

Royal Society of New Zealand

**Report of Professional
Standards and Ethics
Panel of the Royal
Society of New Zealand
in relation to a
Complaint of Dr Geoff
Duffy, Dr David Kear and
others against Professor
Tim Naish and Professor
James Renwick.**

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SOCIETY of
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TE APĀRANGI

Report of Professional Standards and Ethics Panel of the Royal Society of New Zealand in relation to a Complaint of Dr Geoff Duffy, Dr David Kear and others against Professor Tim Naish and Professor James Renwick

1. By attachment to an email of 26 August 2016 from Dr Doug Edmeades to the CEO of the Society, a complaint was lodged on behalf of Fellows, Drs Duffy and Kear, and Dr Edmeades and other Members (and others), against Professor Naish (Fellow) and Professor Renwick (Member) (“the Complaint”). The Complaint related to a “Ten by Ten” public presentation of Professors Naish and Renwick (“the Presentation”) given in substantially the same format at 11 venues around New Zealand between 5 July and 8 September 2016. The Presentation was approximately one hour long followed by time for questions.
2. After initial review of the Complaint by personnel of the Society under Rule 3.2(2) of the *Rules for Hearing and Determining Complaints of Breaches of the Royal Society’s Code of Professional Standards and Ethics* (“the Hearing Rules”), the Complaint was in late September referred to a Professional Standards and Ethics Panel comprising Emeritus Professor Margaret Tennant (Chair), and Professors Barry Scott, Peter Watts and Gaven Martin, all Fellows. Owing to a conflict of interest, Professor Martin withdrew from the Panel, and took no part in its deliberations.
3. For the purposes of addressing the Complaint and better understanding the context of the slides supplied, all members of the Panel viewed the version of the Presentation that was recorded in Wellington. The Panel was also supplied with a set of the powerpoint slides that accompanied the Presentation when delivered in Nelson. The Complaint referred to two slides that were not in the Nelson version of the Presentation, and these were supplied to the Panel by Dr Edmeades on request. Dr Edmeades’ email of 26 August attached in support of the Complaint a paper by Professor Michael Kelly of the University of Cambridge, England, which Panel members read.
4. The Complaint alleged that the Presentation infringed aspects of rules 2.1 and 3.1 of the *Society’s Code of Professional Standards and Ethics* (“the Code”), as follows:
 - 2.1 *Integrity and Professionalism*
 - (1) A member must behave with integrity using their knowledge and skills in a professional manner so as to competently pursue their work.
 - (2) Consistent with rule 2.1(1), a member must—
 - a. endeavour to obtain and present facts and interpretations in an objective and open manner; and
 - b. strive to be fair and unbiased in all aspects of their research in their application of their knowledge in science, technology, or the humanities.
 - 3.1 *Honesty*
 - (2) Consistent with rule 3.1(1), a member must—...
 - h. always be scrupulously honest in the application of findings from research in the transfer of technology to the community wherever it occurs.
5. The Panel held a meeting in Wellington on Tuesday, 18 October 2016 for 1.5 hours. This meeting was attended by Ms Phillippa Gardiner, Chief Operating Officer of the Society. It subsequently conferred in a telephone conference on 1 November 2016. In addition to the material referred to above, Panel members were supplied with and considered the report of a previously constituted Panel in respect of a complaint made in 2015 against an Honorary Fellow (“the 2015 Report”). Full Reports of Professional Standards and Ethics Panels are usually made available only to the parties to the complaint. However, because the 2015 Report also involved allegations under clauses 2.1 and 3.1 of the Code, and the main complaint being made was that the communications with a lay audience were one-sided (also on the subject of climate change, albeit that the complaint on that occasion was made against an anthropogenic climate change

sceptic), that Report was plainly of relevance to the current Complaint. Two members of the Panel, Professors Tennant and Watts, had been members of the Panel for the 2015 Complaint.

6. Having deliberated as outlined in the previous paragraph, the Panel concluded as follows:

6.1 In relation to the complaint under rule 3.1 of the Code (dishonesty), it should be dismissed pursuant to clause 3.2(7)(a) of the Hearing Rules for lack of a prima facie case of breach of the Code;

6.2 In relation to the complaints under rule 2.1 of the Code (integrity and professionalism), the complaints should be dismissed pursuant to clause 3.2(7)(b) of the Hearing Rules on the basis that the subject matter of the complaints was “trivial”.

Both conclusions, which are substantially the same as the conclusions reached in respect of the 2015 Complaint, require brief elaboration.

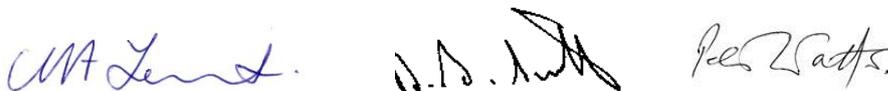
7. In relation to the charge of lack of honesty, the Panel concluded that there is no reason to believe that Professors Naish and Renwick did not believe in, or were reckless as to, the truth or reliability of the Presentation. Merely having knowledge that other scientists, using counter-indicating data, hold different views on various issues and then not making time to address those matters does not amount to dishonesty, especially when it is public knowledge that there is strong disagreement on many climate change issues. The Panel did discuss in this context the very final part of the Presentation which was accompanied by a slide showing flat land in Wellington city, near the Beehive building, under sea water as a result of a projection of a 1.5 metre rise in sea level. As was apparent from watching the Presentation, this was an intentionally provocative slide. It has drawn criticism from Professor Kelly, who characterises the potential consequences of such depictions as arguably treasonous. In the Panel’s view the presenters were open about the speculative nature of the scene, and not dishonest. We understand that each Presentation was followed by question time giving space for audience members to question and challenge what was said.

8. In relation to the complaints under rule 2.1 (lack of integrity and professionalism), the Panel concluded that any breaches of the Code, even if they were to be established, should be regarded as “trivial”. This sometimes pejorative word needs to be understood in context, including the processes envisaged by the Hearing Rules for undertaking a full inquiry. The Presentation was a relatively short one to a public audience on a subject where contention amongst scientists and other commentators is well known (however much one counts heads), and where divergent communications with the public are frequent. In these circumstances, the Panel concluded that it was not necessary for the presenters to tell the audience that some scientists would not accept all, or indeed any part, of the Presentation. Nor in the view of the Panel would it be appropriate for the Society’s weighty disciplinary process to be invoked on the basis that some or all of the alleged counter-facts detailed in the Complaint and its “Supporting Information” should somehow have been incorporated within the Presentation. The Society must be careful not to let its disciplinary processes inhibit the freedom of expression of its members, including professions of expert opinion based on putative facts. As a statutory body performing public functions it is at least arguable that the Society is required by the New Zealand Bill of Rights Act 1990 to afford its members such freedoms, including by refraining from supervising what its members say. These are the same reasons that were given in the 2015 Report for rejecting the complaint of one-sidedness that was made there against the scientist who wished to communicate to the public his scepticism about anthropogenic climate change.

9. To the extent that the Complaint sought a ruling that “the two members desist from using the Society’s name in conjunction with biased presentations” (p11), the Panel concluded that this was in substance a complaint against the Society for permitting its name and logo to be attached to the publicity and slides for the Presentation. The Panel concluded that such a complaint

should be taken up with the Society itself rather than pursued through a disciplinary process against the individuals. This was particularly the case where in a full-scale inquiry it was envisaged that it would be necessary to afford the individuals complained about the opportunity to address each and every allegation of error and omission found in the Complaint. It would then have been necessary, as the Hearing Rules are currently drafted (see clause 4.3(5)), to have allowed the complainants to respond to that material. Yet further counter-responses may then have been required.

10. After a draft of this Report was circulated to the parties, the Complainants on 28 November lodged a number of comments on the draft. The Panel then reconvened by teleconference on Monday, 5 December. The Complainants' comments made it clear that the main thrust of the Complaint was that Professors Naish and Renwick had exploited the fact that their talk was associated with the Society and Victoria University. The Complainants stated: "IF there had been a slide stating that the 'short presentation' was the opinion of the presenters ONLY and did NOT have the official endorsement of the two prestigious bodies, then we would have no complaint."
11. Having considered the comments, the Panel remained of the view that this aspect of the Complaint did not support a finding of dishonesty or lack of integrity or professionalism on the part of Professors Naish and Renwick. The Panel concluded that it was difficult to see how the fact that the presenters allowed the logos of the Society and the University to be attached to the slides turned what were otherwise honest beliefs into dishonest beliefs or justified an imputation of lack of integrity or professionalism. The Complainants state that they can find no written evidence that the presentation was stated to be the presenters' personal "take" on the issues. But the fact is that the written publicity for the event issued by the Society did state in writing that the presentation was the personal "take" of the presenters (see <http://www.royalsociety.org.nz/events/ten-by-ten/ten-by-ten-climate-change/> and weekly issues of the Royal Society *Alert* sent out over the period covered by the presentation). In the Panel's view it was not appropriate to find a breach of the Code on the basis that the presenters should have reinforced the Society's own publicity on this issue by making it clear that the presentation was only their view of the issue and that other scientists held different views.
12. It is not for the Panel to determine the Society's policies about commissioning public presentations and permitting its name and logo to be associated with them. Nonetheless, the Society might wish to consider whether a more express disclaimer should in future be added to materials with which it is associated but which do not necessarily contain official views of the Society.



Professor Margaret Tennant
Chair – Royal Society of New Zealand Professional Standards and Ethics Panel
Professor Barry Scott
Professor Peter Watts