



Ref: [REDACTED]

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

18 June 2024

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nelson.govt.nz



Dear [REDACTED]

OFFICIAL INFORMATION REQUEST – FLUORIDATION

I refer to your official information request dated 23 May 2024 regarding fluoridation of the Nelson City Council water supply.

Your request is reproduced here, with our responses below each part.

1) *'The Nelson Clean Water Coalition formally requests in writing that the Nelson City Council confirm it will not proceed with fluoridation of Nelson's water supply before the 31 December 2024.*

This request for confirmation is because neither the Mayor or CEO have shown us the professional courtesy of replying to our emails and letter requesting this. See attached file dated 12 April 2024.

Thank you.

I refer you to the attached letter of 22 February 2024 from the Director General of Health. In line with this letter Nelson City Council is continuing with the construction of the fluoridation infrastructure and will await further advice from the Director General of Health prior to commencing fluoridation of the Nelson City Water Supply.

You have the right to seek an investigation and review by the Ombudsman of this response and also in relation to the extension of the statutory deadline. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Yours sincerely

David Light
Acting Group Manager Infrastructure

Internal Document ID: [REDACTED]



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22 February 2024

Hon Dr Nick Smith
Mayor of Nelson
mayornick@ncc.govt.nz

Tēnā koe Nick

Extension for direction to fluoridate the Nelson water supply

Thank you for your letter to the Minister of Health, Hon Dr Shane Reti, outlining your concerns regarding the uncertainty around the Director-General of Health's direction to fluoridate the Nelson water supply.

As you are aware, this uncertainty is due to the ongoing judicial review proceedings filed by New Health New Zealand regarding the process and the science supporting the Director-General of Health's decision making on directions to fluoridate in 2022.

On 10 November 2023, the High Court issued its judgment on the preliminary issue, finding that in making a decision on each direction, 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. There was a second hearing on 2 February 2024 to consider any relief from this initial judgment.

The Judge decided that the directions remain in place. However, the Judge also directed the Director-General of Health to assess whether each the 14 directions made in 2022 was 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.

I understand that the ongoing nature of the judicial review process has caused uncertainty, so I have decided to agree to your request for an extension.

In accordance with section 116I of the Health Act 1956, you are required to ensure that you are fluoridating at the optimal levels (between 0.7mg/L and 1.0mg/L) at the Nelson supply by 31 December 2024. Contravening these requirements, or permitting these requirements to be contravened, constitutes an offence under section 116J of the Act.

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

Nāku noa, nā



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

CC: Nigel Philpott, Chief Executive Nelson City Council
nigel.philpott@ncc.govt.nz