

TASMANIA

FLUORIDATION AMENDMENT BILL 2009

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FLUORIDATION AMENDMENT BILL 2009

*(Brought in by the Minister for Health, the Honourable
Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Fluoridation Act 1968*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Fluoridation Amendment Act 2009*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Fluoridation Act 1968** is referred to as the Principal Act.

*No. 87 of 1968

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4. Section 3 amended (The Fluoridation Committee)

Section 3(2) of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a) and (b) and substituting the following paragraphs:
 - (a) one is to be the Director of Public Health, or his or her delegate, who is to be the chairperson;
 - (b) one is to be a person with expertise in the design or operation of urban water supply schemes;
- (b) by omitting paragraphs (d) and (e) and substituting the following paragraphs:
 - (d) one is to be a person who has expertise in analytical chemistry; and
 - (e) one is to be a registered medical practitioner who holds specialist qualifications in medicine.

5. Section 8 amended (Functions, &c., of the Committee)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c)(i) “purpose, and shall advise the Minister

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of the estimated capital cost of the necessary fluoridation works and the estimated annual cost of operating and maintaining those works;” and substituting “purpose;”;

(b) by omitting paragraph (d) from subsection (1) and substituting the following paragraphs:

(d) may approve a Code of Practice for the fluoridation of public water supplies;

(da) may monitor and report to the Minister on a relevant water supply authority’s performance and compliance with any Code of Practice approved under paragraph (d);

(db) must monitor and report to the Minister on a relevant water supply authority’s performance and compliance with any direction given under this Act, including a direction under section 10(1)(a) or (b), and any recommendations contained in such a direction;

(dc) for the purposes of paragraphs (da) and (db) –

(i) must meet as often as may be necessary and, in any

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case, at least once in each period of 3 months; and

- (ii) may determine the methods by which, and the frequency with which, analyses of public water supplies are to be carried out, and the persons by whom they are to be carried out; and
- (iii) must notify the Minister, in writing, of each determination under subparagraph (ii); and
- (iv) must review, at intervals of not more than 6 months, the level of fluoride maintained in each fluoridated water supply as disclosed by such methods or tests as may be prescribed; and
- (v) must inquire into, and take such action as the Committee considers necessary to adjust, any discrepancy in the level of fluoride disclosed by a review under subparagraph (iv); and

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- (vi) may, and if the Minister so directs must, inquire into, and report to the Minister on, any complaint made as to the operation of a fluoridated water supply or as to any other matter under this Act; and
 - (vii) may require the Secretary of the Department to obtain and submit to the Committee such reports as it may require, or as may be prescribed, with respect to the matters referred to in paragraph (b)(i) and (ii);
- (c) by omitting from subsection (2)(b) “will not result in a concentration in excess of 1·2 parts by weight of fluoride per 1 000 000 parts of water.” and substituting “is within the prescribed fluoride concentration range.”;
- (d) by omitting subsection (6).

6. Section 9 amended (Power of the Committee to require information and to enter on land)

The penalty under section 9(2) of the Principal Act is amended by omitting “10 penalty units” and substituting “50 penalty units”.

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7. Section 11 amended (Maximum and minimum concentration of fluoride)

Section 11 of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) must cause the content of fluoride in that public water supply to be maintained within the prescribed fluoride concentration range;

8. Section 15 repealed

Section 15 of the Principal Act is repealed.

9. Section 16 amended (Offences and penalty)

Section 16(2) of the Principal Act is amended by omitting “5 penalty units, and, in the case of a continuing offence, an additional fine not exceeding 2 penalty units for each day on which the offence continues after conviction” and substituting “50 penalty units”.

10. Section 17 amended (Annual report and special reports)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);

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- (b) by omitting from subsection (2) “In addition to the report mentioned in subsection (1), the” and substituting “The”;
- (c) by omitting subsection (3) and substituting the following subsection:
 - (3) The Director of Public Health must submit to the Regulator, within the meaning of the *Water and Sewerage Industry Act 2008* –
 - (a) a copy of any report by the Committee to the Minister under section 8(1)(da); and
 - (b) a copy of the Committee’s report to the Minister under section 8(1)(db).

11. Section 18 amended (Regulations)

Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(i) “and” second occurring;
- (b) by omitting paragraph (j) from subsection (1) and substituting the following paragraphs:

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- (j) the fluoride concentration range for public water supplies;
- (k) standards or guidelines for the quality of fluoride to be added to public water supplies;
- (l) requiring a water supply authority to prepare a contingency plan for unintended events, including fluoride concentration in a public water supply falling outside the prescribed fluoride concentration range;
- (m) requiring a water supply authority to notify the Committee and restore fluoride concentration in a public water supply if it falls outside the prescribed fluoride concentration range;
- (n) the timeframes for notification and restoration referred to in paragraph (m);
- (o) the maintenance by a water supply authority of fluoridation works under its control;
- (p) the development of an operational manual by a water supply authority for fluoridation works under its control; and
- (q) requiring a water supply authority having the control of a

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fluoridated water supply to report to the Committee for the purposes of this Act.

- (c) by omitting from subsection (2) “section 8(1)(d)(iii)” and substituting “section 8(1)(dc)(iv)”;
- (d) by inserting the following subsections after subsection (2):
 - (3) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
 - (4) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
 - (5) The regulations may authorise any matter to be from time to time approved, determined,

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applied or regulated by the Committee.

- (6) The regulations may adopt either wholly or in part and with or without modification, and either specifically or by reference, any standards or guidelines of the National Health and Medical Research Council whether the standards or guidelines are published or issued before or after the commencement of this Act.