

From: [Chelsea Cooper](#)
To: [Ankit Kishore \[EXTERNAL\] \(Parliament\)](#)
Cc: [James Coombes \[EXTERNAL\] \(PARLIAMENT\)](#); [Jessie Algar \[EXTERNAL\] \(PARLIAMENT\)](#); [Nicolette Butler](#); [Rosa Winter](#)
Subject: Ministry's proposed response - **CLASSIFICATION** RE: Smith v Fonterra - A Parliamentary Response
Date: Thursday, 14 March 2024 11:07:36 am
Attachments: [image001.png](#)
[CORM-2100 9\(2\)\(a\) .docx](#) Attachment provided separately: CORM-2100
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Kia ora Ankit,

Apologies for the delay in sending this to you, Ministerial Services has had several unplanned absences.

Please find attached a draft response to go to 9(2)(a) This response has been prepared by our Legal team, 9(2)(h) in light of the separate letter from the Attorney General to your Office dated 6 March 2024 (9(2)(h) Smith v Fonterra).

If you have any questions about this response, please reach out to Rosa Winter or Nicolette Butler from our Legal team.

Warmest regards,

Chelsea Cooper (she/her)

Team Leader | Kaiarataki Rōpū

Ministerial Services

Ministry for the Environment – Manatū Mō Te Taiao

9(2)(a) | Chelsea.Cooper@mfe.govt.nz | ministerials@mfe.govt.nz | environment.govt.nz



From: Nicolette Butler

Sent: Thursday, March 14, 2024 10:22 AM

To: Ministerials ; Ankit Kishore [EXTERNAL] (Parliament)

Cc: James Coombes [EXTERNAL] (PARLIAMENT) ; Jessie Algar [EXTERNAL] (PARLIAMENT)

Subject: Re: **CLASSIFICATION** RE: Smith v Fonterra - A Parliamentary Response

Kia Ora Ankit, sorry and no chasing should be needed. I know a letter has been prepared so I will follow up now.

Nāku noa, nā Nicolette

Nicolette Butler (she/her)

Manager - Legal | Kaiwhakahaere

Ministry for the Environment | Manatū Mō Te Taiao

9(2)(a)

(Sent from phone)

From: Ankit Kishore <Ankit.Kishore@parliament.govt.nz>

Sent: Thursday, March 14, 2024 10:02:29 AM

To: Nicolette Butler <Nicolette.Butler@mfe.govt.nz>; Ministerials <ministerials@mfe.govt.nz>

Cc: James Coombes [EXTERNAL] (PARLIAMENT) <James.Coombes@parliament.govt.nz>; Jessie Algar [EXTERNAL] (PARLIAMENT) <Jessie.Algar@parliament.govt.nz>

Subject: RE: **CLASSIFICATION** RE: Smith v Fonterra - A Parliamentary Response
Kia ora Ministerials/Nicolette – could I chase this up please?

From: Nicolette Butler <Nicolette.Butler@mfe.govt.nz>

Sent: Friday, February 23, 2024 8:29 AM

To: Ankit Kishore <Ankit.Kishore@parliament.govt.nz>; Ministerials <ministerials@mfe.govt.nz>

Cc: James Coombes <James.Coombes@parliament.govt.nz>; Jessie Algar <Jessie.Algar@parliament.govt.nz>

Subject: **CLASSIFICATION**]RE: Smith v Fonterra - A Parliamentary Response

Thanks Ankit, and happy to discuss Ministerials.

Nāku noa, nā Nicolette

Nicolette Butler (she/her)

Manager - Legal|Kaiwhakahaere

Ministry for the Environment | Manatū Mō Te Taiao

9(2)(a) | nicolette.butler@mfe.govt.nz | mfe.govt.nz

From: Ankit Kishore <Ankit.Kishore@parliament.govt.nz>

Sent: Thursday, February 22, 2024 6:30 PM

To: Ministerials <ministerials@mfe.govt.nz>

Cc: Nicolette Butler <Nicolette.Butler@mfe.govt.nz>; James Coombes [EXTERNAL] (PARLIAMENT) <James.Coombes@parliament.govt.nz>; Jessie Algar [EXTERNAL] (PARLIAMENT) <Jessie.Algar@parliament.govt.nz>

Subject: RE: Smith v Fonterra - A Parliamentary Response

Also please refer to the attached.

From: Ankit Kishore

Sent: Thursday, February 22, 2024 6:29 PM

To: Ministerials <ministerials@mfe.govt.nz>

Cc: Nicolette Butler <Nicolette.Butler@mfe.govt.nz>; James Coombes <James.Coombes@parliament.govt.nz>; Jessie Algar <Jessie.Algar@parliament.govt.nz>

Subject: FW: Smith v Fonterra - A Parliamentary Response

Hi Ministerials – for response please, in consultation with Legal (Nicolette is cced). Thank you!

From: 9(2)(a)

Sent: Thursday, February 22, 2024 10:59 AM

9(2)(a)

9(2)(a)

Subject: Smith v Fonterra - A Parliamentary Response

9(2)(a) – I am one of Simon's constituents (and 9(2)(a)).

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 9(2)(a) 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.

9(2)(a)



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Thank you
