

From: 9(2)(a)
To: [Tim Rainey](#)
Cc: [Simon Watts \(MIN\)](#)
Subject: RE: Smith v Fonterra - A Parliamentary Response
Date: Monday, 18 March 2024 1:07:04 pm
Attachments: [image002.jpg](#)
[image003.png](#)
[CORM-2100 Timothy Rainey.pdf](#)

Kia ora Timothy,

Please see attached a letter from Hon. Simon Watts, Minister of Climate Change, in response to your correspondence.

Ngā mihi,

9(2)(a)



9(2)(a) | Private Secretary - Climate Change
Office of Hon Simon Watts
Minister of Climate Change | Minister of Revenue
E: 9(2)(a)
New Zealand

From: Tim Rainey <tim.rainey@fortyeightshortland.co.nz>
Sent: Thursday, February 22, 2024 10:59 AM
To: 9(2)(a)
Cc: 9(2)(a)
Subject: Smith v Fonterra - A Parliamentary Response

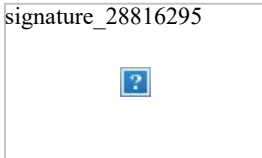
9(2)(a) – I am one of Simon's constituents (and party member in the North Shore electorate).

I have been thinking carefully about the response to the recent Supreme Court decision in Smith v Fonterra, which recognises an arguable claim for a public nuisance and/or negligence arising from greenhouse gas emissions. In my view, the Supreme Court's decision is problematic because it potentially allows the courts to cut across the public policy response to the climate change crisis, reflected in the Climate Change Response Act 2002. I believe that Parliament should act to confirm that Parliament should respond to the problem presented by greenhouse gas emissions within New Zealand with no role for the Courts to impose additional restrictions or penalties.

I have attached a draft Bill to amend the Climate Change Response Act to remove any common law causes of action. I have discussed this draft legislation with James Christmas and other senior lawyers who have provided input into the draft legislation. I would be grateful if you would provide the draft directly to Simon for his consideration. I am happy to meet with Simon to discuss the draft.

Timothy J Rainey LLB
Barrister

signature_28816295



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Thank you
