

**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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Ordered to be published

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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.

## Secretariat

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This report is available on the Committee's website.



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# Recommendation

**RECOMMENDATION 1:** That the response by Professor David Lindenmayer AO in Appendix A be published with this report.

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

1. On 18 May 2022 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 on parliamentary committee reports on 6 April 2022. The Speaker accepted the submission for the purposes of the Standing Order and referred it to the Committee on 9 June 2022.
3. The Committee met in private session on 22 June 2022 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 in private session on 17 August 2022 and considered Prof. Lindenmayer’s response of 19 July 2022. The Committee agreed to accept Prof. Lindenmayer’s draft response.
5. The Committee met again in private session on 31 August 2022 and agreed to publish Prof. Lindenmayer’s response in this report.
6. 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  
31 August 2022**



# Appendix A

## Response by Professor David Lindenmayer AO under SO 227

In his statement of 6th April 2022, on a Privileges Committee report, Mr Gary Blackwood made further statements and questioned my research credentials, which were both false and damaging.

*Mr Blackwood stated that I was a “scientific fraud” and abused The Australian National University process for claiming peer review status for my work.*

This statement is false. My record shows that I have published 878 peer reviewed scientific papers in leading national and international peer reviewed journals.

The approach used to publish my scientific articles is entirely consistent with ANU process. My office keeps a record log of review and revision for every one of my peer reviewed articles. This record is available to any person who wishes to review the publication register, should they wish to inform themselves.

In addition, copies of all of the 878 peer reviewed scientific articles are available to any person who wishes to read the highest quality science I produce. Citation rates of scientific articles is a robust metric of scientific quality. I continue to be one of the world’s most highly cited scientists and not just in forestry, but also ecology and conservation biology.

*Mr Blackwood claims that Snobs Creek is in the Upper Goulburn catchment and that I am a “very poor map reader” for claiming it was not.*

My peer reviewed published work in question focused on the Upper Goulburn Catchment, which is declared a special water supply catchment area under Schedule 5 of the *Catchment and Land Protection Act 1994*. The boundary of the catchment is detailed on the Victorian Government website.

Victorian Government maps clearly show that Snobs Creek is not part of the Upper Goulburn special water supply catchment. New spatial analyses (*Taylor & Lindenmayer 2022. Using LiDAR to assess compliance with forest environmental management practices. (PLOS One) (in press)*) re affirm that the vast majority of logging coupes in the Upper Goulburn catchment have extensive areas that exceed 30 degrees in slope, thereby breaching timber harvesting prescriptions.

A

*Mr Blackwood claims that I manipulated facts claiming that the north-south pipeline is used for supplying Melbourne.*

The Melbourne Water website states: “At times of critical need, the 70 kilometre North-South Pipeline can carry water from the Goulburn River to Melbourne’s Sugarloaf Reservoir.” Sugarloaf Reservoir is a critical part of Melbourne’s water storage capacity.

# 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.



