

From: <foi@csiro.au>
Subject: RE: FOI 2013/17 - s24AB(2) Notice of intention to refuse - request consultation
Date: 10 April 2013 12:38:45 PM AEST
To: <malcolmr@conscious.com.au>

Dear Mr Roberts,

Thank you for your email, I acknowledge receipt. I will formally respond, shortly.

Thank you for your time today.

Kind regards,

Beth
Beth Maloney
Legal Counsel, CSIRO

Phone: +61 6276 6436 | Mobile 0467 818 263
beth.maloney@csiro.au | www.csiro.au
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PO Box 225
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Please consider the environment before printing this email.

From: Malcolm Roberts [mailto:malcolmr@conscious.com.au]
Sent: Wednesday, 10 April 2013 11:37 AM
To: FOI
Subject: Re: FOI 2013/17 - s24AB(2) Notice of intention to refuse - request consultation

Dear Beth:

Thank you for our discussion earlier this morning. This is the email you requested confirming my understanding and agreement.

Modifications to my original request below were copied and pasted from my agreement reached with the BOM's FOI Co-ordinator together with minor changes such as including Ministers for Science. Please confirm that you remain comfortable with what I read to you from my agreement with BOM's FOI Co-ordinator as replicated below.

I confirm my decision to make a revised request under FOI legislation.

Fulfilling my request as originally stated would have been needlessly onerous. I'm pleased to modify the scope of my request to meet my needs and CSIRO's needs. I'm encouraged that you're approaching my request diligently.

Notwithstanding my deep concerns about CSIRO's work on global warming (aka climate change), I recognise CSIRO's vital service to the community in many fields and do not want to disrupt that service by needlessly distracting CSIRO's operations people.

I am willing to change the scope of my request made under FOI provisions to the following:

1. Copies of CSIRO advice, briefings, analysis and reports regarding global warming (aka climate change) to: John Howard Prime Minister from 2005 to 2007; to the Minister for Science being Brendan Nelson in 2005 and January 2006 and Julie Bishop from January 2006 to December 3, 2007; to Minister for the Environment being Senator Ian Campbell in 2005 and January 2006 and Malcolm Turnbull from January 2006 to December 3, 2007; Penny Wong when Climate Change Minister from 2007 to 2010 and Greg Combet when Climate Change minister from 2010 to present.
2. Copies of internal CSIRO advice, briefs, reports and analysis to CSIRO Executives on global warming (aka climate change) from 2005 onwards.

I am happy to specifically exclude the following from the scope of my request:

- output from computerised numerical models* and empirical observational data*;
- material already published and available to the public;
- third party material.

* Note that output from computerised numerical models are not required since they are not empirical scientific evidence. Observational data is not required since I do not wish to cause CSIRO to do extensive analysis specifically to fulfil my request.

As discussed, I understand that that FOI work is largely administrative and consequently do not require CSIRO to conduct any technical analysis. That was never my intent although I understand now that complying with my request as initially stated could have required CSIRO to conduct such analysis.

It's surprising that on such a significant topic as global warming documentation of causation is not readily available. Nonetheless, internal reports to CSIRO executives should suffice.

I understand that where CSIRO relies on reports from third parties (eg, UN IPCC. BOM), those reports will be identified within the respective CSIRO documents you provide.

As offered and you accepted, I am pleased to grant CSIRO a 30 day extension in processing time under section 15AA of the Freedom of Information Act 1982. Accuracy of response is of greater importance than speed.

Following my disappointment that CSIRO executives and public documents have repeatedly failed to provide empirical scientific evidence and logical scientific reasoning as proof of human CO2 causing global warming I am reassured by our conversation. Your request will greatly reduce the work needed by both CSIRO and me than would otherwise have been the case with literal interpretation of my original request. Thank you.

Malcolm Roberts

04 1964 2379

On 09/04/2013, at 9:08 AM, <foi@csiro.au> <foi@csiro.au> wrote:

Dear Mr Roberts,

I refer to our telephone conversation, I apologise for missing our scheduled meeting as I was unwell.

I look forward to discussing your request, **tomorrow Wednesday 4 April at 10:30am**. I will call you on (07) 3374 3374.

Kind regards

Beth Maloney

Legal Counsel, CSIRO

Phone: +61 6276 6436 | Mobile 0467 818 263

beth.maloney@csiro.au | www.csiro.au

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PO Box 225

DICKSON ACT 2602 Australia

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From: Malcolm Roberts [<mailto:catalyst@eis.net.au>]

Sent: Monday, 8 April 2013 11:21 AM

To: FOI

Subject: Fwd: FOI 2013/17 - s24AB(2) Notice of intention to refuse - request consultation

Dear Beth.

Hope you're well.

Have had no response from you to my email last Thursday, nor my messages to both your office and mobile phones. Received no message last Friday after checking many times throughout the day. Nor any response from you to my text message this morning, Monday.

Hope you're OK.

I'll be on my mobile phone today and tomorrow and have my notes with me so that we can discuss my revised request that meets CSIRO's needs and my needs.

Malcolm

04 1964 2379

Begin forwarded message:

From: Malcolm Roberts <catalyst@eis.net.au>

Date: 4 April 2013 4:56:34 PM AEST

To: "<foi@csiro.au>" <foi@csiro.au>

Subject: Fwd: FOI 2013/17 - s24AB(2) Notice of intention to refuse - request consultation

Dear Beth.

Hoping you're well as I didn't receive your midday call as agreed. After leaving messages on your office phone and an hour later on your mobile phone I haven't heard from you.

Assuming you're well and are able to call tomorrow I'll be on my mobile phone tomorrow and will take my notes with me so that we can discuss.

Malcolm

Begin forwarded message:

From: Malcolm Roberts <malcolmr@conscious.com.au>

Date: 3 April 2013 6:27:50 PM AEST

To: <foi@csiro.au> <foi@csiro.au>

Subject: Re: FOI 2013/17 - s24AB(2) Notice of intention to refuse - request consultation

Dear Beth.

Further to my email dated March 26th, 2013 and as discussed by phone when I called you on Thursday afternoon,

March 28th, 2013 below are draft aims for our discussion tomorrow.

This email provides an initial list of CSIRO's needs as perceived by me from your letter dated March 26th, 2013. Included are my needs. The aim is to ensure understanding so that we can have a productive phone call leading to CSIRO's needs and my needs being met.

Draft aims for our discussion tomorrow:

- Confirm and clarify CSIRO's needs as expressed by Beth Maloney;
- Clarify my needs with a view to greatly reducing CSIRO's resources, time and work in fulfilling my FOI request;
- Identify specifically ways to make it easy for CSIRO to fulfil my needs and CSIRO's needs;
- Explore and develop alternatives for me to modify my request to meet CSIRO's needs while meeting my needs.

I suggest we clarify our aims at the start of our discussion.

CSIRO's needs as perceived by me:

- Reduce CSIRO's workload in fulfilling my request;
- Make my request more specific and narrower;
- Eliminate the need for CSIRO staff to produce documents whose release may need permission from a third party or from third parties;
- Recognise and consider that CSIRO has mountains of data from many years of research and that it is not possible or reasonable in practice to analyse such data to meet my request.

Have I omitted any of CSIRO's important needs?

My needs:

- Identify any reports (advice) from CSIRO upon which the government relies for its claim that human carbon dioxide (CO₂) caused global warming (aka climate change). This is reflected in my first FOI request;
- Identify whether or not CSIRO has any empirical scientific evidence and logical scientific reasoning for the claim that human CO₂ caused global warming or global climate change. And if it has, to provide it so that I can satisfy myself of the accuracy and logic of CSIRO's claims;
- Ensure my request is balanced and reasonable. CSIRO provides a service to Australians and to Australian industry and presumably commercially to foreign entities. That service is vital to our nation, communities and individual businesses and to personal safety. Disruption to those services needs to be avoided.

Given the serious nature of the global warming (climate change) issue though, it should be easy to fulfil the core of my request.

I look forward to our discussion with intention to make a revised request that meets CSIRO's needs and my needs.

Referring to your letter's last sentence you stated, quote: "*I also note Dr. Andrew Johnson, Group Executive Environment of the CSIRO provided information relevant to this request and in response to your queries, in his email correspondence of 14 March 2011.*"

One of the reasons for my FOI request is that Dr. Johnson has failed repeatedly to provide empirical scientific evidence and logical scientific reasoning for his claim. Indeed, he has contradicted empirical scientific evidence.

Yet Dr. Johnson continues to state and/or imply that he has empirical scientific evidence as proof that human CO₂ caused global warming (aka climate change).

I'm sure you will understand my incredulity with Dr. Johnson's claims and CSIRO's public promotion of its public documents as containing empirical scientific evidence as proof of human CO₂ as cause of global warming (aka climate change). It's perplexing.

One of my qualifications is engineering. Another encompasses analysis of quantitative data and qualitative information. My experience over many years applies these and other skills upon which the lives of hundreds of people have depended. Engineers apply scientific discoveries in the real world.

There are many eminent and reputable climate scientists and scientific researchers agree that CSIRO has never publicly presented any such evidence of which they are aware.

Further, with due respect for your kind effort in your most recent letter to list CSIRO documents publicly available, I and others have analysed many CSIRO documents claiming or purporting to scientifically support the (government's) core claim that human CO2 caused warming. Yet none of those CSIRO many documents contain such evidence and reasoning.

These include a CSIRO document that CSIRO's Chief Executive (Dr. Megan Clark) reportedly stood by. Yet it contains no scientific evidence as proof of human causation of global warming. I've analysed every claim and statement in that document. I've offered Dr. Johnson the opportunity to refute my analysis. Yet he twice failed to identify, specify and justify any material error in my analysis of CSIRO's document entitled "*The Science of Tackling Climate Change*".

These concerns of mine with CSIRO are not your responsibility. They are though a source of frustration to many people including me and eminent Australian and international scientists and researchers.

The situation is damaging CSIRO's credibility. I'm confident that is important to you.

One would have thought it would be an easy matter for CSIRO to produce the required empirical scientific evidence of human causation.

I'd be satisfied, for example, if CSIRO could furnish one document providing empirical scientific evidence and logical scientific reasoning proving that human CO2 caused global warming (aka climate change).

Given the enormous political, economic, scientific and social significance of climate I thought my request would be a relatively simple and easy request to fulfil.

Surely that would provide a huge narrowing in scope and require minimal work, time or effort from CSIRO experts who should be able to easily identify such a document with only a few minutes away from their important operational activities.

Perhaps I could narrow the search immensely by simply asking in my second request for CSIRO's experts to provide one document providing empirical scientific evidence and logical scientific reasoning proving the claim that human CO2 caused global warming and that such warming will be catastrophic. Does that sound sufficiently narrow, straightforward, simple and easy?

Conceding that I am not familiar with CSIRO's internal procedures, I would nonetheless have thought that given climate's huge significance it would be a simple and very easy matter for a CSIRO expert or a small group of CSIRO experts to readily identify such a document or a very small collection of documents that fall readily to hand.

I feel concerned that CSIRO executives and public documents have repeatedly failed to identify any such documents. I feel perplexed that it is such a difficult issue for CSIRO.

Separately, I can see from my discussions with BOM's FOI unit that taken literally my second request would require combing through mountains of data and documents. That is not necessary though. I do not require raw data. BOM's FOI Coordinator and I were able to easily narrow the scope and continue my revised request.

Given that my request is inherently simple and given my intent to quickly identify a document providing proof of human CO2 causing global warming, I expect it will be relatively simple for us to identify and agree on a mutually satisfactory and dramatic narrowing of the scope of my second request and, if necessary, further narrowing of my first request.

Hoping this email is of assistance to you Beth in presenting what I see as the inherent simplicity and fundamental significance of my request.

I look forward to our discussion tomorrow at 1:00pm your time, 12:00 noon here in Queensland.

Malcolm Roberts
07 3374 3374
04 1964 2379

On 26/03/2013, at 9:48 AM, <foi@csiro.au> <foi@csiro.au> wrote:

Dear Mr Roberts,

Please refer to the **attached** correspondence.

Kind regards,

Beth Maloney
Legal Counsel, CSIRO

Phone: +61 6276 6436 | Mobile 0467 818 263

beth.maloney@csiro.au | www.csiro.au

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<FOI 2013-17 - s 24AB(2) Notice.pdf>

At stake is human freedom, your freedom, *our* freedom

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