



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

23 APRIL 2025

## **MEDIA RELEASE**

### **STUDENTS FOR CLIMATE SOLUTIONS INCORPORATED v MINISTER OF ENERGY AND RESOURCES**

(SC 55/2024)

### **Hearing in the Supreme Court Tuesday 6 May 2025**

#### **CASE HISTORY SYNOPSIS**

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

#### **Background**

In June 2021, the Minister of Energy and Resources, through an authorised delegate, granted petroleum exploration permits (PEPs) to two companies in respect of areas in Taranaki under s 25(1) of the Crown Minerals Act 1991 (CMA). The PEPs granted the companies exclusive rights to explore for petroleum in those areas for 10 years and, if successful, to apply for a petroleum mining permit (PMP). The Minister noted that Parliament has committed under the Climate Change Response Act 2002 (CCRA) to a target of net-zero greenhouse gas emissions by 2050, but otherwise did not consider the implications for climate change before granting the PEPs.

Students for Climate Solutions Incorporated (SCS) sought a judicial review of the Minister's decision. It argued that the Minister was required to meaningfully consider the climate change implications of their decision for three main reasons. First, because s 29A(2) of the CMA required the Minister to be satisfied that the proposal was consistent with the purpose of the CMA which, at the time, was to "promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand". Second, because s 5ZN of the CCRA permits a public decision-maker to take into account the 2050 target and Government emissions plans, and SCS says a permissive consideration can become mandatory by necessary implication. Third, because s 4 of the CMA required the Minister to have regard to the principles of the Treaty of Waitangi | Te Tiriti o Waitangi, which SCS says ought to include the wider impacts of climate change on all Māori.

#### **Courts below**

On 24 August 2022, the High Court dismissed the application for review. It found that climate change considerations were not relevant to PEP decision-making under the CMA.

On 7 May 2024, the Court of Appeal dismissed SCS's appeal. The majority agreed that climate change considerations were not mandatory relevant considerations under the CMA. However, the majority did not express a view on whether they were permissive relevant considerations or whether the decision-maker's consideration in fact would have been sufficient. The minority found they were permissive relevant considerations under the CMA.

### **This appeal**

On 24 February 2025, the Supreme Court granted leave to appeal. The approved question is whether the Court of Appeal was correct to dismiss the appeal.

Counsel have been directed to address in particular whether the climate change considerations expressed in s 5ZN of the CCRA are mandatory, permissive or irrelevant considerations when granting a PEP and, if those considerations are not irrelevant, whether the decision-maker in fact gave them due consideration.

### **Viewing of hearing**

The courtroom is open to the public. This hearing of the appeal will also be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

### **The panel**

The Hon Justice Kós	The Hon Justice Ellen France	The Rt Hon Chief Justice Winkelmann	The Hon Justice Williams	The Hon Justice Miller
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Judges as seen from the public gallery

### **Counsel**

- Students for Climate Solutions Incorporated (Appellant): *J D Every-Palmer KC, M Heard and R E King*
- Minister of Energy and Resources (Respondent): *A Boadita Cormican, E G R Dowse and D Ranchhod*
- Te Hunga Rōia Māori o Aotearoa—The New Zealand Māori Law Society (Intervener): *N R Coates, S-M Downs and N A T Udy*

### **Sitting hours**

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

### **Enquiries**

Any enquiries about the hearing should be directed via email to [supremecourt@justice.govt.nz](mailto:supremecourt@justice.govt.nz). While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2024\] NZCA 152](#) (7 May 2024)

Supreme Court leave decision: [\[2025\] NZSC 4](#) (24 February 2025)