

Changes to the *Water Fluoridation Act 2008*

Frequently Asked Questions

18 December 2012

Schemes currently fluoridating

Can a local government elect to cease fluoridating communities that are currently fluoridated?

Yes

What is the process?

Prior to ceasing fluoridation of a water supply that is currently fluoridated the local government must have made a determination that ceasing fluoridation is in the best interests of the community.

Once a decision has been made the local government must notify Queensland Health and publish a notice detailing the nature of the decision at least once in a newspaper circulating in the area serviced by the water supply to which the decision relates.

If the local government is not the water supplier for the community the water supplier must be informed of the decision and is bound by the Act. South East Queensland (SEQ) local governments should refer to the section below 'SEQ and schemes where the local government is not the water supplier'.

At least 30 days prior to actually ceasing fluoridation, the water supplier must notify Queensland Health and again publish a notice at least once in a newspaper circulating in the area service by the water supply indicating the date it intends to cease fluoridation.

If a non-SEQ local government chooses to cease fluoride dosing in certain communities, what costs incurred to date will be reimbursable?

The majority of water suppliers outside SEQ that are currently fluoride dosing would have signed financial agreements under the Queensland Fluoridation Capital Assistance Program (QFCAP) administered by with the Department of State Development, Infrastructure and Planning (DSDIP) to cover up to 100 per cent of costs associated with the installation of fluoride dosing infrastructure. Where there are still claims outstanding under this program these may be submitted to DSDIP even if it is the local government's decision to cease operation of the relevant infrastructure.

All QFCAP claims must be finalised prior to 30 June 2014 when this funding expires.

The following are not reimbursable:

- costs associated with making the decision to cease fluoridation, including costs associated with compensation to other local governments or the water supplier
- costs associated with the safe decommissioning of fluoride dosing infrastructure
- costs associated with the operation and maintenance of fluoride dosing infrastructure including chemicals, power, operator wages and laboratory testing.

What do we do with plant, equipment and consumables?

Where a decision to cease fluoridation is made under the Act the water supplier should ensure that the fluoride dosing facility is fully decommissioned and any remaining fluoride chemicals are disposed of, or removed from site, in compliance with legislative requirements pertaining to those particular chemicals.

Decommissioning should include the physical removal of the fluoride injection point, not just turning off the valve.

Schemes yet to commence fluoridating

Will costs incurred in scoping to date be reimbursed if a local government determines it is not in the best interests of a community to proceed with fluoridation?

Yes, costs incurred in preparation for the installation of fluoride dosing infrastructure (concept design and tender related costs etc.) incurred in good faith will be reimbursed by the QFCAP administered by DSDIP.

Guidelines around reimbursements of costs where local governments choose not to fluoridate are currently being developed.

Costs associated with the making of the decision not to implement fluoridation cannot be claimed.

If a local government is part way through implementation and determines it will not implement fluoridation will the cost of contract penalties be covered?

DSDIP is still considering this matter but the maximum amount available for reimbursement will not exceed the approved funding amount stated in the financial incentive agreement.

If a local government elects to continue and implement fluoridation, will all eligible costs be met?

All local governments deciding to proceed with implementation of fluoridation will be able to claim up to 100 per cent funding for the lowest cost option for the installation of fluoride dosing infrastructure. This funding is available from the QFCAP administered by DSDIP.

All funding claims made under this program must be finalised by 30 June 2014.

The water supplier must operate the plant in accordance with the requirements of the *Water Fluoridation Act 2008*, *Water Fluoridation Regulation 2008* and Code of Practice. The supplier must meet all ongoing operation and maintenance costs.

Will an operating cost support fund be established to support smaller local governments?

At present the government has not announced any financial assistance for ongoing operation and maintenance costs associated with fluoride dosing infrastructure.

Will there be an opportunity in the future for capital support costs if a local government decides to proceed with fluoridation?

The QFCAP administered by DSDIP currently provides up to 100 per cent funding for the costs associated with the installation of fluoride dosing infrastructure.

This funding expires on 30 June 2014. At present there are no arrangements in place to assist local governments in meeting the costs of fluoride dosing infrastructure beyond this date.

SEQ and schemes where the local government is not the water supplier

Where the local government is not the water supplier, who makes the decision about whether fluoridation is in the best interests of the community?

The decision as to whether fluoridation is in the best interests of the community is always to be made by the local government.

Where the local government is not the water supplier, the Act gives provision for the local government to consult with the water supplier about the cost implications, infrastructure arrangements and potential impact on other water supplies before making a decision as to whether fluoridation is in the best interests of a community.

Where the local government is not the water supplier, does the water supplier have to act on the decision to implement or cease fluoridation for a community?

Yes, the Act states that the water supplier must comply with the decision made by the local government.

Where the local government is not the water supplier and there are costs to the water supplier associated with implementing or ceasing fluoridation in line with a local government decision, who pays?

If a water supplier incurs costs in complying with the decision of a local government to implement or cease fluoridation the Act requires the local government to meet these costs.

If a SEQ local government considers the interests of their communities are best served by discontinuing the supply of fluoridated water, how can they achieve this?

The scenarios below provide some guidance on this point:

For communities served by grid-connected water supply infrastructure, if all local governments in SEQ jointly make the decision to cease fluoridation of the drinking water that is supplied to them (or to their jointly owned distributor/retailers) by Seqwater, then Seqwater would have to cease fluoridation at all of their water treatment plants.

If only some local governments decided that the supply of fluoridated water to some part or all of their local government area should cease, but others wanted to continue fluoridation, then the obligation would lie with those local governments intending to discontinue fluoridation to implement this decision by negotiation with Seqwater and, potentially, the other impacted local governments. The negotiations would have to address measures to ensure there was no adverse impact on the water supply arrangements for other local governments in the SEQ region. All costs faced by Seqwater or the other impacted local governments, would be the responsibility of the local government or governments that took the decision to cease fluoridation.

Because of the interconnected nature of the water grid in SEQ, Seqwater would have to undertake a case by case analysis should an SEQ local government wish to consider opting out of fluoridation. Seqwater has indicated it is ready to work with SEQ local government or their water distributor retailers to provide more information if it is requested.

A number of Seqwater-owned water treatment plants are not grid-connected, and serve only one local government area. In these cases, if the relevant local government's community or communities served by the Seqwater treatment plant decides to discontinue water fluoridation, then Seqwater would have to cease adding fluoride to the relevant water supply.

Best interests of the community

How does a local government determine whether fluoridation is in the best interests of the community?

Queensland Health will not direct a local government as to how they determine what is in the best interests of their communities.

Local governments should note that fluoridation has been proven as a safe and effective means of preventing tooth decay, for people of all ages and not just for children, and is supported by

peak health bodies including the National Health and Medical Research Council, the Australia Dental Association, the Australian Medical Association and the World Health Organization.

When considering whether fluoridation is in the best interests of a community, Queensland Health recommends local governments consider the significant oral health benefits that are associated with drinking water fluoridation.

The Queensland Government will cover up to 100 per cent of the costs associated with the installation of fluoride dosing infrastructure, local governments should carefully balance the costs to rate payers of operating and maintaining fluoride dosing infrastructure against the cost to rate payers of dental visits associated with tooth decay.

Local governments are urged to ensure they consider their community as whole and not just the opinions of vocal anti-fluoride campaigners. Local governments should note that until the recent changes in the fluoride legislation those who are pro-fluoride have had no reason to voice their support and will not be well-versed in campaigning methods. Councillors should note that a Local Government Association of Queensland survey in 2005 showed that nearly 60 per cent of Queenslanders surveyed favoured fluoridation, while only 21 per cent were opposed to fluoridation. The government believes that this strong community support for fluoridation should be considered and not just the views of a noisy minority.

How can a local government dispel myths associated with fluoridation and get more information on the health benefits of fluoridation?

Queensland Health is able to offer the services of oral health professionals to brief local government representatives on the health benefits of fluoridation and to assist Councillors to determine the credibility of common pro and anti-fluoridation arguments.

To arrange a briefing, please contact Dr Greg Jackson, Director Water Program, Queensland Health on (07) 332 89345.

Miscellaneous questions

Are exemption applications granted or made under the old version of the Act valid?

Any exemption given or exemption application made under the prior to the recent amendments of the Act, has no effect as fluoridation is no longer mandatory.

Will the state indemnify a local government against all costs and expenses properly incurred, and not recovered, by it in relation to any proceeding taken against the local government as result of making a fluoridation decision?

Yes, local governments have been added to section 96 of the *Water Fluoridation Act 2008* which deals with the provision of indemnity.

What requirements does a water supplier have to comply with if they decide to continue or proceed with the implementation of fluoridation?

These have not changed with the recent amendments to the Act. A water supplier adding fluoride to a public potable water supply must comply with the requirements of the *Water Fluoridation Act 2008*, *Water Fluoridation Regulation 2008* and Queensland Water Fluoridation Code of Practice.

Can fluoride tablets be provided as an alternative to water fluoridation?

Fluoride supplements, such as tablets and drops, do not provide the same benefit as water fluoridation for several reasons:

- they are most likely to be used by the people who need them least—children with good oral hygiene and healthy diets
- people who brush their teeth regularly with fluoridated toothpaste receive little, if any, additional benefit from fluoride tablets when sucked or swallowed once a day
- people may not remember to take them, or may take too many
- they increase the risk of dental fluorosis, without clear benefits
- animal experiments have shown that fluoride given once a day is more likely to cause fluorosis than the same amount of fluoride given intermittently throughout the day, as occurs with fluoridated water.

Since 2006, the Australian Research Centre for Population Oral Health has recommended that fluoride supplements should not be used. Therefore, since 2006, fluoride supplements have been progressively phased out nationwide.

Queensland Health does not support the use of fluoride tablets.