

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 10/2025
[2025] NZSC 198

BETWEEN	MICHAEL JOHN SMITH Applicant
AND	ATTORNEY-GENERAL Respondent
Court:	Winkelmann CJ, Glazebrook and Williams JJ
Counsel:	D M Salmon KC, M Heard, N R Coates and D A C Bullock for Applicant A L Martin, J M Prebble, K F Gaskell and D Ranchhod for Respondent
Judgment:	19 December 2025

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Smith v Attorney-General* [2024] NZCA 692, [2025] 2 NZLR 1).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal.
-

REASONS

[1] This is a complex appeal. The appellant challenges both the structure of the Climate Change Response Act 2002 and certain Crown decisions, acts or omissions. The appeal raises issues about the proper scope of the judicial function in vindicating claimed rights.

[2] We have granted leave in general terms but invite the parties to confer with a view to narrowing the scope of the appeal and more clearly defining the issues that arise within it.

[3] The parties are to file a memorandum detailing the result of that discussion on or before 2 March 2026.

Solicitors:

LeeSalmonLong, Auckland for Applicant

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent