

Malcolm-Ieuan: Roberts.
180 Haven Road
Pullenvale QLD 4069

Thursday, March 28th, 2013

Mr. Steve Jacobs
Assistant Editor
Sydney Morning Herald
Fairfax Media Limited
GPO Box 506
Sydney NSW 2001

Dear Mr. Jacobs:

**BY REGISTERED POST WITH DELIVERY CONFIRMATION
WITHOUT PREJUDICE AND IN GOOD FAITH**

Please refer to the enclosed copy of a letter dated March 11th, 2013 from Mr. Roger Corbett, Fairfax Media Limited Chairman.

As yet no response has been received from you or Mr. Greg Hywood, Fairfax CEO or Mr. Sean Aylmer, SMH Editor-in-Chief. Please accept this letter as my formal complaint to you.

Around last Friday, March 22nd, I telephoned the SMH's complaints office. Peter advised that he usually worked on complaints with the SMH Editor. Yet he had not been advised of my complaint. I will copy this letter with its enclosures to Peter in the SMH's complaints office to ensure he receives this complaint.

Following failure by the SMH to advise within a reasonable period of specific action on my formal complaint I am lodging a formal complaint concurrently to the Press Council.

Enclosed herewith is additional detailed material to assist in your investigation of my formal complaint.

My detailed response to Ben Cubby's email dated February 19th is enclosed and forms part of this complaint. It itemises my concerns and requests. It details reasons for my conclusion that Ben Cubby's public comments discussing me are dishonest, malicious and deceptive. Given his behaviour in response to my considerable patience on global warming (aka climate change) and climate science I conclude that his writing on global warming is not accurate and honest, fails to meet reasonable standards of integrity and breaches the SMH Code of Ethics.

Enclosed is the transcript of Ben's interview of me on July 30th, 2012. It was typed by an independent typing service specialising in transcribing. I have checked it and confirmed its accuracy against my recording of our interview. Ben was advised at the start of his phone call that the interview would be recorded. He consented to that recording.

Initially Ben Cubby's lies and smears did not bother me because I understand that lies and smears are a form of control and that underneath control there is always weakness. Playing the man using ad hominem smears reveals desperation.

I now see the need though to take formal action to end smears by Ben Cubby and Mike Carlton, prevent their recurrence and stop their spread by other parties. Ben Cubby's recent tweets reveal that he is continuing his unfounded smears and lies. Recent publication by others of articles on the Internet and in a prominent and respected newspaper* rely upon and/or cite unfounded and false claims by Ben Cubby and/or Mike Carlton. Thus, your journalists' unfounded falsities are now affecting my work and potentially my family's future livelihood.

* <http://www.theaustralian.com.au/opinion/cut-paste/smh-eco-hero-who-uncovered-anz-funding-hoax-should-come-out-of-his-cubby-house/story-fn72xczz-1226549834788>

Ben Cubby's Tweets last month indicate that he is prolonging the issue. Further, his implied lies are upsetting for Suzi Smeed and are annoying for the co-founders of The Galileo Movement (TGM) who have done nothing to deserve Ben Cubby's unfounded, malicious jokes and barbs. Nor have they done anything to deserve Mike Carlton's unfounded and false smears contradicting reality and maliciously injuring people.

Further and significantly, my past personal requests of Ben Cubby were made with a spirit of helpfulness. Yet he has failed to correct his misrepresentations of climate. He continues to misrepresent climate science in contradiction of empirical scientific evidence and logical scientific reasoning.

Enclosed is a copy of my report entitled *CSIROh!* Do it and the appendices it encompasses appear to you to be from the south end of a northbound horse as Ben Cubby claims? Can anyone at SMH identify any significant material error in my report's presentation of climate science and/or in my report's documentation of corruption of climate science?

Despite my invitation, both Mike Carlton and Ben Cubby failed to advise me of any material errors in my report and appendices encompassed. Mike Carlton failed to respond in any way.

I draw to your attention the following appendices encompassed by my report entitled *CSIROh!*: 2, 4, 4a, 6, 6a, 7, 9, 10 and 13 (pages 30-40). In regard to the article by Mike Carlton I further draw to your attention appendices numbered 14 and 12.

As you can see from my correspondence to SMH Environmental Reporter Ben Cubby, my complaint is well substantiated and serious. The behaviour of Ben Cubby and that of Mike Carlton brings the once-proud SMH masthead into disrepute.

My requests of the SMH and Fairfax Media are as stipulated in my enclosed copies of letters to Ben Cubby and to Mike Carlton. If Ben Cubby or Mike Carlton fail to retract their false claims and fail to commit to writing in future only articles substantiated by verifiable facts or reasonable interpretations stated as such then I request that Fairfax and the SMH:

- Dissociate itself from and repudiate both journalists' stated and/or implied false and unsubstantiated claims;
- Retract both journalists' stated and/or implied false and unsubstantiated claims and as a media organisation fulfill my requests of Ben Cubby and Mike Carlton as listed in my letters to them;

- Commit to preventing repetition of such behaviour and terminate the employment of both journalists;
- Commit as a media organisation to making future claims about climate based only on scientifically proven evidence and scientifically justified causal relationships;

In essence my complaint encompasses three topics:

1. Ben Cubby's lies and behaviour misrepresenting innocent people;
2. Mike Carlton implying unfounded and false claims maligning innocent people;
3. The SMH falsely implying and/or stating that human carbon dioxide causes global warming (aka climate change) in contradiction of empirical scientific evidence and logical scientific reasoning necessary for causation.

I seek a commitment that unless the SMH can provide clear evidence and logical rationale proving that human CO2 caused global warming the SMH will retract past stated and/or implied claims that human CO2 caused global warming. Further, that the SMH will commit to not claiming or implying in future that human CO2 caused global warming unless it has empirical scientific evidence and logical scientific reasoning of the occurrence of unusual or catastrophic global warming and can scientifically prove the cause of such warming to be human CO2.

Based on my reading of the SMH's Code of Ethics I conclude that Ben Cubby breached the following clauses: Honesty, Impartiality, Fairness, Privacy, Respect, Relevance, Honest Presentation, Complaints and Corrections, and Public Activities. I conclude that Mike Carlton breached the following clauses: Honesty, Impartiality, Privacy, Respect, Relevance, Honest Presentation, and Complaints and Correction. Mike Carlton's public comments breach the community's standards of fairness, integrity and decency.

I note from the SMH web site the basis of SMH principles supposedly since April 18th, 1831, quote: "*Our editorial management shall be conducted upon principles of candour, honesty and honour. We have no wish to mislead; no interest to gratify by unsparing abuse, or indiscriminate approbation. The Sydney Morning Herald, April 18, 1831.*"

Do you condone Ben Cubby's behaviour? Is his behaviour typical of SMH standards? Is he suitable for continued employment by SMH?

Do you condone Mike Carlton bringing religion or race into a scientific debate? Is he suitable for continued employment by SMH?

Wouldn't their ongoing employment constitute your approval of their behaviour and undermine SMH's Code of Ethics and masthead?

Please take prompt action to restore integrity, fairness and standards and advise me of your action.

Another option for you is to arrange a genuine debate sponsored by the SMH with TGM keeping all gate proceeds. The debate would need to be publicised professionally and sincerely by the SMH to ensure a substantial live audience. Ben Cubby would need to participate as one of the debaters for his team. Preliminary debate guidelines are contained in my enclosed reply to Ben Cubby and at The Galileo Movement's web site page 2:

http://www.galileomovement.com.au/science_futility.php

In the interests of accountability and transparency this letter and your response(s), if any, will be posted on the Internet. The relevant page is: <http://www.conscious.com.au/letters.html>

Through their behaviour Ben Cubby and Mike Carlton have placed you in a difficult position. I trust the enclosed additional information makes for a timely and considered decision.

Yours sincerely,

Original personally signed

Malcolm-Ieuan: Roberts.
BE (Hons), MBA (Chicago)
Fellow AICD, MAIM, MAusIMM, MAME (USA), MIMM (UK), Fellow ASQ (USA, Aust)
Phone: 04 1964 2379 malcolmr@conscious.com.au www.conscious.com.au

Enclosures:

- Copy of my complaint submitted electronically through the Press Council's web site and using its online Complaint Form
- Email exchanges between Malcolm Roberts and Ben Cubby, February 2013.
- *CSIROh!* report and that report's Appendix 13, pages 30-40
- Letter from Malcolm Roberts to Ben Cubby, dated February 15th, 2013
- Letter from Malcolm Roberts to Ben Cubby, dated March 28th, 2013
- Letter from Malcolm Roberts to Mike Carlton, dated February 15th, 2013
- Letter from Malcolm Roberts to Mike Carlton, dated March 28th, 2013
- Transcript of Ben Cubby's interview of Malcolm Roberts, July 30, 2012
- Tweets by Ben Cubby No.1 *
- Tweets by Ben Cubby No.2 *
- Tweets by Ben Cubby No.3 *
- *CSIROh!* report's Appendix 4 on the empirical scientific evidence. No government funded organisation or academic has any evidence that human carbon dioxide caused global warming. I've personally asked all the most prominent academics and government agencies including CSIRO and Bureau of Meteorology (BOM) for evidence. Most replied. All, including CSIRO and BOM failed to provide evidence.

* *Volunteers' email address has been kept confidential: Xxxx. It can be provided if needed.*

cc:

This will be copied by Registered Post with Delivery Confirmation to:

Press Council

Mr. Roger Corbett, Chairman Fairfax Media Ltd.

Mr. Greg Hywood, CEO Fairfax Media Ltd

Mr. Sean Aylmer, Editor-In-Chief SMH

Mr. Ben Cubby, Environmental reporter SMH

Mr. Mike Carlton, SMH contributor

Peter at SMH complaints office: readerlink@smh.com.au

<http://www.conscious.com.au/letters.html>