

(2)

**IN THE HIGH COURT OF NEW ZEALAND CIV 2014 404-3194**  
**Auckland Registry**

**UNDER**

Defamation Act 1992

**In the matter of**

A civil claim for damages

**BETWEEN**

**PENELOPE MARY BRIGHT**

Public Watchdog  
86 A School Road  
Kingsland

Auckland

Plaintiff

**AND**

**STEPHEN TOWN**

Chief Executive,  
c/o Auckland Council  
135 Albert Street,  
Auckland.

Defendant

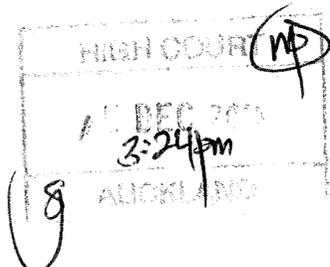
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**STATEMENT OF CLAIM**

Dated: 5th December 2014

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Filed by: Penelope Mary Bright  
86A School Road  
Kingsland, Auckland  
Waterpressure@gmail.com



## STATEMENT OF CLAIM

### THE PLAINTIFF SAYS:

#### Introduction

1. The Plaintiff is a full-time, self-funded, public watchdog/whistle-blower primarily focused on Auckland Council ("Council") and its predecessor, Auckland City Council over the last fifteen years.
2. The Defendant is the high profile <sup>rate</sup> payer-funded Chief Executive of Council. As such, he has a myriad of public responsibilities as the Principal Administrative Officer, outlined under s.42 of the Local Government Act 2002.

#### Relevant Facts

3. In the course of her watchdog role, the Plaintiff has often put forth documented evidence of financial impropriety within Council which justly and accurately reflects poorly on Council affairs currently managed by the Defendant, and has raised these matters in person, at Council and Council Committee Meetings.
4. Personal credibility of the Plaintiff and public confidence in that credibility are essential to her role.
5. The Defendant at all relevant times had a personal motive and a pecuniary motive in discrediting critics of affairs of Council and his role as principal administrative officer.
6. In early October 2014, the Defendant sought to counter the Plaintiff's accurate criticisms of Council affairs - by verbally attacking the Plaintiff's personal credibility through a broadly disseminated and reported press release ("**the Press Release**").
7. The Press Release stated, inter alia ("**the Message**"):

"Ms Bright has made wild and inaccurate accusations about the Council and its probity and is using this as the basis for not paying her fair share to the ongoing running of Auckland. These assertions are completely unfounded and her actions are at the expense of all Aucklanders,"

8. One objective of the Press Release was the Defendant reaching the broadest possible audience with the Message. This objective of the Press Release was realised, with the Message broadcast through national media, including scoop.co.nz, stuff.co.nz and TVNZ.
9. In its full and proper context, the Message's purpose was to influence a large segment of the New Zealand public into believing the Plaintiff's accusations of the Auckland Council and its probity were wild and inaccurate.
10. Another objective of the Message was to discredit the Plaintiff personally.
11. The Defendant was promptly advised by the Plaintiff of the inaccuracy of the Message but the Defendant has refused, after giving the matter his full consideration, to mitigate the alleged damage caused the Plaintiff's reputation by issuing a public retraction or apology
12. As appears in the accompanying affidavit of Penelope Mary Bright.

#### **CAUSE OF ACTION - DEFAMATION**

13. The Message, taken individually and in the full and proper context of the Press Release, was false and defamatory.
14. In their natural and ordinary meaning, the words in the Message meant and were understood to mean the following:
  - 14.1 That the Plaintiff's factual statements concerning Council affairs and its probity were, in general, not truthful or accurate.
  - 14.2 That the Plaintiff's criticisms of Council affairs and Council probity were personally reckless and crazy.

- 14.3 That the Plaintiff is not worthy of the public's trust when it comes to information about Council affairs or Council probity.
- 14.4 The Plaintiff's recklessness with facts and actions based upon inaccurate facts is costing (harming) all Aucklanders.

**Particulars:**

15. The Message levelled the most serious allegations of unscrupulous conduct which can be levelled against a public watchdog – that she is not to be believed because she is personally reckless when it comes to factual statements related to her work, is wildly detached from the truth, and that her professional efforts are actually harming members of the public.
16. The Message levelled serious allegations about the Plaintiff's motives in disputing and not paying her rates, seeking to convince the broadest possible audience:
- 17.1 the Plaintiff is wild and inaccurate as to information her rates dispute is premised upon,
- 17.2 the Plaintiff is using this wild and inaccurate premise to harm all Aucklanders.
17. The Defendant holds a position of high authority within both local and central government, and this position of high authority carries significant weight in convincing the New Zealand public of his Message.
18. The Press Release delivery of the Message was designed to reach the widest possible audience, with maximum publicity.
19. The Press Release and accompanying Message were designed to cause maximum distress and damage to the reputation of the Plaintiff.

20. The Defendant either knew that the Message was false or was reckless as to its truth or falsity.
21. The Defendant's objective was to derive a personal and professional benefit from the resulting defamation.

**WHEREFORE THE PLAINTIFF CLAIMS a judgment against the Defendant:**

- (a) General damages of \$250,000
- (b) Aggravated and punitive damages in the amount of \$100,000 (roughly two months salary for the Defendant) as a result of the pernicious advantage the Defendant sought personally to gain from the defamation.

  
Penelope Mary Bright, plaintiff in person

This document is filed by the plaintiff, whose address for service is: 86A School Road, Auckland