

Subsections (1) and (2) of section thirty-one;
Section thirty-five;
Section thirty-six; and
Subsection (2) of section forty-one,
are amended by omitting therefrom the words “, fertilizer, or pesticide”
(wherever occurring) and substituting therefor, in each case, the words
“ or fertilizer”.

FLUORIDATION.

No. 87 of 1968.

AN ACT to make provision with respect to the addition of fluoride to public water supplies and matters incidental thereto and to repeal Part VII of the *Public Health Act* 1962.

[13 January 1969.]

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:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Fluoridation Act* 1968.

(2) This Act shall commence on a day to be fixed by proclamation.

2 In this Act, unless the contrary intention appears—

- “Commission” means the Rivers and Water Supply Commission established under the *Water Act 1957*;
- “Committee” means the Fluoridation Committee established under this Act;
- “fluoridated water supply” means a public water supply to which fluoride has been added (whether before or after the commencement of this Act);
- “fluoridation works” means any machinery, equipment, apparatus, or other things used, or designed for use, for the purposes of, or in connection with—
 - (a) the addition of fluoride to a public water supply; or
 - (b) the maintenance of the content of fluoride in a public water supply at a particular concentration;
- “fluoride” means any salt or compound of fluorine and includes, where applicable, the fluoride ion;
- “public water supply” means a water supply used for supplying water to the public for domestic purposes;
- “water supply authority” means any municipality, board, commission, committee, trustees, or other person or body of persons authorized by law to provide, operate, manage, or control a public water supply.

Interpretation.
 Cf. No. 47 of 1966 (W.A.), s. 4.
 No. 58 of 1957 (N.S.W.), s. 3.
 No. 34 of 1963 (Q'ld), s. 2.

3—(1) There shall be a committee, to be known as the Fluoridation Committee.

(2) The Committee shall consist of five members appointed by the Minister, of whom—

- (a) one shall be the person for the time being holding the office of Director of Public Health, who shall be appointed as the chairman of the Committee;
- (b) one shall be the person for the time being holding the office of Engineering Member of the Commission;
- (c) one shall be a person who is a certified dentist (within the meaning of the *Dentists Act 1919*);
- (d) one shall be a person who is a biochemist; and
- (e) one shall be a legally-qualified medical practitioner who is a professor of medicine or appears to the Minister to be engaged, either wholly or in part, in practice as a consultant physician.

The Fluoridation Committee.
 W.A., s. 5 (1), (2), (3), (4).
 N.S.W., s. 4 (1), (2), (3) (a).

Term of office
of members of
Committee.

W.A., s. 5
(6).
N.S.W.,
s. 4 (5).

Vacation
of office.

4 Subject to this Act, each member of the Committee holds office for a term of five years.

5—(1) The office of a member of the Committee becomes vacant on the expiration of the term for which he is appointed or if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) ceases to hold the office, or to possess the other qualifications, by virtue of which he was appointed as a member; or
- (d) is removed from office by the Minister pursuant to subsection (2) of this section.

(2) The Minister may remove a member of the Committee from office—

- (a) for misbehaviour, negligence, or incompetence;
- (b) if, in the opinion of the Minister, the member has become incapable of performing his duties;
- (c) if the member is absent, without leave of the Committee, from three or more consecutive meetings of the Committee; or
- (d) if the member ceases to reside in the State.

(3) Where a vacancy occurs in the office of a member of the Committee otherwise than by reason of the effluxion of time, the person appointed to fill the vacancy holds office only for the remainder of the term of office of the member in whose stead he is appointed.

Procedure
of the
Committee.

W.A., s. 6.
N.S.W., s. 4
(8) (b).
(4).

6—(1) Three members constitute a quorum of the Committee.

(2) The Committee shall hold its first meeting at such time and place as the Minister may fix, and thereafter the Committee shall, subject to sub-paragraphs (i) and (iii) of paragraph (d) of subsection (1) of section eight, meet at such times and places as it thinks fit.

(3) The chairman, or in his absence such other member as the members present may determine, shall preside at meetings of the Committee and has a deliberative vote.

(4) Questions arising at meetings of the Committee shall be decided by a majority of the votes of the members present and voting thereon and, in the event of an equality of votes on a question, the chairman or other member presiding at the meeting has a second or casting vote.

(5) Subject to this section, the Committee may regulate its own procedure.

7 The members of the Committee (other than members who are officers or employees to whom the provisions of the *Public Service Act 1923* apply) may be paid such remuneration as the Minister may determine.

Remuneration
of members
of the
Committee.
N.S.W., s. 4
(9).

8—(1) The Committee—

(a) may, either of its own motion or when requested to do so by the Minister, carry out such investigations as it considers necessary to determine whether or not, having regard to—

- (i) such specific matters as are prescribed for the purposes of this paragraph;
- (ii) any reports submitted to the Committee pursuant to paragraph (b) of this subsection; and
- (iii) all other matters that the Committee considers relevant or that, in any particular case, the Minister directs it to take into consideration,

it would be practicable to add fluoride to any particular public water supply;

(b) for the purpose of carrying out such investigations as are referred to in paragraph (a) of this subsection in relation to a public water supply, may require the Director-General of Health Services to obtain and submit to the Committee such reports as it may require or as are prescribed with respect to—

- (i) the incidence of dental fluorosis or idiopathic mottling, or both, in the district that is served by that water supply; and
- (ii) the dental health of school children residing within that district;

(c) after making such investigations as are mentioned in paragraph (a) of this subsection, may make written recommendations to the Minister as to whether, in the opinion of the Committee, the addition of fluoride to the particular public water supply is or is not practicable, and—

- (i) if in the opinion of the Committee it is practicable to add fluoride to that water supply, shall recommend to the Minister in writing the method to be adopted for that purpose and the chemical (and the concentration there-

Functions,
&c., of the
Committee.
W.A., ss. 7,
13.
N.S.W., s. 5.

- of) to be used for that purpose, and shall advise the Minister of the estimated capital cost of the necessary fluoridation works and the estimated annual cost of operating and maintaining those works; or
- (ii) if in its opinion it is not practicable to add fluoride to the public water supply, shall make to the Minister in writing such recommendations as it thinks desirable with respect to the alternative method (if any) to be adopted for the purpose of ensuring the daily ingestion of fluoride by the inhabitants of any district served by that water supply and the manner of achieving that purpose;
- (d) shall supervise the operation of all fluoridation works in the State (whether constructed or installed before or after the commencement of this Act) and, for that purpose—
- (i) shall meet as often as may be necessary and, in any case, at least once in each period of three months;
- (ii) may determine the methods by which, and the frequency with which, analyses of public water supplies shall be carried out, and the persons by whom they shall be carried out, and shall notify the Minister and the Commission, in writing, of any such determination;
- (iii) shall review periodically, but at intervals of not more than six months, the level of fluoridation maintained in relation to each fluoridated water supply, as disclosed by such methods or tests as are prescribed, and shall inquire into, and direct the Commission to take such action as the Committee considers necessary to adjust, any discrepancy in the level of fluoridation disclosed by such a review;
- (iv) may, and if the Minister so directs, shall, 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 arising under this Act; and

- (v) may require the Director-General of Health Services 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 sub-paragraphs (i) and (ii) of paragraph (b) of this subsection;
 - (e) may examine drugs, medicines, and dentifrices for the purpose of ascertaining their fluoride content, if any, and may make to the Minister such recommendations as it thinks desirable with respect to the packing, prescription, sale, and use of any such drugs, medicines, or dentifrices;
 - (f) shall inquire into, and advise the Minister with respect to, industrial conditions, industrial processes, foods, dietary habits, or other matters (whether similar to the foregoing matters or not), and any changes therein, that could have the effect of increasing the intake of fluoride by persons generally, or by any class of persons, residing in a district that is served by a fluoridated water supply;
 - (g) shall co-operate with departments and instrumentalities of the State in relation to the investigation and solution of problems connected with the health of persons engaged in industrial processes, being problems arising from the production, emission, or use in those processes of fluorine, or of any compound thereof, or of any fluoriferous materials; and
 - (h) generally, may exercise such other powers and shall perform such other duties as are conferred or imposed on the Committee by or under this Act.
- (2) The Committee—
- (a) before making a recommendation with respect to the addition of fluoride to a public water supply, shall ascertain the amount of fluoride, if any, already contained in the water in respect of which it proposes to make the recommendation; and
 - (b) if it recommends the addition of fluoride to that water supply, shall give such directions and impose such conditions, in relation to the addition of fluoride thereto, as it considers necessary for the purpose of ensuring that the amount of fluoride so ascertained, together with the amount of fluoride that the Committee proposes to recommend should be added to the water, will not result in a concentration in excess of 1.2 parts by weight of fluoride per 1,000,000 parts of water.

(3) When the Committee makes to the Minister such a recommendation as is referred to in sub-paragraph (ii) of paragraph (c) of subsection (1) of this section the Minister may, by notice in writing, direct the permanent head or chief executive officer of such department or instrumentality of the State (other than the Commission) as the Minister thinks appropriate to do all such acts and things as are specified in the notice and as are within his legal competence for the purpose of giving effect to the recommendation.

(4) The Committee may—

(a) at any time after making a recommendation that fluoride be added to a public water supply—

(i) rescind the recommendation;

(ii) revoke or vary any directions given, or conditions imposed, by it pursuant to paragraph (b) of subsection (2) of this section; or

(iii) in lieu of those directions or conditions, give new directions or impose new conditions; and

(b) at any time after making any other recommendation under this Act, rescind or vary the recommendation,

and shall make to the Minister, in writing, such a recommendation as the Committee thinks necessary as the result of the action so taken by it.

(5) Where the Minister approves of any action taken by the Committee pursuant to paragraph (a) of subsection (4) of this section, he shall in writing advise the Commission and the other water supply authority (if any) to which the recommendation relates of the action so taken by the Committee and shall direct the Commission and that other water supply authority to do all such acts and things as are necessary for the purpose of giving effect to the recommendation of the Committee under that subsection.

(6) The Minister may pay to the Commission or to another water supply authority, by way of reimbursement of any expenses incurred by the Commission or that authority as the result of any action taken by the Committee pursuant to subsection (4) of this section, such sum of money as may be agreed on between the Minister and the Commission or that authority.

Power of the
Committee
to require
information
and to enter
on land.

9—(1) For the purpose of enabling the Committee to carry out its functions under this Act effectually the Committee or a person authorized by the Committee to act under this section (in this section referred to as “an authorized person”)—

(a) may require a water supply authority (other than the Commission) to furnish to it or to an authorized person such information in relation to a public water supply under the control of that authority as the Committee or the authorized person may from time to time require;

- (b) may require the Commission to furnish to the Committee or to an authorized person such information in relation to a public water supply established and maintained by the Commission pursuant to the *Water Act 1957* as the Committee or the authorized person may from time to time require;
 - (c) may, at all reasonable times, enter on any land of, or under the control of, a water supply authority, being land in or on which any works, apparatus, or equipment used for the purposes of, or in connection with, a public water supply are or is constructed or situated, for the purpose of inspecting or testing the public water supply, or obtaining information from a study of the public water supply or from a study of any fluoridation works used in connection therewith; and
 - (d) may require any person to furnish to the Committee or to an authorized person such information in the possession of the first-mentioned person in relation to a public water supply as the Committee or the authorized person from time to time requires.
- (2) No person shall, without reasonable excuse—
- (a) obstruct a person acting in accordance with paragraph (c) of subsection (1) of this section; or
 - (b) refuse or fail to furnish any information when so required under subsection (1) of this section.

Penalty: Two hundred dollars.

10—(1) Where the Committee makes a recommendation to the Minister that fluoride be added to a public water supply, the Minister, if he approves the recommendation, shall—

- (a) send to the Commission a copy of the recommendation and direct the Commission, in writing, to give effect to such matters contained in the recommendation as are specified in the direction within a time specified therein; and
- (b) if the public water supply is under the control of a water supply authority other than the Commission, also send to that authority a copy of the recommendation and direct that authority—
 - (i) to allow the Commission or persons authorized by the Commission to enter on land under the control of that authority and used in connection with that water supply and to cause to be constructed or installed thereon, on behalf of the Commission, such fluoridation works as may be necessary for giving effect to the recommendation; and

Fluoridation
of public
water
supplies.

W.A., s. 9.
N.S.W., s. 6.
Q'ld, s. 4.

- (ii) generally to co-operate with the Commission and facilitate the exercise by or on behalf of the Commission of its duty to give effect to the direction given to it by the Minister pursuant to paragraph (a) of this subsection.

(2) Where, pursuant to paragraph (b) of subsection (2) of section eight, the Committee has given any directions or imposed any conditions in relation to the addition of fluoride to a public water supply, a direction to the Commission under paragraph (a) of subsection (1) of this section shall set forth the directions so given or the conditions so imposed.

(3) The Commission and a water supply authority, respectively, shall comply in all respects with a direction given to it by the Minister pursuant to this section.

(4) The Commission shall not add fluoride, or cause fluoride to be added, to a public water supply—

- (a) except in consequence of a direction given by the Minister under this section; or
 (b) otherwise than in accordance with the provisions of this Act and the terms of such a direction.

(5) No person, other than the Commission or another water supply authority acting under a direction in that behalf given to it by the Commission, shall add fluoride to a public water supply.

Penalty: One thousand dollars and, in the case of a continuing offence, an additional sum of forty dollars for each day on which the offence continues after conviction.

Maximum and minimum concentration of fluoride.
 W.A., s. 12
 (1).
 N.S.W., s. 6
 (5) (c).

11 Where, pursuant to a direction under section ten—

- (a) the Commission; or
 (b) by direction of the Commission under section one hundred and ten of the *Water Act* 1957 (as applying by virtue of section twelve of this Act) a water supply authority other than the Commission,

adds fluoride to a public water supply, the Commission or that authority, as the case requires—

- (c) shall cause the content of fluoride in that public water supply to be maintained at a concentration of not more than the maximum or less than the minimum concentration, calculated as parts per million, as is specified in the direction;
 (d) shall not add, or permit to be added, to that public water supply fluoride in a form other than that specified in the direction; and
 (e) shall comply with any directions given or conditions imposed by the Committee under paragraph (b) of subsection (2) of section eight that are specified in the Minister's direction under section ten.

12—(1) The provisions of—

- (a) sections sixteen to twenty;
- (b) paragraph (a) of section twenty-one; and
- (c) sections twenty-two to twenty-five,

Application of certain provisions of the *Water Act 1957* to works, &c., under this Act.

of the *Water Act 1957*, with the necessary adaptations, apply to and in relation to the construction, installation, and maintenance of any fluoridation works required for the purpose of complying with a direction given to the Commission by the Minister under section ten as if those works were works established for the supply of water for domestic purposes by the Commission pursuant to that Act.

(2) Where a direction given to the Commission by the Minister under section ten relates to a public water supply that is under the control of an authority other than the Commission, the provisions of section one hundred and ten of the *Water Act 1957* (as modified by subsection (3) of this section) apply to and in relation to any fluoridation works required for the purpose of complying with that direction as if they were works to which section one hundred and ten of that Act applies, and the powers conferred on the Commission by that section are exercisable accordingly.

(3) In the application of the provisions of section one hundred and ten of the *Water Act 1957* to any fluoridation works, that section has effect as if from subsection (2) thereof the words “, at the expense of that person” were omitted.

13 Sections one hundred and eighty-five and one hundred and eighty-six of the *Local Government Act 1962* do not apply to or in relation to any fluoridation works required to be constructed or installed by the corporation of a municipality by reason of any direction given to it for the purposes of this Act by the Commission in respect of the addition of fluoride to a public water supply under the control of the corporation.

Local polls not to be held in relation to works under this Act.

14 A person who is or has been a member or acting member of the Committee or of the Commission is not personally liable for anything done or omitted to be done, in good faith, in or in connection with the exercise or purported exercise of any of the functions, powers, or duties of the Committee or of the Commission under this Act.

Exemption of members of the Committee, and of the Commission from liability. W.A., s. 8.

15 The costs and expenses incurred in or in connection with—

- (a) the construction, installation, operation, and maintenance, by the Commission or by a water supply authority at the direction of the Commission, of fluoridation works (whether constructed or installed before or after the commencement of this Act);
- (b) the doing of any acts and things required by a direction of the Minister under subsection (3) of section eight;

Costs of works, &c.: How defrayed.

(c) the payment by the Minister of sums of money by way of the reimbursement, pursuant to subsection (6) of section eight, of expenses incurred by the Commission or another water supply authority; and

(d) the administration of this Act generally, shall be defrayed out of moneys provided by Parliament for the purpose.

Offences and penalty.

16—(1) A person who—

(a) contravenes or fails to comply with any provision of this Act that is applicable to him; or

(b) fails to comply with any direction given to him or requirement made of him under this Act,

is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act for which no specific penalty is prescribed elsewhere in this Act is liable to a penalty of one hundred dollars, and, in the case of a continuing offence, an additional sum of forty dollars for each day on which the offence continues after conviction.

Annual report and special reports.

17—(1) The Committee shall, as soon as is practicable after the thirtieth day of June in each year, submit to the Minister a report on all matters considered by the Committee for the purposes of this Act, and on the exercise and performance generally of the Committee's functions under this Act, during the period of twelve months ended on that day.

(2) In addition to the report mentioned in subsection (1) of this section, the Committee shall furnish to the Minister, as and when the Minister directs, such reports as the Minister may require in relation to particular matters.

(3) The Minister shall cause each report submitted to him pursuant to subsection (1) of this section to be laid on the table of each House of Parliament within the first ten sitting days of the House after the report is received by him.

Regulations.

W.A., s. 16.
N.S.W., s. 11.
Q'ld., s. 5.

18—(1) The Governor may make regulations for the purposes of this Act, and, in particular and without affecting the generality of this subsection, may make regulations for or with respect to—

(a) the protection of persons employed in adding fluoride to a public water supply from inhaling fumes or dust containing fluoride;

(b) the qualifications of persons, other than persons employed in the Public Service of the State, employed in operating fluoridation works;

(c) the disposal or destruction of containers from which fluoride has been removed for addition to a public water supply;

- (d) requiring the Commission to make or cause to be made analyses and tests of samples of water taken for such purposes as the Committee determines from such fluoridated water supply as the Committee directs and to forward to the Committee the result of those analyses and tests and to forward to the Committee samples of water so taken from that public water supply;
- (e) the method of making the analyses and tests referred to in paragraph (d) of this subsection and the times or intervals at which those analyses and tests shall be made;
- (f) the records to be kept for the purposes of this Act by the Commission and by any other water supply authority having the control of a fluoridated water supply;
- (g) the mode of carriage of fluoride and the construction and equipment of vehicles used for carrying fluoride;
- (h) the safe storage of fluoride and the construction and equipment of buildings used for the storage of fluoride;
- (i) the prevention of damage to fluoridation works and buildings used for the storage of fluoride; and
- (j) the imposition of penalties, not exceeding one hundred dollars, for offences against the regulations together with daily penalties not exceeding forty dollars in the case of continuing offences.

(2) The Governor shall not make regulations for the purposes of sub-paragraph (iii) of paragraph (d) of subsection (1) of section eight or for the purposes of paragraph (d) of subsection (1) of this section except on the recommendation of the Committee.

19 Part VII of the *Public Health Act* 1962 is repealed. Repeal.

CROWN LANDS (MISCELLANEOUS PROVISIONS).

No. 88 of 1968.

AN ACT to make provision for certain matters relating to certain Crown lands and certain other lands. [13 January 1969.]

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:—