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Tēnā koe Garry

### **Update on directions for community water fluoridation**

As you may be aware, in June 2023, New Health New Zealand Incorporated filed an application for judicial review of the directions issued by the Director-General of Health in July 2022, that required 14 local authorities to fluoridate one or more of their drinking water supplies. Your local authority was one of those issued with a direction.

On 10 November 2023, the High Court issued its judgment on the preliminary issue, finding that the Director-General of Health made an error of law by not explicitly considering the rights under the New Zealand Bill of Rights Act 1990 in making a decision on each direction.

The implications of the judgment are being considered by Manatū Hauora (Ministry of Health). It's important to note that the Court has not quashed the directions, and at this time the directions remain in force. Manatū Hauora will continue to support you to implement your direction, including by providing funding for the capital works.

Should you wish to read the judgment, you can find it on the Courts of New Zealand website, at [2023-NZHC-3183.pdf \(courtsofnz.govt.nz\)](https://www.courtsofnz.govt.nz/2023-NZHC-3183.pdf).

The decision pertains to the process required to be used in deciding to issue a direction. The judgment is not about the public health merits of fluoridation, or whether fluoridation can be justified under the New Zealand Bill of Rights Act 1990.

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

If you have any questions or would like to contact the team, please continue to use the email address: [fluoride@health.govt.nz](mailto:fluoride@health.govt.nz). The team is more than happy to respond to any inquiries.

Nāku noa, nā



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