

From: Malcolm Roberts <malcolmr@conscious.com.au>
Subject: Re: Notes of phone conversation Th.21.02.13 (Re: FOI 2013/17 - Freedom of Information Request)
Date: 4 March 2013 3:07:15 PM AEST
To: <foi@csiro.au>

Malcolm-Ieuan: Roberts.
180 Haven Road
Pullenvale QLD 4069

Monday, March 4th, 2013

Ms. Beth Maloney
Legal Counsel
CSIRO
PO Box 225
Dickson ACT 2602

Dear Ms. Maloney:

RE: FOI 2013/17

Thank you for your email of today's date received this morning. Your prompt clarification is appreciated.

I draw to your attention what seems to be a possible grammatical error in each of your re-statements of my requests and to identify a crucial omission in your restatement of my second request. Further, I clarify your understanding of the type of evidence sought.

Firstly, the possible grammatical error in each of my requests as you restated. By placing the time limit at the end of each request it could be read as indicating that my request is associated with any global warming or climate change that occurred from the stated dates onward. That is not the case. I seek information from CSIRO from the stated years and after about global warming or climate change during any period. That is, the year limits apply to the date of CSIRO advice, documents and information, not to global warming or climate change events. This is illustrated in the following lines:

My first request:

Malcolm's revised first request in his email dated February 28th, 2013:

copies of all scientific advice to the federal government in 2005 and since proving human production of carbon dioxide, CO₂ as cause of global warming or climate change.

Beth's confirmation on Monday, March 4th, 2013:

Copies of all scientific advice to federal government proving human production of carbon dioxide, CO₂ as cause of global warming or climate change from 2005 onwards.

My second request:

Malcolm's revised second request in his email dated February 28th, 2013:

Copies of empirical evidence and logical scientific rationale held by the CSIRO and scientifically proving human CO₂ to be causing global atmospheric warming

Beth's confirmation on Monday, March 4th, 2013:

Copies of empirical evidence and logical scientific rationale held by CSIRO and scientifically proving CO₂ to be causing global atmospheric warming from 2000 onwards.

Secondly, your restatement of my second request omits the crucial word "**human**". As originally stated in my request dated Tuesday, February 12th, 2013 and restated in my email of Thursday, February 28th, I seek CSIRO's evidence that

human CO2 caused global warming or climate change.

Thirdly, I seek **any** evidence held by CSIRO **proving** that **human** CO2 caused global warming or climate change. That information can be in advice, documents and materials previously made available publicly or withheld and only available internally. Through my emphasis on the word proving I was trying to convey that I am seeking proof of causation by human CO2. CSIRO has failed to date to provide any material publicly as proof of causation.

I'm pleased that you're able to consult with CSIRO climate scientists as necessary to fulfil your responsibilities managing FOI requests of CSIRO.

Could you please confirm your understanding of my points raised above?

Malcolm

Fellow AICD, MAIM, MAusIMM, MAME (USA), MIMM (UK), Fellow ASQ (USA, Aust)

0419 642 379

Paper copy being posted via Australia Post

On 04/03/2013, at 9:39 AM, <foi@csiro.au> wrote:

Dear Mr Roberts,

Thank you for your email of 28 February 2013. I note that you have amended your request (dated 12 February 2013) under the *Freedom of Information Act 1982* (Cth) to include specific date ranges, your amended request is for access to:

- (1) *Copies of all scientific advice to federal government proving human production of carbon dioxide, CO2 as cause of global warming or climate change from 2005 onwards.*
- (2) *Copies of empirical evidence and logical scientific rationale held by CSIRO and scientifically proving CO2 to be causing global atmospheric warming from 2000 onwards.*

You indicated that you are not seeking any publicly available information. I will process your amended request in accordance with the provision of the *Freedom of Information Act 1982* (Cth). The due date for your amended request remains **16 March 2013**.

Please note that I am a CSIRO officer authorised by the Chief Executive Officer of CSIRO to manage FOI requests on behalf of CSIRO in accordance with the requirements of the *Freedom of Information Act 1982* (Cth). Any decision I make as CSIRO's FOI decision maker, is a decision by CSIRO. Further, my role in interpreting your FOI request is an exercise in statutory interpretation, for which scientific expertise is not relevant. However, where required, my role includes consulting with other CSIRO officers in order to respond to your FOI request

I hope this clarifies your concerns,

Kind regards,

Beth Maloney

Legal Counsel, CSIRO

Phone: +61 6276 6436 | Mobile 0467 818 263

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

Address: CSIRO Corporate Centre

PO Box 225

DICKSON ACT 2602 Australia

PLEASE NOTE

The information contained in this email may be confidential or privileged. Any unauthorised use or disclosure is prohibited. If you have received this email in error, please delete it immediately and notify the sender by return email. Thank you. To the extent permitted by law, CSIRO does not represent, warrant and/or guarantee that the integrity of this communication has been maintained or that the communication is free of errors, virus, interception or interference.

Please consider the environment before printing this email.

From: Malcolm Roberts [mailto:malcolmr@conscious.com.au]
Sent: Thursday, 28 February 2013 9:51 AM
To: FOI
Subject: Notes of phone conversation Th.21.02.13 (Re: FOI 2013/17 - Freedom of Information Request)

Malcolm-Ieuan: Roberts.
180 Haven Road
Pullenvale QLD 4069

Thursday, February 28th, 2013

Ms. Beth Maloney
Legal Counsel
CSIRO
PO Box 225
Dickson ACT 2602

Dear Beth.

RE: FOI 2013/17

Thank you for your phone call Thursday, February 21st, 2013. What I concluded to be your openness is appreciated.

Please accept my regret for my delay in providing my notes of our phone conversation as promised. I've since been interstate. As agreed by phone you could continue processing my request made under CSIRO FOI provisions on the understanding developed by phone. This email confirms my understanding of our agreed arrangement.

The paper copy of your letter first sent as an electronic attachment with your emails dated February 18th, 2013 arrived Monday, February 25th, 2013. Thank you.

Thank you for openly sharing by phone your comments in fulfilling my request made using the Freedom of Information (FOI) provisions.

It seems that you are keen to ensure independence from the CSIRO in fulfilling my request without influence from CSIRO management. It seems that you need to not only be independent, you need to be seen as independent. If my conclusion is correct it's most reassuring.

Thank you further for openly stating that as you are not a scientist you will not be able to assess the science in the material you eventually arrange to provide. I shall return to these points later in this email.

As stated in my original letter dated Tuesday, February 12th, 2013, my two requests under FOI are for, quote:
(1) "*Copies of all scientific advice to the federal government proving human production of carbon dioxide, CO2 as cause of global warming or climate change*";
(2) "*Copies of empirical evidence and logical scientific rationale held by the CSIRO and scientifically proving human CO2 to be causing global atmospheric warming*".

In regard to the first item, I understand and agree with your suggestion to specify a time range for material sought. As agreed that time range is for material from 2005 onwards. Thus, I now seek copies of all scientific advice to the federal government in 2005 and since **proving** human production of carbon dioxide, CO2 as cause of global warming or climate change. I understand that request is straightforward and easy for you to fulfil.

I understand that my second request is more difficult for you to fulfil in the sense that you lack scientific qualifications. I've been thinking further about your needs and my needs. There is a way we can both meet our needs and minimise costs to CSIRO and all parties.

In our discussion last Thursday we agreed to restrict my second request to information during and after the year 2000 on the basis that after such material is identified we can then reconsider the matter. Any such future reconsideration may extend the search further back in time. The 2000 boundary will capture material CSIRO possesses in association with its dealings with the UN IPCC's 2001 and 2007 reports.

After further considering your needs and my needs since last Thursday I remain concerned about another aspect. As mentioned during our phone conversation I'm frustrated by CSIRO's lack of integrity in implying and at times stating that human CO₂ caused global warming yet CSIRO has never provided any empirical scientific evidence and logical scientific reasoning to support its claim and to establish human CO₂ as a driver of global warming and global climate.

I've had correspondence with CSIRO executives Dr. Megan Clark (Chief Executive) and Dr. Andrew Johnson (Group Executive—Environment). In response to my requests for empirical scientific evidence of causation of global warming (climate change) by human CO₂ both have failed to provide any such empirical scientific evidence and logical scientific reasoning of causation. Dr. Johnson has repeatedly failed to provide such evidence and reasoning of causation. Of greater concern, Dr. Johnson has failed to identify the specific location of such evidence and reasoning that he claims exists in CSIRO publications and elsewhere. As I stated last Thursday, credible scientific sources reveal it does not exist. From my personal investigations and from those of climate scientists it is clear that neither CSIRO nor the UN's Intergovernmental Panel on Climate Change (UN IPCC) and other prominent organisations advocating cutting human CO₂ have presented such evidence and reasoning.

To the contrary, empirical scientific evidence and logical scientific reasoning reveal and prove that human CO₂ does not and cannot cause global warming (climate change).

On re-reading my second request it's clear that I am seeking evidence and rationale of causation of warming (climate change) by human CO₂. That is a narrow field of material. None has been presented anywhere in the world. Given CSIRO's failure to specify such material in its public reports and personal correspondence I doubt any exists. If such material exists it will raise questions as to the reasons it has been withheld.

I am not seeking papers or information on issues such as whether or not CO₂ is warmed by longwave radiation. I accept that as fact. I am not seeking evidence on atmospheric temperature variations. I accept that global atmospheric temperatures fell modestly from 1958 through 1976 and then rose modestly from 1976 through 1998 with subsequent ongoing stasis for the last 15 years and possible start of cooling since 2006. Instead, I am seeking evidence and reasoning of *causation* of global climate change by human production of CO₂.

As both my requests state and I now emphasise, my request under CSIRO FOI provisions is for evidence and reasoning "*proving*" that human production of CO₂ caused global warming (climate change). That is a quite specific and fundamental core topic. It is a limited field defined scientifically.

Given that CSIRO repeatedly fails to provide such evidence, if UN IPCC Assessment reports are a large part of the basis for CSIRO's claims then a statement to this effect will suffice.

To assist your understanding, an explanation of the logic and of the empirical scientific evidence is provided in Appendix 4 to my report entitled *CSIROh!* The report including appendices is available here:
<http://www.conscious.com.au/CSIROh!.html>

Appendix 4 is available here:
http://www.conscious.com.au/docs/new/4_AppendixBasicQuestions.pdf

On Monday, February 11th, 2013 Dr. Andrew Johnson, CSIRO Group Executive—Environment was sent a copy of my *CSIROh!* report by Registered Post with Delivery Confirmation. My report's cover letter requested him to advise of any significant material errors in my report that includes appendices. He was asked to provide empirical scientific

evidence and logical scientific reasoning for his claims and implied claims that human CO2 caused warming. His reply dated February 22nd, 2013 was predictably short. He failed to identify any errors in my report and failed to provide evidence for his claims and CSIRO's claims. That is the fourth such occasion in which a reply by him has failed to provide evidence as requested.

Thank you for the two Internet links you provided. The first link (<http://www.csiro.au/Outcomes/Climate.aspx>) provides no empirical scientific evidence or logical scientific reasoning supporting the claim that human CO2 caused global warming (aka climate change). Similarly, the second link (<http://www.csiro.au/en/Outcomes/Climate/Understanding/Humans-Changing-Climate/Atmospheric-greenhouse-gas-exceeds-pre-industrial-levels.aspx>). It contains many fundamentally false and unscientific claims and statements. It contains many assertions yet offers no evidence of human CO2 causing global warming, climate change and other implied claims made by CSIRO.

As stated by phone, on the topic of climate I do not trust CSIRO. It has made many false statements and claims contradicting empirical scientific evidence. The CSIRO links you provided are further proof of CSIRO documents grossly misrepresenting science, climate and Nature.

That is sad because CSIRO once enjoyed a fine reputation for practical science. As my *CSIROh!* report reveals, CSIRO's reputation is now tarnished internationally as a result of CSIRO's misrepresentations on climate.

Given your admitted lack of a scientific background, Beth, please feel welcome to share this email with anyone in CSIRO as needed. I understand though that you likely need to maintain independence from CSIRO management.

Nonetheless, one of my habits is to openly copy letters to people mentioned in my letters. I do not though wish to embarrass you or jeopardise CSIRO FOI protocols and thus am not copying this to anyone in CSIRO.

Consistent with my need to hold CSIRO accountable I will be posting our correspondence on the Internet at my personal web site, www.conscious.com.au. Sadly, the issue of global warming (aka climate change) has been politicised and personalised. For some people it has become very emotive and has the potential to be highly embarrassing. I have been falsely smeared on occasions by those claiming human CO2 drives global warming so I reserve my rights. Although I appreciated your phone call and your approach, my experience with CSIRO on climate is such that I cannot trust CSIRO management.

My experience over many years confirms that openness is the best protection for all involved.

Subject to your needs and CSIRO FOI protocols I would be very comfortable with you seeking assistance from CSIRO scientists to identify the specific information I requested. Under CSIRO's FOI provisions it is CSIRO's responsibility to provide me with the specific material I requested.

While acknowledging my inexperience with FOI provisions it seems that my request could be quite different from typical FOI requests. Please forgive my ignorance in assuming that FOI requests are most commonly associated with unearthing information governments want to hide. My request is different in that I seek evidence for an organisation's claim. I seek evidence that one would think CSIRO and the government would want to share—assuming, that is, that such evidence exists.

I understand that CSIRO FOI provisions may require that I pay a fee for handling and copying relevant material. Subject to circumstances, that could be reasonable. Given CSIRO's failure to publicly provide the information I request and given the lack of any such scientific evidence anywhere in the world, it seems that CSIRO has no such information. I anticipate the volume of such material would be minuscule, if it exists at all. Further, given the importance of such material to our nation, I imagine such material, if it exists, would be easily located with minimal time and effort.

If CSIRO does have such specific information I will be very pleased to receive it in accordance with my request and CSIRO FOI provisions.

Thanks to what I see as your openness I have a better understanding of the FOI process and of your needs. I hope my openness and frankness enables you to identify the specific material requested under CSIRO FOI provisions, with or

without assistance from CSIRO scientists.

All too often legal provisions require people to work in an adversarial way. It's refreshing to be working collaboratively with you to meet mutual needs.

I enjoyed your phone call. Please feel welcome to call me at any future date as needed.

Yours sincerely,

Malcolm Roberts

Fellow AICD, MAIM, MAusIMM, MAME (USA), MIMM (UK), Fellow ASQ (USA, Aust)

0419 642 379

Paper copy being posted via Australia Post

On 18/02/2013, at 1:14 PM, <foi@csiro.au> <foi@csiro.au> wrote:

Dear Mr Roberts,

I apologise for the error, the subject line of the email I sent should read 'FOI 2013/17 Freedom of Information Request' not 'FOI 2013/16'.

Your reference for this request is FOI 2013/17.

Kind regards,

Beth Maloney

Legal Counsel, CSIRO

Phone: +61 6276 6436 | Mobile 0467 818 263

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

Address: CSIRO Corporate Centre

PO Box 225

DICKSON ACT 2602 Australia

PLEASE NOTE

The information contained in this email may be confidential or privileged. Any unauthorised use or disclosure is prohibited. If you have received this email in error, please delete it immediately and notify the sender by return email. Thank you. To the extent permitted by law, CSIRO does not represent, warrant and/or guarantee that the integrity of this communication has been maintained or that the communication is free of errors, virus, interception or interference.

Please consider the environment before printing this email.

From: FOI

Sent: Monday, 18 February 2013 2:06 PM

To: 'malcolmr@conscious.com.au'

Subject: FOI 2013/16 - Freedom of Information Request

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

Address: CSIRO Corporate Centre

PO Box 225

DICKSON ACT 2602 Australia

PLEASE NOTE

The information contained in this email may be confidential or privileged. Any unauthorised use or disclosure is prohibited. If you have received this email in error, please delete it immediately and notify the sender by return email. Thank you. To the extent permitted by law, CSIRO does not represent, warrant and/or guarantee that the integrity of this communication has been maintained or that the communication is free of errors, virus, interception or interference.

Please consider the environment before printing this email.

<FOI2013-17 ACKNOWLEDGEMENT LETTER.PDF>

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

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