



New South Wales

Fluoridation of Public Water Supplies Regulation 2022

under the

Fluoridation of Public Water Supplies Act 1957

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*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The object of this Regulation is to repeal and remake, without substantial amendments, the *Fluoridation of Public Water Supplies Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation deals with several matters relating to the fluoridation of public water supplies.

This Regulation is made under the *Fluoridation of Public Water Supplies Act 1957*, including sections 6 and 11, the general regulation-making power.

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Fluoridation of Public Water Supplies Regulation 2022

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Fluoridation of Public Water Supplies Regulation 2022*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note— This Regulation repeals and replaces the *Fluoridation of Public Water Supplies Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

fluoridating agent means a substance containing fluorine.

Fluoridation Code means the document entitled *New South Wales Code of Practice for Fluoridation of Public Water Supplies* published in the Gazette from time to time by the Secretary.

qualified operator means a person who holds the qualifications that a person is required to hold to be a qualified operator under the Fluoridation Code.

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

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Fluoridation of public water supplies

4 Application to fluoridate public water supply

For the Act, section 6, an application by a water supply authority for approval to fluoridate a public water supply must be—

- (a) in the form required under the Fluoridation Code, and
- (b) accompanied by the documents required by the form.

Note— The Act, s 6(4) provides that the Secretary may require the water supply authority to give further information in relation to an application.

5 Fluoridation equipment

A water supply authority must not fluoridate a public water supply unless the authority uses equipment designed, in accordance with the Fluoridation Code, to ensure accurate fluoride dosing.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

6 Fluoridation to be carried out by qualified operators

For the Act, section 11(1)(b), a water supply authority must not cause or allow a public water supply to be fluoridated by a person who is not a qualified operator, unless the person is permitted to do so in accordance with the Fluoridation Code.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

7 Alterations requiring approval of Secretary

- (1) If a water supply authority that fluoridates a public water supply proposes to alter the fluoridation plant in a way that would contravene a condition of the approval to fluoridate the water supply, the authority must obtain the written approval of the Secretary to the alteration before the alteration can be made.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

- (2) If the authority proposes to alter the water supply and the alteration would, in accordance with the Fluoridation Code, require the fluoridation plant to be altered, the authority must—
 - (a) obtain the written approval of the Secretary to alter the fluoridation plant, and
 - (b) alter the fluoridation plant in accordance with the approval and the Fluoridation Code.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

8 Collection and analysis of water samples

- (1) For the Act, section 11(1)(d), a water supply authority must collect water samples, in accordance with the Fluoridation Code, from each public water supply that the authority fluoridates.
- (2) For the Act, section 11(1)(e), the authority must analyse the samples for fluoride content using the equipment and methods specified in the Fluoridation Code.
- (3) The authority must provide, at the times and to the persons specified in the Fluoridation Code—
 - (a) the results of analyses carried out by the authority under this section in each month, and

(b) a water sample from the authority's reticulation system.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

(4) The authority must provide the Secretary with additional water samples from the authority's reticulation system if requested to do so by the Secretary.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

9 Security of premises

(1) A water supply authority must ensure that premises under the control of the authority at which 1 or more of the following are located remain locked when a qualified operator is not in attendance—

- (a) the fluoridation plant,
- (b) a fluoridating agent,
- (c) fluoridation equipment.

Maximum penalty—25 penalty units and, for a continuing offence, a further 5 penalty units for each day the offence continues.

(2) A person who is not a qualified operator must not enter premises under the control of a water supply authority at which 1 or more of the items referred to in subsection (1)(a)–(c) are located, unless—

- (a) accompanied by a qualified operator, or
- (b) with the approval of a qualified operator.

Maximum penalty—10 penalty units.

Part 3 Miscellaneous

10 Records

- (1) For the Act, section 11(1)(f), a water supply authority must keep records in accordance with the Fluoridation Code.
- (2) The water supply authority must give a copy of the records to the Secretary if requested to do so by the Secretary.

11 Repeal and savings

- (1) The *Fluoridation of Public Water Supplies Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Fluoridation of Public Water Supplies Regulation 2017*, had effect under that Regulation continues to have effect under this Regulation.