

In the District Court

Manukau Registry

CRN 15092017361

Between The New Zealand Police

And Cameron John Slater
Defendant

CRN 15092017362

Between The New Zealand Police

And Benjamin Stephen Rachinger
Defendant

Submission of Benjamin Stephen Rachinger to the Judge deciding Suppression in CRN15092017361 and CRN15092017362

Dated: 3 April 2016

Next Event: Cameron Slater's diversion completion hearing on 15th April 2016 at 10am

About the Submitter

- 1. This submission is made by Benjamin Stephen Rachinger in the capacity of being both the whistleblower in CRN15092017361 and the charged defendant in CRN 15092017362.**
- 2. I am currently unemployed and formerly a professional IT consultant.**
- 3. I have opposed Police blanket suppression of the charges since my first hearing alongside various members of the media.**
- 4. I am self-defended.**
- 5. I am severely deaf and have worn hearing aids since I was 3 years old.**

Submission of Benjamin Stephen Rachinger to the Judge deciding Suppression in CRN15092017361 and CRN15092017362

May it please the Court:

1. Charges and interim name suppression

- 1.1 Mr Slater faces one charge of Counselling/Attempted to Procure Accessing of a Computer System for a Dishonest Purpose (Crimes Act 1961, Sections 311 & 249 (2), for which the maximum penalty is 2 ½ years imprisonment.
- 1.2 I, Benjamin Rachinger, face one charge of Obtains by Deception (Crimes Act 1961, Sections 240(1)(a) & 241(b), for which the maximum penalty is 1 years imprisonment.
- 1.3 Mr Slater is the complainant in relation to the charge filed against myself.
- 1.4 I am the whistleblower that brought the evidence and testimony needed to have Mr Slater charged with Counselling/Attempted to Procure Accessing of a Computer System for a Dishonest Purpose.
- 1.5 I brought this information to the attention of my Police handler, Detective Sergeant Mike Hayward of the Manukau Police CIB, who subsequently arranged for Detective Mark Jamieson of the the Manukau Police to interview me.
- 1.6 I was a Police informant from September 2014 until February 2015. I was directed by DS Hayward to garner information relating to both the Police investigation into the hacker “Rawshark” and on Mr Slater and his associates. These associates include but are not limited to: Tomasz Grygoruk (Convicted hacker) and Tony Lentino (Financier of Mr Slater and employer of Mr Grygoruk). I have proof for this statement.
- 1.7 Mr Slater’s intended purpose for Counselling/Attempted to Procure Accessing of a Computer System for a Dishonest Purpose was to use hacked information from the website ‘The Standard (www.thestandard.org.nz)’, on behalf of a funder, to embarrass

the Leader of the Opposition and Head of the Labour Party, Andrew Little on the first day of Parliament sitting in 2015. This information is available in Mr Slater's own words in the Police evidence. Mr Slater was to pay me \$5,000 for the act of hacking into 'The Standard'.

1.8 I am charged with receiving \$1,000 from Mr Slater as a downpayment for the above illegal activity.

1.9 I have been fully co-operative with the Police at all times. I willingly handed over 3 devices to be examined by the Police, as well as my bank accounts, phone records and emails.

1.10 Subsequent to my coming forward to the Police threats against me by known associates of Mr Slater began. These included posting my parents home address on the Internet, weekly attacks on my character and background, publication online of my physical location and the leaking of a journalist's private photos to the website 'www.laudafinem.com' in an attempt to smear and ruin me.

1.11 Mr Slater himself says that he talked to 'Headhunters' gang members about me, Ben Rachinger, subsequent to my whistleblowing. This information is in his own words in his statement to Detective Mark Jamieson.

1.12 Mr Slater owns multiple firearms, has organised crime connections and is the son of a former National Party President.

1.13 The New Zealand Police have never protected me, helped my safety or warned me of Mr Slater talking to organised crime about me. The NZ Police seem focused on protecting themselves from public scrutiny.

1.14 This case is of very high public interest.

1.15 Mr Slater is the first person to be charged with his offence in New Zealand.

2. Permanent Suppression

2.1 Police National Headquarters, 2 days after Judith Collins was appointed Police Minister, made a decision to charge myself and Mr Slater. Upon being charged with our respective offences Mr Slater and I appeared in Manukau District Court on the 17th of December 2015.

2.2 Mr Gareth Kayes, counsel for the Police, offered me Diversion before appearing and stated that the diversion offer “Came from Police National Headquarters”. I declined Diversion and also explicitly declined name suppression. Mr Kayes successfully argued for interim name suppression.

2.3 Mr Slater has or will complete Diversion by the time he appears in Court next on the 15th of April 2016. Taking Diversion is an admission of guilt by the defendant. Therefore decisions around the continuing suppression do not impinge on Mr Slaters right to a fair trial as he has already admitted guilt.

2.4 I am due to go to a Judge only trial. I have pled Not Guilty at my last Court appearance on 2 March 2016. I wholly oppose Suppression and view the Police moves to suppress Mr Slaters admission of guilt and my charge as being spurious at best and corrupt at worst.

2.5 Mr Slater is outspoken against Name Suppression in cases not involving himself. Mr Slater has multiple convictions for contempt of Court relating to name suppression. Mr Slater is also an outspoken critic of New Zealand Judges through his website ‘WhaleOil’ and political magazine ‘INCITE’.

3. My submission to the Court, if it pleases you:

3.1 “The principle of open justice and the right to freedom of expression have been described as rights that go to the very existence and health of our political and legal institutions”

- Re Victim X [2003] 3 NZLR 220, para 51, per Hammond J.

3.2 “Open Justice provides critical safeguards against injustice in the operation of the criminal justice process. The principle dictates there should be no restriction on publication of information about a court case except in very special circumstances, or for compelling reasons.”

- R v Mahanga [2001] 1 NZLR 641, para 18.

- Ibid, endorsed by the Court of Appeal in Re Victim X [2003] 3 NZLR 230, para 36, per Keith J

- Re Victim X, above n 3, para 37, per Keith J.

3.3 “The right to freedom of expression set out in section 14 of the New Zealand Bill of Rights Act 1990 is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

- New Zealand Bill of Rights Act 1990, s 5.

3.4 I explicitly waive any rights to suppression of my charge, my name and the complainant. I have explicitly sought the cessation of suppression in this matter since 17 December 2015.

3.5. In respect to Mr Slater, I respectfully submit that Mr Slater is not a candidate at all for suppression because:

- He has admitted guilt and taken Diversion. Therefore publication of his crime does not impinge on his right to fair trial.
- Mr Slater is not a victim.
- There are no National Security issues
- Revealing Mr Slaters admitted guilt and completion of Diversion, as offered by Police National Headquarters, will not prejudice the interests of the maintenance of the Law. In fact not revealing that justice has been done is to allow the perception that justice hasn't been done at all.
- Mr Slater speaking to Organised Crime members about me has put my life in danger. Publication of his having done so is vital to my safety and the safety of my family.
- I have never threatened Mr Slater or his family. I blew the whistle solely because it was the ethical and moral thing to do.
- Suppressing the first admission of guilt of Mr Slaters offence is contrary to the principles of open justice. It provides no deterrent to future criminals seeking the same things Mr Slater did.

- There are no other parties to the suppression order. I explicitly do not want suppression and, if it pleases the Court, I respectfully submit that the Police depend on the Court suppressing the details of both charges in order to subvert the course of Justice.
- In respect to the above statement I have a list of lies, errors and smears that the New Zealand Police used in their charging documents and that Mr Gareth Kayes has used in submissions to the Court . I will submit this list if it pleases the Court.
- Suppression can both shield victims and hide miscarriages of justice. If it pleases the Court, I respectfully request the dropping of all suppression relating to all charges in the interests of open justice and to protect me, Benjamin Rachinger, against Police corruption and political malfeasance.

Date: 3 April 2016

A handwritten signature in black ink, consisting of a large, stylized loop on the left and a long, horizontal stroke extending to the right.

Signature:

To: The Registrar

By email: manukau.dc@justice.govt.nz

And to: Gareth Kayes, Police Prosecutor