

**Complaint:** OMSA 16/012  
**Complainant:** P. Bright  
**Media:** Whale Oil Beef Hooked Website  
**Content:** "Can Penny Bright Explain This?"  
**Link** <http://www.whaleoil.co.nz/2016/05/can-penny-bright-explain-this/>  
**Ruling Date:** 17 May 2016  
**Outcome:** Upheld in part

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## SUMMARY

The complaint was by and about Penny Bright, a 2016 Auckland City Mayoral candidate and the use of a Watercare water meter at her property in Auckland.

The content was headed "Can Penny Bright Explain This?" and was written by Cameron Slater. It made statements about Ms Bright and recent Court action about outstanding rates. It included photographs of Ms Bright's property and water meter with statements and questions about whether Ms Bright had done something to bypass the property's water meter.

The majority of the Complaints Committee agreed that the content was opinion, albeit expressed using statements about facts that were controversial and disputed. As the majority agreed the content was opinion, Standard 1- Accuracy did not apply. The Committee also ruled the complaint was not upheld under Standards 2, 5 and 6.

However, the complaint was upheld under Standard 3 – Fairness. The content had focused on Ms Bright and made assumptions based on photographs and information from sources without giving Ms Bright an opportunity to comment prior to publication. The Committee took into account Ms Bright's candidacy for the 2016 Auckland City Mayoral campaign and her public stance relating to water restrictions but did not consider this was sufficient to justify publication without a right of reply in the public interest.

In summary, the complaint was upheld under Standard 3 Fairness, and not upheld under Standards 1, 2, 5 and 6.

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## COMPLAINTS COMMITTEE DECISION

**Preliminary matter:** In reviewing the content of the complaint, the response and the reply, it was clear to the Complaints Committee that there was an amount of personal history between the Complainant and the Publisher.

For the purposes of its deliberation, the Committee solely focused on the content that was subject to complaint and whether this content was in breach of the OMSA Code of Standards.

The Committee was conscious of the need to ensure its process did not become an opportunity to advance wider disputes.

### **Deliberation**

The complaint made reference to Standards 1, 2, 3, 5 and 6 of the OMSA Code of Standards.

Standard 1 Accuracy requires Publishers make reasonable efforts to ensure news and current affairs content is accurate and and/or does not mislead in relation to all material points of fact. Standard Balance 2 requires balance on controversial issues. Standard 3 Fairness requires Publishers deal fairly with any person or organisation taking part or referred to in the content and a consideration of what is fair would depend on the Context and the Public Interest and the right for individuals to express their opinion. Standard 5 requires Publishers to ensure news and current affairs content is responsible, is not presented in a way as to cause panic, unwarranted alarm or undue distress and is not deceptive. Standard 6 requires that Publishers of news and current affairs content should not encourage discrimination or denigration, however this standard is not intended to prevent the publication of factual material, genuinely held opinion or humour, drama and satire.

The complaint was by and about Penny Bright, a 2016 Auckland City Mayoral candidate and the use of a Watercare water meter at her property in Auckland.

The content was headed “Can Penny Bright Explain This?” and was written by Cameron Slater. It made statements about Ms Bright and recent Court action about outstanding rates. It included photographs of Ms Bright’s property and water meter with statements and questions about whether Ms Bright had done something to bypass the property’s water meter.

### **Freedom of Expression**

The Committee acknowledged the role of the Bill of Rights Act in providing protection for freedom of expression however, it noted this freedom was not absolute. The Code of Standards fettered this to an extent and the Committee accepted the need for balance in assessing whether the limitations imposed by the Code are reasonable and demonstrably justified in the context of our society.

### **News or Opinion?**

As some of the Standards in the OMSA Code allow for opinion-based material, the Committee first considered whether the content before it was news or opinion.

The majority of the Committee considered the content was opinion, albeit expressed using statements about facts that were controversial and disputed. Context was an important consideration in this assessment and the majority of the Committee noted the Whale Oil Blog regularly published content using a questions format to highlight content from its ‘tip line’ or other sources. In the majority view, this style of content was different to factual news content and would not be considered news by most of the Blog’s readership.

The minority disagreed. In the minority view, the content was not headed/labelled as opinion and made a number of statements with references to sources, alongside the question format. It said the appearance of the content was similar to a news article and the average reader would not recognise it as opinion. The minority said without a qualification that the content was opinion-based, it was news and Standard 1 – Accuracy should apply.

However, in accordance with the majority view, the Complaints Committee ruled the content was opinion and Standard 1 did not apply to it.

### **Balance on Controversial Issues**

The Publisher, in his response, stated that a range of options were available to Ms Bright to comment on the published content, including a comments option on the blog, email and phone. Ms Bright in her reply said that she had been banned from commenting on the Whale Oil blog. Mr Slater advised that Ms Bright was not banned from commenting and he had checked the moderation policy to ensure this was the case.

In the Committee’s view, while the content may be of general public interest, it did not meet the test of a controversial issue of public importance requiring a reasonable range of significant viewpoints to be presented. The Committee took into account the content was presented from the perspective of the Publisher and did not uphold the complaint under Standard 2 Balance on Controversial issues.

### **Fairness**

Standard 3 requires that Publishers deal fairly with any person referred to in online news and current affairs publications. The Committee considered whether the content subject to complaint was in breach of this standard.

The Publisher in his response argued the content was “clearly opinion, but factually-based opinion”. The Committee held the content had breached Standard 3. While the Committee said a range of significant viewpoints was not required on the matter, the Publisher should have given Ms Bright an opportunity to comment prior to publication as the content focused on her and made assumptions based on photographs and information from sources. In the Committee’s view, this was in breach of the requirement to “deal fairly with any person or organisation taking part or referred to in the publication”. The Committee took into account Ms Bright’s candidacy for the 2016 Auckland City Mayoral campaign and her public stance relating to water restrictions but did not consider this was sufficient to justify publication without a right of reply in the public interest.

The complaint was upheld under Standard 3 – Fairness.

### **Responsible Content**

This standard requires publishers to ensure content is responsible, is not presented in a way to cause panic or undue distress even if it is arguably deceptive.

The Committee accepted that in the context of the Whale Oil Blog, the content which included a series of questions prompted by photos and information from sources about the actions of a public figure, did not reach the threshold to breach Standard 5.

### **Discrimination and Denigration**

The Complainant argued the content “effectively denigrated myself as a 2016 Mayoral candidate which I believe stems from my political beliefs.”

Standard 6 requires that publishers of news and current affairs content should not encourage denigration of a section of the community on account of a range of grounds including political belief. The Committee held that challenging the actions or views of public figures, particularly within a period of time prior to an election was provided for and the content before it did not meet the threshold to breach Standard 6.

**In summary, the complaint was upheld under Standard 3 Fairness, and not upheld under Standards 1, 2, 5 and 6.**

### **Remedy**

The Complaints Committee confirmed that where a complaint has been upheld, publishers will publish OMSA’s decision, or a fair summary of it, on its website with similar prominence to the original publication. All OMSA decisions will be published on its website.

The Complaints Committee accepted there appeared to be a degree of misunderstanding about Ms Bright’s ability to engage on the Whale Oil website and post a comment on this content.

The Complaints Committee held that as it had ruled Ms Bright should have been given the right of reply prior to publication, the opportunity should be presented to Ms Bright by the Publisher to place on record her perspective on the facts.

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**The Content subject to complaint appeared on the Whale Oil Beef Hooked website and was titled “Can Penny Bright Explain This?”**

<http://www.whaleoil.co.nz/2016/05/can-penny-bright-explain-this/>

### **CAN PENNY BRIGHT EXPLAIN THIS?**

by Cameron Slater on May 1, 2016 at 8:00am

Penny Bright refuses to pay her rates and has been slammed with \$13,000 in court costs.

She maintains she is righteous in her attempts to shirk rates.

But it would appear that not only is she shirking her rates, she may also be subverting the water supply to her property.

Photos obtained by Whaleoil suggest she is bypassing the water meter to her property via a jury-rigged hose system.





The bypass of her water meter appears to have been completed during some pavement work October last year.

Sources say that her partner put a tap in before the concrete went back in. The hose runs down the side of her house.

I don't know how she can think that she can stand for mayor if she can't rid her lawn of rusting junk cars (and the associated rats that come with piles of rubbish like that) or pay her rates, and it appears she is also getting free water.

Perhaps she might like to explain this evidence in something other than weasel words and excuses.

Perhaps WaterCare might like to investigate; [their rules seem quite specific.](#)

The Auckland Council Water Supply and Wastewater Network Bylaw came into effect on 1 July 2015.

It serves as a legally binding mechanism that enables us to protect our water supply and wastewater network assets, and replaces Auckland's eight previous water supply and wastewater bylaws, standardising regulation across the region.

The bylaw covers various matters including:

Avoiding illegal or inappropriate connection to or disconnection from Watercare's network

Protecting Watercare's network from damage, misuse and interference

Requiring appropriate standards for infrastructure that will be vested as public assets

Enabling the restriction of water supply in order to maintain an adequate supply of drinking water in the event of drought or other emergency

[The by-law](#) is even more specific and the penalties aren't cheap:

15 Offences (1)

A person who breaches clause 8, 12, 13 or 14 of this bylaw commits an offence under section 239 of the Act. Explanatory note: As at 1 July 2015 the maximum penalty for a person convicted of the offence of breaching this bylaw is a fine of \$20,000 per offence.

I really hope Penny Bright has permits for her connection...otherwise she is on the hook for unpaid water bills and potential fines for an unauthorised connection.

### **Complaint from Penny Bright on 2 May 2016:**

Standard 1 Accuracy - the hose was directly connected to my water meter.

Standard 2 Balance on Controversial Issues - I was not contacted for comment prior to the publication of this article and could not reply directly on Cameron Slater's 'WhaleOil' blog to correct the factual inaccuracies, because he has 'banned me'.

Standard 3 Fairness- again I was not contacted by Cameron Slater and the 'facts' were not checked.

Standard 5 Responsible content: The content of this article was effectively deceptive - not 'responsible'.

Standard 6 Discrimination and Denigration - Cameron Slater through his 'WhaleOil' blog, through this article has effectively denigrated myself as a 2016 Auckland Mayoral candidate, which I believe stems from my political beliefs.

The factual errors should be acknowledged and promptly corrected. A photo of the connection of the hose directly to the water meter on my property should be published, and I should be given a 'right of reply'.

I want an apology to be both offered and published on Cameron Slater's 'Whale Oil' blog.

**The relevant provisions of the OMSA Code of Standards appear to be:**

### **PART A—STANDARDS THAT RELATE TO THE INFORMATION PUBLISHED**

#### **Standard 1 Accuracy**

Publishers should make reasonable efforts to ensure that news and current affairs content is accurate and/or does not mislead in relation to all material points of fact.

#### Guidelines

1a. Comment or opinion (to which this standard does not apply) must be clearly distinguished from factual content.

1b. If the content is edited publishers should take care to ensure that the extracts and abridgments used are not a distortion of the original event or the overall views expressed.

### **Standard 2 Balance on Controversial Issues**

Taking account of the Context in which the content is published publishers should make reasonable efforts to ensure that where the content deals with controversial issues of public importance it makes due reference to a reasonable range of significant viewpoints on the issue.

#### Guidelines

2a. In determining whether there has been due reference to a reasonable range of significant viewpoints the publisher will consider:

- the opportunities provided for those with significant viewpoints to contribute to the content;
- whether the issue or topic is clearly presented from a particular perspective

### **PART B—STANDARDS THAT RELATE TO THOSE PARTICIPATING OR REFERRED TO IN THE CONTENT**

Complaints under Part B may only be brought by the person or organisation taking part or referred to in the publication, or their representative/caregiver.

### **Standard 3 Fairness**

Publishers should deal fairly with any person or organisation taking part or referred to in online news and current affairs publications.

#### Guidelines

3a. A consideration of what is fair will depend upon the Context and the Public Interest and will recognise the right of individuals to express their opinion.

3b. Except as justified in the Public Interest:

Contributors and participants should be informed of the nature of their participation in the material to be published;

Publishers should not obtain information or gather pictures through misrepresentation or deception.

3c. Individuals and particularly children and young people, taking part or referred to in the content, should not be exploited, humiliated or unfairly identified.

3d. Where the content deals with distressing circumstances (e.g. grief and bereavement) discretion and sensitivity are expected taking account of the Public Interest and the interests of those affected by the content.

## **PART C– SOCIAL RESPONSIBILITIES**

### **Standard 5 Responsible content**

Publishers should ensure news and current affairs content:

- is responsible;
- is not presented in such a way as to cause panic, or unwarranted alarm or undue distress; and
- does not deceive.

#### **Guidelines**

5a. Criminal activity should not be glamorised or condoned. Caution should be exercised in publishing content which explains the techniques of crime in a manner which encourages imitation or shows ingenious devices or unfamiliar methods for inflicting pain, injury or death.

5b. Content should not glamorise suicide and should not give detailed descriptions about methods of suicide.

5c. Advertisements and infomercials should be clearly distinguished from news and current affairs content.

5d. Where sponsorship, gift or financial inducement is received for content published it should be declared.

5e. Violent content must be relevant and should be justified in the Public Interest and by the Context.

5f. Warnings and/or age restrictions should be used where appropriate to the Context.

### **Standard 6 Discrimination and Denigration**

Publishers of news and current affairs content should not encourage discrimination against, or denigration of, any section of the New Zealand community on account of gender, sexual orientation, race, age, disability, occupational status, or as a consequence of legitimate expression of religion, culture or political belief.

Guideline 6a. This standard is not intended to prevent the publication of material that is:

- factual, or
- the expression of genuinely held opinion, or

- the reporting of legitimate humour, drama or satire.

**Preliminary response from Cameron Slater on behalf of Whale Oil 3 May 2016:**

1. Accuracy: My sources (multiple) explained how the hose was installed (they witnessed her partner installing and concealing the hose attachment), it is out of the ordinary to attach a hose to a meter, and they assure me that the hose was attached before the meter.
2. Penny Bright is a known protestor and campaigner for transparency issues. I had no need to contact her, as I had two sources and photographic evidence of her unusual water reticulation methods. I have checked with the moderation system and with moderators and no such ban exists in the system. Ms Bright either did not try to comment, and if she did it would have been seen in moderated comments, or didn't want to. She also had other methods of contact such as email and phone all of which are published methods of communicating with me. I might add that Penny Bright has extensively attacked me over a long period of time, especially after Dirty Politics. The fact remains is that Penny Bright is not banned from WOBH.
3. Facts were checked, photographic evidence produced and sources consulted. My sources witnessed the installation of the connection by Ms Bright's partner
4. It was not deceptive, and asked questions, Penny Bright was able to contact me directly or comment on the post.
5. Penny Bright is a political aspirant. Lange v Atkinson established the precedent for satirising or hectoring aspiring politicians. Ms Bright refuses to pay her rates, has arranged for an alternative method to circumvent water metering and campaigns on corruption and transparency. Her own actions seem sneaky and furtive.

Further, my source has provided a photograph this morning of Watercare digging up the meter so clearly there is an issue. (attached). Ms Bright is arguing strongly with the Watercare workers, but the fact remains that she is perhaps the only person who has a hose connected to her meter in the whole of Auckland. There is strong public interest in exposing political hypocrites.

Ms Bright is using these processes to attempt to silence critics and is politically motivated.



**Response from Penny Bright 4 May 2016:**

**CLAIM BY CAMERON SLATER:**

Further to previous reply, my ongoing investigations have discovered a video made by Penny Bright on how to bypass a water meter,

<https://www.youtube.com/watch?v=FzccHIB3paQ>

**RESPONSE OF PENNY BRIGHT**

This is absolutely NOT true.

This 'video' does NOT show how to 'bypass a water meter',

What this You Tube clip shows is me removing a metal clamp that has been placed over the tap, which has been turned down in order to restrict the flow of water THROUGH the water meter.

By removing the metal clamp, and turning the tap back on full, the normal (unrestricted) supply of water is returned VIA THE WATER METER) to the household.

For Cameron Slater to claim that I have shown how to 'by pass a water meter' is completely untrue and highly defamatory (in my considered opinion).

**CLAIM BY CAMERON SLATER:**

Here are my preliminary comments.

1. Accuracy: My sources (multiple) explained how the hose was installed (they witnesses her partner installing and concealing the hose attachment), it is out of the ordinary to attach a hose to a meter, and they assure me that the hose was attached before the meter.

**RESPONSE OF PENNY BRIGHT:**

This again is blatantly untrue.

I have a photo which shows the hose connected to the water meter, MY side of the water meter - which I shall email separately.

The reason why the hose connecting my property to the water meter on MY property is 'above' the ground, is because there had been a serious leak in the piping UNDER the ground, which would have been a big and expensive job to dig up my driveway in order to replace it. Thus the hose connecting my property to the water meter on MY property - is above, not below the ground.

Where is the EVIDENCE to support these 'assurances' from Cameron Slater's anonymous and unsubstantiated 'sources'?

Video evidence?

Sworn Affidavits?

**CLAIM BY CAMERON SLATER:**

2. Penny Bright is a known protestor and campaigner for transparency issues. I had no need to contact her, as I had two sources and photographic evidence of her unusual water reticulation methods.

**RESPONSE OF PENNY BRIGHT:**

Cameron Slater's 'sources' were wrong.

Had Cameron Slater acted as a proper 'journalist' he would have contacted me BEFORE he published this article, in order to check the FACTS - which he failed to do, and has thus posted an article which is factually inaccurate, and in my opinion, highly defamatory.

Why did Cameron Slater not contact me in order to find out directly from myself my allegedly "unusual water reticulation methods."

(The reason why the hose connecting my property to the water meter on MY property is 'above' the ground, is because there had been a serious leak in the piping UNDER the ground, which would have been a big and expensive job to dig up my driveway in order to replace it.)

Where is the EVIDENCE to support these 'assurances' from Cameron Slater's anonymous and unsubstantiated 'sources'?

Video evidence?  
Sworn Affidavits?

**CLAIM BY CAMERON SLATER:**

I have checked with the moderation system and with moderators and no such ban exists in the system. Ms Bright either did not try to comment, and if she did it would have been seen in moderated comments, or didn't want to.

Not true.

I did try - but was unsuccessful.

**CLAIM BY CAMERON SLATER:**

She also had other methods of contact such as email and phone all of which are published methods of communicating with me. I might add that Penny Bright has extensively attacked me over a long period of time, especially after Dirty Politics. The fact remains is that Penny Bright is not banned from WOBH.

**RESPONSE OF PENNY BRIGHT:**

Standard good journalism would be to contact the party BEFORE the article was published in order to double-check the FACTS?

What evidence can Cameron Slater provide which confirms that ANYTHING that I have EVER said about him was FACTUALLY INCORRECT?

By not checking the FACTS directly with me, and publishing untrue and defamatory statements, in order, in my view, to attempt to undermine and discredit my good name as an 'anti-corruption /anti-privatisation Public Watchdog', is in my view a continuation of the 'Dirty Politics' for which Cameron Slater has already been exposed.

The FACT is that in the past I have been BANNED from commenting on WhaleOil by Cameron Slater.

**CLAIM BY CAMERON SLATER:**

3. Facts were checked, photographic evidence produced and sources consulted. My sources witnessed the installation of the connection by Ms Bright's partner.

**RESPONSE OF PENNY BRIGHT:**

Really?

Who exactly do Cameron Slater's anonymous 'sources' think is my 'partner'?

Where is the EVIDENCE to support these 'assurances' from Cameron Slater's anonymous and unsubstantiated 'sources'?

Video evidence?

Sworn

Affidavits?

**CLAIM BY CAMERON SLATER:**

6. It was not deceptive, and asked questions, Penny Bright was able to contact me directly or comment on the post.

**RESPONSE OF PENNY BRIGHT:**

Standard good journalism would be to contact the party BEFORE the article was published in order to double-check the FACTS.

By being factually inaccurate, this article was most definitely, in my considered opinion 'deceptive'.

**CLAIM BY CAMERON SLATER:**

Penny Bright is a political aspirant. Lange v Atkinson established the precedent for satirising or hectoring aspiring politicians. Ms Bright refuses to pay her rates, has arranged for an alternative method to circumvent water metering and campaigns on corruption and transparency. Her own actions seem sneaky and furtive.

**RESPONSE OF PENNY BRIGHT:**

"Penny Bright ...has arranged for an alternative method to circumvent water metering" is an absolute, highly defamatory LIE.

I am not (yet) a politician, and even if I were, that does not give others the lawful right to, in my view, effectively 'stalk' me, take photos which are then published to deceptively mislead as to the FACTS.

(Please be advised that I am considering making a formal complaint to the Police for alleged harassment.)

It is, in my view, the actions of Cameron Slater that 'seem sneaky and furtive', by engaging unknown 'sources' to effectively snoop around my property, and take photos which are then used, in my view, to deceive and mislead readers of articles such as this one I am complaining about.

(I have a photo that I have taken which shows the connection that WATERCARE completed from my hose to the water meter on MY property on 3 May 2016 - which I shall email separately.)

**CLAIM BY CAMERON SLATER:**

Further, my source has provided a photograph this morning of Watercare digging up the meter so clearly there is an issue. (attached).

**RESPONSE OF PENNY BRIGHT:**

'The issue' is that I requested Watercare come to my property to replace and test a water meter that was no longer working:

Please see the following email correspondence to verify this:

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from:Penny Bright <[waterpressure@gmail.com](mailto:waterpressure@gmail.com)> to:[info@water.co.nz](mailto:info@water.co.nz),  
[Chanel.Stevens@water.co.nz](mailto:Chanel.Stevens@water.co.nz)  
cc:Penny Bright <[waterpressure@gmail.com](mailto:waterpressure@gmail.com)>  
date:Mon, May 2, 2016 at 4:24 PMsubject:Watercare Water Meter Test Request from  
Penny Bright

2 May 2016

Please find attached the completed Watercare Water Meter Test Request Application.

Can you please advise me ASAP when the Independent Technician will be able to come around and test the meter?

I wish to confirm ASAP as to whether or not it has been tampered with, because it is no longer working.

As soon as the Watercare Meter Tester came around this morning, and we could see that although the kitchen tap was running - the water meter was not 'turning over', I notified Watercare immediately, in order to get this meter tested.

Kind regards

Penny Bright

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**CLAIM BY CAMERON SLATER:**

Ms Bright is arguing strongly with the Watercare workers, but the fact remains that she is perhaps the only person who has a hose connected to her meter in the whole of Auckland. There is strong public interest in exposing political hypocrites.

**RESPONSE OF PENNY BRIGHT:**

This is absolutely NOT true.

There is NO evidence that "Ms Bright is arguing strongly with the Watercare workers" - because no such thing happened.

Within 24 hours of MY notifying Watercare that the water meter on my property was no longer working, Watercare had come to my property and replaced the4 faulty water meter.

In fact - I shook their hands and thanked them very much for their very prompt and efficient service.

Following is the email received from Watercare Services this morning which confirms this chain of events:

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from:RKumar (Rajesh) <Rajesh.Kumar@water.co.nz>to:"waterpressure@gmail.com"  
<waterpressure@gmail.com>  
date:Wed, May 4, 2016 at 9:32 AMsubject:FW: Watercare Water Meter Test Request from Penny Bright

Hi Penny

Good morning

Thanks for meeting me on site.

Further to your email dated 2/5/2016, this is to confirm that we have replaced your water meter on 3/5/2016 as the old water meter had stopped. We have sent the old water meter for investigation to the cause of it stopping as this was a 2014 water meter. We will advise you the outcome in due course.

As you are aware that the water supply to your property is restricted and request that you do not tamper with our water meter restriction.

Please do not hesitate to contact me should you require any further information/ clarification.

Regards

Rajesh Kumar  
Customer Relations  
Watercare Services Limited  
73 Remuera Road, Newmarket  
Auckland 1050  
Private Bag 94010, Auckland 2241  
DDI: +64 (09) 539 8512  
FAX: +64 (09) 970 1461  
Mob: 021 283 8585  
[www.watercare.co.nz](http://www.watercare.co.nz)

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**CLAIM BY CAMERON SLATER:**

Ms Bright is using these processes to attempt to silence critics and is politically motivated.

**RESPONSE OF PENNY BRIGHT:**

It is Cameron Slater who appears to be politically motivated in attempting to undermine and discredit my good name, as a (proven) 'anti-corruption / anti-privatisation Public Watchdog / 2016 Auckland Mayoral candidate.

It is my understanding that Cameron Slater may be involved with the campaign of a fellow Mayoral candidate, to whom I have today sent an email in order to try and clarify whether or not they, or anyone involved in their campaign had any involvement in this, what I consider to be - 'dirty politics' episode.

What I am trying to do is correct his defamatory lies, with FACTS and EVIDENCE.

This photo clearly shows how, under the black lid of the 'box' containing the water meter, the hose which takes the water to my property, is connected to it.



This photo shows the water meter after Watercare replaced it on 3 May 2016 (AT MY REQUEST).

Watercare connected a short length of blue hosing from the water meter, which connects to my hose, going to my property.

This work was carried out by Watercare, supervised in a proper way - so if Watercare are happy with how my water meter connects to my house - then that's an end to it.



**Response from Cameron Slater on behalf of Whale Oil Beek Hooked 5 May 2016:**

I am trying to obtain and Open Letter Ms Bright has sent to all NZ media requesting that John Palino distance himself from me and my "dirty politics".

I am yet to obtain a copy of that letter but it shows clearly that Ms Bright's complaint is politically motivated.

As soon as it is to hand I will provide it.

Alternatively Ms Bright might like to provide you with a copy.

...

Please find attached Ms Bright's email to Mr John Palino which shows a clear political motive for her complaint to OMSA.

I have no connection with Mr Palino's campaign.

Ms Bright has campaigned against many people calling them corrupt, including myself. There is a political angle to her complaint.

Kind Regards

Cam Slater

**From:** john palino <[johnpalino@hotmail.com](mailto:johnpalino@hotmail.com)>  
**Subject:** FW: Penny BFactually inaccurate / highly defamatory allegations made by Cameron Slater on his WhaleOil blog.  
**Date:** 5 May 2016 at 7:37:56 PM NZST  
**To:**

> To: [info@palinoformayor.co.nz](mailto:info@palinoformayor.co.nz)  
> Subject: Factually inaccurate / highly defamatory allegations made by Cameron Slater on his WhaleOil blog.  
> Date: Wed, 4 May 2016 01:04:00 +0000  
> From: [info@palinoformayor.co.nz](mailto:info@palinoformayor.co.nz)  
>  
> From: Penny Bright <[waterpressure@gmail.com](mailto:waterpressure@gmail.com)>  
> Subject: Factually inaccurate / highly defamatory allegations made by Cameron Slater on his WhaleOil blog.  
>  
> Message Body:  
> 'Open Letter' to Auckland Mayoral candidate, John Palino from Penny Bright, 4 May 2016:  
>  
> John Palino, have you, or anyone associated in any way with your 2016 Auckland Mayoral campaign, had anything to do with recent posts about me, my water connections / Watercare, or my campaign to get Transport Minister Simon Bridges to 'disallow' the current Auckland Transport Election Signage ByLaw 2013; published by Cameron Slater on his WhaleOil blog?  
>  
> Yes or no?  
>  
> Please be advised that I have made a complaint to OMSA about postings by Cameron Slater regarding my water connections, which are highly factually inaccurate (to say the least), and I am considering making a formal complaint to the Police for harassment .  
>  
> (How would YOU like people (Cameron Slater's alleged 'sources' ) - snooping around your property, taking photos, and then having factually inaccurate information published about these photos?)  
>  
> In my view - this is VERY 'dirty politics'.  
>

> Please also be advised that I currently have defamation proceedings on foot in the Auckland High Court against Auckland Council CEO, Stephen Town.

>

> Yours sincerely,

>

> Penny Bright

> 2016 Auckland Mayoral candidate.

>

> --

> This e-mail was sent from a contact form on Palino for Mayor 2016  
(<http://www.palinoformayor.co.nz>)

### **Further response from Penny Bright 6 May 2016:**

I would like this added, if possible, to my complaint against Cameron Slater.

I have only just found it on his WhaleOil blog.

<http://www.whaleoil.co.nz/2016/05/face-of-the-day-1019/#more-248097>

FACE OF THE DAY

by SB on May 4, 2016 at 6:30am

Penny Bright using an angle grinder to STEAL water in a video she made to teach other people how to steal from a council controlled organisation. [Screenshot-Whaleoil.co.nz](#)

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It is untrue and HIGHLY defamatory:

As I have previously explained, what I am doing is removing a clamp over the tap connected to the water meter, in order to turn it on full, to enable the water supply to flow THROUGH THE WATER METER at an unrestricted rate.

How on earth is that 'stealing' water?

The water supply is still metered.

In my view, given that this matter is currently the subject of a complaint to OMSA, for Cameron Slater to publish more defamatory lies on his WhaleOil blog, is precipitous and treating your complaints process, OMSA and myself, with utter contempt.

Please pass this further information on to the OMSA Chairman and the Adjudication Panel.

## **Formal Response from Whale Oil Beef Hooked 10 May 2016:**

Ms Penny Bright has complained about a post entitled "Can Penny Bright Explain This?"

It is an article about information that came to WOBH by way of two separate sources. It included photographic evidence of unusual water connections to Ms Bright's house.

Ms Bright is a vociferous public campaigner and perennial and failed candidate for public office. She has never won an election for public office despite numerous attempts.

Two of Ms Bright's constant and ongoing campaigns revolve around water and the usage of water in Auckland City. It is a long standing campaign that now involves very expensive legal action due to her non-payment of rates, including water rates.

The article asked questions, it did not make statements of fact, questions that Ms Bright has failed to answer.

WOBH has a comments section where people can comment, it is robust, has tight moderation and is one of the best moderated websites in New Zealand.

WOBH also has a robust and public complaints process available as well as being a member of OMSA.

Ms Bright failed to avail herself of both the commenting area and also the comments process. In her complaint she has misled the Chairman by stating she is banned.

WOBH undertook a comprehensive review of blocked commenters and Ms Bright and all her known personas and emails were not found in the blocked list. She remains able to comment at any time and suggestion that she is blocked is false.

Ms Bright also had available our public complaints process found at <http://www.whaleoil.co.nz/contact/complaints/>  
No complaint has been received by Ms Bright.

Ms Bright also has not emailed the author nor used the help facility at WOBH to contact staff regarding her complaint. The Helpdesk can be found at <http://www.whaleoil.co.nz/contact/>  
Ms Bright has mounted very public and defamatory attacks against the editor previously and this is a continuation of those attacks.

## **NEWS V OPINION**

At [www.whaleoil.co.nz](http://www.whaleoil.co.nz) we offer news and hard-hitting honestly held opinion.

The news is reported with scrupulous honesty. We explore both sides of an issue and do not allow emotion or our own personal feelings to cloud our professional objectivity.

People who feel aggrieved always have a right of reply and a right of reply remains an option for Ms Bright, despite the fact she has not contacted the editor or authors directly.

But saying that, unbiased journalism doesn't mean our journalists abstain from expressing their personal opinions — so long as the reader is able to tell the difference between where in the article facts are stated from where there might be opinion or an interpretation of events.

In the article we asked questions about the efficacy of a self-proclaimed "public watch dog" and "anti-corruption campaigner" having rather unusual water connections.

On top of that we provided photographic evidence of the arrangements and had two independent sources who stated that they had witnessed "repairs" to the water meter being completed by someone associated with Ms Penny Bright.

The only people authorised to make water repairs or alterations to meters are those registered for such work by Watercare.

It is highly unusual for potable water to be dispensed to a household via a common garden hose attached to a meter. It was stated in the article that although we did not have a photo of the connection we thought it was unusual and Ms Bright has some questions that needed answering. Tampering with a water meter is an offence and my sources were reluctant to even open the meter lid. That said were eye-witnesses to allegedly unauthorized work on the water meter.

That is clearly opinion, but factually-based opinion.

In the rest of the article we have given careful thought to the tone and language to ensure there isn't an inaccurate and unfair representation of the facts.

With our news coverage, we are there to inform the public debate, not manipulate the public debate.

Our readers are some of the smartest in the country. If there is any motivation other than presenting sourced and verified facts they call us out and demand we explain why that is. They expect us to ask the questions they would pose if they were writing the story themselves.

Then there's the opinion.

It's hard-hitting, controversial and always thought provoking.

We often go where others won't and we make no apologies for doing so.

That said, the opinions expressed on Whaleoil are honestly held.

On our website you are not entitled to your opinion. You are entitled to your "informed" opinion. No one is entitled to be ignorant.

We might not always be neutral but we always do our utmost to be objective. Especially with people who campaign on transparency, against corruption and against corporates. That's the thing about press freedoms.

It gives us the right to freely discuss and criticise the activities of central and local government, private businesses and organisations — and, yes, activities like Ms Bright's. All opinions are not equal. Some are a great deal more robust, sophisticated and well supported in logic and argument than others.

This is certainly the case here. Should she apologise for that? Of course not.

### **ACCURACY**

Ms Bright has complained about the accuracy of the articles. The first article asked questions, pointed out legal definitions and council bylaws regarding water meters and provided photographic evidence to support the asking of the questions. It is difficult to understand how we could have been more accurate.

To have gone further would have required the illegal opening of the water meter box, which is on private land and would have required trespassing without the permission of the land owner.

We asked questions, which Ms Bright has failed to answer either directly or via her complaint.

Her claim that the hose is connected to the meter is unsupported with any evidence, including the photograph she has sent through AFTER Watercare had visited to perform an inspection and repairs. For all we know they dug up the connection and placed the hose in the correct location and that is the photo that Ms Bright has now provided as if it was the connection prior to the publicity.

### **BALANCE ON CONTROVERSIAL ISSUES**

Ms Bright complains of a lack of balance because she was not contacted. Ms Bright is a very public protestor and campaigner with a history of civil disobedience and is currently before the courts for her non-payment of rates and water rates to the Auckland Council. Ms Bright campaigns on transparency and corruption often accusing, without evidence, many people of corruption. She has previously accused me of corruption and other illegal and defamatory accusations as a result of Dirty Politics. Ms Bright has also attacked John Banks and called him corrupt. There is numerous photographic evidence of her egregious public displays of protest and defamation.

Examples of her attacks against the editor are exhibited below:



As is evident Ms Bright is a political opponent of the editor. And thinks nothing of outrageous and defamatory attacks in public against the editor. Indeed she even believes that the editor does not deserve the right to privacy and indeed she stated on her sign that transparency trumps privacy. Ms Bright has unusual water connections, given her stance on transparency you would think that she would welcome the opportunity to explain herself. Instead Ms Bright embarked on a vexatious complaint process and threats of legal action as well as writing letters to political candidates telling them they shouldn't associate with the editor.

## **FAIRNESS**

Ms Bright complains that she was not contacted and that facts were not checked. This is incorrect. Facts were actually provided the form of diagrams and photographs. Moreover, ample evidence exists of Ms Bright very public campaign against Watercare and the Auckland Council which was covered in the second article complained of. She maintains a public website of civil disobedience regarding water.

In her response to that Ms Bright dissembles. She produced a video showing people how to circumvent legal restrictive measure by vandalizing property which is not the property of the land owner or occupant of a dwelling house. It clearly shows her willingness to circumvent the law and by-laws of the council in order to bypass restrictions for non-payment of water rates. She cannot complain that this website wasn't fair when we provided video evidence of her propensity to subvert legal processes in order to obtain water.

<https://www.youtube.com/watch?v=FzccHIB3paQ>

We rightly asked a "public watchdog" and a "transparency" campaigner sensible questions albeit via a website and not directly. Ms Bright is not blocked from commenting and has numerous other methods of contacting the editor which she has failed to use.

### **RESPONSIBLE CONTENT**

Ms Bright complains that the The content of this article was effectively deceptive - not 'responsible'. Again this is incomprehensible and is showing a scatter-gun approach to her complaints. Ms Bright is hoping to get at least one favourable result by complaining about everything.

By definition providing diagrams, source statements and photographs is not deceptive conduct. Neither is asking valid questions of a person who campaigns against corruption and in favour of transparency. Given Ms Bright's previous rancor towards the editor and constant and personal political attacks him direct contact seems pointless. That said Ms Bright has always and continues to have the right of reply.

Ms Bright cannot campaign against corruption and for transparency without herself being subject to the same standards she wishes to hold others to. It is actually socially responsible for publishers to challenge so-call "public watchdogs" to ensure they are as clean as they want others to be.

### **DISCRIMINATION AND DENIGRATION**

Ms Bright states "Cameron Slater through his 'WhaleOil' blog, through this article has effectively denigrated myself as a 2016 Auckland Mayoral candidate, which I believe stems from my political beliefs."

Ms Bright is entitled to her political beliefs, which apparently includes civil disobedience, non-payment of rates, and incitement of vandalism against Watercare assets. In maintaining a very public attitude to these beliefs she also opens her up to public discussion of apparent contradictions in her stated political positions.

Likewise Ms Bright has laid these complaints out of spite and vexatious behavior in order to cause political harm to the editor. Worse, she has misled the chairman with her false claims that she is blocked or banned from commenting at the site.

A complaint borne out of dishonesty must fail.

Ms Bright claims that the unusual water reticulation methods she uses are as a result of a significant and unrepaired leak in her water pipes. Photographic evidence from Google Maps Streetview shows the reticulation methods have been in place since before 2012. That is longer than 4 years and coincidentally is about how long Ms Bright has not been paying her rates or water rates. No responsible home owner leaves a substantially leaking pipe underground to cause liquefaction and ground instability, indeed council regulations and Watercare bylaws require leaks to be repaired not left to cause increased ground water and the resulting soil instability as a result. Not only that leaks generally impact on surrounding properties. Her claims do not bear any scrutiny and Ms Bright hasn't provided any evidence of such a leak such as council or Watercare reports on the leak. It is hearsay evidence and not admissible in a court and therefore should not be admissible in this jurisdiction.

Likewise with her supplied photo. There is no timeline attached or indication of when the photo was taken. Indeed it may well have been taken after Watercare visited and made remedial works.

## **CONCLUSION**

Ms Bright's complaints fail to meet the threshold and We remain concerned that the OMSA processes can be subverted by political activists. This is the third attempt at subverting these processes.

The Press Council has similar processes but they require the complaint to first exhaust the complaint processes of the publisher first before laying a complaint with the jurisdictional body.

It might be timely for OMSA to implement such a process in order to prevent vexatious political attacks.

If such a process is not implemented, then it is likely that we will withdraw from OMSA altogether because of that.

This complaint is malicious and vexatious in nature it's malicious, and if OMSA can't filter that out, we may as well face them head on ourselves. The industry would be poorer for it.

**Response from Penny Bright 11 May 2016:**

The title to the post about which I am complaining, written by Cameron Slater on his Whale Oil Beef Hooked blog is:

"Can Penny Bright explain this?"

Had Cameron Slater acted as a proper journalist - he would have asked me this question BEFORE publishing this article, and in a fair, accurate and responsible way, given me a chance to explain my side of the story.

Which I have explained - in this OMSA complaints process, particularly in my full response dated 4 May 2016.

I note that Cameron Slater has STILL produced NO evidence from his purported 'sources' that substantiate any of his (untrue) allegations, in the way of sworn affidavits or video evidence.

What sort of 'journalism' is THAT?

I have produced email correspondence (EVIDENCE) with Watercare that confirms 'my side of the story'.

I have not - EVER - 'by-passed' the water meter on my property, or 'stolen' water, or encouraged anyone else to do that.

The video clip where I have openly, and on the public record, removed a clamp that was placed over the tap which controls the flow of water THROUGH the water meter, is UNRESTRICTING - not 'stealing' water.

How can water be 'stolen' - when the flow is being recorded and monitored through the water meter?

Cameron Slater, in his 10 May 2016 has raised a number of additional matters which are unrelated and irrelevant to this complaint - to which I choose not to respond.

I look forward to OMSA upholding your stated standards and this serious complaint.