



**To:** The Registrar of the High at New Plymouth  
**And to:** The plaintiff (New Health New Zealand Inc.)  
**And to:** The defendant (The South Taranaki District Council)

**This document notifies you that**

1. The Attorney-General will on \_\_\_\_\_ apply to the court for an order permitting the Attorney-General to intervene and be heard in this proceeding.
2. The ground on which the order is sought is that the proceeding raises issues of general public importance concerning the New Zealand Bill of Rights Act 1990.

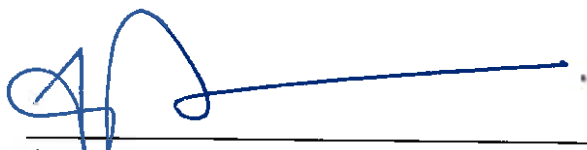
***Particulars***

- 2.1 The plaintiff by its statement of claim advances an argument that the proposal by the South Taranaki District Council to fluoridate the public water supplies serving Patea and Waverley will limit the right guaranteed by s 11 of the New Zealand Bill of Rights Act 1990 to refuse medical treatment.
- 2.2 A significant number of local authorities throughout New Zealand either currently add fluoride to water supplies, or are considering doing so. Whether such action is consistent with a right guaranteed under the New Zealand Bill of Rights Act 1990 is a question of general public importance.
- 2.3 Section 11 uses but does not define the term “medical treatment” and there is little New Zealand authority on the essential characteristics of medical treatment for the purpose of that right and the extent to which steps taken to enhance public health will amount to medical treatment. The scope of s 11 is of general public importance.
- 2.4 If adding fluoride to water was found to constitute medical treatment, another issue will arise in the proceeding that is not currently identified by the parties, namely whether s 11 is a right

that has a minimum threshold before it is engaged. That is also a question of general public importance.

3. The appropriateness of intervention by the Attorney-General in respect of issues that are of general importance is well accepted: see *Auckland Area Health Board v Attorney General*<sup>1</sup>; *ENZA Ltd v Apple and Pear Export Permits Committee*<sup>2</sup> and *Greenpeace New Zealand v Genesis Power Ltd*<sup>3</sup>.
4. The application is made in reliance on r 4.27 of the High Court Rules 2008 and the Court's inherent jurisdiction.

Date: 2 July 2013



A.M. Powell  
Counsel for the Attorney-General

This document is filed by AUSTIN MATTHEW POWELL, Senior Crown Counsel, solicitor for the Attorney General, of Crown Law.

The address for service of the Attorney-General is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the Attorney-General may be left at the physical address above for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (c) transmitted to the solicitor by facsimile to 04 473 3482; or
- (d) emailed to the solicitor at [austin.powell@crownlaw.govt.nz](mailto:austin.powell@crownlaw.govt.nz)

<sup>1</sup> *Auckland Area Health Board v Attorney General* [1993] 1 NZLR 235, 240 (HC)

<sup>2</sup> *ENZA Ltd v Apple and Pear Export Permits Committee* (2001) 15 PRNZ 303, 305-306 (HC)

<sup>3</sup> *Greenpeace New Zealand v Genesis Power Ltd* [2009] 1 NZLR 730 (SC)