

IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

CIV 2008 .....

IN THE MATTER OF

AN ON NOTICE COURT INJUNCTION

BETWEEN THE PARTIES

BASIL WALTER WALKER  
A Member of the General Public  
APPLICANT

AND TO

ALL NEW ZEALAND LABOUR PARTY  
ELECTED MEMBERS OF PARLIAMENT

C/o The General Secretary  
Mr Mike Smith  
Party Headquarters  
P.O.Box 784  
Wellington

RESPONDENTS

**AFFIDAVIT OF BASIL WALTER WALKER TO SUPPORT AN ON NOTICE  
COURT INJUNCTION TO PREVENT THE ENACTMENT INTO NEW  
ZEALAND LAW OF THE EMISSION TRADING SCHEME BY THE  
NEW ZEALAND PARLIAMENT**

4th August 2008

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*BWW*

- 1 I , Basil Walter Walker , Applicant , am a resident of Queenstown , New Zealand and Swear :
- 2 The Background on the urgent need for the On Notice Injunction has been created by the haste in which the New Zealand Labour Party considers it necessary to enact the Emission Trading Scheme and related new Law legislation .
- 3 An On Notice Court Injunction enforcing the very justifiable halt is to prevent irreparable damage done to the National and International trading environment by ill conceived legislation when assessed beside new and current science and data that is now available .
- 4 There is No indisputable evidence that Carbon Emissions caused the recent global warming however there is absolute proof that CO2 is a necessary element to sustain plant growth .
- 5 CO2 is classed as a greenhouse gas in IPCC documentation however this is now challenged by the science world because the world would fail without CO2 and natural causes , ie autmnan leaves and oceans are a worldwide natural phenomenen and a major contributor of CO2
- 6 The challenges against IPCC literature and the methodology of the assessment's ,have seen a worldwide attempt to consult , debate and mediate the findings with IPCC. This has not been successful and therefore opposing views to IPCC have had to be peer reviewed and ratified .
- 7 I personally am very aware of the differences of the predominant gaseous emissions from fossil fuel combustion and their effects on the environment . I support any attempt to limit the release of Sulphur (acid rain )and Nitrogen dioxide into the atmosphere .

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- 8 'However I am aware that the IPCC encourages any pollution to be labelled as Climate Change whereas the pollution of particulate emission and water pollution can be rectified without Kyoto Protocol charges to New Zealand business and individuals .
- 9 New Zealand has previously been duped by mass media hysteria through modern technology and communication , ie (Y2K and the suggested millenium catastrophe) and the country requires leadership to respond and halt the proposed commitment to the Emission Trading Scheme.
- 10 There is now conclusive evidence that ruminant animals are a marvel of nature and provide a very low emission output considering the amount of fodder that is consumed , not the belching beast as portrayed.
- 11 It is very possible that the huge decrease in sheep numbers in New Zealand over the last 15 years should have had a major effect on the green house gas emissions if they were to blame as is being suggested .
- 12 That there hasn't been a quantifiable decrease brings into question the theory of cause and blame and a very important reason to protect the viability of the food producing industry of farming in New Zealand from unnecessary costs increases ,threatening an already , struggling farming community
- 13 Most recently there has been indisputable proof that there is no Climate Crisis and this has been led by Christopher Walter , Third Viscount Monkton of Brenchley who was adviser to Margaret Thatcher during her years as Prime Minister in Britain . refer [www.scienceandpublicpolicy.org](http://www.scienceandpublicpolicy.org) or directly at [monckton@mail.com](mailto:monckton@mail.com)

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Lord Moncktons paper reveals that :

- 14a The Intergovernmental Panel on Climate Change (IPCC)2007 climate summary overstated CO2's impact on the temperature by 500-2000%
- b CO2 enrichment will add little more than 0.6degree C to global surface temperature by the year 2100
- c Not one of the three key variables whose product is climate sensitivity can be measured directly
- d The IPCC's values for these key variables are taken from only four published papers , not 2500.
- e The IPCC's values for each of the three key variables , and hence for climate sensitivity are overstated .
- f “Global Warming” halted ten years ago , and surface temperature has been falling for seven years .
- g Not one of the computer models relied upon by the IPCC predicted so long and rapid a cooling .
- h The IPCC inserted a table into the scientist's draft overstating the effect of ice melt by 1000% (one thousand percent)
- i It was proved 50 years ago that predicting climate more than two weeks ahead is impossible .
- j Mars , Jupiter, Neptune's largest moon, and Pluto warmed at the same time as the earth warmed .
- k In the past 70 years the Sun was more active than at almost any time in the last 11,400 years



- 15 Lord Monckton has demonstrated via 30 equations that the IPCC computer models were pre programmed with overstated values for the three variables whose product is climate sensitivity resulting in a 500-2000% overstatement of CO2's effect on temperature in the IPCC's latest climate assessment report published in 2007
- 16 Lord Mockton represented Stewart Dimmock of Kent Britain at The High Court of Justice ( Case CO/3615/2007 Mr Justice Barton ) that challenged that the distribution of Al Gores movie *An Inconvenient Truth* contravened sections of the Education Act 1996. refer to Exhibit 1 a review of the errors and court reference from Lord Mockton
- 17 I enclose the reference to the expert evidence of Professor Bob Carter of the James Cook University Queensland confirming the International expertise as witness evidence in Case CO/3615/2007 refer to Exhibit 2
- 18 I enclose an address and references by the Viscount Mockton of Brenchley to the local Government Association Bournemouth 3rd July 2008 refer to exhibit 3
- 19 The University of Hartford , Professor of Physics , Larry Gould has commented on the lecture by Christopher Mockton “ *to me the value of this paper lies in it's disassionate but ruthlessly clear exposition – or ,rather expose – of the IPCC's method of evaluating climate sensitivity. The detailed arguments in this paper , and indeed ,in a large number of other scientific papers ,point up extensive errors ,including numerous projection errors of climate models , as well as misleading statements by the IPCC. Consequently , there are no rational grounds for believing either the IPCC or any other claims of dangerous anthropogenic 'global warming'* refer to [www.scienceandpublicpolicy.org](http://www.scienceandpublicpolicy.org)



- 20 I enclose the report “An Inconvenient Truth” that gives a factual analysis and a superb concise summary of most of the scientific argument against the opinion of catastrophic global warming . The findings clearly define the fragility of the IPCC claims of Climate change . refer to Exhibit 4
- 21 The hysteria that is associated with the Climate Change is repugnant to myself when the individual citizen is powerless against Governmental bodies who legislate to remove their human rights and natural justice .
- 22 There is a possibility that many of the personal freedoms and democratic rights may be eroded if the Global warming hysteria and sinister aspects are allowed to establish and flourish .
- 23 Almost all human activities would be controlled , from travel ( air miles ) , food consumption (carbon footprint ) to the choice of vehicle and housing . The cost of living will go up dramatically and the poorer nations and inhabitants will be affected greater .
- 24 I enclose a copy of the New Zealand Climate Science organisation website that has available a very commendable display of literature that is unweildy to attach to an affidavit but illustrative of the growing concern that is being shown by the residents and academics of New Zealand . The titles are in themselves an indication that caution must be considered before the ego of suggesting that New Zealand leads the world in climate change laws refer to exhibit 5
- 25 The New Zealand Government must be aware that the goodwill the country has enjoyed has been eroded and the placing on the OECD list of industrialised countries is very close to third world and not improving

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- 26 New Zealand is not required to be a leading nation in regard to the Kyoto Protocol. Legislation must not determine the nations ability to be sustainable , or be compromised by the ambitions of the Government to be a leading nation in regard to the implementation of the Kyoto Protocol.
- 27 The New Zealand Government and advisors have not completed the provisions of the various aspects of the bill into law . The Emissions Trading and Renewable Preference Bill, Climate Response Act 2002 and Emissions Trading Scheme are still required to be completed to enable New Zealand to implement the Kyoto Protocol to the United Nations Convention on Climate Change
- 28 The prolonged implementation of the Kyoto Protocol into New Zealand Law has not recognised the critical evidence that has been provided to rebuff the IPCC claims .
- 29 The Coalition Government that is governing the country in 2008 has no consensus of acceptance among it's coalition for the provisions of the Bill. The New Zealand position is further exacerbated by the perceived slower acceptance and delayed response from New Zealand's major trading partners .
- 30 The Kyoto Protocol was notified in October 2001. The Kyoto Protocol was ratified in December 2002 The New Zealand provisions are to be phased in from 2008-2018 and Agriculture assistance phased out by 2030 which is an inordinate length of time if the IPCC claims of possible catastrophe are to be accepted

A handwritten signature in black ink, appearing to be 'BWW' with a flourish above it.

31 In Canada in 2006 the Conservative Party won the election and **have formally moved to abandon and drop out of the Kyoto Protocol with one years notice** They said the cost to the country of Kyoto commitments was too high and the targets were impossible to achieve.

32 That is still an option for New Zealand where under Article 27 any country can withdraw after three years of it coming into force . This means as from 16<sup>th</sup> Feb 2008 New Zealand is free to withdraw -without any penalties

### **Royal Society of New Zealand Climate Change Committee**

33 The committee in July 2008 issued a special statement designed to clear up the “controversy over climate change and possible “confusion amongst the public”. The statement from the climate change committee asserts that “ *the globe is warming because of increasing greenhouse gas emissions and that “human activities are to blame”* This statement reinforces the Government position that in order to prevent climate disaster , emission trading and biofuel legislation must be passed to force the public to make personal sacrifices and reduce their consumption of energy.

34 The expert committee carry the conflict of interest that they work for NZ Government institutions that garner research funds to investigate the human influence on Global Warming Five members are employed by NIWA, one member works within a global change research institute and and one is associated with “carbonZero” which is a “greenhouse gas management and reduction scheme offering carbon credits “

35 The statement has drawn strong criticism from the **New Zealand Climate Science Coalition** who have become increasingly alarmed about the misleading information being disseminated about climate change and so called anthropogenic (man made ) global warming and issued the statement ;  
“ *It beggars the imagination that an expert committee can launch a public statement about climate change that is so partial in its arguments and so out of date in its science “*





36 The applicant is not a member of either The Royal Society of New Zealand , The New Zealand Climate Committee or New Zealand Climate Science Coalition or a financial member of a current New Zealand Political Party

**Conclusion in Support**

- 37a The science debate is not concluded which is a requirement before wrecking the economy .
- b The claimed greenhouse gas signature is missing and is a vital component .
- c Balloon radiosondes measurements over decades report no hotspot whatsoever
- d There is no evidence that carbon emission causes significant global warming .
- e There is no evidence that ruminant animals and farming are major polluters
- f Satellite data shows that warming trend ended in 2001and the world is now cooling .
- g The New Zealand political process is not unanimous in support for the Emission Trading .
- h The Emission Trading Scheme at best it is a miscarriage of jus ice against the citizens .The attempt to negotiate this bill through Parliament after taking and accepting independent advice that is subject to a conflict of interests .
- i The 9 untruths exposed by Lord Monckton in 2007and accepted by the Court in Britain is incredibly not addressed in the 2008 statements presented to the New Zealand Government by the Royal Society Climate Change Committee.
- j The further 26 untruths documented by Lord Monckton also have not been debated by IPCC officials after invitation to debate was offered and not accepted .

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- k Even more alarming is the self sustaining nature of the IPCC and its alarmist claims which determine the direction of climate research funding . The process is one of strong positive feedback for alarmist science advice which is permeating bureaucracies and governments throughout the world .
- l This advice is driving countries to implement unnecessary and ineffective national and international carbon trading taxes .
- m At its most basic , if scientists cannot be sure that temperatures are today rising , falling or steady , nor establish that CO2 is or is not a factor , then it is a nonsense to propose that expensive controls are needed .
- n Article 27 of the Kyoto Protocol allows New Zealand to withdraw without penalty.
- 38 More importantly it is bizarre despite the billions of dollars expended , the almost decade of alarmist claims , the hypothesises of dangerous human caused warming, the Court case exposing the untruths , the refusal to rebutt the British Court findings , the absence of any catastrophic disaster, the apathy displayed by the public towards Climate Change media attention , the opposing evidence to show that the alarmist claims are natural phenomenon , there is still no evidence or substantiated facts and evidence forwarded by the IPCC to conclusively prove their claims .
- 39 New Zealand Deserves and Requires the Evidence and Truth before passing the Emission Trading Scheme
- 40 The Applicant requests that in the best interests of the New Zealand Public through the granting of the ON Notice Injunction by the New Zealand High Court against The New Zealand Labour Party Members of Parliament , that New Zealand public will be able to have independent International evidence delivered in a timely manner, to coincide with the direction that Countries of the World , New Zealand trades with , ratify.



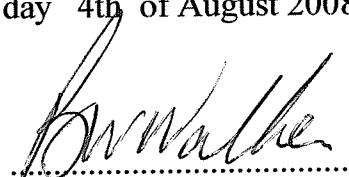
**INJUNCTIVE RELIEF SOUGHT.**

**Immediate prevention and halting of the unreasonable haste of the New Zealand Labour Party Members of Parliament to attempt to impose the Emission Trading Scheme into Law committing the General Public of New Zealand to the provisions of the Emissions Trading Scheme law before the forthcoming election in 2008.**

Sworn at Queenstown this day 4th of August 2008 by

Basil Walter Walker

Applicant



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Before me



**N. M. McIntosh  
Deputy Registrar  
Queenstown District Court**

cc . Mr Mike Smith  
the General Secretary  
The New Zealand Labour Party  
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