

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

Thursday, March 28th, 2013

Mr. Ben Cubby
Environmental Reporter
The Sydney Morning Herald
GPO Box 506
Sydney NSW 2001

Dear Mr. Cubby:

LAWFUL NOTICE OF DEFAULT

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

You have not fulfilled my request made of you in my letter to you dated February 15th, 2013. It provided a copy of my investigation into climate science and claims made and/or implied by academics and agencies funded by government. It is supported with detailed empirical scientific evidence and logical scientific reasoning. It was formulated with assistance and material from some of the world's most eminent independent climate scientists.

I requested that you identify, specify and justify significant material errors in my report and to provide empirical scientific evidence and/or facts as your justification. Your failure to provide such evidence renders judgment by default and thereby endorses my claims and makes my report your default answer and the answer to which you agree.

Although not required to do so, I now give you a further fourteen days to rebut this notice of default. Failure to do so by Friday, April 12th, 2013 will render my claims as factual.

Failure by you to provide by April 12th, 2013 a specific factual rebuttal will trigger a Notice of Acceptance that you have accepted my claims to be true by way of judgment of default.

With sincere intent to assist, Mr. Cubby, I encourage you to respond honestly, factually and specifically to my invitation and to do so with supporting empirical scientific evidence. It's your duty of care. Truth and honesty liberate.

In the interests of accountability and transparency this letter and any response(s) from you will be posted on the Internet and federal parliamentarians will be advised.

I'll be taking further action with your paper. In that regard, thank you for your advice by email dated February 19th, 2013.

Initially your 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 your desperation.

I now see the need though to take formal action to end your smears. That is because of your recent tweets, recent publication by others of articles on the Internet and in a prominent and respected newspaper* relying upon and/or citing your work and/or that of Mike Carlton. Your 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>

Your tweets last month indicate you're prolonging the issue. Further, your lies are upsetting for Suzi Smeed, wife of TGM co-founder John Smeed. As a toddler Suzi suffered in a NAZI camp during the holocaust. Your tweets are annoying for TGM's co-founders who have done nothing to deserve your unfounded cruel 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 you were made with a spirit of helpfulness. Yet you have failed to correct your misrepresentations of climate. You continue to misrepresent the science in contradiction of the empirical scientific evidence and logical scientific reasoning.

Combining these factors, your behaviour as a reporter contradicts the SMH's Code of Ethics, is injurious and cannot be condoned.

As stated in my email of February 16th, you'll find life much easier by telling the truth. The choice is yours.

Accountability and formal requests

Please refer to the paper copy of my email to you dated March 28th, 2013 in reply to your email dated February 19th, 2013.

Last year I held you accountable on the science and you failed. When you ran you asked me to provide the evidence. I rose to your challenge and did so. I went well beyond your request by providing my report entitled *CSIROh!*. When I held you accountable in my lawful notice dated February 15th, 2013 you reacted by again avoiding accountability.

I now formally request that you:

- Publicly retract the lies and misrepresentations you have made about me and/or my views;
- Publicly retract your comments, including tweets implying or stating or relying upon the falsity that I, The Galileo Movement or anyone associated with The Galileo Movement is anti-Semitic;
- Acknowledge publicly that you have no evidence of any anti-Semitic connections to me or to The Galileo Movement or to anyone associated with TGM and that your behaviour was

unprofessional, unwarranted and now regretted by you;

- Either provide empirical scientific evidence and logical scientific reasoning that human CO2 caused global warming (aka climate change) or publicly admit that you have no evidence for the basis of your articles claiming or implying or relying on the falsity that human CO2 caused global warming or climate change;
- Either provide empirical scientific evidence and logical scientific reasoning that human CO2 caused global warming (aka climate change) or publicly retract your articles implying, stating or relying on the unfounded and false claim that human CO2 caused global warming;
- Identify in each of seven links you provided to Paul Evans the specific empirical scientific evidence that human CO2 caused global warming (aka climate change) or admit that the references cited by you do not provide evidence of causation by human CO2;
- Itemise any specific items in my *CSIROh!* report, particularly in Appendices 13 (pages 30-40), 4, 4a, 2 and 5 that you consider to be significant material errors or admit that there are no such significant material errors;
- Provide your reasons and motives for misrepresenting The Galileo Movement, climate science and me or otherwise explain your behaviour.

I expect these requests to be fulfilled by you by Friday, April 12th, 2013. If by that date you are silent or fail to factually justify your position on any of the above requests I will legitimately and reasonably conclude that my position is accurate.

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's Appendix 13, pages 30-40
- Letter from Malcolm Roberts to Ben Cubby, dated February 15th, 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:

Mike Carlton

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

Mr. Roger Corbett, Chairman Fairfax Media Ltd.

Mr. Greg Hywood, CEO Fairfax Media Ltd

Mr. Sean Aylmer, Editor-In-Chief SMH

Mr. Steve Jacobs, Assistant Editor SMH

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Mr. Mike Carlton, Contributor SMH

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