



Proactive Release

The following document has been proactively released by the Department of the Prime Minister and Cabinet on behalf of Rt Hon Christopher Luxon, Prime Minister:

Documents held by the Prime Minister's office relating to the Smith v Fonterra litigation and related matters

The following documents have been included in this release:

Part 1 General documents

Item	Date	Document title, subject line or description	Decision
	August 2026	Background to the proactive release and information included	Release in full

Part 2 Information relating to the Smith v Fonterra Co-operative Group litigation

Item	Date	Subject line and attachments	Decision
Item 01	7/02/2024	RE: Lines: Smith v Fonterra - bullet points for PMO	Some information withheld under: s9(2)(a) s9(2)(h)
Item 02	7/02/2024	RE: Lines: Smith v Fonterra - bullet points for PMO [Article from Energy News (7/02/2024) " <i>Climate activist cleared to sue emitters</i> " is publicly available, but behind a paywall. Link to article. https://www.energynews.co.nz/news/climate-change/151880/climate-activist-cleared-sue-emitters]	Some information withheld under: s9(2)(a) s9(2)(b)(ii) s9(2)(h)
Item 03	7/02/2024	FW: Smith v Fonterra - bullet points for PMO	Some information withheld under: s9(2)(a) s9(2)(h)
Item 04	30/08/2024	FW: Additional letter to Attorney-General from the New Zealand Law Society <i>Attachments – not included here:</i> • 30/08/2026 letter from the New Zealand Law Society to the Attorney-General • 23/08/2026 letter from the New Zealand Law Society to the Attorney-General <i>[Both letters are published on the NZ Law Society website at:</i> • 23 August 2026 • 30 August 2026	Some information withheld under: s9(2)(a)
Item 05	29/10/2024	FW: S v F meeting notes <i>Attachment:</i> [withheld in full under s9(2)(h)]	Some information withheld under: s9(2)(a) s9(2)(h)



Item	Date	Subject line and attachments	Decision
Item 06	1/11/2024	RE: S v F meeting notes	Some information withheld under: s9(2)(a) Some duplicate information

Part 3 Information relating to the response to the litigation leading to the Climate Change Response (Tort Liability) Amendment Bill

Item	Date	Subject line and attachments	Decision
Item 07	12/02/2024	RE: Smith v Fonterra- reasoning and implications	Some information withheld under: s9(2)(a) s9(2)(h)
Item 08	26/02/2024	RE: [Withheld under s9(2)(h)]	Some information withheld under: s9(2)(a) s9(2)(h)
Item 09	28/02/2024	FW: AM on Smith v Fonterra <i>Attachment:</i> Briefing 23/02/2024 from MOJ to the Minister of Justice "Supreme Court decision in Smith v Fonterra".	Some information withheld under: s9(2)(a) s9(2)(g)(i) s9(2)(h)
Item 10	6/03/2024	[Email withheld in full under s9(2)(h)] <i>Attachments:</i> - Letter (6/03/2024) from the Attorney-General to the Prime Minister and other Ministers "Options for legislative reform following Smith v Fonterra [2024] NZSC 5" [Briefing withheld in full under s9(2)(h)]	Some information withheld under: s9(2)(a) s9(2)(h) Some duplicate information
Item 11	17/06/2024	LEGALLY PRIVILEGED - FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation <i>Attachments:</i> - Briefing (4/06/2024) from MfE (now MCERT) to the Minister of Climate Change "Options for responding to Smith v Fonterra Litigation" [Duplicate] Letter (6/03/2024) from the Attorney-General to the Prime Minister and other Ministers "Options for legislative reform following Smith v Fonterra [2024] NZSC 5" [Duplicate: Briefing withheld in full under s9(2)(h)]. - Letter (14/03/2024) from Minister of Justice to Attorney General "RE: Options for legislative reform following Smith v Fonterra [2024] NZSC 5".	Some information withheld under: s9(2)(a) s9(2)(g)(i) s9(2)(h) Some duplicate information
Item 12	10/09/2024	FW: AM on Smith v Fonterra	Some information withheld under: s9(2)(a)



Item	Date	Subject line and attachments	Decision
		<i>Attachment:</i> [Duplicate] Briefing 23/02/2024 from MOJ to the Minister of Justice “ <i>Supreme Court decision in Smith v Fonterra</i> ”.	s9(2)(g)(i) s9(2)(h) Some duplicate information
Item 13	10/09/2024	FW: Letter from the Attorney-General: Smith v Fonterra [2024] NZSC 5 <i>Attachments:</i> [Duplicate] Letter (6/03/2024) from the Attorney-General to the Prime Minister and other Ministers “<i>Options for legislative reform following Smith v Fonterra [2024] NZSC 5</i>” [Duplicate: Briefing withheld in full under s9(2)(h)].	Some information withheld under: s9(2)(a) Some duplicate information
Item 14	12/09/2024	[FW: [LEGALLY PRIVILEGED] FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation <i>Attachment:</i> [Duplicate] Briefing (4/06/2024) from MfE (now MCERT) to the Minister of Climate Change “ <i>Options for responding to Smith v Fonterra Litigation</i> ”	Some information withheld under: s9(2)(a) s9(2)(h) Some duplicate information
Item 15	30/03/2026	Ministerial consultation (SOU) - Targeted reform of emissions-related torts <i>Attachment:</i> Draft Cabinet Paper “ <i>Policy decisions on targeted reform of emissions-related torts</i> ” The final paper with related Cabinet Minute is available on the Ministry of Justice website , from Page 52.	Some information withheld under: s9(2)(a) s9(2)(g)(i)
Item 16	8/05/2026	FW: For weekend bag: aide-memoire [<i>withheld under s9(2)(h)</i>] [CLODOCS.JUS043.1305.FID592215] <i>Attachment:</i> Aide-mémoire [<i>withheld in full under s9(2)(h)</i>]	Some information withheld under: s9(2)(a) s9(2)(h)
Item 17	28/02/2024 to 14/10/2024	[<i>Text messages with PMO staff members</i>]	Some information withheld under: s9(2)(a) s9(2)(g)(i) Some duplicate information

Part 4 Information about meetings and communications between the Prime Minister or his office and the defendants to the litigation relating to the Smith v Fonterra case.

The defendants are:

1. Fonterra Co-operative Group Limited
2. Genesis Energy Limited
3. Dairy Holdings Limited
4. New Zealand Steel Limited
5. Z Energy Limited



6. Channel Infrastructure NZ Limited
7. BT Mining Limited

Item	Date	Document title or subject line	Decision
Item 18		Meetings and phone calls between staff in the Prime Minister's office and defendants to the Smith v Fonterra litigation in relation to the case	Release in full
Item 19	12/02/2026	Re: Fonterra - business update	Some information withheld under: s9(2)(a) Some information not in scope
Item 20	23/10/2025	FW: Request for Joint Ministerial Meeting – Smith v Fonterra Litigation	Some information withheld under: s9(2)(a)
Item 21	17/06/2026	FW: follow up – addendum <i>Attachment: Z Energy addendum document “Z Energy (Z) – Impact of Smith v Fonterra on funding Arrangements”</i>	Some information withheld under: s9(2)(a) s9(2)(b)(ii) s9(2)(ba)

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes:

- section 9(2)(a), to protect the privacy of individuals
- section 9(2)(b)(ii), to protect the commercial position of the person who supplied the information, or who is the subject of the information
- section 9(2)(ba), to protect the supply of similar information in the future, or to prevent damage to the public interest
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion
- section 9(2)(h), to maintain legal professional privilege.

Where information is duplicated or not in scope of the release, this has also been marked.

From: [Diana Hawker \[DPMC\]](#)
To: s9(2)(a): PM's Office [Louise Beard \[DPMC\]](#)
Subject: RE: Smith v Fonterra- reasoning and implications
Date: 12 February 2024 10:53:40

[UNCLASSIFIED]

Received. Thank you.

From: s9(2)(a)
Sent: Monday, February 12, 2024 10:47 AM
To: Louise Beard [DPMC] ; Diana Hawker [DPMC]
Subject: FW: Smith v Fonterra- reasoning and implications
Hi Louise & Diana – please see below/attached FYI.
Kind regards

s9(2)(a)
Senior Private Secretary
Office of the Prime Minister of New Zealand
D: s9(2)(a)
Parliament Buildings, Wellington 6160

s9(2)(h)

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From: s9(2)(a): PM's Office
To: s9(2)(a): PM's Office [PMO-Advisors](#)
Subject: RE: s9(2)(h)
Date: Monday, 26 February 2024 1:17:24 pm

s9(2)(a): former PMO staff member

From: s9(2)(a): PM's Office
Sent: Monday, February 26, 2024 1:11 PM
To: PMO-Advisors
Subject: FW: s9(2)(h)

FYI – sorry, can't recall who was dealing with this one.

I'll put this into the PM – please let me know if anyone wishes to attach a cover note.

Cheers

s9(2)(a)

s9(2)(h)



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From: s9(2)(a): Minister of Justice's office
To: s9(2)(a): former PMO staff member
Subject: FW: AM on Smith v Fonterra
Date: 28 February 2024 15:01:50
Attachments: [20240223 AM Smith v Fonterra FINAL.pdf](#)

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Supreme Court decision in *Smith v Fonterra*

Hon Paul Goldsmith, Minister of Justice
23 February 2024

Purpose

1. You have asked for advice about whether the Ministry of Justice should lead policy work on a possible legislative response to the decision of the Supreme Court in *Smith v Fonterra*.¹ s9(2)(g)(i)

Supreme Court declined to strike out climate-based tort claim against Fonterra & others

2. In 2019, Mr Smith filed a claim against seven respondents involved in industries that either emit greenhouse gases or supply products that release greenhouse gases when burned. The claim raised three causes of action in tort: public nuisance, negligence, and a proposed climate system damage tort.
3. The respondents applied to strike out the proceeding, arguing that the statement of claim raised no reasonably arguable cause of action. The High Court struck out the claims in public nuisance and negligence but not the claim based on the proposed climate system damage tort. Mr Smith appealed and the respondents cross-appealed. The Court of Appeal struck out all three causes of action and Mr Smith was then granted leave to appeal to the Supreme Court.
4. On 7 February 2024, the Supreme Court unanimously allowed the appeal. In reaching that decision, it said it was applying orthodox, long-settled principles governing strike out. Where a claim is founded on seriously arguable, non-trivial harm, the common law should lean towards a full evaluation of the claim based on evidence and argument at trial. Strike out was only appropriate where, whatever facts were proved or legal arguments and policy considerations advanced at trial, the case was bound to fail.
5. The Supreme Court made it clear that the refusal of strike out the claim does not mean it thinks the claim will succeed at trial. It only means that, at this preliminary stage, it cannot be said that the claim is bound to fail.

s9(2)(h)

¹ [2024] NZSC 5

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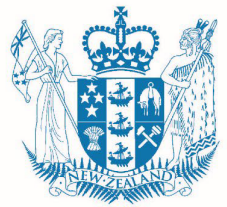
Next Steps

14. We are available to discuss the matter at your regular meeting with Justice officials on Monday morning, if you wish.
15. If required, we can also prepare additional advice on the justice-related issues that are likely to arise from a possible legislative response to the Supreme Court decision.

s9(2)(h)

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Attorney General
Minister of Defence
Minister for Digitising Government
Minister Responsible for the GCSB
Minister Responsible for the NZSIS
Minister of Science, Innovation and Technology
Minister for Space
Lead Coordination Minister for the Government's Response to the
Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques



6 March 2024

Rt Hon Christopher Luxon
Prime Minister

Hon Paul Goldsmith
Minister of Justice

Hon Shane Jones
Minister for Regional Development

Hon Simon Watts
Minister for Climate Change

Hon Penny Simmonds
Minister for the Environment

Dear Ministers

OPTIONS FOR LEGISLATIVE REFORM FOLLOWING SMITH V FONTERRA [2024] NZSC 5

On 7 February 2024 the Supreme Court in its decision *Smith v Fonterra & Ors* [2024] NZSC 5 declined to strike out Mr Smith's claims in tort relating to damage caused by climate change.

Ministerial colleagues have raised concerns with me that the Supreme Court's decision creates significant uncertainty for business, could deter investment in New Zealand, and could encourage further litigation on climate issues. s9(2)(h)

I consider the option of a statutory bar on climate change tort proceedings to be the most straight-forward. s9(2)(h)

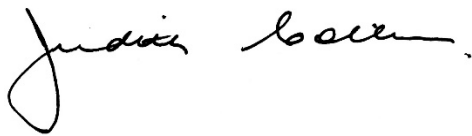
Some policy work (and drafting expertise from Parliamentary Counsel) would be needed to refine the scope of the immunity and minimise the risk of unintended consequences. However, in my view this does not need to be a long or convoluted process and it should be possible to develop legislation in a timely manner. If Ministers agree with the option of a

statutory bar on climate change tort proceedings, I suggest that Ministry for the Environment is the appropriate lead agency. Crown Law can provide legal assistance as required, in the usual way.

s9(2)(h) the Crown is currently waiting on three decisions from the Court of Appeal on climate change litigation. I advise that if you are asked for comment on *Smith v Fonterra* you respond only along the lines that the government is considering a legislative response, and that you do not provide further detail until the work is further advanced. Such a response is in keeping with the Cabinet Manual on commenting on matters before the Court.

I welcome your views.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Judith Collins', with a stylized flourish at the end.

Hon Judith Collins KC
Attorney-General

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[Withheld in full under s9(2)(h)] - plus 6 additional pages

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From: s9(2)(a): Minister of Climate Change's office
To: s9(2)(a) Offices of the Prime Minister, the Attorney-General, Minister of Climate Change, Minister for the Environment, Minister of Justice, and Minister for Regional Development.
Cc: [John Scott \[DPMC\]](#); s9(2)(a): former PMO staff member; [^EXT: Becky Prebble](#); [Matt Maguire](#); s9(2)(a): Minister of Climate Change's office
Subject: LEGALLY PRIVILEGED - FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation
Date: 17 June 2024 15:00:24
Attachments: [BRF-4648 \(signed\) Options for responding to Smith v Fonterra litigation 10052024.pdf](#)
[Appendix 1 - Letter from Attorney-General re Options for Legislative Reform following Smith v Fonterra.pdf](#)
s9(2)(h)
[Appendix 3 -Letter from the Minister of Justice to the Attorney-General re Options for legislative reform following Smith v Fonterra.pdf](#)

NOTE: all attached material is legally privileged.

Kia ora koutou,

For the Prime Minister, the Minister of Justice, the Attorney-General, the Minister for the Environment, the associate Minister of Climate Change, and the Minister for Regional Development's noting, please find **attached** the MCC's signed BRF-4648 and supporting appendices 1, 2 and 3.

Ngā mihi,

s9(2)(a) **Private Secretary – Climate Change | Office of Hon Simon Watts**
MP
Minister of Climate Change
Waea Pūkoro : s9(2)(a)



Options for responding to *Smith v Fonterra* Litigation

Date submitted: 4 June 2024

Tracking number: BRF-4648

Security level: Legally Privileged

MfE priority: Not urgent

Actions sought from Ministers

Name and position	Action sought	Response by
To Hon Simon WATTS Minister of Climate Change	Indicate your decisions on: - Whether to proceed with a statutory bar, and - If so, the process you wish to follow. Forward this paper to interested Ministers.	10 June 2024

Actions for Minister's office staff

Forward this briefing to interested Ministers (listed in recommendations), s9(2)(h)

Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz).

Appendices and attachments

- Letter from Attorney-General re: Options for Legislative Reform following *Smith v Fonterra* [2024] NZSC 5

s9(2)(h)

- Letter from the Minister of Justice to the Attorney-General re: Options for legislative reform following *Smith v Fonterra* [2024] NZSC 5

Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Authors	Patricia Parre and Juliette Derry		
Chief Advisor	Becky Prebble	s9(2)(a)	✓
General Manager	Hemi Smiler	s9(2)(a)	

Minister's comments

Options for responding to *Smith v Fonterra* Litigation

Key messages

Purpose, context, and key choice

1. *Smith v Fonterra & Ors* [2024] NZSC 5 (*Smith*) involves the claimant, Mike Smith, taking a tort action (public nuisance, negligence, and a novel 'climate system damage' tort) against several high emitting companies in New Zealand. We currently do not know if the courts will find that a tort action based on greenhouse gas emissions exists, or if so, what may be needed to establish liability.
2. This paper sets out our advice on options to respond to this litigation. It seeks your decisions on whether to proceed with a statutory bar and the overall process you wish to follow.
3. If Ministers do not view a tort action based on greenhouse gas emissions as a desirable part of our system, the key choice is whether to legislate a statutory bar now, or rather to wait and see what the final decision in *Smith* is and then decide whether any action is necessary. s9(2)(h)

Policy issues a statutory bar could address, and associated risks

4. A finding that there is a cause of action in tort against individual emitters for emissions-related activity may be undesirable from a system coherence perspective. In developing an overall emissions reduction strategy, governments balance multiple factors and consider social and economic goals as well as environmental ones. The existence of private causes of action could create misalignment with Government strategies and objectives. It may also give rise to a perception of unfairness and/or loss of business confidence if emitters are unclear whether they may be liable for emissions actions despite having complied with relevant legislation. On the other hand, there are arguments that a private cause of action could fill gaps in existing frameworks and drive further emissions reductions.
5. A statutory bar may be drafted to cover all tort causes of action that are based on greenhouse gas emissions. s9(2)(h)
6. s9(2)(h)

New Zealand would be the first jurisdiction to legislate a bar of this nature.

Considerations associated with proceeding with a bar prior to a substantive decision

7. While some risks associated with a bar will arise regardless of timing, s9(2)(h)

8.

Design and process choices

9. If Ministers wish to proceed with a statutory bar, there are design choices, including:
- **Scope:** the scope that best fits the policy intent is a bar on all tort proceedings based on greenhouse gas emissions.
 - **Legislative vehicle:** Our initial view is that the Climate Change Response Act 2002 (CCRA) is the best legislative vehicle.

Proceeding with a statutory bar now

10. There are two broad process options for proceeding with a statutory bar now:
- **Introduce legislation as soon as possible:** The next step would be that we would provide you with a Cabinet paper seeking agreement to proceed to a statutory bar. The benefit of this approach is that it would achieve clarity about the government's intentions as soon as possible.
 - **Consultation process prior to introducing legislation:** Alternatively, you could publicly consult on the proposal to introduce a statutory bar, seeking feedback on the overall policy rationale and scope and design choices. This process would allow us to refine the policy rationale for a bar, and deepen policy analysis – for example, better understanding the impacts on different groups.
11. Under either option, we recommend undertaking targeted engagement, in particular with Māori and with large emitters that might be affected by the existence of a tort cause of action.

Recommendations

We recommend that you:

EITHER

- a. **discuss** with officials options for gathering evidence about the impact the interim *Smith* decision has had on business confidence prior to making a decision about whether to proceed, **or**

Yes | No

- b. **direct** officials to develop a Cabinet paper progressing work on a statutory bar now.

Yes | No

- c. if you wish to progress work on a statutory bar now, **indicate** whether:

- a. you would like to introduce legislation as soon as possible, **or**
b. carry out a public consultation process prior to introducing legislation.

d. s9(2)(h)

e.

- f. **refer** this briefing to the Prime Minister, the Minister of Justice, the Attorney-General, the Minister for the Environment, and the Minister for Regional Development.

g. s9(2)(h)

forward this briefing to the Associate Minister (noting that the briefing with s9(2)(h) withheld can be forwarded now if you wish).

Signatures



Hemi Smiler
General Manager – Climate Change Mitigation
Climate Mitigation
30 May 2024

Hon Simon Watts

Minister of Climate Change
Date:

Options for responding to *Smith v Fonterra* Litigation

Purpose

12. This advice covers the policy issues associated with the possibility of there being a private law cause of action based on greenhouse gas emissions, s9(2)(h)

13. It also covers the trade-offs between proceeding with a statutory bar now versus waiting until there is a final decision in *Smith* and provides an initial view on the scope of a bar, and process options should you wish to proceed with one. We seek your decisions on whether to proceed with a statutory bar now, and the overall process you wish to follow.

Background

The evolving climate litigation context

14. There are multiple pieces of 'climate litigation' currently before the courts. Most of these have been taken against the Crown. *Smith* is unique in the New Zealand context because it concerns the availability of private law claims and remedies to address greenhouse gas emissions. If Mr Smith's claim is successful, this would mean that individuals could take climate change related tort claims against private entities. While until recently most climate change litigation in New Zealand has been against the Crown, this is one case in a wave of domestic and international climate change litigation against private companies.
15. Recently the Supreme Court overturned the Court of Appeal's decision to strike out Mr Smith's claims. The decision opens the door to the possibility of tort claims against greenhouse gas emitters, although is not an indication of success. This is because the threshold to strike out an application is high and is only met if there is no reasonably arguable claim and it is so untenable that it cannot succeed. The Supreme Court's decision means that Mr Smith's case will now proceed to a substantive trial.

Details about the Smith v Fonterra case

16. Mr Smith, an elder of Ngāpuhi and Ngāti Kahu and a climate change spokesperson for the Iwi Chairs Forum, raised three causes of action against seven respondents who are involved in industries that contribute significantly to emissions of greenhouse gases (including Fonterra, New Zealand Steel and Z Energy).
17. Mr Smith alleges that the respondents have contributed materially to the climate crisis and have damaged, and will continue to damage, his whenua and moana, including places of customary, cultural and spiritual significance to him and his whānau. He raised

three causes of action in tort:¹ public nuisance; negligence; and a proposed new tort involving a duty, effectively requiring the emitters to cease materially contributing to damage to the climate system. As the Supreme Court allowed the appeal, all three causes will be heard by the High Court at a trial.

18. The remedies Mr Smith seeks from the High Court include a declaration that the respondents have breached the duties owed to him and have caused or will cause loss to him through their activities, and/or injunctions to reduce their emissions eventually reaching net-zero greenhouse gas emissions by 2050.

Government consideration of the Smith case

19. The Attorney-General wrote to several Ministers (you, the Prime Minister, the Minister of Justice, the Minister for Regional Development and the Minister for the Environment) on 6 March about this case and whether a statutory bar on climate change proceedings should be considered. A copy of this letter is included at Appendix 1.
20. On 14 March, the Minister of Justice wrote to the Attorney-General and outlined some preliminary considerations that he viewed should be considered during or before policy development. A copy of the letter is included at Appendix 2.

Analysis and advice

What are the policy issues associated with the possibility of there being a private law cause of action based on greenhouse gas emissions?

21. The substantive judgment on *Smith* is yet to be delivered and will not be for some years yet; and will almost certainly be subject to appeal. However, if the final judgment were to find the respondents liable in tort, that position could be an undesirable policy outcome for several reasons.

- **The drivers and impacts of climate change operate at a national and international level.** The primary framework for responding to climate change sits with governments, operating both domestically and internationally. Under the Climate Change Response Act 2002 (CCRA), New Zealand has a framework to meet its domestic emissions reduction targets and it had not previously been anticipated that a private law cause of action based on greenhouse gas emissions would form part of that framework. The principal tools for responding to climate change are successive emissions budgets, emissions reduction plans and the New Zealand Emissions Trading Scheme.

In developing an overall emissions reduction strategy, governments balance multiple factors and take into account social and economic as well as environmental goals and undertake public consultation on substantive decisions. In contrast, courts do not have the ability to address social, economic and distributional trade-offs and do not

¹ Tort law covers claims of civil wrongs or injuries, typically related to seeking redress for harm to a person, their property or their reputation. It usually arises from the common law (judge-made law). Other types of private law claims include those arising from contractual or commercial disputes, including fair trading.

provide all affected stakeholders the opportunity to be heard and have their views taken into account.² Climate policy can have wider impacts however: for example, if Mr Smith's remedy of an injunction is granted, the impacts could be significant not just for the emitters themselves but also for the wider New Zealand economy.

- **Lack of certainty about the extent of climate change obligations may affect business confidence.** Depending on the details of a finding that the respondents are liable in tort, there may be uncertainty for individuals and organisations as to the bounds of activity that does and does not give rise to liability. This could potentially have a chilling effect on investment in high-emitting sectors in New Zealand.
- **The connection between one emitter's emissions and actual impacts is indirect and remote.** It is not possible to 'trace' one emitter's emissions to broader impacts because when emissions are created, they are released into the atmosphere and become part of the global 'pool' of emissions. That remoteness raises a causation question and/or a broader perception of unfairness about emitters still being liable for emitting actions despite having complied with existing legislation addressing climate change.

22. The existence of a private cause of action between individuals and organisations has the potential to create unintended consequences that are out of step with the above. The policy intent of a statutory bar would then be to maintain business confidence and ensure that the Government retains the key levers for responding to climate change, and in extension primary responsibility for New Zealand's climate response.

23. Prior to a final judgment being issued, there may also be uncertainty for the respondents and other New Zealand businesses while the case moves through the court process. In general, there will always be uncertainty for parties to litigation prior to a final judgment being received. However, the novelty and potential significance of this particular proceeding arguably reaches a threshold where the Government may wish to consider options to resolve it on a faster timetable than might be expected through the court system.

24. However, at this stage, we do not have evidence of wider industry uncertainty. We understand that the respondents are concerned that a protracted period prior to a final judgment being issued could cause investment uncertainty for them and would involve significant costs. We do not know, though, the extent to which the judgment may have caused uncertainty in the wider business community and/or may have affected business confidence.

25. We also note that a statutory bar would not necessarily resolve uncertainty for the following reasons:

- s9(2)(h)
- A statutory bar can be repealed or amended by a future Parliament. In contrast, court judgments are bound by precedent of higher court decisions on similar legal issues.

² *Smith v Fonterra Co-operative Group Ltd* [2021] NZCA 552 at [26].

s9(2)(h)

- Introducing a statutory bar overriding the court process could affect investors' confidence in New Zealand. Investors rely on strong and stable domestic processes to protect their investments. While this particular intervention would likely be viewed by investors as favourable (considering it would provide certainty and remove a potential source of civil liability for businesses), repeated interventions of this nature could create a perception that the Government is willing to intervene in court decisions and effectively overturn them. If this were to occur, it could risk damaging New Zealand's reputation as a safe investment destination.

26. While a private cause of action based on greenhouse gas emissions could be undesirable in terms of overall system coherence, the question is not open and shut and there will be other perspectives. Points that could be made in favour of a common law tort include:

- **The common law can supplement legislative and regulatory frameworks.**

s9(2)(g)(i)

While not a direct analogy, the Resource Management Act 1991 expressly allows for private actions, such as environmental nuisance, outside the statutory framework, as well as the regulatory compliance and enforcement within it.

- **The development of common law has improved environmental outcomes in the past.** An example of this is the treatment of pollution and environmental harm. It can also play an important role in balancing competing legal rights between different groups (such as major emitters and the general public in the climate context), through presentation of evidence and legal argument. The common law could also influence how we manage greenhouse gas emissions.
- **Common law development and/or private action could drive further emissions reductions.** Tort law can regulate behaviour and can clarify the competing legal rights of different stakeholders. For example, liability in tort could help to internalise negative externalities into the strategic and operational decisions of corporate emitters. This could be additional to, and supportive of, the internalisation of environmental externalities through a price mechanism (such as the NZ ETS). Legal risks could incentivise corporate emitters to transition to low-emissions alternatives. A lack thereof could have the opposite effect.

Would a statutory bar be effective in addressing those policy issues, and what are the associated risks with a bar?

27. In this case, the activity that would be "barred" is bringing an action in tort in relation to climate change that is based on greenhouse gas emissions (further advice on scope and design choices is set out from paragraph 40 below).

28. s9(2)(h) For comparison, the removal of tort liability and replacement of common law with a statutory regime for accident compensation had the benefit of a long history of common law prior to the development of legislation. This history was able to inform both the scope of the statutory bar as well as the extent and coverage of the replacement legislated compensation regime. Even then, the scope of the bar was litigated.

29. s9(2)(h)

s9(2)(h)

What are the considerations that affect the choice as to whether to proceed with a statutory bar now, versus wait until there is a final decision in Smith?

32. The key factor in favour of acting now is to address potential uncertainty about possible tort obligations early. It could take many years for the case to move through the courts, including for appeals to be resolved. In the meantime, potential gaps or inconsistencies in the law could have a chilling effect on business confidence and investment.

33. s9(2)(h)

Parliament acting to change the law after a judgment has been issued is not uncommon, s9(2)(h)

34. s9(2)(h)

s9(2)(h)

35.

36.

37. To the extent that the potential business uncertainty is part of the policy rationale for acting now rather than waiting for a substantive decision, the current lack of evidence around existing business uncertainty (beyond the respondents) may pose an increased risk. One way of mitigating this risk would be to gather evidence on the impact the interim *Smith* decision is having prior to making a decision on whether to progress work on a statutory bar further. We have not heard any reports of businesses being concerned by the judgment beyond the affected respondents, but equally we have not actively sought out information, due to the sensitivity of the subject matter.

38. If you see value in us gathering more evidence about the impact the *Smith* decision has had, we recommend we discuss the overall approach with you prior to us doing so. An initial step could be to use existing engagement opportunities to test how various stakeholders perceive the judgment. Other agencies, in particular the Ministry of Primary Industries and the Ministry of Business, Innovation, and Employment, may also be able to test this point through their regular engagement. Ministers may also have existing engagements that could be used. s9(2)(h)

39. If action is going to be taken regardless, s9(2)(h)

Whilst very difficult to quantify, the substantive hearing is likely to take at least two months, given the number of parties and the scope of the issues. It may also not be heard until 2026, due to preparatory matters such as discovery, pleadings and evidence, with a judgment delivered some months after that. The case would likely then be appealed through the Courts due to its novel and high-profile nature.

What are the scope and legislative vehicle choices for a statutory bar, should Ministers wish to proceed with one now?

40. In terms of scope (that is, exactly what actions should be barred, and against whom) in order to meet the policy intent, s9(2)(h)

41. In addition, to protect the Crown from tort claims, the prohibition would also need to expressly apply to the Crown as defendant.³ s9(2)(h)

42. There are choices for scope that are both narrower and broader than the scope above, but these are less likely to address the policy issues identified in this advice:

- s9(2)(h)

- A broader scope, for example barring all private law claims involving climate change/greenhouse gas emissions, is broader than what is required to meet the policy intent outlined in this advice.

43. s9(2)(h)

44. In terms of legislative vehicle (what legislation the bar goes in), the two choices are the CCRA and the RMA. Either would be a suitable vehicle, but our initial view is that the CCRA is preferable as that is the legislation that sets out New Zealand's climate change response. s9(2)(h)

What would the process for introducing a statutory bar be, should Ministers wish to proceed with a statutory bar now?

45. There are two broad process options for proceeding with a statutory bar:

- **Introduce legislation as soon as possible.** The next step would be that we would provide you with a Cabinet paper seeking agreement to proceed with a statutory bar. The benefit of this approach is that it would achieve clarity about the government's intentions as soon as possible.
- **Run public consultation prior to introducing legislation.** The next step under this option is that we would provide you with a Cabinet paper and consultation document, seeking agreement to consult. The benefit of this approach is that it would allow you to develop the proposal further and hear perspectives on the proposal prior to introducing it to Parliament, allowing you to adjust it if necessary. It would also allow for us to test more comprehensively whether there is existing industry uncertainty

³ To protect the Crown as an emitter (e.g. greenhouse gas emissions from coal-fired boilers in schools), in the same way as private emitters would be protected.

and more generally refine the policy rationale for intervention. We could also undertake further analysis on the policy impacts on different groups.

46. For either approach, we would recommend targeted engagement, in particular with Māori and with large emitters that might be affected by the existence of a tort cause of action.
47. Either option will have resourcing implications for the Ministry. If you proceed with a bar, we would like to discuss the overall prioritisation and sequencing of this work with you.

Te Tiriti analysis

48. The Crown has an obligation to act in good faith and in accordance with Treaty principles. Climate change is an area where Māori have expressed considerable interest and usual practice is to engage with Māori in relation to climate change policy changes, especially on an issue such as this one which may have significant implications. If Ministers decide to progress a statutory bar, we will work with Māori Crown Relations: Te Arawhiti to inform our approach. If Ministers proceed with a statutory bar we recommend targeted engagement with Māori in order to better understand potential Treaty implications.
49. While not Treaty risks, proceeding with a bar may raise relationship risks. Mr Smith is an iwi leader who frequently engages with the Crown on climate change policy and consequently there may be relationship implications associated with proceeding with a statutory bar. Specifically, Mr Smith holds key roles in critical relationships and workstreams relating to climate change. He acts as an advisor to Pou Take Āhuarangi, the climate Pou within National Iwi Chairs Forum, and is co-chair of the Oho Mauri Trust, the entity currently leading the delivery of the Māori Climate Platform. Mr Smith has held these roles across the duration of his litigation to date, including litigation against the Crown s9(2)(h) and conflict of interest concerns have been managed.

s9(2)(h)

50.

51.

52.

Consultation

53. This advice has been shared with the Ministry of Justice, the Ministry of Foreign Affairs and Trade, the Department of Prime Minister and Cabinet, and the Ministry of Business, Innovation, and Employment (Kanoa) and their feedback has been incorporated into this advice. s9(2)(h)

s9(2)(h)

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Financial, regulatory and legislative implications

71. No financial implications are associated with the proposals in this briefing. There would be legislative implications if Ministers wish to proceed with a statutory bar.

Next steps

72. If you direct officials to undertake to gather evidence about business uncertainty we would like to discuss with you how best to approach that.

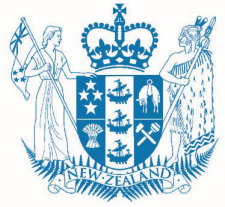
73. If you decide to proceed with a statutory bar now, we will provide you with further advice around process and any remaining design questions, and a draft Cabinet paper that reflects your direction.

74. If you wish to proceed with a bar, we recommend that we consult with the following stakeholders on the overall approach:

- Māori Crown Relations: Te Arawhiti
- Legislation Design and Advisory Committee (LDAC)

75. We recommend that you consult with the Minister of Māori Crown Relations: Te Arawhiti.

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14 March 2024

Hon Judith Collins KC
Attorney-General
Parliament Buildings

Via email

Dear Judith

RE: Options for legislative reform following *Smith v Fonterra* [2024] NZSC 5

Thank you for your letter of 6 March 2024 outlining the proposal for a new statutory bar on climate change tort proceedings.

s9(2)(g)(i)

However, this matter raises important legal policy questions and my officials have indicated some preliminary areas that would need to be considered before proceeding, or during the policy development. They have advised that:

- The Supreme Court's decision not to strike out Mr Smith's claim does not give any indication of the likely ultimate outcome. The Courts have not heard substantive arguments and it could be premature to act before they do. No other jurisdiction has recognised a claim of this nature in public nuisance or developed a tort relating to climate damage. In addition, most negligence claims have been unsuccessful.
- The appearance of intervening so early to alter substantive legal rights in favour of one set of litigants over another could itself undermine certainty in the law. A full evaluation based on evidence and argument in court could be the best way to determine the correct balance between the competing interests. This would be in accordance with the normal development of tort law. Whether legal change or clarification is desirable could be assessed following a substantive hearing and decision.
- If the aim is to ensure that the current case is not heard, retrospective legislation would be needed. Guidelines from the Legislation Design and Advisory Committee recommend avoiding retrospective legislation except in narrowly defined circumstances. It would need to be clearly justified in the public interest and impair the rights of litigants no more than is reasonably necessary to serve that interest.
- A statutory bar raises significant policy questions about the rights of private citizens, and officials anticipate that the lead agency will need to engage with a range of stakeholders during the policy process to help determine what is fair.

I anticipate that, should work proceed on legislative change, officials from the Ministry for the Environment will work closely with my officials to resolve these issues. I am mindful that work in this area is likely to be complex and could take considerable time and resources. The

approach would need to be balanced against ensuring delivery of the government's current priorities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Goldsmith', with a stylized flourish at the end.

Hon Paul Goldsmith
Minister of Justice

Proactively Released

From: s9(2)(a): Minister of Justice's office
To: s9(2)(a): former PMO staff member
Subject: FW: AM on Smith v Fonterra
Date: Tuesday, 10 September 2024 2:21:11 pm
Attachments: 20240223 AM Smith v Fonterra FINAL.pdf

Re: responsibility.

From: s9(2)(a)
Sent: Friday, February 23, 2024 9:44 AM
To: s9(2)(a): Minister of Justice's office
Cc: s9(2)(a): Minister of Justice's office
Subject: FW: AM on Smith v Fonterra

FYI

This will be in the Min’s weekend bag



s9(2)(a)
Private Secretary – Justice | Office of Hon Paul Goldsmith
Minister for Arts Culture and Heritage | Minister of Justice
Minister for State Owned Enterprises | Minister for Treaty of Waitangi Negotiations
s9(2)(a) | www.beehive.govt.nz
s9(2)(a)
Private Bag 16041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

From: s9(2)(a): Ministry of Justice
Sent: Friday, 23 February 2024 9:40 AM
To: s9(2)(a): Minister of Justice's office
Cc: s9(2)(a): Minister of Justice's office >; Chhana, Rajesh <Rajesh.Chhana@justice.govt.nz>; Brightwell, Kathy <Kathy.Brightwell@justice.govt.nz>; s9(2)(a): Ministry of Justice s9(2)(a): Ministry of Justice s9(2)(a) Kunowski, Sam <Sam.Kunowski@justice.govt.nz>; Noyce, Megan <Megan.Noyce@justice.govt.nz>; s9(2)(a): Minister of Justice's office OCE@justice.govt.nz; Purple, Folder <Folder.Purple@justice.govt.nz>
Subject: RE: AM on Smith v Fonterra

Kia ora s9(2)(a)

Here is the AM requested. Please feel free to contact me if there is anything you would like to discuss.

Ngā mihi,

s9(2)(a)

For Official Correspondence Records	
Document type:	Aide Memoire
Drafter:	s9(2)(a)
Title:	Supreme Court decision in <i>Smith v Fonterra</i>
Group:	Policy
Unit:	Civil and Constitutional
Team:	Constitutional Arrangements and Treaty
Minister:	Hon Paul Goldsmith, Minister of Justice
Date sent:	23 February 2024
WPQ Release	N/A

s9(2)(a)
Kaitohutohu Mātāmua | Chief Advisor
Civil and Constitutional | Policy Group



DDI: s9(2)(a)
Ext 50912 | www.justice.govt.nz

From: s9(2)(a)
Sent: Wednesday, 21 February 2024 7:28 pm
To: s9(2)(a): Ministry of Justice
Cc: s9(2)(a): Minister of Justice's office
Subject: AM on Smith v Fonterra

Hi s9(2)(a)

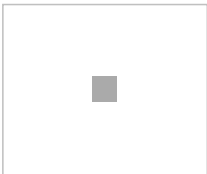
As we discussed briefly, the Minister would like an AM s9(2)(g)(i) to amend the Climate Change Response Act to ensure that people cannot take tort claims against greenhouse gas emitters as in Smith v Fonterra.

It can be very short. We need this by midday Monday.

I'm sending this to you because we spoke about it earlier but please let me know if I should direct this to someone else in Policy.

s9(2)(h)

Thanks
s9(2)(a)



s9(2)(a)
Private Secretary – Justice | Office of Hon Paul Goldsmith
Minister for Arts Culture and Heritage | Minister of Justice
Minister for State Owned Enterprises | Minister for Treaty of Waitangi Negotiations
DDI: s9(2)(a)
Email: s9(2)(a) www.beehive.govt.nz
Private Bag 16041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

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Proactively Released

From: s9(2)(a): Minister of Justice's office
To: s9(2)(a): former PMO staff member
Subject: FW: Letter from the Attorney-General: Smith v Fonterra [2024] NZSC 5
Date: Tuesday, 10 September 2024 2:21:26 pm
Attachments: [2024 03 06 to Prime Minister, Minister of Justice, Regional Development, Climate Change and Environment.pdf](#)
[2024 02 24 Options for legislative reform following Smith v Fonterra.pdf](#)

Here's the latest from the AG. Second email coming in a second re: responsibility.

From: s9(2)(a)
Sent: Wednesday, March 6, 2024 11:19 AM
To: s9(2)(a): Minister of Justice's office
Cc: s9(2)(a): Minister of Justice's office
Subject: FW: Letter from the Attorney-General: Smith v Fonterra [2024] NZSC 5

FYI – I’ve asked Justice to draft a response to go in the weekend bag.



s9(2)(a)
Private Secretary – Justice | Office of Hon Paul Goldsmith
Minister for Arts Culture and Heritage | Minister of Justice
Minister for State Owned Enterprises | Minister for Treaty of Waitangi Negotiations

DDI: s9(2)(a)
Email: s9(2)(a) www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

[Duplicate] - plus 9 additional pages



From: s9(2)(a): former PMO staff member
Sent: 12 September 2024 11:07
To: s9(2)(a): Attorney-General's office
Subject: FW: [LEGALLY PRIVILEGED]FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation
Attachments: BRF-4648 (signed) Options for responding to Smith v Fonterra litigation 10052024.pdf

fyi

I'll talk to Watts office

s9(2)(a)

CHIEF POLICY ADVISOR
Prime Minister's Office

s9(2)(a)

From: Jessica Gorman [DPMC]
Sent: Thursday, September 12, 2024 9:55 AM
To: s9(2)(a): former PMO staff member
Cc: Hayden Glass [DPMC]
Subject: FW: [LEGALLY PRIVILEGED]FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation

Hi s9(2)(a)

Further to our discussion yesterday – below the update from MfE.

Thanks
Jess

From: Becky Prebble
Sent: Thursday, September 12, 2024 9:50 AM
To: Jessica Gorman [DPMC]
Subject: RE: [LEGALLY PRIVILEGED]FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation

Kia ora Jess, I maybe talked about it with John rather than you, sorry to leave you in the dark!

The MCC decided not to progress a statutory bar. That decision was shared with the other various Ministers involved (via the attached doc going to all their offices). Since then I haven't heard anything substantive from anyone, although Polly let me know that the A-G's office were wondering what the status was. I think she just updated them with essentially what I told you just now – ie see attached report.

I am still alive to the possibility that something might change here. I am poised! If you hear anything let me know.

Becky.
s9(2)(a)

From: Jessica Gorman [DPMC] <Jessica.Gorman@dpmc.govt.nz>
Sent: Wednesday, September 11, 2024 5:58 PM
To: Becky Prebble <Becky.Prebble@mfe.govt.nz>
Subject: RE: [LEGALLY PRIVILEGED]FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation

~~IN-CONFIDENCE~~ UNCLASSIFIED

Kia ora Becky

Do you have any update on this one – wondering if you received any feedback from the Minister or his colleagues?

Thanks
Jess

From: Becky Prebble <Becky.Prebble@mfe.govt.nz>
Sent: Tuesday, June 4, 2024 2:23 PM
To: BRIGHTON, Claire (LGL/TLU) <Claire.Brighton@mfat.govt.nz>; Anna Broadhurst [EXTERNAL] (MFAT) <Anna.Broadhurst@mfat.govt.nz>; Isabel Poulson <Isabel.Poulson@mbie.govt.nz>; Anna Broadhurst [EXTERNAL] (MFAT) <Anna.Broadhurst@mfat.govt.nz>; ROUGHTON, Luke (LGL) <Luke.Roughton@mfat.govt.nz>; polly.higbee@crownlaw.govt.nz; kirsty.millard@crownlaw.govt.nz; s9(2)(a): Ministry of Justice s9(2)(a); s9(2)(a): Ministry of Justice Jessica Gorman [DPMC] <Jessica.Gorman@dpmc.govt.nz>; John Scott [DPMC] <John.Scott@dpmc.govt.nz>; ROUGHTON, Luke (LGL) <Luke.Roughton@mfat.govt.nz>
Cc: Juliette Derry <Juliette.Derry@mfe.govt.nz>; Rosa Winter <Rosa.Winter@mfe.govt.nz>; Patricia Parre <Patricia.Parre@mfe.govt.nz>
Subject: [LEGALLY PRIVILEGED]FW: BRF 4648 - Options for responding to Smith v Fonterra Litigation

Kia ora koutou,

Thank you very much for all your input to our advice on responding to the *Smith v Fonterra* litigation. Your comments made it a lot better and we really appreciate the time and care everyone took.

Finalising this took a bit longer than my early optimistic efforts but we have now sent it to our Minister, so.... we'll see what he says! I've attached the final version now and your Ministers should receive it shortly (other than MFAT – no need for it to go to your Minister). I'll update you all with however this develops. It would be great if you could let us know of any developments you hear of via your own Ministers, or any other source.

Becky.

Becky Prebble (she/her)
Chief Advisor | Kaitohutohu Whakarae
Climate Change Mitigation and Resource Efficiency

Ministry for the Environment | Manatū Mō Te Taiao

Ministry staff work flexibly by default. For me this means I work Monday to Thursday, occasionally from home.

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From: s9(2)(a)
To: NL Oconsult; DSO Advisors; Winston Peters Advisor; s9(2)(a) Office of Hon Louise Upston; s9(2)(a) Office of Hon Nicola Willis; s9(2)(a) Office of Hon Nicola Willis
 s9(2)(a) Office of Hon Nicola Willis; s9(2)(a) Office of Hon Chris Bishop; s9(2)(a) Office of Hon Simeon Brown
 s9(2)(a) Office of Hon Erica Stanford; s9(2)(a) Office of Hon Mark Mitchell; s9(2)(a) Office of Hon Tama Potaka; s9(2)(a) Office of Hon Matt Doocey
 s9(2)(a) Office of Hon Nicole McKee; s9(2)(a) Office of Hon C. s9(2)(a) Office of Hon Penny Sims; s9(2)(a) Office of Hon Nicola Griggs; s9(2)(a): PM's Office
 s9(2)(a) Office of Hon Louise Upston; s9(2)(a) Office of Hon Simon; s9(2)(a) Office of Hon James Meager
Cc: s9(2)(a) Office of Hon Paul Goldsmith; Jessica Gorman [DPMC]
Subject: Ministerial consultation (SOU) - Targeted reform of emissions-related torts
Date: 30 March 2026 14:29:32
Attachments: 20260325 - CAB - Draft cabinet paper - Policy decisions on targeted reform of emissions-related torts.pdf

Ministerial consultation (SOU) – Policy decisions on targeted reform of emissions-related torts

The Minister of Justice is seeking feedback on the attached paper intended for consideration at **SOU on 29 April**.

The paper seeks policy approvals for the development of a statutory bar on emissions-related tort claims. There is currently a case scheduled in the Supreme Court relating to tort claims brought against six companies. This policy proposals in this paper would introduce a retrospective statutory bar that would apply to clarify that no one is liable in tort for emissions-related activity.

Please provide any feedback by **Tuesday 14 April**.

Thanks,

s9(2)(a)



s9(2)(a)

Senior Ministerial Advisor | Office of Hon Paul Goldsmith

Minister for Arts, Culture and Heritage
 Minister of Justice
 Minister for Media and Communications
 Minister for Treaty of Waitangi Negotiations

DDI: s9(2)(a) | M s9(2)(a)

Email: s9(2)(a) | Website: www.beehive.govt.nz
 Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

[Attachment is draft Cabinet Paper "Policy decisions on targeted reform of emissions-related torts". The draft is withheld under s9(2)(g)(i) of the Act. The final paper with related Cabinet Minute is available on the Ministry of Justice website, from Page 52 of the document found at: <https://www.justice.govt.nz/assets/Documents/Publications/Proactive-release-Policy-decisions-on-proposals-for-targeted-statutory-reform-of-public-nuisance-tort.pdf>]

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From: [Jessica Gorman \[DPMC\]](#)
To: s9(2)(a): PM's Office
Cc: [Lisa Daniell \[DPMC\]](#)
Subject: FW: For weekend bag: aide-memoire s9(2)(h) [CLO-DOCS.JUS043.1305.FID592215]
Date: 08 May 2026 12:29:41
Attachments: s9(2)(h)
Importance: High

~~IN CONFIDENCE~~ UNCLASSIFIED

Hi s9(2)(a)

I think this briefing to the AG from CLO contains some really helpful material to assist responses to questions about next week's announcement.

Thanks

Jess

From: Kate Wevers <Kate.Wevers@crownlaw.govt.nz>
Sent: Friday, 8 May 2026 12:23 pm
To: s9(2)(a): Attorney-General's office
Cc: Ministerial Services <ministerials@crownlaw.govt.nz>; Leadership Team <LeadershipTeam@crownlaw.govt.nz>; Kirsty Millard <Kirsty.Millard@crownlaw.govt.nz>; Polly Higbee <Polly.Higbee@crownlaw.govt.nz>; Jessica Gorman [DPMC] <Jessica.Gorman@dpmc.govt.nz>; Charlotte Wilson <Charlotte.Wilson@crownlaw.govt.nz>; Justine Falconer <Justine.falconer@crownlaw.govt.nz>
Subject: For weekend bag: s9(2)(h) [CLO-DOCS.JUS043.1305.FID592215]
Importance: High

Kia ora s9(2)(a)

Please see **attached** for the Attorney's weekend bag.

Ngā mihi

Kate

Kate Wevers ([she/her/Ms](#))

Team Manager and Crown Counsel, Public Law

Te Tari Ture o te Karauna Crown Law Office

M: s9(2)(a)

19 Aitken Street | PO Box 2858 | Wellington 6011



**Te Tari Ture
o te Karauna**
Crown Law



s9(2)(h)

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28 Feb 2024 at 12:18 pm

Item 17

Hi ^{s9(2)(a)} is there a time this afternoon when I could pop up with an update on the Smith/Fonterra issue?

Mon 9 Sep at 2:07 pm

Hi can we talk about Smith v Fonterra

Sorry was just in a meeting. Is now a good time?

[Duplicate]

16 Sep 2024

You can tell Cam **Smith** vs **Fonterra**
advice following meeting Judith had
today will be coming back this Friday, so
is moving.

2:40 pm

s9(2)(g)(i)

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Wed 2 Oct at 12:27 pm

Hi s9(2)(a) are you around to discuss
Smith v Fonterra?

Jessica Gorman from PAG is coming to
talk to me about **Smith** v **Fonterra** in 5
minutes

12:47 pm ✓✓

Wed 9 Oct at 9:19 pm

s9(2)(a)

Hi [REDACTED] can you let me know the latest
on Smith vs Fonterra

Mon 14 Oct at 10:49 am

Hi Jess are we meeting about Smith v
Fonterra this week?

Mon 14 Oct at 10:49 am

Hi Jess are we meeting about Smith v
Fonterra this week?