

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ELECTRICITY AND WATER (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health

Wayne Berry MLA

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Outline

This is an amending Bill. It amends Part VIII A of the *Electricity and Water Act 1988*, referred to in the amending Bill as the Principal Act.

Part VIII A was inserted into the Principal Act in September 1989 as a result of the passage of a private member's Bill. The part deals with chemical treatment of the Territory water supply. It prohibits the addition of chemicals to the water supply but provides for specific exemptions to that general prohibition.

Part VIII A provides that the addition of fluoride is a specified exempt chemical treatment, provided that fluoride is added in accordance with the views of the Territory electors voting on this issue at a referendum.

From September 1989 Part VIII A of the Principal Act operated to prohibit the addition of fluoride to the Territory water supply. Fluoridation of Territory water recommenced following the suspension of Part VIII A, by the provisions of the *Water Supply (Chemical Treatment) Act 1989*, passed by the Legislative Assembly on 18 October 1989. The *Water Supply (Chemical Treatment) Act 1989*, as amended, suspends the operation of Part VIII A of the Principal Act until 31 August 1991.

Without amendment to the *Electricity and Water Act 1988*, as of 1 September 1991, Part VIII A of that Act would again operate to prohibit the addition of fluoride to the Territory water supply until such time as fluoridation might be approved in a referendum.

The amendments to Part VIII A of the Principal Act will remove the requirement that fluoridation be approved in a referendum and enable the continued fluoridation of the Territory water supply at a maximum concentration of one milligram per litre. This is the concentration of fluoride recommended by the National Health and Medical Research Council and the concentration at which fluoride is currently added to Territory water.

Revenue/Cost Implications

The Bill has no revenue or cost implications.

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Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the short title of the Bill and the definition of the Principal Act.

Interpretation

Clause 3 amends the Principal Act by deleting from section 74A the definition of 'elector of the Territory'. The removal of this definition is consequential upon the deletion of sections 74E and 74F of the Principal Act, which deal with the holding of a referendum on fluoridation.

Exempt Treatments

Clause 4 repeals section 74D of the Principal Act. This section exempts the addition of fluoride, subject to the holding of a referendum on this issue, from the general prohibition, under the Act, on adding chemicals to the water supply of the Territory.

Clause 4 substitutes a new section 74D which will enable the addition of fluoride at a concentration not exceeding one milligram per litre to the Territory water supply.

Referendum on fluoridation

Clause 5 repeals sections 74E and 74F of the Principal Act. These sections deal with the holding of a referendum on the issue of fluoridation of the Territory water supply.