

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

P.O. Box 13-683 JOHNSONVILLE, NZ

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Newsletter: May 2009

Issue 109

Executive committee: David Lane (Exec. Director), John Mills (President), David Wilson, Tony McCall.

ANNOUNCING

SOCIETY'S 2009 AGM

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

Date: Monday 8th June

Members' AGM: 6.45pm – 7.20 p.m.
Followed by Public Address
(All welcome)

John Terris Q.S.O. ANZIM
7.30 p.m. to 8.15 p.m.



John Terris

President of *Media Matters in NZ*

Former Mayor of Lower Hutt

Former Labour MP who held positions of
Acting Speaker and Deputy Speaker

“Media Matters in Society”

(All invited to attend)

**Concluding at approx. 9 pm following
Supper & discussion**

Purpose of AGM 2009

6.45pm – 7.20 p.m.

1. Receive President's Report.
2. Presentation of audited Financial Statements for approval by members. Discussion.
3. The Election of New Executive and Officers
4. General & Other Business

**Membership Subscriptions
Overdue for 2009**

The Society's financial year runs from 1st Jan 2009 to 31st Dec. 2009. Please send us your membership subscription ASAP if it is overdue and any additional donation you may wish to make to further the work of the Society. **If your membership sub is overdue this will be indicated by a red dot in the space below.**

Remember all membership donations are tax deductible as the Society is a recognised charity with the Charities Commission (Reg. No. C 20268). If you wish to receive a receipt for tax purposes please send us a stamped addressed envelope with your sub/donation.

(Please make all donation cheques payable to “SPCS” (or full name of Society). Send to P.O. Box 13-683 Johnsonville. Automatic Payment forms can be requested). Receipts can be provided for tax rebate purposes for A/P payments.

New Members are welcome. Visit our website for forms and see p. 8

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

Film and Literature Board of Review

Hon. Dr Richard Worth, Minister of Internal Affairs, has been savaged by the opposition unfairly in recent days for failing to respond to excessive numbers of Official Information Requests (OIRs).



Hon Dr Richard Worth

However, he did respond to our recent OIR, confirming that in November 2008, following the general elections, he was fully informed by Department of Internal Affairs officials in a briefing paper to the incoming government, that two statutory positions on the Board – that of President, Claudia Elliot, and Board member Mark Andersen - would expire on 31 March 2009.

The Minister confirmed in his letter to the Society dated 7 May 2009 that he had approved of a process in March 2009 that would ensure that these two members would be replaced. Nominations closed on the 24th of April 2009 and he expects appointments to be made by the end of July 2009. A third Board member's position – that of Ani Waaka - expires 31st of August 2009.

The Society has been invited by the Minister to make recommendations for these positions and it will do so. It has expressed to his Office its vital interest in the appointment process. Last year for example, the Society, following notification of the process, was able to put forward about a dozen names to various MPs for consideration for nomination.

Upper Hutt City Brothel Bylaws

Earlier this year, Society executive members addressed the Upper Hutt City Council on its proposed amendment to the Upper Hutt City Brothel Bylaw, referring to the

Society's written submissions that opposed the liberalisation proposed. Despite considerable pressure placed on the Council by its officials and the New Zealand Prostitutes' Collective, the Council took heed of the majority of submitters who opposed changes. As a result the bylaw remains unchanged. Brothels remain banned from residential areas of the city and the restriction zones on them (200m distance from designated "sensitive areas") within the CBD remain.

Internet Controls by ISPs on Hard Core Porn and Sexual Violence.

The Society has expressed its concern over the level of opposition from the IT (information technology) community in New Zealand over the trialing by some ISPs (Internet Service Providers) of website filtering programmes that might lead to the blacklisting of websites known to contain "objectionable" content including child sex abuse pictures and movies.

The Society applauds the great work being carried out by the Censorship Compliance Unit of the Department of Internal Affairs whose officers regularly apprehend persons making, distributing or possessing this material, often leading to successful prosecutions in the Courts. It would like to see more government funding being made available to significantly increase the number of staff in this Unit and extend its resources to ensure its effectiveness.

The Ministry of Culture and Heritage released an important Consultation Paper dated January 2008 entitled:

Broadcasting and New Digital Media: Future of Content Regulation

The Society made a written submission to the Broadcasting Unit of the Ministry for Culture and Heritage on this paper. Society executive members attended a public meeting organised by Media Matters (headed by John Terris) last year and raised serious concerns with the then Minister of

Broadcasting – Hon. Trevor Mallard – and other MPs present, over the failure of broadcasters to adhere to The Code of Broadcasting Standards and the failure of the Broadcasting Standards Authority (BSA) to deal properly with complaints relating to objectionable and offensive content. A report summarising the input from public submissions on this the Consultation Paper was released in September 2008 and forwarded to Cabinet. Unfortunately, the new government has not yet initiated any work programme to follow up on any of the recommendations in the report. In short, the Minister of Broadcasting – Hon. Dr Jonathan Coleman has yet to take any action other than to decide to not implement and follow through a large number of recommendations relating to commercial competition in the industry.

Referendum Petition on so-called ‘Anti-Smacking’ Legislation.

The Society strongly urges all of its members to participate in and publicise the forthcoming referendum to be carried out by postal ballot in the first two weeks of August 2009, addressing the question: **“Should a smack as part of good parental correction be a criminal offence in New Zealand?”**

All Society members are urged to answer “NO” to this question. We also encourage you and your friends and family to view the following Youtube videos:

1. [‘The NZ ‘anti-correction law’ - ‘What it says’ - and the referendum - your ‘unemotional’ guide to Section 59’](#)

<http://www.youtube.com/watch?v=GxiYobjbeO4>

2. [‘The NZ ‘anti-correction law’ – ‘Why correction is needed.’](#)

<http://www.youtube.com/watch?v=HsnT8u12f28>

Time for Chief Censor to be Replaced

The statutory position Mr William Kenneth Hastings holds expires in October 2009. He has been watching and



Chief Censor Bill Hastings

assessing indecent publications featuring hard-core porn, child sex abuse and sexual violence for almost 20 years.¹

The Minister of Internal Affairs, Hon Dr Richard Worth, will need to start planning for the replacement of Mr Hastings. Many of his colleagues would be deeply upset if he was to be reappointed for another three years. Senior National Party MPs have

¹ He was also briefly the Video Recordings Authority in 1994, a member of the Indecent Publications Tribunal from 1990 to 1994 and Deputy President of the Film and Literature Board of Review from 1995 to 1998. He was appointed Deputy Chief Censor in 1998 by the Governor-General of New Zealand on the recommendation of the Jenny-Shipley-led National coalition government. He was appointed Chief Censor by the Governor-General on the recommendation of the Helen Clark-led Labour coalition government for a three-year term in 1999, a one-year term in 2002, another three-year term in 2003 and a third three-year term late in 2006.

expressed to the Society their concern over many of the classification decisions issued by the Chief Censor's Office - publications that glorify gratuitous hard core porn and graphic violence, as well as dehumanising, degrading and demeaning women. They want him replaced as soon as possible because they recognise that he has been too long in the job scrutinising and approving objectionable content and appears to be suffering from desensitisation from over-exposure to such material, as reflected in many of his Office's classification decisions. The tidal wave of objectionable content released to the public has grown in size under his 'watch' – as he and his fellow 'gate-keepers' have taken an increasingly liberal interpretation of the law.

Somewhat at odds with this trend is the curious case of the censorship of Pavement's "Lost Youth" - the 13th birthday special teen issue containing a young girl wearing make-up and expressions that portray her "in a highly sexualised manner" – according to the Chief Censor's Office, and a semi-naked girl "posing erotically" among soft toys and dolls". Hastings says "It doesn't matter what age the model is (one was 19 years of age), if the accessories she is posing with are the toys of a young girl, the intent is surely to suggest that the model is very young. It doesn't matter if the model is an adult - if she looks underage, it's considered to be objectionable," he said.

Pavement, a New Zealand Youth Culture Magazine that was published from 1993 to 1996 marked its 13th year of publication in 1996 with a "special teen issue". It was criticised by one child advocacy group who lodged a complaint with the censorship compliance unit claiming that a number of images of teenage girls and one 10-year-old were "legally objectionable" in their view. Chief censor Hastings, went public on the issue, *before the material was even classified*, saying that he felt there was a *prima facie* case to be answered. Debate raged over the issue once the Chief Censor had stepped into the fray. Some people may

well have cancelled their subscriptions on the strength of his criticisms, whilst a few may have bought copies out of curiosity to judge the images themselves, in context.

Hastings succeeded in presenting himself as a defender of the innocence of youth and good "family values". All very commendable one might think. However, when the Society had sought to have the classification of Baise Moi (the French film featuring explicit extended close-ups of the rape and sodomising of a woman, along with graphic violence), and that of a Japanese film Visitor Q, (depicting incest between a father and his young school-aged daughter as well as rape and graphic violence) reviewed by the Board; Hastings chose to publicly defend his Office's R18 classifications, *prior to the review of the films being carried out by the Board*. For example, on Radio 95 bFM in Auckland in an interview with film critic Stephen Gray, he defended the content of both films which were about to be released in a film festival nation-wide. He defended their contents as suitable for an adult film festival, even though he admitted that after having seen Baise-Moi the first time, he felt it should definitely be banned for breaching every aspect of the censorship code relating to "objectionable" content. Interest in the films sky-rocketed once he and Gray had effectively scoffed at the Society for having sought a review of his Office's classification decision. Hastings went a step further and unsuccessfully sought to block the Society from its appeal to the Board by claiming that its application had been brought out of time.

Despite his attempt to foil the review, through the actions of the Society Baise-Moi was shut out of the sleazy festival where it was the opening 'attraction', by means of a ban imposed by the High Court. Visitor Q, following protracted appeals initiated by the Society through the Court system, has never screened in NZ, much to the chagrin of its promoters. The Incredible Film Festival that sought to promote these film closed down soon after the Court actions.

Returning to the issue of the Pavement photos, the Office of Film and Literature Classification eventually restricted the "special teen issue" to persons 13 years of age and over, although the issue had sold out at that point.²

Farcical Censorship System

The farcical and toothless nature of our censorship system is illustrated in this Pavement case and many others. If we choose to accept the censor's ruling that the content of Pavement is "objectionable" in terms of the law, if accessed by anyone under the age of 13 years, then what practical purpose did this classification R13 actually serve when issued well after the issue had sold out? And what about all the thousands of copies that were circulating without any restricted classification notice on the magazine cover before and after the Chief Censor's Office delivered its classification? And where does this leave young adults who do not know about the ruling, who happen to have innocently left such magazines around for under 13 year olds to view? Does the Chief Censor want them and parents prosecuted by the Censorship Compliance Office, jailed and/or fined? It appears he does (see later discussion).

In 2005 an application was made to the Chief Censor's Office by the Society to have an issue of the Otago University student magazine Critic banned on the basis of an article it contained that promoted sexual violence and criminal activity (drug rape). The application was made just days after the issue was published. However, by the time the Chief Censor's Office finally issued its classification – ruling that the magazine was "objectionable" – thousands of copies of the

² Outcry at girl's 'lost youth'. *The New Zealand Herald*. 2006-10-15.

"Pavement steps off footpath and into gutter". *National Business Review*. 2006-10-31

magazine had been distributed throughout the university and accessed by young people throughout the country. The Chief Censor chose to respond to a separate application for classification made by the Police, following public outcry in Dunedin. The Police were powerless to do anything until the Chief Censor's Office had completed the convoluted exercise of assessing and classifying the material, a process that was deliberately held up when lawyers acting for the publisher requested an extension of time to enable their client to make additional submissions defending the drug rape article.

Lock up the Parents says Chief Censor

Bill Hastings has grabbed some headlines recently by publicly calling for parents who give their underage children access to violent video games to be prosecuted by the Censorship Compliance Unit. He says this will serve as "shock value" to other families. By the same logic he should seek to have any parent fined or locked up for giving their underage kids access to *any* restricted publication (e.g. the issue of Pavement discussed above).

Hastings has been reported as saying: laws around video games were "an even stricter regime than alcohol", because if an adult gives a child aged under 18 access to any restricted video game even in their own home they are breaking the law.

He told The Dominion Post that if someone was caught knowingly allowing a child access to restricted video games such as the R-18 Grand Theft Auto series they could be punished by up to three months' imprisonment or a fine of up to \$10,000.

"They might think the offence is silly, but it ain't".

No-one has yet been prosecuted under the law, but Mr Hastings said there could be merit in a parent being charged. (Note: He does not think the law is "silly").

"That's what the law says, but . . . you're not going to have police officers in every bedroom ... There would certainly be some shock value to prosecuting a parent who gives their under-18 child access to a restricted game. It would send out a message that the enforcement agency means business."

Mr Hastings said studies had shown that repeated exposure to violence and sexual violence had an adverse effect on attitude, and it was important that parents realised some games were created for adults not children.

"I think the word 'game' can mislead people for sure. It's not checkers.

"For the first time in history, kids are more savvy with technology than parents ... parents need to get up to speed on the digital divide. They need to look at what their kids are playing and doing," he said.

"The fear of getting caught shouldn't be the motivating factor for you obeying the laws.

"It should be the pleasure in being able to sleep at night knowing that you have done the right thing by your kids. That should be the motivating factor."

Why then did Mr Hastings fail to do the right thing when he chose to not ban a game that glorifies the killing, mutilation and torture of prostitutes and innocent citizens and depicts gratuitous and graphic violence in order to titillate and amuse young adults?

Mr Hastings said video-game makers appeared to be steering away from extreme graphic sadism, as seen in the first video game to be banned in New Zealand, Manhunt. (The Society applauded Hastings at the time in a press release for banning this game).

Players of Manhunt take on the role of a character and gain points depending on the

level of violence used to kill opponents, who are suffocated, repeatedly beaten, slashed, stabbed and decapitated.

Time for Minister to replace Deputy Chief Censor – Ms Nicola McCully

Nicola McCully's second three-year term as Deputy Chief Censor expired on 16th September 2008. The Society believes that she should be replaced immediately as she is part of the extreme liberal mind-set dominating the Office that has allowed a large numbers of DVDs and videos with objectionable content matter to be classified as suitable for adult home viewing. The vast majority are sexually explicit and demean, degrade and dehumanise women to a very high degree. Others contain levels of sexual violence and/or gratuitous violence that can only be described as extreme. Ms McCully's only job experience prior coming into the Classification Office at a junior level, was as a teacher aide for a short period of time.

Positive Contributions from the Chief Censor's Office over recent years

- The banning of the computer games ReservoirDogs, Manhunt and Manhunt 2 and Postal 2. It is now illegal to import, distribute or possess these games in New Zealand.
- The banning of a T-shirt worn at a large public gathering that featured blasphemous and obscene material directed at Christians and the Lord Jesus Christ whom they worship. (The T-shirt was submitted for classification by John Mills, President of SPCS).
- The recent call from the Chief Censor for film distributors to release more G-rated films during the school holidays for families to enjoy.
- Helpful advice on its website directed at parents, caregivers and educators so they can understand the rating system on films, videos and DVDs.

- The improved website that allows the public to obtain information on classification ratings of many publications.

**Kapiti Coast District Council,
Nudists and the Beach Bylaw**



Two members of the Society for Promotion of Community Standards presented submissions to the Council earlier this year arguing that the vast majority of the residents of Kapiti Coast oppose the Council designating any section of the beach as a “clothes optional zone” because members of the public have a right to access the beach environment without being confronted with people exposing themselves in a manner that is offensive. Furthermore, it was pointed out that because the Summary Offences Act 1961 makes it an offence to expose one’s private parts in a public place in a manner that causes offence and the expectation of most beachgoers is that such behaviour would be an offence, the Council must pass a bylaw that makes these points very clear to the public, thereby warning people of the consequences of offensive behaviour. (The Society’s written submission to Council is available on its website). The Society is satisfied that the Council has done the right thing when on Thursday 7 May it passed a motion put forward by councillor Tony Jack and seconded by councillor Peter Daniels:

“No person shall remain upon any part of the beach in deliberate view of others in such a state of undress as to cause offence.”

Note: Only three councillors voted against this motion. The Society contends that those intent on engaging in the naturalist lifestyle are free to join any of the private clubs around NZ that cater for their needs and where proper and reasonable controls can be enforced.

“R18 Means R18 Survey Report”

You are encouraged to read this Parentline Charitable Trust Research Report

<http://www.parentline.org.nz/files/parentline-R18-survey-report.pdf>

Parents Need to Be Aware that:

ANYONE WHO PROVIDES RESTRICTED GAMES TO UNDERAGE PEOPLE CAN

- **BE FINED UP TO \$10,000**
- **BE IMPRISONED FOR 3 MONTHS**
- **CAUSE THEIR EMPLOYER TO BE FINED \$25,000**

The research surveyed 1187 five to 14 year olds and 496 parents in Hamilton. It also conducted ‘sting’ operations at retail outlets to assess retail staff’s understanding of the law. The “R18 means R18” campaign and report aim to:

- highlight the legal requirements regarding age restricted materials
- support adults to better fulfil their legal responsibilities towards children
- protect children from engagement in and exposure to restricted games
- promote suitable games

The report contains analysis of survey results, copies of all survey questions, ranked results on games, information on the law in New Zealand, summaries of overseas research and links to overseas games information sites.

Update on Abortion Court of Appeal Case: Summary



Following the June 2008 High Court hearing under Justice Millar, the Abortion Supervisory Committee (ASC) appealed the High Court decision to the next court up in the hierarchy – the Court of Appeal. As ASC appealed then Right to Life⁴ was able to cross-appeal on points they wanted to challenge – the status of the unborn child and the independence of certifying consultants.

The hearing was held in the Court of Appeal Wellington on 12 May 2009. The hearing never got started properly because three Court of Appeal judges found that whilst there was a judgment from Justice Millar, there were no associated orders that could be appealed. The orders would be about actions that would ensure compliance of the existing abortion law as stated in Millar’s judgment i.e. primarily preventing abortion on demand. These judges suggested that the lawyers go back to the High Court to get orders.

After the Court of Appeal hearing, both sides have agreed to file a joint application for orders in the High Court. A preliminary hearing will be held in the next six weeks to fix submission filing dates and a date for a 2-day hearing in the High Court under the same judge Justice Forrie Millar, hopefully before the end of the year.

⁴ To see Right to Life’s media release following the Court ruling see www.righttolife.org.nz

The Society Welcomes New Members *How to Become a Member*

Please visit us our Society on the Internet for Application Forms, email us, or write to us.

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

Email: spcs.org@gmail.com

SPCS. P.O. Box 13-683 Johnsonville

Note: Membership of SPCS is by way of donation. Cheques should be made out to “SPCS” or “Society for Promotion of Community Standards Inc.” PLEASE INDICATE IF YOU WANT A RECEIPT SENT TO YOU. Yes/ No (Circle/delete. Send stamped addressed envelope). We try and acknowledge by letter all those who send donations of \$50 or more.

Having read the Society’s Objectives I wish to support your work and apply for one Full Year’s Membership. I support the Society’s Objectives (as set out on its website)

Contact details

Name.....

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Postal address.....

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Tel. No. and E-mail

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Signed.....