



Ref: OIA 2026-015

[REDACTED]
[REDACTED]

11 September 2026

Tēnā koe [REDACTED]

Thank you for your request of 17 August 2026 seeking the following information under the Official Information Act 1982 (the Act):

1. *records showing whether the Commission was consulted, briefed or otherwise engaged by DPMC, the Prime Minister's Office, Ministry of Justice, MCERT/former MfE, Treasury, Ministers or Cabinet officials concerning the Bill or predecessor policy;*
2. *any briefings, emails, meeting notes, reports, internal assessments or comments concerning the relationship between climate tort litigation and New Zealand's emissions budgets, 2050 target, emissions-reduction plans, adaptation planning, climate-risk management or international commitments;*
3. *records considering whether civil litigation could complement, duplicate, undermine or otherwise interact with regulatory climate policy;*
4. *records assessing whether restricting climate tort liability could have direct or indirect effects on mitigation incentives, adaptation incentives, accountability, investment, emissions leakage, offshore displacement of emissions, technology uptake or long-term climate risk;*
5. *communications or material received from or concerning Fonterra, Z Energy, another Smith v Fonterra defendant, the New Zealand Initiative, BusinessNZ, insurers, environmental organisations, lawyers or other external parties about climate tort liability or the Bill;*
6. **Matt Burgess / decision-chain cross-check:** *records to, from, copying, forwarding, mentioning or materially concerning Matt Burgess, including references to mattb02@gmail.com, but only insofar as they concern Smith v Fonterra, climate tort liability, the Bill, or material from Fonterra, Z Energy, the New Zealand Initiative or their representatives. I do not request unrelated personal material;*
7. *records of any advice, concern or recommendation that the Commission should have been consulted but was not, or any decision that the matter fell outside the Commission's role;*
8. *records of any contrary or cautionary advice concerning the climate-policy implications of the proposal.*

The Commission has considered your request in accordance with the Act.



Response

We have taken reasonable steps to locate information within the scope of all of the elements of your request. Despite those efforts, no records, correspondence, or other relevant information have been identified or located.

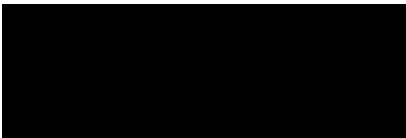
As the Commission holds no information that falls within the scope of your request, we rely on section 18(e) of the Act to not provide it here, as it does not exist.

For completeness, the Commission has not undertaken any analysis or assessment of the Climate Change Response (Tort Liability) Bill. Although we have been following the matter with interest, we do not consider that any resulting changes would affect the Commission's mandate under the Climate Change Response Act 2002.

You have the right to seek an investigation and review of this response by the Office of the Ombudsman, in accordance with section 28(3) of the Act. Contact details for the Ombudsman can be found on their website at: www.ombudsman.parliament.nz

Please note that the Commission proactively releases its responses to requests made under the Act. This is to help ensure others can also have access to this information. As such, this letter will shortly be published on our website with your name and contact details redacted to protect your privacy.

Nāku noa, nā



Grant Blackwell
Chief Science Adviser