

SOCIETY FOR PROMOTION OF COMMUNITY STANDARDS INC.

PO Box 13-683 JOHNSONVILLE, NZ
SPCSNZ@hotmail.com

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practiced law, commencing in 1973 and was admitted to the bar in 1975. He was a Senior Partner in Chapman Tripp's Wellington Office specialising in securities and commercial law for over 20 years.

Contents: Changes to the Constitution (p. 1); Open letter to Chief Censor (pp. 2-3); High Court cases this year - "Baise-Moi" (pp. 4-5); "Visitor Q" (pp. 5-6); Minister of Internal Affairs (p. 6). Feature Article: "Ken Park" & "Irreversible" (pp. 7-11); Chief Censor's term of Office expires and Cost of Incredible Film Festival to Taxpayers (p. 11); Donation and Membership details (p. 12).

ANNOUNCING SPCS AGM 2003 Guest Speaker Stephen Franks MP



Stephen Franks ACT List MP

**Venue: Connolly Hall, Guilford Tce
(off Hill St), Thorndon, Wellington.**

**Topic: "Hate Speech" – Is it in the
Public Good?**

AGM 7.00 to 8.00 p.m.

Monday 19 May 2003

Guest Speaker at 8.00 p.m.

(followed by discussion & supper).

Stephen Franks BA, LLB (Hons), Dip. Acc. (Victoria University) is Deputy Chair of the Justice and Electoral Select Committee of Parliament and a Member of the Regulations Review Select Committee. He is Act spokesperson for Justice, Courts, Corrections, SOEs, SFO, The Treaty of Waitangi, Maori Affairs, Sports, and Commerce (associate). Before entering parliament in 1999 as an ACT List MP, he

Special Members Meeting of SPCS ratifies proposed changes to Constitution.

On Friday night 15th of November 2002, at a special advertised meeting of the Society, at which John Terris QSO JP Mayor of Hutt City and former MP was guest speaker, the "objects for which the Society was established" (Rule 2) were changed to:

- a). To encourage self-respect and the dignity of the human person, made in the image of God.
- b). To promote recognition of the sanctity of human life and its preservation in all stages.
- c). To promote the benefits of lasting marriage, strong family life and wholesome personal values as the foundation for stable communities.
- d). To focus attention on the harmful nature and consequences of sexual promiscuity, obscenity, pornography and violence.
- e). To uphold and press for the proper enforcement of applicable law and its amendment where the law is ineffective.
- f). To support responsible freedom of expression which does not injure the public good by degrading, dehumanising or demeaning individuals or classes of people.

OFFICIAL INFORMATION REQUEST

[SPCS has used the Official Information Act very effectively to obtain critical evidence for its classification appeals. Reproduced below is a recent letter sent to the Chief Censor. The SPCS executive urges members to write to the Chief Censor, the Minister of Internal Affairs, and other MPs, raising the sorts of issues dealt with in this letter.]

OPEN LETTER TO CHIEF CENSOR¹

Sent by SPCS: 7 May 2003

Mr Bill Hastings

Chief Censor of Film and Literature
Office of Film and Literature
Classification

Dear Mr Hastings

In an article by Graham Reid, entitled “Censorship is no easy matter” (*NZ Herald* 1/12/01) you are quoted as affirming the well-documented and clearly defined link between exposure to sexually violent images by those with a propensity for sexual violence, and its *effect* on such individuals, namely the heightening of that propensity for such violence.

You also refer to other studies from journals that show that “negative attitudes towards women can be maintained by exposure to demeaning images” [including sexual violence].

I quote from the article:

The act [Films, Videos, and Publications Classification Act 1993] does not require proof that something be injurious to the

¹ See “SPCS Questions Chief Censor Over Sexual Violence” Thursday 8 May 2003.
<http://www.scoop.co.nz/mason/stories/PO0305/S00083.htm>

public good, says Hastings – the phrase is “likely to be”.

Increasingly, research is telling us how likely it might be.

“There are now journals and so on which pretty well define that for *anyone* with a propensity to sexual violence, that [propensity] will be heightened by exposure to sexually violent images. [emphasis added]

“Other studies show that negative attitudes towards women can be maintained by exposure to demeaning images...”

Official Information Request

1. Please supply to the SPCS committee the references to the journal articles you refer to that “pretty well define” (your words) the link between an intensification of a propensity towards sexual violence and exposure to images of sexual violence (via film, print media, internet access, and video etc.) by persons with such propensities.
2. Please supply to the SPCS committee the references to the “studies” you refer to that show the link between exposure to demeaning images of women and negative attitudes “maintained” in people’s minds.
3. Please indicate whether or not the OFLC has, or has had, access to research data that establishes that exposure to demeaning images of women can *create* (rather than just “maintain”) negative attitudes in people’s minds about women. If it does, please provide references.
4. Please define what you meant by “demeaning images” of woman. For example, do they include lengthy “real time” film footage of the anal rape of a woman by a homosexual who is taking drugs during the act of rape to stimulate his sexual enjoyment of the activity and

URGENT!! PRESIDENTIAL APPEAL FOR DONATIONS URGENT!!

Dear Society members and supporters

This year is shaping up to be another successful one in terms of meeting our Society's revised objectives (see p. 1) by way of the legal appeal process, submissions to parliamentary select committees, national media coverage, links established with key MPs, publications on internet news sites and a number of speaking opportunities. We are so grateful to those of you who have already supported the Society this year financially. However, we are facing a large shortfall in funding so would urge you to assist us asap so we can continue our work. The high profile legal cases we have taken on have been expensive. We have been prudent in our use of funds. Please send your cheque to: The Treasurer SPCS PO Box 13-683 Johnsonville. (If you wish to make payments via automatic bank payments, please contact us and we will send out forms).

**Yours sincerely: Rev Gordon Dempsey (SPCS President).
SPCSNZ@hotmail.com**

is fantasising that he is raping a virgin boy? [eg. the film "Irreversible"] Please provide an example from a film, magazine or video classified by the OFLC involving an adult woman that has been classified "objectionable" or required an excision, because of the demeaning images of brutal sexual violence involving an adult woman [as victim].

5. What guidelines does the OFLC have and apply to determine acceptable duration in the visual presentation on film of demeaning images of women as in the examples given (above) involving brutal sexual violence involving anal rape and necrophilia [eg. "Visitor Q". Note: references to contents deleted]?
6. What assumptions, if any, does the OFLC make with respect to the numbers of people at film festival screenings of R18 age restricted films depicting "objectionable" content including "brutal sexual violence", as to the numbers of persons present who have a

propensity to sexual violence? Please supply copies of any OFLC guidelines that detail these assumptions and/or guidelines and/or research findings.

7. Does the OFLC require proof when applying the FVPC Act 1993 in the classification process involving a publication that contains high levels of "brutal sexual violence", that such depictions are injurious to the "public good", before it can be classified "objectionable"?
8. Does the OFLC consider injury to the "public good" effected by the public's exposure to "objectionable" film content, to include the effect of a publication to heighten the propensity of members of the public to sexual violence?
9. Does the OFLC have any evidence of a clear causal link that shows that a film containing images of brutal sexual violence could have the undesirable effect of heightening (by exposure) the propensity of members of an audience to

sexual violence? If so, please provide documentation of this evidence.

10. Please supply the SPCS committee with (a) a reference to any classification decision where a publication has been ruled “objectionable” AND where a clear causal link has been shown that the mere depiction of the “objectionable” activity has been shown to have the effect of doing injury to the “public good”; and (b) provide a clear definition of “the public good” used by the OFLC in its task of classifying publications.

If you and/or your staff choose to withhold any of this information requested, please provide the SPCS committee with the reasons and the grounds for the reasons for withholding this information. If you and/or your staff are in any way unclear as to the information sought, please contact me at your convenience using the postal address supplied above (p. 1).

Yours sincerely
David Lane
Secretary, SPCS

Update on “Baise-Moi”

The Society’s second appeal to the High Court (it won its first appeal) against the revised classification decision made by the Film and Literature Board of Review (“the Board”) with respect to the film “Baise-Moi”, will be heard in the Wellington High Court on the 8th of July 2003.

On the 4th of December 2002 Hon. Justice France refused the application from the Society for an interim restriction order restraining the screening of the film, pending determination of its second appeal to the High Court. Consequently the film was shown in some cinemas over the summer. (It

received very negative reviews). However, France J. did rule that the submission from the Society’s Counsel, Mr Peter McKenzie QC, established a prima facie case that an error in law had again been made by the Board in its decision and ruled that the substantive case should be heard by the High Court. Mr McKenzie QC has provided the Society’s written submission (dated 14 February 2003) to the High Court and the Crown Law Office.

It is noteworthy that while France J. did not grant a restriction order, Hon Justice Hammond did, granting one on 12 April 2002 (temporarily ‘banning’ the screening of the film), prior to the Society presenting its substantive case in its first appeal to the High Court. His decision on the appeal, dated 23 July 2003, remitted the matter back to the Board for a fresh determination of the classification and ruled that the Board had committed an error in law, as it had failed to take into account the possible release of the film for home viewing on video, DVD and via public television broadcast.

The Society is not seeking to re-litigate matters this year which were the subject of the successful appeal last year. The errors of law to be put to the Court in early July are alleged errors of law in the Board’s re-determination. Apart from one issue (that relating to the impact of the television medium where the Board declined to apply the decision of the High Court made by Hammond J.), none of the errors of law put in issue in this appeal were matters which were considered by the Court last year. The Society has four grounds to its current appeal against the decision of the Board. It points to the Board:

- Failing to properly apply and consider s.3(4)(a) [of the FVPC Act 1993] which requires the Board to consider the dominant effect of the publication as a whole.
- Failing to apply and consider the matters required to be considered by the Board under ss.3(4)(b) and (f) [of the Act] in relation to the medium of television.
- Wrongly placing different restrictions for classification purposes with respect to different mediums or formats of the same publication.
- Failing to properly apply the Bill of Rights.

The Society is confident that the matters that will need to be addressed by the High Court on the 8th of July are critical to the proper application of the FVPC Act 1993 by the censorship bodies.

Tax-payers fund public focus group to view “Baise-Moi” porn

The total cost to the tax-payer of the “public consultation” for the film “Baise Moi” was \$6136.90. This amount includes the cost of recruiting the participants (33), who viewed the film at the invitation of the Chief Censor and participated in the consultation session. It included the cost of the gratuity for their attendance, the cost of the assistance of the researcher (including production of the final report) and a supper for those in attendance. It also includes the taxi fare for one OFLC staff member and the cost of refreshments. The hard-core porn film was screened at a theatre the OFLC sub-leases so there was no charge for this facility.

All these costs were disclosed in a response from the OFLC, dated 24 April

2002, to an official information request from SPCS dated 24 March 2002. All the 33 members of the public who had the misfortune of viewing “Baise-Moi” had participated in a research session the previous year, organised by the Chief Censor in which they watched three sexually explicit hard-core porn videos that degrade and demean women. One video marketed by NZ’s leading hard-core porn distributor, Steve Crow, has since been classified “objectionable” (“The Matador Series No. 2”) following a review of the OFLC classification decision requested by SPCS. This overturning of an OFLC classification that had rated it only R18 with no cuts required, is a significant success achieved by the Society that the media has chosen to conveniently ignore.

The Society is outraged that members of the public, the group of 33 who viewed “Baise-Moi”, were chosen from a pool of 152 who had already been ‘softened up’ (or ‘hardened’ to view it from another perspective) by the Chief Censor to hard-core explicit porn – the sort of material he regularly views with his helpers and releases uncut for home viewing and cinema screenings. Given this level of exposure, it is noteworthy that a significant proportion of the group of 33 called for “Baise-Moi” to be classified “objectionable” and be banned. Most others called for cuts to the rape and/or violence scenes. All these calls were ignored by the OFLC.

Update on “Visitor Q”

The Society’s appeal against the first classification decision made by the Board will be heard in the High Court on the 7th of July 2003. The appeal has been made under s.58 of the FVPC Act which provides for an appeal to the High Court on a question of

law. On the 14th of March 2002 the OFLC classified the film as “objectionable except for the availability of publication is limited for the purpose of study in the tertiary media or film studies course or as part of the 2002 Incredible Film Festival or as part of a film festival organised by an incorporated film society, and in all cases to persons who have attained the age of 18 years.”

The Society successfully sought an interim restriction order from the Board against the film last year. It has not yet been screened in NZ. The Society’s Notice of Appeal was filed in the High Court following the granting of leave to appeal, on the 19th of December 2002. The classification made by the Board that is the subject of the appeal, is substantially the same as that made by the OFLC. There are seven alleged errors of law committed by the Board in the Society’s submission to the High Court (7 July 2003).

Update on the High Court case against the Minister of Internal Affairs Hon. George Hawkins



**Hon George Hawkins
Minister of Internal Affairs and
Minister of Police**

The Society is seeking costs against the Crown - relating to its application for a judicial review by the High Court of the failure of Minister of Internal

Affairs Hon. George Hawkins to appoint a Deputy Chief Censor – an action it took in March 2002. Dr George Barton QC acted for the Society and it was the Society’s actions that ‘forced the hand’ of the Minister to retreat and abandon his attempt to disestablish the statutory position of DCC and move towards reactivating the recruitment and appointment process involving the position of DCC. The Society’s solicitor Mr John Bryson will be arguing the Society’s case for costs. The Society and its legal advisors have every confidence that its case for costs will succeed.

The Minister’s tardiness in dealing with this appointment meant that the OFLC was commanded and controlled by an individual (Chief Censor, Mr Bill Hastings) for over three years, when the law requires that the executive “shall” consist of two persons. In finally making the appointment late last year, the Minister chose an insider - a person from within the OFLC who, in the Society’s view, has been part of the same failed regime that has refused to properly implement the law with respect to “objectionable” publications tending to promote and support and normalise as legitimate part of ‘entertainment’, activities such as “brutal sexual violence”, necrophilia and extreme violence and cruelty.

As noted in the October 2003 SPCS Newsletter:

The failure of the Minister of Internal Affairs George Hawkins over almost two and-a-half years to fulfil his statutory duty to recommend a Deputy Chief Censor (DCC), led the Society to file proceedings against him in the High Court on 28 March 2002. It sought a judicial review of the Minister’s decision made on 9 May 2001 and endorsed the following week by the

Cabinet, to close off the recruitment process leading to the appointment of a DCC. He did this he said, for the purpose of reviewing the position.

On 18 April 2002 he issued a media statement indicating that the position would be advertised in early May and an appointment made by 31 July 2002. The position was not filled until 17 September and over the intervening period the matter was dealt with in High Court three times.

Feature Article Objectionable film content

Ken Park (USA Directed by Larry Clark & Jean-Louis Piel).

The Society has made application² to have this film classification reviewed.

The 35 mm film Ken Park was submitted as a video recording (VHS/PAL) to the Film and Video Labelling Body for classification on 10 January 2003 by Mr Anthony T. Timpson on behalf of 2Brothers Films and is intended, as stated by the applicant, to be screened at the Becks Incredible Film Festival, commencing in Auckland on Friday the 29th of May and in Wellington on Thursday the 12th of June 2003.

The OFLC issued its decision on the classification of “Ken Park” on the 24th of March 2003 and it was published in the OFLC March List of Decisions on the 14th of April. Anyone wishing to seek a review of this decision by the Board has 30 working days from the publication date (14/4), to do so (up until 27/5).

² For written submission dated 2 May 2003 see www.scoop.co.nz/mason/stories/PO0305/S00095.htm

The Society obtained under the Official Information Act copies of all the submissions on the film commissioned by the OFLC. It has sought leave from the Secretary of Internal Affairs to appeal the OFLC decision to the Board. The OFLC classified the film R18 (limiting it to film festivals and tertiary media and film study courses) and gave it a descriptive note “Contains graphic violence, explicit sex scenes, and content that may disturb”.

OFLC consultants Dr Sharon Rippin, Kim Aitken and Dr Tania Lithgow, clinical and organisational psychologists with Cerno Limited, viewed the film and prepared a written submission on the film’s possible psychological impacts. In their submission dated February 11, 2003 Cerno expressed concern about a scene involving a practice known as “autoerotic asphyxiation” As the OFLC decision states “Cerno submitted that the film could be injurious by being instructional”. Cerno stated:

The scene depicting autoerotic asphyxiation (also known as “eroticised repetitive hanging”) could be construed as instructional in that it showed the activity in a step-by-step manner. The portion of the film may encourage young adolescents to attempt/experiment with autoerotic asphyxiation, especially as the film portrays the outcome of autoerotic asphyxiation as pleasurable (without reference to the other possible outcomes of physical injury or accidental death).

The psychological literature suggests that the most common practitioners of autoerotic asphyxiation are adolescent and young adult males. Autoerotic deaths occur more frequently in adolescents, as they are more likely to be experimenting with their sexuality, are often unaware of the dangers of hypoxia and are more prone to risk taking. It is difficult to predict who is more likely to practice the technique, as it is typically performed in private, and when the act results

in death there has been no reported history of other unusual sexual behaviour. Adolescent victims (i.e. those who died as a result of autoerotic asphyxiation) are not perceived to be depressed or suicidal prior to death. Experts recommend that efforts must be made to limit young people's exposure to the technique, as risk-taking youth experimenting with their sexuality run a high risk of imitative practices (Dietz, 1989, Dietz, Hazelwood & Burgess, 1983)[see Newsletter appendix for refs.]. They also suggest that there is a need to limit mass media exposure and coverage of the syndrome.

On the matter of **“The Exploitation of children or young persons, or both, for sexual purposes”** addressed in section 3(2)(a) of the FVPC Act they stated:

While the director has provided assurances (i.e. through commentaries on the films) that all the actors are over the age of 18, some of the actors looked significantly younger than 18. Their youthfulness was supported by:

- Not seeing any of the young characters driving.
- A character needing to ask his parent's permission to go to a friend's place for dinner;
- A character deriving enjoyment and companionship from skipping with young children.
- A character's sexual partner (the mother of his girlfriend) calling him a “Good boy”, patting him on the head, and providing instruction during sexual activity.

In the light of the above, particularly if viewers did not have access to the director's commentaries, viewers are likely to consider that the actors were younger than 18 years. The film could be construed as exploiting young persons for sexual purposes.

In addition, the film may be perceived as legitimising sex with young persons (as

indicated by the young man who is a lover to his girlfriend's mother, and alluded to through the marital ritual between father and daughter). The relationship the young male has with his girlfriend's mother would particularly support some of the more common rationalisations (e.g. among paedophiles) that it is appropriate for adults to take a safe ‘sexual education’ role for the younger person. The fact that some of the younger actors portrayed as autonomous and independent individuals in the film may also send messages that young people are in the position to make informed choices about sexual acts with adults.

The images of sexual violation and implied incest (as illustrated by one male actor's father touching him while he was sleeping, and implied by the marital ritual between father and daughter) could have an adverse impact on viewers who are victims of sexual violation (e.g. by providing cues that could trigger Post-Traumatic stress reactions such as depression and anxiety)....

On the matter of **“Acts of torture or the infliction of extreme violence or extreme cruelty”** addressed in s. 3(2)(f) of the FVPC Act , they stated in terms of

The film is designed to evoke strong reactions through its graphic portrayal of sexual acts (e.g. masturbation to ejaculation, auto-erotic asphyxiation, sexual intercourse, group sex, sexual violation) and its acts of violence, some of which are extreme (e.g. killing one's grandparents because the grandfather cheated at ‘Scrabble’, threatening to rip the leg off a dog... etc.

The development of the teenage characters (with the exception of the male who kills his grandparents), and the portrayal of their dysfunctional lives [sic], appears intended to encourage viewers to identify, and possibly empathise, with the characters' attempts to derive pleasure despite bleak life circumstances. For some viewers (e.g. at-risk teenagers with a propensity towards violence or drug and alcohol abuse, paedophiles) this has the potential to ‘normalise’ or ‘justify’ nihilistic acts. With

the exception of the character who murdered his grandparents (who was viewed after his arrest), there did not appear to be any negative consequences of acts such as unprotected sex, recreational drug use, and consumption of alcohol while driving (as illustrated by the parent of one of the teenage characters, and his friend).

The Office of the Commissioner for Children was also consulted by the OFLC. Its report dated 20 February 2003 stated:

“There is potential, considering the age of the characters being portrayed, for this film to be used as paedophile pornography [if it] is released to the general public and then certain scenes could be taken out of context.

“There is the possibility of harm if people were to mimic certain behaviours or acts portrayed within the film, (eg use of rope during the masturbation scene).

“The graphic content of the film, be it sex or violence, could be quite shocking to many viewers....”

The Society contacted the Commissioner for Children Roger McClay to see whether he had viewed the film. He confirmed that he had not seen it and indicated that some of his staff, who wrote the report on behalf of the Commission had. Having since seen the submission by the psychologists from Cerno Ltd he has called for the film to be banned.³

Mr David Mason was the third consultant employed by the OFLC. He is currently clinical manager with a church based social support agency and his work involves family counseling including extensive experience with teenagers. He “did express concern

about ‘the potential for copycat behaviour in the practice of autoerotic asphyxiation’,” in his submission dated 24 February 2003.

The *ABC News-on-line* website (Thursday Sept 5, 2002) reported:

“Larry Clark’s film, *Ken Park*, has scandalised Venice with its shocking sex scenes, incest and explicit erotic acts Among the scenes that have caused the biggest sensation is one of oral sex between a mature woman and an underaged boy, ... *Il Gazzettino* newspaper announced on Wednesday after seeing a preview screening of the film.”⁴

No definition of “young person” is contained in the FVPC Act 1993. In contrast the Children Young Persons and Their Families Act 1987 young person is defined as someone between the age of 14 and 17. The failure to define “young person” in the Act is significant. The Commissioner for Children Bill (a Government Bill) defines a child as being under the age of 18. The United Nations Convention on the Rights of the Child ratified by the NZ Government in 1993 defines a “child” as someone under the age of 18 years. Under Article 34 of the convention signatory countries undertake to protect children from sexual exploitation. The Board has agreed that “New Zealand legislation should be interpreted in such a way as to ensure that it is complying with this Country’s international obligations” (p. 14 [par. 62] decision dated 11 April 2003) and accepted “for the purposes of [the review of the film *Bully*]... that the definition of young person is someone under the age of 18 years.” It also

³ See “Violent festival films face ban”, by Oskar Alley, *Sunday Star Times*, April 6, 2003.

⁴

<http://www.abc.net.au/news/newsitems/s667411.htm>

accepted in this hearing that “the age an actor depicts may be as important as his or her actual chronological age.”

Section 3(2) is aimed at restricting the availability of material that promotes or tends to promote the exploitation of young persons for sexual purposes and it is certainly arguable that the creation of a market for exploitation should also be considered under this section.” [par 63]

The provisions of the Prostitution Reform Bill also recognises the rights of children to be protected from exploitation by adults for sexual purposes and children are defined as those under the age of 18 years with the stated purpose of upholding the definition in the UN Convention cited. Various prosecutions have occurred in New Zealand for possession of offensive material where the subject matter included photographs of young people described as being between the age of 3 and 17.

The Court of Appeal in *Moonen v Film and Literature Board of Review* (CA 238/01) and in particular paragraph 37 of that decision supports the proposition that the lack of a definition of a young person in the FVPC Act 1993 was deliberate. This was to ensure that presentation of the subject was the all-important factor when censors considered the potential “injury to the public good”. A 21-year old dressed up as a 4th form school child was not acceptable. The OFLC has banned nude pictures of not only young persons under the age of 18 but also those over the age of 18 but dressed as if they were under the age of 18.

The omission of an express definition [of the terms “children” and “young person”

from the FVPC Act 1993] was deliberate. This is apparent from the scheme of s3 and related provisions. Thus, s3(2) deems a publication to be objectionable if it tends to promote or support the exploitation of children or young persons for sexual purposes, s. 3(3)(a)(iv) is concerned with the depiction of sexual conduct with or by children or young persons, and s3(3)(b) with exploiting the nudity of children or young persons, in each case not expressly defined – but the age group of the persons to whom publication is intended or likely to be made available is identified as a relevant matter under s3(4) – and s23(2)(c)(i) provides for availability of publication to be restricted to persons who have attained a specified age...” [Emphasis added].

Ken Park is a film that contains “objectionable” content that breaches s 3(2) and s. 3(3) of the FVP Act 1993. It is scheduled to first screen on Sunday night the 1st of June at the Civic Theatre in Auckland as part of the Becks Incredible Film Festival.

Irreversible

(Directed by Gaspar Noe).

The Society has made application⁵ to have this film classification reviewed

The film Irreversible was submitted as a video recording (VHS/PAL) to the Film and Video Labelling Body for classification on 10 January 2003 by Mr Athony T. Timpson on behalf of 2Brothers Films and is intended, as stated by the applicant, to be screened twice at the Becks Incredible Film Festival (once in Auckland [31 May at the Civic Theatre] and once in Wellington [June 13] at the Paramount).

⁵ For written submission dated 2 May 2003 see www.scoop.co.nz/mason/stories/PO0305/S00095.htm

The OFLC classification decision which was registered on the 28th of April and will be published on the 14th of May, gives it a R18 rating with restrictions to film festival and tertiary media/film studies courses. The “descriptive” note issued by the OFLC, which must accompany all advertising of the film, states:

Contains brutal sexual violence, graphic violence and sex scenes.

The Society which has consulted widely, researched the reviews of this film, and expressed its views publicly,^{6 7} believes that one of the most offensive scene in the film is a nine minute, graphic and explicit depiction of the anal rape of a young woman by a homosexual man who is taking drugs at the time to help him intensify his pleasure. He fantasises that he is raping a boy virgin in the act. The rape scene thereby depicts a child rape fantasy. Its length of this graphic sequence alone makes it a “gratuitous, exploitative and offensive depiction of violence with a very high degree of impact... (and) sexual violence (to quote the new *Australian OFLC Guidelines* for films and computer games).

Bill Hastings position as Chief Censor expires soon

As noted in the last Newsletter the Minister of Internal Affairs George Hawkins reappointed Bill Hastings as Chief Censor for only one year until 18 October 2003. On June 12 the Minister issued a press release stating: “I have faith in Mr Hastings’s work and in the processes followed by the Office”.

⁶

www.scoop.co.nz/archive/scoop/stories/76/12/200303210820.138007ec.html

⁷ “Movie cleared despite warnings” by Oskar Alley, *Sunday Star Times* 4 May 2003.

There have been calls this year and last for the Minister to sack Bill Hastings, most notably from Peter Brown MP, the NZ First Party Deputy Leader. His most recent call followed the release of the OFLC decision on “Irreversible”. He is concerned at the significant rise in the numbers of films and videos that are available that contain obscenity, “brutal sexual violence”, graphic violence and degrading content.

TAX-PAYERS SUBSIDISE INCREDIBLE FILM FESTIVAL 1995-2003

Mr Anthony Timpson who has been granted regular tax-payer subsidies of over \$100,000 since 1995 to run his “one person” commercial film festival operation, has been making fee waiver applications for eight years to the Film and Video Labelling Body under the name “2 Brothers Films”, a name under which he apparently carries out his private commercial business. Under Regulation 7, the Chief Censor can waive up to 75% of the fee as the Chief Censor sees fit by taking into account six factors including:

“The commercial gains (if any) likely to be derived from the use of the publication.”

These waivers were granted to Timpson by the former Chief Censor, Kathryn Paterson, on the clear understanding that “the exhibitions are not for profit” (letter 11/4/96 Response to Timpson’s fee waiver application re the Incredibly Strange Film Festival).

The festival Timpson runs is not a member of the Federation of Film Festivals, nor is it linked to an incorporated society and nor is it monitored and organised by a trust. It is a “one person operation” as Timpson has acknowledged. There appears to have been no disclosures to the Office of Film and Literature or the Film and Video Labelling Body as to the extent to which 2 Brothers Films, of which Anthony Timpson is the Principal, profits from the operation which is funded in large part by taxpayers. Taxpayers have funded the fee waivers for the films “Irreversible” and “Ken Park” this year.

IF YOU WISH TO SEND A DONATION OR JOIN THE SOCIETY FOR THE PROMOTION OF COMMUNITY STANDARDS INC.

Please complete the details below, cut out this box or photocopy it and mail it to:

The Treasurer SPCS PO Box 13-683, Johnsonville.

Note: the membership is strictly confidential to the SPCS executive committee.

Strike out line which does not apply

Please place my/our name on your membership list. I/We are already members.

NAME

ADDRESS

.....

E-mail contact & Tel. No (optional)

.....

My membership donation encl. is

Note: Membership of SPCS is by way of donation. Cheques should be made out to "SPCS" or "Society for the Promotion of Community Standards Inc." PLEASE INDICATE IF YOU WANT A RECEIPT SENT TO YOU. Yes/ NO (Circle/delete). We try and acknowledge by letter all those who send donations of \$50 or more. I want to recommend the following person as a potential SPCS member.

Contact details
.....
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