

Queensland



FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1963

**Reprinted as in force on 21 December 1995
(includes amendments up to Act No. 57 of 1995)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 21 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**



FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1963

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FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1963

[as amended by all amendments that commenced on or before 21 December 1995]

An Act relating to the addition of fluorine to public water supplies

Short title

1. This Act may be cited as the *Fluoridation of Public Water Supplies Act 1963*.

Interpretation

2. In this Act—

“**chief health officer**” means the chief health officer of the department.

“**fluorine**” includes any compound of fluorine.

“**public water supply**” means any water supply used for supplying water to the public.

Public water supply under control of person other than local government

3.(1) Where a public water supply under the control of a person other than a local government, is used for supplying water to the public in the area of any local government then upon application in that behalf made by such local government the Governor in Council by regulation may, in relation to that public water supply, exempt such person from the prohibition imposed by this Act against a person other than a local government adding fluorine to a public water supply.

(2) During the continuance in force of an regulation under this section, the provisions of this act shall, in respect to the public water supply to

which the regulation relates, apply to the person named in the regulation as if the person were a local government and shall be read and applied with and subject to all necessary adaptations accordingly.

(3) The Governor in Council may at any time and shall, upon application in that behalf made by the local government at the request of which the regulation was made, revoke any regulation made under this section.

Addition of fluorine to public water supplies

4.(1) Subject to this Act a local government may add fluorine to any public water supply under its control.

(1A) Subsection (1) applies subject to the *Local Government Act 1993*, chapter 6, part 2 so that a local government shall not be authorised by this Act to add fluorine to a public water supply under its control if at a poll taken pursuant to the part the number of votes against is greater than the number of votes in favour of the addition of fluorine to the public water supply in question.

(1B) Where a public water supply is used for supplying water to the public in the areas of 2 or more local governments, then for the purposes of subsection (1A) the local government controlling such public water supply shall be deemed to be, in relation to that public water supply, a joint local government for all such areas.

(1C) Save as prescribed by subsections (1) to (1B), no provision of any other Act shall apply so as to prejudice or limit in any way the authority conferred upon a local government by the subsections.

(2) A local government shall not add to any public water supply under its control fluorine in any form other than that prescribed by the regulations.

(3) A local government which adds to any public water supply under its control fluorine—

- (a) shall not at any time add to such public water supply fluorine so as to increase the content of fluorine in such public water supply to a concentration in excess of the maximum concentration prescribed by the regulations; and
- (b) shall at all times maintain the content of fluorine in such public water supply at a concentration of not more than the maximum or

less than the minimum concentration prescribed by the regulations; and

- (c) shall as respects such public water supply and the addition of fluorine thereto comply in all other respects with the regulations.

Indemnity

5.(1) The Treasurer shall, subject to this section, indemnify a local government against all costs and expenses properly incurred by it in relation to any action or other proceedings in any court against it—

- (a) to restrain it from adding or continuing to add fluorine to any public water supply under its control; or
- (b) in respect of the addition by it of fluorine to a public water supply under its control.

(2) The Treasurer shall not be bound to indemnify a local government as prescribed by subsection (1) in respect of any action or other proceedings specified in that subsection, unless and until the Treasurer is satisfied that the alleged cause of the action or other proceedings created no legal liability whatsoever in the local government.

(3) Forthwith upon the institution against a local government of an action or other proceedings specified in subsection (1), such local government shall inform the Minister thereof.

(3A) The Minister may at any time during the continuance of the action or other proceedings elect to be joined with the local government by filing in the court concerned a notice in writing to that effect.

(3B) The Minister may in such notice name a person and in such case the person so named shall be deemed to be joined with the local government.

(4) If the Minister files in the court concerned the notice of election referred to in subsection (3A)—

- (a) the Minister or, if a person is named in the notice, that person shall be entitled to do and take on behalf of the local government all such things and steps as could be done or taken by the local government as a party to the action or other proceedings, including for the settlement of any question arising with respect thereto, unless the Minister or such person, by writing, has

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permitted the local government to do or take the thing or step in question; and

- (b) the local government shall immediately when required by the Minister or the person named in the notice referred to in subsection (3B), sign and execute all such documents as the Minister or such person may from time to time consider necessary to enable the Minister or such person to do or take any thing or step which the Minister or such person is authorised by paragraph (a) to do or take.

(5) Where this section applies to any action or other proceedings in the Supreme Court or a District Court the claim therein shall be heard and determined by a judge without a jury.

(6) This section applies so as not to prejudice or affect in any way the right of a local government (or of the Minister or other person who may be a party with the local government) to recover costs in any action or other legal proceedings to which this section applies, and for the purposes of the fixation of the amount of or the taxation of any such costs the indemnity provided for in this section shall be deemed to be of no effect.

Regulation making power

6.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may regulate or control the addition of fluorine to public water supplies.

(3) In particular, a regulation may make provision for or about the following matters—

- (a) prescribing the maximum and the minimum concentrations respectively at which a local government which adds fluorine to any public water supply under its control shall maintain the content of fluorine in such public water supply, which maximum or minimum may be prescribed differently in respect of different public water supplies or in respect of all public water supplies in different areas or localities throughout the State, and which maximum shall in the case of any and every public water supply include fluorine naturally present therein;
- (b) prescribing the form in which fluorine may be added to any

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public water supply;

- (c) the protection of persons employed in adding fluorine to any public water supply from inhaling fumes or dust containing fluorine and for requiring such persons to comply with such regulations;
- (d) the qualifications of persons employed in operating plant or equipment used for adding fluorine to any public water supply and prohibiting persons who are not qualified as prescribed from being so employed;
- (e) the disposal or destruction of containers from which fluorine has been removed for addition to any public water supply;
- (f) prescribing in respect of a public water supply to which a local government adds fluorine points at which samples of water shall be taken for the making of analyses and the prescribed tests prescribing the tests to be made of such samples, requiring the local government to make analyses and the prescribed tests of such samples, and requiring the local government to forward to the chief health officer when and so often as the chief health officer requires samples of water so taken;
- (g) prescribing the method of making such analyses and tests and the times or intervals at which such analyses or tests shall be made;
- (h) the records to be kept for the purposes of this Act by a local government in respect of the addition by it of fluorine to any public water supply under its control.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 December 1995. Future amendments of the Fluoridation of Public Water Supplies Act 1963 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Fluoridation of Public Water Supplies Act 1963 No. 34

date of assent 16 December 1963

commenced 18 January 1964 (proc pubd gaz 18 January 1964 p 171)

as amended by

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Short title

s 1 amd R1 (see RA s 37)

Interpretation

s 2 amd R1 (see RA s 39 and AIA s 32AA)

def “**chief health officer**” ins R1 (see RA ss 23–23A)

def “**Director-General**” om R1 (see RA ss 23–23A)

def “**local authority**” om R1 (see RA s 39)

def “**Minister**” om R1 (see RA s 39)

Public water supply under control of person other than local government

s 3 amd 1995 No. 57 s 4 sch 1

Indemnitys 5 prev s 5 reloc as s 6 1995 No. 57 s 4 sch 1
pres s 5 (prev s 8) reloc 1995 No. 57 s 4 sch 1**Regulation making power**

prov hdg sub 1995 No. 57 s 4 sch 1

s 6 prev s 6 om 1995 No. 57 s 4 sch 1
pres s 6 amd 1995 No. 57 s 4 sch 1
reloc (prev s 5) 1995 No. 57 s 4 sch 1**Publication of Orders in Council, etc**

s 7 om 1995 No. 57 s 4 sch 1

6 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
director-general (of health and medical services)	chief health officer (of the department in which the Health Services Act 1991 is administered)	Health Services Act 1991 s 7.4
(joint local) authority	joint local government	Local Government Act 1993 s 796(1)(c)
local authority	local government	Local Government Act 1993 s 796(1)(a)

7 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Local Government Act 1936	Local Government Act 1993	Local Government Act 1993 s 796(1)(o)

8 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def “local authority”	Acts Interpretation Act 1954 s 36 def “local government” and Local Government Act 1993 s 796(1)(a) (see also Reprints Act 1992 s 39 example 2)
def “Minister”	Acts Interpretation Act 1954 s 36, def “Minister” and ss 33(1) to (4) and 24B(8)(b) (see also Reprints Act 1992 s 39 example 2)
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Queensland implied	Acts Interpretation Act 1954 s 35

9 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under the Reprints Act 1992 s 44

Provision	Description
5(4)	om ‘subsection (2)’ ins ‘subsection (3A)’

10 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
4(1)(a)	4(1)
4(1)(b)	4(1A)

4(1)(b), 2nd sentence	4(1B)
4(1)(c)	4(1C)
5(3), 2nd sentence	5(3A)
5(3), 3rd sentence	5(3B)