

Climate group appeals NIWA ruling

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A group's appeal against a ruling on NIWA's climate data contains some major precedents for challengers to governmental scientific research.

The Climate Science Education Trust (CSET), an offshoot of the NZ Climate Science Coalition, forced a judicial review in July of NIWA's data recording used as the basis for estimating a 1°C increase in temperatures over the past century.

CSET's calculations had determined the increase was nearer 0.3°C, an amount of little statistical significance.

The group maintains such a difference has major national policy impacts on planning for industry including agriculture, infrastructure and urban housing in coastal areas particularly. The group had

its challenge rejected by the judge who determined it was not the court's place to rule on challenges that involved "the evaluation of contentious scientific opinion".

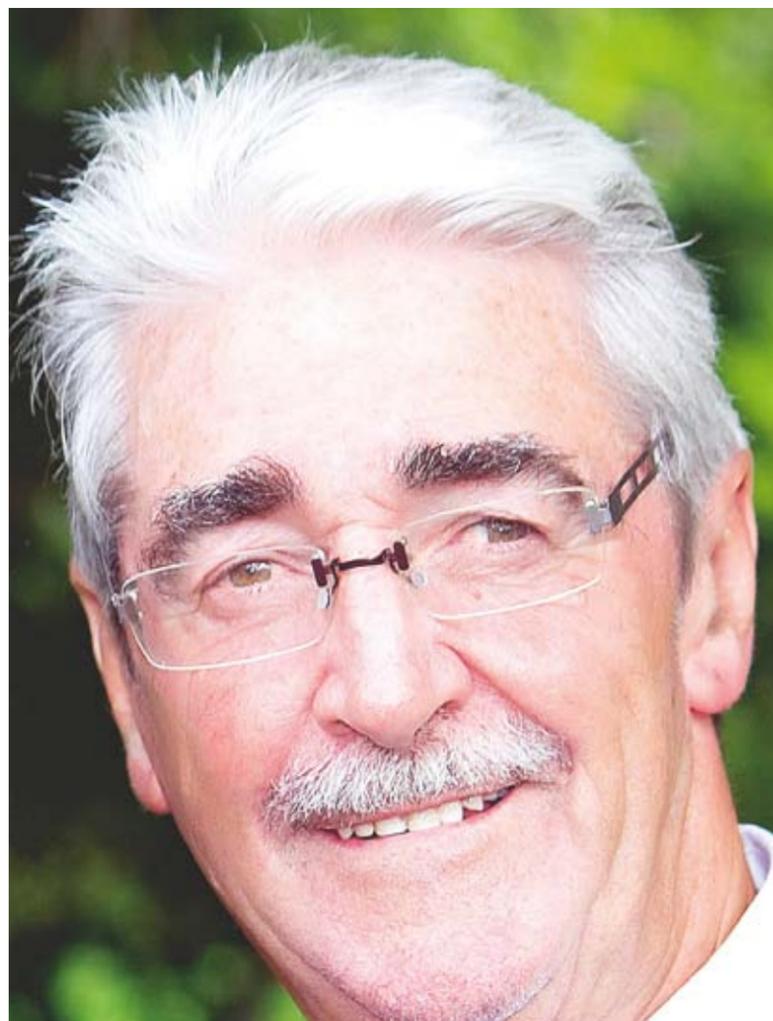
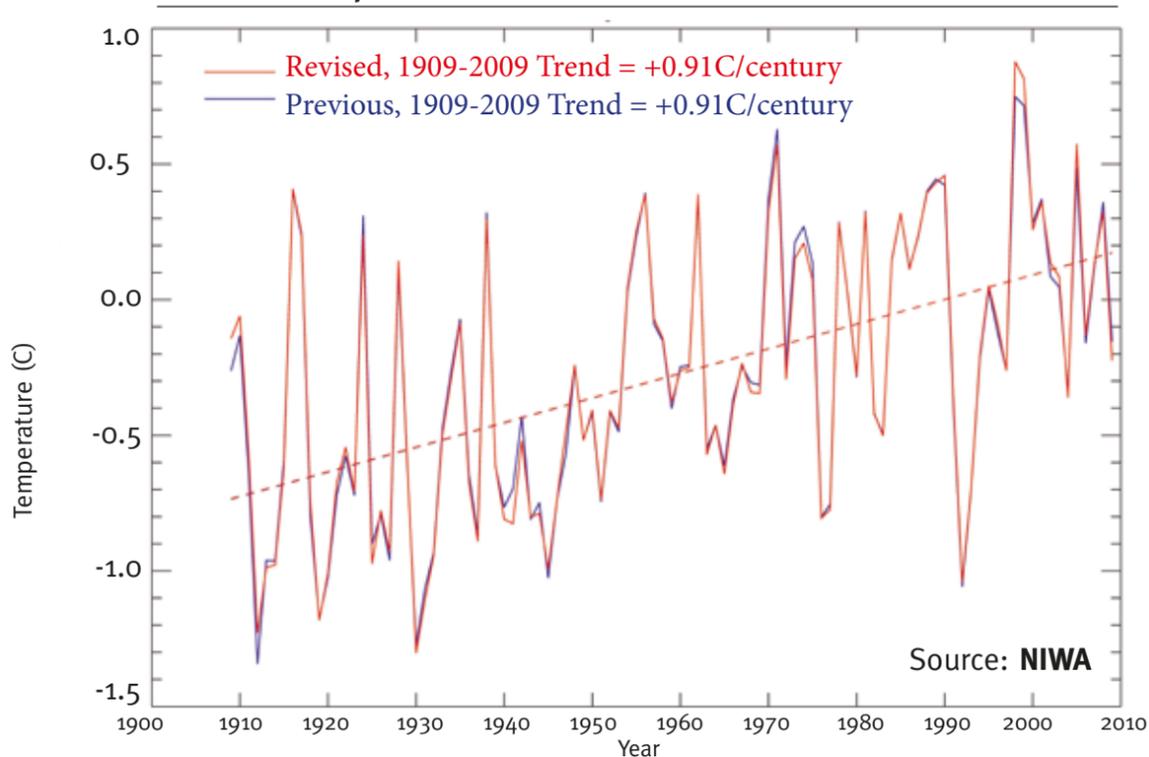
"This was exactly what we had hoped would not happen.

"We had wanted the court to dissect the information and arrive at a conclusion that did assess whether the practices used to adjust the data were accurate or not," CSET spokesman Barry Brill said.

The temperature data required adjusting from its raw state to estimate the trend.

The usual standard for adjusting data was a peer reviewed process developed by NIWA's own scientist Dr Jim Salinger back in 1993, and regarded as sector best practice. Instead NIWA had elected to use an un-reviewed process developed by Salinger earlier in 1981.

NZ annual temperature and trend



Barry Brill: Appeal also aimed to overturn the ruling that left Crown Research Institutes (CRIs) "effectively able to present science unchallenged".

In court NIWA maintained that adjustment method was not the only methodology available for adjusting data, and it was entitled to use whatever method it believed was best.

NIWA argued that by carrying out an alternative method of calculation it had in fact strengthened the validity of the previous results.

The appeal marks a long and contentious challenge between the group and NIWA.

Back in 2010 pressure from the group forced research, science and technology minister Wayne Mapp to order an Australian Bureau of Meteorology (BoM) review of NIWA's temperature monitoring practices.

The outcome of that review has never been made public.

In the review's covering letter however the BoM states it was not in a position to question all the underlying analysis and data supplied by NIWA, including methods used to compile raw data taken at recording stations.

The BoM letter concludes that "in general" NIWA's evidence supports the corrections applied to the "seven

station series" of weather data.

However, CSET hoped the appeal could see the full review revealed.

The group has not yet succeeded in obtaining a copy through the Official Information Act. Their request now sits with the Ombudsman.

CSET will also challenge the judge's decision that answers made by Wayne Mapp to Parliamentary questions, requiring significant preparation and accuracy, were not to be considered by the court.

"Yet they took direct evidence from David Wratt (chief climate scientist at NIWA) who was appearing as a defendant."

The case has also raised the spectre of NIWA seeking out damages from the group, to the tune of \$117,000, aimed personally at Climate Science Coalition secretary Terry Dunleavy, and Brill himself, who appeared as the group's solicitor.

In cases that involve a level of public good, seeking costs is rare.

"Using a judicial review to make a claim against individuals, there has never been such a case of that in New Zealand history."

Brill said the appeal also aimed to overturn the ruling that left Crown Research Institutes (CRIs) effectively able to present science unchallenged.

With the appeal formally filed, NIWA has declined to offer any further comment on the case.

A NIWA spokesman said once a decision was made on the appeal, the CRI hoped to lay out all the facts and details in what was "a very complicated and confusing matter".

When the judge's decision was announced last month, NIWA chairman Chris Mace said High Court Judge Justice Venning's ruling was a comprehensive reinforcement of the professionalism and credibility of NIWA's science and scientists.

Brill acknowledged the "significant" funds required to power an appeal and said the group was considering its fundraising options.

The appeal is not expected to be heard until 2013.

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