

Excerpt Draft Ministry for the Environment memorandum not sent to Minister

Memo: Court Decisions – Talking Points and Q&A

To: Simon Watts, Minister of Climate Change

CC: Hemi Smiler

From: Emily Chan, Paloma Hartevelt

Date: [insert] 2024

The other Smith case (background info for noting only)

Mr Smith has a parallel private law case against seven respondents who are alleged to be involved in an industry that emits greenhouse gases (GHGs) (including Fonterra, New Zealand Steel and Z Energy). [insert one line summarising the case] The Crown is not involved. Strike out was also sought for this case and in February 2024, the Supreme Court allowed Mr Smith's appeal of the Court of Appeal's decision to grant strike out, which means it found the defendants have a case to answer and the case can proceed to a substantive trial.