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Tēnā koe Nigel

Continuation of community water fluoridation direction

On 22 February I wrote to you to let you know that I would carry out an assessment under the New Zealand Bill of Rights Act 1990 (NZBORA), for each of the directions to fluoridate that were made in 2022.

I am now contacting you to let you know the outcome of my reconsideration of your direction as a result of that assessment.

My assessment is that, in terms of section 5 of the NZBORA, community water fluoridation in the Nelson water supply is a justified limit on the right to refuse medical treatment that is provided for in section 11 of the NZBORA.

I consider that:

- a. due to the high prevalence and the potential for lifelong impacts of poor oral health, the oral health benefits gained from community water fluoridation are sufficiently important to justify the curtailment of the right.
- b. according to the available scientific evidence, water fluoridation within the optimal range provides protection against dental caries, so there is a rational connection between community water fluoridation and public health goals related to oral health.
- c. community water fluoridation is an effective public health measure and impairs the right no more than is reasonably necessary, when fluoridation is kept within the optimum range, to achieve oral health benefits for a whole community.
- d. taking into account the effectiveness of community water fluoridation as a public health measure, and its benefits in particular for the communities that need it most, and that the scientific evidence shows water fluoridation at optimal levels is safe and does not give rise to significant health risks, the limit on the right is in due proportion to the importance of the overall objective.

On this basis, I am reconfirming the direction to fluoridate the Nelson drinking water supply by 31 December 2024.

The NZBORA analysis will be published on the Ministry of Health | Manatū Hauora website, and you can find that at: <https://www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/oral-health/implementation-of-community-water-fluoridation>.



To inform my assessment, Manatū Hauora also carried out a review of the latest scientific evidence relating to community water fluoridation. A copy of the report will also be published on the Manatū Hauora website at: <https://www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/oral-health/community-water-fluoridation-policy>.

As you are aware, Part 5A of the Health Act 1956 empowers the Director-General of Health to direct local authorities to fluoridate water supplies, and provides that local authorities must comply with the Director-General's directions. Under Part 5A contravening a direction is an offence, and the statute provides for potentially significant penalties.

Manatū Hauora continues to support community water fluoridation as a safe, effective and affordable way to improve the oral health of communities in Aotearoa New Zealand.

I look forward to continuing to work with the Council to improve the oral health outcomes of the communities we serve.

Nāku noa, nā

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

PROACTIVELY RELEASED