

Item 15.13 Legal Advice on Water Fluoridation

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLVED

That Council:

1. Note the report and the attached legal advice on water fluoridation dated 17 April 2019.
2. Request the General Manager instruct Lindsay Taylor Lawyers to write to the Therapeutic Goods Administration (TGA) outlining Council's situation, attaching the recently received and above-mentioned legal advice and requesting:
 - a) Full details of what is involved in securing a license/registration for the manufacture, presentation and supply of an orally-consumed therapeutic good, including issues such as toxicological studies etc.
 - b) That if different to the request made in 2 a) above, details of what would be involved for licensing/registration of reticulated fluoridated drinking water for manufacture, presentation and supply,
requesting a substantive reply from TGA by 31 July 2019.
3. Request the General Manager write to NSW Health, outlining Council's situation, attaching the above-mentioned legal advice and letter to the TGA and requesting NSW Health's opinion on the issues raised, by 31 July 2019.
4. Request the General Manager provide a copy of the above-mentioned letters and legal advice to the relevant State and Federal Health Ministers, and the local State and Federal members of Parliament.
5. Request the General Manager write to the Presidents of Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) (attaching the legal advice and the above-mentioned letters to NSW Health and the TGA), requesting that they raise this issue of significant public interest promptly with their respective Boards and subsequently their members, with a view to their associations forming a position on this issue so that they can advocate for and on behalf of Council with regard to the constitutionality or otherwise of reticulated water fluoridation.
6. Make public the above-mentioned legal advice, including on Council's website.
7. Authorise the General Manager to obtain further legal advice as necessary and to keep Councillors informed of such advice.

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil