

From: [Jamie Molea \[EXTERNAL\] \(Parliament\)](#)
To: [Emily Young \[EXTERNAL\] \(PARLIAMENT\)](#)
Subject: FW: **CLASSIFICATION**]Fw: CA404/2022 Michael John Smith v Attorney-General [CLO-DOCS.ENV006.478.FID492848]
Date: Tuesday, 13 May 2025 2:20:11 pm
Attachments: [image001.jpg](#)
Importance: High

From: James Coombes
Sent: Thursday, 19 December 2024 8:53 AM
To: Simon Glen Watts ; Nicole Crawford ; Jack Boltar
Cc: Jamie Molea
Subject: FW: **CLASSIFICATION** Fw: CA404/2022 Michael John Smith v Attorney-General [CLO-DOCS.ENV006.478.FID492848]
Importance: High
Kia ora Minister, Nicole and Jack,
Important info: Crown Law have informed us that the Court of Appeal is releasing its decision in Smith v Attorney-General at **3:00 pm today (Thursday, 19 December 2024)**. The Attorney-General has also been informed of this release date.
The claim is based on the NZ Bill of Rights Act (BoRA) around the novel duty to protect the individual and their future descendants. We expect the decision to receive media attention. I'll provide more information as to the decision post-3pm, however suggest you flag this with anyone you deem appropriate on a no surprise basis.
Ngā mihi,
James Coombes (he/him) | Private Secretary – Climate Change | Office of Hon Simon Watts MP
Minister of Climate Change
Waea Pūkoro : **9(2)(a)**

From: Finlay Dempster <Finlay.Dempster@mfe.govt.nz>
Sent: Wednesday, 18 December 2024 6:06 PM
To: James Coombes <James.Coombes@parliament.govt.nz>; Jamie Molea <Jamie.Molea@parliament.govt.nz>
Cc: Sam Buckle <Sam.Buckle@mfe.govt.nz>; Hemi Smiler <Hemi.Smiler@mfe.govt.nz>; Mark Vink <Mark.Vink@mfe.govt.nz>; Katherine Wilson <Katherine.Wilson@mfe.govt.nz>; Jane White <Jane.White@climateieb.govt.nz>; Becky Prebble <Becky.Prebble@mfe.govt.nz>; Nicolette Butler <Nicolette.Butler@mfe.govt.nz>; Phirak Appleton <Phirak.Appleton@mfe.govt.nz>; Juliette Derry <Juliette.Derry@mfe.govt.nz>; Emily Chan <Emily.Chan@mfe.govt.nz>
Subject: FW: **CLASSIFICATION**]Fw: CA404/2022 Michael John Smith v Attorney-General [CLO-DOCS.ENV006.478.FID492848]
Kia ora kōrua James and Jamie,

We have received notice that the Court of Appeal is releasing its decision in *Smith v Attorney-General* at 3:00 pm tomorrow (Thursday, 19 December 2024).

In the High Court, the Crown successfully argued for the court to strike out Mr Smith's claims. In this decision, the Court of Appeal will determine whether the High Court was right to strike out these claims. If Mr Smith ultimately succeeds in defending the Crown's strike out application, the case would go to a full hearing in the High Court.

However, we still expect this decision to receive media attention.

Once the decision is released, officials will send an email on the decision, including any suggested talking points, through to the Minister's office.

9(2)(h)

9(2)(h)

If you have any questions, please contact Becky Prebble or me (as MfE Legal's contact).

Kind regards,
Finlay

Finlay Dempster (he/him)
Graduate Legal Advisor, Legal and Risk

Ministry for the Environment | Manatū Mō Te Taiao
9(2)(a) | finlay.dempster@mfe.govt.nz | mfe.govt.nz

From: Katie Gaskell <Katie.Gaskell@crownlaw.govt.nz>
Sent: Wednesday, December 18, 2024 2:45:31 pm
To: Connie Toia <connie.toia@mpi.govt.nz>; Patricia McKay [EXTERNAL] (MBIE) <Patricia.McKay@mbie.govt.nz>; Allison Bennett <Allison.Bennett@mbie.govt.nz>; Brownlie, Ella <Ella.Brownlie@tearawhiti.govt.nz>; Phirak Appleton <Phirak.Appleton@mfe.govt.nz>; Nicolette Butler <Nicolette.Butler@mfe.govt.nz>; Juliette Derry <Juliette.Derry@mfe.govt.nz>; Turvey, Arnu <Arnu.Turvey@justice.govt.nz>; Peter McCarthy <Peter.McCarthy@mpi.govt.nz>; Glenn Tootill [TSY] <Glenn.Tootill@treasury.govt.nz>; Sarah Ireland <sarah.ireland@mfat.govt.nz>; Kayla Herbert <K.Herbert@transport.govt.nz>; Rosa Winter <Rosa.Winter@mfe.govt.nz>; Jessica Gorman [EXTERNAL] (DPMC) <jessica.gorman@dpmc.govt.nz>; ROUGHTON, Luke (LGL) <Luke.Roughton@mfat.govt.nz>; Sam Cawkwell <Sam.Cawkwell@mbie.govt.nz>; Matthew Andrews [EXTERNAL] (TEARAWHITI) <matthew.andrews@tearawhiti.govt.nz>
Cc: Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Darsheka Ranchhod <Darsheka.Ranchhod@crownlaw.govt.nz>; Kate Wevers <Kate.Wevers@crownlaw.govt.nz>
Subject: FW: CA404/2022 Michael John Smith v Attorney-General [CLO-DOCS.ENV006.478.FID492848]

Kia ora koutou,

We have received notification that the Court of Appeal decision in Smith v Attorney-General is to be released tomorrow at 3pm.

We will send through the judgment as soon as we receive it.

Ngā mihi nui

Katie

9(2)(a)

From: Heeman, Shannon <Shannon.Heeman@justice.govt.nz>
Sent: Wednesday, 18 December 2024 1:17 pm
To: Davey Salmon <Davey.Salmon@millslane.co.nz>; Sam Humphrey <sam.humphrey@isl.co.nz>; megan.wallace@isl.co.nz; natalie <natalie@kahuilegal.co.nz>; Katie Gaskell <Katie.Gaskell@crownlaw.govt.nz>; Darsheka Ranchhod <Darsheka.Ranchhod@crownlaw.govt.nz>; Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Rob Kirkness <Robert.kirkness@chambers.co.nz>; Hannah Yang <Hannah.Yang@chambers.co.nz>; Andrew Butler <andrew.butler@chambers.co.nz>
Subject: CA404/2022 Michael John Smith v Attorney-General
Dear counsel,
A judgment for this appeal will be delivered through the Registry tomorrow, **Thursday 19 December 2024 at 3pm**, at the Court of Appeal Registry, Wellington. Counsel are not required to be present.
An electronic copy of the judgment will be emailed to each party on the email addresses above. Please contact me if you have any queries.

Kind regards,

Shannon Heeman (she/her)
Court Registry Officer | Deputy Registrar
Court of Appeal | Te Kōti Pira o Aotearoa



DDI: 9(2)(a)

Cnr Molesworth and Aitken Streets | PO Box 1606 | DX SX11223 |
Wellington

courtofappeal@justice.govt.nz

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