

**FLUORIDATION OF PUBLIC WATER SUPPLIES  
(AMENDMENT) ACT 1989 No. 50**

NEW SOUTH WALES



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**FLUORIDATION OF PUBLIC WATER SUPPLIES (AMENDMENT)  
ACT 1989 No. 50**

NEW SOUTH WALES



**Act No. 50, 1989**

An Act to amend the Fluoridation of Public Water Supplies Act 1957 relating to the machinery of commencing or discontinuing fluoridation by a water supply authority; and for other purposes. [Assented to 19 May 1989]

*Fluoridation of Public Water Supplies (Amendment) 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Fluoridation of Public Water Supplies (Amendment) Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Fluoridation of Public Water Supplies Act 1957 No. 58**

3. The Fluoridation of Public Water Supplies Act 1957 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 4 (**Fluoridation of Public Water Supplies Advisory Committee**)—

Section 4 (2)—

Omit “the British Medical Association”, insert instead “The New South Wales Branch of the Australian Medical Association”.

(2) Section 5 (**Functions of Committee**)—

After section 5 (2) (c), insert:

(d) the question of fluoridating a public water supply, as referred to the Secretary for consideration under section 6A.

(3) Section 6 (**Addition of fluorine to public water supplies**)—

(a) Section 6 (1A)—

After section 6 (1), insert:

(1A) Notwithstanding anything contained in any other Act, a water supply authority shall, subject to this Act and the regulations, add fluorine to any public water supply under its control, if directed to do so by the Secretary.

(b) Section 6 (2)—

Omit the subsection, insert instead:

(2) A water supply authority shall not add fluorine to any public water supply except with the approval of or at the direction of the Secretary.

SCHEDULE 1—AMENDMENTS—*continued*

## (4) Sections 6A and 6B—

After section 6, insert:

**Directions**

6A. (1) The Secretary may, by notification published in the Gazette, direct a water supply authority to add fluorine to a public water supply.

(2) A direction may be given only if the water supply authority has referred the question of fluoridating the public water supply to the Secretary for consideration and the Secretary has received the advice of the Committee as regards the question.

(3) A direction is subject to—

(a) a term requiring the water supply authority to maintain the content of fluorine in the public water supply at a concentration of not more than the maximum nor less than the minimum concentration (calculated as parts per million) specified in the direction;

(b) a term prohibiting the water supply authority from adding to the public water supply fluorine in a form other than that specified in the direction; and

(c) such other terms as may be determined by the Secretary and specified in the direction.

(4) The Secretary may at any time after giving a direction—

(a) revoke the direction;

(b) revoke any term attached to the direction, other than a term referred to in subsection (3) (a) or (b);

(c) vary any term attached to the direction; or

(d) attach new terms to the direction.

(5) Any water supply authority contravening a direction or any terms attached to the direction is guilty of an offence against this Act.

**Discontinuance of fluoridation**

6B. (1) A water supply authority to which an approval has been granted or a direction has been given shall not discontinue fluoridating the public water supply concerned, unless the approval or direction is revoked by the Secretary.

*Fluoridation of Public Water Supplies (Amendment) 1989*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) A water supply authority contravening this section is guilty of an offence against this Act.

(5) Section 7 (**Certificates to be evidence of certain matters**)—

At the end of the section, insert:

(2) A certificate purporting to be signed by the Secretary certifying that—

- (a) any water supply authority has or has not been directed by the Secretary to add fluorine to a public water supply specified in the certificate;
- (b) any such direction has or has not been revoked; or
- (c) the terms attached to any such direction are the terms specified in the certificate,

is without proof of the signature or the official character of the person appearing to have signed the certificate prima facie evidence of the matters certified in and by the certificate.

(6) Section 9 (**Penalty**)—

- (a) Omit “of not less than two hundred dollars nor more than one thousand dollars”, insert instead “not exceeding 50 penalty units”.
- (b) Omit “forty dollars”, insert instead “5 penalty units”.

(7) Section 10 (**Proceedings for offences**)—

- (a) Omit “stipendiary magistrate”, insert instead “Magistrate”.
- (b) Omit “in petty sessions”.

(8) Section 11 (**Regulations**)—

(a) Section 11 (1) (b)—

Omit “Metropolitan Water Sewerage and Drainage Board or the Hunter District Water Board”, insert instead “Water Board or the Hunter Water Board”.

(b) Section 11 (1) (d), (f)—

After “granted” wherever occurring, insert “or direction given”.

*Fluoridation of Public Water Supplies (Amendment) 1989*

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SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 11 (2)—  
Omit “four hundred dollars”, insert instead “25 penalty units”.
  - (d) Section 11 (2)—  
Omit “forty dollars”, insert instead “5 penalty units”.
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[*Minister's second reading speech made in—  
Legislative Assembly on 19 April 1989  
Legislative Council on 4 May 1989*]