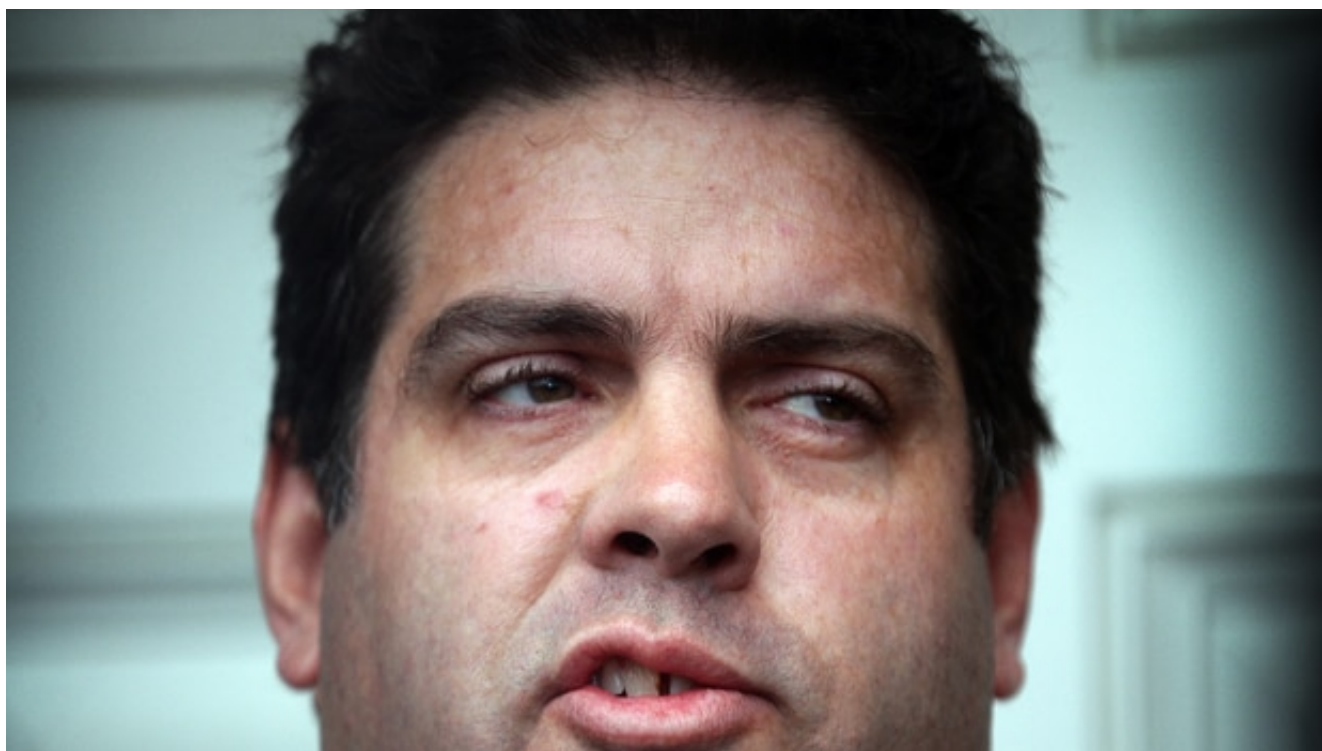


Bankrupt blogger Cameron Slater carried out 'character assassination' - ordered to pay \$70,000 in landmark media ruling



Former blogger Cameron Slater. Photo / Michael Craig

Bankrupt ex-blogger Cameron Slater has been found to have carried out an "extended assassination" on the character of a businessman in a series of blog posts he attempted to defend as journalism.

The Human Rights Tribunal has found his six-month campaign against businessman Matt Blomfield on his Whaleoil blog in 2012 wasn't news and Slater did not have a journalist's protection from prosecution under the Privacy Act.

It has ordered Slater pay Blomfield \$70,000 in damages and never write about him again.

The ruling from the Tribunal also sets a new rules for how the Privacy Act applies to journalism, saying media are bound to act "responsibly" if it wants to be exempt from the law.

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The decision is the latest to assail Slater who went into voluntary bankruptcy a month ago.

Slater also lost a defamation action taken by Blomfield over articles published during the six-month blogging campaign with the High Court ruling the former blogger had no credible defence under truth, honest opinion or public interest.

In the wake of the 2012 blog posts by Slater, Blomfield filed the High Court action and also complained to the Human Rights Commission that the blogger had breached his privacy.

The basis of the claim was the blogger's sourcing information from a hard drive he had obtained on which Blomfield had stored personal information over 10 years.

The case was taken up by the office of the Director of Human Rights Proceedings which prosecuted Slater for breaching the Privacy Act.

The tribunal's finding, like a previous High Court judgment, raised concerns about the legality of Slater obtaining the hard drive containing Blomfield's information.

The tribunal ruled 11 of 12 blog posts by Slater about Blomfield were not "responsible news activity".

It did not rule on whether the content of the blog posts was accurate or true, although the defamation case saw Justice Paul Davison finding Slater's defence "fell well short" of providing facts supporting accusations against Blomfield.

Each of the 12 posts was dissected for the value it would have to public interest and was found wanting.

Businessman Matt Blomfield. Photo / Doug Sherring

One post discussed Blomfield attempting to reach a creditor's compromise at a time he was in business difficulties.

The tribunal said it had the "resemblance of a series of allegations purportedly supported by documents cherry-picked from 10 years of archive material".

Another attacked Blomfield as a "psychopath" with "no conscience" and a "liar".

The tribunal found: "This blog can only be described as a calculated attack on Mr Blomfield and an extended assassination of his character."

Other blog posts were criticised for being based on out-of-date information or for simply being an excuse to pursue Blomfield. One which accused Blomfield of involvement in corruption, drugs, extortion, fraud and other crimes offered "no attempt to justify the allegations".

"The purpose was to sensationalise the campaign being run by Mr Slater against Mr Blomfield."

Another saw the tribunal examine the purported evidence Slater offered with a blog post, saying they "fail by a substantial margin" to provide the proof promised by the blogger.

The tribunal ruled against another post, saying its purpose appeared to be "holding (Blomfield) up as a figure of contempt and ridicule".

The single blog post which the Tribunal found was "responsible news activity" raised questions about a donation to a charity. It did not rule on whether the content was accurate or true, instead saying it could "potentially engage public interest" and the post "by a narrow margin" engaged the purpose of news, views on news or current affairs.

The tribunal found Slater's posts about Blomfield had caused genuine harm and humiliation through an interference in his privacy.

He suffered from paranoia, a loss of self-confidence, felt he had lost privacy, had difficulty sleeping, became concerned about his and his family's safety and had his personal and business relationships harmed.

Beyond the impact the tribunal identified, Blomfield testified the impact of the blog campaign was such that his partner would not live at home for 18 months, and that he drastically changed his appearance.

Former blogger Cameron Slater. Photo / Dean Purcell

He also had his phone number and personal emails published online, and was victim to a home invasion which - he accepted - "cannot be shown to have been caused by Mr Slater's blogging activities".

The tribunal pointed to the High Court's finding that people did not legitimately come by hard drives and filing cabinets containing people's personal information.

"Even if Mr Slater was not party to any illegality, it seems likely the information was obtained illegally by Mr Slater's sources."

Once in possession of the hard drive, the tribunal said Slater "set about rummaging through it to see what he could find".

"He then relentlessly attacked Mr Blomfield, exposing him to ridicule and contempt." Blomfield was not a public figure and neither he or his company was of public interest, the tribunal said.

The case showed the power of "cyberspace" through a case in which Slater "decided what personal information from the hard drive was to be cherry-picked and then encouraged visitors to the site to make comments about Blomfield.

The tribunal ordered Slater be declared as having breached Blomfield's privacy and to be barred by restraining order from ever doing so again. It also ordered Slater destroy any personal information he held or had published about Blomfield.

It also delivered one of the tribunal's highest awards for hurt and humiliation, ordering Slater pay Blomfield \$70,000.

It is possible the award would outlast Slater's bankruptcy with findings of damages being exempt from creditor settlements in some cases.

Blomfield said he was pleased with the result but disappointed it had taken so long.

The Tribunal became choked with cases, creating a five-year legal logjam which left it struggling to schedule hearings or deliver decisions

"I feel like I have lived the maxim, 'justice delayed is justice denied'," Blomfield said. "The Tribunal has sat on this case for so long that it will now be very difficult for me to enforce any of its orders.

"Mr Slater's actions have been an extended nightmare for me and my family. He has boasted online about having my family's private information including the photos of my kids growing up and our family home movies.

"This has been especially traumatic for my children and my partner. Every allegation he made about me was a fabrication.

"As has become clear in the defamation case, there was simply no basis for the allegations, he just made them up."

Evidence in the defamation case obtained by the Herald shows Slater began posting about Blomfield after a meeting with one of the businessman's former Hell's Pizza partners, Warren Powell.

Evidence on the court file showed Powell and others met with Slater to plan "Operation Bumslide" - a plan to target Blomfield.

Along with Slater's bankruptcy, he is dealing with the impact of a stroke suffered in November. After the bankruptcy, the Whaleoil blog announced Slater was stepping away from the blog and would no longer be contributing.

Slater was the subject of a 2014 book called Dirty Politics which painted a picture of the blogger doing reputation hit jobs for cash or for political connections.

Neither Powell, Slater or the Whaleoil blog responded to requests for comment.