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# Supreme court grant right for another appeal for New Zealand's fluoride "test case"

Taryn Utiger and Kirsty McMurray · 16:42, February 21 2017



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The South Taranaki District Council's fluoride case has been bouncing around the court system since 2012.

The controversial and costly legal battle to fluoridate the water supply in two small Taranaki towns is heading back to court – again.

In October last year the South Taranaki District Council won a four-year court battle for the right to fluoridate the water supplies of Patea and Waverley.

But, that ruling has now been put in doubt.

This week the Supreme Court of New Zealand granted New Health New Zealand the right to appeal that decision.

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The original case was brought against the council by New Health New Zealand after the council's 2012 decision to add fluoride to the water supply.

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New Health argued fluoride was a medicine, and therefore individuals had the right to refuse it.

It took the matter to the High Court, and then appealed that court's decision, and that appeal eventually ruled in favour of the council.

The ongoing legal case has been described as a fluoride "test case for New Zealand" and it has already cost \$320,000 to defend.

On Tuesday New Health's lawyer Lisa Hansen said the group was pleased with the Supreme Court's ruling and it would indeed be beginning the appeal process.

She said New Health believed the council had no legal right to add fluoride to the water supply and that fluoridation breached section 11 of the New Zealand Bill of Rights Act, which gave people the right to refuse to undergo medical treatment.

She said she did not want to comment about the Health (Fluoridation of Drinking Water) Amendment Bill, which is before a select committee in Parliament.

If passed, that bill would transfer the power to fluoridate water supplies from district councils to district health boards.

"I wouldn't want to speculate. We don't know if the bill will even be passed," Hansen said.

South Taranaki District Council's corporate services group manager Phillippa Wilson said the council had only just received the Supreme Court's ruling and had not yet had time to consider it.

She said the council had spent a significant amount of time and effort on this issue since 2012, and had already been successful in the appeals to the High Court and the Court of Appeal.

"The costs to date are in excess of \$320,000," she said.

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