

Fluoridation Amendment Bill 2009

CLAUSE NOTES

Clause 1

Establishes the short title of the Act.

Clause 2

Establishes the day on which the Act will commence.

Clause 3

Clarifies the references to the Principal Act.

Clause 4

Amends the membership requirements of the Fluoridation Committee. Paragraph (a) clarifies that the Director may appoint a delegate in his or her place as member and chairperson of the Fluoridation Committee, and extends the required qualifications of a person in respect to urban water supply schemes.

Paragraph (b) modernises and extends the relevant qualifications of persons eligible for appointment on the Fluoridation Committee in respect to chemistry and medicine.

Clause 5

Alters the functions of the Fluoridation Committee (the Committee) under section 8 of the Act.

Under paragraph (a):

- Subsection (1)(c)(i) is amended to remove the function of the Committee to advise the Minister of the estimated capital costs of fluoridation works and the estimated cost of operating and maintaining those works.

Under paragraph (b), the powers and functions of the Fluoridation Committee are extended and the existing provisions renumbered:

- New paragraphs (d), (da), (db) and (dc) extend the powers and functions of the Committee. Paragraph (d) provides that the Committee may approve a Code of Practice for the fluoridation of public water supplies. Paragraph (da) enables the Committee to monitor and report to the Minister on the water supply authority's performance and compliance with an approved Code of Practice. Paragraph (db) requires the Committee to monitor and report to the Minister on the water supply authority's performance and compliance with any direction given under the Act.
- New paragraph (dc) maintains the existing powers and functions of the Committee to meet, determine analysis method, review fluoride levels in water supplies, manage complaints and request reports. An amendment is made to provide that these powers are to be exercised only for the purposes of monitoring and reporting powers under the new paragraphs (d), (da) and (db).

Paragraph (c) amends subsection 8(2)(b) to remove the reference to a fluoride concentration ratio and replaces it with reference to a "prescribed fluoride concentration range".

Paragraph (d) omits subsection 8(6) which allowed the Minister to reimburse certain expenses incurred by a water supply authority.

Clause 6

Increases the penalty under section 9 the Act for obstructing or failing to comply with certain requests of the Committee or an authorised person.

Clause 7

Amends the existing requirement under Section 11 to maintain the content of fluoride in a public water supply in accordance with a direction, to maintaining the content in accordance with the prescribed concentration range.

Clause 8

Repeals the funding provisions under section 15 of the Act which provide that costs and expenses incurred shall be defrayed out of monies provided by Parliament. The effect of this clause is to remove the obligation on the government under the Act to pay for fluoridation works, fluoridation expenses, and the administration of the Act generally.

Clause 9

Amends subsection 16(2) by removing the penalty for continuing offences, and increasing the penalty for an offence under the Act for which no specific penalty is prescribed, to 50 penalty units.

Clause 10

Amends the reporting requirements under section 17 of the Act. Paragraph (a) omits subsection (1) which required the Committee to report to the Minister annually. Reporting to the Minister is now provided for under section 8(1)(da) and (db) (as amended under clause 5 above). Paragraph (c) removes the obligation of the Minister to table a report before Parliament and instead requires the Director of Public Health to provide to the Regulator established under the *Water and Sewerage Industry Act 2008* any reports generated under the new section 8(1)(da) and (db).

Clause 11

Extends the regulation making powers under section 18 of the Act. Paragraph (c) corrects a cross reference to a re-numbered subsection. Paragraph (d) increases the penalty for a breach of the regulations.