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Tēnā koe Alex

Community water fluoridation extension request

Thank you for your letter of 24 May 2024, seeking an extension to the compliance date for the Director-General of Health direction to the Waitaki District Council to fluoridate the Ōamaru water supply.

Your letter requests an extension due to ambiguity arising from litigation processes. As was confirmed by the High Court in the 16 February relief decision, the directions remain valid. This was again confirmed in a recent decision of the High Court on 24 May 2024¹, in which the Court dismissed a challenge which sought to prevent a local authority's implementation of my directions to fluoridate. That being so, I will not be granting extensions because of legal uncertainty raised by litigation processes.

It is good to hear that you are prepared to fluoridate the Ōamaru water supply, and I look forward to hearing about its commencement by the compliance date of 30 June 2024.

Waitaki District Council's role in community water fluoridation

I would like to take this opportunity to remind you that by amendments passed in 2021 Parliament added Part 5A to the Health Act 1956. That Part empowers the Director-General of Health to direct councils to fluoridate water supplies, and provides that councils must comply with the Director-General's directions. The recent decision of the High Court on 24 May 2024 confirmed that the current directions are valid, and that councils subject to a direction are under a statutory duty of mandatory compliance. Under Part 5A contravening a direction is an offence, and the statute provides for potentially significant penalties.

Thank you for your ongoing collaboration as we work to improve the oral health of the communities we each serve.

Nāku noa, nā



Dr Diana Sarfati
Director-General of Health
Te Tumu Whakarae mō te Hauora

¹ Fluoride Action Network (NZ) Inc v Hastings District Council [2024] NZHC 1313, available at https://www.justice.govt.nz/jdo/documents/workspace_SpacesStore_e63abcf0_b2d7_4e9c_bfbd_8907f82dca16.pdf