



9(2)(a)



19 August 2026

Kia ora 9(2)(a)



Thank you for your email of 20 May 2026 to the former Ministry for the Environment (the Ministry), requesting the following information under the Official Information Act 1982 (the Act):

All communications (including but not limited to emails, text messages, WhatsApp/Signal messages, briefings, memos, handwritten notes, and attachments) from 1 January 2022 that:

- *Refer to or mention the legal case brought by Mike Smith (Ngāpuhi) concerning climate change and alleged harm from greenhouse gas emissions; and/or*
- *Refer to or mention climate litigation involving major New Zealand companies, including but not limited to fuel companies Z Energy and Channel Infrastructure, power and gas company Genesis Energy, NZ Steel, coal company BT Mining, Dairy Holdings and dairy exporter Fonterra, in relation to that case.*

This request includes communications sent or received by:

- *Staff at the Ministry for the Environment*
paul.goldsmith@parliament.govt.nz
simon.watts@parliament.govt.nz

It also includes:

- *Ministerial email accounts*
- *Staff/advisor communications on their behalf*
- *Work-issued mobile phone communications, including SMS and messaging apps (where stored or retrievable)*
- *Communications with industry groups (e.g. dairy, mining, energy sectors), lobbyists or consultants, and other Ministers or agencies*
- *Also, briefings or advice prepared for Ministers relating to the litigation*
- *I request the information in electronic form, preferably as searchable PDFs or original email format where practical.*
- *Please include metadata (dates, sender, recipient, subject lines) where available.*
- *1 January 2022 to the date of this request today 20 May 2026.*

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). This response is therefore 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 5 June 2026, the Ministry emailed you to seek clarification and refinement of your request, given its broad scope and to support a more timely and targeted response. We did not receive a response and are therefore proceeding with your request as received.

On 11 June 2026, the Ministry emailed to let you know that it was extending the timeframe for response to your request under sections s 15A(1)(a) and 15A(1)(b) of the Act, as the request is for a large quantity of official information or necessitate a search through a large quantity of information and consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original timeframe.

Due to the volume of material within scope 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. MCERT 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 23 documents as outlined in the documents schedule below.

I am releasing three documents to you in full.

I am releasing 14 documents 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. |
| 9(2)(h) | to maintain legal professional privilege. |

I am releasing five documents in part to you 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.

I am refusing one document under section 18(d) of the Act as the information requested is publicly available. Please refer to the document schedule for more details of where to find this information.

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 the public interest in our work, the MCERT 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

A handwritten signature in black ink, appearing to read 'Stephen Goodman', with a large loop at the top and several smaller loops below.

Stephen Goodman

General Manager Mitigation Policy

Ministry for Cities, Environment, Regions, and Transport

Annex 1: Document Schedule

#	Date	Title	Decision	Link/Notes
1	16-Mar-20	Excerpt - Environment and Climate Change Weekly Updates for week of 16 March 2020	Released as excerpt 16(1)(e), 9(2)(h)	
2	Mar-23	Treaty Impact Analysis Template National Planning Framework (NPF)	Released as excerpt 16(1)(e)	
3	18-Mar-23	[email] RE: Smith v Fonterra - A Parliamentary Response	Released in part 9(2)(a)	
4	18-Mar-23	[correspondence] CORM-2100	Released in full	
5	28-Jul-23	Excerpt - Internal memo - Responses to questions from MfE (NCA amendments)	Released as excerpt 16(1)(e)	
6	25-Oct-23	Excerpt - Horizon scan 2023	Released as excerpt 16(1)(e)	
7	15-Dec-23	Human Rights Commission letter to the Ministers for the Environment and Climate Change	Released in full	
8	29-Jan-24	Memo: Court Decisions – Talking Points and Q&A	Released as excerpt	
9	11-Feb-24	[email]	Released in part, with out of	

#	Date	Title	Decision	Link/Notes
		RE: this week milestones	scope information redacted	
10	12-Feb-24	[email] RE: Summary of Supreme Court decision in Smith v Fonterra and implications (1)	Released in part 9(2)(a) 9(2)(h)	
11	22-Feb-24	[email] FW: Smith Decision	Released in part 9(2)(a)	Attachment is released as Document 12
12	22-Feb-24	[correspondence] Climate Change Response (Removal of Tort and Other Claims) Amendment Act 2024	Released in full	
13	6-Mar-24	[letter] Options for legislative reform following Smith v Fonterra [2024] NZSC5	Refused in full 18(d)	Attorney General letter publicly available on the Ministry of Justice website and can be found here: https://www.justice.govt.nz/assets/Documents/Publications/OIA-121121.pdf
14	14-Mar-24	[email] Ministry's proposed response - RE_ Smith v Fonterra - A Parliamentary Response	Released in part 9(2)(a), 9(2)(h)	
15	22-Mar-24	[email] Climate Action	Released in part 9(2)(a)	

#	Date	Title	Decision	Link/Notes
16	4-Jun-24	[email] BRF 4648 - Options for responding to Smith v Fonterra Litigation	Released in part 9(2)(a)	Attachment can be found as Document 23
17	19-Dec-24	[email] CA404/2022 Michael John Smith v Attorney-General [CLO-DOCS.ENV006.478.FID492848]	Released in part 9(2)(a), 9(2)(h)	
18	1-Apr-25	[email] CORM-3702	Released in part 9(2)(a)	
19	1-Apr-25	[correspondence] CORM-3702 Tort law submission C Luxon 250401	Released in part 9(2)(a)	
20	N/A	[draft response to correspondence] CORM-3702	Released in part 9(2)(a)	
21		CORM-2278	Released in part 9(2)(a)	
22		BRF-4465: Next Steps in responding to Attorney-General request re Smith v Fonterra	Released in part 9(2)(h)	
23		BRF-4648 Options for responding to Smith v Fonterra Litigation	Released in part 9(2)(a) 9(2)(g)(i) 9(2)(h)	