Ian Plimer and George Monbiot: could litigation sort out their argument?

By Stephen Keim - posted Thursday, 7 January 2010

Professor Ian Plimer is famous for using litigation to settle disputes going to core beliefs. In the 1990s, Professor Plimer sued Allen Roberts, an elder of the Hills Bible Church in Sydney, for misleading or deceptive conduct in breach of the Trade Practices Act 1974. The litigation concerned statements made by Dr Roberts in a Christian Science Foundation lecture conducted in April to June 1992.

In 1997, Justice Ron Sackville of the Federal Court found that Dr Roberts had made three misleading statements concerning suggestions that Roberts, himself, had carried out archaeological research on boat like formations in Mt Ararat. Professor Plimer, having won three battles, lost the war when Justice Sackville found that the misleading statements were not made in trade or commerce such that the Trade Practices Act had no relevant application. Professor Plimer, in the same year, also lost on appeal in Plimer v Roberts (1997) FCA 1361 when three further members of the Federal Court concurred in Justice Sackville's view that the Trade Practices Act was not applicable.

English writer, George Monbiot, and the Australian Broadcasting Commission have given Professor Plimer a perfect opportunity to return to Court to right some more wrongs. Is Professor Plimer's appetite for litigation still strong some 12 years down the track?

In a televised debate on the ABC's Lateline program, Monbiot, repeatedly, accused Professor Plimer of scientific fraud and fabrication. Monbiot used the phrase “scientific fraud” in respect of Plimer twice; the word “fraud” on its own, once; and the word “fabrication”, four times. He also accused Plimer of “lying on national television” and of “making up the facts”.

Professor Plimer's prominence in the early 1990s concerned his willingness to take on creationist churchmen and their attacks on the scientific credibility of the theory of evolution and their promotion of a literal interpretation of the bible myths found in the book of Genesis. Professor Plimer wrote Telling Lies for God, a book in which he strongly criticised creationist arguments. Interestingly, from the present perspective, Professor Plimer was criticised by American religious sceptic and fellow defender of evolutionary theory, Jim Lippard, for making unsupported claims and dubious ad hominem attacks on creationists in an essay called How Not to Argue with Creationists. Lippard followed up his criticisms of Plimer and another Australian, Barry Price, with an essay called How Not to Respond to Criticism.

Professor Plimer is now much better known for his attacks on those who argue that the world is experiencing and will continue to experience dangerous levels of human caused global warming and climate change. He has also written a book to advance his claims on this subject, Heaven and Earth. On this topic, also, Professor Plimer has been criticised by persons other than George Monbiot for making unfounded and dubious claims.

The debate before Tony Jones was a long time coming. In a column in The Guardian, Monbiot, last July, for publishing uncritically an interview with Professor Plimer on the occasion of the publication in the United Kingdom of Heaven and Earth. In the column, Monbiot set out scientific criticism of the book after its publication in Australia and listed eight basic errors identified by those critics.

Plimer responded by challenging Monbiot to a debate. Monbiot responded by agreeing to a debate conditional upon Plimer answering the questions raised about “errors of fact and misrepresentations” in the book.
In subsequent correspondence, Monbiot elaborated upon and raised the number of questions to be answered, and provided links to the sites where scientists had raised such questions in commenting upon *Heaven and Earth*. This correspondence is fascinating with Professor Plimer producing his own set of questions which were discovered to be largely irrelevant and incoherent by scientists some of whom had previously raised questions about the errors in the book. Professor Plimer, at all times, studiously avoided answering charges that he had made unreferenced claims which misstated his cited sources in *Heaven and Earth* which he presents as a serious scientific study of the subject of human caused climate change.

In the excitement and hype of Copenhagen, Tony Jones and *Lateline* leapt to the rescue and programmed a debate. Both men accepted without pre-condition. Monbiot was in Copenhagen and Plimer was in the studio with Tony Jones. Suffice to say, as the words and phrases enumerated above indicate, Monbiot repeated his allegations of “error and misrepresentation” in spades. As it turned out, Professor Plimer continued to avoid, assiduously, responding to the criticisms brought against him. I felt he had done well. I was unable to discover Professor Plimer's opinion.

May the solution for Professor Plimer lie in a return to litigation? After all, though he lost the war in 1997, Plimer had proved Dr Allen's lecture statements wrong in three respects. The climate change denialist movement has, in recent times, resorted to litigation to prove its factual points. In *Dimmock v Secretary of State for Education and Skills* [2007] EWHC 2288, an attempt to prevent distribution of Al Gore’s *An Inconvenient Truth* resulted in a finding by Justice Burton that nine statements in the film did not represent mainstream scientific thinking at that time. The application was unsuccessful in preventing distribution of the film to schools but did result in some amplification of teachers’ discussion notes which accompanied the film. A fair result all round.

So, what can Professor Plimer do to stop people accusing him of scientific fraud? He could sue George Monbiot and the ABC for what Monbiot said in the *Lateline* interview. The ABC and Monbiot could plead “fair comment” and “truth” in their defence and a Court could look at all the evidence and decide who was correct.

I suspect, however, from watching, listening and reading Professor Plimer that, on this topic, “a fair fight” would be the last thing he would want to be involved in.

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Stephen Keim has been a legal practitioner for thirty years, the last twenty-three of which have been as a Senior Counsel for the State of Queensland in 2004. Stephen is book reviews editor for the Queensland emagazine *Hearsay*.

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