

# South East Queensland Water (Restructuring) and Other Legislation Amendment Bill 2012

## Amendments agreed to during Consideration

### 1 Clauses 80 to 84

Page 89, lines 10 to 25, page 90, lines 1 to 31, page 91, lines 1 to 32, pages 92, lines 1 to 33 and page 93, lines 1 to 6—

*omit, insert—*

### '80 Amendment of s 4 (Object of Act)

'Section 4(2)—

*omit.*

### '81 Omission of s 6 (Meaning of *relevant public potable water supply*)

'Section 6—

*omit.*

### '82 Replacement of ss 7–11

'Sections 7 to 11—

*omit, insert—*

### '7 Decisions about fluoridation of public potable water supplies

'(1) A local government may decide that fluoride be added to the water supply that supplies potable water to the community in its local government area if it is satisfied the decision is in the best interests of the community.

'(2) If a local government makes a decision under subsection (1)—

(a) if the local government is not the public potable water supplier for the potable water supply that supplies

- potable water to the community—the local government must give the water supplier notice of the decision; and
- (b) the water supplier must add fluoride, or continue to add fluoride, to the water supply.
- ‘(3) A local government may decide that fluoride not be added to the water supply that supplies potable water to the community in its local government area if it is satisfied the decision is in the best interests of the community.
- ‘(4) If a local government makes a decision under subsection (3)—
- (a) if the local government is not the public potable water supplier for the potable water supply that supplies potable water to the community—the local government must give the water supplier notice of the decision; and
- (b) the water supplier must not add fluoride, or must cease to add fluoride, to the water supply.
- ‘(5) A local government may, before making a decision under subsection (1) or (3), consult with the public potable water supplier for the potable water supply about cost implications, infrastructure arrangements and potential impact on water supply inside or outside the local government area.
- ‘(6) In this section—
- community*, of a local government, includes part of the community of the local government.

**‘8 Requirement for public potable water supplier not to impact on another local government**

- ‘(1) This section applies to a public potable water supplier for a public potable water supply that is required under section 7 to add fluoride, or cease to add fluoride, to the water supply that supplies potable water to a community in a local government area.
- ‘(2) The public potable water supplier must not, when adding fluoride, or ceasing to add fluoride, to the water supply, affect another local government’s water security or water supply or

the fluoridation of another local government's water supply without the other local government's agreement.

**'9 Costs**

'If—

- (a) a local government makes a decision under section 7 to add fluoride, or cease to add fluoride, to the water supply that supplies potable water to the community in its local government area; and
- (b) the local government is not the public potable water supplier for the potable water supply; and
- (c) the public potable water supplier for the potable water supply incurs costs (*compliance costs*) in complying with the local government's decision;

the local government must pay the public potable water supplier's compliance costs.'

**'83 Replacement of s 13 (Notification of intention to add fluoride to public potable water supply)**

'Section 13—

*omit, insert—*

**'13 Notification of intention relating to fluoridation of public potable water supply**

- '(1) This section applies if a local government makes a decision (a *fluoridation decision*) to add fluoride, or cease to add fluoride, to the public potable water supply that supplies potable water to the community, or part of its community, in its local government area.
- '(2) The local government must—
  - (a) give the chief executive a notice stating that the local government has made a fluoridation decision and the nature of the decision; and

- (b) publish the notice at least once in a newspaper circulating in the area of the State serviced by the water supply.
- ‘(3) The public potable water supplier for the public potable water supply must, at least 30 days before adding fluoride or ceasing to add fluoride to the water supply—
  - (a) give a fluoridation notice to the chief executive; and
  - (b) publish the fluoridation notice at least once in a newspaper circulating in the area of the State serviced by the water supply.
- ‘(4) In this section—  
*fluoridation notice* means a notice stating—
  - (a) that the local government has made a fluoridation decision; and
  - (b) that the public potable water supplier for the public potable water supply intends to add fluoride or cease to add fluoride to the water supply from a stated day.’.

**‘84 Amendment of s 14 (Only certain persons may add fluoride to a public potable water supply)**

‘Section 14(c), ‘section 21 or 60’—

*omit, insert—*

‘section 60’.

**‘84A Omission of pt 4 (Noncompliance with requirement to add fluoride to relevant public potable water supply)**

‘Part 4—

*omit.*

**‘84B Amendment of s 57 (Definition for div 3)**

‘(1) Section 57, heading, ‘Definition’—

*omit, insert—*

**‘Definitions’.**

- ‘(2) Section 57, definition *the contravention*, ‘section 58(2)(b)’—  
*omit, insert—*  
‘section 58(b)’.

**‘84C Amendment of s 58 (Application of div 3)**

- ‘(1) Section 58(1)—  
*omit.*
- ‘(2) Section 58(2), ‘Subject to subsection (1), this’—  
*omit, insert—*  
‘This’.

**‘84D Omission of pt 7 (Queensland Fluoride Committee)**

‘Part 7—  
*omit.*

**‘84E Amendment of s 85 (Appointments and authority)**

- ‘(1) Section 85(c)—  
*omit.*
- ‘(2) Section 85(d)—  
*renumber* as section 85(c).

**‘84F Amendment of s 87 (Evidentiary provisions)**

‘Section 87(1)(d), ‘or a member of the committee’—  
*omit.*

**‘84G Amendment of s 95 (Protecting officials from liability)**

- ‘(1) Section 95(3), definition *official*, paragraph (c)—  
*omit.*

‘(2) Section 95(3), definition *official*, paragraphs (d) to (f)—  
*renumber* as paragraphs (c) to (e).

**‘84H Amendment of s 96 (Indemnity)**

‘(1) Section 96(1), after ‘indemnify’—  
*insert*—

‘a local government or’

‘(2) Section 96(1), ‘section 7 or 11’—  
*omit, insert*—  
‘section 7’.

**‘84I Amendment of s 100 (Regulation-making power)**

‘(1) Section 100(2)(a)—  
*omit*.

‘(2) Section 100(2)(b) to (f)—  
*renumber* as section 100(2)(a) to (e).’.

**2 Clause 85 (Insertion of new pt 12)**

Page 93, line 10, ‘provision’—

*omit, insert*—

‘**provisions**’.

**3 Clause 85 (Insertion of new pt 12)**

Page 93, lines 15 to 19—

*omit, insert*—

**‘102 Definitions for pt 12**

‘In this part—

*amending Act* means the *South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012*.

*commencement* means the commencement of this section.

*former*, in relation to a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.

*relevant public potable water supply* see former section 6.

**‘103 Adding fluoride to relevant public potable water supply continues**

- ‘(1) This section applies to a public potable water supplier for a public potable water supply that is, immediately before the commencement, adding fluoride to the water supply.
- ‘(2) From the commencement, the public potable water supplier must continue to add fluoride to the water supply until the local government in whose area the potable water is supplied makes a decision under section 7 to cease to add fluoride to the water supply.
- ‘(3) This section applies despite the repeal of former sections 7 and 11.

**‘104 Exemptions and applications for exemptions from requirements to add fluoride to relevant public potable water supply**

- ‘(1) Subsection (2) applies to an exemption given under former section 8 from the requirement under former section 7 for a public potable water supplier for a relevant public potable water supply to add fluoride to the water supply.
- ‘(2) On the commencement, the exemption is of no effect.
- ‘(3) An application for an exemption, made under former section 8 but not decided before the commencement, is taken never to have been made.

**‘105 Dissolution of committee**

- ‘(1) This section applies to the Queensland Fluoridation Committee established under former section 76.

- ‘(2) On the commencement, the committee is dissolved and each person who, immediately before the commencement, was a member of the committee goes out of office.
- ‘(3) No compensation is payable to a member because of subsection (2).’.

**4 Clause 86 (Amendment of schedule (Dictionary))**

Page 93, lines 21 to 26 and page 94, lines 1 to 5—

*omit, insert—*

*‘Schedule, definitions *accepted representations, appointed members, chief dental officer, chief health officer, committee, health executive, proposed action, relevant public potable water supply, show cause notice and show cause period—**  
*omit.’.*

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