplies Regulation 2022*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note—** This Regulation repeals and replaces the *Fluoridation of Public Water Supplies Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definitions

In this Regulation—

**fluoridating agent** means a substance containing fluorine.

**Fluoridation Code** means the document entitled *New South Wales Code of Practice for Fluoridation of Public Water Supplies* published in the Gazette from time to time by the Secretary.

**qualified operator** means a person who holds the qualifications that a person is required to hold to be a qualified operator under the Fluoridation Code.

**the Act** means the *Fluoridation of Public Water Supplies Act 1957*.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

## Part 2 Fluoridation of public water supplies

### 4 Application to fluoridate public water supply

For the Act, section 6, an application by a water supply authority for approval to fluoridate a public water supply must be—

- (a) in the form required under the Fluoridation Code, and
- (b) accompanied by the documents required by the form.

**Note—** The Act, s 6(4) provides that the Secretary may require the water supply authority to give further information in relation to an application.

## **5 Fluoridation equipment**

A water supply authority must not fluoridate a public water supply unless the authority uses equipment designed, in accordance with the Fluoridation Code, to ensure accurate fluoride dosing.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

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

For the Act, section 11(1)(b), a water supply authority must not cause or allow a public water supply to be fluoridated by a person who is not a qualified operator, unless the person is permitted to do so in accordance with the Fluoridation Code.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

## **7 Alterations requiring approval of Secretary**

- (1) If a water supply authority that fluoridates a public water supply proposes to alter the fluoridation plant in a way that would contravene a condition of the approval to fluoridate the water supply, the authority must obtain the written approval of the Secretary to the alteration before the alteration can be made.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

- (2) If the authority proposes to alter the water supply and the alteration would, in accordance with the Fluoridation Code, require the fluoridation plant to be altered, the authority must—
  - (a) obtain the written approval of the Secretary to alter the fluoridation plant, and
  - (b) alter the fluoridation plant in accordance with the approval and the Fluoridation Code.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

## **8 Collection and analysis of water samples**

- (1) For the Act, section 11(1)(d), a water supply authority must collect water samples, in accordance with the Fluoridation Code, from each public water supply that the authority fluoridates.
- (2) For the Act, section 11(1)(e), the authority must analyse the samples for fluoride content using the equipment and methods specified in the Fluoridation Code.
- (3) The authority must provide, at the times and to the persons specified in the Fluoridation Code—
  - (a) the results of analyses carried out by the authority under this section in each month, and
  - (b) a water sample from the authority's reticulation system.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

- (4) The authority must provide the Secretary with additional water samples from the authority's

reticulation system if requested to do so by the Secretary.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

## 9 Security of premises

(1) A water supply authority must ensure that premises under the control of the authority at which 1 or more of the following are located remain locked when a qualified operator is not in attendance—

- (a) the fluoridation plant,
- (b) a fluoridating agent,
- (c) fluoridation equipment.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

(2) A person who is not a qualified operator must not enter premises under the control of a water supply authority at which 1 or more of the items referred to in subsection (1)(a)–(c) are located, unless—

- (a) accompanied by a qualified operator, or
- (b) with the approval of a qualified operator.

Maximum penalty—10 penalty units.

## Part 3 Miscellaneous

### 10 Records

- (1) For the Act, section 11(1)(f), a water supply authority must keep records in accordance with the Fluoridation Code.
- (2) The water supply authority must give a copy of the records to the Secretary if requested to do so by the Secretary.

### 11 Repeal and savings

- (1) The *Fluoridation of Public Water Supplies Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Fluoridation of Public Water Supplies Regulation 2017*, 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
ClI	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 2022 (466)*. LW 19.8.2022. Date of commencement, on publication on LW, sec 2.