

**From:** Malcolm Roberts <malcolmr@conscious.com.au>  
**Subject:** **Lawful Notice of Default**  
**Date:** 28 March 2013 10:11:55 AM AEST  
**To:** Ben Cubby <bcubby@fairfaxmedia.com.au>  
▶ 11 Attachments, 1.9 MB

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

Thursday, March 28th, 2013

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

Dear Mr. Cubby.

**LAWFUL NOTICE OF DEFAULT.**

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

Thank you for your email dated February 19th, 2013. It replied to my signed notice dated February 15th, 2013 sent to you by Registered Post with Delivery Confirmation and sent to you by email on February 16th, 2013.

Your email response contains false derogatory comments, misrepresentations and lies. It requires this reply to be comprehensive and to document my observations and your behaviour. This email letter is being copied to you by Registered Post with Delivery Confirmation.

Following the response of Fairfax Media's Chairman Mr. Roger Corbett to my official complaint I've decided to provide additional information to the Fairfax CEO Mr. Greg Hywood, SMH Editor-In-Chief Mr. Sean Aylmer and SMH Assistant Editor Mr. Steve Jacobs. They are copied. As is SMH contributor Mike Carlton.

**Your outlandish public lies**

Ben, I understand that in addition to misrepresentations in your reply to my letter you've publicly stated outlandish lies in response to my report entitled '*CSIROh!*' I conclude those statement by you to be blatantly false. Let's consider them first.

Here is my letter to you dated February 15th, 2013. It's pasted into this email exactly as it was sent. It was personally signed by me.

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

Friday, February 15<sup>th</sup>, 2013

Mr. Ben Cubby  
Environmental Reporter

The Sydney Morning Herald  
GPO Box 506  
Sydney NSW 2001

Dear Mr. Cubby:

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

Enclosed is a copy of my investigation into climate science and claims made by academics and agencies funded by government.

My report discusses your claims and statements. It is true and correct to the best of my knowledge. I offer you this opportunity though to identify, specify and justify significant material errors you may perceive in my report. If you consider such errors exist please identify them specifically and provide empirical scientific evidence and/or facts. Please simultaneously declare your personal financial interests in advocating the claim that human CO2 should be cut.

If I have not received a specific and scientifically or factually justifiable list together with your declaration by Friday, March 8<sup>th</sup>, 2013 I will assume you do not disagree with my report.

Unless you have empirical scientific evidence and logical scientific reasoning proving that damaging warming was/is/will be caused by human CO2, please cease making direct or implied public claims that human production of CO2 needs to be cut. Please withdraw your past such claims and associated articles. If you continue making such claims and fail to retract past claims you will be knowingly misleading the public and parliament. Please stop advocating policies harming humanity and/or the environment.

In the interests of accountability and transparency this letter and your response(s), if any, will be posted on the Internet.

Yours sincerely,

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](mailto:malcolmr@conscious.com.au) [www.conscious.com.au](http://www.conscious.com.au)  
Enclosures: Report *CSIROh!* cc: SMH Board

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Please see attached copies of Tweets provided as PDF attachments to this email and as enclosures to my Registered Post letter. They were obtained from TGM volunteer Paul Evans.

You claimed publicly that The Galileo Movement (TGM) requested you to stop writing articles on science. TGM has never done that. Your public statement is false. It is a lie.

You said that you received a letter from TGM when that letter was from me at my home address. It made no mention of TGM. Why did you tell such a lie? Is your statement illustrative of your investigative ability?

Nor did my letter request you to stop writing about science. Why did you tell such a lie? Why do you blatantly contradict facts? Are your lies in accord with SMH journalism standards, the SMH Code of Ethics and Press Council Standards?

You have falsely publicly implied on Twitter that The Galileo Movement disowns my report. Your inference is a lie. You apparently base that lie on the fact that my report was published by me and not by The Galileo Movement. Ben, does your false comment reflect a poor standard of research by you or reflect your dishonesty? You made the statement without first investigating. It is a false statement. It was intentional. It is a lie.

Here are the facts for you. Voluntary research for my report entitled '*CSIROh!*' started well before my voluntary involvement in The Galileo Movement. My report contains my conclusions reflecting my work.

Before publishing my report entitled '*CSIROh!*' I consulted both co-founders of The Galileo Movement (TGM) and other people. Both co-founders supported my decision to publish on my personal web site. Both have enthusiastically received my report. Both have willingly and freely spread my report among their contacts.

Are you aware that TGM's co-founders are 76 and 75 years of age? Do you realise that both they and their families have received vile comments for simply standing up for science and for protecting freedom? Do you realise that both families have been slandered by your colleague Mike Carlton who falsely implied anti-Semitic smears? Last month they and I were

smear'd by you. Yet you seem to be aware that both TGM co-founders are intimately connected with and supportive of Jewish people.

Your false anti-Semitic jokes and barbs have deeply upset these fine families who have contributed remarkably to Australia and to Jewish people. Suzi Smeed, the wife of TGM co-founder John Smeed is Jewish. Suzi went through hell as a toddler in the NAZI holocaust. Where do you draw the line, Ben, with your lies and the malicious damage you do?

I was publicly involved in supporting free speech and free commerce by defending Max Brenners' Hot Chocolate shop in Brisbane's Southbank Parklands on Saturday, August 27th, 2011. Max Brenners is an Israeli company that became a target of anti-Israel protests in Australia. Do you consider my participation in that rally makes me anti-Israel or pro-Israel? Neither: I was supporting free commerce.

Some of my closest friends are Jewish. Yet you have falsely connected in the public's eyes our entirely voluntary, non-profit, non-aligned, independent organisation and its supporters with a vile collection of anti-Semitic thugs, gangs, and mass-murderers that murdered and brutally persecuted Jewish people for centuries.

You have done so with no foundation or evidence. You have done so contrary to the facts. Why? What is your purpose and motive? Your behaviour is consistent with those described on pages 117-118 of my *CSIROh!* report's Appendix 14. Do you intend to use other tactics listed on pages 114-116?

You continued to misrepresent TGM and its supporters and volunteers despite the obvious, clear, factual statement by TGM's co-founders and directors last September. It's prominent at TGM's web site, here: <http://www.galileomovement.com.au/docs/IsTheGalileoMovementAnti-Semitic.pdf>

Did you not research before making your false and malicious public smears?

It is of deep concern that a supposed environmental reporter claiming to report science has followed a journalist in Mike Carlton who brought religion into a scientific debate. As that environmental reporter you then helped to entrench a false and unfounded smear and continued to muddy science with religion.

You have publicly implied to people on Twitter that I, a volunteer, should publish my work in means decided to be appropriate by you. Ben what gives you the right to determine how people publish their personal work? Your flailing is embarrassing you.

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## Your avoidance of accountability

To provide context, my original email that initiated this thread has been pasted below your email of February 19th, 2013.

Firstly, let's recall the context. Around August 2012 you were challenged by Paul Evans, a volunteer at The Galileo Movement (TGM) to provide empirical scientific evidence for your claim that human carbon dioxide (CO<sub>2</sub>) warmed the planet. Seven times in turn you provided a link to separate papers that you claimed contained such evidence. Each was easily debunked by Paul Evans resulting in you citing another paper. After seven failures to provide scientific evidence proving causation by human CO<sub>2</sub> you gave up.

Immediately before Christmas 2012 I became involved when asking you to identify specifically the location in each of your links of evidence that human CO<sub>2</sub> caused global warming (aka climate change). You declined. You then requested me instead to provide evidence that human CO<sub>2</sub> does not cause warming. I immediately accepted.

An update was provided to you on January 14th, 2013 stating, quote: "*I'm currently engaged in preparing a far wider report. Once completed later this month or early next month I'll send you all a copy.*" As you now know that report is entitled *CSIROh!* and was sent to you by email on February 16th, 2013 and by Registered Post on February 15th, 2013.

Your email below is your response to my detailed report. To facilitate understanding, I've numbered each of your email's paragraphs. My comments that follow refer to the respective paragraphs in your email.

Para 1.

An open invitation to you to comment on my fulfilling your request for evidence is met with this response about odorous moist lumpy material from the south end of a north-bound horse. Does this reflect SMH journalism standards, the SMH Code of Ethics and Press Council Standards?

Reading the SMH Code of Ethics leads me to conclude that you have breached the following clauses: Honesty, Impartiality,

Fairness, Privacy, Respect, Relevance, Honest presentation, Complaints and Corrections and Public Activities. My reasons are explained below.

On July 30th, 2012 you invited me to participate in an interview that same day on a specific and narrow topic, being the work of Richard Muller and Anthony Watts et al. Yet despite my considerable effort to detail the context of your topic and of global warming (aka climate change) and despite my considerable assistance to you personally in many ways during and after the interview, you failed to adequately report my comments on that topic and failed to report the massive documented evidence of corruption we discussed at length. Why?

Your introduction of me in your article by omission falsely misrepresented my interests, position and experience. I have never been the director of a mining company. I specifically advised you during our interview that in recent years as a consultant I worked across all industry sectors. That was prior to my last five years of entirely voluntary work exposing corruption of climate science. You failed to mention that I have worked across all industry sectors and that my work is voluntary, independent and non-aligned. This is available via The Galileo Movement's web site. Did you fail to do the necessary fundamental research or were your omissions deliberate misrepresentations?

In answer to your question on motives driving unfounded climate alarm I listed six motives and beneficiaries. You reported one in a way likely to be sensational.

The transcript of your interview of me is here:

<http://www.galileomovement.com.au/docs/ROBERTS,Malcolm-InterviewWithBenCubby-30July2012WorkingCopy2.pdf>

Your article dated July 31st, 2012 is here:

<http://www.smh.com.au/environment/climate-change/climate-sceptics-unmoved-by-scientists-aboutface-20120730-23a6s.html>

Are you able to find fault with that sole motive that you reported? Before replying on February 19th, 2013 did you read Appendix 14 discussing motives driving unfounded climate alarm? Can you identify any significant material errors in Appendix 14 and especially in the motives and beneficiaries listed in Appendix 14?

[http://www.conscious.com.au/docs/new/14\\_Appendix.pdf](http://www.conscious.com.au/docs/new/14_Appendix.pdf)

Para 2.

Let's get down to specifics, Ben. With the list you've alleged, you've not been able to identify any specific error. Why not?

In response to your comments, I now reduce the scope of my challenge to you to support your claims and to contradict my proof that your claims are unfounded and/or false: Please identify specifically any errors you claim in pages 30 to 40 of my report's Appendix 13 discussing your behaviour and the SMH:

[http://www.conscious.com.au/docs/new/13\\_appendix.pdf](http://www.conscious.com.au/docs/new/13_appendix.pdf)

Those pages are attached for you and will be part of the package sent to you by Registered Post with Delivery Confirmation.

Then, getting to the nub of our discussion and my extensive work fulfilling your request last year, please identify what you see as errors in my Appendices 4 and 4a:

[http://www.conscious.com.au/docs/new/4\\_AppendixBasicQuestions.pdf](http://www.conscious.com.au/docs/new/4_AppendixBasicQuestions.pdf)

and

[http://www.conscious.com.au/docs/new/4a\\_AppendixEmpiricalData.pdf](http://www.conscious.com.au/docs/new/4a_AppendixEmpiricalData.pdf)

Thereafter, please consider Appendix 2 and identify what you see as its errors. It discusses the topic you failed to report. You admitted during our interview to having very little knowledge about the United Nations and its role in conjuring and pushing unfounded climate alarm. See our interview transcript, top of page 14. In response to my question, quote: "*Are you familiar with Maurice Strong?*" you replied, quote: "*No, who's that?*". Your subsequent admission, quote: "*I don't know much about this stuff, Malcolm. Who's Maurice Strong?*". Yet the UN and its UN Environmental Program contradicted empirical science to push unfounded climate alarm from 1972 through 1988. Thereafter the UN Intergovernmental Panel on Climate Change took over the fabricating of climate alarm. Maurice Strong was UNEP's first Secretary-General and laid the foundation for corruption of climate science to push a political agenda. It's well documented. Yet you admit to knowing little of the organisation corrupting climate science to drive unfounded climate alarm contrary to empirical scientific evidence. That organisation with its unscientific and unfounded claims is the basis of your articles about climate. Please see Appendix 2:

[http://www.conscious.com.au/docs/new/2\\_AppendixIPCC.pdf](http://www.conscious.com.au/docs/new/2_AppendixIPCC.pdf)

and

Appendix 5:

[http://www.conscious.com.au/docs/new/5\\_AppendixMassiveMisrepresentations.pdf](http://www.conscious.com.au/docs/new/5_AppendixMassiveMisrepresentations.pdf)

You've clearly done little significant research on this topic of crucial importance to every Australian's future.

In our previous correspondence your words revealed you failed to understand the significance and seemingly the meaning of the word *empirical*. Do you understand the meaning of *specific*?

Para 3.

Your so-called empirical scientific evidence was easily debunked by Paul Evans at the time. When reminding you of that fact in December 2012 you disagreed with Paul's conclusion yet failed to explain why. I then asked you to identify specifically the location within each of your cited papers of your claimed empirical scientific evidence that human CO2 caused global warming. Given your many articles and statements claiming or implying that human CO2 caused warming that should've been easy for you. On December 24th, 2012, you repeatedly refused. Why?

Ben, none of the papers you provided contain any empirical scientific evidence and logical scientific reasoning that human CO2 caused global warming. You've repeatedly failed to identify what you see as the evidence of causation. Why?

Para 4.

As explained to you by email on December 24th, 2012 I have never sent you material on undersea volcanoes. I have never received any material from you providing empirical scientific evidence. I explained to you that it was Paul Evans, a volunteer at The Galileo Movement, who provided you with an article on undersea volcanoes and who received your seven papers that you in turn falsely claimed to contain empirical scientific evidence that human CO2 caused global warming. His personal initiative holding you accountable was independent of me.

Paul Evans was copied on my email to you.

Ben, given that information, your statement of February 19th connecting me with the undersea volcanoes and with receiving your falsely categorised papers is a lie. You were previously advised of that.

Why do you need to persist with a lie? Why do you deceitfully state I sent you the paper on undersea volcanoes? Why do you take the paper cited by Paul Evans out of context? Why do you lie in claiming the papers you sent to Paul Evans were sent to me? Would your editor approve?

In my experience dealing with people who lie, I've come to realise that commonly such people lie because they cannot win openly and honestly on the merit of their position, view or argument. Ben, I've come to realise that lies are a form of control. Why do you need to misrepresent to control outcomes? Are you deficient in confidence or factual knowledge? Both perhaps? Why?

**Have you identified what you see as erroneous in the paper that Paul Evans sent you? Specifically, in the context in which Paul Evans sent you the link to the paper on undersea volcanoes what's wrong with the paper? Are you aware that Earth's surface is 71% ocean? Or is your reaction simply more flailing and bleating covering your inability to understand the empirical scientific evidence?**

You publicly claim that climate sceptics have distanced themselves from my work. Could you please advise me of their names? Prominent and internationally respected climate scientists have complimented me for my *CSIROh!* report.

Why do you bring Tim Ball's name into the email? You have no basis for your statement that contradicts reality? Why do you lie?

Why do you misrepresent the isotope signatures contrary to the facts already given you?

By the way, Ben, in our interview you undertook to contact Tim Ball that same day. See the bottom of page 11 of transcript. Yet Tim Ball advised that you have never contacted him.

Para 5.

Where Ben have I alleged you made thousands of errors? Why do you state that I have not sought to address your errors openly and transparently? I emailed you in December in an attempt to do just that. You then avoided discussion and in turn suggested I have a brandy. Why?

Having extended to you the courtesy and respect of giving you an opportunity to address the matters I raised and having seen you make light of it and not address the issues meaningfully I now adopt your advice to lodge a formal complaint to your employer and to the Press Council.

Para 6.

Ben, why do you state you're not advocating anything. In various articles and tweets you've directly and/or implicitly advocated that human CO2 caused Earth's latest modest cyclic global atmospheric warming that ended in 1998. You do so repeatedly. Always that is contrary to the empirical scientific evidence and logical scientific reasoning. Why?

Ben, does Fairfax Media obtain advertising revenue or benefit financially in any way from government?

Separately, it's ironic that Gina Rinehart has created many benefits for Australia and for Australians yet is unfairly smeared and criticised by advocates falsely claiming that human CO2 caused warming. Her apparent sin is mining. As an aside, it's ironic that you draw a salary from a company in which she has a sizable and significant interest. Nonetheless, thank you for declaring that you do not benefit financially from advocating cutting of human CO2 output.

Ben why do you mention that I'm a "*former*" mining engineer and company director when I will always remain a mining engineer by qualification and am a company director. Why did you not mention that I've worked for companies across all industry sectors? Is there something tainted about having worked in the past for Australia's number one export income earning industry? Is there something dishonourable about previously working for an industry that provides our lights, security, cars, glass, computers, food growing/harvesting/transporting/processing, energy, communication, transport, housing, ... Is there? If so what is it? If not, why do you raise the topic of mining?

Para 7.

Ben, contrary to your false claim, I support my statements with empirical scientific evidence and documentation of extensive corruption that is the basis of unfounded climate alarm. Is that the reason you repeatedly fail to identify errors of fact as requested in my email and Registered Post letter sent to you with copies of my *CSIROh!* report? Why do you tell lies? Why do you misrepresent me and my position both directly and by omission? Why?

## Challenge to a public debate

You've made the comment that TGM is *not-antisemitic, just stupid*. Given that claim you should find it easy to debunk TGM web pages and my *CSIROh!* report. Yet you repeatedly fail to do so

I challenge you to a debate on global warming: specifically to its three core aspects:

1. Corruption of climate science by the UN IPCC as the basis of claims that HUMAN CO2 drives global climate;
2. Empirical scientific evidence and logical scientific reasoning on human carbon dioxide's unfounded supposed role in global warming. My position is that it cannot be a driver of global climate. Are you willing to take the opposite view and prove it is?
3. Consequences of the climate campaign to cut human CO2 output.

I'm happy to discuss with you a mutually agreeable chairperson, venue and format. I'd be comfortable with you bringing any two (2) people you wish to join you as part of your debating team. Will you accept my challenge, Ben? Or will you again run away?

Given your apparently self-declared superior intellect you've failed to provide evidence to counter my clear, specific conclusions? Does the fact of your repeated failure reflect poorly on your intelligence or your integrity?

By the way, both TGM founders and I have significant tertiary qualifications and records of achievement.

## Hurting yourself

Ben, why do you spread a litany of lies? Why do you so brazenly falsify? That reflects poorly on your reporting and your employment as a reporter. How can the SMH condone that behaviour and allow your employment to continue?

As stated in my email to you dated February 16th, 2013, quote: "*Ben, in my view you now have a choice: Either you can continue denying and contradicting empirical scientific evidence and logical scientific reasoning proving conclusively that HUMAN CO2 did not cause Earth's latest modest cyclic global ATMOSPHERIC warming that ended in 1998 OR you can face up to reality and admit your past such claims are false and unfounded.*

*The first choice is initially easier for the ego. The second choice is ultimately easier overall though because, in my experience, reality always wins. The truth emerges. As reality is now emerging on BS AGW."*

Sadly, Ben you've taken the initially easier choice. In doing so you've seen apparently the need to tell many lies. Ben, that had nothing to do with me or my actions. That was your free choice.

I hope you can see that you're digging yourself into a deeper, messier, uglier hole of your own creating. I suggest you summon your strength and acknowledge your errors and come clean. Admit you lack the evidence, retract your false statements and lies about me and about The Galileo Movement. You'll find it much easier telling the truth.

As I see it Ben you're doing yourself incalculable damage. You avoid providing empirical scientific evidence and eschew

observations and facts. Instead, by reverting to, and relying on lies and control are you reinforcing self-perceived weakness and inadequacy?

What are your needs in misrepresenting me and The Galileo Movement and its founders? What are your motives in misrepresenting climate and science? Are you afraid of being found out publicly and held accountable? You've already admitted during your interview of me that you know little about the UN's involvement in climate. That is astounding for a reporter on global warming (aka climate change). You admitted that you know nothing of Maurice Strong, the father of unfounded climate alarm fabricated by the UN IPCC.

Did you simply initially assume that the populist approach on climate pushed by the UN IPCC and advocates of controlling energy was true? Did you not do your research? Do you now find yourself out on a limb by being in contradiction of the empirical scientific evidence?

To present my view of your misrepresentations I'll be publishing this email on my personal web site and drawing it to the attention of all federal MPs.

I'll be taking further action with you and 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. That is 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**

Ben, 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 CO<sub>2</sub> 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 CO<sub>2</sub> caused global warming or climate change;
- Either provide empirical scientific evidence and logical scientific reasoning that human CO<sub>2</sub> 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 me, The Galileo Movement and climate science 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 on any of the above requests I will legitimately and reasonably conclude that my position is accurate.

## Notice of default

You have not fulfilled my request made of you in my letter to you dated February 15<sup>th</sup>, 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 12<sup>th</sup>, 2013 will render my claims as factual.

Failure by you to provide by April 12<sup>th</sup>, 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.

Malcolm-Ieuan: Roberts.  
BE (Hons), MBA (Chicago)  
Fellow AICD, MAIM, MAusIMM, MAME (USA), MIMM (UK), Fellow ASQ (USA, Aust)

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

Mr. Mike Carlton, Contributor SMH

Press Council as a formal complaint

Peter in SMH complaints office

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

Attachments/Enclosures:

- *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.*

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Begin forwarded message:

**From:** Ben Cubby <[bcubby@fairfaxmedia.com.au](mailto:bcubby@fairfaxmedia.com.au)>  
**Date:** 19 February 2013 9:46:06 PM AEST  
**To:** Malcolm Roberts <[malcolmr@conscious.com.au](mailto:malcolmr@conscious.com.au)>

Malcolm-Ieuan,

1. In considering your request that I identify errors in the report you sent to me - *CSIROh! Climate of Deception? Or First Step to Freedom?* - I find myself confronting an unusual problem: how does one critically analyse a pile of horse shit?
2. Even by the exceedingly low standards of Australia's climate skeptic community, your report is dire. You direct me to Appendix 13. It is littered with errors of all kinds: a mish-mash of muddled conjecture, impossible leaps of logic, fundamental misunderstandings of the scientific method, misread and misquoted research that has been poorly cited, internal contradictions, confused dates, spelling mistakes, and strangled grammar. It is, in all respects, a dud.
3. I am not going to comply with your demand that I "identify, specify and justify" all the errors in your report. There are too many. However, this should not be read as a reluctance on my part to address your complaints. You will recall that, many months ago, you asked me to provide you with some empirical evidence of human-induced climate change, and I immediately sent you a series of peer-reviewed papers that did just that.
4. You responded, a month later, after lengthy consultation with your science advisor Tim Ball (not "Tim Tall", as you call him in your report). You advanced an unpublished and frankly bizarre theory about underwater volcanoes. Apparently these hidden volcanoes conveniently rumbled to life at just the right rate to mimic both the rise and isotopic signature of human-generated atmospheric CO<sub>2</sub>. With theories like this, it is not difficult to see why even other climate skeptics have distanced themselves from your work.
5. Your report tries to allege that there are factual errors in my reporting. If you honestly believe this, there is a fairly simple way to deal with it: request a correction from the newspaper. Your requests will be independently considered on their merits by people other than me. It is remarkable that you allege thousands of errors, spanning a period of several years, yet have not sought to address them in this straightforward, transparent way.
6. You demand I declare my "personal financial interests in advocating the claim that human CO<sub>2</sub> should be cut". First, I'm not advocating anything in particular, apart from fact-based reporting. Second, I have no financial interest in any industry related to emissions cuts. Nor have I worked for coal companies, as you have.
7. As I've made clear in earlier replies to your many emails, I don't mind a civil discussion about environment reporting or climate change. But until you start to ground your opinions in fact, I will continue to regard your correspondence as amusing spam.

Yours sincerely,

Ben Cubby

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**From:** Malcolm Roberts <[malcolmr@conscious.com.au](mailto:malcolmr@conscious.com.au)>  
**Date:** 16 February 2013 3:16:03 PM AEST  
**To:** Cubby Ben <[bcubby@smh.com.au](mailto:bcubby@smh.com.au)>  
**Cc:** Whiley Richard, Longfield Patrick, Evans Paul  
**Subject:** As promised, Ben

Hi Ben.

After your repeated failure last year to provide empirical scientific evidence and logical scientific reasoning to support your unfounded claims about HUMAN CO<sub>2</sub> driving global warming (aka climate change) you asked me to provide information debunking AGW\*.

(\*AGW means Anthropogenic or human caused global warming)

Attached for you and in its associated appendices is the information promised late last year. It's my investigation into climate science and claims made by academics and agencies funded by government.

It's available on the internet together with associated appendices and a link to letters holding accountable advocates of unfounded climate alarm:

<http://www.conscious.com.au/CSIROh!.html>

My report discusses your claims and statements, Ben. My report is true and correct to the best of my knowledge. Yesterday you were sent a paper copy of Parts 1 and 2 by Registered Post with Delivery Confirmation.

I offer you the opportunity to identify, specify and justify any significant material errors you may perceive in my report. If you consider such errors exist please identify them specifically and provide empirical scientific evidence and/or facts. Please simultaneously declare your personal financial interests in advocating the claim that human CO<sub>2</sub> should be cut.

If I have not received a specific and scientifically or factually justifiable list together with your declaration by Friday, March 8<sup>th</sup>, 2013 I will assume you do not disagree with my report.

Ben, unless you have empirical scientific evidence and logical scientific reasoning proving that damaging warming was/is/will be caused by human CO<sub>2</sub>, please cease making direct or implied public claims that human production of CO<sub>2</sub> needs to be cut. Please withdraw your past such claims and associated claims and articles. If you continue making such claims and fail to retract past claims you will be knowingly misleading the public and parliament. Please stop advocating policies harming humanity and/or the environment.

In the interests of accountability and transparency my paper letter and your response(s), if any, will be posted on the Internet after Monday. That delay will give you the courtesy to receive my letter and read its contents before seeing it on the internet. Wouldn't you agree that it's fair to say that was more than you and Mike Carlton gave me?

Thank you for your Tweet finally admitting that the Galileo Movement is not anti-semitic. For Richard and Patrick, please ask yourself why the SMH would need to falsely fabricate a smear that implies The Galileo Movement is anti-semitic.

(Appendix 13, page 30 onwards)

[http://www.conscious.com.au/docs/new/13\\_appendix.pdf](http://www.conscious.com.au/docs/new/13_appendix.pdf)

You'll find some advocates of unfounded climate alarm accuse those with whom they disagree of fabricating '*conspiracies*'. I don't use that term because what's happening is in the open. There's no conspiracy. Appendix 14 details the bigger picture and motives. Pages 114-116 list some standard diversions used by some of those advocating unfounded and unscientific climate alarm.

Ben, in my view you now have a choice: Either you can continue denying and contradicting empirical scientific evidence

and logical scientific reasoning proving conclusively that HUMAN CO2 did not cause Earth's latest modest cyclic global ATMOSPHERIC warming that ended in 1998 OR you can face up to reality and admit your past such claims are false and unfounded.

The first choice is initially easier for the ego. The second choice is ultimately easier overall though because, in my experience, reality always wins. The truth emerges. As reality is now emerging on BS AGW.

Although initially easier the first choice will bring you more pain and embarrassment as reality continues to emerge. If you choose to continue misrepresenting climate and pushing ideology it'll become progressively more difficult and embarrassing for you, Ben. More painful.

It seems that your choice boils down to pain now in admitting reality or deeper, ongoing pain in the months and years ahead by holding onto the ego's fears.

Key appendices for you (and for Patrick and Richard) are:

Appendices 4 and 4a on empirical scientific evidence and logical scientific reasoning:

[http://www.conscious.com.au/docs/new/4\\_AppendixBasicQuestions.pdf](http://www.conscious.com.au/docs/new/4_AppendixBasicQuestions.pdf)

[http://www.conscious.com.au/docs/new/4a\\_AppendixEmpiricalData.pdf](http://www.conscious.com.au/docs/new/4a_AppendixEmpiricalData.pdf)

Can you find fault with my logical scientific reasoning's four fundamental steps?

Appendix 13 discussing distortions, misrepresentations and fabrications by ABC and SMH:

[http://www.conscious.com.au/docs/new/13\\_appendix.pdf](http://www.conscious.com.au/docs/new/13_appendix.pdf)

In that you'll find a URL to the transcript of the recording of our interview:

<http://www.galileomovement.com.au/docs/ROBERTS.Malcolm-InterviewWithBenCubby-30.July2012WorkingCopy2.pdf>

Appendix 14 provides details on motives pushing BS AGW:

[http://www.conscious.com.au/docs/new/14\\_Appendix.pdf](http://www.conscious.com.au/docs/new/14_Appendix.pdf)

Thank you for stimulating my documentation of motives driving BS AGW, Ben. Your actions were a major trigger to documenting the drivers of BS AGW. That the SMH's environmental reporter pushes an anti-environment and antihuman ideology is deeply disappointing. (Appendix 14)

Many appendices document extensive corruption of climate science—corruption that you ignore and perpetuate, Ben.

I respectfully suggest you watch the five part video series by Henry Lamb:

<http://shelf3d.com/Search/The%2BRise%2Bof%2BGlobal%2BGovernance%2BPlaylistIDPLKjJE86mQRtsd2abcjOkgq4uw-H5MLvMa>

They total just 100 minutes.

Then, maybe you'll understand Lenin's declaration that he relied on what he called '*useful idiots*' to spread his misrepresentations and antihuman ideology.

It's now your choice Ben: continue your fabrications or delve into reality. Continue being a useful idiot for the UN or start reporting climate accurately to Australians.

Continue your antihuman and anti-environment claims or start to care for the environment and humanity.

In my experience, truly **caring** for the environment is not about spouting an ideology or pretending to be green. Doesn't real **care** require making an effort to understanding **core** issues and then develop a **cure** based on evidence?

In my experience, Ben making the effort to understand the facts is essential. I've got my hands dirty cleaning up environmental legacies. Always it was based on first understanding the facts.

Try it Ben. You'll likely find it more rewarding.

Malcolm

At stake is human freedom, your freedom, *our* freedom

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

Friday, February 15<sup>th</sup>, 2013

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

Dear Mr. Cubby:

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

Enclosed is a copy of my investigation into climate science and claims made by academics and agencies funded by government.

My report discusses your claims and statements. It is true and correct to the best of my knowledge. I offer you this opportunity though to identify, specify and justify significant material errors you may perceive in my report. If you consider such errors exist please identify them specifically and provide empirical scientific evidence and/or facts. Please simultaneously declare your personal financial interests in advocating the claim that human CO<sub>2</sub> should be cut.

If I have not received a specific and scientifically or factually justifiable list together with your declaration by Friday, March 8<sup>th</sup>, 2013 I will assume you do not disagree with my report.

Unless you have empirical scientific evidence and logical scientific reasoning proving that damaging warming was/is/will be caused by human CO<sub>2</sub>, please cease making direct or implied public claims that human production of CO<sub>2</sub> needs to be cut. Please withdraw your past such claims and associated articles. If you continue making such claims and fail to retract past claims you will be knowingly misleading the public and parliament. Please stop advocating policies harming humanity and/or the environment.

In the interests of accountability and transparency this letter and your response(s), if any, will be posted on the Internet.

Yours sincerely,

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](mailto:malcolmr@conscious.com.au) [www.conscious.com.au](http://www.conscious.com.au)  
Enclosures: Report *CSIROh!* cc: SMH Board



[TweetsFebru....pdf \(146 KB\)](#)

**From:** Malcolm Roberts <malcolmr@conscious.com.au>  
**Subject:** Fwd: He's Done It Again!  
**Date:** 22 March 2013 12:00:58 PM AEST  
**To:** Roberts1 Malcolm <malcolmr@conscious.com.au>

---

Begin forwarded message:

**From:** Xxx Xxxx  
**Date:** 21 February 2013 3:35:41 PM AEST  
**To:** Malcolm Roberts <catalyst@eis.net.au>  
**Subject:** Re: He's Done It Again!  
**Reply-To:** Xxx Xxxx

Yes, I will put it together with some tweets like the one below

**Ben Cubby** @bencubby

@galileomovement is there any particular reason why you are so keen to disown Malcolm's work?

@bencubby Is there any particular reason why you are so keen to blatantly lie about Malcolm's work?

At stake is human freedom, your freedom, *our* freedom

**From:** Malcolm Roberts <malcolmr@conscious.com.au>  
**Subject:** Fwd:  
**Date:** 23 March 2013 1:17:16 PM AEST  
**To:** Roberts1 Malcolm <malcolmr@conscious.com.au>

---

Begin forwarded message:

**From:** Xxx Xxxx  
**Date:** 25 February 2013 11:04:12 AM AEST  
**To:** Malcolm Roberts <malcolmr@conscious.com.au>  
**Cc:**  
**Reply-To:** XXXX Xxxx

Thought I would send a warning shot across Cubby's bow.

He keeps bring up the anti-Semitic slur.

(John and Case, I will have a letter to you by the end of the week)

**Ben Cubby** @bencubby  
[@GalileoMovement](#) [@RenewCP](#) if you want to disassociate yourself from anti-Semitism, maybe run your ideas past the Jewish board of deputies?

[@GalileoMovement](#) [@RenewCP](#) the board of deputies. they're aware of your activities, best discuss with them.

**Galileo Movement** @GalileoMovement  
@bencubby Is this a personal account or owned by @SMH?  
Expand [← Reply](#) [🗑 Delete](#) [★ Favorite](#) [⋮ More](#)

**Ben Cubby** @bencubby  
[@GalileoMovement](#) [@smh](#) it's operated by personal assistant, Tarquin.

At stake is human freedom, your freedom, *our* freedom



[CSIROh for web.pdf \(507 KB\)](#)



[Appendix13....pdf \(178 KB\)](#)



[BenCubbyMarch.pdf \(115 KB\)](#)

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

Friday, February 15<sup>th</sup>, 2013

Mr. Mike Carlton  
Contributor  
The Sydney Morning Herald  
GPO Box 506  
Sydney NSW 2001

Dear Mr. Carlton:

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

Enclosed is a copy of my investigation into climate science and claims made by academics and agencies funded by government.

My report discusses your claims and statements. It is true and correct to the best of my knowledge. I offer you this opportunity though to identify, specify and justify significant material errors you may perceive in my report. If you consider such errors exist please identify them specifically and provide empirical scientific evidence and/or facts. Please simultaneously declare your personal financial interests in advocating the claim that human CO2 should be cut.

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In the interests of accountability and transparency this letter and your response(s), if any, will be posted on the Internet.

Yours sincerely,

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](mailto:malcolmr@conscious.com.au) [www.conscious.com.au](http://www.conscious.com.au)  
Enclosures: Report *CSIROh!* cc: SMH Board



[MikeCarlton....pdf \(113 KB\)](#)



[ROBERTS, M....pdf \(180 KB\)](#)



[4 Appendix....pdf \(392 KB\)](#)