

The Senate

Committee of Privileges

Person referred to in the Senate

Professor Simon Chapman AO

157th Report

July 2014

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The Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 3360
Facsimile: (02) 6277 3199
Email: priv.sen@aph.gov.au
Internet: www.aph.gov.au

Report

- 1.1 On 24 June 2014 the then President of the Senate, Senator the Honourable John Hogg, received a submission from Professor Simon Chapman seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).
- 1.2 The submission referred to a speech made by Senator Madigan in the Senate on 17 June 2014. The President accepted the submission as a submission for the purposes of the resolution and referred it to the Committee of Privileges.
- 1.3 The committee met and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. The terms of the response, which the committee now recommends for incorporation in Hansard, have been agreed to by Professor Chapman and the committee in accordance with Resolution 5(7)(b).
- 1.4 The committee draws attention to resolution 5(6):

In considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or in the submission.
- 1.5 The committee **recommends**:

That a response by Professor Simon Chapman, in the terms specified at Appendix 1, be incorporated in *Hansard*.

Senator the Hon Jacinta Collins
Chair

Appendix

Professor Simon Chapman AO

Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

Reply to speech by Senator John Madigan

(17 June 2014)

On the evening of June 17, 2014 Senator John Madigan spoke at length in the Senate, in a speech entirely focused on me. Senator Madigan made a number of statements and asked several questions that have potential to damage my reputation among those not apprised of the background to his speech and of important facts that were missing from what he said.

Background

On April 15, 2014 I commenced legal action for defamation against Senator Madigan, following public remarks he made about me on the Alan Jones radio program on March 27, 2014. My legal action refers to a statement made by Senator Madigan following a remark by Alan Jones:

Alan Jones: “You’ve got people like this fellow Chapman, calling himself a professor at Sydney University, preaching also the wind farm propaganda. They are everywhere these people.”

Senator Madigan then said: “Yes and Alan, when we talk about people using the title ... using a title like professor, let us be crystal clear that most people in the community assume when you use the title professor that you are trained in the discipline of what you speak. And I ask people, look and check what is the person making these proclamations about some other people’s health, what is the discipline of they are trained in of which they speak. Because most people in the public assume that when you speak on an issue of health that you are trained in the discipline of which you speak and there are people making pronouncements and denigrating people who are not trained in human health.”

My lawyers wrote to Senator Madigan on my behalf about what he had said:

“The imputations of concern (arising as a matter of ordinary meaning and by way of true innuendo) are, among others, that Professor Chapman

(a) is not trained in the discipline he purports to be trained in;

- (b) is dishonest;
- (c) misrepresents his qualifications and expertise;
- (d) denigrates people;
- (e) makes statements of opinion outside his area of expertise while misrepresenting that he is qualified in the relevant area of expertise;
- (f) is not trained in Medicine;
- (g) is not trained and/or does not have expertise in human health;
- (h) is not a Professor in health;
- (i) does not have expertise, and is not qualified to comment, about wind farms and human health.”

Senator Madigan replied denying that his words referred to me, but saying that they were in any case true and justified. He also made statements in his reply that I was a “paid advocate of the wind industry” and that if this matter proceeded to court he would seek to expose this in court and under parliamentary privilege.

My lawyers advised Senator Madigan prior to his speech to the Senate, and I am now advising the Parliament, that I have never sought or had any paid advocacy role with any wind company nor any agent acting for them. My lawyers also wrote to Senator Madigan: “Our client also takes this opportunity to note that given we have now conveyed to you the matters set out above, there is no longer any basis for you to claim that our client is “a paid advocate for the wind industry” or “inappropriately influence[s] government departments and representative bodies”, as you suggest you may do in future in Parliament. Should you, despite the matters set out above, nevertheless deliberately make such false and misleading statements to Parliament, it would constitute a contempt of Parliament and a breach of your Parliamentary privilege.”

In Senator Madigan’s speech to the Senate on June 17, 2014 he stated that my lawyers’ notice to him that repeating the claim about me being a paid advocate of the wind industry in the Parliament was “another attempt by the wind industry to silence me, to scare me off and to intimidate me.” He also said: “Members and senators have the right to undertake their duties freely to represent their constituents-it is the reason we are here. Any attempt to gag a senator or member of parliament, any attempt to exert influence by means of threat or intimidation is a breach of parliamentary privilege.”

In using the words “another attempt by the wind industry”, Senator Madigan has thereby asserted that I am somehow an agent of the wind industry. This statement directly implies that I am in their employ or that I am being compensated for advocacy by the wind industry, and that I am colluding with people in the wind industry to intimidate him.

As Senator Madigan had previously been advised prior to making his statement in Parliament, this is a baseless claim without any foundation.

My qualifications and experience I am a professor of public health in the School of Public Health in the Faculty of Medicine at the University of Sydney. I have worked continuously in public health practice since 1974, and in academic research and teaching since 1978. I have successfully supervised 30 masters by research and 14 doctoral students through to graduation.

I was awarded a PhD in Medicine in 1986 from the Department of Social and Preventive Medicine at the University of Sydney, as set out publicly on the University of Sydney website at <http://sydney.edu.au/medicine/people/alumni/alumnibydegree.php?did=73&year=1986>. I am a social scientist and in 2008 was elected as a Fellow of the Australian Academy of Social Sciences. In 2013, I was invited to deliver the Academy’s premier oration at its annual conference, the Cunningham Lecture.

I have received many awards in recognition of my achievements in my area of expertise, being health, throughout my career. These include:

- The World Health Organization’s World Tobacco Day medal, 1997.
- The American Cancer Society’s Luther Terry Award for Outstanding Individual Leadership. This is a global award made every three years. I was the second ever recipient.
- NSW Premier’s Award: Outstanding Cancer Researcher of the Year, May 22, 2008;
- The Sidney Sax Medal 2008: Public Health Association of Australia;
- Distinguished Professorial Achievement Award, Faculty of Medicine, University of Sydney November 2012;
- Elected Honorary Fellow, Faculty of Public Health of Royal Colleges of Physicians of the United Kingdom March 2013;

- Officer in the Order of Australia (AO) Queen's Birthday, Jun 10 2013 "for distinguished service to medical research as an academic and author, particularly in the area of public health policy, and to the community." ?
- Australian Skeptic of the Year 2013

Over the course of my 40 year career in human health, I have written and published extensively in peer reviewed journals, and received over 8580 citations for my research and commentary on a wide variety of public health issues, including wind farms and health concerns. My Google Scholar citations can be found here <http://scholar.google.com.au/citations?hl=en&user=PDE8U4UAAAAJ>. I have contributed to knowledge as a social scientist, not as a medical practitioner.

Over the last 12 months I have published two peer reviewed papers about wind farms and health in research journals, with a further such paper recently accepted for publication in *Noise and Health*. Another has been invited for a special edition of *Frontiers*, a journal published in alliance with the renowned journal, *Nature*. I have also been invited to provide expert comments on research manuscripts about wind farms and health by the journals *Noise and Health*, the *International Journal of Acoustics and Vibration* and *Cureus*. In 2010, the National Health and Medical Research Council invited me to be an expert reviewer of its rapid review of research on wind farms and health.

The above research background contrasts with Senator Madigan's public and parliamentary characterisation of me as someone "using a title like professor" who is "not trained in human health".

Specific replies to Senator Madigan's statement to the Senate

Below are my responses to specific matters raised by Senator Madigan in his Senate speech.

1. "And this academic in question stands shoulder to shoulder with the wind industry companies and their colourful-and I use that term deliberately-executives. He promotes their products. He attacks their critics. He attends their conferences. He rubs shoulders with their henchmen. He is, in the words of the former member for Hume, Alby Schultz-who was a great campaigner on this issue, I might add-devoid of any decency and courage."

Response: Senator Madigan's language here ('colourful executives... rubbing shoulders... henchmen') and his description of me under parliamentary privilege as "devoid of any decency and courage" speaks for itself and contrasts with character references that could be obtained from a large number of national and

international people of impeccable standing who would take a different view of my character.

While - like the majority of the population -- I am a strong supporter of renewable energy, I have never “promoted the products” of the wind industry. I have written and spoken extensively about wind farms and health. My involvement in this issue has been as an academic commentator with an interest in the psychogenic aspects of public health panics. This is a field with a large research literature, recently reviewed for the case of claims about wind farms causing problems by a team led by Sir Simon Wessely, the Chair of Psychological Medicine at King’s College London and President Elect of the Royal College of Psychiatrists (see Rubin GJ, Burns M, Wessely S. Possible psychological mechanisms for ‘wind turbine syndrome’. *On the windmills of your mind. Noise and Health* 2014 Mar-Apr;16(69):116-22).

2. “Professor Chapman has a record of public denigration of victims. I refer to his tweet in February this year about ‘wind farm wing nuts’.”

Response: I have reviewed my entire Twitter feed and have used the expression “wingnuts” twice in 10,980 tweets since November 2009. These tweets were:

Anti-windfarm wingnuts spreading rumour that @woolworths won’t buy meat that’s grazed near turbines. La-la land. <https://www.facebook.com/callous.wind.7> (27 Feb 2014)

and

Brilliant commentary on how anti #windfarm wingnuts define as corrupt anything they don’t like.

<http://t.southcoasttoday.com/apps/pbcs.dll/article?AID=%2F20140113%2FNEWS%2F401130308&template=tabletart> ... (14 Jan 2014)

In both cases, in my opinion, the absurdity of the claims being made by those opposing wind farms made the expression “wing nuts” very apposite. In neither case did the tweets refer to “victims” or people alleging they were harmed by wind farms. I have never referred to any alleged victim as a “wind farm wingnut”.

3. “Writing on a green movement website earlier this year, Professor Chapman said protesting against wind farms is a fringe activity as if to suggest that the hundreds of people who attended and spoke at anti-wind farm forums I have held across my home state of Victoria and interstate are simply collateral damage.”

Response: Despite Senator Madigan’s efforts to foment health concerns about wind farms at meetings he has co-hosted with Senator Xenophon and now self-described as “anti-wind farm forums”, the number of residents involved in protesting about wind farms near Australia’s 51 wind farms is an extremely small proportion of the number of residents who live near those wind farms. There were an estimated 32,800 people living within 5km of Australia’s 51 wind farms in 2013, and only 129 of these have been known to make complaints (see <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0076584>). After months of publicity, a national protest held on the lawn of Parliament House on June 18, 2013 attracted an attendance estimated at “150 or so” by the Sydney Morning Herald. Such numbers suggest that opposition to wind farms is correctly described as “fringe”.

4. “But is Professor Chapman a medical doctor? Is he legally entitled to examine and treat patients? Is he qualified in acoustics or any other aspect of audiology? Is he a sleep specialist? Does he hold any qualifications in bioacoustics or physiology or neuroscience? How many wind farm victims has he interviewed directly? How many wind farm impacted homes has he visited? Professor Chapman claims to receive no payment from the wind industry. How many wind industry conferences, seminars and events has he spoken at? How many wind industry events has he attended?”

Response: I am not a qualified medical practitioner and have never claimed to be. I never use the title “Doctor”, despite being entitled to do so, having a PhD. Every medical school of which I am aware employs many academic staff who are not medically qualified clinicians. The peer reviewed medical research literature contains work by hundreds of thousands of authors who are not medical practitioners.

5. “Professor Chapman claims to receive no payment from the wind industry. How many wind industry conferences, seminars and events has he spoken at? How many wind industry events has he attended?” and “Writing on the Crikey website in November 2011, Professor Chapman lamented how many conferences do not pay speaker’s fees, and, when one conference organiser refused to pay his hotel bill, he withdrew. This is the same Professor Chapman who was photographed at a campaign launch in Melbourne by the Danish wind turbine manufacturer Vestas. Did Vestas pay your hotel bill and other costs, Professor Chapman? These are reasonable questions-they put in context his actions.”

Response: The Crikey article to which Senator Madigan refers is this

<http://blogs.crikey.com.au/croakey/2011/11/15/why-do-researchers-donate-their-time-and-money-to-help-private-conference-organisers-make-big-bucks/>. As can be seen, it is an article arguing that academics are being exploited by the private health conference industry which often charges delegates registration fees of \$3000 and which expect academics who attract these fee payers, to pay for their own travel and accommodation for the privilege of assisting these companies in making large profits. Senator Madigan's attempt to use this article to imply that I am avaricious or hungry for conference speaker fees is ludicrous.

I have been an invited speaker on my research at six conferences or meetings concerned fully or in part with wind farms. These were:

- New Zealand Wind Energy Association, Hamilton New Zealand April 2-4 2012. <http://nzresources.com/showarticle.aspx?id=3097&gid=30003097>. Here I shared the opening morning session with the New Zealand Minister for Energy and Resources. My economy class airfare was paid from Sydney to Auckland by the conference organisers. My accommodation for one night in Hamilton was paid. My car rental from and back to Auckland airport was paid.
- Clean Energy Week Sydney July 24-28, 2012. No accommodation or travel was involved.
- Clean Energy Council (Melbourne) seminar August 10, 2012. Spoke on my research. Reimbursement of return economy airfare, one night's accommodation, taxis.
- Vestas Act on Facts launch. Melbourne June 18, 2013: My day-return economy airfare from Sydney and taxi fares were paid by Vestas. My role in this event was to give a 15 minute address on my research on wind farms and health.
- September 10, 2104: Invited speaker on my research at the Victorian Division of the Australian Acoustical Society (spoke from Sydney via skype video).

Rapid turnaround economy class air travel involving pre-dawn taxis to the airport, with the added attractions of in-flight catering and spending a night in a conference class hotel is not a competing interest that might be construed as a potentially corruptible inducement to compromise one's research integrity. It is standard for invited conference plenary speakers to not have to pay their own way to speak at conferences which are typically commercial concerns where plenary speakers are

used to attract paying delegates. The convention is that such travel is declarable when it involves gratuitous extra hotel days or spousal travel. This was not the case with any of the meetings I have attended.

In none of the above conferences and meetings was I paid any fee or provided with any gifts. Indeed, I would have refused to have accepted these should they have been offered. I have been an active proponent of the importance of full disclosure of competing interests by academics, as this research article about Australian universities' policies on such disclosure demonstrates.

<http://ses.library.usyd.edu.au/handle/2123/7699>

In addition, in late 2012, I was asked by a legal firm to provide an expert statement on the psychogenic aspects of wind farm complaints in preparation for a planning tribunal for a proposed wind farm. To prepare this statement, I attended a meeting in Melbourne with a law firm, visited the proposed wind farm site and spent two days writing a report during my Christmas holidays. I was paid \$2,399.90 for my time and my travel costs by the law firm.

Expert witnesses have a general duty to courts, not to any party in proceedings, as set out here for example: <http://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/cm7>

- 1.1 An expert witness has an overriding duty to assist the Court on matters relevant to the expert's area of expertise.
 - 1.2 An expert witness is not an advocate for a party even when giving testimony that is necessarily evaluative rather than inferential.
 - 1.3 An expert witness's paramount duty is to the Court and not to the person retaining the expert.
6. "Professor Chapman's attempts to gag me are the same as his attempts to silence those who object to the great wind farm scam. It is part of a greater attempt to silence open and transparent debate on this issue. It does no service to academia or to science already under much attack. It does nothing to advance discussion or progress."

Response: Senator Madigan claims that I am seeking to "silence open and transparent debate" about wind farms and health. One of the reasons I write often for on-line forums and social media is that these all attract large numbers of readers who comment on what I write. I actively encourage debate in all I do. Perhaps Senator Madigan is confusing "silencing debate" with the expression of facts and opinions that differ from his own views.

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7. “It is a case of a Sydney university academic firing shots across the bow of the blacksmith from Ballarat. This is something he has done before now, tweeting about my position on this issue, always in the context of my background as a blacksmith—a background, I add, that I am enormously proud of.”

Response: In reviewing my entire Twitter archive (n=10,980 tweets since November 2009), for the words “Madigan” or “blacksmith” I have mentioned Senator Madigan on 11 occasions (once in every 998 tweets), and in two of these noted that he is a former blacksmith. In one of these I was referring to this video <http://www.youtube.com/watch?v=40zftJ-1qMY&feature=relmfu&noredirect=1> ...of a speech where Senator Madigan commenced by telling the audience that he was a blacksmith. He says that his knowledge about wind farms comes from “four years of looking into this”. In another I wrote “All you drs who think #WindTurbineSyndrome is a nocebo effect, Sen Madigan (a blacksmith) says you’re brainwashed <http://www.6minutes.com.au/news/latest-news/doctors-brainwashed-over-windfarm-safety-senator-c> ...”

Senator Madigan has stated publicly that I am a Professor of Public Health “who is not trained in human health”. This is manifestly incorrect. It is not incorrect to say that Senator Madigan, who has often made public statements about wind farms and health, is trained as a blacksmith.