Climate Change Response (Tort Liability) Amendment Act 2026

Public Act	2026 No 52
Date of assent	24 August 2026
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Climate Change Response (Tort Liability) Amendment Act 2026.

2 Commencement

This Act comes into force on 25 August 2026.

Section 2: editorial change made by the PCO, on 18 September 2026, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

Part 1
No tort liability for emissions-related climate change effects

3 Principal Act

This Part amends the Climate Change Response Act 2002.

4 New Part 8 inserted

After section 270, insert:

Part 8
No tort liability for emissions-related climate change effects

271 Statutory bar on tort liability

When this section applies

(1) This section applies to a person who carries out an activity if—

(a) the activity causes or contributes to emissions (whether emissions from the activity, emissions from a related activity, or both); and

(b) the emissions cause or contribute to emissions-related climate change effects.

No tort liability for emissions-related climate change effects

(2) The person has no tort liability for the emissions-related climate change effects.

Activities, related activities, emissions, and effects covered

(3) For the purposes of this section, it does not matter—

(a) whether all or any of the activity, the related activity, the emissions, and the effects occur in or outside New Zealand:

(b) how the activity and the related activity are related, whether they are carried out by the same person or by different people, and if they are carried out, in whole or in part, at the same time or at different times:

(c) whether all or any of the activity, the related activity, the emissions, and the effects occurred (in whole or in part) before, at, or after the commencement of this Part (*see* clause 52 of Schedule 1AA):

(d) whether a cause or contribution (of the emissions, or to the effects) is actual or potential, is in whole or in part, or is direct or indirect.

272 Meaning of emissions-related climate change effects

(1) In this Part, **emissions-related climate change effects** means either or both of the following to the extent that emissions specified in section 271 do or may cause or contribute to either or both of them:

(a) climate change:

(b) any damage, harm, interference, loss, obstruction, or wrong, in or outside New Zealand, to the extent that it was, or may have been, in whole or in part and directly or indirectly, caused or contributed to by climate change.

(2) Examples of the damage, harm, interference, loss, obstruction, or wrong referred to in subsection (1)(b) include, without limiting the generality of those terms,—

(a) climate change-related risks or threats to the continuation of a safe and habitable climate system:

(b) endangering or impairing the life, safety, health, property, or comfort of the public:

(c) interfering with, or obstructing, the public in the exercise or enjoyment of public rights:

(d) harm, impairment, or loss, or a conception (including, without limitation, a tikanga Māori conception) of harm, impairment, or loss, that is neither physical nor economic:

(e) interference with use or enjoyment of, damage to, or loss of, property:

(f) any related detriment to the comfort or health of any owner, occupier, or possessor of the property.

273 Other definitions for purposes of Part

In this Part, unless the context otherwise requires,—

climate change has the meaning given to it in article 1, paragraph 2, of the Convention (as defined in section 4(1))

emissions (despite the definition of that term in section 4(1)) means emissions of greenhouse gases

greenhouse gas has the meaning given to it in section 4(1)

person includes, without limiting the generality of that term,—

(a) a corporation sole, a body corporate, and an unincorporated body; and

(b) an overseas person as defined in section 7 of the Overseas Investment Act 2005; and

(c) a public entity as defined in section 5 of the Public Audit Act 2001, for example, the Crown as defined in section 4 of that Act, which—

(i) means the Sovereign in right of New Zealand; and

(ii) includes all Ministers of the Crown and all departments (as defined in section 2(1) of the Public Finance Act 1989)

tort liability means any liability in tort—

(a) whether it is, or is similar to, a form of liability in tort recognised at common law immediately before the commencement of this Part, or it is a form of liability in tort that, but for this Part, may have been recognised at common law at or after that commencement; and

(b) whether it is direct liability or vicarious liability; and

(c) that does or may, at common law, in equity, or under any other law, result in either or both of the following:

(i) any interim or interlocutory remedy (whether a declaration, an injunction (mandatory, prohibitory, or restrictive), or any other available kind of interim or interlocutory remedy):

(ii) any final remedy (whether a declaration, an injunction (mandatory, prohibitory, or restrictive), any form of monetary relief, or any other available kind of final remedy).

274 Statutory bar unaffected by other applicable legislation

This Part applies to activities, related activities, emissions, or effects specified in section 271 regardless of the extent to which—

(a) other legislation (for example, this Act (other than this Part)) applied, or could have been applied, to those activities, related activities, emissions, or effects:

(b) a person complied with other legislation that applied to those activities, related activities, emissions, or effects:

(c) a person was subject to enforcement action for not complying with other legislation that applied to those activities, related activities, emissions, or effects.

5 Schedule 1AA amended

In Schedule 1AA,—

(a) insert the Part set out in the Schedule of this Act as the last Part; and

(b) make all necessary consequential amendments.

Part 2
Consequential amendment

6 Principal Act

This Part amends the Resource Management Act 1991.

7 Section 23 amended (Other legal requirements not affected)

After section 23(3), insert:

(4) This section does not limit Part 8 (no tort liability for emissions-related climate change effects) of the Climate Change Response Act 2002.

Schedule
New Part 7 inserted into Schedule 1AA

s 5

Part 7
Provisions relating to Climate Change Response (Tort Liability) Amendment Act 2026

51 Interpretation

In this Part,—

amendment Act means the Climate Change Response (Tort Liability) Amendment Act 2026

commencement means the amendment Act's commencement

proceedings means proceedings—

(a) before, in, or of a court or tribunal; and

(b) relating to either or both of the following:

(i) an interlocutory matter:

(ii) a substantive matter.

52 Activities, related activities, emissions, and effects affected by statutory bar

Part 8 (no tort liability for emissions-related climate change effects) applies to the following, whether all or any of them occurred (in whole or in part) before, at, or after the commencement:

(a) a person's carrying out of an activity:

(b) a person's carrying out of a related activity:

(c) emissions that were, or may have been, caused or contributed to by the activity:

(d) emissions-related climate change effects that were, or may have been, caused or contributed to by the emissions.

53 Proceedings affected by statutory bar

Part 8 (no tort liability for emissions-related climate change effects) applies to the following proceedings:

Proceedings not finally determined pre-commencement

(a) the proceeding *Smith v Fonterra Co-operative Group Ltd* CIV-2019-404-001730, considered in the following strike-out decisions:

(i) *Smith v Fonterra Co-operative Group Ltd* [2020] NZHC 419, [2020] 2 NZLR 394:

(ii) *Smith v Fonterra Co-operative Group Ltd* [2021] NZCA 552, [2022] NZLR 284:

(iii) *Smith v Fonterra Co-operative Group Ltd* [2024] NZSC 5, [2024] 1 NZLR 134:

(b) any other proceedings commenced, and not finally determined (including any appeal or rehearing), before the commencement:

Post-commencement proceedings

(c) proceedings commenced at or after the commencement.

54 No entitlement to compensation

A person is not entitled to compensation of any kind on account of the operation of the amendments made by the amendment Act.

Legislative history

29 June 2026	Introduction (Bill 330–1)
30 June 2026	First reading and referral to Justice Committee
30 July 2026	Reported from Justice Committee
4 August 2026	Second reading
6 August 2026	Committee of the whole House
18 August 2026	Third reading
24 August 2026	Royal assent

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport and the Ministry of Justice.

Wellington, New Zealand:
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