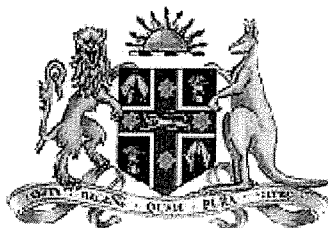


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Fluoridation of Public Water Supplies Regulation 2002



New South Wales

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*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

The object of this Regulation is to replace, with some changes, the provisions of the *Fluoridation of Public Water Supplies Regulation 1997*, which is to be repealed by section 10 of the *Subordinate Legislation Act 1989* on 1 September 2002. The new Regulation deals with a number of matters relating to the fluoridation of public water supplies and the regulation of certain activities with respect to water supply works.

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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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.

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8 Analyses of water samples

- (1) A water supply authority must collect from any public water supply fluoridated by it any samples of water that are required to be collected 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:
 - (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,to the persons, and at the times, required 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.

- (4) A water supply authority must also forward to the Director-General 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.

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9 Fluoridation to be carried out by qualified operators

A water supply authority must not, except as allowed by the Fluoridation Code, 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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10 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.

Note. Other matters relating to safety can be found in the *Occupational Health and Safety Regulation 2001*.

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Fluoridation of Public Water Supplies Act 1957 No 58

6B Discontinuance of fluoridation

- (1) A water supply authority to which an approval has been granted or a direction has been given shall not discontinue fluoridating the public water supply concerned, unless the approval or direction is revoked by the Secretary.
- (2) A water supply authority contravening this section is guilty of an offence against this Act.

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