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**Submission to the Australian House Of Representatives
House Standing Committee on Communications,
Information, Technology and the Arts**

End of data not for publication.

Qualifications:

- **See submission Number 2 for information and amendments to data contained in submission Number 1.**

Preamble: The House Standing Committee terms of reference that will be addressed in the submission are -

A. "threats to achieving a diverse and robust network of community broadcasters".

Submission #3: This submission makes further remarks on the failure to enable rectification of government officer and member prima facie illegalities, inadequate monitoring of ABA activities, prima facie inadequate self regulation of the newspaper industry in reporting, failure of local councils to protect the citizens from prima facie wilful decision by the ABA.

The following are copies of letters that I wrote to the local member, Mr J. Lloyd, Federal Member of Parliament & Liberal Party Chief Whip. Written when I eventually was able to procure a computer dictation programme. At the time I had a badly broken arm which required major surgery to amputate the head of humerus and replace it with a prosthesis. I eventually obtained the surgery after a six-month wait and the arm then took a further nine months after surgery to heal. My contempt expressed in these letters is not only due to untreated post traumatic stress disorder occasioned by the aforementioned accident but is mostly due to what was and still is perceived as illegal action against myself and the community that I was serving.

In summary Mr Lloyd's office failed to correctly address the envelope containing their reply

to me, failed to address the issues raised, divulged personal information about me to the newspaper press with malevolent intent, used that irrelevant information to try and discredit the substance of my correspondence, discriminated against the disabled & myself, by their action perpetuated a cover-up of what was occurring and failed to prevent it occurring again.

In addition I was told by Mr Lloyd's advisor, Mr Abel that as I was "not on the electoral roll for Mr Lloyd's constituency there was no obligation for Mr Lloyd or his office to even talk to me".

As a consequence the major local newspapers have not, until recent times, published any of my correspondence. In fact I was so outraged by one newspaper's biased and incomplete reporting that I was compelled to complain to the Australian Press Council. This instead of resulting in reporting corrections to protect the local community further proved the inadequacy of only having newspaper industry self-regulation. I have included the copies of my letters to that body below. In a further attempt to safeguard the local community I wrote to the local councils, the mayor and each councillor about the issue, requesting that they table my letter and discuss it. I received no response from any person at Wyong Council despite having travelled to Wyong and personally delivered the letters to the council receptionist. I note that Wyong is in Mr Ticehurst's electorate. From memory I received an acknowledgement of receipt from the Gosford mayor and one other councillor. I also made numerous telephone calls to councillors & the Gosford mayor. Apart from the suggestion from a new councillor that I claim my right to five minutes speaking on the council floor and that the issue be put up to the local council's association, neither council, as far as I am aware, has tabled the letter, publicly discussed it or done anything about it. Yet again identifying the failure of Australian democracy to enable robust debate and

protect citizens from illegality, bastardry, cronyism or corruption.

As a result of the lack of co-operative positive response from Mr Lloyd, the local member, the following letters were written. Current modifications are shown by italic print, "x" or "x̄". It should also be noted that it is partly believed that no press coverage was obtained because of the breaches of the writer's privacy by J. Lloyd's office in letters circulated to the media.

Italics represent updates/commentary since 11.06.2003

11TH JUNE 2003

Mr J. Lloyd
Federal Member of Parliament &
Liberal Party Chief Whip
91-93 Mann Street
Gosford NSW
Hand Delivered

Dear **Mr Lloyd,**

Community Radio & the Australian Broadcasting Authority (ABA)

As I have not received a response to my 19.05.2003 letter signed and hand delivered on 20.05.2003, I can only conclude that:

- a) you or your staff lack common courtesy;
- b) my lack of confidence in your office is well proven;
- c) you are not representing the Central Coast citizens according to your requirements under the Australian Constitution and laws;
- d) your silence and failure to address the points raised in my letter are indicative to most right-minded people of your knowledge and collusion with the cronyism or corruption identified in my letter. I also ask "Is there no Federal crime equivalent to being an accessory to the fact applicable to MPs.?" and
- e) your behaviour quite simply disproves the Prime Minister's assertion that Australian citizens do not need a Bill of Rights because they are served by a democratic government.

Yours faithfully,

Richard J. Newby

No further

response

20 JUNE 2003

Mr J. Lloyd
Federal Member of Parliament &
Liberal Party Chief Whip
91-93 Mann Street
Gosford NSW 2250
Hand Delivered

Dear **Mr Lloyd,**

Re: Your 22 May 2003 letter of reply

This is the first of three letters that I will be writing as a result of your letter which did not reach me until 16 June 2003 because of your failure to correctly address it. In this letter I will only raise the issue of Commonwealth Privacy law and hope that you will be able to restrict yourself to the point in your reply.

Will you please explain why you have divulged private information about me to the listed recipients of your 22.5.2003 letter. The information divulged has the following characteristics:-

it is not 100% accurate,

it has no relationship to the two matters raised in my 19.05.2003 letter which are disability discrimination and the issue of local community broadcasting licenses by the Australian Broadcasting Authority.

my privacy deserves the same confidentiality as information given to a priest during confession or a professional such as a doctor or a lawyer during consultation.

I do not expect my private information to be willfully bandied about nor to be used as an attempt to denigrate me by inference nor to distract the reader from the validity of my propositions and the serious issues raised.

I look forward to your prompt reply explaining why my private information is divulged to the recipients of the letter. I also request that you let me know what you propose doing to rectify the situation and correct the damage that I have suffered as a consequence of your actions.

Yours faithfully,

Richard J. Newby

No further

response

20 June 2003

Mr J. Lloyd

Federal Member of Parliament &

Liberal Party Chief Whip

91-93 Mann Street

Gosford NSW 2250

Hand Delivered

Dear **Mr Lloyd,**

Re: Disability Discrimination

This is my second letter in response to your 22.05.2003 reply received on the 16 June 2003.

In your letter you reject the accusation that your office's treatment was discriminatory. You do however state that you were unable to provide a secretarial service. You are required to provide an interpreter to non-english speakers if they request one. The same requirement also applies to the public service. Refusal to provide secretarial service to a person who is severely handicapped so that they can communicate in the only media accepted by government, is just as discriminatory as failure to provide the non-english speaker with a translator.

What is particularly disappointing is that I was attempting to give your government sound advice to make its administration more efficient.

If you are going to do something about this matter, I look forward to your prompt reply advising me of what you propose specifically and generally.

Yours faithfully,

Richard J. Newby

No further

response

23 JUNE 2003

Mr J. Lloyd
Federal Member of Parliament &
Liberal Party Chief Whip
91-93 Mann Street
Gosford N.S.W.
Hand Delivered

Dear **Mr Lloyd**,

Community Radio & the Australian Broadcasting Authority (ABA)

As a result of the misdirection of your response I am only now replying to what you purport to be your reply. This is my third reply to your 22.5.2003 letter. Having now read your 22 May 2003 letter it is obvious that the statements in my 11 June 2003 letter are well made.

The Prime Minister's statement that we do not need a Bill of Rights in Australia because we have a democratic federal parliament is pure hypocrisy. I again suggest that your failure to respond to the issues raised in my request for a Royal Commission or Senate Enquiry is not only proof of the hypocrisy but also of your failure to address the local and national concerns raised by a citizen living within the locality that you are supposed to represent.

Your failure to raise the matters with the Minister for Communication, the attorney General and quite possibly the Federal Police I can only presume, in your unwarranted favour, is occasioned by unrealistic Liberal party beliefs resulting in inappropriate codes of conduct when faced with prima facie adverse commentary.

I sincerely hope that you will not emulate the puerile behaviour commonly caricatured by the ostrich with its head buried in the sand. I look forward to your prompt responses to my letters.

Yours faithfully,
Richard J. Newby

No

further response

No further responses.

CENTRAL COAST EXPRESS ADVOCATE, Friday, November 5, 2004 23

Central Coast News

Newcomer on the air

ANDREW TILLET

Christian broadcaster Rhema FM has begun transmission as the Central Coast newest radio station.

It was finally awarded the coast's last community radio licence after a 3 1/2-year fight and a false start.

Late last month, The Australian Broadcasting Authority announced the station would be able to start broadcasting on 94.9 MHz on the FM band.

Since then, it has been on their 24 hours a day, seven days a week.

Rhema FM interim general manager John Marks said station staff were thrilled to be permanently on-air.

"We live in a day and age when our society won't accept second rate," he said.

"We know we are not a commercial station but we are professional. We want to give all of volunteers good training and run a good station."

Mr Marks said Rhema was non-denominational, with a range of Coast churches involved on and off the air.

He said musicians and shows with Christian values would be played on the station.

"Our programming is 100 percent Christian," he said.

"We've got support from all different churches ... all our directors go to different churches.

Mr Marks said surveys showed up to 30,000 people tuned into the station daily.

"In the 2001 census, 228,000 people profess themselves to be Christian," he said.

"We know from our support there is huge demand out there."

Mr Marks said the station was trying to find a permanent facility at Gosford.

Patience was a necessary virtue

RHEMA FM's backers have had to exercise patience in obtaining a licence from the Australian Broadcasting Authority.

The process has been a drawn out affair after rival station Wyong-Gosford Progressive Community Radio (PCR) challenged the authority's 2002 decision to grant a licence to Rhema.

The Federal Court agreed with PCR's argument it was denied natural justice and ordered that the allocation process start afresh.

Apart from Rhema and PCR, Radio Yesteryear also re-applied for the permanent licence.

Acting authority chairwoman Lyn Maddock said Rhema had demonstrated that the need existed on the Coast for a full-time Christian radio station.

"The ABA considered that the non-denominational Christian service proposed by Gosford Christian Broadcasters (Rhema's licence holder) would meet the needs of the community in the Gosford licence area to a greater extent than the services proposed by the other applicants," she said.

My 6 November 2004 letter to Central Coast Express Editor requested truthful reporting and "protection of the weak, gullible and ingenuous members" of the local community from the "cancer" let loose in the community. A "cancer"

that reportedly raised \$750,000 in 2004 in Newcastle. The only community radio station in Australia that I know of that raises similar funds is in Melbourne. It has 30,000 subscribers, 2,500 volunteers, 4 live to air studios including one seating an audience of 250 plus a full orchestra. I have been told that this station services the whole Melbourne population which is somewhat larger than Newcastle, and does so irrespective of religion, creed, colour or political persuasion.

Despite the Prime Minister opening an underutilised \$28 million stadium whilst the homeless slept underneath a bridge 50 metres away, I still scratch my head in amazement that the government can appoint someone who states that, in an area full of churches and additionally hired public school halls for Sunday services, the christians have a greater need than the unrepresented in the community. I can only assume that the christian propoganda is inadequately working & needs reinforcing with 24/7 broadcasting to create the necessary brainwashing. Which prompts me to ask the question "What testing occurs to ensure that subliminal messaging does not occur to create belief and monetary donation?"

The Executive Secretary,
Australian Press Council,
Suite 10.02, 117 York Street,
Sydney NSW 2000
14 January 2005
Dear Sir or Madam,

Complaint against the Central Coast Express Advocate

A. Complainant Information

Name: ~~XXXXXXXXXXXXXXXXXX~~

Mailing Address: ~~x~~ ~~XXXXXXXXXX~~ Rd, Woy Woy, NSW 2256

Telephone: 0243 ~~XXXXXX~~

B. Publication Information

My complaint is against the Central Coast Express Advocate, Lot 18 Bowen Cr, West Gosford, NSW 2250 (postal address: Locked Bag 13, Gosford NSW 2250).

Editor ~~XXXXXX XXXXX~~. Telephone: 4323 5000. Fax: 4323 5073 .

Date of publication: 5 November 2004.

"Patience was a necessary virtue" and adjacent report. Copy enclosed.

C. Contact With Publication

I wrote to the editor, Ms **Xxxxxx Xxxxx** on the 6 November 2004 (copy enclosed). I believe that my letter is self-explanatory and capable of being understood by a professional newspaper editor. To date I have not received any written reply to my letter nor has the newspaper printed corrections. I telephoned Ms **Xxxxxx** during the second week of December 2004. Ms **Xxxxxx** claimed to have been on leave but condescendingly remembered having seen my letter. A brief discussion followed and she promised to have a reporter look into the issues raised in my letter and that an appropriate article in the paper would follow.

After verifying the Wednesday and Friday editions of the paper to and including the 12 January 2005 publication that no further article on the matter was printed, I telephoned Ms **Xxxxxx** again. She claimed to be in the middle of a publishing deadline and therefore unable to talk. However she stated that she had not instructed any reporter to look into the matter. She tried to ridicule my complaint by stating that I was the only person who had written complaining about the blatantly "erroneous incomplete and biased" reporting.

Australia still remains the only country in the world not having an inclusive, comprehensive working Human Rights Bill. I enclose a copy of a self explanatory letter and leaflet by the local organisation BIFCOA Inc. to the local councils together with the PCR-FM leaflet and correspondence to the ABA mentioned in the BIFCOA Inc. letter.

I also pointed out that I have not had a written reply to my 6 November 2004 letter. Most professional organisations consider their members to be in breach of professional behaviour if they fail to respond to written communications within three weeks. I note that the Press Council seems to consider professionalism to have been displayed if response is made within two months or even longer. However the reverse is applied to complainant's who fail to contact the APC within three months.

D. Principles Breached

- 1.** Failure to take reasonable steps to check the accuracy of what is reported
- 2.** Failure to make appropriate and prompt correction of statements published
- 3.** Failure to publish matters of public record and obvious significant public interest in order to present fair and honest news and commentary

4. Failure to properly distinguish between reported or journalistic opinion as opposed to fact
5. Failure to not misrepresent and/or suppress relevant facts
6. Failure to not distort the facts in text and/or headlines
7. Failure to report in the public interest
8. Failure to ensure fairness and balance in reporting
9. Failure to promptly & reasonably respond to this criticism of publishing biased unsound articles

E. Specific Reasons for the Complaint

My specific reasons for this complaint are clearly stated in my 6th November 2004 letter to Ms ~~Xxxxx~~ and the information that I have given above. To those I will also add the preamble and principles elucidated in your Charter of a Free Press given on page 15 of your booklet "The Australian Press Council Booklet No. 8" published March 2004. The Central Coast Express Advocate claims over the years to have been rewarded by its peers as a "regional" or "country" newspaper "par excellence". It is sad that this newspaper, published in an area only fifty miles from Australia's largest metropolis, usually contains nothing more than petty, biased, parochial titbits and is an excuse for the adverts which make up the larger part of its print.

I therefore expect the Press Council to not only uphold this complaint but also inculcate a major improvement in the professional standards of this publication.

Yours faithfully, Richard J. Newby

BIFCOA INC.

(Bloody Incredible Folk-music Covering Our Australia)

ABN 54208764947

Helping to Preserve & Promote Australian Traditional and Folk Music To Enhance Multicultural Harmony

**The Mayor & Councillors,
Wyong & Gosford City Councils,
WYONG NSW 2259,
GOSFORD, NSW 2250
30/10/2004**

Dear Mayor & Councillors,

Local Community Radio

You may be aware that the Australian Broadcasting Authority has recently issued a fourth permanent

community broadcasting licence on the Central Coast. You may not be aware however of the circumstances under which this licence has been issued. We enclose a copy of a letter issued by Wyong-Gosford Progressive Community Radio Inc. to the ABA dated 25-10-2004. In the letter, "the ABA stands accused of perverting fundamental principles of the community radio sector, of corrupting sections of the Broadcasting Services Act 1992 and discriminating against PCR-FM's community of interest." To date the ABA has issued about 200 local community broadcasting licences in similar manner around Australia. Some councillors and those who have studied history will recall that these were tactics employed by totalitarian regimes.

We ask that this letter be tabled and discussed at the next council meeting. A motion of no confidence in the federal government's lack of direction of it's undemocratic independent agency, the ABA, should be passed. We would like sanctions to be applied, however other than calling upon the Governor General to sack the government for its breach of the Australian Constitution, we have been unable to think of adequate sanction against this gross interference and illegal imposition on our local community. We consider the action and behaviour to be as heinous as treason and rape. It did not occur with the general or specific concurrence of either the local council or citizens. We suggest that if the local council cannot or does not appropriately deal with this matter it will also be derelict in its duty to the local citizens.

We would also like to remind councillors that a genuine local organisation "Central Coast Christian Broadcasters" applied for temporary licensing several years ago but was denied by the ABA in favour of the organisation formed by the Newcastle branch of the foreign originated Rhema organisation. This again further proves the non-local sell-out of our local communities by a federal autocratic authority. If you listen to radio Rhema, you will quickly learn that it is primarily concerned with commercially raising large sums of money from the local community whilst having tax-free status not enjoyed by the majority. At the same time Rhema aims to subvert local citizens from their own beliefs to the discriminatory dogma espoused by them.

We have noted that over the years PCR-FM has broadcast a wide range of religious viewpoints espoused by local citizens. PCR-FM was the only local radio that would broadcast the programme BIFCOA - a celebration of Australian musical heritage, traditional and folk music. We can state that BIFCOA was the programme

that was aimed at all of the local citizens, purposely encouraging harmonious relations between ethnic and religious minorities and the mainstream population.

We look forward to council's debate and vote on the issue to declare no confidence in the federal government agency's illegal interference in local society.

Yours faithfully,

Richard Newby, Public

Officer

References:

www.pcrfm.cjb.net & www.cbonline.org.au

cc. Jim Lloyd MP

John Della Bosca MLA

On 19 November 2004 the President of the National Folk Festival, Dr Keith McKenry who has represented Australia at United Nations conferences on the importance of Folk-music wrote to Ms Lyn Maddock, Acting Chair, ABA. Her response to Dr McKenry was most discourteous. When I last spoke with Dr McKenry in April 2005 he had still not had a satisfactory reply to his letter.

I repeat my previous suggestion that an Office of an Australian Community Radio Ombudsman be set up, that the government ensure that its administration comply with its legislation, it stop hiding behind autonomous bodies and that a Royal Commission be instituted into the Central Coast licensing process. I now also suggest that Australia cease its failure to adhere to the international human rights treaties that it has signed and forthwith implement and legislate a comprehensive Bill of Human Rights giving all citizens equality and protection.

This submission is followed by submission number 4 which raises the failure of successive governments to protect & promote Australian musical heritage.

**Yours Faithfully,
Richard J. Newby**