

WHALE OIL

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Defamation

1. The bringing of dishonour upon someone; disgrace, shame.
2. (LAW) the offence of bringing a person into undeserved disrepute by making false statements (whether written or spoken); libel, slander.

– *Shorter Oxford English Dictionary*

Margie Thomson

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FOREWORD

In August 2014 I released a book about a group of men who spent their days using blog sites to attack and smear people for money: public health experts smeared on behalf of the tobacco and alcohol industries, National Party figures smeared on behalf of other factions within their own party, and politicians from various political parties smeared using attacks quietly concocted and written by a staff member in the Prime Minister's ninth-floor office. As well, many others were attacked for payment or political gain on the Whale Oil blog site run by a man named Cameron Slater. The book, *Dirty Politics*, exposed and hoped to reduce the influence of people involved in the grubbier and most destructive end of New Zealand politics.

The morning after the book launch I received a phone call from Matt Blomfield. I had read about Matt during my research on the Whale Oil site. I knew he was someone who had stood up to Slater's online attacks, including taking a long-running defamation case against the blogger for untruthfully smearing his name; but, I am ashamed to admit, I had read so many attacks and insinuations against him on the Whale Oil site that I was not sure what I thought of him as a person. This was the first time we had had contact – he had rung to warn me to be careful around Slater.

Over the years since I have got to know Matt well. I really like him. I trust him completely. But if at any point in the coming pages you start to

wonder if there must be some truth in the attacks he suffered at the hands of his online tormentors, I understand. We are all used to assuming there is no smoke without fire. Matt Blomfield's only crime, however, was getting in the sights of the unscrupulous smear gang and then tenaciously, incredibly tenaciously, keeping going in his determination to clear his name and get his life back.

This book is the story of that battle. The whole time that Matt continued his court action, winning at every significant stage, he suffered an ingenious variety of online and offline attacks: personal threats, threats to his family, ridicule, fake online news, hacking, smears posted to his business clients and much more. Year after year after year. It is the sobering story of how few protections there are in the digital age against these kinds of attacks.

A few weeks after Matt's phone call, by which time we had met for a windy walk along Lyall Bay beach in Wellington, the police raided my home for 11 hours looking for the sources of the book *Dirty Politics*. I had been given emails and other documents by a confidential source that had apparently been hacked from Cameron Slater's computer, allowing me to prove many of the disgraceful things in the book. Because hacking is a crime (about the same severity as stealing a car), the police were investigating. This points to another strange part of Matt's story.

Acting on a complaint from Cameron Slater, the police not only raided our house, removing all my work equipment for over a year, they also tried to find my *Dirty Politics* source by obtaining information from my bank, Air New Zealand, Jetstar, phone and internet companies, TradeMe, PayPal, credit card records, overseas postal records and more. They even got a warrant to secretly seize a year's worth of my daughter's phone records and text messages (later, after a long legal battle, the police would admit that the raid and all these other activities had been unlawful). In total 35 police officers were involved. It was more like a murder investigation than a minor crime.

As you will see in the coming pages, bizarrely, when Matt had his computer hacked – and the prime suspects were the same Cameron Slater, son of a former National Party president, and his mates – he couldn't even get the police to take a statement. It was the same after countless other attacks, with the police investigation slow to non-existent. It is a strange, strange story.

This book is beautifully written, a masterpiece of meticulous research and warm, compelling story telling, as well as a testament to the importance of investigative writing. Surprisingly, it is also ultimately a positive story. It is a book about right and wrong, about standing up to bullies (including standing up to bullies on behalf of others). It highlights the changes we need as a society to protect us all in this digital age. Despite the years of trouble, maybe because of the years of trouble, Matt comes out of this story as a strong and impressive individual with the promise of a good life ahead, love for family and self-belief triumphing over the hate practised by Cameron Slater and his associates.

Nicky Hager

Wellington, May 2019

1.

THE DEVIL IN THE GARDEN

He watches in the darkness, his breath thick behind his mask. Twigs dig at him and leaves brush against his jacket as he presses himself into the shrubs that grow against the house. His blood pulses, fingers cold on the stock of the gun. His mind flies high above fear, focused on the kill.

He hears the family come home, first the father, then the mother; watches the lights spring on, squares of yellow falling on the lawn just beyond his hiding place. Hears the voices – not words, just the edges – the daughters, the mother, the low tones of the father. Shadows cross, shrinking and looming.

He waits.

Someone comes out on the porch. He hears the creak of a chair and smells tobacco. A dog starts barking. Barks louder. It's here! A small, yapping thing right at his feet, dancing and barking. He hears the father's voice. He's coming.

This is it. He raises the shotgun and steps out of the shadows.

Matt Blomfield stifled a yawn and looked around the table. It was a Saturday night, and he and Rebecca and their two young daughters were at their neighbour's house. It was getting late. Kids were still up watching a movie, the adults sitting around; wine and beer bottles, plenty of laughter.

‘Shall we go?’ he said to Rebecca. ‘It’s time Rosalie was in bed.’

‘I’ll come with Bella when the movie finishes,’ she said.

Matt grabbed Rosalie, they said goodbye to everyone and headed up the road to their own place. Street lights silvered the road, making the edges darker. Rosalie, not quite seven, reached up, and Matt swung her onto his shoulders. She hugged his neck as they chatted about the night, their friends, what the kids had been up to. She yawned and dropped her cheek down on the top of his head. ‘I’m sleepy.’

Matt carried her up the long drive, past their neighbours’ yards to their house sitting privately behind the others’ back fences. Inside, he switched on the lights and pulled the curtains in Rosalie’s upstairs room. He tucked her in with Pillow and Uni the unicorn, knowing she’d be warm and asleep in just a few minutes. He lay down next to her like he always did. Because they were the only ones in the house, he stayed till she fell asleep.

Returning downstairs, he went to the kitchen, put the kettle on to make a Milo. Oaty, the family’s elderly cocker spaniel, barked suddenly, but he often barked. He was a cat fiend. Matt instinctively looked towards the window, but the inside lights just reflected his little world back on itself.

He loved the quiet. Any respite from the relentless stress of the past two years was a blessing. No one took him seriously when he said he’d like to take the family and move to Rarotonga for the quiet life, but sometimes when he thought about that, about just walking away from it all, from the legal battles, from the endless torrent of abuse, from the constant fear of what was coming next, it was such a strong urge he could almost feel the white sand, the velvet sea, the warmth of the sun. The peace.

The kettle boiled. He made his drink.

There was a commotion at the front door and Rebecca came in with eight-year-old Bella, laughing. Later, he learnt they’d pranked his car before coming inside, covering it with *I believe in fairies* stickers. It made him feel sick to think they hadn’t been out there alone. Maybe they’d been watched, either from the side of the house or from the driveway.

‘I’m going out for a smoke,’ he said.

‘Why’s Oaty barking so much?’ Rebecca asked.

‘It’ll be a cat.’

The kitchen and lounge ran along the back of the house, with French

doors opening out onto a deck, which in turn gave way to the lawn. Matt lit a cigarette. Oaty was still barking, and now he leapt off the deck and ran to the corner of the house where he stood, barking hard out.

Matt stepped onto the lawn. ‘What is it, Oaty?’

Suddenly out of the corner of his eye he saw a movement. Someone was on his property! He turned towards the shadows, but then it all happened so fast. A man emerged from the bushes at the side of the house. It was like something out of a horror movie. His head was covered in a pull-on Spiderman mask. He had a shotgun lifted to his shoulder. He was pointing it straight at Matt.

In that split second, Matt went from thought to action. He put his head down and charged, reaching to grab the front of the barrel. He thrust it up just as the gun went off, the pellets narrowly missing his shoulder, whamming instead into the clothesline.

Matt tried to pull the gun away, but the man swung the butt full in his face, splitting his mouth open. Still Matt kept hold of the gun, trying to pull it and the man into the light while punching the man as hard as he could. In the face, wherever he could reach, punching and punching. It didn’t seem to make any difference.

Matt knew he was fighting for his life. He wrestled the gun off the guy and threw it off to the side. He pushed the man’s face into the ground and punched the back of his head. Over and over. He wanted to hurt the guy. ‘Rebecca!’ he yelled. ‘Rebecca!’ She came running outside. A bamboo pole was lying nearby, and she picked it up and started hitting the man. Both of them hitting him. Hard. The man was still struggling.

‘If you let me go, I’ll leave. I’ll leave!’ he gasped.

Matt wasn’t keen to let him go. *I need to get that gun*, he thought. He jumped up and ran for it but missed, lunging left rather than right. The man also jumped up. He got the gun. Swung around to shoot. Again Matt ran towards him, pinning the gun between his arm and his body. He felt the force of the shot as it fired. The pellets hit the side of the house – just two metres from where Bella was standing, watching. She was witnessing the whole thing, a little girl of eight, watching a man try to kill her father.

Thrown by the shot’s force, Matt rolled his ankle and fell to the ground. The gunman, clearly assuming Matt had been shot, paused for a second.

Rebecca turned and ran, screaming for Bella. She got them inside and locked the door and the two of them raced upstairs. Relentless, the man followed her, chasing, smashing through the window with the gun, trying to reach in and unlock the door.

Matt, lying on the grass, blacked out for a second or two. The sound of smashing glass brought him to. He staggered to his feet and ran, stumbling, to grab the man from behind. To stop him getting inside. Matt lunged at the gun, and felt the stock come off in his hand. He threw it onto the lawn behind him as the man spun round, the gun again pointed right at Matt. Point-blank range. Fuck, Matt registered. I'm dead. We're all dead.

The man pulled the trigger.

Kerclick. He pulled again. *Kerclick.*

It wouldn't fire.

Realising this, he swung it and brought it down on Matt's head as hard as he could, the fury of a mission gone wrong. The gun split his scalp, cracking into his skull. Still Matt didn't give up. He threw himself at the man, wrapping his arms around his waist and hurtled off the deck with him, landing hard, the man pinned underneath him. With brute strength, the man pushed Matt off, jumped up and sprinted off around the house, brushing past the same bushes he'd hidden behind, this time smearing the leaves with his blood. He escaped into the night, leaving the property through a gate in the back fence.

Gone.

Matt was covered in blood but was far beyond feeling pain. He was terrified, furious, panicked. Banging on the door. Shouting, 'Rebecca, are you all right? Are you all right?'

Rebecca had shut herself and the girls in their bedroom. She'd snatched Rosalie from her bed and chucked her under their bed, along with Bella, who'd seen the whole thing, and she'd called the police. She thought Matt was dead, and she thought she and the children were going to be killed.

Now, together, they waited for the police. All around them, neighbours' lights came on and the firecracker smell of gunshot drifted into open windows. How could such a thing have happened in a quiet suburb on an ordinary night in peacetime?

♦♦♦

After forty members of the Armed Offenders Squad had arrived in Greenhithe, brandishing their M4 rifles and closing off all exits to the suburb; after a helicopter had circled and circled, its spotlight hunting over roofs and lawns and roads without finding any trace of the man who'd tried to kill the Blomfield family; after Matt had finally been convinced to go to hospital and get stapled and stitched and bandaged and the police began their formal investigation, one of the first questions they asked was the obvious one: Did Matt know of anyone who might want to hurt him?

He had only one significant fight, he told the police – the abuse he had received for two years from the Whale Oil blog site owned by Cameron Slater. Whale Oil had, at that time in April 2014, 285,000 readers each month. Every one of those readers, Matt told the police, 'has been given ample reason to think I'm one of the worst people in New Zealand'. Matt believed the attack was in some way, whether directly or indirectly, connected to the Whale Oil campaign against him.

Meanwhile, the man who'd attacked Matt had got away, probably in a car driven by an accomplice (two men had been seen driving around Greenhithe in the week before the attack, and there'd been a sighting of two men watching the Blomfields' house). It would be three months before the attacker was arrested; three months before Matt, Rebecca and their two daughters felt safe enough to go back to their home.

♦♦♦

Late in 2015, more than three years after Cameron Slater began publishing a series of destructive stories about him on Whale Oil, and more than a year since the horrifying armed attack on him, I met Matt Blomfield. I knew of the long-running defamation case *Blomfield v Slater*, which had given rise to occasional media headlines such as 'Is Cameron Slater a journalist?' or 'Can bloggers be journalists?', but I hadn't given the matter any real attention.

Cameron Slater, though, was the main subject of investigative journalist Nicky Hager's 2014 best-selling book *Dirty Politics*. Slater was accused of

using his Whale Oil blog and National Party links to implement a covert attack-style of politics. Slater was well known for being strongly motivated by his right-wing ideas, although there didn't seem to be anything of political interest in his coverage of Matt Blomfield.

I recalled watching in July 2014 (just one month before the publication of *Dirty Politics* and the subsequent implosion of Slater's career) as the current affairs show *Seven Sharp* profiled him. The item was a journalistic puff piece that was uncomfortable to view at the time, let alone in retrospect. Slater, at the apex of his influence, appeared smug and powerful, the reporter eager and complacent. 'I don't want to get on his bad side,' she said, laughing, as the segment wrapped up.

No, I thought, I wouldn't want to get on the wrong side of him, either. But, like the reporter, I felt comfortably immune from such an occurrence. I wasn't a politician. I had no profile. I switched the television off. However, as many Whale Oil victims knew already or would come to know, it wasn't just people in the public eye who could find themselves targeted by Cameron Slater.

In early 2014, someone the public came to know as Rawshark contacted Nicky Hager and offered him a number of emails and Facebook conversations hacked from Slater's computer. Hager had to decide whether to use the stolen material, and he came to believe there were strong public interest reasons for doing so. The several dozen emails – which, Hager believes, comprised only a tiny percentage of the material contained on Slater's computer – and extensive Facebook messages, confirmed research Hager was already conducting, showing how attack politics was poisoning our political environment. Much of the material contained within the Rawshark cache, however, was to do with personal subjects, where Hager believed the right to privacy outweighed any public interest, and he didn't include these in his book. His use of Slater's material was solely to highlight important public policy interests, and his subsequent book described how Slater was paid to do the dirty work of his political allies. The publication of *Dirty Politics* in August 2014, two years into Matt Blomfield's defamation case against Whale Oil, caused a media sensation, mostly because Slater's contacts and friends stretched high into the offices of government ministers, and into the office of Prime Minister John Key himself.

Towards the end of 2015, I got a phone call from Hager, whom I've known since we were in our early twenties and involved in the campaign to stop nuclear warships coming to New Zealand. He had a story he felt could be worth looking at – a story that was, quite literally, a footnote within *Dirty Politics*.

While working through the hacked Rawshark files, Hager discovered that Slater collected personal information on other people and used it to bring them down. He became aware that the Whale Oil blogger was involved in a campaign against an Auckland businessman called Matt Blomfield. The intense secrecy needed while writing *Dirty Politics* meant he couldn't contact Matt, but he did mention this campaign in his narrative. And although Matt Blomfield had never heard of Nicky Hager, he soon heard about this book – a book about his nemesis. He found himself mentioned on page 12: 'In April 2012 [Slater] boasted to a friend that he had received "28 Gb of emails plus a filing cabinet of documents" about a businessman, which had been passed to him by a third party.'

This small entry had an endnote attached, and Matt found himself in the bizarre situation of reading a conversation between Cameron Slater, whom at this stage he had never met or talked to, and a Jonathan Marshall, who Matt later found out was a journalist. The conversation consisted of Slater making various claims against Matt: 'fraud', 'dodgy'; 'rat-fink'; and claiming Matt had ghost-written three articles for journalists from the *National Business Review* and the *New Zealand Herald*. 'Nicce,' Jonathan Marshall had responded.

Raising his eyes from the pages of *Dirty Politics*, Matt surveyed the landscape of his ruined life and was encouraged to know someone else was also tackling Cameron Slater. *The enemy of my enemy is my friend*. He found Hager's phone number and called him.

Over the next few months the two men talked often on the phone and met once. Hager, although initially wary as he picked his way through all that had been said about Matt, soon came to trust and like the Auckland businessman. He saw he had an incredible story to tell.

Hager has scarcely changed since I first knew him: same kindness, same penetrating, iconoclastic intelligence. Even back in the harshly doctrinal 1980s, he never had time for simple ideologies; he was always

an independent thinker and was always about the issues, and in this case he firmly believed – as I in turn would come to believe – that something unconscionable had happened to Matt Blomfield: that a coordinated attack had been carried out (one judge would describe it as a personal vendetta), that false things had been published, and a man's reputation destroyed. In fact, the Whale Oil articles were so inflammatory they led to social ostracism, job loss, threats and, at least indirectly, probably even the vicious attack that occurred in April 2014.

It was definitely intriguing. I googled Matt and felt the same wariness as I read about behaviour that sounded sordid and unappealing: fraud, rip-offs, drugs, pornography, violence. But the difference between me and someone else googling Matt was that I had the benefit of Hager's opinion, and Hager by this stage had known the actual Matt Blomfield (as opposed to Whale Oil's version) for about a year. Yet, even so, I was nervous. Surely there must be *some* truth to all that was being said about him?

...

On a late summer's evening in 2018, Matt walks through his quiet suburb with his daughters, on their way to meet Rebecca at a local restaurant. Matt tells me he imagines that, in an earlier era, people might have smiled warmly at him as he went past. 'There's Matt Blomfield,' they might have said to each other, 'out with his kids. What a good dad.'

But this is the twenty-first century, and Matt knows some of his neighbours are not thinking that. Not at all. They've googled him, and their thoughts are more along the lines of: 'There's that dodgy Matt Blomfield. Don't let your kids play at his house. Wish he'd pack up and live somewhere else.'

By the time this story gets to the finish line, it will have taken more than seven years. It's a lot of time out of a relatively young man's life. Yet the story that is about to unfold has happened in a cultural moment. It never would have happened without the internet and Google. Nor would it have gone on for as long as it has if the people and institutions tasked with protecting us better understood how to deal with those who use the internet as a weapon. Matt was caught between massive advances in technology and

communication and an uncertainty as to how to manage these powerful new tools.

What transpired was a consequence-free playground. Enabled and encouraged by a former business associate with whom Matt had fallen out, a collusion of cyberbullies and bloggers posted a deluge of articles and comments on the popular Whale Oil blog site, concocting a scenario which showed Matt Blomfield to be a whole lot of things he is not – a fraud, a pornographer, a criminal who rips off charities, a psychopath involved in the world of drugs, a paedophile. These people set up demeaning Facebook pages and abusive websites. These people unlawfully took and spread Matt's own emails around the internet – re-contextualised, re-interpreted to insist on dark meanings, urging readers to accept them as proof of his guilt.

The accusations were not true. The documentary evidence offered as 'proof' made little or no sense. But it had a shattering impact. Most people believed there must be something in them. The accusations took on the substance of truth, and everything about Matt's life from then on changed.

...

In the years since, I've followed Matt's story, watched him try to reclaim his life, observed the rollercoaster of hopefulness and despair. He jokes that his story personifies the song that never ends, and I laugh because it seems true. The attention he has suffered at the hands of a small group of people has been relentless – right up to the first day of the long-awaited trial in October 2018, when unsavoury characters waited for him outside the Auckland High Court, taunting him, threatening him with their presence, almost certainly responsible for damaging his car.

Matt's in his early forties now. He's trying to build a new business, trying to earn enough to look after his family. As a young man he was ambitious, and that aspect of his character hasn't altogether disappeared. But these days, due to what's happened to him and the enduring power of Google, his opportunities are limited.

He's got a network of close friends, but it's much smaller now. And, yes, that hurts a bit, but he's got used to it. You know who your real friends are when shit hits the fan. And his new business ... yup, that's pretty difficult

too, to be honest. Even in 2018, the abusive blog posts still being written about him by friends of Slater had the capacity to make investors run for the hills. Banks won't touch him. 'You don't google well,' one bank manager told him in late 2017 as he turned Matt down for a business loan.

Matt's efforts to hold to account the people who took his personal and professional data and made it publicly available on the net, ruining his reputation in the process, has consumed him. Matt Blomfield has been engaged – right under our noses – in the fight of his life, and nothing about his fight has been easy. For much of this time, the police showed little interest in helping, and his efforts to obtain redress through the courts met with costly delay after delay. Since Matt first filed defamation proceedings against Cameron Slater, 25 judges have presided over his case or been involved in one of its related matters.

Matt's story is also a story about *us*, the first generation to cohabit with the internet. How do we know what to believe? How do we respond to the cyberbullies in our midst? What does it take to get justice if we come under attack from people deliberately using the internet to hurt? Matt's case demonstrates sharply how we are not adequately protected within our super-connected new world.

...

Matt was not the first person to be vilified on Whale Oil, whose hallmark, especially in the powerful years before *Dirty Politics*, was a kind of devil-may-care offensiveness. In speaking to other people whom the blogger attacked and smeared, I found some feared for their jobs, several of them are still traumatised; all of them were publicly humiliated by accusations they had no way of rebutting. Cameron Slater himself acknowledges that he's a bully: 'Yep, I admit that,' he told a *New Zealand Herald* journalist. 'Never F*** with a blogger' was a slogan he has repeated and worn on a t-shirt.

Matt's case is marked by the sustained viciousness of the blog attack, and the mysterious, apparent baselessness of it. But what sets it apart from other Whale Oil victims is that Matt, more than anyone else, fought back. He stood up to the bully and he refused to back down.

At the time of the *Seven Sharp* interview in July 2014, Matt and his family were still in hiding after the armed attack on their lives. They were living in a tiny motel room, unable to return home for fear the gunman would finish the job. Had they been watching the television that night, they might have choked on their dinner at the point where the reporter gushed: 'He's actually quite likeable!'