



Queensland

Water Fluoridation Act 2008

Water Fluoridation Regulation 2008

Current as at 21 December 2012

Information about this reprint

This regulation is reprinted as at 21 December 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Water Fluoridation Regulation 2008

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Water Fluoridation Regulation 2008

[as amended by all amendments that commenced on or before 21 December 2012]

1 Short title

This regulation may be cited as the *Water Fluoridation Regulation 2008*.

2 Commencement

This regulation commences on 5 December 2008.

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

5 Forms of fluoride—Act, s 12(a)

For the Act, section 12(a), the forms of fluoride that a public potable water supplier for a public potable water supply may add to the water supply are the following—

- (a) sodium fluoride (NaF);
- (b) sodium fluorosilicate (Na_2SiF_6);
- (c) fluorosilicic acid (H_2SiF_6);
- (d) naturally occurring fluoride contained in a source of water in which the concentration of fluoride is higher than the prescribed concentration for the water supply under section 6(2).

6 Fluoride concentration—Act, s 12(b)

- (1) For the Act, section 12(b), a public potable water supplier for a public potable water supply that adds fluoride to the water

[s 7]

supply must maintain the prescribed fluoride concentration, for the water supply, mentioned in subsection (2).

- (2) The prescribed fluoride concentration for the water supply is—
 - (a) if the water supply is located in the local government area of a local government listed in schedule 2, part 1—0.6mg/L; or
 - (b) if the water supply is located in the local government area of a local government listed in schedule 2, part 2—0.7mg/L; or
 - (c) if the water supply is located in the local government area of a local government listed in schedule 2, part 3—0.8mg/L.
- (3) The public potable water supplier complies with subsection (1) if the measured fluoride concentration for the water supply for each day averaged over a quarter is within 0.1mg/L of the prescribed fluoride concentration for the water supply.
- (4) The prescribed fluoride concentration for the water supply includes the concentration of naturally occurring fluoride present in the water supply.
- (5) In this section—

local government area see the *Local Government Act 2009*, schedule 4.

measured fluoride concentration, for the water supply, means the fluoride concentration of the water supply that is measured by a prescribed analysis carried out under section 13(2)(b).

7 Fluoridation equipment—Act, s 12(b)

- (1) For the Act, section 12(b), a public potable water supplier for a public potable water supply that adds fluoride to the water supply must ensure—
 - (a) its fluoridation equipment is kept separate from its other water treatment equipment in a separate building or room; and

- (b) its stocks of fluoride are kept—
 - (i) separated from other substances used by it for water treatment in a separate building or room; and
 - (ii) under weatherproof conditions.
- (2) The public potable water supplier must use automatic fluoride dosing equipment that—
 - (a) has the rate of feed of the fluoride compound paced to the flow of the water; and
 - (b) has water flow measuring devices, 1 of which is a flow meter; and
 - (c) is interlocked.
- (3) If the automatic fluoride dosing equipment used by the public potable water supplier has not been in operation for a continuous period of 2 weeks, the public potable water supplier must, within 1 day after the end of the period, give the chief executive a notice, in the approved form, of its non-operation for the period.
- (4) In this section—

flow meter means a device that measures the rate of flow of water.

interlocked means linked in a way to ensure that if part of the automatic fluoride dosing equipment fails, the entire fluoride dosing system is shut down.

8 Fluoridation notice

For the Act, section 13(4), the fluoridation notice must be in the approved form.

9 Prescribed entity—Act, s 73(b)

For the Act, section 73(b), NATA is an entity.

10 Recording requirements

- (1) A public potable water supplier for a public potable water supply that adds fluoride to the water supply must record for each day—
 - (a) the volume of water to which it has added fluoride; and
 - (b) the amount of fluoride it has added, including an amount of zero; and
 - (c) the calculated fluoride concentration of the fluoridated water; and
 - (d) the fluoride concentration of the fluoridated water, measured by a prescribed analysis carried out under section 13(2)(b).
- (2) A record mentioned in subsection (1) must be made—
 - (a) in the approved form; and
 - (b) before the end of the day to which the record relates.
- (3) In this section—

calculated fluoride concentration, of the fluoridated water, means the concentration of the fluoridated water worked out by applying the following formula—

$$\frac{A}{B} + C$$

where—

A means the amount of fluoride that the public potable water supplier adds to the volume of water.

B means the volume of water to which the public potable water supplier has added the fluoride.

C means the concentration of the naturally occurring fluoride contained in the water supply before fluoride is added to the water supply.

11 Reporting requirements

- (1) A public potable water supplier for a public potable water supply that adds fluoride to the water supply must prepare a report for each quarter stating—
 - (a) the number of samples of the fluoridated water taken by the public potable water supplier in the quarter; and
 - (b) the average fluoride concentration of the fluoridated water measured by a prescribed analysis carried out under section 13(2)(b) for the quarter; and
 - (c) the maximum fluoride concentration of the fluoridated water measured by a prescribed analysis carried out under section 13(2)(b) for the quarter; and
 - (d) the minimum fluoride concentration of the fluoridated water measured by a prescribed analysis carried out under section 13(2)(b) for the quarter.
- (2) The report must be in the approved form.
- (3) The report must be given to the chief executive within 30 business days after the end of each quarter.
- (4) If—
 - (a) the local government for the public potable water supply makes a decision under section 7(3) of the Act that fluoride not be added to the water supply; and
 - (b) the public potable water supplier ceases to add fluoride to the water supply during a particular quarter (the *relevant quarter*);

the requirement under subsection (1) to prepare a report for the relevant quarter continues to apply to the water supplier.

12 Persons employed in operating equipment

A public potable water supplier for a public potable water supply that adds fluoride to the water supply must ensure each person employed in operating equipment used in relation to adding fluoride to the water supply has the necessary training, knowledge and experience.

13 Analysis of fluoridated water

- (1) This section applies to a public potable water supplier for a public potable water supply that adds fluoride to the water supply.
- (2) The public potable water supplier must each day—
 - (a) collect at least 1 sample of the fluoridated water from the water supply at a point where the fluoridated water has a consistent concentration of fluoride; and
 - (b) carry out a prescribed analysis of the fluoridated water to measure the concentration of fluoride of the fluoridated water.
- (3) The public potable water supplier must on 1 day for each month—
 - (a) divide a sample collected under subsection (2)(a) into 2 parts; and
 - (b) carry out a prescribed analysis of 1 part of the sample to measure the concentration of fluoride of the part; and
 - (c) send the other part of the sample to a laboratory accredited by NATA to carry out a prescribed analysis of the part to measure the concentration of fluoride of the part.
- (4) The public potable water supplier must obtain the results of the prescribed analysis of the part carried out by the laboratory under subsection (3)(c).
- (5) The public potable water supplier must keep the results of analyses carried out under subsections (2) and (3) for a minimum of 5 years.
- (6) The chief executive may request that the public potable water supplier—
 - (a) collect an additional sample of fluoridated water from the water supply; and
 - (b) carry out a prescribed analysis of the fluoridated water within 1 day of the request being made.
- (7) The public potable water supplier must—

- (a) comply with the request under subsection (6); and
- (b) notify the chief executive of the results of the prescribed analysis within 1 day of carrying out the prescribed analysis.

14 Impurities in fluoride

- (1) This section applies to a public potable water supplier for a public potable water supply that receives a quantity of fluoride to add to the water supply.
- (2) The public potable water supplier must not add the fluoride to the water supply if the batch analysis certificate for the quantity of fluoride indicates the concentration of impurities in the fluoride is likely to adversely affect public health.
- (3) On receipt of a quantity of fluoride without a batch analysis certificate for the quantity of fluoride, the public potable water supplier must ask the manufacturer, importer or supplier of the fluoride for a copy of a batch analysis certificate for the quantity of fluoride.
- (4) If the manufacturer, importer or supplier of the fluoride does not comply with the request mentioned in subsection (3), the public potable water supplier must—
 - (a) send a sample of the fluoride to a laboratory accredited by NATA to be analysed to determine the concentrations of any impurities in the fluoride; and
 - (b) obtain the results of the analysis.
- (5) In this section—

batch analysis certificate, for a quantity of fluoride, means a certificate stating the concentration of impurities in the fluoride.

15 Forms

The chief executive may approve forms for use under this regulation.

Schedule 2 Local governments

section 6(2)

Part 1

Burke Shire Council, Carpentaria Shire Council, Cloncurry Shire Council, Doomadgee Aboriginal Shire Council, Kowanyama Aboriginal Shire Council, McKinlay Shire Council and Mornington Shire Council.

Part 2

Aurukun Shire Council, Banana Shire Council, Barcaldine Regional Council, Barcoo Shire Council, Blackall-Tambo Regional Council, Boulia Shire Council, Bulloo Shire Council, Burdekin Shire Council, Cairns Regional Council, Cassowary Coast Regional Council, Central Highlands Regional Council, Charters Towers Regional Council, Cherbourg Aboriginal Shire Council, Cook Shire Council, Croydon Shire Council, Diamantina Shire Council, Etheridge Shire Council, Flinders Shire Council, Gladstone Regional Council, Hinchinbrook Shire Council, Hope Vale Aboriginal Shire Council, Isaac Regional Council, Lockhart River Aboriginal Shire Council, Longreach Regional Council, Mackay Regional Council, Mapoon Aboriginal Shire Council, Mount Isa City Council, Murweh Shire Council, Napranum Aboriginal Shire Council, Northern Peninsula Area Regional Council, Palm Island Aboriginal Shire Council, Paroo Shire Council, Pormpuraaw Aboriginal Shire Council, Quilpie Shire Council, Richmond Shire Council, Rockhampton Regional Council, Tablelands Regional Council, Torres Shire Council, Torres Strait Island Regional Council, Townsville City Council, Weipa Town Council, Whitsunday Regional Council, Winton Shire Council, Woorabinda Aboriginal Shire

Council, Wujal Wujal Aboriginal Shire Council and Yarrabah Aboriginal Shire Council.

Part 3

Balonne Shire Council, Brisbane City Council, Bundaberg Regional Council, Fraser Coast Regional Council, Gold Coast City Council, Goondiwindi Regional Council, Gympie Regional Council, Ipswich City Council, Lockyer Valley Regional Council, Logan City Council, Maranoa Regional Council, Moreton Bay Regional Council, North Burnett Regional Council, Redland City Council, Scenic Rim Regional Council, Somerset Regional Council, South Burnett Regional Council, Southern Downs Regional Council, Sunshine Coast Regional Council and Toowoomba Regional Council, Western Downs Regional Council.

Schedule 3 Dictionary

section 3

approved form means a form approved by the chief executive under section 15.

fluoridated water means water from a public potable water supply to which fluoride has been added under the Act.

NATA means National Association of Testing Authorities, Australia ACN 004 379 748.

prescribed analysis, of fluoridated water, means analysis of the fluoride content of the fluoridated water using—

- (a) the SPADNS colorimetric method; or
- (b) the ion-selective electrode method; or
- (c) ion chromatography.

quarter means each of the following—

- (a) 1 January to 31 March of each year;
- (b) 1 April to 30 June of each year;
- (c) 1 July to 30 September of each year;
- (d) 1 October to 31 December of each year.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 December 2012. Future amendments of the Water Fluoridation Regulation 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	5 December 2008	
1A	2009 SL No. 154	24 July 2009	
1B	2010 SL No. 13	19 February 2010	
1C	2010 SL No. 349	10 December 2010	
1D	2011 SL No. 306	16 December 2011	
1E	2012 SL No. 245	21 December 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Water Fluoridation Regulation 2008 SL No. 394

made by the Governor in Council on 4 December 2008
notfd gaz 5 December 2008 pp 1840–3
ss 1–2 commenced on date of notification
remaining provisions commenced 5 December 2008 (see s 2)
exp 1 September 2019 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Health Legislation Amendment Regulation (No. 2) 2009 SL No. 154 s 1, pt 7

notfd gaz 24 July 2009 pp 1169–70
commenced on date of notification

Environment and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 pts 1, 12

notfd gaz 19 February 2010 pp 407–9
commenced on date of notification

Water Fluoridation Amendment Regulation (No. 1) 2010 SL No. 349

notfd gaz 10 December 2010 pp 1082–6
 commenced on date of notification

Health Legislation Amendment Regulation (No. 5) 2011 SL No. 306 s 1, pt 4

notfd gaz 16 December 2011 pp 801–2
 commenced on date of notification

Water Fluoridation Amendment Regulation (No. 1) 2012 SL No. 245

notfd gaz 21 December 2012 pp 599–602
 commenced on date of notification

6 List of annotations**Prescribed dates—Act, s 7**

s 4 om 2012 SL No. 245 s 3

Naturally occurring fluoride concentration—Act, s 8(1)(a)

s 4A ins 2009 SL No. 154 s 15
 om 2012 SL No. 245 s 3

Forms of fluoride—Act, s 12(a)

s 5 amd 2010 SL No. 349 s 3; 2012 SL No. 245 s 4

Fluoride concentration—Act, s 12(b)

s 6 amd 2012 SL No. 245 s 5

Fluoridation notice

s 8 amd 2012 SL No. 245 s 6

Reporting requirements

s 11 amd 2012 SL No. 245 s 7

SCHEDULE 1—DATES BEFORE WHICH FLUORIDE MUST BE ADDED

amd 2009 SL No. 154 s 16; 2010 SL No. 13 s 24; 2010 SL No. 349 s 4; 2011
 SL No. 306 s 20
 om 2012 SL No. 245 s 8

SCHEDULE 2—LOCAL GOVERNMENTS

amd 2010 SL No. 13 s 25; 2010 SL No. 349 s 5; 2011 SL No. 306 s 21