



OIAD-1280

9(2)(a)

19 August 2026

Kia ora 9(2)(a)

Thank you for your email of 12 May 2026 to the former Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

- (1) Please provide copies of all documents connected to the proposed legislation to remove actions in tort connected to climate change announced by the Minister of Justice today.*
- (2) Please provide any personal information you hold about me connected to any matter relating to climate change*

As you may be aware, the Ministry, the Ministry of Housing and Urban Development, the Ministry of Transport, and the local government functions of the Department of Internal Affairs merged on 1 July 2026 to form the Ministry for Cities, Environment, Regions and Transport (MCERT). Accordingly, this response is provided by MCERT. References to “the Ministry” in this response mean MfE prior to 1 July 2026, and MCERT on and after that date.

On 26 May 2026, the Ministry emailed you seeking refinement and clarification of Part 1 of your request, to support a more timely and targeted response by the Ministry and my office. You responded that you were seeking all documents, including the full King’s Counsel response, and asked that your request be treated with urgency.

On 9 June 2026, you emailed the Ministry with the following update to your request:

I am seeking all documents including email correspondence, Microsoft Teams messages, text messages, call logs, filenotes, secret hardcopy document drops etc.

You have asserted that complying with this request “will significantly increase the size and complexity of the requests, and it will require significant time to finalise the collation, assessment, and consultation on the information”.

Is this a boilerplate assertion, or have you done some actual analysis of what documents are responsive? What consultations are anticipated, and with whom? Candid answers to these questions may enable narrowing.

Please treat my request with urgency as it relates to extant litigation. I am happy to receive documents in tranches as they become ready.

Pursuant to section 12(1A) of the Act, part 2 of your request was treated as a request for personal information under section 22 of the Privacy Act 2020. The Ministry's Chief Privacy Officer made a decision on this part of your request, and you were informed of the outcome via a letter emailed to you on 10 June 2026.

Also on 10 June 2026, the Ministry notified you that the timeframes in responding to your request had been extended under section 15A(1)(b) of the Act, as consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit

Due to the volume of material within scope of part 1 of your request, I will communicate my decision in respect of your request in tranches. This response provides the first tranche of information identified for release and contains key advice, documentation and decision documents regarding the Climate Change Response (Tort Liability) Amendment Bill. The Ministry is continuing to assess documents to determine whether any further information falls within the first part of your request.

For this tranche, I have identified 14 documents within scope of your request. These documents are listed in the document schedule below.

I am releasing one document in full.

I am releasing 10 documents to you in part, with some information withheld under the following sections of the Act:

- | | |
|------------|---|
| 9(2)(a) | to protect the privacy of natural persons |
| 9(2)(g)(i) | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty |
| 9(2)(h) | to maintain legal professional privilege |

Some information contained in the documents has been refused under section 18(d) of the Act on the basis that it is publicly available. Where applicable, links to the publicly available information are provided in the document schedule.

I am releasing three documents under section 16(1)(e) of the Act, by giving an excerpt or summary of the contents. Some information in one excerpt has been withheld under section 9(2)(h) of the Act to maintain legal professional privilege.

If you would like to discuss this decision with us, please do not hesitate to contact us at OIA@mcert.govt.nz.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz.

Please note that due to public interest in our work, the Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on its website.

Before publishing we will remove any personal or identifiable information.

Ngā mihi



Stephen Goodman

General Manager Mitigation Policy

Ministry for Cities, Environment, Regions, and Transport

Annex 1: Document Schedule

#	Date	Reference	Title of Document	Decision on request
1	16/3/20		Excerpt - Environment and Climate Change Weekly Updates for week of 16 March 2020	Released as excerpt 16(1)(e), 9(2)(h)
2	28/7/23		Excerpt - Internal memo - Responses to questions from MfE (NCA amendments)	Released as excerpt 16(1)(e)
3	15/10/23		Excerpt - Horizon scan 2023	Released as excerpt 16(1)(e)
4	12/2/24		[email] RE: this week milestones	Released in part, with out-of-scope information redacted
5	12/2/24		[email] RE: Summary of Supreme Court decision in Smith v Fonterra and implications (1)	Released in part 9(2)(a), 9(2)(h)
6	4/6/24		[email] BRF 4648 - Options for responding to Smith v Fonterra Litigation	Released in part 9(2)(a) Attachment can be found as Document 13.
7	7/4/26		[email] RE: Cabinet paper for Min Consultation – Policy decisions on targeted reform of emissions-related torts	Released in part 9(2)(a)
8	6/11/25		[email] RE: Supplementary advice: policy decisions on targeted reform of emissions related torts – addition MfE advice	Released in part 9(2)(a), 9(2)(h)
9	6/3/24		Letter from the Attorney-General: Smith v Fonterra [2024] NZSC 5	Released in part 9(2)(a) Attorney General Letter refused under 18(d) of the Act, as the document is publicly available and can be found here on the Ministry of Justice website: https://www.justice.govt.nz/assets/Documents/Publications/OIA-

#	Date	Reference	Title of Document	Decision on request
				121121.pdf
10	20/3/24		[email] RE: BRF-4465 Next steps in responding to Attorney-General request re: Smith v Fonterra	Released in part 9(2)(a)
11	17/6/2024		[email] FW_ BRF 4648 - Options for responding to Smith v Fonterra Litigation	Released in part 9(2)(a)
12	10/3/2024	BRF-4465	BRF-4465 Next steps in responding to Attorney-General request re Smith v Fonterra	Released in part 9(2)(h)
13	4/6/2024	BRF-4648	BRF-4648 Options for responding to Smith v Fonterra litigation 10	Released in part 9(2)(g)(i) 9(2)(h)
14			0000.01.53.v1 - Climate Change Response (Removal of Tort and Other Claims) Amendment	Released in full