

FLUORIDATION OF PUBLIC WATER SUPPLIES (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Fluoridation of Public Water Supplies Act 1957 so as—

- (a) to enable the Secretary of the Department of Health to direct a water supply authority to add fluorine to a public water supply (but only if the authority has requested consideration of the matter and the Fluoridation of Public Water Supplies Advisory Committee has given its advice); and
- (b) to prevent a water supply authority from discontinuing fluoridation of a public water supply, without the Secretary's approval; and
- (c) to increase penalties for offences under the Act and the regulations; and
- (d) to carry out statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

SCHEDULE 1—AMENDMENTS

Directions to fluoridate

Schedule 1 (3) (a) inserts a provision that requires a water supply authority to add fluorine to a water supply under its control, if directed to do so by the Secretary of the Department of Health. **Schedule 1 (3) (b)** makes a consequential amendment.

Schedule 1 (4) inserts proposed section 6A, which provides the machinery for the Secretary, by notification published in the Gazette, to direct a water supply authority to add fluorine to a public water supply in accordance with certain terms, which are to include terms relating to the concentration and the form of fluorine to be used.

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Such 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 advice from the Fluoridation of Public Water Supplies Advisory Committee.

Schedule 1 (2) inserts a provision that expressly confers on the Advisory Committee the function of considering and advising on that question.

Schedule 1 (5) enables certain certificates of the Secretary relating to directions to fluoridate given by the Secretary to water supply authorities to be evidence of the matters contained in them.

Schedule 1 (8) (b) contains a consequential amendment to the regulation-making power in the Principal Act.

Discontinuance of fluoridation

Schedule 1 (4) also inserts proposed section 6B, which prevents a water supply authority from discontinuing fluoridation of a public water supply, without the Secretary's approval.

Penalties

Schedule 1 (6) and **(8) (c)** and **(d)** increase penalties for offences against the Principal Act and regulations made under it, and omit a minimum penalty.

Statute law revision

Schedule 1 (1) replaces a reference to the British Medical Association, so that one of the members of the Advisory Committee is to be appointed from a panel of names submitted by the New South Wales Branch of the Australian Medical Association.

Schedule 1 (7) omits obsolete references to "stipendiary" magistrates and "petty sessions".

Schedule 1 (8) (a) brings up-to-date references to the Sydney and Hunter water boards.
