

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 230.

Fluoridation of Public Water Supplies.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was vested in the Minister for Health.

Accordingly, as at the date, except where a different intention is clearly indicated, by note or in the text, references in and in relation to this Chapter to—

“the Minister”—should be read as references to the Minister for Health;

“the Department Head”—should be read as references to the Secretary for Health¹.

“the Department”—should be read as references to the Department of Health².

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¹ Previously the Director of Public Health.

² Previously the Department of Public Health.

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CHAPTER NO. 230.

Fluoridation of Public Water Supplies Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
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 - "fluoride"
 - "Inspector"
 - "public water supply"
 - "the regulations"
 - "this Act"
 - "Water Supply Authority".
2. Application.
3. Establishment of Committee.
4. Membership of Committee.
5. Meetings of the Committee.
6. Functions of the Committee.
7. Level of authorized fluoridation.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 230.

Fluoridation of Public Water Supplies Act.

Being an Act to authorize and control the addition of fluoride to public water supplies, and for other purposes.

1. Interpretation.

In this Act, unless the contrary intention appears—

“the Committee” means the Fluoridation Committee established under Section 3;

“fluoride” means sodium fluoride or any other compound of fluorine approved by the Committee in a particular case;

“Inspector” means an Inspector appointed under Section 10;

“public water supply” means a water supply used for supplying water to consumers through a piped reticulation system;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations;

“Water Supply Authority” means the person or authority who has the control of a public water supply, and includes the State.

2. Application.

This Act binds the State.

3. Establishment of Committee.

A Fluoridation Committee is hereby established.

4. Membership of Committee.

(1) The Committee shall consist of six members of whom—

(a) one shall be a dentist in the Public Service, who shall be the Chairman; and

(b) one shall be a medical practitioner in the Public Service, who shall be the Deputy Chairman; and

(c) one shall be an officer of the Department of Public Works.

(2) The members shall be appointed by the Minister by notice in the National Gazette.

5. Meetings of the Committee.

(1) At a meeting of the Committee—

(a) the Chairman or Deputy Chairman and three other members are a quorum; and

(b) the Chairman, or in his absence the Deputy Chairman, shall preside; and

(c) all questions shall be decided by a majority of the votes of the members present; and

(d) the person presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

- (2) The Committee shall keep a record of its proceedings.
- (3) The Committee shall forward minutes of its meetings to the Minister.

6. Functions of the Committee.

- (1) The functions of the Committee are—
 - (a) to investigate the advisability of adding fluoride to a public water supply; and
 - (b) to authorize a Water Supply Authority to add fluoride to the public water supply under its control.
- (2) The Committee may, and if directed by the Minister shall, advise the Minister—
 - (a) on any matter relating to or arising from an application by a Water Supply Authority to fluoridate the public water supply under its control; and
 - (b) on any other matter relating to the fluoridation of water supplies in the country.

(3) In an investigation under Subsection (1), the Committee may require such information as it considers necessary in each case.

7. Level of authorized fluoridation.

The Committee shall not authorize the fluoridation of a public water supply so that the fluoride content of that water supply will exceed 0.8 parts of fluoride per 1 000 000 parts of water.

8. Authorization subject to conditions, etc.

Subject to this Act, an authorization to a Water Supply Authority under Section 6—

- (a) may be granted for such period and subject to such conditions as the Committee thinks necessary or desirable; and
- (b) shall contain a condition requiring the Water Supply Authority to maintain the fluoride content of water in respect of which the authorization is granted at a concentration of not more than a maximum, or less than a minimum, amount of fluoride specified in the authorization.

9. Conditions of fluoridation.

A Water Supply Authority must not add fluoride to a public water supply—

- (a) unless it is authorized so to do under this Act; and
- (b) otherwise than in accordance with this Act and the conditions (if any) of the authorization.

Penalty: A fine not exceeding K1 000.00.

10. Inspectors.

(1) The Minister may, by notice in the National Gazette, appoint a person to be an Inspector for the purposes of this Act.

- (2) The powers and duties of an Inspector are as prescribed.

11. Entry and sampling.

(1) An Inspector and his assistants (if any) may enter on any land and do any other thing that is reasonably necessary for the purpose of taking a sample of water from a public water supply for the purpose of testing and analysing the water.

(2) A person who hinders or obstructs an Inspector or his assistants (if any) in the exercise of his powers under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

12. Annual report.

(1) As soon as practicable after 1 June in each year the Committee shall forward to the Minister a report in a form approved by the Minister on the functioning of this Act and the activities of the Committee in the course of the year preceding that date.

(2) The Minister shall present the report to the Parliament at the next meeting of the Parliament after its receipt by him.

13. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing—

- (a) the protection of persons employed in adding fluoride to a public water supply from inhaling fumes or dust containing fluoride; and
- (b) the qualifications of persons employed in operating plant or equipment used for adding fluoride to a public water supply; and
- (c) the disposal or destruction of containers from which fluoride has been removed for addition to a public water supply; and
- (d) the method by which fluoride may be added to a public water supply; and
- (e) the regulation and maintenance of the fluoride content in the water of a public water supply; and
- (f) the making of analyses and tests; and
- (g) the method of analysis and testing used in determining the fluoride content of water, and the times at which analyses or tests shall be made; and
- (h) the records to be kept by a Water Supply Authority authorized under Section 6; and
- (i) penalties not exceeding fines of K200.00 for offences against the regulations.

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CHAPTER NO. 230.

Fluoridation of Public Water Supplies Regulation.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
“approved”
“Certificate of Competency”.
2. Protective clothing, etc.
3. Wearing of protective equipment, etc.
4. Water Supply Authority to provide washing facilities.
5. Construction of rooms, etc., where fluoride is added.
6. Extraction of dust and vapour.
7. Certificate of Competency.
8. Contents of Certificate of Competency.
9. Suspension or cancellation.
10. Prohibited acts.
11. Disposal of fluoride containers.
12. Method of adding fluoride to a water supply.
13. Maintenance of fluoride concentration.
14. General testing.
15. Particular testing.
16. Records.
17. Inspectors.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 230.

Fluoridation of Public Water Supplies Regulation.

MADE under the *Fluoridation of Public Water Supplies Act.*

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“approved” means approved by the Committee;

“Certificate of Competency” means a Certificate of Competency issued under Section 7.

2. Protective clothing, etc.

(1) A Water Supply Authority must provide each person engaged in adding fluoride to a public water supply controlled by that Authority with—

- (a) a dust mask; and
- (b) an apron; and
- (c) gloves,

of an approved pattern, and with such other approved protective clothing and equipment as is required by the Committee.

(2) A Water Supply Authority must replace, free of charge, any item of protective clothing or equipment specified in Subsection (1) that becomes worn or deteriorated to the extent that it does not afford proper protection.

Penalty: A fine not exceeding K50.00.

3. Wearing of protective equipment, etc.

A person engaged in adding fluoride to a public water supply must—

- (a) wear the protective equipment provided for him by the Water Supply Authority under Section 2, when fluoride is exposed to the air in the course of the operations; and
- (b) keep the protective equipment clean and free from fluoride dust so as to afford adequate protection.

Penalty: A fine not exceeding K50.00.

4. Water Supply Authority to provide washing facilities.

A Water Supply Authority must provide the persons employed in adding fluoride to a public water supply under its control with adequate washing facilities approved by the Committee.

Penalty: A fine not exceeding K50.00.

5. Construction of rooms, etc., where fluoride is added.

The walls and floor of a room or other enclosed space within which any operation in the course of which fluoride is exposed to the air is carried out must be of an impervious material of a type approved by the Committee.

6. Extraction of dust and vapour.

(1) A room or other enclosed space within which any operation in the course of which fluoride is exposed to the air is carried out must be provided with an approved extraction apparatus so operated as to ensure that the concentration of fluoride dust or vapour does not exceed a maximum concentration determined by the Committee.

(2) If the maximum concentration of fluoride dust or vapour exceeds the concentration determined by the Committee under Subsection (1) the Water Supply Authority conducting the operation is guilty of an offence.

Penalty: A fine not exceeding K200.00.

7. Certificate of Competency.

(1) The Chairman of the Committee, or if the Chairman is unable to perform the duties of his office the Deputy Chairman, may grant a Certificate of Competency to a person who is qualified to carry out operations in relation to the addition of fluoride to a public water supply.

(2) In granting a Certificate of Competency, the Chairman or the Deputy Chairman shall comply with any directions given by the Committee as to the qualifications required for the issue of the Certificate.

(3) A Water Supply Authority must not employ a person in an operation in relation to the addition of fluoride to a public water supply unless he holds a Certificate of Competency in respect of the operation.

Penalty: A fine not exceeding K100.00.

8. Contents of Certificate of Competency.

A Certificate of Competency granted under Section 7—

- (a) shall specify the operations that the holder is qualified to carry out in relation to the addition of fluoride to a public water supply; and
- (b) may be made subject to conditions.

9. Suspension or cancellation.

(1) By notice in writing to a Water Supply Authority the Committee may cancel or suspend a Certificate of Competency granted to a person employed by the Authority.

(2) A person aggrieved by a decision of the Committee under Subsection (1) may appeal to the Minister, whose decision is final¹.

(3) Notwithstanding Subsection (2), a cancellation or suspension under Subsection (1) continues in full force and effect until the Minister lifts the suspension or revokes the cancellation, as the case may be.

10. Prohibited acts.

Except in circumstances of emergency (which shall be reported immediately to the Committee), a person being the holder of a Certificate of Competency, who does an act in relation to the addition of fluoride to a public water supply that is—

- (a) not authorized by the Certificate; or

¹ But see Constitution, Section 155.

(b) in breach of a condition of the Certificate,
is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Disposal of fluoride containers.

A person who disposes or attempts to dispose of a container from which fluoride has been removed for addition to a public water supply otherwise than—

(a) by total destruction by fire; or

(b) as ordinary refuse after an approved process of water rinsing has been carried out; or

(c) in any other approved manner,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

12. Method of adding fluoride to a water supply.

(1) Where a Water Supply Authority is authorized to add fluoride to a public water supply, the Authority must ensure that the fluoride so added is fed as a solution or as dry powder into a proved fluoridation plant or equipment.

(2) Where plant or equipment specified in Subsection (1) is designed to accept dry powder, it must be so designed that the fluoride salt dispersed into the water supply is in the form of an aqueous solution.

Penalty: A fine not exceeding K100.00.

13. Maintenance of fluoride concentration.

Plant or equipment shall not be approved under Section 12(1) unless the Committee is satisfied that it is capable of maintaining, at all times and in all circumstances, a concentration in the public water supply in connexion with which it is installed of not less than 0.6 parts of fluoride, or more than 0.8 parts of fluoride, per 1 000 000 parts of water.

14. General testing.

A Water Supply Authority authorized to add fluoride to a public water supply must—

(a) carry out such approved tests in relation to the water supply as are required by the Committee; and

(b) as often as required by the Committee, advise the Committee of the results of the tests.

Penalty: A fine not exceeding K100.00.

15. Particular testing.

Without limiting the generality of Section 14, a Water Supply Authority authorized to add fluoride to a public water supply must, during the six months after the commencement of the operation of adding fluoride to its public water supply—

(a) test the water supply for its fluoride content and record the results of tests from—

(i) a sample of water taken each day from the plant where the fluoride is added to the water supply; and

- (ii) a sample of water taken each day in rotation from supply points, specified by an Inspector, within the system of the water supply; and
- (b) forward the results of the tests to the Committee.

Penalty: A fine not exceeding K100.00.

16. Records.

The Water Supply Authority must maintain such records in relation to the operation of adding fluoride to its public water supply as are required by the Committee, and in particular such records as will account, to the satisfaction of the Committee, for the receipt and disposition of fluoride used in connexion with the addition of fluoride to the public water supply.

Penalty: A fine not exceeding K100.00.

17. Inspectors.

(1) An Inspector may—

- (a) inspect and examine any plant or equipment used by a Water Supply Authority in or in connexion with the fluoridation of a public water supply; and
- (b) direct a person apparently in charge of any such plant or equipment to dismantle the whole or a portion of the plant or equipment for the purpose of facilitating the inspection; and
- (c) direct a person specified in Paragraph (b) to clean, or carry out any operation in relation to, the plant or equipment.

(2) A person who, without lawful excuse (proof of which is on him)—

- (a) obstructs or hinders an Inspector in the exercise of his powers under this section; or
- (b) refuses or fails to carry out a direction of an Inspector under Subsection (1),

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

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CHAPTER NO. 230.

Fluoridation of Public Water Supplies.

SUBSIDIARY LEGISLATION.

Act, Section 4—Ex officio appointment of members of Fluoridation Committee.
Water and Hydraulics Engineer, Department of Public Works¹.

¹ As at the effective date, the Department was the Department of Transport, Works and Supply.

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CHAPTER NO. 230.

Fluoridation of Public Water Supplies.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE FLUORIDATION OF PUBLIC WATER SUPPLIES ACT.

Part A.—Previous Legislation.

Fluoridation of Public Water Supplies Act 1965 (No. 7 of 1965).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References ¹ .	Section, etc., in Revised Edition.	Previous References ¹ .
1	4	8	13
2	3	9	14
3	5	10	15
4	6, 7	11	16
5	8	12	17
6	9, 10, 11	13	18
7	12		

¹ Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE FLUORIDATION OF PUBLIC WATER SUPPLIES REGULATION.

Part A.—Previous Legislation.

Fluoridation of Public Water Supplies Regulations 1966 (Statutory Instrument No. 19 of 1966)

as amended by—

Statutory Instrument No. 56 of 1968.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References ¹ .	Section, etc., in Revised Edition.	Previous References ¹ .
1	2	10	11
2	3	11	12
3	4	12	13
4	5	13	14
5	6	14	15
6	7	15	16
7	8	16	17
8	9	17	18
9	10		

¹ Unless otherwise indicated, references are to the regulations set out in Part A.