

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

Privileges Committee



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

Parliament of Victoria
Legislative Assembly Privileges Committee

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Committee membership



Hon Martin Pakula
Keysborough



Mr David Morris
Mornington



Hon Jacinta Allan
Bendigo East



Hon Ben Carroll
Niddrie



Hon Jill Hennessy
Altona



Mr Frank McGuire
Broadmeadows



Ms Steph Ryan
Euroa



Ms Louise Staley
Ripon



Hon Kim Wells
Rowville

About the Committee

Functions

Extract from the Votes and Proceedings of the Legislative Assembly,
Thursday 21 March 2019:

19 COMMITTEE MEMBERSHIP — Motion made, by leave, and question — That —....
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 Ms Allan, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Ms Neville, Mr Pakula, Ms Ryan and Mr Wells be members of the Privileges Committee — put and agreed to.

On 18 March 2021 Ms Neville was discharged from the Committee and Mr Carroll appointed in her place.

On 6 October 2021 Mr Guy resigned from the Committee and on 7 October 2021 Ms Staley was appointed in his place.

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This report is available on the Committee's website.

Contents

Preliminaries

Committee membership	ii
About the Committee	iii
Recommendation	vii

Person referred to in the Legislative Assembly— Professor David Lindenmayer AO	1
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Appendices

A Response by Professor David Lindenmayer AO under SO 227	3
B Extract from Standing Orders	5

Recommendation

RECOMMENDATION 1: 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

1. On 12 May 2021 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.
2. The submission referred to a statement made by the Member for Narracan, Mr Gary Blackwood MP, during statements by members on 6 May 2021. The Speaker accepted the submission for the purposes of the Standing Order and referred it to the Committee on 17 May 2021.
3. The Committee met in private session on 5 August 2021, and decided to invite Prof. Lindenmayer to prepare a draft response in accordance with its ‘Right of Reply Guidance Notes for Applicants’.
4. The Committee met again in private session on 20 October 2021 and considered Prof. Lindenmayer’s response of 18 August 2021. The Committee found that Prof. Lindenmayer’s draft response did not comply with the requirements of Standing Order 227, nor with guidance provided by the Committee. The Committee resolved to give Prof. Lindenmayer another opportunity to provide a draft response in the required format.
5. The Committee met again in private session on 23 February 2022 and considered Prof. Lindenmayer’s response of 20 December 2021. The Committee found that parts of Prof. Lindenmayer’s draft response did not comply with its requirements for a right of reply. The Committee resolved to write to Prof. Lindenmayer noting the elements of his draft response that were not admissible and invite him to provide an amended draft response.
6. The Committee met again in private session on 9 March 2022 and considered Prof. Lindenmayer’s response of 24 February 2022. The Committee agreed to accept Prof. Lindenmayer’s draft response.
7. The Committee met again in private session on 23 March 2022 and agreed to publish Prof. Lindenmayer’s response in this report.
8. 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 1: 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
23 March 2022**

Appendix A

Response by Professor David Lindenmayer AO under SO 227

In his speech of 6th May 2021, Mr Gary Blackwood used his Parliamentary Privilege to make false statements and question my research career.

Mr Blackwood stated:

David Lindenmayer constantly puts out information that is incorrect, quotes from papers he has written on forest science that have never been peer reviewed and flagrantly abuses the Australian National University process for claiming peer review status for his work.

This statement is demonstrably false. As of 24 February 2022, I had published 859 peer-reviewed scientific articles in international and national scientific journals. I have also published 48 scientific books. I am one of the world's most highly cited scientists. My peer-reviewed work is considered to be among the most rigorous science in the fields of forest ecology and conservation biology globally. On the basis of my peer-reviewed research, I was elected to the Australian Academy of Science in 2008 and held a prestigious Australian Research Council Laureate Fellowship from 2013 to 2018. I have won many international awards for my peer-reviewed science, including an Order of Australia (AO) in 2014. In 2020 and 2021, The Australian newspaper recognized me as Australia's foremost authority on biodiversity.

Mr Blackwood claimed that:

The Lindenmayer lie was linked to the Snobs Creek area in the Goulburn catchment, nowhere near any catchment that supplies Melbourne with water.

This statement is demonstrably false. Our work on logging on steep slopes was conducted in the Upper Goulburn Water Catchment and not the Snobs Creek area. This was made clear in a major peer-reviewed scientific paper that was published in the international journal *Environmental Science & Policy* in 2021. Our peer reviewed scientific analysis of logging in the Upper Goulburn Water Catchment showed that 75% of 204 logging coupes contained slopes exceeding 30 degrees (Taylor and Lindenmayer, 2021). Water from the Upper Goulburn Water Catchment is part of Melbourne's water supply through the North South Pipeline. I co-wrote a book on Melbourne's Water Supply catchments that was published in 2013 by CSIRO Publishing. I therefore have a deep understanding of where water is harvested and where it is directed.

The Privileges Committee sought evidence of the impacts of Gary Blackwood's remarks. There is evidence of this through his entire speech being produced verbatim in Timberbiz magazine.

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 be considered by the Committee; and
 - (b) 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.

