

FLUORIDATION OF PUBLIC WATER SUPPLIES ACT.

Act No. 58, 1957.

Elizabeth II, An Act to authorise and control the addition of
No. 58, 1957. fluorine to public water supplies; and for
purposes connected therewith. [Assented to,
9th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Fluoridation
of Public Water Supplies Act, 1957".

(2) This Act shall commence upon a day to be
appointed by the Governor and notified by proclamation
published in the Gazette.

Crown
bound.

2. This Act binds the Crown.

Interpreta-
tion.

3. In this Act, unless the context or subject matter
otherwise indicates or requires—

"Board" means the Board of Health constituted
under the Public Health Act, 1902, as amended
by subsequent Acts.

"Committee" means the Fluoridation of Public
Water Supplies Advisory Committee constituted
under this Act.

"Fluorine" includes any compound of fluorine.

"Prescribed" means prescribed by this Act or
regulations.

"Public

“Public water supply” means any water supply used for supplying water to the public. No. 58, 1957.

“Regulations” means regulations made under this Act.

“Water supply authority” means any person or body, corporate or unincorporate, who or which supplies water to the public.

4. (1) For the purposes of this Act there shall be constituted a Committee, to be called the Fluoridation of Public Water Supplies Advisory Committee, which shall consist of six persons. Fluoridation of Public Water Supplies Advisory Committee.

(2) The members of the Committee shall be—

- (a) the person for the time being holding office as or duly acting in the office of Director-General of Public Health, or a person from time to time nominated by him;
- (b) five persons (in this section referred to as “appointed members”) appointed by the Minister.

Of the members so appointed—

- (i) one shall be appointed from a panel of names submitted by the British Medical Association;
- (ii) one shall be appointed from a panel of names submitted by the Australian Dental Association (New South Wales Branch);
- (iii) one shall be appointed from a panel of names submitted by the Institution of Engineers (Australia);
- (iv) one shall be appointed from a panel of names submitted by the Local Government Association of New South Wales; and
- (v) one shall be appointed by the Minister after consultation with such persons or bodies, corporate or unincorporate as he thinks fit.

(3) (a) The member referred to in paragraph (a) of subsection two of this section shall be chairman of the Committee.

(b)

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

(b) The chairman shall preside at all meetings of the Committee at which he is present.

In the absence of the chairman from any meeting the members present shall appoint one of their number to preside at that meeting.

(4) (a) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to any regulations in relation thereto and to this Act, be as determined by the Committee.

(b) At any meeting of the Committee three members shall form a quorum, and the decision of the majority of the members present at any meeting at which there is a quorum shall be the decision of the Committee.

(c) The chairman or member presiding at any meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The appointed members shall hold office for a period of three years and shall be eligible for reappointment.

(6) If a casual vacancy occurs in the office of an appointed member, a member shall be appointed by the Minister to fill the vacant office and shall hold office for the balance of his predecessor's term of office.

(7) The Minister may from time to time appoint a deputy to act in the place of any appointed member during the illness or absence of such appointed member.

(8) The Minister may, for any cause which to him seems sufficient, remove any member or deputy member from office.

(9) Every appointed member, and every deputy member whilst acting in the place of an appointed member, shall, if he is not a member of the Public Service, be paid such fees for attending meetings of the Committee as may be prescribed.

5. (1) The Committee may initiate and refer to the No. 58, 1957.
Board—

- (a) recommendations for making, altering or Functions of
Committee. repealing any regulation;
- (b) recommendations relating to the administration of this Act;
- (c) proposals with respect to the addition of fluorine to public water supplies.

(2) It shall be the duty of the Committee to consider and advise the Board upon such matters and questions as the Board may from time to time refer to it relating to—

- (a) any proposal for making, altering or repealing any regulation;
- (b) the administration of this Act;
- (c) any proposal with respect to the addition of fluorine to public water supplies.

6. (1) Notwithstanding anything contained in any other Act, a water supply authority may, subject to the provisions of this section and the regulations, add fluorine Addition of
fluorine to
public water
supplies. to any public water supply under its control.

(2) A water supply authority shall not add fluorine to any public water supply except with the approval of the Board granted to it under the provisions of this section.

Where a water supply authority was, immediately before the commencement of this Act, using any equipment for the purpose of adding fluorine to any public water supply under its control such water supply authority may, notwithstanding the foregoing provisions of this subsection, continue to use such equipment for the purpose of adding fluorine to that public water supply until the expiration of a period of one month after such commencement or until the date of the Board's decision on an application under this section made within that period by such water supply authority for the Board's approval to add fluorine to that public water supply, whichever is the later. In the event of such approval being granted such water supply authority may thereafter, subject to the provisions of this section and the regulations, add fluorine to that public water supply in accordance with such approval. (3)

Fluoridation of Public Water Supplies Act.

No. 58, 1957.

(3) A person, not being a water supply authority, shall not add fluorine to any public water supply.

(4) A water supply authority making application for the approval of the Board under the provisions of this section shall specify in the application the public water supply in respect of which the approval is sought and shall furnish to the Board such information as the Board may in any case require.

(5) (a) The Board may by notification published in the Gazette approve or refuse any such application.

(b) Such notification shall for the purpose of section eleven of this Act be deemed to be a regulation.

(c) Any approval granted by the Board under the provisions of this section shall be subject to—

- (i) a condition requiring the water supply authority to whom the approval is granted to maintain the content of fluorine in the public water supply in respect of which the approval is granted at a concentration of not more than the maximum nor less than the minimum concentration (calculated as parts per million) specified in the instrument of approval;
- (ii) a condition prohibiting such water supply authority from adding to such public water supply fluorine in a form other than that specified in the instrument of approval; and
- (iii) such other conditions as may in any case be determined by the Board and specified in the instrument of approval.

(d) The Board may at any time after granting any such approval—

- (i) revoke the approval;
- (ii) revoke any condition attached to the approval other than a condition attached thereto pursuant to subparagraph (i) or (ii) of paragraph (c) of this subsection;
- (iii) vary any condition attached to the approval; or
- (iv) attach new conditions to the approval.

(6)

(6) Any person, not being a water supply authority, who contravenes or fails to comply with any of the provisions of this section or any water supply authority contravening or failing to comply with any of the provisions of this section or any of the conditions attached to an approval granted to it under the provisions of this section, shall be guilty of an offence against this Act. No. 58, 1957.

7. A certificate purporting to be signed by the secretary of the Board certifying that any water supply authority has or has not been granted by the Board an approval under this Act to add fluorine to a public water supply specified in the certificate, that any such approval has or has not been revoked or that the conditions attached to any such approval are the conditions specified in the certificate, shall without proof of the signature or of the official character of the person appearing to have signed the certificate be prima facie evidence of the matters certified in and by the certificate. Certificates to be evidence of certain matters.

8. (1) An analyst analysing any substance submitted to him may give a certificate of the result of the analysis. Proof of certificate of analyst.

(2) In any legal proceedings under this Act the production of a certificate purporting to be signed by an analyst shall be prima facie evidence of the identity of the substance analysed and of the result of such analysis without proof of the signature, employment or appointment of the person appearing to have signed the certificate.

(3) For the purposes of this section "analyst" means any person employed by the Government of New South Wales as an analyst or any person appointed by the Governor as an analyst under the Pure Food Act, 1908, as amended by subsequent Acts.

9. Any person who is guilty of an offence against this Act shall be liable to a penalty of not less than one hundred pounds nor more than five hundred pounds, and in the case of a continuing offence, to a daily penalty not exceeding twenty pounds. Penalty.

10.

Fluoridation of Public Water Supplies Act.

No. 58, 1957. **10.** Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

Proceedings
for offences.

Regulations. **11.** (1) The Governor on the recommendation of the Board may make regulations not inconsistent with this Act for or with respect to—

- (a) the protection of persons employed in adding fluorine to any public water supply from inhaling fumes or dust containing fluorine;
- (b) the qualifications of persons, other than persons employed by the Metropolitan Water Sewerage and Drainage Board or the Hunter District Water Board, employed in operating plant or equipment used for adding fluorine to any public water supply;
- (c) the disposal or destruction of containers from which fluorine has been removed for addition to any public water supply;
- (d) requiring a water supply authority to whom an approval under this Act has been granted to make analyses and the prescribed tests of samples of water taken at such points as the Board determines from the public water supply in respect of which such approval was granted and to forward to the Board samples of water so taken from such public water supply;
- (e) prescribing the method of making such analyses and tests and the times or intervals at which such analyses and tests shall be made;
- (f) the records to be kept for the purposes of this Act by a water supply authority to whom an approval under this Act has been granted;
- (g) all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may impose a penalty not exceeding two hundred pounds for any breach thereof, and in the case of a continuing breach, a daily penalty not exceeding twenty pounds. (3)

General Loan Account Appropriation Act.

439

- (3) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations;
 - (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

No. 58, 1957.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

