



New South Wales

Fluoridation of Public Water Supplies Regulation 1997

under the

Fluoridation of Public Water Supplies Act 1957

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Fluoridation of Public Water Supplies Act 1957*.

Andrew Refshauge
Minister for Health

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the *Fluoridation of Public Water Supplies Regulation 1992*. The new Regulation deals with the following matters:

- (a) matters relating to the fluoridation of public water supplies and the regulation of certain activities with respect to water supply works (Part 2),
- (b) matters relating to the safety of members of the public and of persons engaged in the fluoridation of public water supplies (Part 3),
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

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*.

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Fluoridation of Public Water Supplies Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Fluoridation of Public Water Supplies Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

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 in Gazette No 91 of 15 August 1997 at pages 6388–6406.

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 explanatory note and table of contents do not form part of this Regulation.

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Clause 5 Fluoridation of Public Water Supplies Regulation 1997

Part 2 Fluoridation of public water supplies

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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 such documents as the form requires.

6 Fluoridation equipment

A water supply authority must not fluoridate a public water supply under its control unless it uses equipment that is recognised by the *Fluoridation Code* and that measures accurately within the tolerances 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 such samples of water as are required 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 to such persons, and at such times, as the *Fluoridation Code* requires:
- (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.

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 such 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 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.

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Part 3 Safety matters

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10 Employees to be properly instructed in the handling of fluoridating agents

A water supply authority must ensure that any person employed by it in the handling of a fluoridating agent is properly instructed in the safe handling of the agent.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day or which the offence continues.

11 Dry feed equipment to be adequately ventilated

A water supply authority must ensure that dry feed equipment forming part of the fluoridation plant is so ventilated that the atmospheric concentration of fluorine in the plant does not exceed the limits set 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.

12 Spillages and storage

The authority must ensure that:

- (a) any spilt fluoridating agent is disposed of in a manner specified by the *Fluoridation Code*, and
- (b) all containers of fluoridating agent are stored in accordance with the requirements of 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.

13 Protective equipment for persons handling fluoridating agents

A water supply authority must ensure that:

- (a) all persons employed by it to handle fluoridating agents are supplied with such protective clothing and equipment as is required by the *Fluoridation Code*, and
- (b) any such protective clothing or equipment is maintained in good condition in accordance with the requirements of the *Fluoridation Code*, and

- (c) washing facilities are provided in accordance with the requirements of the *Fluoridation Code* in the immediate vicinity of each place at which the fluoridating agent is handled.

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.

14 Employees to observe safety precautions

A person employed by a water supply authority must not handle a fluoridating agent unless the person is wearing the appropriate protective clothing and equipment referred to in clause 13.

Maximum penalty: 10 penalty units.

15 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*.

16 Disposal of fluoridating agent containers

A water supply authority must not dispose of empty fluoridating agent containers otherwise than in a manner specified 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.

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Clause 17 Fluoridation of Public Water Supplies Regulation 1997

Part 4 Miscellaneous

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19 Records

- (1) A water supply authority must keep such records as are required by the *Fluoridation Code*.
- (2) A water supply authority must cause a copy of any such record to be forwarded to the Director-General if the Director-General so requires.

18 Repeal

- (1) The *Fluoridation of Public Water Supplies Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Fluoridation of Public Water Supplies Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.