

21 December 2023

Dr Diana Sarfati  
Director-General of Health  
[REDACTED]

Tēnā koe Diana

**Re: Community Water Fluoridation – Levin Drinking Water Supply**

Horowhenua District Council (HDC) previously requested on 24 February 2023 to amend the compliance date for fluoridating the Levin drinking water supply from 31 July 2023 to 30 April 2024. Your letter dated 28 March 2023 accepted our proposed extension of time in accordance with section 116I of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (the Act), where we are required to ensure that we are fluoridating at the optimal levels (between 0.7ppm to 1ppm, parts per million) at the Levin supply by 30 April 2024.

I also refer to your letter dated 17 November 2023 which informed HDC of the recent judicial review of the directions issued by the Director-General of Health in July 2022. As stated in your letter the Court has not quashed the directions, and at this time the directions remain in force. It is our understanding that further review of the fluoridation directive will be taken to the High Court in February 2024 where a decision will be made if the directive remains in force.

At the recent Council meeting on 13 December 2023, elected members discussed the fluoridation project and the implications of your letter dated 17 November 2023. The current Council is split on a way forward, and on this basis at this stage, I do not have sufficient mandate to continue with the project, therefore are needing to stop any further work on the Levin fluoridation project as at 14 December 2023 until such time as a final decision has been made at the High Court review in February 2024. Some Elected Members have signalled an interest in consulting with the community in order to honour any commitments to the NZ Bill of Rights Act 1990, a matter which we understand the courts are considering.

In the event that the direction remains in force, HDC are seeking an extension of time to fluoridate Levin Drinking Water Supply in accordance with section 116I of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (the Act). We are proposing a new date of 30 June 2024 which will allow time for the High Court decision, any subsequent guidance or action that follows from that decisions and sufficient time to complete the fluoride project.

As HDC entered into a contract with Filtec on 11 October 2023 for the design & build of the new fluoride dosing plant, we will be engaging with Allen & Clarke in relation to options for recovery of costs to date via a separate contract or separable portion to cover work to date and committed materials purchase (~\$450k).

I look forward to your response and please do not hesitate to contact me if you require any further information.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Monique Davidson'. The signature is written in a cursive, flowing style.

Monique Davidson  
Chief Executive