

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION**

No. 8547 of 2009

BETWEEN

ENVIRONMENT EAST GIPPSLAND INC

Plaintiff

and

VICFORESTS

Defendant

AFFIDAVIT OF DAVID JOSEPH SCOTTS

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|----------------------------------|------------------|---------------------|
| Date of document: | 25 November 2009 | |
| Filed on behalf of: | Plaintiff | |
| Bleyer Lawyers Pty Ltd | | Ph: 9600 4224 |
| Level 1, 550 Lonsdale Street | | Fx: 9600 4225 |
| Melbourne 3000 | | Code: 101385 |
| Em: vanessa@bleyerlawyers.com.au | | Ref: Vanessa Bleyer |

I, David Joseph Scotts, ecologist and zoologist, of 40 Oceanview Crescent, Emerald Beach in the State of New South Wales SOLEMNLY AND SINCERELY AFFIRM as follows:

1. In 1983, I completed a Bachelor of Science with Honours in zoology at Monash University in Clayton, Victoria. Following completion of those studies and for about nine years, I worked as a fauna ecologist for the Victorian State Government, mostly at the Arthur Rylah Institute for Environmental Research at Heidelberg in Victoria. That entailed threatened species research including and specifically in respect of the Long-footed potoroo (*Potorous longippes*). During that time I also participated in a number of flora and fauna surveys in the forests of East Gippsland in Victoria. In 1992 I moved to north east New South Wales and have worked there since then as a professional ecologist and zoologist, both for the New South Wales State Government and as a private consultant. At present I am a sole trader environmental consultant. Through my business I perform work for both government and the private sector as a fauna ecologist. Now produced and shown to me and marked "DJS-1" is a true copy of my current curriculum vitae.

2. I make this affidavit from my own knowledge.
3. On 30 October 2009, I received a request from Vanessa Bleyer of Bleyer Lawyers to identify the species of an animal that had been caught on film. The request was made by email. Now produced and shown to me and marked "DJS-2" is a true copy of the email and the attachments to it. The attachments are two images and one video recording.
4. I watched and considered the footage and I looked at and considered the images provided by Ms Bleyer. I believe that the animal on film and in the images is a Long-footed Potoroo and I am confident in my opinions. I sent an email to Ms Bleyer on 31 October 2009 informing her of my view. Now produced and shown to me and marked "DJS-3" is a true copy of the email that I sent to Ms Bleyer.
5. On 11 November 2009, I received another request from Ms Bleyer to identify the species of an animal that had been caught on film. The request was made by email. Now produced and shown to me and marked "DJS-4" is a true copy of the email with the attachments to it. The attachments are an image and a video recording.
6. I watched and considered the footage and I looked at and considered the image provided by Ms Bleyer. I believe that the animal on the film and in the image is a Long-footed Potoroo and I am confident in my opinion. I sent an email to Ms Bleyer on 11 November 2009 informing her of my view. Now produced and shown to me and marked "DJS-5" is a true copy of the email that I sent to Ms Bleyer.

Sworn at *Coffs Harbour* in the State of New South
 Wales this *26th* day of November 2009

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) *A. Lenth*

Before me: *G.K. Keraham J.P. Reg. No. 149825*