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## Independent Report

# The Quango Contribution

ABRIDGED VERSION

[The Complete Report Will Be Published As An Appendix To Expendable Dossier 2]

The Expendable Project  
[www.expendable.tv](http://www.expendable.tv)

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# 1. INTRODUCTION

The alignment of Australian government policy, across the different departments of state, included those agencies which are purported to provide public support services.

A number of examples of how the government's position manifested itself, when these bodies were approached with respect to Schapelle Corby, are provided in this report.

## 2. THE ACMA

The regulation of the broadcasting media in Australia, in terms of accountability to any party other than the government, is almost non-existent.

Each broadcaster is able to define its own self-regulating code of practice. In other words, each broadcaster can make its own rules.

The broadcasting authority, a quango called the *Australian Communications and Media Authority* (ACMA), is essentially a placebo. Whilst the public are encouraged to complain to this body, the body itself uses the broadcaster's own code to assess the merits of each complaint.

Furthermore, the ACMA is only permitted to address complaints against individual broadcasts. Hence, wider agenda and sustained bias are outside its terms of reference. The extensive opinion management regime, led by the ABC, which is revealed in the documentary film *Expendable*, is therefore out of scope.

Further, even within such strict boundaries of operation, the ACMA has supported the broadcaster on each and every complaint made with respect to Schapelle Corby.



The following is an example of the ACMA's standard first response, to complaints relating to Schapelle Corby:

Thank you for your emails to the Australian Communications and Media Authority (the ACMA) regarding your concerns about news reports concerning Schapelle Corby on ABC Television and Radio.

The ACMA is the Commonwealth body responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications. The ACMA is able to receive complaints about the content of radio and television broadcasts on the ABC where:

- the complaint is about a matter covered by the ABC Code of Practice 2007;
- the person has first complained to the ABC; and
- the person has either not received a response from the ABC within 60 days, or has received a response but considers the response inadequate.

For information about the broadcasting complaints process and the ACMA's role in it please follow the link below:

[http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_90137](http://www.acma.gov.au/WEB/STANDARD/pc=PC_90137)

As a national television broadcaster, the ABC is bound by the ABC Code of Practice 2007. A copy of this code is available at the Codes Index on the ACMA's website:

[http://www.acma.gov.au/WEB/STANDARD/pc=IND\\_REG\\_CODES\\_BCAST](http://www.acma.gov.au/WEB/STANDARD/pc=IND_REG_CODES_BCAST)

Section 3 of the code relates to news and current affairs content. If you consider that the material of concern to you was in breach of the code, you may make a complaint about the matter. Your complaint must be made to the ABC in the first instance. If you are intending to complain to the ABC, you are advised to familiarise yourself with section 7 of the code, which deals with complaints handling. You are also advised to make and keep a copy of any letter you send to the ABC for future reference.

The ABC can be contacted via the following link:

<http://www.abc.net.au/contact/>

If you complain to the ABC and do not receive a response within 60 days after making the complaint, or are dissatisfied with ABC's response, you may, as advised above, refer the complaint to the ACMA. If you want the ACMA to investigate your complaint under these circumstances, could you please provide us with a copy of all correspondence between you and the ABC.

I hope this information is of assistance.


Should the complainant navigate through the individual broadcaster's code, the ACMA position with respect to Schapelle Corby issues is always the same. For example:



A particularly stark example occurred in 2010. Schapelle Corby was mentally ill, and seriously paranoid, and was, for example, seeing cameras in walls and in the eyes of her teddy bears.

An Australian broadcaster gained access to the prison and burst into her cell with a large camera rolling. They chased her into her cell toilet, where she was forced to hide, under the protection of a cellmate. They then rummaged through her scant possessions. Schapelle Corby was severely traumatized by the experience.

The ACMA, on behalf of the Australian government, endorsed this abuse, by rejecting a formal complaint:

		<b>Australian Communications and Media Authority</b> communicating : facilitating : regulating
<b>Investigation Report No. 2443</b>		
<b>File No.</b>	ACMA2010/1418	
<b>Licensee</b>	WIN Television (WA) Pty Ltd	
<b>Station</b>	STW Perth	
<b>Type of Service</b>	Commercial Television	
<b>Name of Program</b>	Channel Nine News	
<b>Date of Broadcast</b>	15 April 2010	
<b>Relevant Code</b>	Clause 4.3.5 of the <i>Commercial Television Industry Code of Practice 2010</i>	
<b>Investigation conclusion</b>		
The licensee of STW Perth, WIN Television (WA) Pty Ltd, in relation to the broadcast of <i>Channel Nine News</i> on 15 April 2010, did not breach clause 4.3.5 of the <i>Commercial Television Industry Code of Practice 2010</i> .		

In Australia, Schapelle Corby has been the subject of the most unethical and disturbing of broadcasting practices. Many of these would be considered to be illegal in most nations, and some are documented on the *Expendable.TV* website.

Yet, the ACMA considers them to be perfectly acceptable, and has never upheld a single complaint.



### 3. THE ADVERTISING STANDARDS BUREAU

The stated mission of the Advertising Standards Bureau (ASB) is: *"To administer a well respected, effective and independent advertising complaints resolution service that regulates advertising standards in Australia adjudicating both public and competitor complaints and ensure compliance with relevant codes".*

However, if we scratch the surface of this, we see a level of discretion, and a degree of latitude, which renders it entirely susceptible to agenda. A relatively recent complaint regarding Schapelle Corby illustrates this extremely well.

In November 2010, the Nine Network advertised an issue of a magazine owned by one of its sister companies. This was a clear demonstration of direct and subliminal messaging, which was directly contrary to the interests of Schapelle Corby.

The short video clip below describes this incident, in which it was falsely suggested that Schapelle Corby wished to remain in her squalid prison cell:



See *Expendable.TV*: 'Examples Of Media Abuse'

Subsequent to this outright fabrication, which was broadcast nationally, complaints were sent to the ASB through a variety of channels. One such complaint is copied below:



I am writing to you in connection with your role at the *Advertising Standards Bureau*.

I have taken the unusual step of sending this email because the issue is rather more serious than those which you routinely field.

I refer to the use of adverts to place not only political sound bites, but messages of the most foul and disturbing nature. Further, these are being disseminated via a broadcaster which fundamentally is owned from overseas.

Whilst you can probably appreciate the wider political implications of this, at this present time the issue is more acute: the very life of a mentally ill Australian woman (an innocent one, to anyone who cares to examine evidence rather than media smear).

I refer of course to Schapelle Corby.

I invite you to view the following video, which describes exactly how Nine Network, in collusion with Woman's Day (same stable) use an advert to sell a direct message (which is in fact a demonstrable lie):

<http://www.facebook.com/video/video.php?v=1412582088989&oid=268362329195>

This video is being virally distributed globally. I believe that someone has also recently placed it on YouTube:

<http://www.youtube.com/watch?v=os5MQfjY0K0>

Please do note that the role of Nine Network is not over stated: recently one of their journalists invaded Ms Corby's cell with a large camera, which caused trauma and acute distress, such that the following day she was asking her mother to be allowed to end it all. The catalogue of Channel Nine broadcasts (and unhelpful Woman's Day articles) is appalling.

Regardless, I hope that you will examine this issue very carefully indeed.

Kind Regards,

This, of course, covers both the general aspect of political messaging, and its application with respect to the misrepresentation, and abuse, of Schapelle Corby, and the blatant disregard for her welfare.

The ASB responded as follows:



We appreciate your concerns and regret that we cannot assist you on this occasion but hope you will contact us in the future should you find the content of any advertisement offensive. For more information about the advertising self-regulation system, please visit <http://www.adstandards.com.au>.

With regards,

Daniela Gray/Nikki Paterson

Case Managers

Advertising Standards Bureau

[complaint@adstandards.com.au](mailto:complaint@adstandards.com.au)

One can only conclude from this, that in Australia, subliminal political messaging within television adverts is perfectly acceptable, and not worthy of investigation, at least, not where it pertains to Schapelle Corby.

Neither the wider issue of political/abusive fabricated messaging within advertising, nor the application of this with respect to Schapelle Corby in terms of harm, gross misrepresentation and opinion management, were of any interest to the Advertising Standards Bureau.



## 4. THE HUMAN RIGHTS COMMISSION

This government body is responsible for human rights compliance, and styles itself as: "*Working towards an Australian society where human rights are for everyone, everywhere, every day*".

But, does this extend to Schapelle Corby?

Perhaps, for example, when her human rights are being abused by the Australian media, whilst she is being displayed and paraded for public curiosity by the Indonesian prison authority (in clear breach of the *UN International Covenant on Civil and Political Rights*)?

This particular scenario has been tested by members of the public on a number of occasions. The most recent one was in November 2010, when a distressed viewer of an Australian news broadcast wrote the following to them:



-----Original Message-----  
From: .  
Sent: Thursday, 4 November 2010 9:48 AM  
To: Complaints Info  
Subject: Human Rights Abuse Again

See the attached - Nine Network abusing Schapelle Corby's human rights earlier in the year.




Yesterday they did it again.


Look at the other attachment. Look at the media maggots there with their cameras.

Schapelle got so distressed by the intrusion again that she ran the governor's office to complain about them, and was brutally manhandled even on film. No doubt she was beaten again as well.

**RUN**  **RUN**  **RUN**

**COULD THIS HAPPEN HERE? 9 GUYS INSIDE THE WALLS OF A PRISON WITH CAMERA'S. 3 MORE INSIDE AN OFFICE AREA ALL THERE TO CAPTURE PHOTO'S OF A MENTALLY ILL WOMEN PRISONER !!!!!**



**CHASED DRAGGED AND BEATEN**  **FRIGHTENED OF CAMERAS AND THEY'RE EVERYWHERE**

## [The Human Rights Commission]

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The *Human Rights Commission's* response, as shown below, was to evade the issue:

**From:** Complaints Info [mailto:complaints.info@humanrights.gov.au]

**Sent:** 05 November 2010 02:47

**To:**

**Subject:** RE: Human Rights Abuse Again [SEC=UNCLASSIFIED]

Dear

I refer to your email enquiry sent on 4 November 2010, which raises concerns about the Nine Network's coverage of Schapelle Corby.

I note that you have raised concerns about the Nine Network's coverage of Schapelle Corby. You state that the media coverage is intrusive and is abusing her human rights.

The Australian Human Rights Commission has limited jurisdiction when it comes to handling claims of human rights breaches. It can only consider such claims against the Commonwealth Government and its agents.

While I appreciate that you find the Nine Network coverage relating to Schapelle Corby intrusive, it does not appear that these are matters that the Commission's Complaint Handling Section can assist with.

You may wish to contact the Australian Press Council which can consider complaints about a news reporting on a website. It can be contacted on 02 9261 1930 or 1800 02 5712 or you can visits its website at <http://www.presscouncil.org.au/>

If you have further questions about the Commission's laws please contact me via the Complaint Information Line, on 1300 656 419.

Regards,

**Penny De Paoli**

Complaint Information Officer

Complaint Information Service

[Australian Human Rights Commission](#)

The viewer, by now clearly frustrated and angry, correctly pointed out that commercial television channels are regulated and monitored by a government agency:

**Sent:** Friday, 5 November 2010 6:56 PM

**To:** Complaints Info

**Subject:** RE: Human Rights Abuse Again [SEC=UNCLASSIFIED]

Penny,

Ok... my complaint is therefore about the ACMA: a government agency.

They have received a number of complaints about the toxic Australian media breaching Schapelle Corby's human rights. They ALWAYS rubber stamp their mates. ALWAYS.

This is therefore the commonwealth government endorsing the brutal human rights abuse by Australia I have demonstrated, and which are sickening people around the world.



## [The Human Rights Commission]

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The response of the AHRC, this time, was to shift the focus to the viewer herself. Were **the viewer's** human rights being abused?

**From:** Complaints Info  
**Sent:** Wednesday, 10 November 2010 3:28 PM  
**To:**  
**Subject:** RE: Human Rights Abuse Again [SEC=UNCLASSIFIED]

Dear

I refer to your subsequent email sent on 5 November 2010, which relates to your concerns about the Nine Network's coverage of Schapelle Corby.

In your email you advise that your concerns now relate to the Australian Communications and Media Authority (ACMA). You state that it has not dealt with the complaints it has received regarding Ms Corby. Whilst you now name a Commonwealth Government agency, it is unclear whether you had complained to ACMA and if so how its response to your complaint is a breach of your human rights.

While I appreciate your concerns in relation to Ms Corby, you have not articulated how you feel that ACMA has breached your human rights. Human rights are specifically defined to include those rights provided for in the International Conventions scheduled to the *Australian Human Rights Commission Act 1986*.

If you raised these concerns with ACMA and you are dissatisfied with its response it may be more appropriate to raise your concerns about ACMA with the Commonwealth Ombudsman as it can consider issues relating to the administrative decisions of Commonwealth Government departments. It can be contacted on 1300 362 072 and its website is <http://www.ombudsman.gov.au/>

If you have further questions about the Commission's laws please contact me via the Complaint Information Line, on 1300 656 419.

Regards,

**Penny De Paoli**  
Complaint Information Officer

The Human Rights Commission was openly shifting the ground, such that the viewer could only complain about the abuse of her **own** human rights. They were again directing complaints, regarding the *de facto* sanctioning of human rights abuses by a government agency, away from themselves.

The real victim, a mentally ill woman, with a medical condition that sometimes sees her barely able to function, let alone submit a complaint from a prison cell in another country, could not have these abuses registered for her by a proxy.

The Australian Human Rights Commission firmly closed its doors to any approach with respect to the abuse of Schapelle Corby.

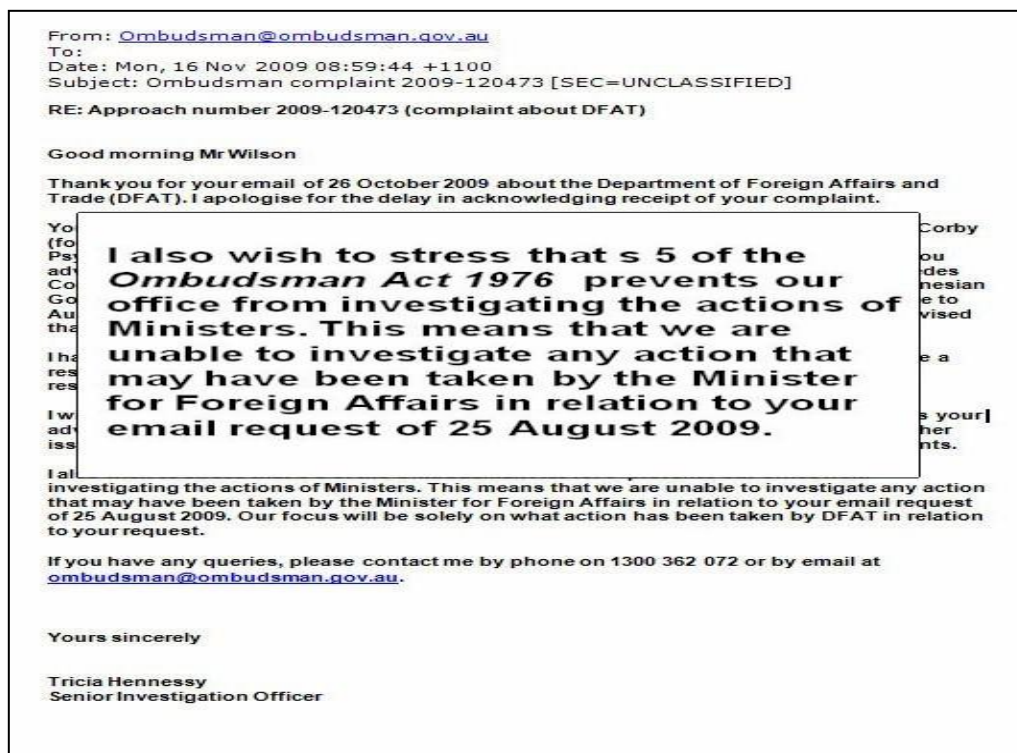
## 5. THE COMMONWEALTH OMBUDSMAN

The *Commonwealth Ombudsman* promotes itself using the following terms: "*The Commonwealth Ombudsman safeguards the community in its dealings with Australian Government agencies. The Ombudsman's office handles complaints, conducts investigations, performs audits and inspections, encourages good administration, and carries out specialist oversight tasks.*"

Over the years, it has become the last refuge of government departments and agencies, which have been challenged by members of the public with respect to Schapelle Corby. As demonstrated by The *Human Rights Commission's* response above, complainants are referred to this office as a matter of course.

This has been the experience of Mr Allan Wilson, who has submitted literally dozens of complaints on behalf of Schapelle Corby's family over the years.

Unfortunately, he has been frustrated, without exception. The catalogue of Ombudsman responses includes lengthy delays, wholly irrational replies, and outright evasion. Ultimately, however, the following is the card of last resort:



In Australia, a minister's actions cannot be questioned through this office. In the case of Schapelle Corby, the Commonwealth Ombudsman has consistently proven to be, in practical terms, a placebo.



## 6. THE GOVERNOR GENERAL

The Governor-General's powers, and role, derive from the Constitution of Australia.

The Governor-General's website states that: *"there are some powers which the Governor-General may, in certain circumstances, exercise without – or contrary to – ministerial advice. These are known as the reserve powers. While the reserve powers are not codified as such, they are generally agreed to at least include:*

*3. The power to dismiss a Prime Minister or Minister when he or she is acting unlawfully."*

It also states: *"In addition, the Governor-General has a supervisory role to see that the processes of the Federal Executive Council are conducted lawfully and regularly."*

In a nutshell, the office of the Governor-General promotes itself as the guardian of the constitution, embracing corruption and malpractice in government.



In 2011, a number of Australian citizens submitted formal complaints to the Governor-General regarding Schapelle Corby. In particular, these related to the revelations made by *The Expendable Project*, in a series of reports.

Requests were made for a formal investigation into the conduct of previous Australian ministers, whose actions were documented within the *Expendable* reports, and current ministers, regarding their failure to act upon this information.

The response from the Governor-General's office was invariably the same. The following shows the standard letter:



OFFICE OF THE OFFICIAL SECRETARY  
TO THE GOVERNOR-GENERAL

1 November 2011

Dear

I refer to your letter of 26 September to the Governor-General in which you express concern for Ms Schapelle Corby. Her Excellency has asked me to reply to you on her behalf.

I understand that this issue has caused you great concern. However, I regret to advise you that responsibility for this matter rests with the Minister for Foreign Affairs and as such the Governor-General cannot become involved. May I suggest you write to the Hon Kevin Rudd MP, Minister for Foreign Affairs, at Parliament House, Canberra ACT 2600, or alternatively, to your local Member of Parliament.

Thank you for writing to the Governor-General.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mark Fraser'.

**Mark Fraser OAM**  
Deputy Official Secretary to the Governor-General

GOVERNMENT HOUSE CANBERRA ACT 2600 AUSTRALIA  
TELEPHONE (02) 6283 3533 FACSIMILE (02) 6281 3760 WEBSITE [www.gg.gov.au](http://www.gg.gov.au)

Thus, in response to complaints regarding the actions of the Australian government, with respect to Schapelle Corby, the Governor-General referred the complainants to.... the Australian government.

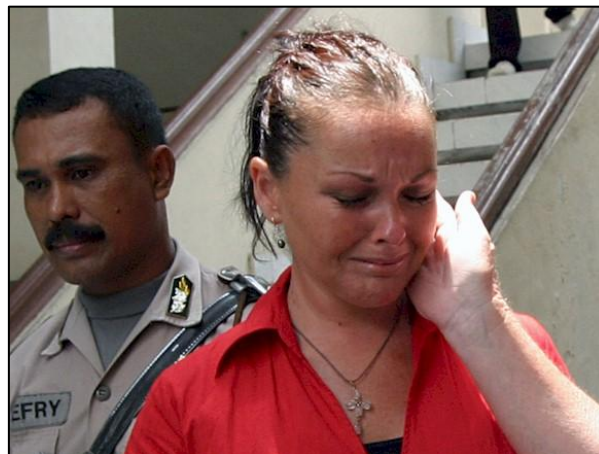
## 7. FINDINGS & CONCLUSIONS

The sustained failures and abuses of the major departments of state, with respect to Schapelle Corby, are documented throughout a significant number of the *Expendable* reports.

However, as illustrated within this report, even with smaller public facing agencies and quangos, every avenue of complaint was blocked, and every request for assistance was rejected.

This has been reflected through a multitude of approaches, from different individuals, over a prolonged period of years. As demonstrated consistently throughout *The Expendable Project*, all government departments and agencies have been subject to the same position and policy.

Schapelle Corby's legal, civil and human rights, as an Australian citizen, have, in practice, been revoked. Yet there is no recourse available to her, or to those representing her, to address this situation.



No government agency has ever upheld a complaint in favour of Schapelle Corby

### ABRIDGED VERSION

Note that this report is a short abridged version of the complete report, which will be published as an appendix to *Expendable Dossier 2*.



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