

7 May 2024

Dr Diana Sarfati
Director-General of Health
E: [REDACTED]
E: Fluoride@health.govt.nz

Dear Dr Diana Sarfati

Fluoridation Direction - Request for an Extension

I am writing to you regarding our request to amend the date for fluoridating the Levin drinking water supply.

On 28 March 2023 we obtained approval from you for an 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.

We also wrote to you on 21 December 2023 with a further request to extend our compliance date to 30 June 2024 due to the recent judicial review of the directions. You responded on 19 January 2024 provided an update on the High Court preliminary findings and informed that a second hearing was scheduled for February 2024, but no approval was given for our requested time extension to 30 June 2024.

A further letter was received from you on 22 February 2024 providing an update on the judicial review from the second hearing. This letter also informed us that the directions remain in place, however the Judge directed that MoH assess whether the directions made in 2022 were, in terms of section 5 of the New Zealand Bill of Rights Act, a justified limit on the right to refuse medical treatment that is provided for in section 11 of the New Zealand Bill of Rights Act.

We have been informed by your staff that a timeframe cannot be given as to when this assessment will be completed, or whether the direction will remain in force.

In the event that the direction remains in force following your assessment, HDC is seeking an extension of time to fluoridate the 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 December 2024 which will allow time for your review, any subsequent guidance or action that follows from that review and sufficient time to complete the fluoride project.

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

Yours sincerely

A handwritten signature in black ink that reads "Davidson". The signature is written in a cursive style with a large, prominent 'D' and a long, sweeping tail.

Monique Davidson
Chief Executive