

Fluoridation of Public Water Supplies Regulation 2002

As at 3 September 2002

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 replace, with some changes, the provisions of the *Fluoridation of Public Water Supplies Regulation 1997* , which is to be repealed by section 10 of the *Subordinate Legislation Act 1989* on 1 September 2002. The new 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 section 11 (the general regulation-making power). This Regulation refers to a *Code of Practice for the Fluoridation of Public Water Supplies* , published in the Government Gazette. This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989* .

Part 1 - Preliminary

1 Name of Regulation

This Regulation is the *Fluoridation of Public Water Supplies Regulation 2002* .

2 Commencement

This Regulation commences on 1 September 2002.

Note: This Regulation replaces the *Fluoridation of Public Water Supplies Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989* .

3 Definitions

In this Regulation:

Director-General means the Director-General of the Department of Health.

fluoridating agent means a substance containing fluorine or a compound of fluorine.

Fluoridation Code means the document entitled *Code of Practice for the Fluoridation of Public Water Supplies* as published by the Director-General from time to time in the Gazette.

Note: For the Fluoridation Code, see Gazette No 135 of 30.8.2002, p 7776.

qualified operator means a person who has successfully completed a course of training in the fluoridation of water supplies, being a course recognised by the Fluoridation Code.

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

4 Notes

The notes in the text of this Regulation do not form part of this Regulation.

Part 2 - Fluoridation of public water supplies

5 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.

6 Fluoridation equipment

A water supply authority must not fluoridate a public water supply under its control unless it uses equipment that allows for accurate fluoride dosing within the limits allowed 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.

7 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.

8 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, 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.

9 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.

10 Security of plant rooms

(1) A water supply authority must ensure that premises containing 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 such premises unless:

- (a) in the company of a qualified operator, or
- (b) with the approval of a qualified operator.

Maximum penalty: 10 penalty units.

(3) An approval referred to in subclause (2) (b) may be given only in accordance with the provisions of the Fluoridation Code.

Note: Other matters relating to safety can be found in the *Occupational Health and Safety Regulation 2001* .

Part 3 - Miscellaneous

11 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.

12 Transitional provision

Any act, matter or thing that, immediately before the repeal of the *Fluoridation of Public Water Supplies Regulation 1997* , had effect under that Regulation continues to have effect under this Regulation.

Historical notes

Table of amending instruments *Fluoridation of Public Water Supplies Regulation 2002* published in Gazette No 135 of 30.8.2002, p 7013.