

evidence was consistent with the summary contended for by the applicant and referred to at [107] to [111] above.

117 Where the evidence of Mr Meggs differs from that of Dr McQuillan and Dr Michaels, I prefer the evidence of Dr McQuillan and Dr Michaels. Under cross-examination, Mr Meggs was frequently evasive and appeared to me to be much more of an advocate for the cause of Forestry Tasmania than an independent expert. I accept the applicant's submission that Mr Meggs was a 'partisan polemic' and a 'so-called independent expert'; see *Universal Music Australia Pty Ltd v Sharman License Holdings Ltd* (2005) 220 ALR 1 at [26], per Wilcox J.

118 The worst aspect of Mr Meggs' lack of independence was his preparedness to alter his affidavit evidence based on 'suggestions' by senior employees of Forestry Tasmania.

119 Mr Meggs gave evidence that his affidavit received 'peer review' from the following people:

- Dr Sarah Munks from the Forest Practices Authority;
- Dr Stephen Read, the Chief Scientist of the Division of Forest Research and Development from Forestry Tasmania;
- Dr Hans Drielsma, the then General Manager of Forestry Management for Forestry Tasmania;
- Mr John Hickey, the Manager of the Planning Branch (formerly the Principal Research Officer of the Native Forests Branch) of Forestry Tasmania; and
- Dr Marie Yee from Forestry Tasmania.

120 Mr Meggs gave evidence that he changed no matter of substance in his affidavit in consequence of this 'peer review process'. That evidence is false. Mr Meggs did change matters of substance as a result of the peer review process. He excised parts of his draft affidavit which were helpful to the case of the applicant but unhelpful to Forestry Tasmania.

121 At the urging of an officer or officers of Forestry Tasmania, Mr Meggs deleted the following sentence from his affidavit:

'The longer the status quo of conservation management for this species is maintained the higher the risk of extinction to the species based on current knowledge.'

122 Mr Meggs claimed he excised that sentence because he made the point elsewhere in his affidavit. After trying to avoid answering the question, when asked where else in his affidavit he made the point, Mr Meggs was not able to identify where he had done so.

123 Mr Meggs denied deleting the sentence because Dr Drielsma and Mr Hickey wanted it deleted. I do not accept that denial.

124 Also, at the urging of Dr Read, Mr Meggs omitted sections from his draft affidavit which referred to the inadequacy of existing monitoring programs and the 'somewhat patchy' implementation of 'adaptive management strategy for conservation' of the beetle.

125 The manipulation of Mr Meggs' expert evidence is regrettable. In light of the above, I do not accept the evidence of Mr Meggs where it conflicts with that of Dr McQuillan and Dr Michaels. I accept the evidence of these two witnesses which supports the summary of 'significant impact' contained in the submission of the applicant and summarised at [107] to [111].

DR ROBERTS

126 Dr Sandra Roberts is a Research Officer in the field of forest hydrology employed by Forestry