

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

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Newsletter: May 2004 Issue 100

To make donation or join SPCS see pp. 3 & 12

**ANNOUNCING
SPCS AGM 2004**

**Guest Speaker Bruce Logan
Director Maxim Institute**



Bruce Logan

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

Topic: "Human Rights Demands – Are they in the Public Good?"

(With special reference to the Labour-led Government's anti-marriage/anti-family Civil Union and Omnibus Bills)

Time. 8 p.m. Monday 14 June 2004
(Address followed by discussion & supper).

N.B. Preceded by Society AGM
7.00 p.m. to 8.00 p.m. (members only)

Bruce Logan is director of the Maxim Institute, a research and policy organisation based in Auckland and Christchurch. He is a former secondary school principal, with teaching experience in many countries. Bruce started the NZ Education Development Foundation in 1991, which became the Maxim Institute in November 2001. Its mission statement is: "Through policy and public debate to promote the principles of a free, just and compassionate society."

Bruce writes regularly for newspapers, magazines and journals on political and educational issues and has also written several books. He frequently speaks around the country on a range of issues, particularly on the family, the role of the state, education and civil society. He is married with two daughters.

**Society's urgent call to members
for financial assistance**

The Society executive is making an urgent appeal for financial assistance in this newsletter to members and supporters to help get it through the remainder of this financial year (see letter to members and supporters on page 3 and donation form, page 12). President Mike Petrus says:

"The vital role the Society has played for over 25 years as a censorship and moral watchdog will end if we are unable to secure sufficient finance to cover the next few months. We have felt compelled to take the fight on censorship issues into the Courts to highlight the failures of our censorship authorities - a costly exercise. We also have significant costs to cover in administering the Society's ongoing work. (Our Society objectives are set out on page 4). We urge you to help us out."

***The Passion of the Christ* age
limit lowered on appeal.**

The R16 rating of the film *The Passion of the Christ*, registered by the Office of Film

and Literature Classification (“the Classification Office”) on 20 February 2004, was dropped to R15 following a review of the classification by the Film and Literature Board of Review (“the Board”). The Applicant for review, under s. 47(2)(d) of the Films, Videos, and Publications Act (“the Act”), Hoyts Distribution (NZ) Ltd (supported by Icon Productions), sought to have the rating lowered to R13.

The Society for the Promotion of Community Standards (“the Society”), supported by the Catholic Communications Office and Vision Network (NZ),¹ representing about 350 members – mainly churches and Christian organisations - submitted a case for the lowering of the classification rating to R15. On March 15 2004 it presented a lengthy written and oral submission to the Board, whose decision dated 5 April 2004, was released just before Easter.



“Father, forgive them, for they do not know not what they are doing.” Jesus the Christ (Lk. 23:34)

The Passion of the Christ, released worldwide on 25 February, is now ranked # 7 of all time in the US domestic box office gross sales records (\$369 m. as of 21/5/04)... and is still climbing. (# 6 is *The Return of the King*). *The Passion* was ranked #1 in NZ for four consecutive weeks. (Worldwide ticket sales so far have exceeded \$581 m.).

¹ Vision Network (NZ) sought an “R” rating “allowing young people aged 13-15 years to go to the film if accompanied by a parent or guardian”. In the alternative it sought an R15 rating. The submission was made by Mr Glyn Carpenter, Vision Network Executive Director.

The Australian, US and Republic of Ireland censorship authorities, as well as all Canadian provincial censorship authorities (with the exception of Quebec), while recognising the high level of violence depicted, have, in contrast to the New Zealand censors, allowed *any* young person below the age of 16 years to attend the film, provided they are accompanied by either a parent, guardian (or adult). The Fijian censor has classified it unrestricted, giving it a PG rating (parental guidance recommended) with a warning that some scenes may disturb some people.

For a positive and scholarly review of the film see: [First Things](#) 141 (March 2004): 7-10. (Reviewed by: **Russell Hittinger**, the William K. Warren Professor of Catholic Studies at the University of Tulsa and **Elizabeth Lev** who teaches Christian art and architecture at Duquesne University’s Rome campus).

<http://www.firstthings.com/ftissues/ft0403/opinion/hittingerlev.html>

For the Society secretary’s personal response to aspects of the film see: “Violence and Vitriol” by David H. Lane. [Reality](#) April/May 2004. Pages 17-20, 22. (Available from www.reality.org.nz). For a complete list of the Society’s press releases and published articles on the subject of *The Passion* and its rating see the list on page 12 of this newsletter.

Financial Challenges for 2004

Two important test cases have been advanced to the Court of Appeal challenging the decisions of High Court Judge, Hon Justice Lowell Goddard, with respect to the classifications of two films: *Baise-Moi* and *Visitor Q*. The Society is concerned about the prolonged gratuitous and explicit depictions of activities such as rape, necrophilia (sex with a corpse), corpse mutilation and sexual acts involving human excrement etc. in these films.

The intention of Parliament as embodied in ss. 3(2) and 3(3) of the Act is to have such depictions (when presented in a manner that promotes or supports or tends to promote or support them) excised from films, or have the publications classified "objectionable" (which puts them strictly and completely off-limits to the public) in order to prevent injury to the public good. (N.B. The Society plans no further legal challenges this year beyond its present commitments).

Success of Society Website

<http://www.spcs.org.nz>

The Society's website has been operating since September 2003. Our Vice-President Graham Fox has been responsible for setting it up and through it we have been able to exert a wider influence both here in NZ and overseas (feedback on the site is welcomed).

Please let your friends know how they can access our material through the website. We are planning on developing the site over the next few months with the addition of many more articles and features. We intend to provide a more complete archive of our press releases, film reviews, published articles, submissions, links to like-minded organisations and resources.

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, was heard in the Wellington High Court on the 8th of July 2003.

URGENT!!! PRESIDENTIAL FINANCIAL APPEAL TO ALL MEMBERS AND SUPPORTERS

Dear Society members and supporters

The Society executive is concerned that the continuing existence of the Society is under threat due to our worsening financial situation. The Court actions we have undertaken and intend to bring to conclusion this year have put considerable strains on our finances. We believe that we should notify you all of a serious shortfall in our funding and assure you that we are committed to seeing the Society continue with its work. We only have one paid executive member, our secretary, who works part-time. We believe that the gains made by the Society over the last three years are considerable. However, to build on these successes we really need significant financial assistance from you all. Membership of the Society is by way of a donation, and we have thus far not specified any particular amount. If all our members were able to give a minimum donation of \$25.00 for 2004 this would be a great help. However, to get through our current crisis we need a good number of members to give much more than this and hope that every effort will be made to assist us. Please send your cheque to: The treasurer SPCS P.O. Box 13-683 Johnsonville. (IF YOU WISH TO MAKE AUTOMATIC BANK PAYMENTS, let us know and we will send you the appropriate forms to set this up).

Yours sincerely

Mike Petrus (President).

On behalf of the SPCS Executive. Contact SPCSNZ@hotmail.com

The Hon. Justice Lowell Goddard dismissed the Society's appeal which was based on four alleged errors in law, in her decision dated 11 November 2003. The Society has filed an appeal with the Court of Appeal against the decision of Goddard J. Its appeal is based on three of the four grounds that were considered and dismissed in the High Court: 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.

The Society, having paid security for costs, has until early June 2004 to apply for a Court fixture for a hearing. It believes the matters it raises need to be addressed, as they are critical to the proper application of the Act by the censorship bodies.

The Society has raised serious questions about the roles of the Chief Censor Bill Hastings and the Director of the Film and Video Labelling Body in the classification of *Baise-Moi*. For details see: *Baise-Moi* A Case of Censorship Collusion. Scoop 12/12/03

<http://www.scoop.co.nz/mason/stories/CU0312/S00086.htm>
<http://www.spcs.org.nz/article.php?sid=9&PHPS ESSID=161a1c81c31803314aa9bdf7ed6330eb>

Update on “Visitor Q”

An appeal to the Film and Literature Board of Review by the Society to ban or cut the Japanese film *Visitor Q* failed. Instead the Board stripped off the censor's descriptive (or warning) note - - "graphic content may offend". The Board issued the same rating as the Classification Office – R18, restricted it to film festivals and tertiary media/film studies courses.

The film's graphic content includes prolonged and gratuitous scenes involving: rape, necrophilia, corpse mutilation, incest, sexual conduct in association with human excrement, degrading and dehumanising treatment of a woman. (The Society successfully sought an interim restriction order from the Board against the film in 2002 and it is yet to screen in NZ).

The Society's appeal against the Board's classification decision was heard by the Goddard J. in the High Court on the 7th of July 2003. Seven alleged errors of law committed by the Board were the basis of the Society's submission. All were dismissed by Goddard J. The Society has filed an appeal with the Court of Appeal against the High Court decision. For further details see:

<http://www.challengeweekly.co.nz/Iss06-2004.htm>

Objects of the Society from its Constitution

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

Update on Society's High Court case against Minister of Internal Affairs Hon. George Hawkins



Hon George Hawkins

Earlier this year the Society was awarded 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 was Counsel for the Society in the case.

We believe that it was the Society's actions, in seeking the judicial review, that 'forced the hand' of the Minister to retreat and abandon his Department's attempt (supported by the Chief Censor) to disestablish the statutory position of DCC and move him towards reactivating the recruitment and appointment process involving the position of DCC.

The Minister's tardiness in dealing with this appointment meant that the Classification Office was commanded and controlled by one individual - Chief Censor, Mr Bill Hastings - for over three years, when the law requires that the executive "**shall**" consist of two persons. In the making the appointment late in 2002, the Minister recommended an insider - a person from within the

Classification Office who, in the Society's view, has been part of the same failed regime that has refused to properly implement the censorship laws with respect to "objectionable" publications, leading to the promotion and support and normalisation as a legitimate part of 'entertainment', activities such as gratuitous "brutal sexual violence", necrophilia and extreme violence and cruelty. As noted in an earlier 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."

Kill Bill – Volume 1

The Society sought a review of the classification of the 35-mm film *Kill Bill* (Vol. 1) – classified R18 by the Office of Film and Literature Classification. Its concern was expressed over the high level of prolonged gratuitous violence and extreme cruelty and the depiction of the sexual degradation of a comatosed woman. The Society called for a stronger censor's descriptive note and raised concerns about the planned video and DVD release of the film. The Board failed to uphold or act on any of the Society's concerns. For a review of the film that raises the same concerns highlighted by the Society see: [The New York Review](#) Vol. 50, No.20 (Dec. 8, 2003).

<http://www.nybooks.com/articles/16836>

The Society made an application to the Secretary of Internal Affairs on 19 April 2004 to have the classification of the DVD format of film reviewed by the Board. The Secretary, in a letter dated 30 April, has declined to grant leave. The Society will shortly be making a fresh application.

Feature Article CENSORSHIP AND “DOMINANT EFFECT”

One of the main concerns the Society has with the Classification Office and Board of Review is their failure to fulfill their statutory duties under s. 3(4)(a) of the Films, Videos and Publications Classification Act 1993 (“the Act”) to consider and properly address the issue of **“the dominant effect of the publication as a whole”**. They must do this when determining whether or not a publication (other than one that is deemed “objectionable” under s. 3(2) of the Act²) is objectionable or should be given a classification other than objectionable. They fail to understand that there is a material distinction between the dominant effect of a publication and its “content” and erroneously present descriptions of content matter as though they constitute “dominant effect”, thereby conflating the two. Key overseas censorship judgements often have no reference to content when addressing “dominant effect”.

The Society executive believes that if our censors are consistently unable to get it right on the fundamental matter of “dominant effect”, then it is time to have them dismissed and replaced by competent persons. Over the last three years the Society has been highlighting the failures of our censors in this area by appealing Board decisions in the High Court, making representations to senior officials in the Department of Internal Affairs and the Minister, lobbying MPs, making submissions to select committees, issuing press releases and publishing articles.

² A publication can be deemed “objectionable” under the Act if it promotes or supports or tends to promote or support any of the activities listed in s. 3(2) including, necrophilia, bestiality etc.

In *The Society for the Promotion of Community Standards Inc. v Waverley International (1988) Ltd* [1993] 2 NZLR 709 at 718, a majority of the Full Court (Tipping and Jaine JJ), stated:

“When speaking in S11(1) of the dominant effect of material, Parliament was clearly speaking of **the effect of the material on the minds of those persons** to whom it was intended or into whose hands it was likely to go. **There is a material distinction between the dominant effect of the material and its content.** Effect looks at the effect on the mind of the reader. Content looks of course to what the material in question contains or portrays.”³ [Emphasis added].

Both the Board and the Classification Office have demonstrated many times that they do not understand the nature of this “material distinction”. They have consistently failed, and continue to fail, to consider the matter of “dominant effect” when they confuse it with “content” considerations, thereby committing numerous errors in law. As a consequence, the Society contends that many of their classification decisions are in error. A good example of the incompetence of the Board when dealing with this matter is found in its decision with respect to the sex-violence film *Baise-Moi*, which states:

“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”.⁴

³ Cited from par [9] in Judgment of Goddard J CIV 2002-485-235 CP300/02.

⁴ Par. 151 of Board decision dated 1 November 2002. Cited. *Ibid* par. 6.

This is the *only* reference to “dominant effect” in the lengthy Board decision.

The Australian Classification Review Board which addressed the issue of dominant effect, refused to classify *Baise-Moi* in Australia in any medium. Our Board, following its first review of the classification, dated 13 March 2002, in stark contrast to its Australian counterpart, effectively removed all of the restrictions that had been imposed by the Classification Office, except for the R18 restriction. This allowed the film to be screened in mainline cinemas throughout New Zealand.

The (NZ) Board, in the Society’s view, addressed *only* the content and not the dominant effect of the publication as a whole. However, the Hon. Justice Goddard did not accept this assessment advanced by Society lawyer, Mr Peter McKenzie QC, when the classification of *Baise-Moi* came before her in the High Court on 8 July 2003. She claimed that the Board’s statement (quoted in bold font above) “clearly constitutes a finding of dominant effect and is not simply a description of content, as Mr McKenzie contended.” She provided no satisfactory explanation for why it constituted a finding of “dominant effect” other than to merely assert the following:

“...whilst [the Board’s] ultimate finding on dominant effect may have been brief, it was clearly all the Board felt necessary to summarise the effect of the film on the viewer. The finding succinctly summarises the dominant effect, **which is to leave the viewer with an impression of bleak retribution.**”⁵ [Emphasis added]

⁵ Par. 12 of decision issued by Goddard J. CIV 2002-485-235 CP300/02.

But the Board’s statement does not state that the film “leave[s] an impression of bleak retribution”. Rather it says, “the publication is a bleak story with a view that just deserts are meted out...” Even if it did say what Goddard J. claims as fact, this does not address the matter of “dominant effect”.

The crucial matter of “dominant effect” in the history of censorship in Western democracies derives its relevancy and cogency from the well-established fact that publications containing “objectionable” content have a real potential to deprave and corrupt the minds of readers or viewers. It is this insidious and harmful influence on the minds of certain individuals, particularly those with a propensity to violence, sexual offending etc., that has traditionally been at the heart of concerns over the need to accurately establish the “dominant effect” of a publication on persons for whom it is intended.

The Classification Office has regularly reminded the public that the Classification Act (1993) was formulated from a harm prevention and harm reduction perspective, rather than one based on morals. Whilst this is correct, the legislation requires the censorship authorities to consider the potential for injury to the “public good” posed by the dissemination of publications depicting activities such as prolonged, gratuitous scenes of sexual and graphic violence, sado-masochism, extreme and gratuitous cruelty and the sickening degradation, demeaning and dehumanisation of human beings for the pleasure and titillation of members of the audience.

The Society accepted that the Classification Office, in its decision on *Baise-Moi*, dated 20 August 2002, had come closer to correctly stating one or

two important aspects of the “dominant effect” when it wrote:

“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.”⁶ [Emphasis added]

When one compares this clearer statement of “effect” (i.e. “shocking” and “intended for adult sexual arousal”) with the Board’s, one could well conclude, as Mr McKenzie QC suggested in the High Court, that the Board members may not have viewed the same film as that upon which the Classification Office’s decision was based. Alternatively, one would have good grounds to conclude that the Board does not understand the matter of “dominant effect” or has deliberately avoided addressing the matter.

The Board failed to address the dominant effect on the viewer of the objectionable content present in *Baise-Moi*. The Australian Board referred inter alia to the “almost unrelenting violence”, to “realistic violence which was found to be gratuitous” and to prolonged “sexual violence”. In its first decision (13/2/02) the (NZ) Board removed the reference to “sexual violence” in the Classification Office’s descriptive note and then reinstated it in its second decision (1/11/02), perhaps in response to severe criticisms of its decision raised by the Society in its oral and written submissions.

The Society has highlighted the complete failure of the Classification Office and Board in dealing with the

“dominant effect” in the classifications of other films such as *Visitor Q* and *Kill Bill (Vol. 1)*. The Classification Office revealed its incompetence when censors wrote in their classification decision on *Kill Bill (Vol. 1)*.

“The dominant effect of the publication as a whole is of a gory, fun and affectionate homage to 1970s B-movies.”

Again, such statements address content matters and not “dominant effect”.

Finally, a clear distinction needs to be drawn between the matter of the Board’s *consideration* of “dominant effect” under s. 3(4)(a) of the Act and its *findings* based on such deliberations as given in its written decision.

It cannot be said that a censorship body has considered “dominant effect” unless its findings specifically address this matter in its decision. If it addresses a quite different matter such as “content” under the heading of “dominant effect” (as the Board has done for *Baise-Moi*), and fails to address the latter, then it has failed to fulfil its statutory duty under s. 3(4)(a) of the Act. If it conflates “content” and “dominant effect” it has demonstrated its incompetence, a misunderstanding of its statutory duty and erred in law.

The Society finds it disturbing that two High Court Judges (France and Goddard JJ) have endorsed the findings of the Board on “dominant effect” in its classification decision dated 1 November 2002 on *Baise-Moi*, when in fact it failed to even address the matter. (The task of the Courts is to uphold the law without partiality or favour).

The Hon. Justice Goddard wrote:

“In reality, the Society’s challenge [presented by Mr McKenzie QC] is directed to the weight that the Board accorded to that factor [dominant effect] when reaching its ultimate classification decision.”

⁶ OFLC decision. Ref. No. 100334. Cited. *Ibid*.

This assertion is plainly wrong. It is a misrepresentation of the Society's submission to the High Court. The Society alleged the Board's error of law to be:

"Failing to properly apply and consider s3(4)(a) which requires the Board to consider the dominant effect of the publication as a whole".⁷

Why would the Society be concerned about the "weight that the Board accorded" to the factor of "dominant effect" when the substance of its case rested on alleging that the Board had erred in law, by not even considering "dominant effect"? Its challenge was not directed in any way "to the weight that the Board accorded to that factor" as Goddard J. falsely claimed.

If the Board had considered that factor of "dominant effect" but failed to record its finding in its decision, then that would constitute an error of law. As a statutory body given the task of correctly applying the law, it is required to give its reasons and the grounds for its reasons when arriving at a classification, having correctly applied s. 3 of the Act.

The Prostitution Reform Act 2003

The Prostitution Reform Act (PRA) was passed by Parliament in June 2003 by the narrowest of margins – a majority of only one vote! Among other things, this Act decriminalises prostitution in New Zealand and introduces provisions that are supposed to protect the health and safety of sex workers and their clients. The Society vigorously opposed the proposed legislation from the time it first came before the Justice and Electoral (Select) Committee for consideration. It made lengthy written submissions, made two oral submissions before the committee and lobbied MPs. The Society was one of only four submitters recalled by the select committee to present its case again, following the NZ general elections. These four recalls enabled new MPs on the

committee to hear from two groups opposed to the legislation (Maxim Institute and the Society) and two in favour (NZ Prostitute's Collective and the YWCA).



"Soliciting Officer?, I'm operating a legitimate business. Some sell pizzas, I sell sex"

Since the PRA was passed into law the battleground has moved to the local government level with city councils now required to put in place by-laws to safeguard the public good in response to the issues raised by the decriminalised environment. A number of councils have now passed by-laws dealing with signage and location, that seek to curtail the growth of this degrading and exploitative industry.

Three Society executive members, Tony McCall, Rev. Gordon Demsey and David Lane (secretary), made presentations to the Upper Hutt City Council on the PRA, making recommendations that if adopted, would effectively shut the industry out of all residential zones and almost all the central business district. The majority of Council members appeared to support most of the recommendations. The new by-laws adopted by the council reflect some of our concerns.

David Lane also made two presentations on the PRA to the Wellington City Council's Community Health and Recreation Committee (chaired by Councilor Cook). The committee had endorsed the findings of a report on the PRA presented to it on the 11th of September 2003 by Senior Policy Advisor, Ms Helen Walker. Mr Lane challenged aspects of that report and asked for clarification of when the public would be given an opportunity to see and make comment on any of the committee or Council's proposed amendments to the

⁷ Par. 11. Decision of Goddard J. CIV-2002-485-235 CP300/02

“Commercial sex services by-law”. He and members of the public were informed earlier this year that the Committee would be receiving a report with recommendations on changes to the by-law on 26 May 2004 and that any changes made by the committee would then go to Council. Following a period in which submissions would be called for from the public, the by-law would then be amended.

This timetable has now been abandoned. Following enquiries on 4 May 2004, Ms Helen Walker informed the Society secretary that her report to Council would not be submitted until next year and that the public would therefore be unable to make any submissions until well after this date.

The Society considers such tardiness on the part of the Council as totally unacceptable, given that: (1) Both Parts I & II of the PRA will be in force by the end of June 2004, (2) most other councils have already passed by-laws to address changes in the industry following the passing of the PRA and (3) Local Government NZ has released a comprehensive research report and policy advice to all Councils advising them how to formulate appropriate and effective by-laws.

The Society fully supports the petition that has been launched by members of the United Future Party to seek a referendum on the PRA. The Society website has resources to enable members of the public to easily make:

- A Council Submission template in DOC format.
- A Council submission to a Policy and Planning committee in DOC format.
- Notes to making a submission in DOC format. <http://www.spcs.org.nz/mod.php?mod=downloads&op=showcat&id=1&level=1>

Gratuitous Violence on TV

On 19th March 2004 the Society lodged a formal complaint with TV3 with respect to its screening of the R16 horror film *Scream* at 8.30 p.m. Monday 23rd February 2004. This film was a favourite of the Columbine Killers in the US. The Society maintains that

TV3 breached Standard 9 of the Free-to-Air Television Code of Broadcasting that requires broadcasters to consider the interests of child viewers (persons under 14 years of age) during their normally accepted viewing times.

Scream which contains much extreme and gratuitous violence had previously been screened by the same broadcaster on the 18th of January 2002 at 8.30 p.m. and was the subject of a complaint by Mr Michael Hooker and dealt with by the Broadcasting Standards Authority (BSA Decision No: 2002-120, Dated the 19th day of September 2002). The BSA ruled on that complaint that TV3 breached Standard 9 of the Code but did not issue an order against the broadcaster, showing leniency because it was the first time that the Authority had upheld a complaint measured against the new Standard 9 and the applicable Guidelines. For further details see: <http://www.spcs.org.nz/article.php?sid=20>

The Society received a response from the broadcaster which has rejected the basis of its complaint. It is now planning to refer the matter to the BSA.

The Society encourages its members to refer concerns over gratuitous violence and other offending material to the relevant broadcaster and if unsatisfied with their response, to refer the complaint to the BSA. Guidelines can be found on-line www.bsa.govt.nz (Click on “making a complaint” and also “codes and standards”).

To contact the Society e-mail us at:
SPCSNZ@hotmail.com
Write to us: P.O. Box 13-683
Johnsonville
Feedback via Society website see:
<http://www.spcs.org.nz>

The Films, Videos, and Publications Classification Amendment Bill

This Bill is a Government Bill that amends the [FVPC] Act [1993] to address changes that have occurred in the nature and scale of offending, largely as a result of the worldwide proliferation of child pornography via the Internet. It also

clarifies aspects of the existing classification criteria and makes changes designed to improve the practical operation of the Act. Submissions on this Bill closed on Friday 30 May 2004.

The Society has made a submission to the Government and Administration Committee on the Bill and welcomes most of the changes. It is pleased to see that no attempt has been made to widen the jurisdictional gateways in s. 3(1) of the Act that at present limits the scope of censorship, quite rightly, to matters of sex, horror, crime, cruelty and violence. Attempts by gay-activists to add “hate speech” as an additional gateway has floundered and been rejected by the Justice Department that administers the Act.

The Society has serious concerns about the proposed amendment to repeal s. (3)(2)(d) of the Act. It is proposed that publications depicting activities involving “The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct” be shifted to s. 3(3) of the Act. This would mean that even if the content depicted promoted or supported, or tended to promote or support the activities, it would not be required to be excised until it reached the “objectionable” category based on the extent and degree of such depictions.

The Society is aware that the rationale for removing this category (3[2][d]) of activity from the list in s. 3(2) – which includes necrophilia and bestiality – is because such activity is the only one that does not constitute criminal activity under the law. However, this is missing the point. The censorship of material that is injurious to the public good is supposed to be based on a harm-prevention basis at the very least. The existence of the pandemic of STDs including AIDS, that largely proliferate due to unhygienic and promiscuous sexual activity, should be sufficient reason for treating the depiction of such activities as “objectionable” content. The Society argues that s. 3(2)(d) should be retained within the seeming provisions of the definition of “objectionable”.

The Civil Union Bill and Omnibus Bill

The Civil Union Bill and the Recognition of Relationships Bill (referred to the Omnibus Bill), which the Government is planning to introduce into Parliament shortly, is yet another Labour-led strategy to undermine the divinely created order of marriage. This strategy is driven by a secular humanist religious ideology where ‘Human Rights’ are seen as being paramount. A secular humanist must reject the idea of a divinely created order and attempt to replace it with the doctrine that man has evolved and is ultimately master of his own destiny.

Most opponents of the Civil Union Bill hold the philosophical position that man is a created being and as such, is subject to the order established by the Creator. Marriage, instituted at the beginning of the human family, involving one male and one female, has been practiced by all known cultures down through history.

At the heart of the Civil Union Bill controversy is a debate over opposing worldviews - fundamental presuppositional belief systems that underpin explanations of the origin and nature of reality. They both have theories of origins that either encompass or reject the concept of a Creator. Since its inception the Society has held to fundamental beliefs tied to its objectives, which include: (1) To encourage self-respect and the dignity of the human person made in the image of God. (2) To promote recognition of the sanctity of human life and its preservation in all stages.

Advances in scientific knowledge, particularly rapid advances in fields like biochemistry and DNA research, have overwhelmingly shown that life was designed and could never have evolved. Consequently the Neo-Darwinist evolution theory on which secular humanists’ devaluation of marriage is based, should be rejected.

To summarise, the Society holds:

- 1) That marriage is a divinely created order, established by the Creator.
- 2) Research proves marriage is the most stable, the strongest, and the most beneficial family structure, because it is an expression of the Creator’s intentions for human relationships.

- 3) Thus New Zealand law should continue to protect the special status of marriage for the benefit of our society.

**Society Press Releases Relating to
*The Passion of the Christ***

“Gratuitous violence not the same as historical violence”, by David Lane. NZ Herald 27/2/04. (Response to: “Curb on freedoms a double-edged sword” by Jane Norton. NZ Herald 25/2/04). <http://www.nzherald.co.nz/storydisplay.cfm?thesectio n=news&thesubsection=&storyID=3551525>

For Jane Norton’s article see: <http://www.nzherald.co.nz/storydisplay.cfm?storyID= 3551067&thesection=news&thesubsection=dialogue>

SPECS Appeals *Passion of Christ* R16 Classification. Scoop 23/2/04. <http://www.scoop.co.nz/mason/stories/CU0402/S0020 3.htm>

Censor Blind to Merits of "*Passion of The Christ*". Scoop 26/2/04. <http://www.scoop.co.nz/mason/stories/CU0402/S0024 1.htm>

Classification Options Open to *Passion of the Christ*. Scoop 27/2/04 <http://www.scoop.co.nz/mason/stories/CU0402/S0025 1.htm>

Society Defers *Passion of Christ* Review. Scoop. 3/3/04 <http://www.scoop.co.nz/mason/stories/CU0403/S0002 4.htm>

Canada & Ireland Censors Show Way for NZ. Scoop 9/3/04. <http://www.scoop.co.nz/mason/stories/CU0403/S0005 0.htm>

The *Passion of the Christ* Submission [to Board of Review] Scoop 7/4/04 <http://www.scoop.co.nz/mason/archive/scoop/stories/5 6/0c/200404071311.9529f320.html>

Response to Chief Censor Bill Hastings. Scoop 7/4/04. <http://www.scoop.co.nz/mason/stories/CU0404/S0003 1.htm>

Censor Uses *Listener* Column To Slur *The Passion*. Scoop 5/4/04. <http://www.scoop.co.nz/mason/stories/CU0404/S0001 6.htm>

The Passion: Response to Rationalists & Humanists. 8/4/04.

<http://www.scoop.co.nz/mason/stories/CU0404/S0004 3.htm>

Response to: *Passion of the Christ* Rating. Scoop. 8/4/04. Press Release: NZ Association of Rationalists and Humanists

<http://www.scoop.co.nz/mason/stories/CU0404/S0003 6.htm>

**URGENT CALL FOR
MEMBERSHIP DONATIONS
FOR 2004 AND NEW MEMBERS
AND SUPPORTERS**

Annual membership donations are now due and needed urgently. Please send to: SPCS treasurer. P.O. Box 13-683 Johnsonville.

If you are not a member and wish to join, we suggest you cut out this form, fill out the details and send it to us. You must agree to support the objectives of the Society (see p. 4 of this newsletter or our website for details). Membership list and details are strictly confidential to the SPCS executive.

Name _____

Member Yes or No (circle)
I/we wish to become members Yes or No
Address _____

Tel. Contact. _____

E-mail _____

My donation (enclosed) is _____

I would like to assist in the following ways.

I would like to recommend the following person(s) as being interested in joining the Society and receiving a newsletter.

