

**SOCIETY FOR THE PROMOTION
OF COMMUNITY STANDARDS INC.**

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**URGENT: SOCIETY NEEDS FINANCIAL
SPONSORSHIP & ASSISTANCE FOR
2005. See story page 2. All members 2005
subscriptions due ASAP. See page 3.
New Members wishing to join Society see p. 3
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“BAISE-MOI” UPDATE

Background: On the 29th of October 2001 the Society commenced its appeal against the classification of “Baise-Moi,” a film featuring a four-and-a-half minute explicit depiction of the rape of young woman, when it filed its application for review with the Secretary for Internal Affairs. The Film and Literature Board of Review (“the Board”) first met on 17 December 2001 to consider the Society’s written and oral submissions against the classification issued by the Office of Film and Literature Classification (OFLC), headed by Chief Censor Bill Hastings. It issued its classification decision on 13 March 2002. Unhappy with the decision which had downgraded the classification allowing for a general R18 theatrical release, the Society applied for a Judicial Review of the Board’s decision. The Hon. Justice Hammond granted the Society an interim restriction order against the film and later upheld its appeal, remitting the matter back to the Board for reconsideration in the light of the Court’s ruling. On 1 November 2002 the Board issued its second decision. The Society, again unhappy with the decision, filed an appeal against it with the High Court. The Hon. Justice Goddard dismissed the appeal. The Society then filed an appeal against her decision with the Court of Appeal which heard the case on 18 Nov. 2004.

GOOD NEWS!

A Court of Appeal Judgment (CA 239/03) issued on the 10th of Dec. 2004 has upheld, in part, the Society’s appeal (see story below)

Varying descriptive notes issued with classification decisions of “Baise-Moi”

“Contains sexual violence, graphic violence and explicit sex scenes” [OFLC Decision 20/8/01]

“The Board recommends that Baise-Moi be advertised and screened with the following warning: ‘This film contains frequent disturbing depictions of violence and repeated explicit sexual content’.”

[Par. 79 Board decision 13/3/02. Note the deliberate omission of any reference to “sexual violence”]

The Board recommends that the film and video or DVD of “Baise-Moi” be advertised and/or screened with the following warning “Contains frequent disturbing depictions of violence and repeated explicit sexual content and sexual violence.” Board decision 1/11/02

[Note addition of “sexual violence”]

“Technical victory for morals group”

Dominion Post, Friday Dec. 10 2004

This was the headline of a report announcing the Society’s successful appeal to the Court of Appeal against the Judgment of the Hon. Lowell Goddard (dismissing its appeal to the High Court against the classification decision issued by the Film and Literature Board of Review on the French sex-violence film “Baise-Moi”). The Court of Appeal dealt with three questions of law raised by the Society: (1) failure of the Board to properly consider the dominant effect of the publication as a whole, (2) failure to consider the impact of the medium of television as a likely use of the publication and (3) failure to apply a single classification with respect to different mediums or formats of the publication.

Section 26 of the Films, Videos and Publications Classification Act 1993 (“the Act”) states that the classification given to a publication ... shall apply to every copy of that publication that is identical in content to it.” This means that any classification of “Baise-Moi” issued by the OFLC or Board must apply to 35mm. format, DVD and video formats of the film. “Film” is defined under s. 2 of the Act as meaning “a cinematographic film, a video recording, and any other material record of visual moving images that is capable of being used for the subsequent display of those images; and includes any part of any film, and any copy or part of a copy of the whole or any part of a film.

For more on Baise-Moi see pages 3-5.

SOCIETY NEEDS FINANCIAL SPONSORSHIP URGENTLY

The Society is the only organisation in New Zealand that serves as a public lobby-watchdog group on censorship standards. It is only able to support one person part-time to further its objectives: the position of national secretary. The goodwill of its many members has ensured the success of the Society over the last four years and for this we are most grateful. However, its impact will be very much diminished if it cannot secure significant ongoing sponsorship. The executive team is fully committed to advancing the Society’s objectives in 2005. We are making an urgent appeal for financial sponsorship at any level (A/P or regular gifting). Please contact me personally if you can help.

Mike Petrus, SPCS President.

P.O. Box 13-683 Johnsonville

SPCSNZ@hotmail.com

“Irreversible” Warning: Descriptive Note

“Brutal sexual violence, graphic violence and sex scenes”

Signed by Claudia Elliott. 1 December 2004

President, Film and Literature Board of Review

Since Mr Bill Hastings took over the job as Chief Censor of Film and Literature there has been a dramatic rise in the number of grotesque censor’s descriptive notes like this

one, that by law have to accompany the advertising of “restricted” films. This one applies to the R18 film “Irreversible” which features a ten minute brutal sodomisation (anal rape) of a young pregnant woman by a homosexual man, followed by her severe beating that leaves her comatosed. The drug-crazed rapist’s abusive comments directed at the victim, suggests that he is fantasising that he is sodomising a young boy.

The film also features what many film reviewers consider the most graphically violent incident ever portrayed in the history of public cinema – “an horrific act of extreme violence - the audience sees a man’s face and head beaten to a misshapen pulp”. This gratuitous depiction is set inside a “gay” S&M club (devoted to homosexual sado-masochism) and takes place while onlookers gleefully watch and get sexually aroused (masturbate) as a man’s skull is bashed 22 times using a fire-extinguisher.

In July this year Mr Hastings used his finely-tuned ‘discretionary’ powers under the Films, Videos and Publications Classification Act 1993 (“the Act”), to grant the film’s distributor, Accent Films International, leave to have the film reclassified under s. 42(3)(b) of the Act, so “Irreversible” could be screened in mainstream cinemas. A classification decision issued by his OFLC in 2003, limiting its screenings to film festivals and tertiary media studies courses for the purpose of study, by law, should have been fixed for three years and not open to challenge. However, through Hasting’s ‘intervention,’ mainstream adult cinema audiences were able to view a publication that was seen only a year ago, to be totally unsuitable, as it had caused great offence to audiences overseas. This happened when the OFLC he heads, reclassified the film for general R18 theatrical release on 28 July 2004.

Ms Claudia Elliott, a Rotorua-based barrister who is president of the Film and Literature Board of Review, endorsed the descriptive note and rating (R18) issued by Hastings, when she and six of her fellow Board members reclassified the film, following an appeal by the Society against the OFLC’s most recent classification decision. She refused three separate applications from the Society to have an interim restriction order issued against the film (one in 2003 and two in 2004).

Membership of the Society for the Promotion of Community Standards Inc. (SPCS)

Membership is by way of donation and is open to all those who support our objectives contained in our constitution which can be viewed at

www.spcs.org.nz

Note: You can join SPCS on-line

Our recommended membership donation fee for 2005 is a minimum of \$35 and this will be receipted on request. Please make cheques out to SPCS (or full name of Society).

Send to:

**The Society treasurer, Mr Des Chambers,
P.O. Box 13-683 Johnsonville.**

If you can recommend a new Society member(s) then please provide us with their contact details so we can send them a complementary copy of our newsletter.

**NEW MEMBERS PLEASE COMPLETE
(Cut or photocopy)**

or join up on-line Go to: www.spcs.org.nz

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**Please send ASAP to: The Secretary SPCS.
P.O.Box 13-683 Johnsonville**

Note: 2005 Membership Fee covers our financial year 1 January to 31 December 2004.

scheduled, to screen in the Rialto cinemas in Auckland, Wellington and Christchurch. The Board president refused to grant an order in a decision dated 17 August. The Society applied for Judicial Review of that decision in the High Court and His Honour Justice MacKenzie issued a decision on 26 August 2004 that upheld the Society's appeal and remitted the matter back to Ms Elliott for reconsideration and correction of the legal error identified. She issued a decision dated 16 September, again refusing the application for an order and allowed the film to run its full season in the cinemas before convening a meeting of the Board to view the film and consider the Society's submission. Predictably the Board made no change to the R18 classification of the film, thereby failing, in the view of the Society, to apply the law properly.

Re Baise-Moi "Technical victory ..." continued from page 1

The third ground of the Society's appeal was upheld. Anderson P, Chambers and O'Regan JJ ruled: "...we find that the High Court was in error in finding that the Board made no error of law in placing different restrictions for classification purposes with respect to different mediums or formats of the same publication. Accordingly, we allow the appeal in part..." In the Court of Appeal Reasons given by O'Regan J. it stated: "[45]...the decision which the Board made was one which was not open to it, and the Society is entitled to relief...[47]...we consider the appropriate course for us to take is to quash the Board's decision and substitute a new decision...which complies with the requirement of the Act." It did so to avoid remitting the matter back to the Board for correction, choosing rather to use its power to substitute its own statement in place of the Board's determination of 1 Nov. 2002 approved by the High Court. It made no award of costs.

The substituted decision, means that the film in *all* its various formats (35mm, video or DVD) is restricted to persons 18 years of age and older and can only be used for theatrical exhibition or exhibition to participants in a tertiary media studies course or a tertiary film studies course. While this decision falls short of the Society's objective of getting the film banned (the Australian Review Board banned it) or cut

The Society was granted leave to appeal the classification of the film "Irreversible" on 5 August 2004 and immediately sought an interim restriction order against the film, which was

(the British censors cut 10 seconds from the brutal rape scene), it has succeeded in forcing the Board and the Office of Film and Literature Classification (OFLC), when dealing with a restricted publication, to issue the same classification “to every copy of that publication that is identical in content with it” regardless of format, as required by s. 26 - Films, Videos and Publications Classification Act 1993 (“the Act”).

The Court of Appeal criticised the Board with respect to the second ground of the appeal (television broadcast), by way of a “final observation”. It pointed out that in its determination dated 1 November 2002 the Board “effectively ignores the direction given to [it] by the High Court” and concludes that it ought not to have done so. That direction given by Hammond J. in his judgment in the Society’s successful appeal against the first classification decision of the Board on *Baise-Moi*, should have been followed.

With respect to the first ground, the Society does not accept the Court of Appeal’s ruling that the Board did consider “*the dominant effect* of the publication as a whole” as required by s 3(4)(a) of the Act. It maintains that the Board’s conclusion is not directed at “the effect of the material on the minds” of the viewers as required by law, but rather only “looks ...to what the material in question contains or portrays.” The Board’s only finding on “dominant effect” stated:

“[151]...The dominant effect of the publication is a bleak story with a view that just deserts are meted out in the end to Nadine and Manu. The perpetrators have a certain self-awareness... “we are leaving a trail”...

The Society argues that here the Board directed its attention solely to giving a brief and superficial comment on the story content, thereby committing an error of law, due to its failure to grasp the distinction between dominant effect of the film material and its content. The Court of Appeal disagreed and stated: “[the Board] refers to the film as “bleak”, which is a statement of how it appears to the viewer, and then describes the “view” that just deserts are meted out to the main characters: that is also more than a mere summary of content.”

However, the Court is wrong on two important points. First, the Board did not describe the *film* as bleak, but rather the *story*. The adjective “bleak” qualifies the story not the film. It addresses content, not the overall dominant effect of the film. Second, it is the story that expresses a

view that just deserts are meted out. The phrase “with a view” can only be a description of the story (“...story with a view...”). Again this is content and has nothing to do with overall dominant effect on the mind of the viewer.

In his submission, counsel for the Society, Mr Peter McKenzie QC, highlighted the description of dominant effect reached by the OFLC when it was first classified, contrasting it with that produced by the Board in par. 151 (above). Addressing s. 3(4)(a) the OFLC stated:

“The overwhelming effect, however remains the shocking and unrelenting presentation of violence, much of which has been sexualised due to the association of these images with those of explicit sex. Many of the sexual images are presented using the constructs commonly seen in explicit material intended for adult sexual arousal.” (OFLC Ref. No. 10034. Decision, p. 11, 20/8/01).

Dealing with matters dealt with under s. 3(3) the OFLC wrote:

“...in most instances the violence is graphic, glamorised and in many cases sexualised...The explicitness of [the rape scene] bears some resemblance to material intended for the purposes of sexual arousal...The constant juxtaposing of sex with violence has the effect of sexualising the violence as well as adding a violent reading to the sex. Each element on its own is less problematic than the juxtaposition of both.” (p. 10)

Mr McKenzie QC pointed out to the Court of Appeal that a similar comparison could be made between the Board’s treatment of dominant effect and that contained in the decision of the Australian Classification Board of Review (which banned the film and like the OFLC decision, did address dominant effect).

The Court of Appeal upheld Goddard J’s ruling, and consequently rejected the Society’s first ground of appeal, when it noted in par.18: “...the criticism made of the Board by the Society is really only criticism of the conclusion of the Board reached as to what the dominant effect of the film was, rather than the identification of an error of law... we do not think it [par. 151] can fairly be categorised as a statement of content only.”

The Society is appalled that the Court has attempted to defend the Board’s deficient decision in this way. Again there is nothing in the

Board's "conclusion" or elsewhere in its decision that addresses the overall dominant effect of the film on the minds of viewers. The likely effect on the minds of viewers exposed to "objectionable" content, is to injure the "public good", a concept that presupposes that societal and community-based values do in fact exist and that such content can deprave and corrupt viewers for whom restricted material is not intended.

There are effects on the minds of adults exposed to the four-and-a-half minute brutal and explicit rape scene in "Baise-Moi," which includes extended close-ups of penetration, as well as other gratuitous displays of high level graphic violence and sexual violence, which the Board failed to put into words as it was required to do by law. As Mr McKenzie argued, this is not only a mandatory requirement in itself, but also a foundational matter to which the Board was required to give consideration when forming its view on the matters referred to in s 3(4)(b)-(f).

The Board was required to consider display conditions pursuant to s 55 of the Act. It recommended that the film and video or DVD of "Baise-Moi" be advertised and/or screened with the following warning: "Contains frequent *disturbing* depictions of violence and repeated explicit sexual content and sexual violence" [emphasis added]. Despite acknowledging that the film had at least the potential to *disturb* viewers due to its content, it failed to even mention this in its conclusion on the overall dominant effect.

Anatomy of Hell

"Explicit portrayal of sexual conduct including use of menstrual blood"

Descriptive Note:

[Decision of Board. Signed by

Ms Claudia Elliott, President. 18/8/04].

Five members of the Board met in Wellington on 2nd August 2004 to consider an appeal from the Society against the OFLC's R18 classification of the misogynous and sexually degrading French film "Anatomy of Hell" directed by the so-called "profoundly feminist" French filmmaker Catherine Breillat. "The thesis of the film," according to its distributor, the New Zealand Film Festival Trust, "is that men are inherently repulsed by women's bodies and sexuality and that this leads to underlying misogyny and patriarchy in our

society." [Board decision, par. 55] The distributor, represented by its director Mr Bill Gosden and Counsel, made written and oral submissions.

The film features degrading and explicit sexual activity and sexual violence (the insertion of a three-pronged rake into woman's anus and rape) between a misogynistic homosexual man, played by Italian porn star Rocco Siffredi, and a woman. The Board unanimously upheld the original R18 classification. However, following the Society's complaint that the descriptive note was "deficient" the Board did alter it to: "Explicit portrayal of sexual conduct *including use of menstrual blood.*" (Addition in italics. The man and woman drink the woman's menstrual blood squeezed from her tampon. As the Board notes: "Fears and repulsions related to vaginal secretions is a central focus of the film..."). The Society fails to see how this alteration does justice to the Board's finding that the film contains a shocking and highly offensive, degrading, demeaning and dehumanising sexual content. (The inadequate OFLC descriptive note simply stated: "Contains explicit sex scenes").

The Society is concerned that depictions of sexual activity between young boys and a girl, where the girl's genitalia is shown briefly including the insertion of an object into her vagina by a boy and the removal of secretions from it (sexual violation) have been cleared for adult viewing in public cinemas and for home use (DVD and video). The Society wrote: "The effect of these depictions is to advance the view that film-makers are somehow entitled to use children as subjects in explicit sex acts provided adults can provide some intellectual rationale justifying good intention, e.g. to advance a theme or explore a causative factor in behaviour etc. The sexual exploitation of children in this manner cannot be justified under any circumstances" [par. 17]

The president of the Board refused to grant an interim restriction order against the film, pending the outcome of the review, which was applied for by the Society. Consequently the film screened in theatres from 9 July to 1 August 2004 during the course of the Telecom sponsored Film Festival. The board acknowledged that there is a suggestion of menace throughout the film. The statement is made "a woman's body calls for mutilation" and the woman invites the man to "watch the unwatchable", and much of the male narrative is a verbal humiliation of women. The Board wrote:

[104] The rake incident was “demeaning, degrading and dehumanising,” the woman was simply a stake-holder... [it] was more shocking [than lipstick scene] because of the intrusion into the orifice.” ...the extent and degree and manner to which that scene was portrayed was graphic...[108].

[105] The incident with the tampon [involving the drinking of] menstrual blood ... is likely to be offensive to many people, irrespective of gender or ethnicity.”

The Board’s takes 29 pages to establish its case for allowing adults to view this obscene film. Its attempt to address the dominant effect of “Anatomy of Hell,” as it is required to do under s. 3(4)(a) of the Act, highlights its incompetence. All it states is: “The dominant effect is a slow paced, bleak, menacing, black nihilistic and depressing film, with no resolution for either of the main parties...” [116] This statement fails to address the dominant effect of the film. Instead it mainly focuses on the content. The Board failed in its statutory duty to address the “effect on the mind of the reader” of those activities depicted that could lead to injury to the “public good”.

“Twenty-nine Palms”

The Society applied for leave to the Secretary of Internal Affairs on the 28th of June 2004, to have the OFLC classification of the R18 film “Twenty-nine Palms,” which contains brutal sexual violence, reviewed by the Board. This application was made on the 30th working day following the publication of the film’s classification in the List of Decisions. The Secretary granted leave in a letter dated 2 July 2004, which the Society received on 5 July. On that day the Society made its application to the Board for a review and also applied to the Board president, Ms Claudia Elliott, for an interim restriction order to be issued against the film. The president responded by setting a deadline for parties to the proceedings to make submissions by 4 p.m. on Wednesday 14 July 2003. The Board secretary faxed the Society of 15 July 2004 confirming that the Board president had set a hearing to consider the Society’s written and oral submissions on this film and The Anatomy of Hell for 2 and 3 of August 2004. On the 16th July 2004 the president issued a decision declaring that the Society’s application for review was out of time. The Society disputed this and requested an

opportunity to be heard on the matter. On the 2nd of August 2004 five members of the Board met to hear submissions from the Society and counsel for the film’s distributor, the NZ Film Festival Trust. In a 25-page decision dated 20 August 2004 the Board ruled that the Society’s application was out of time. The film screened as part of the Telecom-sponsored NZ Film Festival.

In the course of this dispute the Society was able to establish for the first time that the Board had accepted applications ‘outside the statutory time limits’ from a pro-homosexual lobby group (HRAG in the case of *Living Word*) and a group promoting Cannabis smoking, but refused to treat the Society on the same basis.

Chief Censor Again Attacks *Living Word* Decision in The OFLC Annual Report 2004

This Report was tabled in parliament on the 11th of November 2004. For the fourth year in a row the Chief Censor has attacked the ruling of the Court of Appeal involving the so-called anti-“gay” *Living Word* videos (*Living Word Distributors Limited v Human Rights Action Group [2000] 3 NZLR 570*). That decision quashed the Board’s ruling that had banned the two Christian videos¹. They were eventually reclassified by the Board as “unrestricted.” In the Annual Report 2001 Hastings devotes four pages to discussing the *Living Word* ruling claiming that the Court of Appeal’s interpretation of s3(1) of the act “has put in doubt the Classification Office’s ability to classify as restricted or objectionable publications which, for example: ... depict mere nudity which is to some degree “sexualised” ...treat a group of the public as inherently inferior by reason of a prohibited ground of discrimination.”

Like many activists in the homosexual community, Mr Hastings, was outraged that the *Living Word* decision prevented his Office from banning opinion pieces, such as the “talking head” *Living Word* videos, that criticise or challenge promiscuous homosexual lifestyles. On page 6 of the Report, Hastings states:

¹ *GayRights/SpecialRights: Inside the Homosexual Agenda & AIDS: The Story You Have Not Been Told.*

"... With the purpose of restoring some of the comprehensive nature of the legislation *that was read down by the Court of Appeal in the Living Word decision*, parliamentarians this year introduced a detailed bill empowering the Office to restrict particular types of current content to protect young persons from specific injuries."

Largely through strident criticisms from Mr Hastings and his supporters, the Government initiated a select committee "Inquiry Into the Operation of the Films, Videos and Publications Classification Act 1993 and related issues." The Society made a written and oral submission to the Government Administration Committee charged with carrying out the Inquiry, arguing strongly against the addition of "hate speech" (supported by Hastings) criteria into the Act. The Committee's Report was tabled this year and it has recommended some important changes to the Act tightening up controls on child pornography etc. However, having investigated and accepted the calls for from the homosexual community and others to have "hate speech" included in s. 3(1) of the Act, the government decided not to take up this recommendation in the committee's report that would have widened the Classification Office's (i.e. Mr Hasting's) jurisdictional power into this area. Largely to appease the promoters of "hate speech," it set the committee the task of carrying out a separate inquiry into "hate speech" legislation (under Standing Order 189[2]) which will be hearing oral submissions on the matter in 2005. The outcome of the committee's report into the Operation of the Act resulted in the government introducing into the House on 2 December 2003 the Films, Videos and Publications Classification Amendment Bill. The Society made written and oral submissions on this Bill this year and some were accepted. At present it is still with the select committee.

In the 2004 Report Hastings also claims that the *Living Word* decision cast doubt on his Office's ability to classify child porn:

"The Bill contained a provision that removed any *doubt caused by Living Word* that images which sexualised the nudity of children and young persons but which contained no sexual activity, were to be included in the scope of censorship law by the phrase "matters such as sex" in s3(1)." [Emphasis added]

However, this suggestion is fanciful. The *Living Word* videos contained nothing that came within the five jurisdictional gateways found in s. 3(1) of the Act: "Sex, horror, crime, cruelty, or

violence." It was only the trumped up charges from the Respondent (HRAG) in the *Living Word* case, that ever suggested that mere opinions expressed in the videos about sexual activity, constituted "matters of sex" in terms of the Act. The Court of Appeal's ruling that the focus of the censor's concern is clearly on 'sexual activity' rather than *opinion* about such activity, has been deliberately misconstrued by the Chief Censor to suggest that the Court's judgment weakens his Office's power to deal with "sexualised" images of young children. Such 'reasoning' is absurd and disguises a deliberate agenda to weaken the main thrust of the Court's judgment, so that "hate speech" can be introduced via parliamentary edict. (For further reading see "Ongoing Consequences of Living Word" in Annual Report 2004, pp. 12-17).

<http://www.censorship.govt.nz/pdfword/Annual%20Report%202003-2004.pdf>

CHIEF CENSOR ADMITS BOARD ACTED OUTSIDE ITS JURISDICTION IN *LIVING WORD*

In a face-to-face interview with Kim Hill on TV One's "Close-Up" programme (Wednesday 10.30 p.m. 24/11/04) the Chief Censor, Bill Hastings, faced a barrage of questions raising concerns publicly voiced by the Society over the last four years, concerning his Office's classification decisions, his "liberal" agenda as a "homosexual man" and the decisions of the Board of which he was a member (deputy president), prior to taking up his statutory position in the OFLC. The Society's response to the programme can be viewed at:

<http://www.scoop.co.nz/mason/stories/P00411/S00233.htm>

Ms Hill put it to Mr Hastings that the Board of which he was a member, had acted outside its jurisdiction (*ultra vires*) when it accepted the application for review from the Human Rights Action Group (HRAG) in 1977 to review the OFLC classifications of the two *Living Word* videos. For the first time he conceded that it had. Why? Because as Ms Hill had found out reading an obscure footnote in the OFLC Annual Report 2004, that application had been made outside the statutory time frame allowed under s. 48 of the Act. The footnote states:

"The debate [about *Living Word*] might never have happened had the law been strictly enforced in 1997. Section 48 of the FVPC Act 1993 requires application for review to be lodged within 30 working days of the date of publication of the List of Decisions in which the relevant classification appears. The Board has no power to extend this period. The HRAG applied on 17 February 1997 to the Secretary of Internal Affairs for leave to seek a review of the Office's decision to classify as R18 the two videos that were the subject of the *Living Word* appeals. This was the thirtieth working day after the date of publication of the List of Decisions in which the classification of the two videos appears. On the current interpretation of the law, confirmed by the Board in its Twentynine Palms Decision Number Three of 20 August 2004, an application to the Secretary for leave is not an application for review. Unless the Secretary granted leave and HRAG then made an application for review on the same day that HRAG applied to the Secretary for leave, the application for review was brought out of time. **The Board had no jurisdiction to hold the review that started the entire *Living Word* process.**" [F.N. 14, p. 16]

Ms Hill then went on to question Mr Hasting's hidden agenda, in pursuing the banning of two "talking head" Christian videos that were critical of homosexual lifestyle, highlighting the fact that both he and his deputy Chief Censor are "gay" (Ms Nicola McCully is a lesbian). Mr Hastings scoffed at any suggestion that his "sexuality" influenced his classification decisions and denied that his decisions were "liberal". When pressed about his involvement in the Board's report that banned the *Living Word* videos he made light of the Society's suggestion put to him by Ms Hill, that he had played a pivotal role. He deliberately concealed the fact that he had written the Board's decision that banned the videos. This fact was disclosed in the Wellington Court of Appeal on Thursday 18 November 2004, by Crown Law Office lawyer, Mr John Oliver, acting for the Board (in the role of *amicus curiae*) when he gave his submission before Anderson, O'Regan and Chambers JJ in the appeal case involving "Baise-Moi". Both counsel for the Society, Mr Peter McKenzie QC and Mr Lance Pratley, and three members of its executive were present to hear the admission. The proceedings were recorded by a broadcaster, Shine Television.

The Civil Union Bill and Relationships Bill

The Society presented a written and oral submission to the Justice and Electoral Committee on both Bills. It strongly opposes the Bills and this stance is fully consistent with its objectives contained in its Constitution. The Society's website articles (see www.spcs.org.nz) dealing with the issues have been published (with permission) on the website www.civil-unions.org The Society sponsored the distribution of over 16,000 information brochures opposing civil unions.

"Hate-Speech" Legislation

The society is committed to lobbying MPs and informing the public of the real dangers in bringing in such proposed legislation, which is currently being considered by a parliamentary select committee.

URGENT NOTICE

Citizen Initiated Referendum Last chance to get involved in the Prostitution Petition

Petitions for the referendum asking every voter "should the Prostitution Reform Act 2003 be repealed?" need to be posted by **5pm, Thurs. Jan 6, 2005.**

To CRI on Prostitution

C/- P.O. Box 14209 Tauranga

For more information and to download petition forms, visit the campaign homepage:

www.stoptheabuse.org.nz

Important Note: Only those persons 18 years of age and over AND who are eligible to vote at the next election can sign the petition.

