



Legislative Assembly Privileges Committee

Person referred to in the Legislative Assembly— Professor David Lindenmayer AO

Report

November 2023

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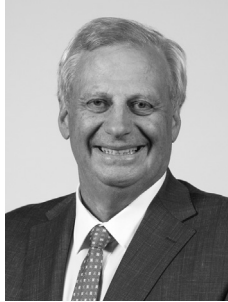
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This report is available on the Committee's website:
parliament.vic.gov.au/la-privileges

Committee membership



CHAIR
Hon Lily D'Ambrosio
Mill Park



DEPUTY CHAIR
Hon Kim Wells
Rowville



Hon Melissa Horne
Williamstown



James Newbury
Brighton



Hon Danny Pearson
Essendon



Hon Mary-Anne Thomas
Macedon



Hon Peter Walsh
Murray Plains

About the Committee

Functions

Extract from the Votes and Proceedings of the Legislative Assembly, No 8 — Thursday 23 February 2023.

3 Committee Membership — Motion made, by leave, and question That:

...

- (8) A select committee be appointed to inquire into and report upon complaints of breach of privilege referred to it by the House, right of reply applications referred under SO 227 and any other matter referred to it by the House; and Lily D’Ambrosio, Melissa Horne, James Newbury, Danny Pearson, Mary-Anne Thomas, Peter Walsh and Kim Wells be members of the Privileges Committee

...

put and agreed to.

Secretariat

Joel Hallinan, Assistant Clerk—Committees, Legislative Assembly
(until 30 October 2023)

Matt Newington, Assistant Clerk—Committees, Legislative Assembly
(from 30 October 2023)

Liam Moran, Manager, Procedure Office, Legislative Assembly

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Recommendation

RECOMMENDATION: That the response by Professor David Lindenmayer AO in Appendix A be published with this report.

1

Person referred to in the Legislative Assembly— Professor David Lindenmayer AO

On 8 February 2023 Professor David Lindenmayer AO made a submission to the Speaker of the Legislative Assembly seeking redress under Standing Order 227 relating to the protection of persons referred to in the Legislative Assembly.

The submission referred to a statement made by the former Member for Narracan, Gary Blackwood, during his valedictory statement on 20 September 2022. The Speaker accepted the submission for the purposes of the Standing Order and referred it to the Committee on 3 May 2023.

The Committee met in a private session on 4 October 2023 and resolved to consider Professor Lindenmayer's submission and write to him requesting he prepare a draft response in consultation with the Committee secretariat.

On 16 October 2023 Professor Lindenmayer submitted a draft response for the Committee's consideration. The Committee met again in a private session on 1 November 2023 and resolved to accept his response. The Committee met in a subsequent private session on 15 November 2023 and resolved to publish his response with this report.

The Committee draws attention to Standing Order 227(9) which requires that, in considering a submission under this Standing Order and reporting to the House, the Committee shall not consider or judge the truth of any statements made in the House or in the response.

RECOMMENDATION: That the response by Professor David Lindenmayer AO in Appendix A be published with this report.

**Adopted by the Legislative Assembly Privileges Committee
Parliament of Victoria, East Melbourne
15 November 2023**

Appendix A

Response by Professor David Lindenmayer AO under SO 227

In his valedictory speech of 20th September 2022, Mr Gary Blackwood used Parliamentary Privilege to again make false statements and to question my credentials as a world leading forest ecologist. Previous statements have similarly been the subject of a right of reply.

Mr Blackwood stated that I was a ‘fraud using false, manipulated scientific research’.

This statement is demonstrably untrue. There is no evidence whatsoever that my research is false. Mr Blackwood offered none. There is also no evidence my research has been manipulated. Again, Mr Blackwood offered none.

Conversely, all of my research is subject to rigorous peer review in the international or national scientific literature. I am known globally for: (1) rigorous designs used to tackle key scientific questions of resource management relevance, (2) very careful collection of high quality field data, (3) detailed statistical analyses of those field data, and (4) close attention to writing up my work in the world’s leading scientific journals.

This approach has been employed in the 915 peer-reviewed scientific papers that I have published in the national and international scientific literature.

The quality of my work — which has never been questioned as being false or manipulated by others — is reflected by the rate at which my scientific articles are cited by other researchers globally. I am one of the world’s most highly cited scientists and not just in forestry, but also ecology and conservation biology. As of 13 October 2023, my research articles had been cited 89 703 times. More than almost any other forest ecologist anywhere in the world.

Mr Blackwood’s comments are incorrect and have no basis in fact.

The value of an academic reputation is difficult to quantify. However, it has an effect on the ability to attract the best research students, on securing research funding (which is the lifeblood of an academic career), and on engaging with peers (which is essential to shared academic efforts). As such, Mr Blackwood’s unsupported, false and damaging accusations cannot stand.

Appendix B

Extract from Standing Orders

227 Citizen's right of reply procedure

1. Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
2. The submission must include a claim that, as a result of the reference:
 - a. the applicant has been adversely affected:
 - i. in reputation; or
 - ii. in relation to dealings or associations with others; or
 - b. the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - c. the applicant's privacy has been unreasonably invaded.
3. The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:
 - a. the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character, as to make it inappropriate that it
 - b. be considered by the Committee; and
 - c. that it is practicable for the Committee to consider the submission under this Standing Order.
4. When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.
5. The Committee may decide not to consider a submission referred to it if:
 - a. it considers that the subject of the submission is not sufficiently serious; or
 - b. it considers that the submission is frivolous, vexatious or offensive in character; or
 - c. the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay—and will report any such decision to the House.

6. If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
7. The Committee will meet privately when considering a submission.
8. The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.
9. In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
 - a. any statements made in the House; or
 - b. the submission.
10. In its report to the House, the Committee may make either of the following recommendations:
 - a. that no further action should be taken by the House in relation to the submission; or
 - b. that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
11. The Committee will not make any other recommendations.
12. A document presented to the House under paragraphs (8) or (10):
 - a. in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - b. will not contain any matter, the publication of which would have the effect of unreasonably:
 - i. adversely affecting or injuring a person; or
 - ii. invading a person's privacy, in the manner referred to in paragraph (2); or
 - iii. adding to or aggravating any such adverse effect, injury or invasion of privacy.
13. The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Standing Order.

